

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 17, 2018**

ROLL CALL:

Members Present: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Michael Stebe, Secretary
Timothy Bergin

Alternates: Patrick Kennedy
Julian Stoppelman
Teresa Ike

Absent: Jessica Scorso

Also Present: Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner/
Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:04 P.M. The Secretary read the legal notice when the call was made.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION (continued from January 3, 2018) – For revisions to Art. I, Sec. 2 (Definitions), Art. II, Sec. 1 (General Requirements for Residential Zones), Art. II, Sec. 9 (General Requirements for Business Zones), Art. II, Sec. 16 (Industrial Zone), and Art. II, Sec. 18 (Historic Zone), relating to Solar Energy Systems; and to add a new section, Art. IV, Sec. 6: Solar Energy Systems. – Zoning Regulation Amendment (2017-107)

Mr. Matthew Bordeaux, Environmental Planner, Planning Department, introduced himself. He reminded the Commission that, at the last meeting, he reported on the proposed amendment to the zoning regulations for solar energy systems. A discussion was held regarding some of the concerns, and he detailed the revisions made to the proposal based on the comments.

Mr. Bordeaux noted that there had been a recommendation by Renata Bertotti, Senior Planner, to add solar energy systems to Art. II, Sec. 18, where the accessory uses are outlined. Ms. Bertotti recommended clarification that solar energy systems in the Historic zone would be allowed in accordance with Art. IV, Sec. 6.5 – Solar Energy Systems in the Historic Zone. Mr. Bordeaux reported that the Cheney Commission recommended a better clarification of the order with which an applicant would apply for a solar energy system in the Historic zone. He stated that, although the order is currently spelled out in the Historic zone regulations, the proposal would further clarify the process as beginning with the Cheney Brothers Historic District Commission review and a subsequent recommendation to the Planning and Zoning Commission.

Additionally, he reported, the major concern of the Cheney Commission was the impact of solar energy systems on the historic integrity specific to the Cheney Family Mansion area, in the replacement of existing materials, the potential impact of landscaping, or just general visual impact. Mr. Bordeaux explained that, based on that recommendation and the discussion with the Commission, an applicant shall demonstrate to the Planning and Zoning Commission's satisfaction that any proposal for solar energy systems in the Cheney Family Mansion area, as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, shall not be visible from the public street. He stated that the Cheney Commission will have the opportunity to review any proposed detailed plan for installation of a system and gauge whether it would be visible from the public street and the Planning and Zoning Commission would have that purview.

Mr. Bordeaux reported that Staff has made no revisions relating to ground-mounted systems in residential zones, noting that there are provisions in place that would keep in check the magnitude of any system in the residential zone. Specifically, he explained, the setback requirement would be equal to the maximum height of the proposed system; e.g., if a ground-mounted system is 18 feet high, it must be 18 feet away from the property line. Mr. Bordeaux stated that such a system would be limited to the rear yard and the maximum size would be either 600 sq. ft. or 50% of the principle structure's footprint on the lot. He said that 50% of the square footage of the modules combined would count towards the overall available building area or lot coverage. He reported that Staff chose to count 50% of the square footage instead of the total square footage because this is not necessarily an impervious surface, since in most cases the systems will be installed on piers, enabling storm water to bypass the panels and percolate into ground.

Regarding screening to limit the visibility of solar energy systems to neighbors in a residential zone, Mr. Bordeaux reported that is a difficult issue for the following reasons: Screening may take many years to grow and would need to be maintained; the provision would be difficult to regulate and enforce; there are economic factors and access factors; there is limited sun in New England; and it would be overly burdensome to restrict solar energy systems with screening requirements.

Mr. Kidd requested clarification regarding the proposed Art. IV Sec. 6.04, General Standards for Parking Lot Canopy Solar Energy Systems, and whether it is in regard to residential zones.

Mr. Bordeaux stated that it is in regard to parking lots.

Mr. Kidd reported his confusion about Art. IV Sec. 6.04.01, "allowed in the side yard and rear yard," and asked if this would apply to the canopies at The Pavilions.

Mr. Bordeaux explained that, for the mall, the front yard is the entire campus, but in a traditional setting, Staff outlined the regulations to ensure they are not overly intrusive to access to the front façade where buildings typically have signage. He noted that Staff has specified that canopies located in the front yard shall be subject to special exception. Mr. Bordeaux referred to the former EMS plaza; the parking lot would be considered a front yard. He explained that it would be at the Zoning Enforcement Officer's discretion to determine what the front, side or rear yard is.

Mr. Kidd reiterated that Sec. 6.04.01 has nothing to do with residential zones.

Mr. Bordeaux reported that the prior meeting's discussion was to regulate a residential application, for a home where there is a driveway rather than a parking lot, as a roof-mounted system, which is permitted. He stated that including an application for a front yard would give the Commission more oversight, noting that there is plenty of parking in front yards in town.

Mr. Kidd referred to the proposed Art. IV Sec. 6.03.01, stating "The cumulative surface area not to exceed 50% of the area of the principle building footprint." He questioned whether Planning took into consideration whether schools or churches are included, as those are in residential zones. For example, a school footprint is quite large, he noted, and 50% could be a very large solar array in an abutter's back yard.

Ms. Bertotti stated that there is a limitation on square footage.

Mr. Bordeaux agreed that, in a residential zone, it would be limited to up to 50% of the principle building footprint, and concurred that could be a substantial ground-mounted solar array.

Mr. Stebe stated his assumption that the residential zone regulations would prevail and there is a limitation of 50% of the footprint or 600 sq. ft. as the greatest. To further Mr. Kidd's comment, he noted that if an applicant with a larger building, i.e., a meeting house or a church, wanted to install a solar array in its rear yard, it would be limited to 50% of the footprint of the building or 600 sq. ft., and would be subject to the setback of the height or, if on a corner, the front yard setback at a minimum.

Mr. Kidd reiterated that the 600 sq. ft. would prevail over the 50% in a residential zone.

Mr. Stebe mentioned Mr. Kidd's question referring to carports, noting that the subject was covered in the previous meeting, that if it is a detached garage or a garage attached to the side, the system would be considered a rooftop system because it would be a rooftop setup.

