AGENDA

PUBLIC HEARING:

1. 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)

2. 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)

NEW BUSINESS:

1. V. SEAN LILLY INLAND PROPERTIES, LLC – To build a new 2,500 sq. ft. single family dwelling at 19 Chilstone Lane.
   - Inland Wetlands Permit – Determination of Significance (2019-087)
   - Inland Wetlands Permit (2019-087)

2. KENNETH BOYNTON – 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)
   - Erosion & Sedimentation Control Plan (2019-089)

3. 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)

4. ADMINISTRATIVE REPORTS

5. APPROVAL OF MINUTES
   - August 12, 2019 – Public Hearing/Business Meeting

6. RECEIPT OF NEW APPLICATIONS
The Planning and Zoning Commission will hold a public hearing on September 4, 2019, at 7:00 P.M. in the Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut to hear and consider the following petition:

KENNETH BOYNTON – Special Exception (2019-088) – 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, Residence AA zone.

At this hearing interested persons may be heard and written communications received. A copy of this petition is in the Planning Department, Lincoln Center Building, 494 Main Street, and may be inspected during regular business hours (8:30 a.m. – 4:30 p.m., Monday through Friday).

Planning and Zoning Commission
Eric Prause, Chair
TO: Planning and Zoning Commission / Inland Wetlands Agency
FROM: Matthew R. Bordeaux, Senior Planner
David Laiuppa, Environmental Planner / Wetlands Agent
DATE: August 7, 2019
RE: Kenneth Boynton – 426 Wetherell Street
Inland Wetlands Permit (2019-036)
Subdivision (2019-037)
Erosion and Sedimentation Control Plan (2019-089)

Introduction

The applicant is proposing a 44-lot cluster subdivision on 30.35 acres at 426 Wetherell Street. The site is located on the south side of Wetherell Street, between the Planned Residence Development (PRD) subdivision on Cougar Drive located to the north and west, and the Residence AA subdivision to the south referred to as Bayberry Heights, accessed from Hillstown Road (see attached Location Map). Temporary cul-de-sacs exist at Wilson Way and Bayberry Road that will be utilized to provide access to the parcel. An Eversource right-of-way abuts the subject property’s entire eastern boundary, running north/south from Wetherell Street and eventually to Bush Hill Road.

The Planning and Zoning Commission approved a zoning district change on December 10, 2018 from Rural Residence zone to Residence AA zone. The proposal will require an inland wetlands permit and subdivision plan approval, as well as certification of an erosion and sedimentation control plan and a special exception approval for a proposed municipal utility building. In accordance with Article III, Section 4 of the Zoning Regulations, the Planning and Zoning Commission, upon receipt of a petition for a cluster subdivision, shall hold a public hearing.

At its July 15, 2019 meeting the Planning and Zoning Commission (acting in its role as the Inland Wetland Agency) made a determination that this proposed project will have significant impacts on regulated wetlands. That determination requires that a public hearing is held on the inland wetlands permit application, which has been scheduled in conjunction with the one required for the cluster subdivision as described above.

Project Description

Cluster Subdivision

The applicant is proposing a 44-lot cluster subdivision in accordance with Art. III, Section 4. A cluster subdivision permits the residential lots in Rural Residence zones and Residence AA
zones to be reduced in dimension and designed to occupy less than the total tract area of the subdivision provided that the maximum building density is not exceeded. The undeveloped portion of the tract shall be designed and dedicated as public open space.

Open Space

In accordance with Article III, Section 4.02.01 of the Manchester Zoning Regulations, the Commission has authority to consider the location and nature of the dedicated open space and its suitability for the proposed intended. The applicant is proposing to dedicate approximately 10.51 acres (34.6% of the area of the site) to be left in an undisturbed natural state. The land to be dedicated as open space encompasses the easterly and southerly property boundary of the existing parcel. The open space property along the east property boundary consists of steep, wooded slopes and runs parallel to the existing Eversource-owned utility right-of-way. There are three (3), unrelated wetland areas located in the proposed open space. These wetland areas will be described in greater detail later in this memo. The applicant is also proposing to locate a stormwater detention basin in the open space area.

Stormwater

The applicant is proposing to collect stormwater in a series of catch basins located throughout the subdivision. The catch basins will convey stormwater to above ground detention basins. To treat the stormwater prior to discharge, each basin contains a sediment forebay for pre-treatment and a vegetated bottom in accordance with the requirements of the 2004 Connecticut Stormwater Quality Manual. Each sediment forebay has been sized to exceed 10% of the Water Quality Volume of the contributing watershed, and the vegetated bottom of each basin has been sized to exceed 100% of the Water Quality Volume.

Utilities

The applicant is proposing to extend the public drinking water supply and sanitary sewer service from their existing terminus at the temporary cul-de-sac on Wilson Way. The proposed subdivision is located at a high point in the Town’s public water supply Low Service Area. The top of the Wilson Way cul-de-sac currently experiences the lowest pressure in the Low Service Area. The proposed subdivision is located uphill from Wilson Way and, as such, any water system extension would mean that the proposed lots will experience marginal to unacceptable pressures. In addition, fire protection cannot be provided to the highest elevations in the subdivision. Any system extension would also impact other areas of the Low Service Area with higher elevations during peak demand conditions.

To improve pressure conditions, the applicant is proposing to construct a booster pump in a station identified as Parcel ‘B’ located between Lots #2 and #3 (see revised Plot Plan Sheet No. 4 of 18 attached). The applicant recently revised the plans to show the pump station on its own dedicated parcel instead of adjacent to the proposed detention basin on Parcel ‘A’ as depicted on the attached Grading Plan Sheet No. 8 of 18. Parcel ‘B’ and the facilities upon it would be dedicated to the Town for future ownership and maintenance. The pump station would serve Lots 5 – 25.
The proposed lots will be served by natural gas extended from Wilson Way. The sanitary sewer will also be extended from Wilson Way and all sewer mains will be gravity-fed.

