

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
NOVEMBER 4, 2019**

ROLL CALL:

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

Alternates: Teresa Ike
Bonnie Potocki

Absent: Julian Stoppelman

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

The Chairman opened the Business Meeting at 7:00 P.M.

REVISED AGENDA

MOTION: Mr. Kennedy moved to accept the revised agenda with a correction to item #2.
Ms. Scorso seconded the motion and all members voted in favor.

JON KEANE – To build a berm to divert water runoff at 4 Fir Grove Road. – Inland Wetlands Permit – Determination of Significance (2019-096); Inland Wetlands Permit (2019-096)

Mr. Jon Keane, 4 Fir Grove Road, introduced himself. Mr. Keane displayed the section of his property on which he created a 6 ft. wide x 3 ft. tall berm with trees to separate the brush on the wetlands area from his grassed yard.

Mr. Prause asked for clarification of the displayed map and questioned the impact to the wetlands.

Mr. Keane explained that the berm is for aesthetics to separate the woods from his yard. Prior to the berm's construction, water washed through his yard during heavy rainstorms, he stated. Mr. Keane stated that he does not see any impact to the wetlands, as the water is trapped behind the berm.

Mr. Laiuppa reported that a description of the resources of the wetlands must be included as part of the inland wetlands permit application. He noted that Mr. Keane is neither a soil nor wetlands scientist and, therefore, is unable to give the required description. The wetland delineation was prepared in the past for the subdivision. Mr. Laiuppa explained that the functions and values assessment is to assess the functions that may have been impacted by the activity. On a cursory evaluation, he noted that flood storage capacity is a principle function and loss of flood storage capacity must be examined. In his opinion, there may need to be a more detailed examination of the impacts.

Mr. Kennedy commented that it appears that there has not been a full review of the application and questioned whether there is enough information for the Commission to act upon.

Mr. Laiuppa reported that he has reviewed the application fully and some elements of the application are not included. He noted that he has been in discussions with Mr. Keane.

Mr. Kennedy questioned whether there is any information about the amount of fill in the area. He also asked when the berm was constructed.

Mr. Keane stated that the berm was completed about three months ago.

Mr. Laiuppa reported that, based on the length and width of the berm provided in Mr. Keane's account, there are 384 sq. ft. of fill in the upland review area and 762 sq. ft. in the wetland area.

Mr. Prause reviewed the background of the application. Originally, there was an application for a wetlands permit in January 2019 that was approved administratively. Mr. Laiuppa reported that was done by Matt Bordeaux, the Senior Planner at the time, and the application was for a deck built by Mr. Keane that was not part of the original plan for the house. The only impacts within the upland review area were the piers at that time. Additionally, Mr. Laiuppa stated, there was a stockpile of soil that he spoke with Mr. Keane about, which Mr. Keane planned to grade underneath the deck.

Mr. Prause questioned whether there was a drainage easement on the site.

Mr. Laiuppa detailed the two drainage easements on the property, which are not impacted by the current activity. He also pointed out the stockpile on the site.

Mr. Prause acknowledged that the Planning Department is missing information about the type of material in the fill and the exact volume. There is also no information on the formal description of the wetlands and the functions they provide.

Mr. Keane stated that the stockpile was from the original builder and was comprised of topsoil.

Mr. Prause noted that there is no formal description of the wetlands and the functions they provide. He questioned whether that would need to be done by a soil scientist.

Mr. Laiuppa stated that the delineation must be done by a soil scientist, though the wetland functions value assessment can be done by someone who is knowledgeable about wetlands, not necessarily a soil scientist.

Mr. Stebe stated that the permit for construction of the home was in 2017, with the entire house being in the upland review area. He noted that normally, after a permit is granted, an applicant must complete the work within one year, and asked Staff where this falls on the timeline.

Mr. Keane stated that, when the approval was granted, there was a 50 ft. wetlands buffer zone, which was subsequently changed to 100 ft. He reported that, when applying for the deck permit, he was referred to staff.

Mr. Stebe questioned whether Mr. Keane spoke with Staff prior to the landscaping.

Mr. Keane stated that he left it up to his landscaper. He said he was not aware that he needed a permit and he doubted the landscaper was aware.

Mr. Stebe asked whether Staff knew where Mr. Keane is on the timeline.

Mr. Anderson stated that the original work approved by the permit was completed.

Mr. Kennedy questioned whether the berm has affected the watercourse. He asked whether the application for the permit is ready to be acted upon if the Commission decides there has not been a significant impact that would require a public hearing.

Mr. Laiuppa reported that there appears to be no direct impact to the watercourse. He detailed the outstanding items required for the permit.

Mr. Stebe asked if the berm is within the area of the topsoil that was moved for construction, which Mr. Keane confirmed.

Mr. Anderson commented that, if the Commission voted that there is not a significant impact, the members could vote on the permit itself.

A discussion was held between Mr. Laiuppa and Mr. Kennedy regarding the amount of information received thus far, the definition of significant impact, and the fact that the plans show there has been material added.

Mr. Prause stated that Connecticut has the Inland Wetlands and Watercourses Act, and before any work is done in wetlands or the upland review area, a permit must be granted. He noted that the applicant has not followed that process.

Mr. Prause and Mr. Laiuppa engaged in a discussion about the square footage of the berm, the fact that there is no functions report, and the fact that the stream in the applicant's yard floods at times. Mr. Prause, Mr. Laiuppa, and Mr. Keane also discussed the area, which includes Buckland Pond, and the course of the stream.

Inland Wetlands Permit – Determination of Significance (2019-096)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2019-096 may have a significant impact on the wetlands and will therefore require a public hearing. Ms. Scorso seconded the motion and all members voted in favor.

