

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 7, 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
Teresa Ike
Bonnie Potocki

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 7:18 PM. The Secretary read the legal notice when the call was made.

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

Ms. Valerie Ferro, Good Earth Advisors, introduced herself as representing the applicant. Ms. Ferro gave a brief history of the property's progress. She stated that they are seeking approval for an undisclosed tenant (Tenant B) for the remaining 348,000 sq. ft. of the building in the northwest quadrant of the campus.

Mr. Adam Winstanley, Principal of Winstanley Enterprises, introduced himself. He stated that he is pleased to report that they have started construction on the ADUSA interior improvements, with the plan to open at the end of the summer 2021. JC Penney has notified Winstanley that they will be continuing their lease at the location. According to Mr. Winstanley, the lease with Tenant B was finalized, and should be signed toward the end of the month. He described the tenant as a major Fortune 100 company.

Mr. Winstanley described Tenant B as a prestigious company that will generate about 600 jobs, split into four shifts. The space will include approximately 5,000 - 7,000 sq. ft. of new office space, with the use described as distribution.

Ms. Ferro displayed the plan rendering, and noted the improvements to accommodate the tenant. She pointed to new inbound and access drives, both of which will have guardhouses. All improvements are within the original construction envelope within the perimeter road. There will be new pavement to accommodate 24 new dock doors, a net gain of 66 trailer storage spaces, and restriping of the pavement with a net gain of 176 employee automobile parking spaces. Ms. Ferro described new landscaped islands and perimeter fencing. She went on to explain the proposed landscaping and lighting plan in detail. The substantial berm and vegetation buffer to the north outside of the perimeter road is original and is intact.

In addition to the employee traffic, the truck involvement will be exclusively trailers and box trucks, according to Ms. Ferro. She stated that their traffic engineer, Fuss & O'Neill, reviewed the plans and they do not need any changes to their existing OSTA permit.

Mr. Jim Petropulos, Civil Engineer, introduced himself. Mr. Petropulos gave a detailed report about storm water and erosion control for the Tenant B project. In reviewing the storm water plan, the key issues are quality, how runoff will be treated, and whether grit and debris will be mitigated. He also explained that, regarding quality, they ensure there will be no adverse downstream conditions.

Mr. Petropulos displayed an aerial view of the site depicting the improvements and enhancements to existing pavement and concrete areas. New sidewalks and islands are being added and, thus, there is less pavement draining in a southerly direction, he explained. They will maintain the natural catch basins and piping, with discharge to an originally-constructed storm water area located in the western part of the property.

As Ms. Ferro reported, stated Mr. Petropulos, on the north side there are new dock doors, new landing pads, new driveways, and new trailer parking. The design will accommodate the additional runoff which will occur with the additional impervious surfaces. Mr. Petropulos explained that, by redeveloping the site, they will be using curbing and catch basins to capture the storm water, and it will then be run through a hydrodynamic separator which acts as a gross particle separator with an oil and gas removal feature. All details regarding the process were explained. Mr. Petropulos reported that they will be using all the best management practices for erosion control and he detailed those.

The Town Engineering Department has reviewed the plans, according to Mr. Petropulos, and the comments have been addressed. Additionally, they have received notice of permit authorization from CT DEEP in terms of storm water and erosion control.

Ms. Ferro reiterated that all Staff comments have been addressed, though there may be minor comments outstanding from the Eighth Utilities District. She stated that, with all the campus improvements, the site is now completely ADA compliant.

Mr. Stebe noted a section of the roadway which is in the upland review area, and he questioned whether there will be any activity in that space.

Ms. Ferro replied that the area will be untouched. It was originally paved when the property was acquired. She stated that their wetland scientist did examine the area.

Mr. Stebe inquired about the truck traffic flow routes in and out of the property. He noted that the new ingress appears to be very close to another tenant ingress/egress.

Mr. Petropulos explained the anticipated traffic through the area. From the exit, vehicles can exit in either a northerly or southerly direction onto the perimeter road throughout the campus. He acknowledged that the new entrance is in close proximity to the ADUSA access, but that is a gated access and will not be fully utilized.

Ms. Ferro added that, in review with OSTA, the traffic circulation is well within their threshold. She explained that they have worked with each of the tenants to assess their requirements to ensure their needs are met.

Mr. Stebe stated that he assumes the proposed lighting fixtures will be the same model and height, consistent with what has been installed throughout the campus.

Ms. Ferro responded that, because of the employee parking and trailer maneuvering, they may have to change the fixture slightly, but they will function exactly as the others. The photometrics will show no light trespass and will be fully dark compliant; any change will be discussed with Staff.

Mr. Prause stated that the applicant has covered everything in the special exception requirement. There is no change to the use, the structure is suitable for the use, the location is suitable for the use and the building is compatible with the neighborhood.

