

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 4, 2019**

ROLL CALL:

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

Alternate Member Sitting: Julian Stoppelman

Alternate: Bonnie Potocki

Absent: Teresa Ike
Jessica Scorso

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 7:00 P.M. The Secretary read the legal notice when the call was made.

KENNETH BOYNTON – (continued from August 12, 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 – 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)

Attorney Dorian Famiglietti, with Kahan, Kerensky & Capossela, introduced herself as representing the applicant. She explained that the original plans called for the pump station on the lot next to the detention basin. After the applicant learned that the pump station needed to be on a separate lot, the location had to be moved to a separate, stand-alone lot, which triggered the special exception requirement.

Attorney Famiglietti referred to a prior meeting which left unanswered questions regarding a review of feasible and prudent alternatives. After review, the applicant has determined that the proposal is the most feasible and prudent alternative for developing the property, she said.

Mr. George Logan, President of REMA Ecological Services, introduced himself. He revisited the key points regarding Wetland D. Mr. Logan stated that it is his professional opinion that Wetland D is a low-functioning wetland and detailed his findings. A report dated August 22 to

Mr. Peterson was explained. Mr. Logan delineated the difference between a wetland and an upland. In his opinion, the area would be completely overtaken by invasives, he said. The shrubs and trees, as they would proliferate in this wetland, would greatly increase evapo-transpiration and dry the wetland out, creating an ecological cascade effect, and he explained the future harm. Additionally, Mr. Logan detailed the scenario presented, which would result in much higher functioning wetlands.

Mr. Eric Peterson, Professional Engineer, Gardner & Peterson Associates, introduced himself. He stated that he would report the alternatives that were considered to the disturbance in Wetland D that is proposed for the application. Mr. Peterson detailed the disturbances as follows:

- A future road stub to the land-locked western parcel. Regulations require access to a parcel of that nature.
- The storm water basin, which he pointed to.

Mr. Peterson explained the various options for moving the basins, detailing the issues with each move. He explained that there are many factors influencing the various options, one of which would be that it is not economically feasible and they would not be gaining an environmental benefit.

Mr. Peterson also referred to a “no build” scenario on the westerly side of the property. The question becomes what would have to be done if a detention basin was not built on the westerly side of the property. In that event, the applicant would be restricted to building any new impervious coverage, as in roads, sidewalks, driveways and houses, on the westerly portion of the property, preventing a connection from Bayberry Road to Wilson Way.

Referring to Mr. Logan’s report, Mr. Peterson said that Wetland D has minimal functions and values at this time and would have even less in a few years if this area is left alone. Therefore, the alternative chosen was to place the basin as far south as possible without being immediately uphill of the house at 89 Bayberry Road and while still being able to connect to the drainage system using the minimum allowable slope from exiting the basin to the existing system. Mr. Peterson reminded the Commission that the applicant is required by the zoning regulations to provide future access to the land-locked parcel immediately abutting the property.

Ms. Potocki questioned Mr. Peterson about whether low-impact development techniques were considered during the design of this cluster development to allow for storm water infiltration to prevent the need for a storm water basin.

Mr. Peterson reported that they had researched the Public Improvement Standards, which require a 100-year reduction in peak flow. Low-impact development measures are typically used in areas where the ground water is low and the bedrock is low, to store rain water underground. In this case, Mr. Peterson explained, that would not be practical and they could not control peak flows for a 100-year storm using those practices without the use of a storm water wetland and storm water basin.

Ms. Potocki asked Staff if they had reviewed the alternatives prior to tonight’s meeting. Mr. Anderson replied that they were just presented.

Mr. Stebe noted that one of the options mentioned was the need for a pump. He acknowledged that it was mentioned as an expense, and he sought clarification. Mr. Peterson reported that the expense is part of this project. If it is spread over 44 lots vs. 75% of 44 lots, that expense on a per-lot basis is greater.

