

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 21, 2020**

VIRTUAL MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice-Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternates: Julian Stoppelman
Bonnie Potocki
Teresa Ike

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
David Laiuppa, Environmental
Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:50 P.M.

TOWN OF MANCHESTER – For renovations to Buckley Elementary School, including additions, site improvements, upgrades to the parking lot, improvements to the drop-off loop area, minor modifications to athletic ball fields, and landscaping improvements at 250 Vernon Street. – Special Exception Modification (2020-057); Erosion & Sedimentation Control Plan (2020-058)

Special Exception Modification (2020-057)

MOTION: Mr. Kennedy moved to continue the public hearing until October 5, 2020. Mr. Stebe seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2020-058)

MOTION: Mr. Kennedy moved to continue the public hearing until October 5, 2020. Mr. Stebe seconded the motion and all members voted in favor.

MICHAEL & BONITA MILLER – To add 84’ of 12” ADS dbl wall pipe to existing 12” ADS dbl wall pipe to convey outlet flow at 736 Vernon Street. – Inland Wetlands Permit – Determination of Significance (2020-059)

Mr. David Laiuppa noted that the wetlands permit application was received at the last meeting, but due to statutory restraints, a decision could not be made. However, a determination of

significance can be made, and the applicant will present at the next meeting. Mr. Laiuppa sought to give the Commission the opportunity at this meeting to make a determination of significance to ascertain whether a public hearing at the next meeting is required.

According to Mr. Laiuppa, the applicant has a long driveway leading to their house and, parallel to the driveway, there is an intermittent outlet swale from a pond on the property, constructed prior to the current owner. The swale is very close to the driveway and when it was constructed, it was bordered by a wooden edge which has rotted, creating the danger of the driveway collapsing into the swale. Mr. Laiuppa noted that the swale is typically dry but does qualify as wetlands. The applicant proposes to put a pipe into the swale so the conveyance of the water does not change and will build up the soil over the top of the pipe to support his driveway. He will also stop short of Vernon Street so the Town can maintain the system under Vernon Street.

Mr. Stebe report asked for clarification of the project, which Mr. Laiuppa displayed and explained in detail.

Inland Wetlands Permit – Determination of Significance (2020-059)

MOTION: Mr. Kennedy moved to find the proposed activity at 736 Vernon Street as shown on the inland wetlands permit application 2020-059 will not have a significant impact on the wetlands and, therefore, will not require a public hearing. Ms. Scorso seconded the motion and all members voted in favor.

TOWN OF MANCHESTER ENGINEERING DIVISION – 2020 update of the Town of Manchester Public Improvement Standards. – Public Improvement Standards (2020-052)

Mr. John DiBiasi, Assistant Town Engineer, reported that the Town of Manchester has created a 2020 edition update of the Town Public Improvement Standards. The Public Improvement Standards are to help provide a uniform set of minimum requirements for the implementation of work within the Town's public right of ways and easement areas.

Predominantly, according to Mr. DiBiasi, detail and pieces of information have been added to help streamline the design, construction and Planning and Zoning review processes as a reference. The Standards have also been reorganized, mainly to keep related information together within sections of the document. He stated that they have clarified what types of projects fall under the requirements of the Public Improvement Standards and where the authority comes from. They have also updated the list of standard references used. Mr. DiBiasi also reported local policy changes, making sure they were referenced in the appropriate sections within the Public Improvement Standards. Mr. DiBiasi proceeded to inform the Commission of notable changes in the various sections, and described each in detail. The result of the changes is one document that includes all work encountered in the public right-of-way.

Mr. DiBiasi reported recommendations from the Planning Department Staff to make changes that are not reflected in the draft document, but are included in the packet. The Conservation Commission commented on information, but their concerns are not in the Public Improvement Standards. He stated that there will be a change regarding street lighting. The draft does not specify the use of LED lights, though that has been the Town's practice, but moving forward that

will be included in the Standards. The remainder of the changes to the Standards were explained in detail by Mr. DiBiasi.

Mr. Kennedy questioned whether this document is in a form that can be approved now or if there will be further changes.

Mr. DiBiasi responded that, in discussion with Staff in the Planning Department, the recommendation would be to approve a modified draft based on ongoing discussions and comments received late last week. Once the document is approved, there are other areas they hope to revisit to expand upon and improve.

