

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JULY 15, 2019**

**ROLL CALL:**

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

Alternates: Julian Stoppelman  
Teresa Ike  
Bonnie Potocki

Also Present: Gary Anderson, Director of Planning  
David Laiuppa, Environmental  
Planner/Wetlands Agent  
Katie Williford, Administrative Secretary

Time Convened: 8:24 P.M.

**NEW BUSINESS:**

PRANAY & MAYA SHAH – Change of zone from Residence A to Neighborhood Business to permit change of use from convenience store with beer permit to package store permit at 1 Broad Street. – Zone Change (2019-078)

Zone Change (2019-078)

**MOTION:** Mr. Kennedy moved to approve the zone change from Residence A to Neighborhood Business zone at 1 Broad Street. Mr. Bergin seconded the motion.

Mr. Prause said that the store is a longstanding nonconformity, so it seems that it has been working well. He understood the impact of CVS and said it is good that there is another option for this business to remain viable. The proposal fits well with the Traditional Suburban character in the Plan of Conservation and Development (POCD), as mixed-use is allowed and it contributes to walkable neighborhoods, he said. Mr. Prause said he felt this was a good use of the property.

All members voted in favor.

The reason for the approval is that the zone change is consistent with the purpose of the Neighborhood Business zone and with the Traditional Suburban Character Area in the Plan of Conservation and Development.

The zone change will be effective July 31, 2019.

VANLOSE ENTERPRISES, LLC – Request a special exception per Art. II, Sec. 24.02.01(h) for construction of employee parking lots at 86 Oakland Street and 11 and 25 Edward Street, to be used in conjunction with the Mazda new car dealership located at 80 Oakland Street. – Special Exception (2019-051)

Mr. Stebe asked how the previously discussed language requiring a solid screen of evergreens should be included in a motion. Mr. Prause suggested using part of the language from Article II, Section 17.01.05 of the regulations.

Special Exception (2019-051)

**MOTION:** Mr. Kennedy moved to approve the special exception in accordance with Art. II, Sec. 24.02.01 (h) for construction of employee parking lots at 86 Oakland Street and 11 & 25 Edward Street, with the modifications as specified in staff memoranda from:

1. Jim Davis, Zoning Enforcement Officer, dated July 10, 2019; and
2. John DiBiasi, Assistant Town Engineer, dated July 15, 2019;

and with the condition that there shall be a landscaped buffer strip consisting of a solid screen of evergreens at least four feet in height at the time of occupancy. Such buffer strip shall be suitably and neatly maintained by the owner and/or lessee, and/or occupant at all times.

Mr. Stebe seconded the motion.

Ms. Scorso said the Commission is happy with Mazda's growth and wants to support the business, but also wants to take into consideration the neighborhood and public comments. The applicant received important information about additional vehicles not being parked in the parking lot, she said. Ms. Scorso said she is happy the Commission is going to approve this and hopes the applicant has heard the residents and will apply that to the application.

Mr. Prause, Mr. Kennedy, Mr. Stebe, and Ms. Scorso voted in favor. Mr. Bergin voted against the motion. The motion passed 4 to 1.

The reason for the approval is that the applicant meets the Special Exception Criteria.

KENNETH BOYNTON – Proposed 44-lot residential cluster subdivision served by sanitary sewer and public water at 426 Wetherell Street. – Inland Wetlands Permit Determination of Significance (2019-036)

Attorney Dorian Famiglietti, of Kahan, Kerensky, & Capossela, stated that the applicant has pending applications for a wetlands permit and a cluster subdivision. Tonight's presentation will focus on the determination of whether a public hearing is required for the wetlands permit application.

Attorney Famiglietti said that the property is off of Wetherell Street, but access to the 44 proposed lots would be from Bayberry Road and Wilson Way. Four wetlands were mapped on the property by Soil Scientist George Logan and there are permanent direct impacts on Wetland D to the west, and temporary direct impacts to Wetland C along Wetherell Street.

Mr. Eric Peterson, Gardner & Peterson Associates, said the proposal on the 30-acre parcel is to extend Bayberry Road all the way around to Wilson Way. Both have temporary cul-de-sacs, to be removed. A secondary street is also proposed, to make a loop and a small cul-de-sac in the middle. The proposal is to create 44 new building lots.

