

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
SEPTEMBER 16, 2019**

**ROLL CALL:**

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

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 Public Hearing at 7:07 P.M. The Secretary read the legal notice when the call was made.

KENNETH BOYNTON – (continued from September 4, 2019 – Proposed 44-lot residential cluster subdivision served by sanitary sewer and public water at 426 Wetherell Street. - Inland Wetlands Permit (2019-036); Subdivision (2019-037)

KENNETH BOYNTON (continued from September 4, 2019) – Request a Special Exception per Art. II, Sec. 3.02.04 for a municipal utility structure (water pump house) in connection with the proposed Bayberry Crossing cluster subdivision at 426 Wetherell Street. – Special Exception (2019-088)

Mr. James Ericson, Vice President, Lenard Engineering, introduced himself and stated that he manages the firm's Water and Sewer Division.

Mr. Ericson summarized a September 9<sup>th</sup> meeting between Town staff and the design team, and explained the applicant's water plan. Comments that came in on September 12<sup>th</sup> asked for three additional lots to be connected to the high pressure area and the relocation of the pumping station. He explained the two major topics in the meeting with the Town: 1) water pressure, and 2) various requirements for water pressure. Mr. Ericson detailed the State and Town regulations that must be met. He referred to the discussion with Town Staff about the requirements in the building code.

As a result of the September 9<sup>th</sup> meeting with Town Staff, the applicant developed two tables, breaking down the pressures into two zones, which he explained in detail.

Mr. Ericson referred to the low service zone and whether, without individual booster pumps, the applicant meets published Town and State standards, the results of which he explained. Recognizing that these pressures meet minimum requirements but not comparable with the high pressure zone, the applicant has agreed to install individual booster pumps to provide higher pressure.

Without the booster pumps, the applicant still meets the Town's Water & Sewer pressure minimum standard regulations, the State Health Department's pressure requirements, and the State Building Code pressure requirements, according to Mr. Ericson. The applicant will also upsize the booster pumps in the centralized pumping system to provide a higher pressure than required by regulation. He noted that the fire flows have been approved by the Fire Marshal.

Attorney Famiglietti reported that, ultimately, the Water & Sewer Regulations provide that the Water Department Administrator has the authority to permit the individual booster pumps. Based on the Engineering Department's comments dated September 12<sup>th</sup>, the applicant has no objection to any plan modifications that they requested, including relocating the pump station. Under Article II, Section 3.02.04 of the zoning regulations, a special exception is required for the municipal pump station, the details of which were described. Additionally, Attorney Famiglietti discussed the regulations regarding the reduction of frontage which will be needed on Lots 2 through 13, to 97.75 ft. per lot. All considerations regarding the special exception were explored.

Regarding noise from the pump station, Attorney Famiglietti noted that there will be very little noise when the generator is not operating. There will be an emergency generator in the event of a power outage, which will periodically be tested. She explained the noise level as described by Mr. Ericson. In addition, the parking layout for the pump station was detailed.

Attorney Famiglietti referred to the wetlands application, and reminded the Commission that the topic was discussed thoroughly at the prior meetings. She reiterated the testimony from Mr. George Logan, President of REMA Ecological Services, as well as the loss of lots which would occur if the basin were relocated. Attorney Famiglietti urged the Commission to recognize the plan as a reasonable offer on behalf of the applicant, given that they are meeting or exceeding the published regulations.

Attorney Famiglietti explained the regulations regarding the installation of individual booster pumps by the builder along with the future requirements of the homeowners, who would have full responsibility for the future ownership, maintenance and repair of the boosters. She reported that they have addressed all of the concerns as set forth. The proposal may not be the Water Department's preference; however, it complies with all regulations, she said. She stated that they meet the zoning requirements, including the special exception criteria, all the underlying zoning requirements for the proposed cluster subdivision, the subdivision requirements, the wetlands requirements, and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and they meet and exceed the published Water Department regulations.

