

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
AUGUST 17, 2020**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Patrick Kennedy, Acting Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternate Member Sitting: Teresa Ike

Alternates Present: Bonnie Potocki

Absent: Eric Prause, Chairman
Julian Stoppelman

Also Present: Megan Pilla, Senior Planner
David Laiuppa, Environmental
Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 8:17 P.M.

WALTER LANDON – Zone change from Residence A zone to Planned Residential Development zone at 321 Oakland Street (a.k.a. 321-1/2 Oakland Street) and 27 Lillian Drive. – PRD Zone Change & Preliminary Site Development Plan (2020-007)

Mr. Stebe commented that this is a clean preliminary plan and, in his opinion, fits the general surrounding area.

PRD Zone Change & Preliminary Site Development Plan (2020-007)

MOTION: Mr. Stebe moved to approve the zone change from Residence A zone to Planned Residential Development zone and accompanying Preliminary Site Development Plan at 321 Oakland Street (a.k.a. 321-1/2 Oakland Street) and 27 Lillian Drive, with the modifications as specified on site plan markup from:

1. John D’Biasi, Assistant Town Engineer, dated August 14, 2020.

Ms. Ike seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the Planned Residential Development criteria in Art. II, Sec. 7 and is consistent with the character classification of *Community Corridor* in the Town's Plan of Conservation and Development.

The zone change will be effective on September 1, 2020.

AMBER PROPERTIES, LLC – To amend the Comprehensive Urban Development (CUD) zoning regulations at Art. II, Sec. 8 to allow light industrial uses in the zone. – Zoning Regulation Amendment (2020-047)

Zoning Regulation Amendment (2020-047)

MOTION: Mr. Stebe moved to approve the zoning regulation amendment as presented at the August 17, 2020 Planning and Zoning Commission meeting to amend the Comprehensive Urban Development (CUD) zoning regulations at Art. II, Sec. 8 to allow light industrial uses in the zone. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed zoning regulation amendment is consistent with the Plan of Conservation and Development Goal #1, Objective 4, which states: "Adopt zoning regulations that facilitate the adaptive reuse of vacant or underutilized sites and buildings in mixed-use districts and transit and community corridors," and Goal #4, Objective 2, which states: "Develop strategies to retain and expand industry clusters with a strong Manchester presence including: manufacturing; aerospace; health services; logistics and distribution; financial services."

The zoning regulation amendment will be effective on September 1, 2020.

PATRICIA FABY HAYES – Request five-year extensions of the existing Inland Wetlands Permit (2015-063) and Erosion & Sedimentation Control Plan (2015-064), with no changes from prior approvals, at 1555 Tolland Turnpike. – Extension of Previously Approved Inland Wetlands Permit (2020-039); Extension of Previously Approved Erosion & Sedimentation Control Plan (2020-040)

Attorney Stephen Penny reported that he is representing the applicant. Attorney Penny described the property and abutters in detail. The regulation regarding renewal was read by Attorney Penny, who noted that the terms of the renewal have been met. He stated that there has been no change in circumstances nor an intervening enforcement action. There has been no activity under the permits since their issuance. Additionally, the wetlands regulations have not been amended since prior to the issuance of the wetlands permit approved by the Commission on August 17, 2015, and the plans provided at that time met and still meet the terms of the regulations.

Attorney Penny stated that the erosion and sedimentation control plan regulations have been amended by the addition of a signed title block and electronic filing requirements. Should it be considered necessary, these are matters that could be handled easily through the new provision on minor plan modifications.

All testimony and actions on the initial application were reported by Attorney Penny. Given the prior PZC approvals, the consistency of the application with the regulations, and the statutory right to receive the renewals absent the substantial change in circumstances, Attorney Penny respectfully requested approval of the permit extensions for an additional five years.

Mr. David Laiuppa reported on his field review of the site and clarified that the definition of intermittent water course (swale) makes it a regulated resource necessitating the wetlands permit. On his walk of the site, he noted that there was some hydrophytic vegetation and drainage pattern in an area on the site that had not been previously delineated. He stated that he contacted the applicant to alert them, and their soil scientist stated that he did not believe they were wetlands. Mr. Laiuppa reported on his comments for the applicant regarding their DEEP Reporting Form, which is required for all wetland permit applications. The applicant stated on the form that there is zero impact to wetlands or watercourses, but in their presentation and wetlands delineation, they confirmed that there are impacts to the intermittent watercourse. Mr. Laiuppa stated that comment is still attached to this application.

Extension of Previously-Approved Erosion & Sedimentation Control Plan (2020-040)

MOTION: Ms. Scorso moved to approve the applicant's request for a 5-year extension of the previously-approved erosion & sedimentation control plan (2015-064) at 1555 Tolland Turnpike, with the modifications as specified in a staff memorandum from:

1. David Laiuppa, Environmental Planner, dated July 28, 2020.

Ms. Poland seconded the motion and all members voted in favor.

Extension of Previously-Approved Inland Wetlands Permit (2020-039)

MOTION: Mr. Stebe moved to approve the applicant's request for a 5-year extension of the previously-approved inland wetlands permit (2015-063) at 1555 Tolland Turnpike, with the modifications as specified in a staff memorandum from:

1. David Laiuppa, Environmental Planner, dated July 28, 2020.

Ms. Scorso seconded the motion and all members voted in favor.