Mr. Peterson said that the property contains four wetlands that were mapped by the soil scientist. Wetland A, at the southwest corner of the property, is a small, isolated, forested wetland, which the soil scientist believes was created as an irrigation pond for farming sometime after 1934, but which now serves as a vernal pool habitat. No activity is proposed in this wetland, but some is proposed within 100 ft. A habitat enhancement area is proposed to be created uphill of the wetland to ensure that the wetland functions the same after construction. The only other activity in the vicinity of this wetland is some minor land grading for construction of Lot 13.

Wetland B is located on the southeast corner of the property and is also a forested wetland. No activity is proposed either in this wetland or within 100 ft. of it, Mr. Peterson said.

Wetland C consists of two different mapped wetlands, Mr. Peterson explained. One is an isolated emerging wetland and there are some berms that were previously installed to contain the water. The other is on the west edge of the property line and is separated by an existing farm road. Wetland mitigation is proposed in this area. There will be 1,100 sq. ft. of temporary disturbance within Wetland C and a half acre of disturbance within 100 ft. of Wetland C, he said. These disturbances include site grading and excavation that will be seeded and planted as part of the overall wetland replication plan. Low spots will be created adjacent to this wetland and water will be funneled to it to create a wetland area with appropriate plantings.

Mr. Peterson said that Wetland D, on the southwest corner of the property, is an isolated service water slope dominated by herbaceous species. Permanent impacts are proposed to 0.51 acres of Wetland D. A stormwater basin, a future road connection to the south, and a small portion of Lot 37 are proposed in this area. Approximately 1.75 acres will be disturbed within 100 ft. of the wetland for road construction, portions of some building lots, and a water pump house. Because the Town's water system in this area does not have enough pressure to service homes at the top of the hill for this project, a pair of booster pumps are proposed to be installed to increase the pressure to service these homes.

Mr. Laiuppa said there was one staff comment about the determination of temporary vs. permanent impact for Wetland C. There is regrading, which would be permanent, not temporary, unless it is restored. Attorney Famiglietti stated that it was considered temporary because it will still be a wetland, but the impacts can be recalculated based on that comment.

Mr. Kennedy said that the impacts outlined do appear significant enough to warrant a public hearing.

Inland Wetlands Permit Determination of Significance (2019-036)

**MOTION:** Mr. Kennedy moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2019-036 will have a significant impact on the wetlands and therefore will require a public hearing. Mr. Bergin seconded the motion.

Mr. Prause said that it is in the public interest to have this as part of the public hearing.

All members voted in favor.

SL 80 UTOPIA ROAD LLC – For construction of an approximately 25,800 sq. ft. commercial building with associated parking, drive aisle, utilities and landscaping improvements at 80 Utopia Road. - Erosion & Sedimentation Control Plan (2019-071)

Attorney T.J. Donohue, with the firm of Killian & Donohue in Hartford and Simsbury, introduced himself and Rod Szwelicki, a civil engineer with VHB.

Attorney Donohue said he represents SL Silverman, which is a subsidiary of the Silverman group and owner of SL 80 Utopia Road. They are from New Jersey and have significant developments in this area. They are seeking approval of an Erosion and Sedimentation Control Plan, as well as three waivers: One to allow existing vegetation to substitute for a buffer on the northern perimeter; one to waive the 8 ft. buffer on the southern boundary to accommodate the existing common driveway and drainage system with the adjoining lot; and one to waive the requirements for sidewalks on the east side frontage, as there are no sidewalks in the area. The site is 3.97 acres and the applicant proposes to build a 25,800 sq. ft. industrial commercial building.

Mr. Rod Szwelicki, a professional engineer with VHB, said the proposal includes 25,800 sq. ft. of commercial industrial use and 55 parking spaces with associated drive aisles, landscaping, and utility improvements. The parcel was created as a 12 lot subdivision known as Manchester Industrial Park #3. The site is currently vacant with commercial industrial uses to the south, east, and west. Part of the northern property line is industrial use as well, and part is residential apartments, he said.

The site's drainage system was designed as a closed loop drainage system with deep sump catch basins, water quality units, and an infiltration trench that collects roof runoff and infiltrates it back into the ground, Mr. Szwelicki said. The drainage system on site will connect to the existing drainage system in Utopia Road, which was designed to handle runoff from this development and the additional 12 lots.