**Erosion and Sediment Control**

The erosion and sediment control plan for this site consists of the use of soil stockpile areas, sediment basins, and silt fence and/or hay bales down gradient of all disturbed areas. An anti-tracking pad will be installed at the entrance to the site.

The proposed stormwater basins will be initially constructed as temporary sediment basins. Once the site has been stabilized, the basins will be cleaned, planted and seeded per the design plans.

All sediment and erosion control procedures and construction of all stormwater drainage structures shall essentially be in accordance with the “2002 Connecticut Guidelines for Soil Erosion and Sediment Control” by the Connecticut Council on Soil and Water Conservation.

**Project Phasing**

The applicant is proposing to break the project into multiple phases (see Layout Plan Sheet No. 2 of 18 attached). The extension of Wilson Way is the first phase of the project, which will contain 16 lots. Traffic will exit this phase and travel approximately 1,000' along the existing portion of Wilson Way and Cougar Drive and onto Wetherell Street. Phase II of the project will include 17 lots and the construction of a road along the westerly portion of the site coming off Phase I and extending to Bayberry Road. Traffic will have the option to travel the same route as the Phase I traffic or access the development from Bayberry and Bramblebush Roads to Hillstown Road. The final phase of the project contains 11 lots and will extend Phase I to the existing Bayberry Road cul-de-sac.

**Inland Wetlands**

Within the project limits, wetland scientists, under contract to the applicant, identified four separate wetland systems, none of which had been previously identified or mapped on the site.

Wetland A, which is located in the southwest corner of the site, is a small isolated forested wetland and contains a verified vernal pool. The proposed project does not have any direct impacts to this wetland. There is proposed work, including land grading, within the upland review area of Wetland A. This work will result in direct, permanent impacts to the upland review area. This Wetland and associated Upland Review area are depicted on the attached Sheet No. 8 of 18.

Wetland B, which is located in the southeast corner of the site, is a large forested wetland and extends beyond the limits of the site as a larger system. The proposed project does not have any direct impacts to this wetland or its associated upland review area. This Wetland and associated Upland Review area are depicted on the attached Sheet No. 7 of 18.
Wetland C, which is delineated as two separate systems, divided by a former unpaved roadway, is located in the northeast corner of the site. The area designated as Wetland C/1C is an isolated emergent wetland which is adjacent to an earthen berm along its eastern side. The area designated as Wetland 2C/3C is a larger system which has been classified as an emergent / scrub-shrub wetland and extends to the west beyond the limits of the site as a larger system. There is proposed work, which consists of land grading, within the Wetland C/1C portion of the wetland. This work is a direct impact to the wetland. There is proposed work, including land grading, gravel path construction, and the installation of a pipe within the upland review areas for the Wetland C/1C and Wetland C2/3C portions of the wetland. This work is a direct and permanent impact to the upland review area. This Wetland and associated Upland Review area are depicted on the attached Sheet No. 6 of 18.

Wetland D, located at the western edge of the site, is an isolated emergent wetland with a hydrological connection, via surface drainage, to the uplands to the west of the project limits. The proposed project has a direct and permanent impact to this wetland. The proposed work, including land grading, gravel access road construction, house construction, installation of underground pipes, and the construction of a basin (referred to as a stormwater detention basin in the Wetland Assessment & Impacts Analysis: Summary of Findings and a stormwater pond in the Water System Hydraulic Calculation report), will result in the total elimination of this wetland. There will be significant direct and permanent impacts to the upland review area, most notably land grading, roadway construction, the construction of several houses and associated driveways, the construction of a public water supply pump house, utility installation, and the construction of a basin (the same as mentioned above). This Wetland and associated Upland Review area are depicted on the attached Sheet No. 8 of 18.

As defined in the Regulations, a "Regulated Activity means any operation within or use of a wetland or watercourse or within 100 feet of a wetland or watercourse, involving any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater."

According to the application presented to this Commission, the following points are pertinent to this discussion:

1. There will be a direct and permanent impact to roughly 22,400 square feet (~0.51 acres) of wetlands as a result of this project.

2. There will be a direct and temporary impact to roughly 1,100 square feet (~0.025 acres) of wetlands as a result of this project.

3. There will be direct and permanent as well as direct and temporary impacts to the upland review areas of three of the four delineated wetlands. These areas of impact have not yet been provided by the applicant.

4. There is the potential for both permanent and temporary indirect impacts to wetlands and upland review areas as a result of this project. These indirect impacts are anticipated to
be associated with erosion and sedimentation resulting from construction activities, disturbance of vegetation in the adjacent uplands, the alteration of hydrology and drainage patterns, and discharge of degraded surface water or groundwater.

The proposed development will result in the alteration of the landscape from an open field with wooded fringes on a drumloidal feature (hilly area comprised of compact soils with steep slopes) to a fully developed residential neighborhood with designated open space on the east and south sides. The proposed Open Space will connect two Conservation Easements to the south of the project site (as seen on the attached Sheet No. 2 of 18).

Because the Planning and Zoning Commission has determined that this application contains proposed elements that will have a significant impact to wetland resources, there are certain elements that are required to be included in the application as it is presented at the Public Hearing. These requirements are, in some cases, more detailed levels of information than those required for applications that are not presented at a public hearing.