Ms. Ferro noted that the use is not dramatically different than the JC Penney operation.

Mr. Prause said that the special exception criteria refers to the streets being adequate for use, and asked if there was a study done about the impact of the traffic on the arterial streets in the area.

Ms. Ferro responded that they will be operating under an existing OSTA permit. As long as the traffic generation and the operations are in sync with that permit, OSTA approves. Ms. Ferro explained that, with each new tenant, they have had Fuss & O'Neill examine the situation. She stated that there had been an issue with ADUSA sight lines, but recently they secured a right-of-way permit from the Town and removed the vegetation in order to satisfy a concern that Fuss & O'Neill had brought up.

Referring to the proposal's environmental protection and landscaping plans, Mr. Prause questioned whether there are any other concerns about public utilities being adequate or emergency access.

Ms. Ferro stated that the type of tenants that have been secured have extremely high bars, more so than a typical tenant. Utility capacity and the delivery of it are adequate and have also met the criteria of the tenants.

Ms. Pilla stated that, as Mr. Petropulos mentioned, their team has had discussions with Town Staff and satisfied most of the comments to this point. The only outstanding items are with the Eighth District Fire Marshal's office, ensuring proper access given that the area is gated. She noted that the applicant has already submitted a proposed revision and Staff is awaiting Eighth District Fire's approval.

Special Exception Modification (2020-065)

MOTION: Mr. Kennedy moved to approve the special exception modification under Article II, Section 16.15.02(a) and (b) to add employee parking, trailer parking, and access drives within the northwest quadrant of the site at 1339 Tolland Turnpike, with the modifications as specified in Staff memoranda from:

1. Shawn Morris, Deputy Fire Marshal, Manchester Fire 8th District, dated November 30, 2020.

Ms. Scorso 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 Article IV, Section 20.

Erosion & Sedimentation Control Plan (2020-066)

MOTION: Mr. Kennedy moved to certify the erosion and sedimentation control plan for additional employee parking, trailer parking, and access drives within the northwest quadrant of the site at 1339 Tolland Turnpike, with the modifications as specified in Staff memoranda from:

1. Shawn Morris, Deputy Fire Marshal, Manchester Fire 8th District, dated November 30, 2020

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

MCDONALD'S CORPORATION – Special exception modification per Art. II, Sec. 22.04.05 for proposed drive-through improvements at the existing McDonalds restaurant at 136, 144, and 154 Deming Street. – Special Exception Modification (2020-073)

Mr. Jim Cranston, Bohler Engineering, introduced himself as representing McDonald's for this application. Mr. Cranston displayed the existing inefficient drive-through. Currently, the site has 68 parking spaces, and in the proposal there will be some spaces eliminated. He showed the proposed side-by-side drive-through configuration, which will allow for a longer queue, allowing more time for the order completion. In this proposal, there will be 54 parking spaces, which will still comply with the minimum zoning requirement.

Mr. Cranston explained that the new menu boards will be digital, which are half the size of the current menu boards. They have the same technology as smart phones, with auto dimming technology based on the time of day. The landscaping will be increased and Mr. Cranston gave the details of that plan. He displayed the pre-sell boards as well as the new menu boards.

Mr. Stebe inquired whether there will be overhangs over the order boards.

Mr. Cranston pointed out the area of the overhang that will protect customers from the elements.

Ms. Pilla reported comments that are very minor and technical in nature relating to the drawings. There were no other Staff review comments.

Mr. Prause questioned whether there will be landscaping on the island in between the two drive-throughs.

Mr. Cranston pointed to ornamental grasses and low-lying plantings in the island that will not obstruct the menu boards.

Mr. Prause asked if there was signage at the beginning of the drive-through referring to the selection of a lane. He also asked if there was any change to the drive-through windows.

Mr. Cranston pointed to the structure that spans both lanes, which identifies the minimum clearance requirement. He added that customers can choose whichever lane is available. He stated that the spacing of the drive-through windows works well for the new configuration.

Special Exception Modification (2020-073)

MOTION: Mr. Kennedy moved to approve the special exception modification under Article II, Section 22.04.05 for proposed drive-through improvements at the existing McDonald's restaurant at 136, 144 and 156 Deming Street, with the modifications as specified in Staff memoranda from:

1. John DiBiasi, Assistant Town Engineer, dated December 3, 2020.

Ms. Scorso 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 Article IV, Section 20.

PETER SCHUTTE – To dredge (pump) accumulated muck from pond bottom onto adjacent land at 63 Wyneding Hill Road. – Inland Wetlands Permit – Determination of Significance (2020-078)

Mr. Stebe and Ms. Scorso both reported that they have a friendship with the applicant and offered to abstain if the applicant so desired, which Mr. Schutte declined.