PPF WE 1339 TOLLAND TURNPIKE LLC – To expand access driveways and truck parking, and install security gate houses and a fleet fueling station at 1339 Tolland Turnpike. – Special Exception Modification (2020-042); Erosion and Sedimentation Control Plan (2020-043)

Ms. Val Ferro, Good Earth Advisors, introduced herself.

Mr. Adam Winstanley, Winstanley Enterprises, the owner of the former J.C. Penney complex and the Shops at Burr Corner, introduced himself. Mr. Winstanley explained the history of the property since the purchase, and stated they have invested approximately \$40 million into the

complex. He reported on the projects that have been completed as well as the upcoming projects.

Mr. Winstanley referred to a lease with Ahold Delhaize for approximately 1 million sq. ft. and some improvements on the north wall. This particular project is a minor modification that they would like to make to the initial plan at the tenant's request.

Mr. Winstanley reported that his company has completed all the building improvements for the tenant's occupancy and they will be managing their improvements, which are expected to start in mid to late October, lasting for 6-8 months. It is expected that the tenant will be fully occupied in the building and beginning distribution operations in September or October 2021.

J.C. Penney continues to pay rent and occupy a portion of the facility, according to Mr. Winstanley, and have stated they intend to stay at the facility to support over 200 stores. There is one small vacancy of 350,000 sq. ft. remaining, and they anticipate full occupancy hopefully in the next couple of months.

Ms. Ferro summarized the improvements that have been made to the site, which is exclusively in the industrial zone. The improvements are confined to only 11 acres, which is approximately 6.7% of the entire site. She explained the three main areas of improvements and detailed all work to be completed: a fueling facility; an access/egress drive with a small guard shack and trailer parking areas; and a new access/egress drive with a small security gate and several trailer parking spaces.

Impervious surface will be increased, according to Ms. Ferro, by 3.79 acres, which has caused an adjustment of drainage. She stated that they will also be capturing runoff from the roof in a separate system that will recharge to an underground system. Erosion and sedimentation control measures meet the Town standards as well as the Connecticut DEEP standards and she delineated those plans. Ms. Ferro detailed the lighting package, which will be dark sky compliant. She then explained the poor vegetation on site and stated that they have been revegetating the site incrementally.

Ms. Ferro reported that they had submitted a traffic memo, and after consulting OSTA, it was determined they are fine and there will be no traffic impact due to a site reconfiguration.

Regarding Staff comments, Ms. Ferro noted that there were comments, all of which have been addressed.

Ms. Pilla acknowledged that there were revisions, which were complied with. She relayed that the aquifer protection area line runs through the middle of the site and was discussed during Staff review. It was confirmed that the activities being proposed in this application do not impact the aquifer protection area. Ms. Pilla confirmed that the applicant is aware, and they have discussed, that any potential activities which might impact the aquifer protection area would need to be conducted in accordance with both Town and DEEP requirements, but that would be a discussion outside of this application.

Mr. Stebe, referring to the aquifer protection area, recognized that the fuel storage and fuel dispensing spaces are outside of the area, but are connected through a continuous piece of asphalt. He asked for confirmation about the precautions and safeguards on the setup.

Ms. Ferro stated that the question mimics the question from the Town Engineer.

Mr. Bill Taber explained the tanks' construction and noted that they will be within a concrete diked area along with a monitoring system. In the event of a leak between the primary tanks and the secondary tanks, there will be an alarm tied into the building management system for immediate notification. The concrete dikes, he stated, will contain the entire contents of the two tanks plus 10%. Mr. Taber detailed the process from the tank to the dispensing area, and explained the construction throughout.

Mr. Jim Petropulos displayed the fueling area and explained the storm water runoff management. He reported that they have added a dynamic separator to filter out suspended solids from storm water runoff, which also contains an oil/water separator unit. Mr. Petropulos explained the two other areas with dynamic separators.

Special Exception Modification (2020-042)

MOTION: Ms. Scorso moved to approve the special exception modification under Art. II, Sec. 16.15.02(a) and (b) to expand access driveways and truck parking, and install security gate houses and a fleet fueling station at 1339 Tolland Turnpike. Mr. Stebe seconded the motion and all members voted in favor.

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

Erosion and Sedimentation Control Plan (2020-043)

MOTION: Ms. Scorso moved to certify the erosion and sedimentation control plan for expansion of access driveways and truck parking, and installation of security gate houses and a fleet fueling station at 1339 Tolland Turnpike. Ms. Ike seconded the motion and all members voted in favor.

APPROVAL OF MINUTES

July 20, 2020 – Public Hearing/Business Meeting

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

August 3, 2020 – Business Meeting

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

RECEIPT OF NEW APPLICATIONS

PPF WE 1339 TOLLAND TURNPIKE LLC – Special Exception Modification (2020-042); Erosion and Sedimentation Control Plan (2020-043) – To expand access driveways and truck parking, and install security gate houses and a fleet fueling station at 1339 Tolland Turnpike.

AMBER PROPERTIES, LLC – Zoning Regulation Amendment (2020-047) – To amend the Comprehensive Urban Development (CUD) zoning regulations at Art. II, Sec. 8 to allow light industrial uses in the zone.

MOTION: Mr. Stebe moved to adjourn the business meeting. Ms. Scorso seconded the motion and all members voted in favor.

The Acting Chairman closed the business meeting at 9:06 P.M.

I certify these minutes were adopted on the following date:

September 9, 2020

Date

Eric Prause, Chairman

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