As outlined in Section 4.4 of the Regulations, it is a requirement that “if the Agency finds the activity applied for involves or may involve a significant impact or major effect on the wetland or watercourse, the applicant shall submit additional information including, but not limited to:

(a) Soil Sample Data if the parcel lies within or partly within an area believed to contain poorly drained, alluvial and/or floodplain soils. The data shall show precisely where each specific soil type is found. Soil types identified shall be consistent with the categories established by the National Cooperative Soils survey of the U.S. Natural Resources Conservation Service.

(b) Description of the ecological communities and functions and values of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions.

(c) Description of any alternatives considered which would cause less or no environmental impact to wetlands or watercourses, and a description of how the proposed activity and each of the alternate scenarios would change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application. Applicant shall also provide a description of why each alternative considered was deemed neither feasible nor prudent.

(d) Analysis of chemical or physical characteristics of any fill material.”

**Staff Review**

Town staff review of this project began with the application submittal in April. Concerns regarding the provision of public water to the site required testing in the field and engineering analysis taking several weeks to schedule and perform. The applicant has exhausted the extensions of time allowed by state statute before a public hearing must commence. As there currently remain several outstanding items under review by Town staff, we recommend that the
Commission open the public hearings required for the Inland Wetlands Permit and the Cluster Subdivision proposal in order to begin the review of this project and allow the public an opportunity to provide input.

As the project remains under review, however, we ask that the Commission leave the public hearings open so that staff review and input may be provided within the period of time that the public hearing remains open, just in case that review results in substantive changes to the plans.

MRB
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Attachments
Location Map

Town of Manchester, CT
DISCLAIMER: This map is compiled from other maps, deeds, dimensions and other sources of information. Not to be construed as accurate surveys and subject to final changes as a more accurate survey may disclose.
NOTES: Original planimetric and topographic data were compiled by stereophotogrammetric methods from photography dated April 1999 in accordance with ASPR accuracy standards for 1 inch = 40 ft large scale Class I mapping. The updating of the GIS data is performed by the GIS/Maps & Records Unit on a continual basis utilizing the best and most appropriated sources available.

1 inch = 500 feet

Author:

Date: 12/5/2018
TO: Planning and Zoning Commission / Inland Wetlands Agency
FROM: David Laiuppa, Environmental Planner / Wetlands Agent
DATE: August 29, 2019
RE: V. Sean Lilly Inland Properties LLC – 19 Chilstone Lane
Inland Wetlands Permit and Determination of Significance (2019-087)

Introduction

The applicant, V. Sean Lilly, is proposing the construction of a new single-family house on an existing, undeveloped lot. The subject parcel is located at 19 Chilstone Lane and has frontage and access on the north side of Chilstone Lane, as shown on the attached location map. According to the Town’s Tax Assessor’s records, 19 Chilstone Lane is 0.55 acres.

The parcel contains wetlands in the northern and northeastern portions as well as a Town of Manchester Conservation Easement in the northern and northeastern portion of the property. Bigelow Brook flows roughly southeast to northwest in the northern portion of the site.

Project Description

The proposed activities, which include tree cutting, driveway construction, utility trenching, construction of a retaining wall, house construction, grading, and the installation of a footing drain, are almost entirely within the regulated upland review area. There is no proposed activity within the Conservation Easement or within the regulated wetland or watercourse. The proposed work will disturb 0.36 acres.

Background information

19 Chilstone Lane is a building lot in a previously approved subdivision. The Inland Wetlands Permit for the subdivision, originally referenced as Rieg Highlands, now referred to as Highland Oaks, was last approved in May 2012 and has since expired. Wetlands were delineated by John P. Ianni in October 1988 and revised in July 1989, May 2000, and finally in November 2001. The previous application was approved under the 50 ft upland review area. The plan sheets for this application correctly depict the current 100 foot upland review area buffer. The border of the Town Conservation Easement is also depicted on the plan sheets.

Inland Wetlands Permit

Some of the proposed activity will occur in the upland review area located on the site. There are no proposed direct or indirect impacts to the watercourse or the wetlands on site. Much of the
activity within the upland review area will be direct, permanent impacts associated with the physical structure of the house and driveway.

Proposed activities within the upland review area will include utility trenching, tree cutting, driveway construction, house construction, grading, and the installation of a footing drain. As shown on the plans, erosion and sedimentation controls will be installed and utilized during the construction process. The plans indicate a temporary stockpile area outside of the upland review area. The stockpile will be encircled by a silt fence.

**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 the plans and documents submitted with the application. All staff comments have been addressed and there are no outstanding comments.
ROLL CALL:

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

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

KENNETH BOYNTON – 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)

Attorney Dorian Famiglietti, Kahan, Kerensky & Capossela, introduced herself.  Attorney Famiglietti reminded the Commission that the applicant was before them in December 2018 for a zone change for this parcel of land, from Rural Residence to Residence AA zone.  She explained that the applicant is the owner of the property and he is presently developing Phase 4A of the Manchester West Subdivision.

The applicant acquired the property in April 2018 and has worked diligently to come up with an appropriate development for the site, according to Attorney Famiglietti.  She noted that the first step was to hire an environmental consultant, REMA Ecological Services, to work with the engineering team to design the most appropriate development.  According to Attorney Famiglietti, after REMA completed their assessment, they moved into the design phase and were integral in working with Gardner & Peterson on the layout of the subdivision.

Attorney Famiglietti stated that the application is in two parts; a wetlands and a zoning application.  She reminded the Commission that the applicant was before them previously, giving a brief overview of the property and explaining some of the activities.  The Commission determined that there could be significant impact with the proposal, according to Attorney
Famiglietti. She explained that the applicant is not quite through the engineering component, primarily concerning the water distribution system as well as other engineering details. The applicant hired a design consultant, Lenard Engineering, to work specifically on the water distribution system. Therefore, she stated, the applicant has decided to focus on wetland issues at this meeting. Attorney Famiglietti explained that, statutorily, the applicant is running out of time.

