

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 19, 2020**

ROLL CALL:

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

Alternate Member Sitting: Bonnie Potocki

Alternates: Julian Stoppelman
Teresa Ike

Absent: Jessica Scorso

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

The Chairman opened the Business Meeting at 7:03 P.M.

COMMUNITY CHILD GUIDANCE CLINIC – For expansion of existing parking, regrading of the playscape area with associated sidewalk and fencing, and a new exit to Golway Street at 343 North Main Street (a.k.a. 317 N. Main Street). – Special Exception Modification (2019-119)

Ms. Nancy Dube, Community Child Guidance Center, described the services provided at the outpatient clinic, school, in-home services, and the intensive outpatient programs.

Mark Reynolds, Professional Engineer, Colchester, introduced himself. Mr. Reynolds said he developed the plan to alleviate internal traffic issues, and displayed a detailed plan of the property. He explained that the property has two primary functions that necessitate vehicle access to the property. Parking is required for the school enrollment, the clinic staff, and outpatients.

Mr. Reynolds explained that he assessed the parking, the parking requirements and the internal site movements, which he described in detail. The turning radius from North Main Street and the resultant traffic backups were factored into the plan, as well as student movements. He detailed the proposed plan for the Golway Street exit. Mr. Reynolds pointed out the storm water control improvements as well as the planned landscaping.

Ms. Potocki questioned whether the traffic flow was evaluated by a traffic engineer. She additionally asked about traffic signage.

Mr. Reynolds explained that he did not consult a traffic engineer; he performed the evaluation of the traffic flow. In addition, the exit only to Golway Street will have very minimal use. He described the intended traffic signage, as well as the handicapped access and parking.

Mr. Prause inquired about the busses-only exit and the 24 new parking spaces, and assumed that Golway Street will also be the exit for those.

Mr. Reynolds reported that he had been referring to the peak traffic period and noted it will most likely not be desirable for many cars exiting because most will be exiting toward North Main Street. He surmised about half of the vehicles will use that exit. Additionally, not all vehicles will be exiting at the same time, because school and clinic staff leave at different times.

Mr. Prause noted there are 4 residential properties abutting the property. Mr. Reynolds discussed the abutting properties.

Mr. Stebe said the plan shows a couple of one-way only signs in addition to the stated stop sign and “do not enter” signs, and Mr. Reynolds explained their locations. Mr. Stebe asked for clarification about an existing house in the proposed driveway, and Mr. Reynolds explained that that structure has already been removed.

After questioning, Mr. Reynolds explained that the idea was to provide an additional space with a minimum of traffic.

Mr. Stebe questioned whether any consideration was given to making the general flow of the parking area one-way. He sought confirmation of the plans to change the movement of people from the street onto internal property.

Mr. Reynolds replied that there was some consideration, but in every aspect the parking would be reduced. In order to create turn radiuses, parking would have been reduced.

Mr. Stebe stated he was not clear about the effort to reduce loading concerns and thereby reduce the parking concerns at the same time.

Mr. Reynolds displayed and explained the plan depicting the location of busses and minivans.

Ms. Potocki, referring to the single exit onto Golway Street, asked how many more trips will be focused on one exit.

Mr. Reynolds noted there are average daily trips and peak hour trips. In the report, he explained, he focused on the peak hour. The amount of traffic generated by the site compared to the capacity of a street like Golway Street is very, very small. Golway Street’s capacity is approximately in excess of 1,000 trips per day and the applicant will not have enough cars to

approach that number. Mr. Reynolds explained that in the peak hour, there will be 12 to 15 minivans or minibuses exiting the site.

Ms. Potocki stated her concerns and suggested a right turn only onto Golway Street.

Mr. Reynolds, addressing Ms. Potocki's concerns, clarified that the peak hour is relative to the internal site. The peak hour for the site is 3:00 P.M, not a commuting peak hour. He noted that Golway Street is 29 ft. wide from curb to curb, which is not narrow by local street standards. In his opinion, a right turn only is not necessary.

Ms. Potocki referred to the application as a modification, and questioned the threshold for requiring a new special exception application.

Mr. Anderson replied that any time there is a new development requiring a special exception, there would be a special exception application. If there was a new building or a new use of the site, that would require a special exception. Mr. Anderson noted that, for a modification, there is already a special exception in place on the property for the use. Under regulations, an applicant can apply for a special exception modification to change something about the site but not change the overall purpose and design of the site. He explained that the Town Traffic Engineer reviewed the application and the Town inquired about the need for this plan and the applicant reported this in detail.

Mr. Stebe noted that Robertson School dismisses at 3:40 P.M. and asked the applicant whether their peak would be 2:00 to 3:00 P.M. or 3:00 to 4:00 P.M.

