

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
MAY 17, 2021**

ROLL CALL:

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

Alternate Members: 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 PM. The secretary read the legal notice when the call was made.

SCOTT TRANSPORTATION – To construct an 11,320 sq. ft. one-story building for office use with accessory garage space for use by Scott Transportation at 40 Commerce Road.

Mr. Ben Wheeler, Licensed Landscape Architect in the State of Connecticut working with Design Professionals, South Windsor, presented the application. Mr. Wheeler prepared the material before the Commission at this meeting. He stated that the proposal is to build an 11,320 sq. ft. building which will serve as the new headquarters for Scott Transportation. Scott Transportation is a long-haul trucking company that transports new and used vehicles across the country. Mr. Wheeler noted that the applicant had looked at many sites in the area and chose this one mainly because of its prime location.

Mr. Wheeler projected the site plans, which show a proposed building on the northeast corner of the site. The site and surrounding area was explained in detail. Mr. Wheeler described the area for the trucks on the site. He pointed out that there is an auto parking area to the west of the building which houses 24 cars, which will be used for employee parking and potentially for cars that need to be transferred from one transport to another.

Mr. Wheeler explained that the storm water design was created by professional engineers, and described the details of the design. Storm water will be captured through a traditional catch basin and pipe storm water system, and then pumped through a hydrodynamic separator to be installed in the auto parking area to handle any water quality treatments. An existing 24” pipe

enters and a hydrodynamic separator will come into that pipe to take all of the storm water discharge through that pipe north of Commerce Road. There is a retention basin built for the entire industrial park north of Commerce Road to handle the storm water attenuation, as approved in the early 2000's.

The name of the subdivision was The Buckland Industrial Park II, according to Mr. Wheeler. When that was presented to the Town, it was conceptual at that point in time, but there was a preliminary site plan showing a much larger building, roughly 32,000 sq. ft. The lot has the potential for a much larger building, but given the proposed use, it will be a much smaller building and a larger truck court area in the rear.

Mr. Wheeler reported that the storm water system he described was designed following 2004 Connecticut Storm Water Quality Manual guidelines, and materials on culvert sizing and the water quality narrative, which offer more details, were prepared by the professional engineers.

The site plan includes an Erosion and Sedimentation Control Plan which will adequately protect the surrounding properties and roads from erosion during construction, noted Mr. Wheeler. That was also designed by professional engineers following the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. Mr. Wheeler stated that a site lighting package is in the plan, including a series of pole- and building-mounted lights throughout the site, the details of which were explained. He pointed out and detailed a proposed landscape plan included in the package, with an area Mr. McManus designated as a wetland. However, after speaking with Staff, there was a concern about other areas being potential wetlands. He noted that his soil scientists and the Town Wetlands Agent have agreed to disagree on the designation, though the applicant is willing to offer wetlands creation that offsets the disturbance of that area, and those details were given.

Mr. Wheeler referred to a couple of points on the wetlands and potential wetlands area. In looking back at historic aerial photographs, it is evident that the area of the proposed building was a very active agricultural use until the new subdivision was approved, and the subdivision plans that were approved in the early 2000's did not show any wetlands on the proposed lot. He stated that, in his opinion, the culmination of poor grading on the lot after construction of Commerce Road and Gear Drive as well as mismanagement of soil resulted in the area in question. The area is essentially man-made and began over the last 15 years. While there is disagreement about the designation, the applicant is providing a wetlands creation area as potential mitigation. Mr. Wheeler reported that the applicant believes that, over time, the property will be ecologically better than the current conditions.

Mr. Wheeler concluded by stating that the applicant believes this project will make a positive impact on the town of Manchester, bringing an established business to town, along with additional property taxes, development of a currently vacant lot, and motor vehicle taxes. Mr. Wheeler was hopeful for a hasty approval as the applicant has a purchase deadline. Additionally, the applicant must go before the South Windsor Water Pollution Control Authority as the sewer system attaches to the South Windsor sewer system; they will not act until the PZC acts.

Mr. Prause sought more information about the second wetland. He asked if they tried to reconfigure the site at all to avoid those two wetland areas and just develop the southern portion of the property.

Mr. Wheeler reported that they did consider that option. However, given the amount of area required for truck maneuvering and the truck court area, it was not feasible. Mr. Wheeler reiterated that the erosion and sedimentation plan was included in the plans. It was designed following the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, with inlet protection, perimeter controls, and standard procedures following those guidelines.