Mr. Prause sought clarification that the applicant is not expecting an approval of an Inland Wetlands Permit at this meeting. He assumed that Attorney Famiglietti will present information that will not change between tonight’s meeting and the September 4th meeting. Attorney Famiglietti reported that any additional Staff comments should not change the wetlands impact.

Mr. Eric Peterson, Gardner & Peterson, Tolland, introduced himself. Mr. Peterson detailed the size of the lot and surrounding properties. He reported that they are proposing to connect Wilson Way and Bayberry Road, which are temporary cul-de-sacs. There will be 44 new building lots, he explained, which will range from 12,000 sq. ft. to 30,000 sq. ft. in area, all of which will be served by public water, sewer and natural gas. There will also be over 10 acres of space which will be deeded to the Town of Manchester.

Mr. Peterson detailed the topography of the property, pointing out the drainage in each area, as well as the abutters to the development. Storm water has been studied to ensure there will be no increase in storm water in any direction. The basins are designed based on Town and DEEP standards and as such, not only will water be retained, but it will be cleaned. With the wetlands being considered, Mr. Peterson noted that the location of the storm water basins was critical to the design of the project, and provided an explanation for each site. All activities in the wetland areas and upland review areas were reported in detail. The regulations require the applicant to provide access to any abutting landlocked parcel, he stated.

Mr. Peterson indicated the areas where water, sewer and other utilities will be located. He explained the erosion and sediment control measures and stated that they will be in place to ensure that the construction does not send sediment to downstream property.

Mr. George Logan, REMA Ecological Services, introduced himself and described his career history. He explained that he has been involved with the project for over a year. A USGS map and an aerial photograph were displayed and Mr. Logan identified the property and explained the existing conditions and prior history. He reported the natural resources of the land as well as the wetlands and a manmade irrigation pond. Mr. Logan stated that they discovered that the pond has a vernal pool habitat. He pointed out the wetlands, soil types, amphibians, and vegetation on the property. The property is loaded with glossy buckthorn, an invasive species which is quite aggressive and will dry up the wetland over time.

Mr. Logan reported that, after speaking with the Conservation Commission, they were asked to delineate the western boundary of Wetland D. His findings, with all the wetlands and uplands, were explained in detail. The proposed condition is a residential subdivision with 44 single family residential lots and some open space. The direct wetland impacts and the uplands have been reassessed and were detailed by Mr. Logan. Indirect impacts were considered by looking at
short-term construction and long-term post construction phases. Erosion and sedimentation control must comply with the 2002 guidelines and there will be a state-of-the-art storm water management system, which complies with the Connecticut DEEP 2004 Storm Water Quality Manual and its addendum. Other potential indirect impacts include two ponds or pond/storm water wetland, both of which will be excavated.

Mr. Logan referred to the detailed plan for each of the water quality basins. He explained how he estimated how much of the area around the basins will be wetlands, which he explained in detail, and reported the planned compensatory wetland mitigation. There will be four years of monitoring the invasive eradication control. A general overview of the landscape plan was given. Mr. Logan stated his opinion is that there will be higher-functioning, diverse and productive wetlands post-construction.

There is a plan for habitat mitigation in regard to the vernal pools which were reported and 100 ft. from the edge of the vernal pool habitat. Currently, there is no habitat mitigation, according to Mr. Logan, and he noted that this is explained in his report. In an attempt to clarify the detention basin on the wetlands, Mr. Logan explained: (1) If left untouched, the invasive species will result in a dry spectrum habitat; and (2) any roadway uphill will likely dewater the wetland. In conclusion, Mr. Logan stated, “The proposed direct impact to Wetland D in regards to function and values it provides, current and future, will be more than offset by the creation of at least 31,000 sq. ft. of more productive and higher functioning wetland habitats.” Therefore, the proposal is feasible and prudent with no significant indirect impact expected from the proposal.

Attorney Famiglietti stated that she did not expect the Commission to close the wetlands portion of the hearing because, if there are changes made from the Engineering Staff’s comments, it may slightly alter some square footages of the disturbance. She added that she does not expect anything significant because they have laid all the infrastructures out in appropriate spots on the property, acknowledging that they will partially eliminate natural Wetland D. Attorney Famiglietti noted that, in the wetlands consultant’s estimation, it will be replaced with something better and there will be a net gain of the other enhancements being done on the property. She reiterated Mr. Logan’s estimation that there will be a net gain and increase in productive wetlands on the property. There will be some direct impacts on the wetlands but mostly indirect impacts, which are in the upland area. Attorney Famiglietti reported that the direct impacts are, in many cases, improvements, mitigation, compensation, and increased functions and values overall, which will result in a positive improvement to current conditions.

The overall proposed density, according to Attorney Famiglietti, is 1.45 lots per acre. The maximum density allowed in the zone is 2 per acre. She noted that there are slightly more than 10 acres of open space, or 30% of the site; 25% of the site is required to be open space. The outstanding items are the water distribution system and final engineering details on the infrastructure. Attorney Famiglietti conveyed that they will work diligently with Town Staff in order to satisfy any outstanding items for the September 4th meeting.

Ms. Potocki stated that, from an ecological standpoint, she did not think the proposal meets the standards of the Town wetland regulations in terms of an alternative analysis. The proposal is not a plan with no impacts.
Attorney Famiglietti reiterated Mr. Peterson’s comment that the rationale for the basin in Wetland D is because it is the only feasible place for a detention basin to take the drainage off that half of the property. She restated that the detention basin must be at a low point for proper drainage and the proposal will result in a higher functioning wetland than the actual wetland itself.