Mr. Stebe questioned the proposed relocation of the pump house as well as adding three properties, though those properties were not enumerated, which Attorney Famiglietti explained. He referred to the comment about the increased cost if the pump house were designed to cover all lots. Mr. Stebe asked for a description of the cost vs. the increased cost.

Mr. Ericson described the current proposed pump house and stated the estimated cost to be \$100,000. He estimated that hooking all homes to the pump house would cost approximately another \$150,000 for the additional pipe for fire suppression use, and doubling the pump size would add another \$50,000 to \$100,000. Installing booster pumps would cost approximately \$36,000.

Mr. Stebe questioned whether a larger pump station would incur a functional cost difference in maintenance, which Mr. Ericson confirmed.

Mr. Stoppelman asked Staff whether it would make sense to get approval from the Water Department for the individual booster pumps. Mr. Anderson noted that is not in the Commission's purview. Approval of booster pumps was under the discretion of the Water Department Administrator.

Ms. Potocki reported the information she had received from independent plumbers regarding water pressures and independent booster pumps.

Mr. Ericson reiterated the expected pressures.

Ms. Potocki said she assumed there has been no discussion of a reduction in the number of lots, which Attorney Famiglietti confirmed.

Mr. Bergin inquired what would happen in the event of an outage to the individual booster pumps and whether such an outage might risk backflow.

Mr. Ericson listed scenarios where a booster pump may fail and explained that the pressures would revert to what is in the Manchester water main, which would still comply with the regulations. The homeowner would be responsible for the repair of their pump. Individual backflow preventers are mandatory by code.

Referring to the comment that the applicant is willing to go above and beyond the minimum standards, Mr. Bergin questioned whether Attorney Famiglietti was referring to the booster station.

Attorney Famiglietti explained that the applicant would be willing, with the Water Department's cooperation, to go above and beyond the published requirements, and she hopes the Commission makes a recommendation to the Water Department to permit individual booster pumps on the 18 homes that are not part of the centralized system.

Mr. Stebe sought confirmation that the current plan would not include pumps on the low pressure houses if the Commission does not add requirements to the application.

Attorney Famiglietti stated that the plan must be that the low zone lots do not require anything other than what is proposed to meet the minimum requirements of the regulations. However, if the Water Department will approve it and the Commission recommends, the applicant has agreed to install the booster pumps. If the Commission requires the individual pumps, it becomes a condition of approval.

Mr. Kennedy was of the opinion that the booster pumps should be part of the approval because it has been offered by the applicant.

Attorney Famiglietti stated that the applicant is committed to the individual booster pumps and they would have no objection to the Commission approving the application with the booster pumps.

Mr. Prause asked Mr. Kearney, Water and Sewer Administrator, what the process for approval from the Water Department would be if the Commission puts the individual booster pumps in as a condition of approval.

Mr. Kearney reported that booster pumps are normally installed in isolated situations. He stated that the new water system to be installed is marginal. Half of the development would be on a booster station maintained by the Town of Manchester Water & Sewer Department; the other half will be on their own individual booster stations. He understands the cost factor to the developer, but the result will be one group with consistent pressure that is maintained by the Town. The other group will have booster pumps with backflow preventers and when the power goes out, they will have less water and a backflow device that reduces pressure by 6 lb.. Additionally, those on the individual booster pumps will be paying the same for their water as those who are on the Town maintained station. The Town will have to test the backflow preventer and do an inspection annually, at a cost.

In addition, according to Mr. Kearney, the regulation is not necessarily what a developer should design to. It meets a minimum requirement of the Health Department. Mr. Kearney acknowledged that the public improvement standards have not been updated in quite a while and a previous draft would be a higher requirement. He had a detailed discussion with Mr. Prause about the water pressure standards.

Ms. Potocki reminded the Commission that, if the plan is approved, the Town will take ownership of the pump station and she is worried about liability for the 18 homes with marginal pressures and booster pumps. In a special exception, the Commission considers public health, safety, and convenience.

Mr. Kearney stated that the design for the pump station is not what the Water & Sewer Department currently has, and there are issues that need to be rectified. However, it does not appear that the Water & Sewer Department concerns will be addressed until after the approval.