Mr. Bordeaux referred to the canopies currently being installed at the mall.

Mr. Stebe interjected that those are not rooftop systems; they are considered free-standing parking lot canopies. He described a small cape with a 4 ft. breezeway and a single-car garage. A system installed on that would not be considered free-standing or a carport but as a roof-top system, he said.

Mr. Bordeaux explained the effort to define an activity that is currently permitted. Any accessory structure could have rooftop solar panels mounted on it, he noted.

Mr. Stoppelman referred to the prior meeting's discussion about the Industrial zone and whether anything over 600 sq. ft. should be a special exception in the Industrial zone. He questioned whether that had been changed.

Mr. Bordeaux reported that Staff had reviewed the matter and determined that, in the Industrial zone, there are screening provisions within the proposed regulations as well as for the Industrial zone abutting residential property. Rather than having a solar farm regulation, he explained, this is an accessory use to a principle industrial use.

Mr. Stoppelman questioned whether it must be an accessory use or if it could be a solar farm.

Mr. Bordeaux reiterated that Manchester has no provisions for a principle solar farm use.

Mr. Stoppelman said he assumed there cannot be solar farms in the industrial zone.

Mr. Stebe said Art. IV Sec. 6.01 is the general standards for roof-mounted systems; 6.02 is for free-standing solar energy systems in residential zones and the Historic zone; 6.03 is general standards for free-standing systems for all other zones; 6.04 is for the standards for parking lot canopy solar energy systems; and 6.05 is the process to work within the Historic zone to ensure a full review before coming to the Planning and Zoning Commission. Mr. Stebe noted that, if there is coverage over a parking area in a residential zone, it would not technically be garage space and would not be a carport or parking lot canopy. Everything in Art. IV Sec. 6.04, he said, references residential zones as to setbacks and screening, but they seem opposed to each other. Mr. Stebe said he could not envision a parking lot canopy solar energy system in a residential zone at this point, so that section needs editing, as it refers to residential zone screening. In his opinion, if screening was changed to the appropriate zoning, it would make sense.

Mr. Bordeaux said that Art. IV Sec. 6.04 is about parking lots, which are generally assumed to occur in other zones, not residential zones. He explained that the residential zone screening requirements are for an industrial or commercial lot that is adjacent to a residential zone. The screening is to protect the residential zone, Mr. Bordeaux said, and the burden is on the industrial site to screen an abutting residential zone.

Mr. Stebe reiterated that this section is fully describing industrial setups.

Mr. Bordeaux concurred, noting that Art. II, Sec. 9, is the general requirements for business zones; Art. II, Sec. 16, is the Industrial zone. Within an industrial or commercial setting, there is the responsibility to limit the impact to adjacent residential properties, he said.

Mr. Bordeaux admitted that the revisions were difficult because there are many backstops in all zoning districts and Staff did not want to be redundant or limit the existing provisions in another zone by outlining them in this regulation.

Ms. Bertotti stated she had been informed by Mr. Anderson that the new revisions were communicated to the members of the Cheney Commission and that they were satisfied.

Ms. Mary Fish, 19 Strickland Street, introduced herself. Ms. Fish stated that, in her opinion, the updated solar regulations are written in a manner which sets limits on the total size of the solar installation, provides adequate setback requirements, offer height limitations on roof-installed systems and protects the Cheney Brothers National Historic District. She reported that she is concerned about the impact on residential properties with the allowance of ground-mounted solar energy system up to 18 ft. tall.

Ms. Fish enumerated her concerns. Her first concern was the limited screening options for abutting properties. Protections are in place in many states that give solar rights to individuals who install solar energy systems on their property, she said. This means that their neighbors are required to protect the solar panels from the shadows cast by plants and to keep them trimmed back, Ms. Fish said. The State of Connecticut has position papers on that as well, she noted.

Although it is not a State regulation, courts do lean towards the right to access solar energy, Ms. Fish said. In Art. II, Sec. 9.07, screening in residential properties, there is no provision for neighbor to neighbor, she stated. If a neighbor installs something, it does not automatically mean that the neighbor has to screen that. Ms. Fish stated that solar panels cannot be screened with trees, making that type of screening difficult, and the maximum allowable fence height in a residential area is 6 ft., as stated in the regulations. She asked the Commission to envision an 18 ft. panel screened by a 6 ft. fence.

Ms. Fish explained that a second reason for a 12 ft. height limit on solar energy systems is to ensure well-designed systems. Setting the maximum height requirement at 12 ft. would ensure that the solar companies take the time to design a system with the least amount of impact on neighbors that can be achieved, she said. While researching the project, Ms. Fish said, she found that often a major source of conflict between neighbors was poor design of a system and that some solar companies are not as attentive as others to mitigating the negative impact on the neighbors.

Ms. Fish further stated that a 12 ft. height restriction would control the negative impact and allow for expansion of the regulations if needed in the future. A 12 ft. height restriction does not deny access to solar installations that may require more height; there can be a variance, she said. What it does allow for is an orderly expansion to 18 ft. should the height restriction need to be raised, she said. It is easier to expand a regulation than it is to take away. In reviewing industry standards for recommended heights for ground-mounted installations, Ms. Fish said, there are not any. The rationale for 12 ft. is because South Windsor has chosen a 12 ft. standard for the height of ground-mounted systems, she said. There is a lot of information from the U.K. and European countries; across the board, they have chosen a 12 ft. height, Ms. Fish stated.

Ms. Fish noted that solar energy is here to stay and in reviewing literature, the American Planning Association recommends that zoning commissions look at the impact.

Mr. Kidd said he appreciated Ms. Fish's comments, noting that he has struggled with the height of ground-mounted systems, even to the point of suggesting ground-mounted systems require a special exception to allow the Commission more purview. While trying to encourage solar energy, Mr. Kidd stated, the Commission should not make the process onerous, requiring a public hearing, and he is not comfortable with the special exception path. The 12 ft. range seems reasonable, Mr. Kidd said, and he suggested the Commission discuss the matter before closing the public hearing.