Mr. Stoppelman referred to the comment that, if the detention basin were moved, it would be uphill from a house. He inquired whether the landlocked property would be downhill from the detention basin.

Mr. Peterson confirmed that the property would be downhill from the detention basin, though there is no structure on that property.

Attorney Famiglietti sought confirmation from Mr. Peterson that DEEP’s requirement for a dam permit is based on whether or not there are downhill or down-gradient structures. Since there is no structure, the proposal would not trigger a dam permit in that location.

Ms. Potocki acknowledged Mr. Peterson’s statement that the purpose of the storm water basin is to pipe the foundation drains into a system which will discharge at that location. She questioned whether there is an alternative rather than piping runoff from the roads or reconfiguration of the roads to prevent the need for a storm water basin of that size.

Mr. Peterson responded that it will pipe the road drainage and some of the foundations. He explained that the amount of water from a foundation drain, compared to the amount of water from the road drainage system, is far less. The storm water basins are sized based on the ground coverage today vs. the ground coverage post-construction. Mr. Peterson stated that the public improvement standards require that they do not increase storm water to a downstream property or to an existing drainage system, and that is the purpose of the detention basin.

Ms. Potocki asked about removing some of the lots along with multiple basins so there is no direct impact to the wetlands.

Mr. Peterson explained that, if the basin were put anywhere else, it would not collect water from the road.

Ms. Potocki reported that she had examined Wetland D and she respectfully disagreed that it is infested with glossy buckthorn. There is a very productive wet meadow, according to Ms. Potocki, and she stated that there is glossy buckthorn but she would not agree that it is an infestation.

Mr. Bergin appreciated the presentation by Mr. Logan and referred to the comment that there is no alternative location for the detention basin. He voiced his thoughts on alternatives, such as removing Lot 37.
Attorney Famiglietti reiterated that, in order to be completely out of Wetland D, the basin would have to be moved even further north into lots 38 and 39 as well. She stated that it is not rational to lose those houses, because moving the basin up there does not work from an engineering perspective.

Mr. Peterson noted that the drainage system on Bayberry Road is shallow and the pipe will be above ground.

Mr. Prause commented on the statement that, if impacts were avoided altogether, there would likely be impacts from uphill roadways that would eventually devastate what is in the wetlands now. He questioned whether that would be an issue with the other three wetlands, or if only Wetland D would be in that situation because it is so close to the proposed road.

Mr. Logan affirmed Mr. Prause’s statement. He stated that his report includes a section on potential hydrologic impact to the plan’s wetlands. Mr. Logan reported that, even without the basin, there would still be an issue with the hydrology of Wetland D. He referred to Ms. Potocki’s statement regarding the glossy buckthorn and informed the Commission that the area will be filled with the glossy buckthorn within a year or two. There should be no de-watering problems with the other basins.

Mr. Prause referred to the map showing the subdivision layout, which illustrated the three phases of the development. He questioned whether the retention basin would be built as part of Phase 1, even though it is shown as Phase 3 in the progression map.

Mr. Peterson affirmed that the phasing is describing which lots can be built on.

Mr. Prause questioned whether Phase 1 would include Janice Drive; i.e., would all the roadways be put in during Phase 1?

Mr. Peterson stated that a portion of the infrastructure would be put in without the final curbing. They will be putting sewer, water and other utilities in that area.

Mr. Prause pointed out the new road leading toward the landlocked property and questioned whether that will be installed as part of the development, or if it is something that would be set aside as a potential future road.

Mr. Peterson referred to it as a “paper road,” which is shown on paper but is not to be built at this time. They are essentially giving the right of that abutting property to use that as their frontage.

Mr. Stoppelman asked for delineation of the portion of open space that would go to the Town. Mr. Peterson reported that the Town would control the open space at both storm water basins and the wetland mitigation area around wetlands A, B and C.

Mr. Bordeaux stated that he has not prepared an extensive report of outstanding Staff comments due to the ongoing nature of the review. He noted that the most recent revision is under review.
Mr. David Laiuppa reported that the applicant met with the Conservation Commission on July 29th. There was a presentation with back and forth questions and answers. Mr. Laiuppa read through the comments and questions, which he highlighted:

1. The inclusion of more detailed information about soils within the wetland areas would be helpful to better understand the characteristics and functionality of the wetlands.
2. Because Wetland D was not delineated to the edge of the project on the original delineation efforts, delineation should be extended, which was addressed at the meeting.
3. There was discussion about alternative analysis showing the applicant’s effort to avoid or minimize impact to wetlands, so when impacts are unavoidable, they could be minimized.
4. A request for more detailed information about the proposed detention basins.
5. The applicant noted that there are large stands of autumn olive, which is another invasive. It was suggested that the autumn olive should be removed from the site prior to maturation of the seeds.

He stated that his comments have to do with the larger picture of the project but, addressing the detention basins, due to the size of the project, a DEEP registration requirement for a general permit to discharge the storm water and dewatering from construction activity is required. It must be submitted to DEEP at least 60 days prior to the commencement of construction activities. As addressed at this meeting, reported Mr. Laiuppa, the original application talked about wetland impact areas but did not talk about the impact to the upland review areas. The most important part of this is the determination at the last meeting that there are statutory requirements within the Town that must be addressed:

1. Soil sample data shall show precisely where each specific soil type is found. (There has been an update to the soil maps that were presented to the Town that show the demarcations of the soil types.) As requested by the Conservation Commission, there was no additional detailed information about the soil profiles but there were additional soil mapping updates.
2. A description of the ecological communications, functions and values of the wetlands or watercourses involved with the application as well as the effects of the proposed regulated activities on the communities and the functions and values.
3. The description of analysis of alternatives which would cause less or no environmental impact to wetlands or watercourses and description of how the proposed activities and the alternative scenarios would change, diminish or enhance the ecological communities and functions and values of the wetlands and watercourses.
4. The analysis of chemical or physical characteristics of any fill material.