Mr. Prause reminded Mr. Kearney that the applicant has suggested that the Commission adopt, as part of the approval, a positive recommendation from the Water Department about installing individual booster pumps at these homes as being a reasonable and recommended practice. Mr. Prause questioned how that would be handled by the department.

Mr. Kearney stated the issue is that either the individual booster pumps will be installed, giving decent water pressure, or they will not be put in and he will be viewed as “the bad guy” for recommending they not be installed.

Mr. Stebe sought clarification of the potential effects on the houses on Wilson Way and Mr. Kearney reported they will be miniscule.

Mr. Bergin questioned whether the homes will have hot water in the event of a power outage, to which Mr. Kearney replied he assumed people would not do laundry or take showers at that time.

Ms. Potocki questioned the number of booster pumps within the town and Mr. Kearney reported that they are few and far between.

Responding to a comment from Mr. Stebe, Attorney Famiglietti and Mr. Ericson again described the design, testing and pressures expected.

Mr. Stebe calculated the profit to the developer and stated that, in his opinion, the applicant should be able to make adding all homes to the pump station work. He speculated about the impact to sales of the homes with the individual booster pumps.

Attorney Famiglietti reported that the developer is confident all lots will be sold.

Ms. Potocki reported that the plan will burden the Town infrastructure and resources, with which Attorney Famiglietti disagreed.

Mr. Prause asked Staff whether there had been a conversation with the Town Attorney about what is in the Commission’s purview regarding the subdivision and what criteria should be considered, as well as the special exception regarding the pumping station.

Mr. Anderson clarified that the Commission is to consider the subdivision regulations, and noted that, with one clear disagreement regarding the water service, the applicant is meeting the regulations. The special exception in this case is related only to the pump station structure.

Referring to the applicant’s individual pump station plans, Mr. Kennedy stated that they are part of the subdivision application, not the special exception.

Mr. Prause noted that there had been a discussion at the last meeting about having the evergreen plantings outside of the fencing, with Attorney Famiglietti confirming. He questioned whether the applicant is seeking a modification related to the proposed change in the lot sizes.

Attorney Famiglietti reported they are part of the submitted plan.

Mr. Anderson suggested that, if the Commission issues an approval, there should be a notation mentioning the regulation.

Mr. Bordeaux referred to outstanding Staff comments from the Engineering Division, most of which are minor and technical. The outstanding Staff comments will be related to the remainder of the plan, two of substance being: 1) relocating the pump station at the request of Staff, which

has been accommodated, and 2) a request for a condition of the approval stating that the plans for the pump house would be submitted to, and reviewed and approved by, the Water & Sewer Department. His recommendation is to defer to the Water & Sewer Department's review and approval.

Mr. Stebe and Mr. Bordeaux held a discussion regarding the access road in the area of the pump station.

Mr. Prause commented that the Public Improvement Standards should be updated.

The Chair opened the meeting to comments from the public.

Ms. Laura Edwards, 99 Tanner Street, introduced herself. She gave a detailed report on wetlands and referred to Wetland D being classified as low functioning. Ms. Edwards questioned the health of that wetland, acknowledging that the plan is to make the wetland higher functioning. She questioned whether the increased functionality will make Wetland D at least as healthy as or healthier than it is currently. Ms. Edwards inquired about any recourse the Town would have to maintain the health of that wetland.

Mr. Bordeaux reported one e-mail that had been sent to Mr. Laiuppa from Edward Stearns of 32 Wilson Way, noting his disapproval of the pump house, stating that he has had low pressure as long as he has lived in the house, and expressing his concern that his pressure will get worse. Mr. Bordeaux reported that Mr. Ericson's testing found that there should be no notable decrease to any existing homes.

Attorney Famiglietti reminded the Commission that Mr. Logan spoke at length about the current condition of Wetland D and the potential for a better wetland state if the property is developed.

