TOWN OF MANCHESTER
PLANNING AND ZONING COMMISSION

November 4, 2019
7:00 P.M.
Lincoln Center Hearing Room
494 Main Street

AGENDA

NEW BUSINESS:

1. **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)

2. **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 (2019-104)

3. **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)

4. **ADMINISTRATIVE REPORTS**

5. **APPROVAL OF MINUTES**
   - October 21, 2019 – Public Hearing/Business Meeting

6. **RECEIPT OF NEW APPLICATIONS**
TO: Planning and Zoning Commission / Inland Wetlands Agency
FROM: David Laiuppa, Environmental Planner / Wetland Agent
DATE: October 31, 2019
RE: Jon Keane – 4 Fir Grove Road
     Inland Wetlands Permit and Determination of Significance (2019-096)

Introduction

The applicant, Jon Keane, is requesting an approval to keep in place a recently constructed, unpermitted earthen berm within a regulated area in the rear portion of his property. The intent of this berm, as described in the permit application, is to “divert water runoff”. Mr. Keane noted that, during times of high flow, the stream located to the southwest of his house floods portions of his back yard. He is hopeful that the berm will prevent the stream from flooding his property.

The parcel does contain wetlands which are adjacent to an unnamed perennial watercourse at the southwestern end of the impact area. The work on the parcel is situated mostly within the wetland area with a small portion of the berm located outside of the delineated wetland but still within the 100 foot upland review area for the wetlands at the southwestern end of the parcel. Additionally, there are Town of Manchester Drainage Easements in the northern and eastern portions of the parcel.

Project Description

The activities, which included the deposition of material, berm construction, and planting trees on top of the berm, are entirely within either the wetland area or the regulated upland review area. It is unclear from the application if any trees or shrubs were removed within the regulated areas. It is also unclear if any land grading occurred for this project.

The submitted plan indicates that the berm is approximately 178 feet long. The plans do not indicate the width of the berm or the structural composition of the berm. The plans also do not show calculations or figures indicating the amount of area that the berm occupies within the wetland vs. the amount of area occupied within the upland review area.

Background information

In response to a notification from the Town Wetland Agent to cease site work and stabilize the exposed soils, the applicant is submitting this application for an inland wetland permit. The construction of the berm, which is the subject of this application, had been completed prior to the issuance of notification.
The building lot at 4 Fir Grove Road was originally a part of the Buckland Pond Subdivision permit that was issued in 2004. An inland wetland permit was issued in January of 2017 for the construction of the house within the 100 foot upland review area. An administrative approval was issued in January of 2019 for the installation of a deck and piers within the 100 foot upland review area. All activities associated with this application fall within the current 100 foot upland review area buffer, shown on the plan sheet. Most of the work occurred within delineated wetlands. Two Town Drainage Easements are also depicted on the plan sheets.

**Inland Wetlands Permit**

The activity has occurred in the wetland area and the upland review area located on the site. The activity has had a direct impact on wetlands.

The total area of project disturbance has not been provided by the applicant. The total disturbance should include those areas which have been temporarily or permanently impacted by this project and should include all areas within a regulated resource which are associated with activities that include the deposition or removal of material, ground disturbing activities, cutting and/or stumping trees, and any other activity which may substantially alter the values or functionality of those impacted resources.

Although a wetland description was not provided by the applicant, it was observed by the Manchester Wetland Agent that the wetland consists of an open understory dominated by native hardwoods. The principal functions and values of the wetland include floodflow alteration from the adjacent stream, wildlife habitat, and nutrient retention from the surrounding developed lands. Because a formal description of the existing wetlands and their functions was not provided, any impact analysis would be speculative.

**Determination of Significance**

The Inland Wetlands Agency is required to make a determination of the significance of the impact of the proposed activities on the wetlands, watercourses, and/or water bodies. In making its determination, the Commission should be guided by the definition of "Significant Impact Activity" as found in the Inland Wetlands and Watercourses Regulations, which means any activity, including, but not limited to, the following activities which may have a major effect or significant impact:

a. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed; or

b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or

c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or perform other functions; or
d. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or

e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse; or

f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse; or

g. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

If the Agency finds the proposed activity will have a significant impact on the wetlands, a public hearing is required. Should the Agency find this activity will not create a significant impact, then no public hearing is required.

Staff Review

Town staff has reviewed all versions of the plans and supporting documents submitted with the application. The applicant and/or the applicant’s agent has received all outstanding staff comments and questions. Any unaddressed outstanding comments from staff will be discussed during the meeting.

Issuance of Wetland Permit

There are several unaddressed outstanding comments from staff. There are also several outstanding submittal requirements.

After considering all relevant facts and circumstances, and in accordance with Section 5.3 of the Inland Wetlands and Watercourses Regulations, the Commission may approve this application as filed; grant it upon other terms, conditions, limitation, or modifications of the regulated activities as they deem appropriate; or deny it.