Mr. Prause asked for a clarification of the habitat enhancement area that will occur in the southeast corner.
Mr. Laiuppa stated that it is not a requirement in the Town regulations. The idea behind this is that it was recognized that there is a verified vernal pool, which is a protected habitat that can at times host endangered species. The vernal pool habitat itself is protected. He said that the enhancement area is intended to provide more upland habitat for those species that breed in the vernal pools.

Mr. Logan noted that there will be some grading and there are currently some invasive species in the general area. He stated that this is an opportunity to do something to, if not completely prevent, at least to a great extent eliminate invasives from one area. Therefore, immediately upon grading and topsoiling, they would go in with a very aggressive seed mix and shrubs, which will be better suited to push away invasives.

Mr. Stoppelman asked whether there is anything in the Town regulations that defines open space for this type of development.

Mr. Bordeaux replied that the subdivision regulations provide the Commission with a fair amount of flexibility in open space use; e.g., playgrounds or hiking trails. He acknowledged the maintenance load of the existing Parks staff. The proposal is for a passive open space. The value, in his opinion, is its location adjacent to the utility right-of-way.

Mr. Stoppelman questioned whether the access to the open space controlled by the Town is adequate for passive use. Mr. Bordeaux reported that the access to the development has been delineated, though he surmised that the frontage on Wetherell Street would be the principle access. He explained the frontage requirement.

Ms. Potocki asked Mr. Laiuppa if he was satisfied with the soil data that has been presented, or if some wetland soil could have been missed.

Mr. Laiuppa maintained that there are several levels of soil descriptions. The descriptions provided in the wetland report were for those wetland areas that were delineated. There are more detailed soil descriptions vs. the upland soils, he noted, and there are general broad descriptions of the upland soils included in the report. He explained that the descriptions of the wetland soils are a proprietary level description that Mr. Logan developed. Because the Town does not have standards defined, according to Mr. Laiuppa, they have to fall back to the State definition of wetlands, which is based on soils. He expressed that the Town relies on the scientific credentials of the wetlands scientist.

Ms. Scorso inquired about the monitoring for four years after construction and who will review that information.

Mr. Logan explained that both the plans and the report have all the wetland replication, invasive plant control notes, etc. There are two parts for monitoring: (1) How the wetlands will be replicated; and (2) Section 7 refers to monitoring, stating that a qualified wetlands professional will do the monitoring up to three seasons after the season of implementation, the report of which would go to the Staff. He described the details of the monitoring, which is to ensure in
those four years that, whatever has been planted and seeded, the progression of the evolution of the wetlands is headed in the right direction. Mr. Logan described the testing schedule going forward.

Mr. Edward Stearns, 32 Wilson Way, introduced himself. He reported that the water pressure to his home is poor and questioned what effect the proposed homes will have on his water pressure.

Attorney Famiglietti reported that she did not have the information at hand. She stated that, at the next meeting, there will be an engineer who will discuss the water pressure issues very specifically.

**MOTION:** Mr. Kennedy moved to continue the public hearing to September 4, 2019. Ms. Scorso seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 8:55 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.
MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
AUGUST 12, 2019

ROLL CALL:

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

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 Business Meeting at 8:55 P.M. The Secretary read the legal notice when the call was made.

MANCHESTER EARLY LEARNING CENTER, INC. – Removal of two existing storage sheds, construction of a new storage/maintenance shed, and construction of a new 6-space parking area at 80 Waddell Road. – Special Exception Modification (2019-080)

Mr. Alan Lamson, Vice President of FLB Architecture and Planning, introduced himself, stating that they are the architects for the planned project at Manchester Early Learning Center. The plan for the interior is to make the building more readily accessible for the students. In addition, Mr. Lamson stated, there will be improvements to the site. He provided the history of the property, and reported the buildings on the land. Mr. Lamson explained in detail the proposal for the parking as well as the construction of a new maintenance shed. He additionally reported the comments from the Engineering staff and the plans to address those.

Mr. Andrew Bushnell, Licensed Civil Engineer and Land Surveyor with Bushnell Associates, introduced himself and reported that his firm prepared the site plan. Among the improvements to the outside is an area for buses with buffering for neighboring properties. All proposed enhancements to the exterior were described in detail. Mr. Bushnell described the plan for trench drains to capture runoff water.
Mr. Prause explained that the special exception modification must meet the special exception criteria. He noted that there is no change to the use of the property, and asked if there are concerns about emergency access or public utility impacts.

Mr. Bushnell stated that there were no concerns, as the number of students attending will remain the same.

Mr. Bordeaux noted that any comments were addressed by Mr. Lamson. The traffic engineer’s recommendation for a building identification sign must be dealt with, and Planning will let the applicant respond to that.

Mr. Kennedy’s opinion is that the building numbers will resolve the issue. He questioned whether the applicant is required to install a curb.

Mr. Bordeaux stated that he did not think it is a requirement. It is standard for a parking area to have a curb to capture the storm water generated on the paved surface. He stated it could be resolved with a modification.

Mr. Bushnell assumed Mr. Bordeaux was referring to emergency access. The proposed parking area, he noted, actually provides better emergency access, particularly to the play area.

Mr. Prause referred to the shed structure being painted to match the existing building and questioned the color.