Mr. Reynolds reported it would be between 2:30 and 3:30 P.M. However, he noted that the peak occurred within about 20 minutes. He stated the release time is orderly with children escorted by staff.

Mr. Stebe acknowledged that there is traffic on Golway Street during pickup at the end of the school day at Robertson School. He agreed the street is wide enough for parking on both sides with traffic flowing through. It was his opinion that there should be an effort to limit the traffic to and from North Main Street and North Street.

Ms. Poland sought confirmation that the school serves students between ages 3 and 18 years old.

Ms. Dube stated that, in some cases, they serve students from birth to 18 years old.

Ms. Poland questioned whether all students are bussed or if any of them walk.

Ms. Dube responded that no student walks.

Mr. Reynolds sought to bring attention to the regulation speaking to an alternative to the landscape buffer.

Mr. Shiel responded that the comment from the Zoning Enforcement Officer sought clarification of the buffering requirements in the regulations, and he read the specific language.

Mr. Reynolds commented that the applicant is not providing the required width of the landscape buffer. In lieu of that, the applicant is suggesting a fence. He noted that they are agreeable to a fence along both sides of the property, noting that it will be necessary for most of the length, if not all. After a question from Mr. Prause, Mr. Reynolds noted the plans depict a fence on the entire west side. On the east side, there is landscaping at the front, a row of arborvitaes, and an existing portion of a stockade fence, and they are proposing an extension of that fence, which the applicant is agreeable to.

Mr. Prause assumed the applicant does not meet the landscaping requirements and Mr. Reynolds responded they do not meet the landscape requirements on either side. A discussion was held between Mr. Prause and Mr. Reynolds about the specific details of the landscape requirements.

Mr. Kennedy inquired what regulation was referred to regarding the landscape buffer. He questioned whether there is any waiver language in the regulation.

Mr. Shiel replied the reference is to Art. II, Sec. 9.07.01. He reported that fencing shall be required when landscaping and grading cannot provide the required screening. Most likely, the issue was the eastern abutting property because of the grade.

Mr. Kennedy assumed that the modifications specified in staff memoranda would suffice.

Mr. Shiel reported that the comments from Engineering are minor and technical in nature; i.e., survey standards and relabeling of the map, as well as the previously-discussed landscaping requirements.

Mr. Prause commented that without the 8 ft. wide landscaping buffer, in Art. II, Sec. 9.07.01, the fourth paragraph states that fencing shall be required when landscaping or grading cannot provide the required screening due to topography, preservation of specimen trees, or other important features. He was unsure whether it would be allowed because the parking lot needs to be expanded or to build an exit driveway.

Mr. Reynolds noted that, on the westerly line, historically there are sections of fence along the property. In his opinion, improving and adding to the fences would be in keeping with the way screening has been done in the past. He acknowledged that several scenarios were discussed, including having the parking spaces on the left side and the aisle on the right side. In addition, a reduced aisle width was discussed.

Mr. Prause reiterated that 24 ft. is the minimum aisle width. He questioned whether angled parking was considered. Mr. Reynolds explained the details of the review. Mr. Prause asked staff if the plan is enough to satisfy the option in the regulation at Art. II, Sec. 9.07.01, or if the Commission would need to opt for Sec. 9.07.02 and consider a waiver.

Mr. Anderson stated that his reading of the Zoning Enforcement Officer's comments is that this satisfies his interpretation of the regulations. If the Commission desires to request that the applicant install a landscape buffer in lieu of a portion or the entire fence, he reported, that could be done.

Mr. Shiel reported that is something that will be worked out with staff internally with the modification and specific request from the Commission.

Mr. Stebe commented that he is unsure whether or not there is room for a landscape buffer based on the plan. However, he stated, Sec. 9.07.02 is actually stating that if the adjoining lot contains a residence, a fence constructed of wood (or with good cause the use of something else) shall be installed in addition to the landscape buffer. He stated that the fence has to be there; the real question is whether the 8 ft. buffer will be required, which is impossible in the current plan. Mr. Stebe and Mr. Reynolds held a discussion regarding the exact aspects of the property regarding the requirements.

Ms. Potocki sought clarification about maintaining the fence; e.g., if there is no landscape buffer, she asked if there would be sufficient room to maintain the fence. Mr. Reynolds replied affirmatively.

Mr. Kennedy stated that the applicant could not provide an 8 ft. buffer and still maintain the minimum required parking. He cautioned against an interpretation requiring a variance because, in his opinion, that is excessive. The Zoning Enforcement Officer has provided a reasonable interpretation, which Mr. Kennedy was willing to accept.

Mr. Prause affirmed that the Commission could reject the application and maintain insufficient parking, or agree to the fence without the landscaping buffer. In his opinion, as long as the fence is 4 ft. high, the intended screening will be achieved.