**MOTION:** Mr. Kennedy moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

URBAN LODGE BREWING – Request a Special Exception per Art. II, Sec. 15.02.04 to allow outdoor entertainment (bands/musicians) at 45 Purnell Place. – Special Exception (2019-090)

Mr. Michael Gerrity, owner of Urban Lodge, introduced himself. He explained that their outdoor patio has been well received, and they propose to add primarily acoustic music. The proposal's location and hours were detailed and comply with the regulations, according to Mr. Gerrity. Local restaurants nearby have reported an uptick in sales because of Urban Lodge.

Mr. Prause asked whether, as a brewing company, they can only operate until 10 P.M. and Mr. Gerrity said they close at 10 P.M., though there are no regulations requiring them to close at that time.

Mr. Stoppelman questioned whether the speakers could be aimed toward the building.

Mr. Gerrity explained that there is no way the speakers could face the building, and according to information he received regarding acoustics, the sound would bounce off the building and potentially create more noise.

Mr. Prause asked for information about abutting properties, which Mr. Gerrity described in detail.

Mr. Stebe stated that the Commission must take into account the impact of lighting and sound directed away from adjacent properties. He questioned how the sound will be regulated.

Mr. Gerrity assured the Commission that the sound will be controlled by the band and will be monitored by staff. The music will most often be easy listening.

Mr. Prause assumed the Police Department would monitor the sound, though Mr. Anderson explained that the Health Department is the correct department.

Mr. Bordeaux reported that Staff has reviewed the application and there is nothing outstanding. He confirmed Mr. Prause's statement that there is nothing in the regulations that requires a detailed analysis of the potential noise.

There were no members of the public to speak on the application.

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

HARIHARAN KUPPURAJ – Request a zone change from Rural Residence to Business II zone at 30 Bidwell Street. – Zone Change (2019-091)

Mr. Hariharan Kuppuraj, owner of 30 Bidwell Street, introduced himself. Mr. Kuppuraj stated that he is seeking a zone change from Rural Residence to Business II. He pointed to the zoning map and described his property and the surrounding zones. Mr. Kuppuraj explained the various uses for his proposed building.

Mr. Edward Samuel, Architect, introduced himself. Mr. Samuel presented a picture of a building that is similar to what has been proposed. He informed the Commission that, for the purposes of this meeting, he used the building code for a bowling alley as well as that parking requirement. He appreciated the cooperation of Town Staff.

Mr. Prause questioned whether there will be one large area with one office space in front.

Mr. Samuel explained the size of the open space will be about 13,200 sq. ft. and the front area will be approximately 1,800 sq. ft., which calculates to an occupancy of 40 people. He explained how that correlates with the zoning for a bowling alley.

Mr. Prause asked about the general appearance of the building, which Mr. Samuel explained.

Mr. Kennedy commented that this would be an isolated business parcel if approved. He questioned the rationale of changing the parcel to Business II when it is surrounded by residentially zoned parcels.

Mr. Samuel, after fielding comments from the public, attempted to explain the rationale.

Mr. Kennedy impressed upon the applicant that, if a zoning change is sought within an area that is dissimilar, there must be a reason to approve the change. He questioned what would be unique enough about this situation that there should be a Business II zone that is not contiguous to any other Business II zone or any business at all.

Mr. Kuppuraj stated that a tennis club is proximate to a residence, and that is a similar concept to what has been approved.

Mr. Samuel stated that the proposal will be compatible with the neighborhood, though not contiguous to another Business II zone.

Mr. Prause questioned the purported compatibility. He inquired about the scale of the building compared to the other businesses in the area as well as the residences. He asked about the building elevation and overall size.

Mr. Prause questioned details of the parking and Mr. Kuppuraj explained in detail.

Mr. Kuppuraj reported that the building is 100 ft. x 250 ft., approximately 30 ft. high.

Mr. Bordeaux reported that there were no outstanding comments from Staff.

Mr. Prause noted the proposed character map, which is part of the Plan of Conservation and Development. He questioned whether both the existing lot below and 30 Bidwell Street itself fall under the Traditional Suburban character. Referring to the existing tennis facility, he asked whether it would be covered under the Traditional Suburban character area in the Plan of Conservation and Development.