In evaluating applications in which the Agency relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
TO: Planning and Zoning Commission
FROM: Kyle Shiel, Senior Planner
DATE: October 31, 2019

The Manchester Historical Society is seeking approval to install up to sixteen (16) air conditioner compressors for a new HVAC system at 175 Pine Street in the Historic Zone. Because this proposal includes building rehabilitation visible from a public street within the Historic Zone, it requires approval from the Commission and review by the Cheney Commission (Art II, Sec 18.04).

The attached site plan illustrates proposed locations for the units. The applicant plans to locate ten (10) units on the upper roof and six (6) at ground level. All units are to be located on the northern side of the building with minimal visibility from Pine and Forest Streets. The applicant states the upper roof locations have been accepted by both the State Historic Preservation Office and the Cheney Brothers National Historic District Commission. The units will likely range in size, with the largest measuring approximately 30 by 30 inches.

At its September 19, 2019 regular meeting, the Cheney Brothers National Historic District Commission met to discuss the application. The Commission unanimously recommended approval of the application, noting that any recommendations from the State Historic Preservation Office regarding the location of individual compressors be followed.
TO: Planning and Zoning Commission

FROM: Gary Anderson, Director of Planning and Economic Development

DATE: October 30, 2019

RE: Cheney Commission Recommendation
175 Pine Street- Manchester Historical Society HVAC Installation

At its September 19, 2019 regular meeting, the Cheney Brothers National Historic District Commission met to discuss the proposed installation of air conditioning compressor units on at 175 Pine Street. The Commission unanimously recommended approval of the application, noting that any recommendations from the State Historic Preservation Office regarding the location of individual compressors be followed.

GAA
Notes:
Each view is noted in the center sketch along with locations of the units on the roof. Photos from each viewpoint show locations of visible units. In the photos the units are circled to clarify their locations. The units are represented by the boxes that they would be packaged in.
In View #1, 10 of 18 units would be visible due to the elevated viewpoint.
ROLL CALL:

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

Alternate Members: Julian Stoppelman
                   Bonnie Potocki
                   Teresa Ike

Also Present: Gary Anderson, Director of Planning
             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.

PLAZA AT BUCKLAND HILLS, LLC – Resubdivision to create one additional 0.97-acre parcel out of 27.63-acre Plaza at Buckland Hills Shopping Center at 1524 Pleasant Valley Road. – Resubdivision (2019-094)

Attorney Stephen Penny introduced himself as representing the applicant. The application is to separate one outparcel from the main shopping center parcel at the Plaza at Buckland Hills. Attorney Penny displayed the parcel and described the plan and the surrounding properties in detail. The subject property is zoned General Business (GB), as is the land south of Pleasant Valley Road, other than J.C. Penney, which is zoned Industrial. The land across Buckland Street is zoned Comprehensive Urban Development.

The utilities are in place, according to Attorney Penny. There are no wetlands or watercourses on the site, though a small portion of the southern end of the site is within the New State Road Aquifer Protection Area. Both lots meet the requirements of the regulations for the GB zone, he said. Attorney Penny reported that no physical changes are being made to the two parcels or to the structures that are currently on the parcel. He detailed the parking plan, explaining that the outparcel owner will have non-exclusive rights to the parking, utilities and access of the shopping center.
Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor, Bushnell Associates, introduced himself as the project engineer for the site. Mr. Bushnell explained the plan in detail, including parking, utilities, landscaping, and the two access points. I-84 is directly across the street from the parcel.

There will be no proposed changes in terms of parking or the building and no earth disturbance will occur, according Mr. Bushnell.

Mr. Prause referred to the landscaping and pointed out an area that needs to be corrected; Mr. Bushnell reported that it will be referred to the owner. Mr. Prause sought clarification that there are non-exclusive rights for the parking and assumed there would be no issue with overflow parking, which Mr. Bushnell confirmed.

Attorney Penny noted that there are no staff comments that would preclude approval.

Mr. Anderson reported that there is one small technical comment from Ray Myette, Design Engineer, regarding the Aquifer Protection Zone line the applicant presented, which did not seem to match the Town’s information. There is no construction that will occur; the line could simply be changed on the final plan.

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

The Chairman closed the public hearing at 7:20 P.M.

I certify these minutes were adopted on the following date:

________________________________________  ___________________________
Date                                             Eric Prause, Chairman

**NOTICE:** A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.
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  
Nancy Martel, Recording Secretary  

The Chairman opened the Business Meeting at 7:20 P.M. The Secretary read the legal notice when the call was made.

PLAZA AT BUCKLAND HILLS, LLC – Resubdivision to create one additional 0.97-acre parcel out of 27.63-acre Plaza at Buckland Hills Shopping Center at 1524 Pleasant Valley Road. – Resubdivision (2019-094)

Resubdivision (2019-094)  

MOTION:  Mr. Kennedy moved to approve the resubdivision to create one additional 0.97-acre parcel out of the 27.63-acre Plaza at Buckland Hills Shopping Center at 1524 Pleasant Valley Road, with the modifications as specified in a staff memorandum from Raymond Myette, Jr., Design Engineer, dated October 21, 2019.