Mr. Stebe noted that the meeting packet contained items sent to the Town in response to the notice, one being a copy of the regulations for South Windsor, which he reviewed. Having continuity between towns in the general area, he reported, would be easier for homeowners as well as the industry. Mr. Stebe stated that he has not seen many 18 ft. solar energy systems.

Mr. Kennedy suggested allowing 12 ft. as of right and up to 18 ft. by special exception. There had been a comment that a variance could be utilized for a higher system, but he is not in favor of routine granting of variances, he said.

Mr. Stoppelman explained that one reason he is less concerned about the 18 ft. is because of the required setbacks. He questioned why Mr. Bordeaux chose 18 ft.

Mr. Bordeaux replied that 18 ft. was chosen as it is the height limitation of accessory structures currently. In South Windsor, he noted, there is a 12 ft. height limit with a special exception required for systems taller than 12 ft. He explained that there is an application pending with two 400 sq. ft. panels. The height of the panels with the proposed orientation would be 21 ft., he reported. Mr. Bordeaux detailed that the particular system would be in the rear yard but would not meet the future setback requirements. However, he explained, they would not be visible from the street. Having a 12 ft. height limit with a special exception requirement for anything higher would make sense, he stated, and if there was a request for more than 12 ft., the Commission would have that oversight.

Mr. Kidd noted that there are situations in which abutters will not be affected at all; therefore, restricting the height arbitrarily would not be prudent. He inquired whether the regulations should state anything over 12 ft. vs. stating a maximum limit.

Mr. Bergin requested clarification of whether the height is measured from the highest point, including the top of the array, rather than from the ground to the top of the pole the array attaches to.

Mr. Bordeaux replied that it would be the highest point of the combined series of panels on one unit.

Mr. Bergin echoed the prior comments, stating that requiring a special exception for systems over 12 ft. makes sense.

Ms. Ike stated that roof-mounted systems should be included as that is a viable industry standard. She agreed that 12 ft. would be a better starting point.

Mr. Prause questioned adding to Art. IV Sec. 6.02.02 language that systems exceeding 12 ft. would be subject to special exception permit approval by the Planning and Zoning Commission. He also suggested changing the first sentence to having a maximum height of 12 ft. Mr. Prause inquired whether that could be accomplished during the meeting.

Ms. Bertotti replied that the Commission could approve the change with the condition that ground-mounted systems in residential zones do not exceed 12 ft. unless they are subject to special exception, and then Staff will modify the text.

MOTION: Mr. Kennedy moved to close the public hearing for application 2017-107 regarding solar energy systems. Mr. Bergin seconded the motion and all members voted in favor.

TRUSTEES OF NORTH METHODIST CHURCH – For a special exception under Art. III, Sec. 6 to allow the creation of a rear lot and a re-subdivision of two existing parcels into five lots with associated site work at 40 and 41 Farmington Street. – Special Exception (2017-111); Re-subdivision (2017-099)

Ms. Haley Busch, Licensed Professional Engineer, Fuss & O’Neil, introduced herself as speaking on behalf of the applicant. Ms. Busch requested to combine the presentation for the special exception and subdivision applications, to which Mr. Prause agreed. The project is a subdivision of two parcels located at 40 and 41 Farmington Street, Ms. Busch explained, and

proceeded to project mapping of the location. Ms. Busch detailed the properties totaling 3.63 acres and pointed to the cul-de-sac at 40 Farmington Street. There is an existing house at 41 Farmington Street, she indicated, which has approximately 1,300 sq. ft. of living space. Both lots are lots of record from 1955 and 1967, she explained. The zone for both parcels is Residence A and will remain unchanged as part of the application, she stated, and the slope of the existing cul-de-sac is 13% grade. Ms. Busch pointed to two small isolated wetlands with limited ecological functions and values on the properties, based on an assessment by the Wetlands Scientist, Joshua Wilson, who submitted documentation with the application. There are no direct impacts to the existing wetlands as part of this project, she explained.

Ms. Busch reported that the proposal is to create a subdivision with a total of five single-family lots, with the intent for those homes to be privately owned. As part of the project, she noted, the applicant proposes the creation of a rear lot, which requires a special exception, located on the northwestern portion of 41 Farmington Street with the proposed driveway access to the west of the existing house. Ms. Busch detailed that the existing house will remain as one of the single family homes within the subdivision; the remaining proposed homes will be a minimum of 1,300 sq. ft. with the potential for additional square footage on the second floors. She continued to illustrate the specifications of the proposed homes, noting that the homes and lot sizes are consistent with the neighborhood characteristics.

Additional improvements for the project include reconstructing a Town-owned cul-de-sac, which meets the Town of Manchester standards, she explained, and the slope would be 10%, which is an improvement. Ms. Busch explained the erosion and sediment control measures are in conformance with the Town of Manchester standards and the 2002 Connecticut Guidelines for Erosion and Sediment Control. She reported that the applicant proposes to extend water, electrical and telecommunication services from Farmington Street, as well as a gravity-fed Town sewer main originating at the property line adjacent to Farmington Street that will follow the proposed cul-de-sac road to the home laterals. She explained that at the end of the cul-de-sac, it will turn south and follow across Cross Country Path toward 300 Parker Street, then meet at an existing Town gravity sewer system. She noted that the Town has reviewed the utility plans and has not indicated adverse impacts to the utilities as proposed. Currently, she reported, storm water runoff from Farmington Street and the contributing parcels discharges from west to east overland to the wetlands. The storm water is untreated and unmanaged at this time and ultimately the storm water runoff discharges northerly through the wetlands system. In the proposed conditions, the design incorporates storm water management best practices and includes a proposed hydrodynamic separator and a vegetated extended wetland area, she explained. Both the hydrodynamic separator and the extended wetland area will provide storm water treatment and attenuation, she reported. Ms. Busch stated that the extended wetland area is just west of the existing wetlands and the hydrodynamic separator is at the end of the storm water system located within the cul-de-sac; the storm water runoff discharges through the hydrodynamic separator before discharging into the extended wetland area. She explained that the proposed storm water management design will treat the water quality and meets the intent of the Connecticut Storm Water Quality Manual; as a result of the proposed storm water management system, there is a net decrease in the peak storm water runoff for storm events.