The Erosion and Sedimentation Control Plan was designed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, Mr. Szwelicki said. The project will disturb 3.4 acres and is expected to start in fall 2019 and end in spring 2020. Silt sacks are proposed in all new catch basins during construction and in some nearby catch basins within the right of way and on the southern abutting property. A rip rap construction exit and entrance is proposed at the new driveway to the north, he said. A temporary sediment trap was designed at the southeast corner of the site to collect runoff during construction, to allow sediment to settle before it outlets to the system in Utopia Road.

Mr. Szwelicki reiterated that three waivers are being requested. The first is a waiver of Article II, Section 16.06.01, which requires a sidewalk to be constructed along the site's frontage. There is a sidewalk along the interior of the industrial park, so a sidewalk in this location would connect to nowhere and Town engineering staff did not feel a sidewalk was necessary, Mr. Szwelicki said.

The second requested waiver is of the required landscaped buffer, to allow the applicant to use existing mature vegetation along the northern property line. Instead of grading that area, they are proposing a retaining wall to keep that mature buffer, Mr. Szwelicki said.

The last requested waiver is of Article II, Section 16.12 (a), which requires an 8 ft. landscaped buffer along all industrial side yards. In this scenario, there are two properties with a 30 ft. wide mutual access and drainage easement running up and down the southern property line. They propose to maintain that open for truck access and drainage, Mr. Szwelicki said. There is currently drainage piping on that property line that collects runoff for both parcels, which are under the same ownership. Adding that 8 ft. wide landscaped buffer would make truck loading and access problematic and would dam off the drainage, which there are easement rights to, he explained. The waiver is requested only for that side yard; the rest are buffered and screened as required, Mr. Szwelicki stated.

Mr. Szwelicki concluded that the Engineering Division has recommended approval of the application with modifications, and the applicant has no issue with those comments.

There was a discussion between Mr. Prause and Mr. Szwelicki about the specific sections of the regulations for which waivers were being requested.

Mr. Bergin asked how the landscaping waiver works when the plan also shows the installation of a partial buffer. Mr. Anderson said the Commission could word their motion to say, "Waiving the portion of the landscaped buffer as shown on the plan," or just cite the plan that is being approved.

Mr. Stebe asked for details around the stockpile spacing. The property looks flat but there is a 7 ft. retaining wall and the top will need to be scraped in order to level it and put the pad down, he said. Mr. Szwelicki said the site is generally flat until there is a significant grade change; rather than grade and disturb the trees, they are proposing the wall. Mr. Stebe asked if all that soil will be spread through the site or trucked out. Mr. Szwelicki said he thought the applicant would probably use it somewhere or sell it to a contractor, or another option would be to berm up the front landscape area if there is excess.

Mr. Stebe asked about the yellow rectangle on the plans. Mr. Szwelicki replied that it is the temporary sediment trap.

Mr. Prause asked if there is a trail to Beechwood Apartments from the property to the south. Mr. Szwelicki said he believes it is a path, but not to the apartments; it goes to another business. He believed the pathway would remain.

Mr. Anderson said there were staff comments from Engineering that were technical in nature and could be addressed on final plans.

Regarding Mr. Bergin's question about the waiver, Mr. Anderson suggested the wording, "Waive those sections as shown on the submitted plan." He noted that Section 16.06.01 deals with the buffer along a residence and they have done that in their plan, so that is why that portion is being left. In terms of the driveway, he suggested, "as per the plans submitted."

#### Erosion & Sedimentation Control Plan (2019-071)

**MOTION:** Mr. Kennedy moved to approve the erosion and sedimentation control plan, including requested waivers to the following, as shown on the plan:

- Article II, Section 16.05.01, pursuant to the authority contained in that regulation;

- Article II, Section 16.06.01, pursuant to the waiver authority granted in Article II, Section 16.06.02; and
- Article II Section 16.12 (a), pursuant to the waiver authority granted in that regulation;

with the modifications as specified in staff memoranda from:

1. James Davis, Zoning Enforcement Officer, dated June 18, 2019 and
2. John DiBiasi, Assistant Town Engineer, dated July 1, 2019.

Ms. Scorso seconded the motion and all members voted in favor.