Mr. Kuppuraj asserted that it will be under the Suburban character area.

Mr. Prause stated that the Plan of Conservation and Development describes the traditional suburban character as a mixed use but primarily residential neighborhood consisting of single family, duplex housing and some multi-family buildings. Streets are typically in a grid pattern and are shaded by street trees. Most streets have sidewalks and most housing is within walking distance of public transit, a neighborhood school and a neighborhood center or corridor. Structures are typically one or two stories and residential densities range from 3 to 10 units per acre.

Mr. Kuppuraj stated that the proposal is similar to the tennis facility. It is a well-contained indoor facility just for practice with an expectation of 40 people.

Ms. Potocki asked how the applicant would seek to integrate the facility into the neighborhood, not just in terms of architecture, but in terms of landscaping.

Mr. Samuel asserted that there will be plenty of room for landscaping and other facilities. He acknowledged that the plan has not been extensively developed and they are open to input from the neighborhood.

Mr. Stebe acknowledged that the applicant made a valid point that the tennis court is similar in functionality. The property is primarily surrounded by duplexes and condominiums and Mr. Stebe questioned how the proposed business fits in with the surrounding properties. Mr. Stebe summarized his question as how the proposal will fit in the larger picture as a Business II property.

Mr. Samuel reported that there are many options for the storefronts.

Mr. Kuppuraj explained that he also owns A Grade Ahead, an after-school math and English enrichment program. His center is currently at 543 North Main Street and he plans to relocate that business to the new location.

Mr. Prause noted that it is interesting that there will soon be a cricket field on the north side of town along with the proposal for an indoor facility. He questioned the market for the indoor site.

Mr. Kuppuraj replied that an indoor training facility is needed year-round.

The International Cricket certified Level 1 coach stated he has been training children for cricket over the past several years. He has volunteered his time to help with the new cricket field here in Manchester. He gave a brief history of the game of cricket, and stressed the benefits of sports for children.

Mr. Prause opened the hearing to the public.

Mr. Shawn McGann introduced himself as the husband of Nancy Andrusis, the owner of 34 Bidwell Street. He explained the history of his historic property. Mr. McGann explained his strong opposition to the proposal.

Mr. John Theriault, 806 Hartford Road, introduced himself. Mr. Theriault expressed his concerns over the traffic, considering the proximity to Manchester Community College (MCC) and the Ansaldi Company.

Mr. Matthew Carrera, 798 Hartford Road, introduced himself. Mr. Carrera understood the need for sports facilities for children, but stated that there is very little space for the proposal. The hookah lounge adjacent to the condos attracts undesirable people from nearby towns, and is open until 3 A.M.

Mr. Mike Murphy, 806-C Hartford Road, introduced himself. In his opinion, the building will be far too large and out of scale.

Mr. Harry Nichols, 798B Hartford Road, introduced himself. He reported that the applicant has not maintained the property to date. Additionally, the traffic from MCC and Ansaldi's is already a problem. Mr. Nichols reiterated the difficulties at the surrounding businesses.

Ms. Govea, Bidwell Commons, introduced herself. She stated that there are many sport areas nearby and she does not believe the proposal is necessary.

Ms. Melissa Dubay, 798D Hartford Road, introduced herself. She detailed the properties in the area, discussed her view from her deck with the proposal, and noted the accidents at the location.

Mr. Shawn McGann reiterated his serious problems with the proposal.

Mr. Kuppuraj detailed his plans to alleviate lighting, traffic and noise issues. He reiterated that they will have proper setbacks and the height of the building is within the height permitted in the regulations.

Mr. Samuel appreciated the public comments and said he believes the proposal will be an asset to the neighborhood.

Ms. Beverly Carson, 812 Hartford Road, introduced herself and said she agrees with the concept, but not the location. Speaking on behalf of all 17 condo owners, she said this is not acceptable in the neighborhood.