Mr. Anderson requested Mr. DiBiasi explain the changes to ensure the Commission is comfortable with approval prior to those changes.

Mr. DiBiasi reported that some of the changes are the addition of details relating to trees and edits to references to grass mix, fertilizer and mulch application, primarily to bring them in line with some State DOT documents. He also plans to clarify the LED requirements.

Mr. Kennedy reiterated his question about what is being voted on; i.e., the text the Commission has received, or that plus what was verbally explained by Mr. DiBiasi.

Mr. Anderson clarified that Mr. DiBiasi is asking the Commission to vote on the text in the packet plus the two items he mentioned adding. He added that it is not statutorily required to have the Planning and Zoning Commission's approval.

Mr. Kennedy assumed the vote is advisory, with which Mr. Anderson concurred.

Mr. Prause contemplated whether there had been discussion in the past about topics that should be addressed with the new Public Improvement Standards.

Mr. DiBiasi reported previous discussions: A large subdivision before the Commission recently raised questions about the lack of water distribution and sanitary sewer requirements in the Standards, which he added is being addressed with the new edition. This update will be the new starting point, and as topics arise, the plan is to make smaller rolling changes on a more frequent basis rather than wait many years before making a large update. He commented that it would be closer to a living document as needs arise and conditions change.

Public Improvement Standards (2020-052)

MOTION: Mr. Kennedy moved to accept the proposed revisions to the Town of Manchester Public Improvement Standards as presented at the September 21, 2020 Planning & Zoning Commission meeting. Ms. Scorso seconded the motion and all members voted in favor.

THANH DAI – To increase the driveway width and add paved walkways and a paved garden area at 78 Forest Street. – Historic Zone Site Development Plan (2020-054)

Ms. Thanh Dai reported that the application is to increase the width of the driveway for ease of snow plowing. Additionally, they request additional paved area in addition to the driveway and patio which were previously approved. She displayed and explained the different areas to be paved as a continuation and connection as a walkway to the driveway.

Ms. Dai described the work they have completed on their historic Cheney Mansion, which had been abandoned. She added that they have been working on the home for the past four years and are at the final stage, hoping for completion next summer.

There is a garden area that they are seeking approval for, stated Ms. Dai, where they have already begun construction, not realizing they needed formal approval. She explained that this will make a good continuation from the front patio into the private garden. The property is a total of 2.58 acres and the proposed area of pavers is approximately 0.04 of an acre. Ms. Dai pointed out the amount of green area they have installed. At purchase, there was at least an acre of land that was overgrown that they have cleared and planted grass.

Ms. Pilla displayed the pictures of the property prior to Ms. Dai's purchase as well as the many improvements they have made. Ms. Dai gave a commentary on each picture. All materials to be used have been previously approved by the Cheney Commission and the Planning and Zoning Commission, explained Ms. Dai.

Mr. Anderson reported that the Cheney Commission held a meeting last week and had significant discussion about the property, recommending that the Planning and Zoning Commission deny the plan as proposed. The Cheney Commission suggested that the sunken garden be restored and that any additional pavers be limited to pathways between the house and the driveway. They also recommended that the driveway not be widened except for the turnaround circle, and requested that the applicant provide information on the proposed light posts for review. Mr. Anderson requested clarification that the garden and the light posts have already been installed, which Ms. Dai confirmed. The Cheney Commission's major concern was the amount of hardscape and additional pavers on the property, particularly around the house itself. The Cheney Commission recommended the applicant return with a plan that includes additional greenscape in lieu of the pavers around the home, and they referenced Art. II, Sec. 18.05.10 of the zoning regulations.

Ms. Pilla explained a few technical comments from the Engineering Division, as noted in a memo from John DiBiasi dated September 17, 2020.

Mr. Prause inquired about what the recommendation from the Cheney Commission means and how that should be considered.

Mr. Anderson stated that the Cheney Commission is always advisory in terms of development applications. The Planning and Zoning Commission makes the determination on detailed site plans within the Historic Zone, though it cannot be done without some sort of recommendation from the Cheney Commission. He informed the Commission that their options are: (1) It could be acted upon, (2) It could be approved or denied without prejudice, or (3) The application could be tabled or the applicant could withdraw.