Attorney Famiglietti acknowledged that the regulations talk about prudent and feasible alternatives, noting that “feasible” means whether it can be done from an engineering standpoint, and “prudent” does contemplate economic impact. She noted that it is important to consider what is reasonable. Attorney Famiglietti reported she is trying to impress on the Commission that the applicant must complete the infrastructure with water and sewer. That cost is going to be part of developing this project, whether there are 44 lots or 75% or 50% of that. Spreading the cost over 44 lots, Attorney Famiglietti acknowledged, makes the lots more marketable in terms of development and sale. If the applicant must reduce the number of lots and lose the loop road by moving the basin, they must absorb the same infrastructure cost over fewer lots, which she reported may be prudent in some situations. Attorney Famiglietti said it is not prudent in this situation, noting the testimony regarding Wetlands D, and she questioned the environmental benefit of preserving the marginal quality wetland.

Mr. Stoppelman, noting that the proposed location for the detention basin is above the land-locked property, questioned whether it would affect the development of the property.

Attorney Famiglietti did not believe it would affect that property. Because there is no development on that property at this time, a dam permit is not necessary if the basin is located at the proposed location. She noted that it does not preclude development of that property in the future.

Mr. Stoppelman questioned who will maintain the property where the paper street is designated. Mr. Peterson reported that the paper street will be deeded over to the Town when the Town accepts the roads.

Acknowledging Attorney Famiglietti’s legal analysis, Ms. Potocki stated that, according to the Connecticut General Statutes, the factors for consideration under Sec. 22a-41 do not address economics.

Attorney Famiglietti stated that, in her opinion, it is part of the definition of what is prudent. It is one consideration to be viewed in light of what is reasonable under the circumstances. She stated that there are other factors besides just economics. In this scenario, in the professional’s opinion, there is no environmental incentive to saving Wetland D because it is, at best, a marginal, poorly-functioning wetland which will be significantly enhanced by the alteration to a man-made storm water basin, stated Attorney Famiglietti.

Ms. Potocki noted that it will not be a self-sufficient wetland, but rather a storm water basin that the Town will take ownership of and maintain. It is not a natural wetland that will maintain itself or create its own hydrology; it is a storm water structure.

Mr. Logan reported that he has been in the business for more than 30 years and, in his professional opinion, storm water wetlands that have been created are regulated by this Commission under the Wetlands Act. The proposal is a much more stable and self-sustaining hydrology because there will be a normal pool and below that is an area where water will collect. Therefore, Mr. Logan explained, the hydrology is self-maintained. Under the proposed scenario, he noted, there will be a stable wetland hydrology. The proposed scenario cannot be compared with the existing scenario and future scenario of ceasing any mowing of Wetland D, he said. One will dry out and the other will remain wet.

Mr. Prause asked if there will be increased volumes in Wetlands A, B or C, and referred to the addition of a buffer area around one of the wetlands.

Mr. Logan explained that Wetland A, the wetland that is a verified vernal pool habitat, has a small buffer currently, so they are increasing the buffer to encompass the entire vernal pool envelope, which is 100 ft. from the edge of the standing water. He detailed the steps to be taken. He referred to Wetland C, where the applicant will be creating another wetland next to it. Mr. Logan described the other measures to be taken concerning the wetlands.

Ms. Potocki inquired whether there were comments from Staff on the test pits or in response to the memo provided to the applicant. She also questioned the data provided for the test pits. Mr. Laiuppa reported that his comments regarding wetlands have all been responded to. The largest outstanding comments were related to feasible and prudent alternatives, which he noted were discussed at the current meeting. He stated that the comment about the test pits was to provide additional soil information at a higher level of detail.

Mr. Bergin noted that he followed the alternative scenarios except the one about moving the detention basin northerly. He heard the comment about not connecting to Bayberry Road but did not hear why it would not connect.

Attorney Famiglietti explained that, if the basin is moved northerly, out of Wetland D, they cannot engineer it to connect and drain appropriately.

Mr. Peterson reported that, moving northerly along the westerly property line, the elevation gradually goes lower, and he explained the engineering behind the decision. He and Mr. Bergin had a conversation about the details of the engineering.