Mr. Prause questioned whether there was an approval some time ago on the East Hartford border and questioned whether the application has information on the potential of development to ensure the applicant was in compliance.

Mr. Wheeler acknowledged awareness of an approval, though they did not alter their site plans to ensure they were in compliance with them. There is the potential that Gear Drive may be extended, but they are not modifying the grades that would impact the development in those areas. The applicant did include landscape buffers, according to Mr. Wheeler.

Mr. Stebe inquired how much will be infilled in order to get the grade. It appears that the trailer parking and the southern end has about a 12-14 ft. elevation change. He also sought confirmation about a buffer as he did not see anything to be planted on that slope. Below that location, there are rural residences to the west.

Mr. Wheeler addressed the buffer and said that, as an approval condition, they could move the plantings closer to the edge of the pavement. However, in order to provide the 10 parking spaces required, they extended the fill to the west of the site. Mr. Wheeler explained that the applicant has consulted with an engineering firm who will be providing the specifications on what engineering material should go in the fill area to ensure it is stable and capable of supporting the area.

Mr. Stebe referred to the note about the two options for pavement, either a heavy-duty asphalt or a more pervious option.

Mr. Wheeler reported that his client's preference would be to put down pavement milling, to:

- 1) save on cost, and
- 2) ensure the area has a better surface because it will be heavily used for truck maneuvering.

However, when the original site plan was submitted, they were informed by Town Staff that is not permissible per the regulations. He added that Staff and the Commission were considering some changes to the regulations that may allow it to happen.

Ms. Pilla reported that, according to the zoning regulations, parking areas must be paved with bituminous concrete pavement. Staff has been considering changes to allow more flexibility for semi-pervious pavements similar to the millings originally proposed. It was the suggestion of Staff to include the note in the event that the regulation is amended. Ms. Pilla reminded the

Commission that the regulations started allowing a little more flexibility of pavement surfaces with the Form Based zone.

Mr. Laiuppa stated that Mr. Wheeler is correct. It is an interesting site because of the previous land disturbance. Approximately 10-15 years ago the site was graded and surface soils were moved or removed. A berm was created in the middle of the site which acted as an impediment for natural flow off the site. In addition, the soil is red soil, which is notoriously problematic.

According to Mr. Laiuppa, wetlands in Connecticut are defined by soil drainage classifications and hydric indicators are one way to determine that. However, on recently disturbed sites, hydric indicators may be difficult to identify, along with the red soil. Mr. McManus was able to identify the wetland that he delineated. However, Mr. Laiuppa found another suspicious area when he visited the site; there were secondary indicators, which he described. He thought the area he questioned should be better defined, though he is confident that there are additional wetlands. However, the mitigation should be adequate for that system.

Mr. Kennedy noted a reference to a memo from Assistant Town Engineer John DiBiasi dated May 11th. Mr. Kennedy stated that it is his understanding that the modification for that is not actually necessary because it has been satisfactorily addressed.

Ms. Pilla concurred, stating that all comments from that memo were satisfactorily addressed.

Mr. Prause referred to Mr. Laiuppa's statement that it appears the second wetlands was caused by some human activity in the past, and assumed they would still be regulated wetlands.

Mr. Laiuppa concurred and stated that any wetland that meets the definition of a wetland, regardless of how it got there, is a regulated resource on the same level that any other would be. The difference in quality would arise when speaking about mitigation. He stated that, when including the upland review area, approximately 50% of the development will be in regulated areas.

Mr. Prause noted discussion about solutions and possible expansion of the westerly wetlands, but the Commission still has to deal with the disposition of the determination of significance. Since this is an activity involving filling in wetlands and diminishing the capacity of existing wetland, it seems it would be meeting the criteria to have a public hearing.

Mr. Laiuppa referred to his memo about determination of significance, where he highlighted and then read two of the criteria for determining significant impact, which are: 1) Deposition of material; and 2) Diminishment of the ability to support plant life.

Mr. Prause assumed that, statutorily, even though the applicant has a proposed solution, the Commission is required to hold a public hearing because of the significant impact to the wetland.

Mr. McManus, Certified Professional Soil Scientist, reported that in December, 2020 he flagged those areas. A current aerial photo depicts an agricultural field currently existing to the south which is well-drained; looking at the old aerial photos, the property is exactly the same and at

that time had two tobacco barns. He noted that it was in 2005 that the landscape changed. There is nothing there today remotely representing anything other than what existed for 100 years.