MISAC CORPORATION – For a garage maintenance building addition and renovation at 8 Rachel Road. - Special Exception Modification (2019-074)

Mr. Jeff Burkhart from FLB Architecture and Planning presented the application for a special exception modification to the garage of the Beechwood Apartments complex. The owner could not attend the meeting, but Mr. Burkhart read a letter from Michael Grant, the managing agent for MISAC Corporation. It stated that the existing garage and maintenance shop was adequate at the time of its construction in the 1960s, but since that time the need for storage has grown and the property has added more equipment. Some equipment is currently stored outside due to insufficient room in the garage, Mr. Grant's letter stated.

Mr. Burkhart indicated the location of the existing garage on the map and said it is approximately 20 ft. x 32 ft. The applicant proposes a 20 ft. x 32 ft. addition along the back, continuing the existing slope on the back side of the building.

Mr. Burkhart noted that the Engineering Division had requested a list of the buildings as well as the unit numbers, and that information has been obtained.

There is an existing basketball court to the left of the garage, Mr. Burkhart said, as well as a treed area with a playground and an open area where children kick soccer balls, etc. Additional fencing is proposed to prevent anything from rolling into the area of the garage addition where vehicles could be backing out. A 10 ft. wide chain link gate is also proposed to allow arborists, EMTs, or others to access that playground area if needed, Mr. Burkhart said. The owner has also requested a 6 ft. chain link fence on the side of the basketball court, to protect the garage siding from damage from basketballs bouncing off it.

Mr. Burkhart said that the requests from Engineering have been implemented on the plans. He discussed the elevations of the building and some of the vehicles stored in the garage.

The approach for the new addition will be through an existing curb cut by a fenced in area off the parking area, where staff currently parks. Mr. Burkhart discussed the proposed locations of parking after the addition is complete.

Mr. Burkhart showed the existing building and proposed elevation. He said the same roofing material will be used and there will be new siding and new doors to help better insulate the building.

Mr. Anderson said there were no outstanding comments from staff on the application.

Special Exception Modification (2019-074)

**MOTION:** Mr. Kennedy moved to approve the special exception modification for a garage maintenance building addition and renovation at 8 Rachel Road. Mr. Stebe seconded the motion and all members voted in favor.

WORKOUT HARDER FITNESS – To add esthetician services at 134 Pine Street, a.k.a. 136 ½ Pine Street. - Special Exception Modification (2019-075)

Deborah Litwinko of Workout Harder Fitness said the business opened in November 2017 and she now wishes to add esthetician services and get the second floor approved. She said they have two spaces and indicated the space available before the second floor is opened. She acknowledged that she would need approval from the Health Department, which is currently in the process of developing waxing procedures and regulations. Ms. Litwinko indicated the space on the second floor and another space that would be used for small group training. There will be no changes to the outside of the building and the parking would remain the same, because services would only be offered during times that the gym is not having classes. There would probably only be one car every 30 minutes. There would be no changes to the inside of the building either, Ms. Litwinko said.

Ms. Scorso asked if the room is already available and Ms. Litwinko confirmed that everything is in place already.

Mr. Anderson noted that this application pertains only to the proposed use. If there were additional exterior changes, depending on what they were, the applicant might need to come back because the property is in the Historic zone, he said. He also noted that the Health Department has a Cosmetology Policy. Ms. Litwinko said that policy was what she had referred to, and she will be the first applicant going through that process.

Special Exception Modification (2019-075)

**MOTION:** Mr. Kennedy moved to approve the special exception modification to add esthetician services at 134 Pine Street (a.k.a. 136 ½ Pine Street). Ms. Scorso seconded the motion and all members voted in favor.

**ADMINISTRATIVE REPORTS:**

Mr. Anderson reported that the Town has signed a Memorandum of Understanding (MOU) with a developer for the Parkade site. He discussed their conceptual proposal and the expected permitting process moving forward. The conceptual proposal is for a mixed-use development including office uses on Broad Street, a mix of residential and commercial service type businesses in the central area, some entertainment uses, and structured parking. The concept is for a dense development, with between 500,000 and 1 million sq. ft. He reiterated that it is very early in this process and the proposal is conceptual at this point, but the Town has signed an agreement with the developer to work towards a development agreement over the next three or four months. They are including Bigelow Brook greenway in the conceptual plan. The developer is interested in the Nichols property as well; that would be a subsequent purchase. In terms of financing, the establishment of this area as an Opportunity Zone is a financial benefit to the developer, Mr. Anderson said. There are capital gains benefits for investors that invest in these parts of communities. The developer is Manchester Parkade 1 and one of its members is