Attorney Famiglietti reiterated that the professional's opinion is that the proposal is the most feasible and prudent alternative for the parcel.

Mr. Peterson reported that the parcel is 30 acres, mostly grass field with wooded areas along the perimeter. The site is located at the top of a hill and he said the drainage divide starts at Wilson Way and goes south. He went on to describe the proposed roads, the abutting properties, and the plans for extending two cul-de-sacs. Mr. Peterson detailed why they are requesting a design waiver as outlined in Sec. 3.01.02 of the Public Improvement Standards for the modification of the proposed grading in the shoulder of the road near the current end of Wilson Way. According

to Mr. Peterson, public safety staff delineated the first portion of the development. He further described the second and third phase of the road construction.

The plan calls for 44 new building lots ranging from 12,000 to 30,000 square feet, Mr. Peterson explained, with the dedication of 10.51 acres of open space, which is 34.6% of the overall parcel area. He reported that the open space dedication excludes the parcel containing the storm water basin on the westerly property line. Mr. Peterson noted that all the lots will be served by public sewer, public water and natural gas, which currently terminate at the end of Wilson Way. Due to the proposed water pumping station, Mr. Peterson explained, they are requesting a special exception for a municipal utility building per Art. II, Sec. 3.02.04 of the zoning regulations, which refers to standards listed in Art. II, Sec. 2.02.13, stating that the pump station shall not be located within 150 ft. of an existing house. He displayed the plans for the pump station. Mr. Peterson paraphrased further requirements for the pump station.

Mr. Peterson reiterated that the site is located at the top of a hill and most of the precipitation that falls on the parcel runs off either to the east or west. To ensure the project will not increase runoff in any direction, the applicant submitted the calculations to Staff for all drainage areas, according to Mr. Peterson, the designs for which he detailed. He reported that, since the last meeting, Staff comments have been addressed, most of which involved alterations to and beneath the roads. Mr. Peterson explained the erosion and sedimentation protection measures.

Mr. Stebe questioned whether the access roads will be paved and where the retaining wall is. He referred to several comments by neighbors about water sheeting.

Mr. Peterson responded that the access roads were planned to be below the level requiring pavement. He pointed out the location of the retaining wall, which will be located within the 50 ft. right of way. The wall moves the sidewalk closer to the street, according to Mr. Peterson, and he explained the effects on the sidewalk. Referring to concerns about runoff water, he explained why there is a much larger watershed in the current conditions as opposed to the proposed conditions.

Mr. Stebe questioned the dimensions of the retaining wall. Mr. Peterson reported that the wall at each end is minimal, but at its highest point, it is a little over 6 ft. high.

Mr. Stoppelman stated that there was a comment about seeking a special exception for the pump station 150 ft. from the nearest property. Mr. Peterson reiterated that part of the criteria that must be met in the zoning regulations is that the pump station building cannot be within 150 ft. of an existing house. Mr. Anderson explained that the 150-ft. regulation is to protect the existing homeowners from a drastic change, having a utility building that they are not expecting.

Mr. Prause commented on the evergreen screening and questioned whether there will be fencing. Mr. Peterson explained that it is part of the requirement, so they will be including fencing. Mr. Prause questioned whether there needs to be a modification of the proposed plan, and Mr. Peterson concurred.

Mr. Prause asked about what fencing will be specified. Mr. Peterson said he understood that it is stated in the regulations. Mr. Prause acknowledged that Art. II, Sec. 2.02.13 calls out at least 6 ft. high fencing to create a visual screening. Considering the evergreen plantings, chain link fencing would be appropriate, according to Mr. Peterson. After conversing with the applicant, he stated that they would agree to vinyl fencing parallel to the screening shown.

Mr. Bordeaux offered to look at other examples around town, in an effort to determine if there is a standard that would be more appropriate.

Ms. Potocki referred to a design waiver from the Public Improvement Standards and questioned what other options were considered besides two storm water basins. Mr. Peterson reported that the design waiver has nothing to do with storm water basins. Ms. Potocki stated he could have proposed another design waiver in the event that the applicant decided not to do two storm water basins. Mr. Peterson explained that it is the applicant's intention to design the project to meet the Public Improvement Standards as much as possible and the public improvements will be turned over to the Town of Manchester.