Ms. Busch explained that the project will disturb a portion of the 100 ft. upland review area associated with the wetlands; approximately 13,000 sq. ft. of the 0.87 acre upland review area disturbance is related to the proposed extended wetland area and that provides storm water

treatment prior to discharge to the wetlands and is an improvement over the current condition. This project meets the criteria set forth in the zoning regulations, she indicated.

Mr. Bergin questioned whether there is a garage that will be removed from the existing house.

Ms. Busch noted that there is no impact to the existing house or the existing driveway from the creation of the rear lot. She explained that there is enough room within the edge of the property at 41 Farmington and the proposed lot line for the existing house and the proposed subdivision to provide that rear access strip as required by the zoning regulations.

Mr. Stoppelman questioned the height from the circle to the wetlands and how that will be handled.

Ms. Busch projected the specifications and noted that the Town of Manchester has required standards to construct a cul-de-sac or Town road, and the proposal meets the criteria.

Mr. Stebe stated that the plan shows the proper setback and side yard, but it also puts it very close to 29 Farmington Street. In his opinion, the solution would to add buffering trees at the existing house. Putting a driveway in there would be to clear-cut the existing buffer between houses, he surmised. He questioned whether there would just be open space in between.

Ms. Busch reported that, at this time, they were not proposing any vegetation between the driveway and the adjacent property.

Mr. Stebe questioned whether there was a reason why it would not be feasible to have it on the other side of the existing house and have the second driveway on the circle instead of the drive off the west end, putting it on the opposite side of the existing 41 Farmington Street, between 41 Farmington Street and the proposed Lot 3.

Ms. Busch explained that, when designing, it was felt that providing the driveway adjacent to the west side of the existing house on 41 Farmington Street was a better design. The reason for that is that moving the driveway between the existing house and Lot 3 would create a driveway in the existing house's back yard, she said.

Mr. Stebe clarified that that was his point. It runs along and abuts the back yard without any separation, he noted.

Ms. Busch stated that there would be a driveway directly behind the existing house, Lot 4, and there would be a driveway in front of Lot 3. The driveway for the existing house north of the property, 29 Farmington Street, is on that side as well, she reported, and it was felt that it was a good location to put the driveway, thereby having the driveways next to each other.

Mr. Stebe stated that he would be more comfortable with a shield to the driveway because the driveway for Lot 5, the rear lot, would be entering and exiting with headlights through someone's back windows. Therefore, in his opinion, either the driveway should be moved to the west or there should be shielding going in to give privacy to the existing house at 29 Farmington Street, or at the very least stop the headlights from shining in the back windows.

Ms. Busch agreed that the applicant could consider screening along the driveway on the western edge if that would satisfy the Commission's concerns.

Mr. Kidd inquired about the abutting properties.

Ms. Busch pointed to the depiction of the surrounding land and a discussion was held with Mr. Kidd about the surrounding properties.

Mr. Kidd requested confirmation about buffering placed west on Farmington Street halfway down the property line.

Mr. Bergin responded that turning on that radius would shine lights that way. He asked for clarification as to the determination of significance in terms of changes to the wetlands area, the extension of the wetlands area, and the work that will be done in the upland review area, particularly the construction of the two lots.

Ms. Busch reported that, for this project, the proposal has been to keep the homes towards the west of the site to avoid impact to the wetlands. In her opinion, the proposal would keep the construction away from the wetlands areas. She stated that a third of the upland review area impacts are for the extension of the wetland area, which will provide treatment, and she projected the provisions.

Mr. Bergin sought to understand how the plan melds with the Commission's criteria.

Ms. Busch reported that the assessment from the wetlands scientist spoke to the ecological functions and values of the wetlands, noting they are isolated and have no viable opportunity to support any vernal pool. Ms. Busch distributed the wetlands scientist's memo to the Commission.

Mr. Prause sought clarification of the history of the property. He surmised that the property is part of the North Methodist Church Trustees' property.

Ms. Busch noted that there are three different parcels owned by the Trustees.

Mr. Prause surmised that the land was part of the original church property, part of which was set aside for future development.

Ms. Busch explained that the church acquired the property in the 1950's and 60's as a potential for expansion. She was unsure if there was a dedicated use or why it was acquired at that time.

Mr. Prause said he assumed that the lots have always been Residence A.

Ms. Busch said she was not aware of that.

Mr. Prause surmised that, with the density of the proposed properties, they would stay a Residence A zone, to which Ms. Busch concurred. He asked for clarification on the wetland map, which showed the existing wetlands to the east of what are proposed as the new wetlands. Mr. Prause asked if that was correct and whether there would be two separate wetlands.

Ms. Busch pointed to an existing wetland directly east of the existing cul-de-sac, with B series wetlands flags. To the north there is a smaller pocket of wetlands that are F series wetlands flags, she said. There is a berm, possibly vegetative debris, between the two wetlands, but it flows from south to north, Wetlands B to F, Ms. Busch said. She stated that the proposed work

does not directly impact the wetlands; the extended wetland area is slightly uphill and is entirely separate from the existing wetlands.

Mr. Prause sought confirmation that the statement about expanding the wetlands is actually creating additional wetlands.

Ms. Busch reported that it would be the creation of a storm water management area. Because it is at the low point of the site, the storm water will go to the extended wetland area and overflow into the existing wetlands.

Mr. Prause stated that the remaining wetlands will not be impacted but may be fed more from the new retention area.

Ms. Busch agreed that the wetlands will receive the storm water they have been receiving. The proposed change is to provide a treatment and attenuation area prior to discharge to the wetlands. There is not a substantial difference in what is going to the wetland areas now as part of the project, she explained.

Mr. Prause referred to Lots 40 and 41. He said that the existing house is on Lot 41, and the driveway is on Lot 40 currently, and Ms. Busch agreed. He noted that there have been discussions about the natural buffers in the area and stated that it is a heavily wooded area. Mr. Prause questioned the impact to the homes on Parker Street, and whether there would be any changes to the lot east of the wetland area.

