

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
AUGUST 12, 2019**

**ROLL CALL:**

Members Present: Eric Prause, Chair  
Patrick Kennedy, Vice Chair  
Michael Stebe, Secretary  
Timothy Bergin  
Jessica Scorso

Alternate Members: Julian Stoppelman  
Teresa Ike  
Bonnie Potocki

Also Present: Gary Anderson, Director of Planning  
Matthew Bordeaux, Senior Planner  
David Laiuppa, Environmental  
Planner/Wetlands Agent  
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 8:55 P.M. The Secretary read the legal notice when the call was made.

MANCHESTER EARLY LEARNING CENTER, INC. – Removal of two existing storage sheds, construction of a new storage/maintenance shed, and construction of a new 6-space parking area at 80 Waddell Road. – Special Exception Modification (2019-080)

Mr. Alan Lamson, Vice President of FLB Architecture and Planning, introduced himself, stating that they are the architects for the planned project at Manchester Early Learning Center. The plan for the interior is to make the building more readily accessible for the students. In addition, Mr. Lamson stated, there will be improvements to the site. He provided the history of the property, and reported the buildings on the land. Mr. Lamson explained in detail the proposal for the parking as well as the construction of a new maintenance shed. He additionally reported the comments from the Engineering staff and the plans to address those.

Mr. Andrew Bushnell, Licensed Civil Engineer and Land Surveyor with Bushnell Associates, introduced himself and reported that his firm prepared the site plan. Among the improvements to the outside is an area for buses with buffering for neighboring properties. All proposed enhancements to the exterior were described in detail. Mr. Bushnell described the plan for trench drains to capture runoff water.

Mr. Prause explained that the special exception modification must meet the special exception criteria. He noted that there is no change to the use of the property, and asked if there are concerns about emergency access or public utility impacts.

Mr. Bushnell stated that there were no concerns, as the number of students attending will remain the same.

Mr. Bordeaux noted that any comments were addressed by Mr. Lamson. The traffic engineer's recommendation for a building identification sign must be dealt with, and Planning will let the applicant respond to that.

Mr. Kennedy's opinion is that the building numbers will resolve the issue. He questioned whether the applicant is required to install a curb.

Mr. Bordeaux stated that he did not think it is a requirement. It is standard for a parking area to have a curb to capture the storm water generated on the paved surface. He stated it could be resolved with a modification.

Mr. Bushnell assumed Mr. Bordeaux was referring to emergency access. The proposed parking area, he noted, actually provides better emergency access, particularly to the play area.

Mr. Prause referred to the shed structure being painted to match the existing building and questioned the color.

Mr. Lamson answered that the shed will probably have vinyl siding and trim. He noted that the building is off-white with purple trim.

**MOTION:** Mr. Kennedy moved to approve the special exception modification for removal of two existing storage sheds, construction of a new storage/maintenance shed, and construction of a new 6-space parking area at 80 Waddell Road, with the modifications as specified in Staff memoranda from:

1. John DiBiasi, Assistant Town Engineer, dated August 9, 2019, excluding General Comment #1 regarding curbing.

Mr. Stebe seconded the motion and all members voted in favor.

THE PLAZA AT BURR CORNERS, LLC – For improvements to McDonald's restaurant, including upgrades to the drive-through, building renovations, and minor site improvements at 1221 Tolland Turnpike. – Special Exception Modification (2019-082)

Mr. Matthew Tyler, Bohler Engineering, representing McDonald's Corporation, introduced himself. He noted that the project is in the General Business zone. The purpose of the project is to improve accessibility, the aesthetics of the building, and the overall configuration of the drive-through. Mr. Tyler explained that the building is not compliant from an ADA standpoint, and listed the changes to be made.

He reported that there will be a new signage package, reducing the sign by 6 sq. ft., with a more modern color scheme. Mr. Tyler stated that they will also reconfigure the drive-through, which is the biggest portion of the project. He explained the improvements to the drive-through in terms of driver safety, queuing and traffic flow. There will be appropriate directional signs for drivers to reach the drive-through.

Mr. Prause requested that Mr. Tyler explain how the traffic flow will work with the new layout.

Mr. Tyler pointed to the depiction of the property and explained the new circulation.

Mr. Stebe questioned the directional signs in relation to Firestone. He proposed alternate, safer routes for consideration.

Mr. Tyler responded that the planned signs will point drivers to between Firestone and McDonald's. He noted they can add signage warning drivers of pedestrians.

Mr. Prause remarked that there will be no change to the dumpster location.

Mr. Tyler stated that they will be increasing pervious area and will install new landscaping.

Mr. Prause, noting that this is leased property, questioned whether there have been discussions with the landlord about the impacts.