Michael Licamele, who recently purchased the Connecticut Farmers Co-op on Apel Place and Oakland Street. There have been preliminary discussions about permitting; as it is a large project, the developer will probably submit a master plan laying out where buildings, roads, and utilities would be, and then subsequently come in as a phased project with each building, Mr. Anderson explained. Because they will not know everything about the development when the master plan is approved, it will probably be changed when they submit proposals for individual buildings. It will be a fluid development and they will probably get financing a piece at a time. Another interesting piece of the proposal is a microgrid; they are proposing to generate their own energy on the site (natural gas and solar), which allows them to provide some additional financial benefit for businesses and others that would locate there. They are contemplating attaching those services to their neighbors, where feasible, Mr. Anderson said.

In response to a question from Mr. Stoppelman, Mr. Anderson said Pearl Fund is an opportunity fund that invests in business incubators and things of that nature. The developer has plans for the office uses to be forward thinking in terms of the uses and the idea of the shared economy of shared spaces, incubator spaces, and ways to grow a small business quickly. They also have other incentives in mind.

Ms. Potocki asked how much funding the developer has secured already. Mr. Anderson said they say they have the majority of the funding in place, but specifics will be outlined in the development agreement to show that they have access to the funding.

In response to a question from Mr. Stoppelman, Mr. Anderson said that the easement agreements have been worked out, but an outstanding issue is that the Town has not closed on the portion of 296 Broad Street that includes Green Manor Boulevard, because they need a partial release of the mortgage on that piece of property.

Ms. Potocki asked where the developer's office is. Mr. Anderson replied that the primary developer is out of southern Connecticut, and Harry Freeman, who is a partner, was a developer in Hartford and Windsor.

## **RECEIPT OF NEW APPLICATIONS**

V. Sean Lilly Inland Properties, LLC – Inland Wetlands Permit (2019-087) – To build a new 2,500 sq. ft. single family dwelling at 19 Chilstone Lane.

Mr. Anderson said there is a new application for an inland wetlands permit to build a new 2,500 sq. ft. single family dwelling on Chilstone Lane. This was for one unit in a previously approved subdivision and, if that unit is constructed, some impacts are anticipated, Mr. Anderson said.

Regarding the tentative future agenda, Mr. Anderson said that staff and the applicant hope the application for Kenneth Boynton will be heard in August, but there are still some utility issues to be worked out. Applications for Manchester Early Learning Center and the Plaza at Burr Corners are also tentatively scheduled for August.

Regarding the pump house discussed for Kenneth Boynton's application, Ms. Potocki asked if the applicant needs approval from the water authority. Mr. Anderson said they do; the Water and Sewer Department reviews applications and they are still working through some of those issues and those will be brought up at the public hearing.

Mr. Stebe suggested some topics for discussion at a future meeting, including parking pavement options, a zero light process, and replacement of important trees. Regarding parking, Mr. Laiuppa said that appropriate and inappropriate uses of pervious pavers were discussed at a recent Conservation Commission meeting. Discussion of trees and pervious pavers may be topics that would be logical for the Conservation Commission to discuss, he said.

Regarding the Parkade proposal, Mr. Anderson said that the Commission may be asked to amend some regulations to accommodate the goals of the Broad Street Redevelopment Plan. One possible change would be the idea that the streets need to be public streets, he said, and another would be a change to a note in one of the use sections about the number of units that can be in a multifamily building.

Regarding the special exception that was approved for Vanlose Enterprises, Ms. Potocki asked how the dealership will be prevented from parking inventory on the employee parking lot, which she said they are doing now. Mr. Anderson said, if there is a complaint about an issue, the Zoning Enforcement Officer will look into the issue. Ms. Potocki said she emailed the Zoning Enforcement Officer and never got a response. Mr. Anderson said he spoke with the Zoning Enforcement Officer today and he said that no cars were parked there.

The Chairman closed the business meeting at 9:50 p.m.

I certify these minutes were adopted on the following date:

August 12, 2019  
Date

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Eric Prause, Chairman

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