Ms. Busch stated that there will be no changes to the lot from the western edge of the existing wetland area east.

Mr. Prause questioned the distance from the eastern boundary of the lots up to the new wetland area.

Ms. Busch responded that it varies, and proceeded to search the plans. She pointed to the maps and depicted the distances.

Mr. Prause asked if there were any special precautions to notify the homeowners about wetlands on their property.

Ms. Busch stated that had not been considered. She assumed that would be up to the Trustees.

Mr. Prause remarked to Mr. Bordeaux that, in the past, there have been signs put up in the upland review area to notify the public of the wetlands and subsequent prohibited activities.

Mr. Bordeaux reported that the clearing limits can be marked on trees or with a specific sign. He said he assumed Mr. Prause was referring to medallions that have been installed in the past delineating a conservation easement. There have not been any medallions used in the past to identify the wetland delineation; medallions would be specific to a dedicated conservation easement.

Mr. Prause asked about the methodology to obtain the easement; i.e., a condition of approval from the Commission.

Mr. Bordeaux stated that was possible. If it was in favor of the Town, the Planning and Zoning Commission could accept it, in his opinion.

Ms. Bertotti stated that the applicant would need to be asked and then the Commission should probably decide if they want the Town to have the conservation easement in this location, if it is a benefit to the Town.

Mr. Prause asked if the applicant had been approached about a potential easement.

Mr. Kidd referred to the conservation easement topic and questioned if there is a benefit to the Town to have an easement. He noted that this area is landlocked with limited value, and questioned whether it would make sense for the Town to take ownership. He requested Mr. Bordeaux's assessment of the wetlands, noting that there are different types of wetlands.

Mr. Bordeaux agreed with Mr. Kidd's statements. He noted that he had visited the site, which is largely overgrown and is a low point, seasonally and periodically saturated. The Town's wetlands regulations would limit any development of that area, he explained. Mr. Bordeaux stated that there is a tendency for homeowners to grow their yards, with minimal knowledge, as the property is at the end of the cul-de-sac. He explained that limited clearing on a private lot is acceptable; clear-cutting is where the line is drawn. The conservation in this area, in his opinion, would have limited value other than to ensure that no activity would be permitted beyond that point.

Mr. Kidd asked Mr. Bordeaux if he agreed with adding the area for storm water management feeding in, which he said sounds reasonable and cleaner than the existing situation.

Mr. Bordeaux reported that he and the Town Engineer discussed the matter with Ms. Busch, and rather than a detention basin, for which the requirements are quite onerous and would require another area for the Town to maintain, the seed mix that is specified and the proposed excavation to access the ground water table, that becomes a nutrient attenuation and renovation feature. The project would clear invasives, though it would open the area to additional sun exposure in which invasives proliferate. Mr. Bordeaux said the Town would prefer the proposal to a detention basin. He noted the applicant would be extending the road, adding driveways and rooftops, drywells and downspouts, which would enable storm water cleansing of salts and fertilizers. Hydrologically, the proposal is not drastically different than the existing conditions because now there is simply a stop gap.

Mr. Kidd asked if the proposal would turn the area into another wetland.

Mr. Bordeaux stated that it would not be another wetland because it is isolated by the berm and this would be a storm water management feature.

Mr. Stoppelman asked Mr. Bordeaux if there was a concern about the steepness of the hill below the wetlands towards Parker Street.

Mr. Bordeaux replied that there is a low point running from the church driveway, past the school toward the north where the area begins to slope down. This is a low-level spot where water will sit and, in extreme events, will travel north. Any water coming from the area south may not even make it to the wetlands and will work its way to the south toward Bigelow Brook, he said. He

said he believed there is a cut in the driveway at the church for water to drain through towards Bigelow Brook.

Ms. Bertotti stated that there are Staff comments, but she would reserve those for after the public hearing.

Mr. Prause opened the meeting to the public.

Ms. Jessica Muirhead, 21 Farmington Street, introduced herself. Ms. Muirhead expressed her concern about the special exception, and how the proposal is atypical of the neighborhood. The proposal would create a higher density, particularly with 41 Farmington Street being split into three lots with staggered homes, she said. She took exception to the description of the quality and character of the homes which are listed as 1,300 sq. ft. In her opinion, the types of homes may detract value from the neighborhood, and would not be desirable for families with children. Ms. Muirhead expressed concern about the potential increase of traffic, especially with young families. She described the wildlife in the area and said she feared the potential impact of tree removal.

Mr. William Farley, 21 Farmington Street, introduced himself. Mr. Farley stated that the project will negatively affect the neighborhood and the unique character of the neighborhood. He proceeded to read a statement from his neighbors, Stephanie Palala and Brianna Sullivan, from 13 Farmington Street:

“To Whom It May Concern: My name is Stephanie Palala and I live at 13 Farmington Street here in Manchester. I am a 24-year-old United States Air Force veteran and a concerned citizen. I live here with my girlfriend, Brianna Sullivan. We have recently been informed of the plans to add more housing at the end of Farmington Street and possibly the building of a retirement home by the church. We do not want housing added to our neighborhood. The dead-end of Farmington Street is calm and quiet, just as the rest of our neighborhood is. The trees add beauty to our neighborhood as well as provide homes for the small woodland creatures and deer. We also find it disrespectful that we weren't given any notice about the housing ideas for the end of Farmington Street. We understand that we don't live at the dead-end but we live on the street and have a right to know what's happening. It is probably easier for the people behind this entire project to not tell everyone in order to not have a lot of backlash. We don't appreciate this and we don't think taking advantage of people in this neighborhood is what Manchester is all about. We've seen the plan for the houses and noticed that two houses want to be built behind one another. You're not only taking away land from the homeowner already there but forcing them to have a fence in their entire yard and adding driveways around their house. This will take away any privacy that that family had. What is the purpose of adding houses behind one another? This neighborhood is not meant for those kinds of projects. Typically adding homes to a neighborhood is going to make it appeal more to others and possibly add value there as well. This does neither. The two houses on the roundabout were well thought out and don't present much of an issue. The two homes behind the one already there; that's a waste of time, money and resources. This also makes a lot of residents here in Manchester unhappy. We lived in Hartford for almost our entire life. In our neighborhood, there were apartment buildings, single family homes and multi-family homes. Anywhere there was space for a home, the city would make