Ms. Potocki repeated the question about whether the applicant considered anything other than two storm water basins. Mr. Peterson reported that they had considered what areas needed storm water basins and what areas did not. The site was designed to have as few storm water basins as possible to reduce the amount of maintenance of basins required of the Town in the future. Mr. Peterson continued that they looked into controlling storm water and the two major watersheds going east and west with the storm water basins.

Ms. Potocki asked, if the property is designed with all the housing sites elevated and all storm water going towards the frontage of the house, how many catch basins there would be. Mr. Peterson reported that there will be roughly 23 catch basins within the roadway system.

Mr. Prause questioned whether Mr. Peterson was aware of the specifications for the equipment in the pump station.

Mr. James Ericson, Licensed Professional Engineer, Vice President of Lenard Engineering, explained his credentials. The goal of the proposed project was to demonstrate the adequacy of the Manchester Water Department to supply both domestic water supply and fire protection, he said. He explained the various design criteria:

1. Can the average daily demand be met?
2. Peak hour demand.
3. Fire flow demands.

He then explained that there are State codes and Town of Manchester codes that must be met. Both the State and the Town of Manchester Water & Sewer established the minimum pressures for both functionality of the house and for backflow from the house into the public water system. With the assistance of the Town of Manchester Water Department, he conducted hydrant flow tests on June 5th at the high point on Wilson Way, and he described the results in detail.

In summary, reported Mr. Ericson, all 44 lots can be served by Manchester's existing water system; 21 of the lots are at or below elevation 240 and can be served by the existing pressure gradient connected to the 12" main; and the remaining 23 lots are above elevation 240 and will be served by a centralized booster system and their own main. Fire protection will be served by 4 hydrants off the 12" main.

Mr. Ericson noted that they are working with the Town Staff to address their concerns. The applicant is willing to work with Water & Sewer and Engineering in an effort to provide higher pressures.

Attorney Famiglietti reported that the Commission should have one or two letters in the file from the Fire Marshal showing that he has reviewed the plan and is satisfied with the fire service being provided as well as hydrant locations. She reiterated that the applicant does not have final concurrence from the Water Department, and there will be a meeting on Monday where the applicant will provide additional information about how they can exceed the requirements of the public standards.

Mr. Prause repeated his question about the type of equipment in the pumping station. Mr. Ericson explained that the building will be a 12 ft. x 14 ft. wood frame building with architectural siding compatible with the neighborhood.

Mr. Prause questioned if the equipment runs on natural gas or electricity. Mr. Ericson reported that the stand-by generator will run on natural gas but the pump itself will run on primary electrical power, which is a requirement of the State of Connecticut.

Mr. Prause inquired whether there are manufacturer instructions about the type of buffer required for the equipment; i.e., does the generator need to be away from residential units. He questioned whether they are exterior generators. Mr. Prause assumed underground utilities will serve the development so there should not be the impact of downed power lines.

Mr. Ericson explained the size of the exterior motors, which are fairly quiet with variable frequency drives in an insulated building. He explained that there are different grade noise protections, and there will be the highest level of noise protection.

Mr. Prause questioned Staff if the generator specifications would be submitted with the plans at this time. Mr. Bordeaux responded that various department Staff would review the specifications and the system in its totality would be required to meet the Water Department standards.

Mr. Stebe was of the opinion that the regulations refer to line of sight and shielding of a generator in a residential area. Mr. Peterson confirmed that the generator will be located behind the building and is currently shielded by the proposed vegetation and fence screening.

Ms. Potocki asked about the alarm system, especially if there is a power outage. Mr. Ericson explained that they will be working closely with Manchester Water & Sewer, who will provide SCADA and alarms which will be connected to their standard system, which all of their water

facilities have. It will become a Town of Manchester water pumping station owned and operated by Manchester Water & Sewer.