Mr. Tyler reported that they have had discussions with the site owner.

Mr. Prause sought clarification about specific directional arrows, which Mr. Tyler explained in detail.

Mr. Kennedy observed that many of the McDonald's have been renovated and he has never had any confusion in navigation.

Mr. Tyler stated that it will be a counter-clockwise rotation.

**MOTION:** Mr. Kennedy moved to approve the special exception modification for improvements to the McDonald's restaurant, including upgrades to the drive-through, building renovations, and minor site improvements, at 1221 Tolland Turnpike. Ms. Scorso seconded the motion and all members voted in favor.

#### **ADMINISTRATIVE REPORTS:**

Mr. Anderson stated that there has been a desire by the Commission to look at these items, how they are currently handled, and how they may potentially be handled in the future. He also stated that, if there is a desire to pursue the items further, a workshop can be scheduled.

#### Discussion of Outdoor Lighting

Mr. Bordeaux explained that Staff is looking for feedback on whether the Commission would like to see more research conducted on outdoor lighting, to compare how Manchester regulates outdoor lighting compared to other communities.

The Town's zoning regulations address outdoor lighting in the General Requirements for Residential Zones and General Requirements for Business Zones. Currently, there is very limited language and outdoor lighting is regulated to avoid being a nuisance. Whenever the lighting is a nuisance, he explained, the Zoning Enforcement Officer can follow up. Mr. Bordeaux stated that the Zoning Enforcement Officer's only concern is that it is not a nuisance.

Another aspect of regulating outdoor lighting is with the adoption of the Form Based zone. The Form Based zone regulations include a great deal of detail, e.g., types of lighting sources, different fixtures and the use of search lights or high-intensity narrow beam fixtures, luminaires, and fixture height. Mr. Bordeaux reported that the lighting standards have not been applied in the Form Based zone because there is no new construction with a need for a substantial lighting plan.

How effective and how useful it will be in terms of enforcement is up in the air because there is no evidence to that extent yet, according to Mr. Bordeaux. He stated that he has spoken to the Zoning Enforcement Officer and the regulation of outdoor lighting has never been a problem for him; e.g., if you can stand on a property and if the light is shining in your eye, it must be modified appropriately. However, that does not address excessive light and some communities have taken that approach.

Mr. Bordeaux reported on the outdoor lighting impacts, the well-being, health and safety of the community. However, he explained that there is something called a "dark sky movement," to reduce excessive, unnecessary light by reducing the amount of light in terms of the number of fixtures, the hours of use of the fixtures when not necessary, and the means by which the light is generated in terms of different bulb types. The "dark sky movement," according to Mr. Bordeaux, provides some recommendations and will certify different fixtures. Some communities have adopted regulations with this in mind. Unless the Commission seeks to take the extra environmental or social steps to regulate outdoor lighting, he explained, currently Manchester's regulations are effective enough in terms of reducing usage.

Mr. Bordeaux acknowledged that he has not spent a great deal of time researching other communities, though he knows that South Windsor has six pages of regulations related to outdoor lighting recommendations.

Mr. Kennedy reported that the South Windsor regulations were written approximately 20 years ago, before there was much development in the gateway zone, including Evergreen Walk. Manchester is mostly developed and zoning regulations do not apply retroactively. Determining what is pre-existing and what is new would be difficult and not worth it, in his opinion.

Mr. Stoppelman referred to the fact that technology is constantly changing and getting too specific would be detrimental. He stated that he has less of a problem with turning off lights

after businesses close if a plan for security lighting and eliminating heavy-duty lighting could be determined.

Ms. Potocki agreed with Mr. Stoppelman about technology. Referring to Mr. Kennedy's statement about Manchester having a lot of development, she noted that there is also redevelopment. In her opinion, this may be the time to consider redevelopment in terms of reducing light trespass. She stated that lighting is not the only factor for security, but movement technology is available.

Mr. Stebe reminded the Commission that he has addressed this topic many times. He said that, years ago when Wal-Mart was planning to redevelop the Spencer Street location, they had created a great lighting plan, essentially a dark sky lighting plan. The Town needs to have something more than regulation of a light glaring into a neighbor's window, according to Mr. Stebe. He noted that the Form Based regulations are more detailed. The infrastructure in Manchester is prime for redevelopment, which could be included in new regulations.

Mr. Bordeaux remarked that he can investigate what other communities do. He acknowledged that he needs to do more research on sign lighting.

Mr. Bergin reported that, in his opinion, it is important to differentiate between the zones in town and not have a town-wide ordinance. Referring to the sign regulations instituted, he said that there may be times when internal lighting makes sense and that use has been prohibited. He did acknowledge that there are areas that need to be well-lit continuously.