sure to fill that space. There weren't any trees or much grass. There were speed bumps and few stop signs. This led to a low quality of life on the street. With everyone living on top of one another, it brought a lot of issues with neighborhoods and parking as well. On top of all the other issues, it didn't look like a clean and safe neighborhood, the way Farmington Street looks now. We moved out of Hartford because we grew very tired of living that way. The second we drove up Earl Street in April 2017 and onto Farmington Street, I felt at peace and, more importantly, at home. We walked into 13 Farmington Street for an open house. The family selling the house had been there for decades. They lived there with their three dogs and children. They got to live a quiet and peaceful life. There are many people in this neighborhood who have lived here for most of their lives. It's not fair to strip away the lifestyle people have and make them uncomfortable in their own neighborhoods. We haven't lived in this neighborhood very long, but we already love it. We want to raise a family here, but by adding more homes and traffic to it, the overall quality of life will change. People in my neighborhood have also mentioned adding street signs and a road that leads us to Parker Street. We don't think this is going to add to our quality of life. Every day we look outside and see people walking their dogs, going for a walk, and exercising. Everyone waves when someone passes by and people know their neighbors. Once you drive up Earl Street, you feel as if you've left Manchester. It feels like our own little world there. It's a beautiful feeling when you can walk around our neighborhood and feel safe at all times. We know we're young and might not have lived here very long, but we believe that Manchester is the type of town that listens to its residents and cares about their well-being. Lastly, we have a few questions that need to be addressed as well. What's the traffic flow going to be? How is the character and quality of our neighborhood going to change? Will this impact our property values? Thank you very much for taking time out of your day to listen to this. We hope something we wrote in this letter may change some minds. Very respectfully, Stephanie Palala and Brianna Sullivan.”

Mr. Farley submitted the letter to the Commission.

Mr. Dale Carlson, 326 Parker Street, introduced himself. Mr. Carlson stated that, 26 years ago, his mother-in-law, a realtor, suggested they visit the house, though he was reluctant due to the traffic. He noted that he expected to have privacy behind his home forever. Mr. Carlson reiterated that there is wildlife in the area. He referred to a previous proposal at Welcome Place and Arnott Road, which was denied because it diminished the quality of life of the neighbors. In his opinion, he said, the proposal would severely diminish the quality of life in the area.

Mr. Carlson stated that he reviewed the regulations, which do not mention the steepness of a yard. He pointed out the south side where there is a 16% swale, and runoff would cause a major erosion problem. The detention basin, he reported, will be maintained by the property owner. Mr. Carlson questioned why there would be 750 ft. of sewer for five houses; he thought it would be cheaper to pump up to the manhole up north, unless the plan is to develop the other parcel. He displayed the long-term plan displayed in the church. On the plans, he reported, there is no detail on the hydrodynamic separator and, in his opinion, there is not enough room in the 10 ft. shoulder to place the basin and separator. The applicant proposes to fill in 1,300 sq. ft. of the regulated area, which was purported to be an improvement, he reported, and noted there have been other projects in the town that have been denied for any fill at all in a regulated area.

Ms. Peggy Forman, 299 East Middle Turnpike, introduced herself, noting that her back driveway empties onto Buckingham Street. Ms. Forman explained that she has lived at that location for 45 years. She stated that she had submitted her concerns to the Commission, but reiterated her concerns. Ms. Forman noted that she is not fond of the plan, but her main concern is that the only way onto this street is via Earl Street. She proposed an alternate route onto this development other than Earl Street. In addition, she said she was concerned about the wetlands and the environmental effects. Ms. Forman reported that this is a very quiet neighborhood, with walkers, children and dogs; there is also a handicapped individual on the street with no sidewalks. During the day when schools are opening and closing, vehicles park on both sides of Buckingham Street and on Farmington Street, which is a disaster waiting to happen, she said. Ms. Forman strongly urged the Commission to reconsider the plan.

Ms. Kathleen Draghe, 29 Farmington Street, introduced herself. Ms. Draghe reported that the bedrooms face the driveway and headlights will shine into the bedrooms, and will at 30 Farmington Street as well. She noted that she works third shift at Manchester Hospital and sleeps during the day, and said she was concerned that she would not be able to sleep through the construction. Ms. Draghe reported that there is a den of coyotes living behind the church-owned house.

Attorney Nicole Mule, 33 Radding Street, introduced herself and reported that she would speak on her behalf, not on behalf of her firm or her clients. Attorney Mule took exception to several comments made about the wetlands classification. It was stated that the wetlands have no significant value or the wetlands would be expanded, she noted. Attorney Mule noted a failure to consider State law and Supreme Court precedent regarding the wetlands. In 2004, she reported, Connecticut modified the Wetlands Act and broadened it to incorporate and include protecting any physical characteristics of the wetlands when any activity outside or around the wetlands could adversely affect dependent wildlife or the ecosystem. She noted that most of the residents attended this meeting to discuss and vocalize their resistance to the project. Manchester is a small community, Attorney Mule said, and noted that she and her husband moved to the area for the characteristics of the neighborhood, which are unlike most other residential areas in Manchester. Adding additional houses would ruin the characteristics of the neighborhood, she said. Attorney Mule said she sympathized with the church and the need to sell the property. However, she noted that the entire neighborhood attended the meeting, and serious consideration should be taken as to why the residents moved to the area. She noted that it will seriously affect her decision to continue to be a resident of Manchester. Attorney Mule proposed that the Commission deny the project as well as any future application by the Trust. If necessary, she said, Manchester should take control of the wetlands to protect the areas.

Ms. Bertotti reported that she had written testimony from Mr. David Thompson, 9 Farmington Street, which was received via email too late in the day to be forwarded to the Commission, so she would read it into the record.