Special Exception Modification (2019-119)

MOTION: Mr. Kennedy moved to approve the special exception modification to allow expansion of existing parking, regrading of playscape area with associated sidewalk and fencing, and a new exit to Golway Street at 343 North Main Street (a.k.a. 317 North Main Street), with the modifications as specified in staff memoranda from:

1. John DiBiasi, Assistant Town Engineer, dated February 14, 2020;
2. James Davis, Zoning Enforcement Officer, dated February 19, 2020.

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

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

Mr. Stebe noted that there will be a zero change in traffic, in that it is the same number of employees, the same number of busses, and the same number of vans; it is just moving traffic off

one side street to another side street. In his opinion, the traffic patterns in this proposal will alleviate pressure points and improve traffic on the two intersections.

BARNINI PROPERTIES / RICHARD HAYES, SR. & JR. – Request five-year extensions of the previously-approved excavation permit 2015-011, including on-site processing of materials, and the previously-approved erosion & sedimentation control plan 2015-012 at 1480 Tolland Turnpike. – Extension of Previously-Approved Excavation Permit (2020-001); Extension of Previously-Approved Erosion & Sedimentation Control Plan (2020-002)

Attorney Stephen Penny explained that the application is for renewal of an excavation permit under Art. IV, Sec. 11.04 of the zoning regulations. The site is at 1480 Tolland Turnpike, on the southerly side of the street, across from a warehouse distribution facility in the Buckland Industrial Park, which he described in detail. He explained that the subject site is owned by the applicants and copies of the requisite deeds are in the Planning Department file. Attorney Penny described the history of the property.

Attorney Penny stated that Art. IV, Sec. 11 of the zoning regulations requires issuance of an earth excavation permit by the Commission, which he explained. He noted that the regulations have not been amended since prior to the last renewal of the permit on February 18, 2015.

Attorney Penny informed the Commission that, on June 7, 1999, the Commission approved an erosion and sedimentation control plan and excavation permit for the removal of approximately 550,000 cubic yards of the highway construction generated material from a 9.6 +/- acre portion of the site, details of which he provided. The history of the approvals was explained in detail.

Attorney Penny reported that Steve Mitchell, Professional Engineer/Traffic Engineer with extensive experience, has been the traffic consultant on this project since its inception. After a review of the application, he offered his opinion on traffic safety in a letter dated January 26, 2020, a copy of which the Commission received. Attorney Penny enumerated Mr. Mitchell's opinion.

Attorney Penny said, given the four prior PZC approvals of the fundamental plan, the consistency of the application with the regulations, and the satisfaction of the Town professional staff, the applicant respectfully requests an approval of the permit extension for an additional five years.

Ms. Potocki asked what the activity has been after the last approval and Attorney Penny responded there has been none.

Ms. Pilla stated that, as Attorney Penny mentioned, there were recommendations from the Assistant Town Engineer, most of which were minor language changes to the Certificate of Agreement. As was mentioned, she added, the Environmental Planner made a comment on a field review of the site, which does not have any bearing on the current application. It is simply a recommendation to consider for the future, prior to any work beginning on the site.

Mr. Laiuppa reported that the application was presented to the Conservation Commission, prompting two general concerns or questions.

1. To staff: The permit renewal frequency and duration, i.e., how many times can this be renewed?

According to Mr. Laiuppa, there is no end date.

2. There is evidence of wetlands on the site, which would warrant a reevaluation of the site.

Mr. Laiuppa stated that it would come into play once activities are proposed on the site. Therefore, it has no bearing on the current application.

Attorney Penny responded that, in terms of the length of the time of the permit, the applicant is trying to meet the Conservation Commission's concerns.

Mr. Prause asked when an inland wetlands permit application would be required. Mr. Laiuppa explained that, unlike most applications, this application does not have a defined date when activity would occur. Wetlands were observed on the site, he said, but if activities do not occur in a timely fashion, the conditions could change. Mr. Laiuppa explained that he was hesitant to say an inland wetlands permit is required at this time, because there is no proposed date for activities.

Attorney Penny reiterated that the applicant has appeared before the Commission four or five times and this issue has not been raised.

Ms. Potocki asked, as there has been no activity and conditions have changed, how the Commission establishes parameters in reference to the wetlands. She added that the Commission needs to provide limits of activity.

Mr. Anderson suggested adding parameters to the subsequent agreement, which is required after an excavation permit has been issued, noting that wetlands have been observed on site and a wetlands permit will be required prior to any activity. Staff proposed adding the Engineering Division's comments to the agreement, he said.

Mr. Kennedy offered that, since this is not an application in the Commission's capacity as a Wetlands Commission, they may not need to delve into the issue.