Mr. Kennedy reported that he went through the information provided about the Cheney Commission meeting and the slide show. He noted that the sunken garden does have some historical significance and there are specific requirements under Subsection (d) of 18.05.10 and he understands the Cheney Commission's concerns.

Ms. Dai explained that the garden is off to the side of the house, tucked away, and is not in public view.

Mr. Stebe was of the opinion that what was originally approved was pavers on the south face going down the lawn from the turnaround to the house, then as part of the drive line. He questioned whether, based on the picture, there are pavers all around the house.

Ms. Dai replied by detailing the additional spaces that they are requesting for pavers to connect all the areas together. When considered in the context of the total amount of land, she said, it is not extreme.

Mr. Stebe acknowledged that the Historic District guidelines are not necessarily a function of full visibility from a roadway or from the public. It is to maintain the property itself, if standing physically on the property, which may be the Cheney Commission's issue. He questioned the amount of pavers being installed, and did not see how that would preserve the historical context of the house.

Mr. Anderson asked Ms. Dai to review which pieces of the plan have been completed, which Ms. Dai clarified.

Mr. Prause stated that his perspective is that the Cheney Commission is trying to identify what the important characteristics are that make the Cheney District what it is and to make sure that those characteristics are maintained. He acknowledged that there is also a balance when referring to a private home and someone who has the right to do what they can on their property while maintaining the charm and historical features. As this is a private residence, Mr. Prause felt that there are rights of the homeowner to change their property as they see fit.

Ms. Dai offered that the homeowners make up the Town, and she noted that they have been working with the Cheney Commission for the last few applications with respect. In her opinion, the Cheney Commission takes this project personally and refuses to accept any changes. Ms. Dai reported that in a few meetings, the comments have been disrespectful and offensive from some of the Cheney Commission members. She explained that, regardless of their opinion, she feels it is important for her to present her case and to bring it to the Planning and Zoning Commission. The Town should be able to help the homeowners to facilitate, Ms. Dai stated. This property, which has Cheney Commission members commenting on protecting and preserving it, was vacant for years, and she speculated on why nothing was done when the building was on the verge of collapse.

Ms. Dai stated that they have poured their heart and soul into this property and if the Cheney Commission's mission is to protect and preserve a property, and they left this property to fall

into the condition it was when they found it in 2016, in her opinion they failed miserably. She reiterated that in the last meeting, the Commission members' comments were offensive, and therefore, it is her obligation to speak up for herself.

Mr. Stebe reported that he hopes Ms. Dai is able to follow up with Mr. Anderson to flesh out the problems with the Cheney Commission. There is no point in time when any commission member should say anything that would disrespect an individual or application. He added that the Cheney Commission does not have the authority to force anyone to make a repair or to cite an owner. They can only review an application and comment in order to preserve the historical segment of the area. Mr. Stebe explained that the Cheney Commission members take it all personally because they have invested a great deal of time into making sure the buildings, as much as they have the ability to, are able to stay within a historic image.

Mr. Stebe acknowledged that Ms. Dai has managed to rebuild a beautiful house. However, he stated, she knew that she would have to go through the Cheney Commission when she purchased the house. He understands the heavy frustration Ms. Dai feels about disrespectful comments, and for that Mr. Stebe apologized that she had that experience with anyone within the Town of Manchester. In his opinion, there are still too many pavers proposed for the property. Mr. Stebe stated that he speaks for everyone on the Planning and Zoning Commission in saying that they greatly appreciate what she has done with the property.

Ms. Dai offered that they will withdraw the increase in the driveway proposal, but feels strongly that additional paving areas would help to tie the property together and help with maintenance.

Mr. Kennedy reported that he does not know what happened at the Cheney Commission meeting and it is unfortunate if some of their opinions were too heated. However, the Planning and Zoning Commission has to look at the application, and he acknowledged that no one can dispute the great job these homeowners have done to retrieve the house from a state of near blight. In his opinion, the issue comes back to the level of paving proposed and the historical significance of the sunken garden. Mr. Kennedy had prior experience in another town where the Historical Commission could be unreasonable; however, in Manchester he has found that the Cheney Commission and Planning and Zoning Commission recognize that there needs to be some flexibility in making the old Cheney Mansions viable.