“Dear Planning and Zoning Commission. My name is David Thompson and I reside with my family at 9 Farmington Street. We have lived here since July 2004. I have recently been made aware of the proposed changes to the cul-de-sac at the eastern end of Farmington Street. I have reviewed the information package that was provided on your website and I would like to make you aware of a few of my concerns:

Concern #1

The church now owns property at 41 Farmington Street and I believe they rent it out, probably with a yearly lease. I know that it is the Planning and Zoning's responsibility to make sure that they comply with the rules and regulations required, but as a homeowner in the area, it is important to know the intent of the church. Are they going to sell these lots for private ownership, which would be a plus, or are they now going to create, as they call it, 'Farmington Village' of five rental properties rented out on a lease basis to whomever? The point being that in most cases, those who rent do not have the same pride of ownership as those who own and the church has not shown any interest in maintaining the land owned. We should at least be aware of their plan.

Concern #2 - Traffic

Your report states that the additional trips generated by the additional four homes will have no impact. I would estimate, depending on if they are rentals or privately owned, 8-12 additional vehicles on a daily basis. That is not a concern by itself until you realize that there is not one stop sign, speed limit sign, or any signs on any of the following streets involved: Earl, Hillside, Cole, Asylum, Radding, Buckingham and Farmington. Buckingham and Farmington have rounded corners at the intersections so people don't even stop; they just drive through.

- (1) I am the father of a disabled adult who uses his wheelchair on a daily basis on the streets involved during the spring, summer and fall. There is also an individual on Radding who uses a wheelchair and two adult individuals on Buckingham with disabilities who use the street.
- (2) Every day during school sessions, starting at 2:50 and ending at 3:40 in the afternoon, cars drive down Buckingham to the corner of Farmington, to pick up their children. On an average day, I estimate between 18 and 25 vehicles. By 3:20, 10-12 vehicles are parked in posted "no parking zone" and the rest basically block access to the intersection of Buckingham and Farmington. It ends by 3:35. Last week they completely blocked traffic on Farmington. I can supply pictures if needed.
- (3) The speed required to climb the hill at Farmington to get to Buckingham means they're probably speeding by the time they pass Radding to get to Buckingham and they just buzz around the corner at Buckingham because they are rounded and there is no signage. My request would be a stop sign on Farmington at Radding and one at Farmington and Buckingham, and also another at Asylum and Buckingham, and speed limit signs as needed in other areas.

Concern #3

The water pressure on Farmington Street has always been on the low side. In talking to the Water Department over the years, I was told it was a low pressure area and there was nothing they could do. Will this make the problem even worse?

Concern #4

On a regular basis, the Town comes and pumps out what I believe is a sewer line at Radding and Farmington Streets. Will this issue be worsened with the addition of four more homes?

I will end now knowing others will want to speak. David Thompson, 9 Farmington Street.”

Ms. Bertotti reported Staff comments. As far as public comments, she explained, right now with regard to either the inland wetlands determination of significance or the wetlands permit, there are no outstanding comments. The wetlands permit is odd at the moment, because the applicant presented the inland wetlands application within the setting of the public hearing and there was testimony to it, even though there was no determination of significant impact, she reported. If the Commission finds that there is a significant impact, she advised a separate hearing is held on that application alone just to have that completely covered. Ms. Bertotti stated that, in regard to the rear lot special exception, when the Commission acts, it will be asked to act on that application before acting on the re-subdivision because, as a matter of the permitting process, the subdivision cannot be approved unless a special use is granted to create the rear lot. She reported that, if the Commission decides the rear lot is not appropriate, that it does not meet the special exception criteria and should be denied, then the subdivision application should not be acted on and the Commission should wait until the plans are redrawn because of a potential complete reconfiguration of the subdivision.

Ms. Bertotti stated that, on technical review, there is an outstanding comment from the Water and Sewer Department, Engineering Division, to adjust a call out leader on a plan. It is a minor and technical comment that can be addressed subject to plan modifications. The Engineering Department had several comments, she explained, that are also minor and technical in nature, recommending approval subject to the modifications. Ms. Bertotti noted that, in testimony at this meeting, certain items were raised that the Engineering Department, Traffic Engineer, and other review staff may not have been aware of or were not asked to look at specifically. Some of the comments, such as the comment about low water pressure, she explained, came as an e-mail too late in the day to contact the Water Department to verify the statement and why that would be the case.

Mr. Prause questioned if Ms. Bertotti had any idea about what information would be forthcoming from the Water Department, along with possible options.

Ms. Bertotti responded that she did not know, as she was not sure the statement was accurate, and if it was accurate, she was not aware of the reasons. If both were true, she said, she was not aware of whether the project would be impacted.

Ms. Busch addressed comments from the public and sought to clarify items. Regarding the home sizes, she explained, the layout of the homes is to be consistent with the adjacent neighborhood; 1,300 sq. ft is the anticipated square footage for living space as well as garage space. The homes would also have the potential for a second level, she noted, depending on the market demand. She explained that the homes will be single family, privately-owned homes in a

residential neighborhood. Ms. Busch reiterated that the traffic impact from the project, with an additional four homes in an established neighborhood, would be insignificant. In addition, she noted, the street is not a throughway; it is a cul-de-sac and the only use of the street would be by the residents.

Ms. Busch clarified that there are no direct impacts to the wetlands and that the impacts are to the upland review area. She spoke to a concern about access being only through Earl Street in the event of an emergency and stated that the church allows emergency personnel to access the neighborhood through a gate on their property. Regarding headlights shining into adjacent properties, Ms. Busch said there has been a discussion about screening and the applicant would be happy to provide screening in areas as recommended by the Commission and would work with Town Staff on a condition of approval to provide screening. Ms. Busch confirmed Ms. Bertotti's statement that the utility plans were reviewed by the Town and there is no indication that there is an insufficiency. She explained that the presentation, public hearing and applications are solely for the five lot single-family subdivision project.

Mr. Stebe sought to clarify that 41 Farmington Street is on a septic system, which Ms. Busch confirmed. He questioned where the fields are located.

Ms. Busch stated she was not aware of the location of the fields, but explained that the septic system will be abandoned, per the requirements of public health. The existing home, she reported, would be connected to the proposed gravity sewer.