Mr. McManus stated that one must use professional judgment when examining very disturbed soil and there is nothing in these soils showing any evidence of hydrology, hydric soil indicators or poorly drained conditions. He acknowledged that the fill was horribly done, but he was not going to flag anything at all because this is a site that has been substantially filled and substantially altered and he did not see the need to flag. There is no indication in the soil that this has ever been a wetland or will ever be a wetland and, in fact, the soils are well drained.

Mr. Kennedy thought Mr. McManus has provided persuasive evidence of the actual nature of the soils. Considering all the information, he did not find justification to hold a public hearing.

Mr. Prause expressed his concern that the Commission may be skipping over something. Having a public hearing would require the applicant to bring in prudent and feasible alternatives. He speculated on whether there should be a public hearing to ensure the Commission is getting all the information and to give the public an option to speak.

Inland Wetlands Permit – Determination of Significance (2021-017)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2021-017 will not have a significant impact on the wetlands and, therefore, will not require a public hearing. Ms. Poland seconded the motion. Mr. Kennedy, Ms. Poland, and Mr. Stebe voted in favor of the motion. Ms. Scorso and Mr. Prause voted against the motion. The motion passed three to two.

Inland Wetlands Permit (2021-017)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for regulated activities associated with the construction of an 11,320 sq. ft. one-story building for office use with accessory garage space at 40 Commerce Road. Mr. Stebe seconded the motion. Mr. Prause, Mr. Kennedy, Ms. Poland, and Mr. Stebe voted in favor of the motion. Ms. Scorso voted against the motion. The motion passed four to one.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Mr. Laiuppa reiterated that in terms of concern for the public interest, and a determination of significance of two wetlands, there are three criteria that can require a public hearing: (1) Determination of significance; (2) A signed petition; and (3) The agency finding that the public hearing regarding such application would be in the public interest.

Ms. Scorso commented that she disagrees that the proper channels and proper steps were taken.

Mr. Kennedy stated that the only real issue was whether it is legally required to have a public hearing based on the technicalities of a significant impact. From the standpoint of actual public interest, it is his opinion that it is not necessary to hold a public hearing. He added that the

Commission can take into account the effect the delay would have on the application, which would be the functional equivalent to turning it down.

Mr. Stebe interjected that the disposition of a sale of property should have no bearing on the decision being made. He noted that the applicant has been working on this proposal since at least October of last year and it is not the Commission's issue whether or not they have a deadline. The Commission has to review whether or not there is a significant level of impact on a wetland to merit a public hearing and, in his opinion, a public hearing is not necessary.

Mr. Prause appreciated the effort to expand the existing wetlands. In his opinion, once that second wetland is established, though it is away from the parking lot, it has the opportunity to add wetland value.

Erosion & Sedimentation Control Plan (2021-018)

MOTION: Mr. Kennedy moved to certify the erosion and sedimentation control plan for construction of an 11,320 sq. ft. one-story building for office use with accessory garage space at 40 Commerce Road. Mr. Stebe seconded the motion. Mr. Prause, Mr. Kennedy, Ms. Poland, and Mr. Stebe voted in favor of the motion. Ms. Scorsio voted against the motion. The motion passed four to one.

HIGHLAND OAKS CORPORATION – To combine lots 39A (28 Collingridge Drive) and 39B (30 Collingridge Drive) into one lot and combine lots 40A (20 Collingridge Drive) and 40B (24 Collingridge Drive) into one lot. - PRD Zone Detailed Site Development Plan Modification (2021-030)

Attorney Leonard Horvath, 935 Main Street, Manchester, introduced himself. Attorney Horvath stated that he is representing the developer, Highland Oaks Corporation. He noted that the application was filed on April 1, 2021, by Attorney Stanley Falkenstein, who could not attend as he is traveling out of state.

Attorney Falkenstein's application included a letter to Ms. Pilla, according to Attorney Horvath. It references an application merging lots 39A and 39B into a single lot, and lot 40A and 40B into a single lot. It also stated the reason for the request is that there are currently more potential buyers that are interested in a single family lot than duplex lots, and the merger will reduce the density of the development. All pertinent information has been submitted.

Attorney Horvath stated that the plan prepared for the Highland Oaks Corporation depicts the uniformity from Castle Hill to the west side of Collingridge Drive will be exclusively single family homes; to the north there will be single family homes to the Town conservation easement; there will be one single family home on lot 24. The remaining lots on that side of Castle Hill will be double lots.

Attorney Horvath reported that the applicant has a contract that is contingent on lot 40A being combined with 40B into a single lot for a single family home. Should the application be approved, there will only be four lots available – two double lots for two additional structures.