Mr. Nichols stated that he does not understand why every acre of land must be built on.

Ms. Claudette LaChance, 816C Hartford Road, introduced herself and stated that she has lived at that location for 10 years. She explained that they have enjoyed looking over the farm and hearing the rooster and feel the area should remain residential.

Mr. Kuppuraj stated that, in his opinion, the property values will increase with this proposal.

Mr. Kennedy explained that, when applying for a zone change, it is not just for the applicant, but what a future owner might want to do in the future. He questioned whether there has been any traffic analysis.

Mr. Samuel stated that he has looked into the traffic situation, using data from other places and the bowling alley analysis from various towns. There would be no disturbance for the peak periods of traffic. He explained that he is looking at bowling alleys because that use is in the International Building Code. He stated that whatever is built will be better than the bowling alley regulations require.

Mr. Kennedy suggested a permitted use that is not anything like cricket or a bowling alley, some other type of business that would be permitted in the BII zone. Mr. Samuel stated that has not been analyzed.

Mr. Kuppuraj stated that if the Town were to give them a zone to utilize, they would use that zone, though BII is the only zone available within the zoning regulations which can permit the proposed use.

Ms. Nancy Andrusis, 34 Bidwell Street, introduced herself. She thanked the residents of the condos that have supported the cause.

Ms. Dubay reported that she has lived in her condo for 10 years, and the front of her condo faces Bidwell Street, with her deck facing the farmland. She explained that within the first week of MCC classes, there were two accidents where the police were called. People have removed

signs and there are constant accidents, and she speculated on how many more accidents there will be when vehicles are pulling out of the proposed parking lot.

Mr. Theriault asked the Chairman why the applicant bought this particular land if he knew he wanted to build a cricket facility.

Mr. Carrera noted that the applicant is seeking to build a 25,000 sq. ft. building on less than 2.7 acres of land. He asked if the commercial zoning regulations require at least 4 acres or something similar. Not only does the applicant request to change the zoning from residential to commercial, they also want to change the commercial application to build something on that small of a parcel of land, he stated.

Mr. Anderson explained that the issue at this meeting is the zone change. If the Commission approves the zone change, they will be approving any of the uses that are allowed in the zoning regulations. Any structure built in that zone would have to meet the requirements of that zone. Though the applicant has presented their plan at this meeting, the Planning & Zoning Commission will not be deciding that at this meeting.

Mr. Kuppuraj explained that they will have cameras within the building, improving the security and safety of the area.

Mr. Anderson added that the use would potentially be as of right. If the zone change were approved, they would be able to build this type of structure without additional permits from the Commission.

Mr. Prause stated that it would still need to meet the requirements and go through the Planning Department.

Mr. Samuel asked if it is possible to get a variance with another zone. He noted they had studied the zoning regulations very carefully; this is the only zone that would permit their plan.

Mr. Anderson explained that an applicant looking to change the zoning or do something outside of the zoning can (1) request a zone map amendment, (2) change the text requirements in a certain zone to allow this type of thing in that zone, or (3) apply for a variance from the Zoning Board of Appeals, reporting that they do not meet the zoning regulations and have a special situation (a hardship).

Mr. Samuel noted that they had gone through those scenarios.

Mr. Harry Nichols expressed that, if the zone change were approved, future owners could utilize any use permitted in the Business II zone.

Mr. Carrera observed this to be an entity purchasing a residential piece of property, trying to flip it to commercial property and make a profit. He reported that there are no architectural plans for the proposal and, in his opinion, it will be sold as commercial property in the future.

Mr. Bordeaux reported that he had received two public comments via e-mail:

Judy Hunter, 806E Hartford Road, expressed her concern regarding the noise and peacefulness.

Terry Dyal, 812D Hartford Road, expressed concerns about the project and commented on the commercial operations across the street (the hookah lounge and barber shop).

**MOTION:** Mr. Kennedy moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

I certify these minutes were adopted on the following date:

October 7, 2019

\_\_\_\_\_  
Date

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

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