Mr. Lamson answered that the shed will probably have vinyl siding and trim. He noted that the building is off-white with purple trim.

**MOTION:** Mr. Kennedy moved to approve the special exception modification for removal of two existing storage sheds, construction of a new storage/maintenance shed, and construction of a new 6-space parking area at 80 Waddell Road, with the modifications as specified in Staff memoranda from:

1. John DiBiasi, Assistant Town Engineer, dated August 9, 2019, excluding General Comment #1 regarding curbing.

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

**THE PLAZA AT BURR CORNERS, LLC – For improvements to McDonald’s restaurant, including upgrades to the drive-through, building renovations, and minor site improvements at 1221 Tolland Turnpike. – Special Exception Modification (2019-082)**

Mr. Matthew Tyler, Bohler Engineering, representing McDonald’s Corporation, introduced himself. He noted that the project is in the General Business zone. The purpose of the project is to improve accessibility, the aesthetics of the building, and the overall configuration of the drive-through. Mr. Tyler explained that the building is not compliant from an ADA standpoint, and listed the changes to be made.
He reported that there will be a new signage package, reducing the sign by 6 sq. ft., with a more modern color scheme. Mr. Tyler stated that they will also reconfigure the drive-through, which is the biggest portion of the project. He explained the improvements to the drive-through in terms of driver safety, queuing and traffic flow. There will be appropriate directional signs for drivers to reach the drive-through.

Mr. Praise requested that Mr. Tyler explain how the traffic flow will work with the new layout.

Mr. Tyler pointed to the depiction of the property and explained the new circulation.

Mr. Stebe questioned the directional signs in relation to Firestone. He proposed alternate, safer routes for consideration.

Mr. Tyler responded that the planned signs will point drivers to between Firestone and McDonald’s. He noted they can add signage warning drivers of pedestrians.

Mr. Praise remarked that there will be no change to the dumpster location.

Mr. Tyler stated that they will be increasing pervious area and will install new landscaping.

Mr. Praise, noting that this is leased property, questioned whether there have been discussions with the landlord about the impacts.

Mr. Tyler reported that they have had discussions with the site owner.

Mr. Prause sought clarification about specific directional arrows, which Mr. Tyler explained in detail.

Mr. Kennedy observed that many of the McDonald’s have been renovated and he has never had any confusion in navigation.

Mr. Tyler stated that it will be a counter-clockwise rotation.

**MOTION:** Mr. Kennedy moved to approve the special exception modification for improvements to the McDonald’s restaurant, including upgrades to the drive-through, building renovations, and minor site improvements, at 1221 Tolland Turnpike. Ms. Scorso seconded the motion and all members voted in favor.

**ADMINISTRATIVE REPORTS:**

Mr. Anderson stated that there has been a desire by the Commission to look at these items, how they are currently handled, and how they may potentially be handled in the future. He also stated that, if there is a desire to pursue the items further, a workshop can be scheduled.

**Discussion of Outdoor Lighting**
Mr. Bordeaux explained that Staff is looking for feedback on whether the Commission would like to see more research conducted on outdoor lighting, to compare how Manchester regulates outdoor lighting compared to other communities.

The Town’s zoning regulations address outdoor lighting in the General Requirements for Residential Zones and General Requirements for Business Zones. Currently, there is very limited language and outdoor lighting is regulated to avoid being a nuisance. Whenever the lighting is a nuisance, he explained, the Zoning Enforcement Officer can follow up. Mr. Bordeaux stated that the Zoning Enforcement Officer’s only concern is that it is not a nuisance.

Another aspect of regulating outdoor lighting is with the adoption of the Form Based zone. The Form Based zone regulations include a great deal of detail, e.g., types of lighting sources, different fixtures and the use of search lights or high-intensity narrow beam fixtures, luminaires, and fixture height. Mr. Bordeaux reported that the lighting standards have not been applied in the Form Based zone because there is no new construction with a need for a substantial lighting plan.

How effective and how useful it will be in terms of enforcement is up in the air because there is no evidence to that extent yet, according to Mr. Bordeaux. He stated that he has spoken to the Zoning Enforcement Officer and the regulation of outdoor lighting has never been a problem for him; e.g., if you can stand on a property and if the light is shining in your eye, it must be modified appropriately. However, that does not address excessive light and some communities have taken that approach.

Mr. Bordeaux reported on the outdoor lighting impacts, the well-being, health and safety of the community. However, he explained that there is something called a “dark sky movement,” to reduce excessive, unnecessary light by reducing the amount of light in terms of the number of fixtures, the hours of use of the fixtures when not necessary, and the means by which the light is generated in terms of different bulb types. The “dark sky movement,” according to Mr. Bordeaux, provides some recommendations and will certify different fixtures. Some communities have adopted regulations with this in mind. Unless the Commission seeks to take the extra environmental or social steps to regulate outdoor lighting, he explained, currently Manchester’s regulations are effective enough in terms of reducing usage.

Mr. Bordeaux acknowledged that he has not spent a great deal of time researching other communities, though he knows that South Windsor has six pages of regulations related to outdoor lighting recommendations.

Mr. Kennedy reported that the South Windsor regulations were written approximately 20 years ago, before there was much development in the gateway zone, including Evergreen Walk. Manchester is mostly developed and zoning regulations do not apply retroactively. Determining what is pre-existing and what is new would be difficult and not worth it, in his opinion.

Mr. Stoppelman referred to the fact that technology is constantly changing and getting too specific would be detrimental. He stated that he has less of a problem with turning off lights.
after businesses close if a plan for security lighting and eliminating heavy-duty lighting could be determined.

