

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 7, 2021
MEETING HELD VIA ZOOM**

ROLL CALL:

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

Alternate Members: Julian Stoppelman
Teresa Ike

Absent: Bonnie Potocki

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:00 P.M. The secretary read the legal notice when the call was made.

REDSTONE HOLDINGS, LLC – Request five-year extensions of the PRD Detailed Site Plan (2016-050) and Erosion & Sedimentation Control Plan (2016-051) approvals of July 6, 2016, at 169 Red Stone Road. – Extension of Previously Approved PRD Detailed Plan (2021-034); Extension of Previously Approved Erosion & Sedimentation Control Plan (2021-035)

Attorney Stephen Penny, representing the applicant, introduced himself. Attorney Penny reported that the prior approvals were dated July 6, 2016. He displayed the site plan and explained the property in detail, as well as the uses of the abutting properties. The plan has not been changed in any way since the prior approval.

According to Attorney Penny, Sec. 8-39 of the General Statutes provides authority for the extension requested, stating that any site plan approved on or after October 1, 1984, “all work in connection with such site plan shall be completed within five years after approval of the plan...except in the case of any site plan approved on or after October 1, 1989, the Zoning Commission may grant one or more extensions of the time to complete all or a part of the work, provided the total of the extension or extensions shall not exceed 10 years from the date such site plan is approved.” This application falls within the terms of the statute.

Attorney Penny reported that the Manchester zoning regulations have not changed in the last five years in a manner that might preclude the requested extensions. With one exception, the zoning regulations regarding PRD developments and particular detailed plan approvals have not been amended since prior to the issuance of the approvals made by the Commission on July 6, 2016. The plans for the development met at that time, and still meet, the terms of the regulations, stated Attorney Penny.

According to Attorney Penny, the one amendment made since 2016 was to add a provision of Art. II, Sec. 7.06 revoking the PRD zone district classification when a preliminary plan has expired without any construction of buildings and facilities. Attorney Penny recited the verbiage from Sec. 22a-42a (d)2 of the Connecticut General Statutes, which provides that, for the sedimentation control plan approval, “Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application, or enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than 10 years.”

Attorney Penny stated that, in this matter, there has been neither a substantial change in circumstances nor an intervening enforcement action. He reported that there has been no activity on the site under the permits since their issuance. While the erosion and sedimentation control plan regulations of Art. I, Sec. 4.06 have been amended by the addition of a signed title block in the electronic filing requirements, should it be determined necessary, these are matters that can be handled easily through the new provision on minor plan modifications.

Mr. Stebe inquired whether, other than the technical paperwork updates, there have been any changes to the plan approved in the past.

Attorney Penny assured the Commission that the plans are exactly the same.

Ms. Pilla reported that there were no Staff comments or objections to the application.

Mr. Prause noticed that the plan calls for American Elm trees. It was his understanding that the American Elm is a variety that is resistant to Dutch Elm Disease. There has to be a treatment to the trees that makes them more resistant but not totally immune. He speculated whether the Commission has developed tree-selection guidance.

Ms. Pilla reported that, since 2016, there has not been any updated guidance in terms of tree selection. This particular variety is supposed to be resistant to Dutch Elm Disease. Ms. Pilla reported that they have seen plans including the American Elm, but is not sure if they have seen the results.

Mr. Anderson thought the tree guidance was discussed regarding subdivision regulations. He stated that the Environmental Planner has reviewed the plan and had no comments.

Attorney Penny interjected that the landscape plan was prepared by a landscape architect with many years of experience.

Extension of Previously Approved PRD Detailed Plan (2021-034)

MOTION: Mr. Kennedy moved to approve the 5-year extension of the PRD Detailed Site Development Plan approval of July 6, 2016 at 169 Red Stone Road, to July 6, 2026. Mr. Stebe 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.

Extension of Previously Approved Erosion & Sedimentation Control Plan (2021-035)

MOTION: Mr. Kennedy moved to approve the 5-year extension of the previously approved erosion and sedimentation control plan approval of July 6, 2016, at 169 Red Stone Road, to July 6, 2026. Ms. Scorso seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

Potential Cannabis Legislation

Mr. Anderson briefly discussed legislation to allow cannabis use and what the Planning and Economic Development Department is aware of. He explained that the legislation would allow cannabis to be grown and sold for recreational use. It is likely to be accompanied by numerous State limitations on number, locations, etc.

Currently, the regulations treat marijuana as they would any crop or medicine:

- Allowed to grow where agricultural activities allow.
- Allowed to sell where any drug or medicine is dispensed, treated like a pharmacy.
- Many other State regulations are in place.

In addition, according to Mr. Anderson, if the bill were passed, zoning would allow indoor agricultural uses (Horticulture, aquaculture, aquaponics, hydroponics, etc.).

Potential Legislation may include:

- 3% local sales tax?
- Assistance for impacted communities?
- Equity component?
- Municipal opt-out?

Mr. Anderson asked the Commission about how they would like to handle it. The main question is whether the Commission would like to think more about this, or if they are comfortable with the way the zoning regulations would treat this now. He asked if the Commission would prefer to regulate further. It could be added into the regulations in certain areas or an overlay zone could be developed.

Mr. Stebe acknowledged that there are no medical dispensaries in Manchester. He questioned whether they would be separated; i.e., medical vs. recreational.

Mr. Anderson noted that he cannot speculate until the legislation is passed.

Mr. Kennedy questioned whether there are regulations governing liquor stores, which Mr. Anderson confirmed. Mr. Anderson believed this should be handled similarly.

Mr. Stoppelman felt there are two possibilities: (1) A bar environment, and (2) Similar to a liquor store.

Mr. Anderson reported that he had heard about bakeries and edibles. He felt that with the different uses, they should look into what the categories may be. Mr. Anderson hoped that there would be some time for municipalities to discuss the implementation after the legislation is planned, while looking at the alcohol regulations.

APPROVAL OF MINUTES

May 17, 2021 – 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. **JOSE D. CORREIA** – Combined PRD Zone Change, Preliminary Plan, and Detailed Plan (2021-041); Erosion and Sedimentation Control Plan (2021-042) – Re-subdivision of a 1.01-acre lot into four 0.25-acre lots, installation of sanitary sewer, water services, and natural gas lines as necessary to serve four new single-family homes at 55 Parker Street.
2. **MIDWEST FOOD BANK NFP INC** – Special Exception (2021-043) – Special Exception per Art. II, Sec. 24.02.01(a) for conversion of a portion of the existing building to warehouse use for a food bank at 579 Middle Turnpike West.
3. **PAREDIM ACQUISITION LLC** – Zoning Regulation Amendment (2021-048) – To add a new Art. II, Sec. 9.14.05 and Art. II, Sec. 24.02.01(m) to permit conversion of existing hotels or motels in the General Business zone to multifamily use, subject to special exception.
4. **DANIEL SMITH** – Inland Wetlands Permit (2021-049) – For new home construction at 547 Birch Mountain Road.

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

The Business Meeting was closed at 7:35 P.M.

I certify these minutes were adopted on the following date:

July 7, 2021
Date

Eric Prause, Chairman

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