Mr. Prause asked Ms. Dai, if she did go back to the Cheney Commission, whether she would offer to change the driveway width that she is looking to expand and if that would be the only change she would propose.

Ms. Dai stated that she would not want to go back to the Cheney Commission for anything else. She noted that she is offering to the Planning and Zoning Commission that, if they feel there are too many pavers, she would withdraw the proposal to increase the driveway width.

Mr. Kennedy remarked that all the Planning and Zoning Commission can do is to act on the application. If the applicant wishes to return with a modified application, they would be free to do so.

Historic Zone Site Development Plan (2020-054)

MOTION: Mr. Kennedy moved to deny the Historic Zone site plan for site improvements at 78 Forest Street as presented at the September 21, 2020 Planning & Zoning Commission meeting, because the site development plan does not conform to the requirements of the Historic Zone as written in Article II, Section 18. Ms. Scorso seconded the motion.

Ms. Scorso questioned Mr. Anderson whether the next proposal would have to go in front of the Cheney Commission.

Mr. Anderson reported that the regulations state that all Historic Zone development applications must go to the Cheney Commission for review.

Ms. Scorso offered to attend the meeting of the Cheney Commission for the next proposal.

Mr. Stebe questioned Mr. Anderson whether, if the applicant withdraws at this point, as the Planning and Zoning Commission has not taken any action on this, and submits a slight revision, not a new application, if it would require the applicant to go through the Cheney Commission again.

Mr. Anderson replied that it would be a new application.

Mr. Stebe asked if the applicant could request a table and then add a revision.

Mr. Anderson thought they could. He noted that the applicant has suggested a revision. Theoretically, the Commission could approve with conditions and lay those out. However, it would be the same discussion.

Mr. Stebe reported that he is trying to support the applicant's request to not go back to deal with the Cheney Commission because of the personal interaction she had with them. He stated that, if he tables the motion, it would give the applicant the opportunity to come back with some revisions.

Mr. Prause asked for clarification about revisions.

Mr. Stebe stated he understands the work that went into laying the pavers for the sunken garden, and he doubts that they will ever be able to grow grass in there again. However, he noted, they can look at the additional planned pavers.

Ms. Dai requested clarification on whether the turnaround area was approved.

Mr. Anderson stated that the Cheney Commission cannot approve anything; they can only make recommendations. What Secretary Stebe said was that he would prefer not to see that.

Mr. Stebe clarified that the circle turnaround is fine. His concern is all the yellow areas on the diagram for the proposed new patio that has not been built.

Mr. Prause stated that, if there is a way to approve with modifications at this meeting, he would be in favor of moving forward.

Mr. Anderson asked Ms. Dai whether there is anything else that she can offer besides shrinking the driveway in regard to the yellow sections.

Ms. Dai stated that from the garden, where it connects to the driveway, that can be turned into landscape and grass because there are no gutters or water that could run through, but they would keep the garden as it is currently.

Mr. Prause inquired whether the Commission is comfortable with moving forward and approving that at this meeting. He stated that the motion could be modified tonight with conditions or modifications to the plan. It seems as though some of the Commission members want the proposal to go back to the Cheney Commission if modifications are made.

Mr. Anderson responded that he would not recommend that order. If it will go to the Cheney Commission, it has to go there first.

Ms. Scorso stated that, taking into account that the information from the Cheney Commission is that less of the hardscape is desired, if the Planning and Zoning Commission modified it this evening with more green space in the highlighted area (lawn, landscaping, etc.), she would approve the modifications.

Mr. Kennedy noted that it is his opinion that it is unworkable to redesign this on the fly for the Commission. He acknowledged that the applicant has not had a good experience with the Cheney Commission and effectively bringing in a new application would require her to deal with them again. However, trying to redesign this on the fly is a confusing process.

Ms. Dai reported that she has met with the Cheney Commission at least five times, and all the comments were very intentional and it happened at every meeting. She stated that either the Commission approves the application with modifications or they will walk away with the approval of the turnaround area.

Ms. Dai commented that people have to be accountable for their words and actions.

Mr. Stebe conceded that it is Mr. Kennedy's motion. Either the Commission votes on it as is, or he is open to amending it.

Mr. Prause stated that anyone can make a modification to the motion. It is no longer owned by Mr. Kennedy.