Mr. Bergin commented that Ms. Busch had mentioned the minimum square footage of the homes, and the compatibility to the surrounding neighborhood. He questioned the lot sizes created for the five parcels and how they will compare to the lot sizes in the adjacent neighborhood.

Ms. Busch displayed a map depicting the two parcels and the subdivided lots, stating that the proposed lots are comparable to the lots in the adjacent neighborhood. Two of the lots, because of the wetlands, are actually planned to be larger so as not to impact the wetlands on the eastern side of the property, she reported.

Mr. Prause noted that one of the comments was in regard to the impact on property values. He questioned Ms. Busch about the potential impact to existing property values in the neighborhood.

Ms. Busch replied that she is not an expert in the real estate market. The applicant has made an effort to create single-family homes that would be consistent with the neighborhood, she explained.

Mr. Prause also questioned the robustness of the runoff basin design. There was a concern about whether the separator would fit in the proposed area, he reported, and about fill going into the regulated area.

Ms. Busch addressed the storm water questions, noting that she did not have the figures on the fill or what would be placed in the regulated area. She explained that the typical hydrodynamic

separator used is a CDS system, which fits within a regular-sized manhole. The top of the manhole is about 24” wide in diameter and the base of the manhole is 3, 4, 5 or 6 ft., and the amount of flow will determine the size of the manhole, she reported. Ms. Busch stated that, for the proposed project, there is enough area to fit a CDS system that would provide the appropriate water quality treatment through that system. She reported that they have no problem providing a cut sheet for that unit to the satisfaction of the Town Engineer. Regarding the piping in the storm water management area, Ms. Busch explained, it will be constructed with typical construction methods, including pipe bedding and cover. She went on to describe the conveyance of storm water in low level and high level storms and noted that this would be the typical industry design.

Mr. Prause inquired whether the fill would be in the upland review area but not in the wetland area itself.

Ms. Busch explained that there would be no fill in the wetland area, and the disturbance would be in the upland review area.

Mr. Prause questioned the duration of the project after commencement.

Ms. Busch reported that it would depend upon market demand, and therefore, she could not provide a definitive answer.

Mr. Prause said he assumed the reported water issue would be reviewed during a department review.

Ms. Bertotti responded that the Engineering Department reviews for impact and pipe size. In her opinion, they would look into the matter, she said, noting that she had not specifically asked the question. She stated that she could not report with 100% certainty that the issue had been analyzed.

Ms. Carol Williamson, 300 Parker Street, Chair of the Board of Trustees for North United Methodist Church, introduced herself. She reported that the church has always allowed the Town access through the church parking lot and driveway on an emergency basis. The Fire Department and Police Department both have the church’s permission to cut the bolts for access, she said. Ms. Williamson noted that the church’s plow driver keeps the area clear for access. She explained that the church seeks to allow the use and sale of the property to enable them to continue the church’s missions, with the intent of having a nice development in keeping with the character of the neighborhood.

Mr. Prause questioned what would drive the decision that the homes would be privately-owned, or whether they would be managed by the Trust.

Ms. Williamson reassured the Commission that the homes will be privately owned and the church plans to sell the land to a developer.

Mr. Stebe asked for clarification on the sewer berm, which appears to be 400 ft. cross land instead of hooking into the adjacent properties, noting that there are properties on Farmington Street that utilize municipal facilities.

Ms. Busch explained that obtaining sanitary sewer to the existing Farmington Street sewer line would require pumping. She noted that the preferred option is to connect a gravity line for the homes, as it is less maintenance in the long-run for the homeowners. There is an access point on the 300 Parker Street property that the church has the ability to run the line through, she reported.

Mr. Stebe said he assumed the reason is essentially because the church has the property, which would make it easier for them. He inquired how the line will be constructed, whether it will be a ditch run or if an auger will be run all the way through to do it.

Ms. Busch said the means and methods would be up to the contractor.

Mr. Stebe noted that the applicant is not aware of how that will be constructed to get through the upland review area in order to reach the connection.

Ms. Busch noted that it would be up to the contractor to determine how that line would be constructed.

Mr. Stebe stated that, at this point, there is no information to determine any significance in the upland review area.

Ms. Busch maintained that the applicant could limit the amount of impact or dictate the preferred method of construction, but engineers and designers do not typically limit that if not obligated to.

Attorney Nicole Mule reported to her neighbors and put the Commission on notice formally that her husband submitted a Freedom of Information request regarding the church, the trust and its affiliates making any donations to the Town or the Board members. While the trust itself, as a non-profit, may not be able to make donations, their affiliates or members in their individual capacity may have, she said. Attorney Mule declared her concern about the wetlands, stating that the characterization of the wetlands by the Trust flies in the face of the law. Any activity outside wetlands or around wetlands that could adversely affect the wetlands or dependent wildlife should not be permitted in accordance with the Connecticut Wetland Act, Attorney Mule stated. She reiterated that the Trust made the point that property owners should be able to use their property as they desire; she noted that there are 30 property owners in attendance whose property will be adversely affected.

Mr. Stebe sought to clarify that the only items on the public hearing agenda at this point are the divisions of the lots: Item 1, the rear lot, and Item 2, the subdivision.

Ms. Bertotti informed Mr. Stebe that the applicant entered in a combined presentation and presented all of the application under the public hearing. The Inland Wetlands Agency has not made a determination of the significant impact, she added. If the Commission makes a

determination that this project has a significant impact, then that should have its own separate hearing, she stated.

Mr. Stebe said he understood that, but remarked that the public hearing notice was just for the two items he had mentioned.

Ms. Bertotti replied that those are the only two applications that do require public hearings.

MOTION: Mr. Bergin moved to close the public hearing. Mr. Kidd seconded the motion and all members voted in favor.

Mr. Prause thanked the residents in attendance for their comments. He suggested that, if attendees have concerns with flooding, traffic, or other security concerns, they should contact Town Staff; there is no need to wait until a public hearing to address those concerns. Mr. Prause explained to the public that, if the project goes through and there are concerns, they should contact the Planning Department.

The Chairman closed the public hearing at 9:32 P.M.

I certify these minutes were adopted on the following date:

February 21, 2018 _____
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.