Mr. Peter (Todd) Schutte introduced himself. Mr. Schutte displayed the property, including a large portion of a pond on his land. He stated that he has a letter of concurrence from the owner of 27 Wyneding Hill Road.

Just over half an acre of the pond falls on the property at 63 Wyneding Hill Road, according to Mr. Schutte. They purchased the property in 2006, specifically for the pond. He added that ponds do require a degree of maintenance; the pond accumulates leaves and, due to storm water

inflow, there is added silt and debris. Mr. Schutte explained that if ponds are not maintained, over a process of several decades, the pond will gradually convert to a swamp. He noted that they are approaching that point over the past few summers because, as the weather gets hot, the pond has started to gather algae blooms. This process has resulted in a loss of fish in the pond, and has caused odors, indicative of a large layer of muck at the bottom.

Mr. Schutte stated that he is an engineer and interested in the wildlife, and his research has drawn him to a fairly unique pump which is designed specifically for the purpose. He displayed information detailing the process of the muck removal in the far northern area of the pond, with minimal disturbance to the water column assuring minimal disturbance to the wildlife in the pond. Mr. Schutte gave a detailed explanation of where the pump will discharge on his property and explained how the area will be protected by silt fence and a barrier to prevent overflow. He stated that the muck that will be accumulated will be allowed to sun and air dry, then will be rototilled into the soil and overseeded.

Mr. Schutte reported that the Town of Manchester Engineering Department had questions upon review and he gave an explanation of each:

1. Estimate of the amount of solids to be displaced. The project description did not mention quantity and Mr. Schutte informed Staff that the intent is not to eliminate all of the muck and sediment. They will be limited by the amount that can be contained in the discharge area. His estimate is that the thickness of the muck will be 3 to 4 ft. and, in the de-watering process, it will be reduced by a factor of 10. He acknowledged that the project will be self-limiting.
2. Use of a silt fence. Mr. Schutte reported that he plans on using a silt fence along the edge of the property to prevent muck from going over.
3. Emergency Spill Contingency Plan. Mr. Schutte explained he has DEEP contact numbers in the event of a spill. In discussion with Engineering, it was determined that an Emergency Spill Contingency Plan was not required.
4. Noise and Odor Control. Mr. Schutte acknowledged that there will be odor generated. When speaking with neighbors about the project, in addition to their concurrence and support, they expressed a desire to help. He assured the neighbors if the noise was a disturbance, they could contact him. The same would hold true for odor.

Mr. Prause questioned the projected timeline for the project, acknowledging that it would probably not commence during the winter. He speculated on how long the applicant anticipates it will take to sufficiently de-water the debris and begin introduction into the soil.

Mr. Schutte stated that he had hoped he would get started in the fall to allow the muck to sit over the winter. He acknowledged that he would not be able to start until the spring at the earliest. The duration of the project will be a function of his availability. He assumed it would take a few weekend days, and it would depend on how long it would take to displace the muck in the area.

Mr. Schutte stated that he will let the debris rest for at least a couple of weeks, and would be dependent on the weather.

Mr. Laiuppa reported that the applicant addressed all of the incoming comments. He cautioned the applicant to be wary of the weather and if there is a large snow melt, the water level would make the project less than ideal. Mr. Laiuppa questioned whether the applicant had probed the sandy discharge area any lower than just the surface.

Mr. Schutte acknowledged that the pump has limited depth reach, thus making it necessary to adjust the timeline according to the depth. The soil in the area appears to have been bulldozed to make a plateau for the property during the building process. He said it appears the area is sandy to a significant depth.

Mr. Laiuppa reminded the Commission that the item for their consideration tonight is a Determination of Significance, not the decision on the application itself. He pointed to two areas of the criteria for consideration, namely (a) and (b), describing each to the Commission.

Mr. Schutte commented on the dredging at Center Springs Pond. The equipment used there had a milling head at the end of the pump which was designed to break up the sediment and resulted in considerable turbidity. Mr. Schutte stated that is a different mechanism than what he is proposing, which does not agitate and drive turbidity.

Mr. Prause asked Mr. Schutte about the existing state of the discharge area. He speculated whether it is a clear, flat area.

Mr. Schutte reported that there is meadow along the western bank of the pond, which is the highest point, which gradually slopes away from the pond.

Mr. Prause concurred with Mr. Laiuppa regarding the Determination of Significance, and stated that, in his opinion, the application requires a public hearing based on the significance impact that may occur.

Mr. Kennedy stated that, in his opinion, the proposal does not meet the substantial effect test for holding a public hearing. The effects will not be outside of the area for which the activity is proposed. He felt the technology the applicant will use will minimize turbidity and noted the Commission has approved other applications that generated more turbidity.