The remaining lots have been sold, though there is one rear lot to the north of Castle Hill, which would have to be a single family home.

The Town Engineer has not requested any changes to the plan, according to Attorney Horvath, but has requested revisions to map notations.

Ms. Pilla reported that there is no objection to the lot line modification by Staff, though the Engineering Division provided several technical comments in the way of notations on the plans for clarity and consistency. The purpose of that is to keep the plans with all of the modifications that have been approved for this PRD together and the final mylars will be kept together in an effort to maintain clarity. She reported that there are no objections to the requested modification.

PRD Zone Detailed Site Development Plan Modification (2021-030)

MOTION: Mr. Kennedy moved to approve the Detailed Site Development Plan modification to combine lots 39A (28 Collingridge Drive) and 39B (30 Collingridge Drive) into one lot and combine lots 40A (20 Collingridge Drive) and 40B (24 Collingridge Drive) into one lot, with the modifications as specified in a memorandum from:

1. John DiBiasi, Assistant Town Engineer, dated May 14, 2021.

Ms. Scorso 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.

Mr. Prause noted that the Commission is being flexible and overall it is not missing the intent of the Town's Plan of Conservation and Development.

ADMINISTRATIVE REPORTS

Administrative Approvals – Bayberry Crossing, LLC – Lot Line Revision (2021-021) – 119 Bayberry Road & 11 Janice Drive

Ms. Pilla reported that the reason for the lot line revision is because a portion of one lot topographically fit better with the adjacent lot than with the lot it was in. There was no objection by Staff.

Plan of Conservation and Development

Mr. Anderson provided an update to the Plan of Conservation and Development discussed at a prior meeting. He said Planning Department staff hopes to kick the process off this summer. Staff has been looking into some examples for a request for proposals for consultant services, and the Planning Department will hire the best consultant team possible.

According to Mr. Anderson, staff is thinking about new ways to organize and orient the plan. Community outreach will be his main goal in an effort to receive as much input from the community as possible, especially for underserved groups. Mr. Anderson reported that he and the chairman have spoken about how to organize the plan; staff typically runs the day-to-day process but they will be in communication with the Commission.

Mr. Prause believes he and Mr. Kennedy will be coordinating with Mr. Anderson. Anything substantive will be brought to the full Commission. He noted that anything to do with content or strategy will be brought to the full Commission.

Mr. Anderson explained that they could do that in a workshop environment or as an agenda item, whichever the Commission prefers. The first part of the process is to gain input from a consultant on this unique process. As promised to the Commission, Mr. Anderson created a matrix of progress on the previous Manchester 2020 Plan of Conservation and Development. He shared the matrix and gave an overview of the last plan, which listed some of the activities that Staff and the Town have done over the last nine years. He promised the Commission that he will send each member the full report. Mr. Anderson concluded by saying that the matrix encompasses goals and objectives, what has been done to date, planned efforts, partners, and the growth management principle.

Mr. Stoppelman reported that, in this evening's newspaper, there was an article about the downtown farmers' market not being located there but in Northwest Park. He questioned why it was moved, as downtown is a food desert.

Mr. Anderson reported that he was not aware of that, but will look into it. He stated that there are a couple of markets in that area, specifically on Spruce Street and Forest Street.

Ms. Potocki questioned how the upcoming new POCD will tie into the Park Plan.

Mr. Anderson stated that, when the Parks and Facilities Plan was written, they realized that in Manchester 2020, public facilities were minimally addressed. He thinks that there is an opportunity to jumpstart that process as it was well received by the community with insight into what makes Manchester unique.

Ms. Potocki inquired about repurposing schools. She suggested incorporating reuse of those buildings in the POCD.

Mr. Anderson explained that there will be many initiatives, and what is important is to communicate with the groups working on all initiatives. He stated that they would pull some of them in as well as other aspects from the last plan to include sustainability and equity.

Ms. Potocki referred to the RFP and questioned what the cost might be.

Mr. Anderson stated that they have a good idea, and it was included in the Board of Directors budget.

Mr. Prause appreciated that Mr. Anderson included the year in which items were done as it will be helpful to see how we made progress against the goals.

Mr. Anderson requested, if anyone notices things not on the POCD, that they please let Staff know and it can be updated, as it is a working document.

APPROVAL OF MINUTES

May 3, 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

Ms. Pilla reported no new applications were received.

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

The Business Meeting was closed at 8:30 P.M.

I certify these minutes were adopted on the following date:

June 7, 2021
Date

Eric Prause, Chairman

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