Ms. Potocki agreed with Mr. Stoppelman about technology. Referring to Mr. Kennedy’s statement about Manchester having a lot of development, she noted that there is also redevelopment. In her opinion, this may be the time to consider redevelopment in terms of reducing light trespass. She stated that lighting is not the only factor for security, but movement technology is available.

Mr. Stebe reminded the Commission that he has addressed this topic many times. He said that, years ago when Wal-Mart was planning to redevelop the Spencer Street location, they had created a great lighting plan, essentially a dark sky lighting plan. The Town needs to have something more than regulation of a light glaring into a neighbor’s window, according to Mr. Stebe. He noted that the Form Based regulations are more detailed. The infrastructure in Manchester is prime for redevelopment, which could be included in new regulations.

Mr. Bordeaux remarked that he can investigate what other communities do. He acknowledged that he needs to do more research on sign lighting.

Mr. Bergin reported that, in his opinion, it is important to differentiate between the zones in town and not have a town-wide ordinance. Referring to the sign regulations instituted, he said that there may be times when internal lighting makes sense and that use has been prohibited. He did acknowledge that there are areas that need to be well-lit continuously.

Mr. Prause declared that a regulation will be difficult to write because each person’s definition of “nuisance” will be different. He agreed with Mr. Bergin’s comments, though there is no regulation in the Industrial or the Off-Street Parking zones that refers to light trespassing onto a neighbor’s property. In his opinion, there should be wording that mimics the general requirements for residential and business zones, perhaps “as required” or “upon review of the Commission.” He stated that there must be some flexibility.

Mr. Anderson suggested a required photometric plan, which is easy for an applicant to do; i.e., making calculations and showing the types of light and where the lighting would be evident and strong.

Ms. Potocki reported that Mansfield and West Hartford have a lot of new development and redevelopment. She thought that the Town of Manchester could look into those towns’ photometric plans.

Mr. Anderson questioned whether the Commission would be interested in a workshop, or if they would prefer Planning draft a regulation. He recommended holding a workshop and the Commission agreed.

**Discussion of Tree Regulations**
Mr. Laiuppa reported that he had looked into the tree protection and replacement regulations that are in place. He noted that there are other areas covered by ordinances in town, and those are outside of the Planning & Zoning Commission’s purview. There are three authorities in place that deal with trees in or affecting public places: (1) The Tree Warden has purview over trees and shrubs within public rights-of-way; (2) The Conservation Commission acts a check on the Tree Warden in the event that someone contests the Tree Warden’s ruling; and (3) The General Manager can decree that the Tree Ordinance is bypassed in the case of emergencies.

Mr. Laiuppa explained that he wanted to explore Manchester’s regulations for applicants. The only regulations in place deal with subdivisions, according to Mr. Laiuppa, and he detailed the language. He stated that he is unsure when the regulations were written, but there is a suggested tree list for subdivisions, the majority of which are non-native and a couple of which are invasive. If the list of trees is revisited, it would be worth looking at other factors, in his opinion.

The next step in the process, stated Mr. Laiuppa, would be to determine whether the regulation language should be expanded to other development types.

Regarding penalties that are in place, Mr. Laiuppa stated that there are not many; the only one that is in the purview of the Commission is when it acts as the Wetlands Agency. There are rules that prohibit cutting down trees in wetlands and there is enforcement language that refers to the Inland Wetlands and Watercourses Act.

Mr. Kennedy questioned whether there have been any tree-related problems with applications.

Mr. Anderson reported that there is one current situation. There is a large industrial property in town that presented a plan to re-plant and re-landscape the property. He stated that the original proposal was to cut down a large number of mature trees, and they have the right to do that. However, the owner was willing to work with the Town and it was explained that some of the trees were serving a function on the site. The site plan had been approved decades ago and the Town has no purview over that type of landscaping over time.

Mr. Laiuppa explained that, had the application been a subdivision, there would have been protective language in our regulations for trees in excess of a certain size.

Mr. Stebe inquired whether this movement is to get the invasives and non-natives off the suggested tree list and move toward the more indigenous local trees.

Mr. Anderson stated that people have property rights over their landscaping. While this Commission has certain purview over landscaping when it is approved, it is a question of what purview the Commission wants to have and what is practical to have.

Mr. Laiuppa suggested that the Commission will be looking at language for new applications.

Ms. Potocki referred to the “complete streets” policy and asked if there is a way to bring the two issues together.
Mr. Bordeaux reported that mature trees are something to be considered in a review of an improvement project, with a series of recommendations in the policy. He surmised that incorporating green infrastructure is related to complete streets. Another issue to be considered is the language in the regulations regarding landscaping of parking lots.

Mr. Stebe understood there is some verbiage about the greenscaping in the 2020 plan.

Mr. Laiuppa mentioned the Sustainability Task Force, which may help to do research or provide language in an effort to have science-based merit behind it.

Mr. Anderson suggested having a workshop on this topic.

APPROVAL OF MINUTES:

July 1, 2019 – Public Hearing/Business Meeting
MOTION: Mr. Kennedy moved to approve the minutes of the July 1, 2019 Public Hearing and Business Meeting. Mr. Bergin seconded the motion and all members voted in favor.

July 15, 2019 – Public Hearing/Business Meeting
MOTION: Mr. Kennedy moved to approve the minutes of the July 15, 2019 Public Hearing and Business Meeting. Ms. Scorso seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

KENNETH BOYNTON – Special Exception (2019-088); Erosion & Sedimentation Control Plan (2019-089) – Special exception per Art. II, Sec. 3.02.04 for a municipal utility structure (water pump house) and erosion and sedimentation control plan in connection with the proposed Bayberry Crossing cluster subdivision at 426 Wetherell Street.

MOTION: Mr. Kennedy moved to close the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 10:15 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.