Mr. Prause declared that a regulation will be difficult to write because each person's definition of "nuisance" will be different. He agreed with Mr. Bergin's comments, though there is no regulation in the Industrial or the Off-Street Parking zones that refers to light trespassing onto a neighbor's property. In his opinion, there should be wording that mimics the general requirements for residential and business zones, perhaps "as required" or "upon review of the Commission." He stated that there must be some flexibility.

Mr. Anderson suggested a required photometric plan, which is easy for an applicant to do; i.e., making calculations and showing the types of light and where the lighting would be evident and strong.

Ms. Potocki reported that Mansfield and West Hartford have a lot of new development and redevelopment. She thought that the Town of Manchester could look into those towns' photometric plans.

Mr. Anderson questioned whether the Commission would be interested in a workshop, or if they would prefer Planning draft a regulation. He recommended holding a workshop and the Commission agreed.

### Discussion of Tree Regulations

Mr. Laiuppa reported that he had looked into the tree protection and replacement regulations that are in place. He noted that there are other areas covered by ordinances in town, and those are outside of the Planning & Zoning Commission's purview. There are three authorities in place that deal with trees in or affecting public places: (1) The Tree Warden has purview over trees and shrubs within public rights-of-way; (2) The Conservation Commission acts a check on the Tree Warden in the event that someone contests the Tree Warden's ruling; and (3) The General Manager can decree that the Tree Ordinance is bypassed in the case of emergencies.

Mr. Laiuppa explained that he wanted to explore Manchester's regulations for applicants. The only regulations in place deal with subdivisions, according to Mr. Laiuppa, and he detailed the language. He stated that he is unsure when the regulations were written, but there is a suggested tree list for subdivisions, the majority of which are non-native and a couple of which are invasive. If the list of trees is revisited, it would be worth looking at other factors, in his opinion.

The next step in the process, stated Mr. Laiuppa, would be to determine whether the regulation language should be expanded to other development types.

Regarding penalties that are in place, Mr. Laiuppa stated that there are not many; the only one that is in the purview of the Commission is when it acts as the Wetlands Agency. There are rules that prohibit cutting down trees in wetlands and there is enforcement language that refers to the Inland Wetlands and Watercourses Act.

Mr. Kennedy questioned whether there have been any tree-related problems with applications.

Mr. Anderson reported that there is one current situation. There is a large industrial property in town that presented a plan to re-plant and re-landscape the property. He stated that the original proposal was to cut down a large number of mature trees, and they have the right to do that. However, the owner was willing to work with the Town and it was explained that some of the trees were serving a function on the site. The site plan had been approved decades ago and the Town has no purview over that type of landscaping over time.

Mr. Laiuppa explained that, had the application been a subdivision, there would have been protective language in our regulations for trees in excess of a certain size.

Mr. Stebe inquired whether this movement is to get the invasives and non-natives off the suggested tree list and move toward the more indigenous local trees.

Mr. Anderson stated that people have property rights over their landscaping. While this Commission has certain purview over landscaping when it is approved, it is a question of what purview the Commission wants to have and what is practical to have.

Mr. Laiuppa suggested that the Commission will be looking at language for new applications.

Ms. Potocki referred to the "complete streets" policy and asked if there is a way to bring the two issues together.

Mr. Bordeaux reported that mature trees are something to be considered in a review of an improvement project, with a series of recommendations in the policy. He surmised that incorporating green infrastructure is related to complete streets. Another issue to be considered is the language in the regulations regarding landscaping of parking lots.

Mr. Stebe understood there is some verbiage about the greenscaping in the 2020 plan.

Mr. Laiuppa mentioned the Sustainability Task Force, which may help to do research or provide language in an effort to have science-based merit behind it.

Mr. Anderson suggested having a workshop on this topic.

**APPROVAL OF MINUTES:**

July 1, 2019 – Public Hearing/Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes of the July 1, 2019 Public Hearing and Business Meeting. Mr. Bergin seconded the motion and all members voted in favor.

July 15, 2019 – Public Hearing/Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes of the July 15, 2019 Public Hearing and Business Meeting. Ms. Scorso seconded the motion and all members voted in favor.

**RECEIPT OF NEW APPLICATIONS:**

**KENNETH BOYNTON – Special Exception (2019-088); Erosion & Sedimentation Control Plan (2019-089) – Special exception per Art. II, Sec. 3.02.04 for a municipal utility structure (water pump house) and erosion and sedimentation control plan in connection with the proposed Bayberry Crossing cluster subdivision at 426 Wetherell Street.**

**MOTION:** Mr. Kennedy moved to close the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 10:15 P.M.

I certify these minutes were adopted on the following date:

September 4, 2019

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Date

\_\_\_\_\_  
Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.**