Mr. Anderson reported that there will be a meeting scheduled next week. The concerns are:

- The minimum water standard is 25 PSI. That is at the main and the first floor. The concern from Water & Sewer refers to the second floor as it is unlikely that 25 will be maintained at the second floor. There is a practical concern about whether that pressure will be adequate in their household.
- There will be significant differences as proposed between the high pressure area and the low pressure area.
- How the individual pumps, about which the applicant is working with staff, impact the surrounding houses when they are in use; i.e., whether they will draw additional water during peak hours from other homes. The issue is whether there could be contamination or backflow issues. A suggestion has been made about attaching a water pump to the low flow area.

Mr. Bordeaux concurred that the recommendation is for the entire subdivision to be on the pump station, as recommended by the Town Water & Sewer Superintendent and Engineering Staff. Once the Town ultimately accepts the improvements, Water & Sewer will have control and access.

Mr. Ericson addressed the above-stated concerns. He referred to his display and pointed out the low-pressure zone, where houses may have individual booster pumps, and discussed what would happen in the event that all the pumps come on at once. Mr. Ericson gave a detailed explanation of the minimal pressure loss. Extending the high pressure service to serve all of the subdivision would require an additional 1,500 ft. of 8" water main all along Janice Drive to serve all properties. He explained that the cost to the applicant would be approximately \$150,000. Additionally, they would have to upgrade the pumping station with perhaps a larger building, bigger pumps, a bigger generator and a bigger power supply. In total, he explained, there would be an additional \$200,000 - \$250,000 of cost incurred by the applicant.

Mr. Anderson reiterated that Staff will meet with the applicant next week. He stated that there are concerns about the potential solution, considering it is not the Water & Sewer Division's preferred solution.

Mr. Stebe asked whether individualized pumps on Janice Drive would be on the Town side or on the homeowners' side. Mr. Ericson reported that the pumps on the low service zone would be owned by the homeowner.

Mr. Stebe questioned whether the homeowners would be fully responsible for maintaining the pumps. Mr. Ericson noted that the Water Department was worried about adjoining homeowners having different water pressures and perhaps a homeowner would install a pump without applying for the proper permits.

Ms. Potocki asked Staff if there is currently a situation where individual pumps are owned by the homeowner. Mr. Anderson replied that he believes there are in several different areas.

Mr. Kennedy asked if there have been complaints about water service in the area of individual pumps. Mr. Anderson interjected that water is certainly an area of concern of residents, though he is unaware if those are tied to homes with pumps.

Mr. Kennedy questioned whether the Water Department's plan is too expensive for the applicant. Mr. Ericson responded that the objections are as follows:

1. The proposed plan meets the minimum requirements of the Town of Manchester, as it is designed for both domestic pressure and fire protection.
2. The Water Department's plan would have an undue cost to the applicant.

Mr. Prause questioned whether there are impacts to homeowners with well service and whether it is correct that there is no water coming down the existing Bayberry Road. Mr. Peterson reported that all the houses on Bayberry Road are currently on individual wells.

Mr. Prause inquired about the impact of the wetland work and other development in this area; i.e., whether it will impact the water levels of the wells as currently operated. He specifically asked if the underlying aquifer would be changing and whether the proposal has changed the topography enough that they are creating a watershed going more east than west.

Mr. Peterson stated that, in his opinion, it will not change because they will not be rerouting water that currently goes west and sending it east. The amount of water in each direction will remain the same.

Mr. Bordeaux concurred with Mr. Anderson's comment that, for the remainder of the civil engineering review, Staff is still reviewing the plans. He reported that Staff recently provided the applicant with the comments regarding the water system. The revised plans are under review currently, according to Mr. Bordeaux, and the applicant is in possession of Staff's comments regarding the water system. He reiterated that there will be a meeting on Monday specifically regarding the water system.

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

MOTION: Mr. Kennedy moved to continue the public hearing to September 16, 2019. Mr. Bergin seconded the motion and all members voted in favor.

I certify these minutes were adopted on the following date:

September 16, 2019
Date

Eric Prause, Chairman

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