Mr. Anderson noted there is validity to that thought, but when looking at the site, wetlands were observed. The Commission can decide whether it is important to add to the agreement or whether it should be added subsequently.

Extension of Previously-Approved Excavation Permit (2020-001)

MOTION: Mr. Kennedy moved to approve the applicant's request for a 5-year extension of the previously-approved excavation permit, including on-site processing of materials, at 1480 Tolland Turnpike, with the modifications to be included in the

subsequent certificate of agreement pursuant to Art. IV, Sec. 11.03.02, as specified in a staff memorandum from John DiBiasi, Assistant Town Engineer, dated January 31, 2020.

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

Extension of Previously-Approved Erosion & Sedimentation Control Plan (2020-002)

MOTION: Mr. Kennedy moved to approve the applicant's request for a 5-year extension of the previously-approved erosion and sedimentation control plan at 1480 Tolland Turnpike, with the modifications to be included in the subsequent certificate of agreement pursuant to Art. IV, Sec. 11.03.02, as specified in a staff memorandum from John DiBiasi, Assistant Town Engineer, dated January 31, 2020.

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

ADMINISTRATIVE REPORTS:

Administrative Approvals:

Ms. Pilla gave a detailed discussion of the administrative approvals. Mr. Anderson provided more information about the lot line revision (2017-014).

- Louis Pavan – Lot Line Revision (2019-123) – 520 & 534 Keeney Street
- William D. & Carol M. O'Neill – Lot Line Revision (2017-014) – 540, 554, & 530 Gardner Street

Environmental Inspection Report:

Mr. Laiuppa provided an Environmental Inspection Report. He also referred to the Boynton application, which has outstanding comments. It has been reported to staff that there has been significant tree clearing. Mr. Laiuppa visited the site on Friday and noticed many trees have been cleared, and spoke with the person performing the clearing, who stated that the clearing was 95% complete. Mr. Laiuppa asked about silt fences, and was told they would be installing silt fences immediately following the completed clearing.

Mr. Laiuppa visited the site the day of the Commission meeting, and the trees were cleared, including those trees adjacent to the wetland area. He also noted workers were chipping the removed stumps at Wetland D. Mr. Boynton contacted Mr. Laiuppa to ask about the concerns and Mr. Laiuppa informed Mr. Boynton that, because final signed plans have not been received, they should not be moving forward with activities that impact regulated resources or surrounding buffers. Mr. Boynton replied that silt fences would be installed the next day.

Mr. Anderson thanked the members of the public who informed staff of the tree clearing.

Ms. Potocki informed staff that the Zoning Enforcement Officer has not been to the site to ensure the limits of disturbance have been staked and questioned whether that will be done by the Zoning Enforcement Officer.

Mr. Anderson reiterated that, as Mr. Laiuppa pointed out, the developer does not have final stamped plans. As such, there should not be any ground disturbance at this point at all, which Mr. Laiuppa conveyed to the developer.

Mr. Prause questioned whether there would be a benefit to issuing a Cease & Desist Order for documentation.

Mr. Laiuppa stated that, if it is the Commission's desire to issue a Cease & Desist Order, it would not change the conditions on the ground, but it would put something on the record. They were given verbal notification that they should not be doing anything else until everything is approved.

Mr. Prause suggested it may be a good plan for the Planning Department to consider.

Ms. Potocki encouraged the department to send a letter, as it would send the developer a message that any activity will not be tolerated.

APPROVAL OF MINUTES:

January 6, 2020 – Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

BARNINI PROPERTIES / RICHARD HAYES, SR. & JR. – Extension of Previously-Approved Excavation Permit (2020-001); Extension of Previously-Approved Erosion & Sedimentation Control Plan (2020-002) – Request five-year extensions of the previously-approved excavation permit 2015-011, including on-site processing of materials, and the previously-approved erosion & sedimentation control plan 2015-012 at 1480 Tolland Turnpike.

PARAMOUNT MACHINE CO. – Inland Wetlands Permit (2020-005); Flood Plain Permit (2020-006) – To clear trash, 3 trees, weeds, and brush, and add plantings at the Sanrico Drive entrance to the property at 138 and 152 Sanrico Drive.

WALTER LANDON – PRD Zone Change & Preliminary Site Development Plan (2020-007) – 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.

TOWN OF MANCHESTER – Inland Wetlands Permit (2020-008); Erosion & Sedimentation Control Plan (2020-009) – Construction of new concrete sidewalk, driveway aprons, and driveway repair within the Tolland Turnpike roadside/right-of-way.

The Chairman closed the business meeting at 8:40 P.M.

I certify these minutes were adopted on the following date:

March 16, 2020

Date

Eric Prause, Chairman

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