Mr. Stebe continued that, if the Commission is open to a modification, they can include the modification that the pavers on the northeast corner from the garden will not be installed and will be replaced with greenscape or grasses, and the pavers on that face of the building be replaced

likewise with the patio on the west side between the house and the turnaround to be installed as proposed.

Mr. Anderson asked for clarification that Mr. Stebe is assuming there would be no widening of the driveway.

Mr. Stebe understood that the widening of the driveway is for the full length of the driveway.

Ms. Dai pointed to and explained the planned area.

Mr. Anderson restated that the area of the driveway that is not widened for the circle would remain 11 feet.

Mr. Prause reported that the motion on the table is to deny and questioned whether the Commission wishes to change this to a motion to approve.

Ms. Scorso clarified that she seconded the original motion, but she would like to approve with the modification at this point. She questioned how to proceed.

Mr. Kennedy voted in favor of the motion to deny. Mr. Prause, Mr. Stebe, Ms. Scorso, and Ms. Poland voted against the motion. The motion to deny failed one to four.

Historic Zone Site Development Plan (2020-054)

MOTION: Mr. Stebe moved to approve the Historic Zone site plan for site improvements at 78 Forest Street as presented at the September 21, 2020 Planning & Zoning Commission meeting, with the following modifications:

1. As specified in a Staff memorandum from John DiBiasi, Assistant Town Engineer, dated September 17, 2020.
2. That the pavers shown to the east of the garage and driveway and all pavers to the north of the garage plane be removed and kept as green space.
3. That the driveway width be maintained as existing except at the turnaround.

Ms. Scorso seconded the motion. Mr. Prause, Mr. Stebe, Ms. Scorso, and Ms. Poland voted in favor of the motion. Mr. Kennedy voted against the motion. The motion passed four to one.

The reason for the approval is that the site development plan conforms to the requirements of the Historic Zone as written in Article II, Section 18.

Ms. Dai thanked the Commission for their accommodations.

Mr. Stebe stated that the Commission took in a great deal of the advice from the Cheney Commission in their reticence to have the amount of pavers proposed as well as the width of the driveway. In his opinion, this is a very good compromise which maintains the ability of the

homeowner to have this as a home and not just a house, and retains a good deal of the historical aspects of the approach into the house.

Ms. Scorso echoed Mr. Stebe's comments.

ADMINISTRATIVE REPORTS:

Ms. Pilla offered one report, which is an update on the temporary outdoor dining permit regarding Covid-19. With the expiration of the Governor's Executive Orders recently, the temporary outdoor dining permits are going to be extended through mid-November. The Planning Department will be sending a letter out to the approved establishments to let them know, and will also be mentioning in that letter that, with the colder weather approaching, if any of them intend to install tents or outdoor heating structures that were not previously approved, they will need to go back through the Building Department and the Fire Marshal's office to ensure they are properly permitted.

Mr. Stebe questioned whether any of the establishments need to give notice of when they will terminate that use.

Ms. Pilla reported that the Town has not, to this point, requested they give notice, except that they were given an expiration date, which will now be extended to November.

Mr. Anderson commented that the plan is to state the extension of the permit as per the Executive Order and everyone's outdoor setup needs to be gone by November 15th. If the downtown setups end sooner than that date, the Jersey barriers can probably be removed.

APPROVAL OF MINUTES:

September 9, 2020 – Public Hearing/Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

STEPHENS PIPE & STEEL CONNECTICUT, LLC – Special Exception Modification (2020-063); Erosion & Sedimentation Control Plan (2020-064) – To modify the existing employee parking and truck maneuvering areas at the existing facility located at 776R North Main Street.

PPF WE 1339 TOLLAND TURNPIKE, LLC – Special Exception Modification (2020-065); Erosion & Sedimentation Control Plan (2020-066) – To add employee parking and access points within the northwest quadrant of the site at 1339 Tolland Turnpike.

LUIS MORENO – Special Exception (2020-067) – Special exception under Art. II, Sec. 16.15.02(c) to operate a place of worship in the Industrial Zone at 104 Hilliard Street.

The Chairman closed the business meeting at 9:40 P.M.

I certify these minutes were adopted on the following date:

October 5, 2020

Date

Eric Prause, Chairman

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