Inland Wetlands Permit – Determination of Significance (2020-078)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2020-078 will not have a significant impact on the wetlands and, therefore, will not require a public hearing. Ms. Poland seconded the motion. Mr. Kennedy, Mr. Stebe, Ms. Scorso, and Ms. Poland voted in favor of the motion. Mr. Prause voted against the motion. The motion passed four to one.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise the zoning regulations at Art. II, Sections 1.00.02 (e) and 9.14.04 (a) to allow the Planning and Zoning Commission to waive or modify landscape/screening requirements for special exceptions for schools and places of worship. – Zoning Regulation Amendment (2020-074)

Zoning Regulation Amendment (2020-074)

MOTION: Mr. Kennedy moved to approve the zoning regulation amendments as presented at the December 7, 2020, Planning and Zoning Commission meeting to revise Article II, Sections 1.00.02(e) and 9.14.04(a) to allow the Planning and Zoning Commission to waive or modify landscape/screening requirements for special exceptions for schools and places of worship. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed amendment is consistent with the Plan of Conservation and Development Growth Management Principle #3, which encourages investment in and adaptive reuse of existing buildings.

The zoning regulation amendment will be effective on December 21, 2020.

ELECTION OF OFFICERS

MOTION: Mr. Kennedy nominated Mr. Prause as Chairman. Mr. Stebe seconded the motion and all members voted in favor.

MOTION: Mr. Stebe nominated Mr. Kennedy as Vice Chairman. Ms. Poland seconded the motion and all members voted in favor.

MOTION: Ms. Scorso nominated Mr. Stebe as Secretary. Mr. Kennedy seconded the motion and all members voted in favor.

ADOPTION OF 2021 MEETING SCHEDULE

Potential conflicts with the Conservation Commission's meeting schedule were discussed and concerns allayed. A concern regarding the September 2021 meeting date was explained.

MOTION: Mr. Kennedy moved to approve the 2021 meeting schedule as written. Mr. Stebe seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Ms. Pilla reported an application just over the town line in Vernon at 27 Hartford Turnpike. The applicant is seeking a special permit for the warehousing, wholesaling and distribution of alcoholic beverages. She stated that the Manchester area just before the Town line is commercially zoned, and in her opinion, Vernon's process would be equivalent to Manchester's.

Mr. Anderson, referring to the McDonald's drive-through application, stated that they expect to receive many applications for drive-throughs. Megan is working with Staff to develop best practices, where they will be allowed, what districts they will be allowed in, and how to accommodate changing needs.

Mr. Stoppelman made the assumption that the new order boards at McDonald's are not against the zoning regulations, which Mr. Anderson confirmed.

Ms. Potocki questioned whether any analysis has been done regarding internal traffic circulation with a plaza or strip mall. She noted that applicants typically refer to access and egress from shopping plazas but not necessarily internal circulation within a plaza.

Mr. Anderson reported that the Town Traffic Engineer reviews that information as part of the team review process. He added that, if the Engineer has significant problems or concerns, they would be brought to the Commission.

Ms. Pilla explained that, generally, the focus is on Town-owned roads, which is why ingress and egress are typically the focus of the conversation. However, if there are potential issues within a plaza, she stated that she would certainly mention it at the time of the meeting.

Ms. Potocki observed that it would be critical to know what the internal circulation will be within a plaza. In her opinion, any new business could negatively affect other businesses in the plaza.

Mr. Stebe echoed Ms. Potocki's comments and added that it is his understanding that internal navigation on a fairly unaltered accepted parking traffic plan inside of a plaza, even if the drive-through alters it, does not construe a reason to deny an application because it is not affecting street traffic. He stated that he would like to see that issue pursued so that the Commission can consider internal traffic flow when reviewing applications. After a comment from Mr. Anderson, Mr. Stebe noted that a revision to a drive-through can improve the traffic situation, as in the McDonald's plan.

Mr. Anderson acknowledged that the issue will be contemplated in the Staff review.

Mr. Prause observed that this is a tricky topic, as the Planning & Zoning Commission draws the line on what impacts the Town. Traffic flow patterns are considered, and if there are traffic issues that affect a Town road, then the Commission would take the matter up when looking at a site plan. He noted that there is a line that must be drawn in the Commission's reach, and he does not want to overreach.

APPROVAL OF MINUTES:

November 16, 2020 – 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:

1. **PETER SCHUTTE** – Inland Wetlands Permit (2020-078) – To dredge (pump) accumulated muck from pond bottom onto adjacent land at 63 Wyneding Hill Road.

MOTION: Mr. Kennedy moved to adjourn the Business Meeting. Mr. Scorso seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 9:15 P.M.

I certify these minutes were adopted on the following date:

January 4, 2021 _____
Date

Eric Prause, Chairman

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