MANCHESTER HISTORICAL SOCIETY – For air conditioning of existing office and display spaces, requiring up to 16 condenser units on the roof at 175 Pine Street. – Historic Zone Site Development Plan Modification (2019-104)

Mr. Jack Prior, President of the Manchester Historical Society, introduced himself. He informed the Commission that there is currently no air conditioning in the building, and they are seeking to install air conditioning and upgrade the heating system. They have received a grant from the State for these items. The Cheney Brothers National Historic District Commission reviewed the upgrades and recommended approval.

Mr. Gerry Gallo, Operations Director for the Manchester Historical Society, projected the site plan for the Commission and described the locations of the planned condenser units. He noted that the plan is to replace all the heating units inside the building with air handlers that are gas-fired and to have air conditioning coils so that the building is usable throughout the year. The Historical Society applied for and received a bond allocation to replace the units, based on engineering provided along with cost estimates. He noted that, in the past, bids were much higher than the current engineering.

Mr. Gallo reported that the State Historic Preservation Office (SHPO) was satisfied with the current plan. The low roof was deemed to be too visible from Pine Street and the units were relocated. Mr. Gallo explained the units' locations and specifications in detail.

Mr. Prior stated that, from a historical standpoint, they are opting for the smaller units. He described the locations and the impact on the view from surrounding roads.

Mr. Prause noted that there were recommendations from the SHPO regarding the installation. He questioned whether those were mentioned in the presentation.

Mr. Prior explained that SHPO originally recommended that large tractor-trailer units should be placed on the ground. Subsequently, the organization has visited and they accepted these units, he noted.

Mr. Kyle Shiel reported that he had consulted with the Building Department staff regarding the dimensions, and they had no concerns about the size or the units being visible from the street.

Historic Zone Site Development Plan Modification (2019-104)

MOTION: Mr. Kennedy moved to approve the application for the installation of sixteen (16) air conditioning units for office and display spaces at the existing Manchester History Center at 175 Pine Street. Mr. Bergin seconded the motion and all members voted in favor.

WILLIAM GUINAN – Request a 5-year extension of the previously-approved subdivision 2014-065 at 424 and 436 Middle Turnpike East. – Extension of Previously-Approved Subdivision (2019-108)

Mr. Guinan reported that he had received a letter from the Planning Department several months ago reminding him that he needed to obtain an extension for a subdivision that was approved in 2014. He noted that he would like to sell the lot in the future.

Mr. Prause, referring to the map, asked for clarification on the subdivision.

Mr. Guinan described the lot and pointed it out as well as the surrounding area. He stated that he has no plans to develop the property, though he would like to sell the lot in the future.

Mr. Anderson explained that a special exception for a rear lot was granted in the past, which has since expired. Therefore, an application for a special exception would follow this extension, but it has not yet been submitted.

Extension of Previously Approved Subdivision (2019-108)

MOTION: Mr. Kennedy moved to approve the extension of the previously approved subdivision at 424 and 436 Middle Turnpike East for a period of five (5) years, until November 17, 2024. Mr. Bergin seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Mr. Laiuppa said that, at the last meeting, there was a request for updates on enforcement and inspections by the Planning Department. He proceeded to give a detailed quarterly overview. Mr. Laiuppa noted that there was a meeting regarding Marsh Pond with the interested parties. The Land Trust owns a portion of the pond and Mr. Brian Pelletier also owns a portion of the pond. Mr. Pelletier has expressed concern about sediment entering the pond during the spring of 2012, Mr. Laiuppa said, noting that the sediment entered on the Land Trust portion of the pond. He noted that there was a brief conversation about the source of the sediment and ways to prevent such a situation in the future. The group discussed informing the Town when sediment is observed building up in the catch basins, Mr. Laiuppa said.

Mr. Laiuppa stated that there was a discussion about the Town's MS4 permit and the prioritization required by DEEP of certain areas over others. The Town Engineer had explained that the Marsh Pond area, based on DEEP criteria, is considered a low priority area and is near the bottom of the list.

Mr. Laiuppa also reported that Center Springs Pond was discussed. He explained that the area is stabilized.

Ms. Potocki, referring to the MS4 permit for the Town, dated 2017, asked how frequently the catch basins are being cleaned. She asked if the MS4 permit requires more frequent cleaning for priority areas.

Mr. Laiuppa explained that the catch basin cleaning schedule is annual, regardless of the MS4 permit requirements. He stated that the MS4 permit requires more frequent cleaning, but also includes improvements to outfalls if needed. It is a more thorough inspection of the system on the priority sites.

Ms. Potocki stated that she was not able to find the phone number to report sediment-laden storm water being discharged. Mr. Anderson replied that any catch basin concerns can be reported to Public Works. He explained that, on the front page of the Public Works Department website, there is something called “Mark-It,” which is a citizen reporting tool for all platforms.

Mr. Stebe also reported that the Town homepage has a link to “Report A Problem.”

Ms. Potocki surmised that Planning and Zoning is involved in the MS4 process, which Mr. Anderson confirmed. She asked whether the Commission should be involved. Mr. Anderson informed Ms. Potocki that staff will provide her with an update at the next meeting.

APPROVAL OF MINUTES:

October 21, 2019 – Public Hearing/Business Meeting

MOTION: Mr. Kennedy moved to approve the minutes as written. Ms. Scorso seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

MANCHESTER COUNTRY CLUB – Inland Wetlands Permit (2019-114) – To selectively remove trees to the south of the 13th hole, remove stumps, and plant fescue grass blend and understory flowering trees at 535 South Main Street.

The Chairman closed the business meeting at 8:10 P.M.

I certify these minutes were adopted on the following date:

November 18, 2019
Date

Eric Prause, Chairman

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