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

The reason for the approval is that the proposal meets the requirements of the Subdivision Regulations.
Mr. Ellis Riley introduced himself as representing 165 Adams Street to discuss the proposed back patio space. Mr. Riley detailed the plans for the patio, including a stockade fence, a rock wall, and accessories to create a beer garden atmosphere. He explained the interior access to the patio and the exits from the patio.

Mr. Prawse asked for clarification about the stockade fence, the material for the cooler, and the stairs.

Mr. Riley stated that the cooler area may be reclaimed wood. He reported that there will be a metal enclosure over the stairs.

Mr. Stebe acknowledged that the large cooler was addressed at a previous meeting, and asked if the proposal is to expand the existing outside patio space along the whole length of the building. Mr. Riley confirmed that was correct.

Mr. Stebe further inquired about the design aspect of the fire pit. Mr. Riley reported that there will be a stone fireplace utilizing gas with a cage surrounding it for safety.

Mr. Stebe stated that he likes the design rendering and praised repurposing and expanding the area.

Mr. Anderson stated that there are no outstanding staff comments at this time.

Mr. Prawse noted that the application does not include outdoor entertainment, and Mr. Anderson explained that application may be forthcoming. Mr. Prawse questioned what neighbors surround the property.

Mr. Riley explained that Greene Moving & Storage, Tails-U-Win, and the Spice Mill are adjacent.

Mr. Prawse commented that the businesses would not be bothered by an outdoor patio, and it is not close to any residential units. He questioned whether the outdoor gates would allow patrons to enter directly to the patio.
Mr. Riley pointed to the side entrance of the building and the outdoor gates, which are for exit only.

**Special Exception Modification (2019-098)**

**MOTION:** Mr. Kennedy moved to approve the special exception modification under Art. II, Sec. 16.15.02 (a) and (b) for a walk-in cooler and storage closet on the eastern wall of the building and fenced-in, poured concrete patio at 165 Adams Street.

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

The reason for the approval is the proposed modification meets the special exception criteria in Art. IV, Sec. 20.

**ADMINISTRATIVE REPORTS:**

Mr. Anderson reported that the Planning Department received a communication from a resident on Porter Street. The resident is an owner of Marsh Pond on the corner of Porter Street and Adelaide Road. The Manchester Land Trust is the owner of the remainder of the pond. Mr. Anderson noted that the gentleman had a concern regarding the condition of the pond, specifically related to the disposition of silt into the pond as he suspects a portion of the silt may have been deposited during the Highland Park School construction project.

Staff reached out to the resident, according to Mr. Anderson, and had a productive conversation. Staff is currently in a fact-finding process, reviewing past permits, the present condition of the pond, and the storm water system. The problem was brought to the Board of Directors, he reported.

Ms. Potocki commented on the dredging project for Center Springs Pond, which she said involved contractors not fulfilling their obligations and the Wetland Agent needing to get involved. She sought information on the responsibilities of Planning Staff, communications with Department of Public Works, who provides oversight, and funding. Ms. Potocki questioned whether the Inland Wetlands Agency should have more involvement in projects that have an impact on Town watercourses and wetlands.

Mr. Anderson stated that, if there are topics the Commission would like Staff to report on, that can certainly be done in the future.

Mr. Bergin added that, in the past, when discussing the dredging process, the Commission approved some landscaping associated with the reseeding. As the Commission has no oversight of the contractor utilized, the connection is less clear in terms of the Agency’s role.
Regarding the pond at the corner of Adelaide and Porter, Mr. Bergin questioned whether any of the area was used for staging of materials. Mr. Anderson stated that he did not believe so. There were erosion control measures in place and Staff is still researching the permits, but there was no staging on that parcel.

Mr. Prause questioned what the Inland Wetlands Agency is charged with regarding enforcement. He understood that they are charged with determining significance and determining if the plan is appropriate, but questioned whether they are charged with following up on the execution.

A discussion was held between Mr. Prause and Mr. Anderson about the responsibilities for the Agency.

Ms. Potocki reported that there is a shared responsibility for communication to the public and that the Agency needs to be more proactive.

A discussion was held between the members of the Commission and Mr. Anderson about a prior cease and desist order. The consensus was that it is wise for the Commission to be aware of high visibility items and problems that occur with projects. Mr. Anderson said that could be accomplished.

APPROVAL OF MINUTES:

October 7, 2019 – Business Meeting
MOTION: Mr. Kennedy moved to approve the minutes. Ms. Scorso seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:


ADELBROOK, INC. – Inland Wetlands Permit (2019-109); Zone Change (2019-110); Erosion and Sedimentation Control Plan (2019-111) – Zone change from Historic to Off Street Parking at 27, 31R, and 37R Prospect Street to establish additional parking to support an anticipated expansion of the existing educational facility across Prospect Street, and accompanying wetlands permit and erosion control plan.

MOTION: Mr. Kennedy moved to adjourn the Business Meeting. Mr. Bergin seconded the motion and all members voted in favor.
The Chairman closed the business meeting at 7:50 P.M.

I certify these minutes were adopted on the following date:

___________________________  _____________________________
Date                          Eric Prause, Chairman

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