

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 18, 2021**

ROLL CALL:

MEMBERS PRESENT:

In Person: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Dean Ott
Electronically: Michael Stebe, Secretary
Jessica Poland

ALTERNATES:

In Person: Julian Stoppelman
Electronically: Teresa Ike
Bonnie Potocki

ALSO PRESENT:

In Person: Megan Pilla, Senior Planner
Gary Anderson, Director of Planning &
Economic Development
Electronically: David Laiuppa, Environmental
Planner/Wetlands Agent
Katie Williford, Administrative Secretary

Time Convened: 7:01 p.m.

NEW BUSINESS:

INTERNATIONAL CENTRAL GOSPEL CHURCH - CT INC – Request a special exception under Art. II, Sec. 16.15.02(c) for church services and a church office at 379 Wetherell Street. – Special Exception (2021-060) – *Request for 65-Day Extension*

Special Exception (2021-060) – *Request for 65-Day Extension*

MOTION: Mr. Kennedy moved to approve the request for a 65-day extension of time to open the public hearing, until December 24, 2021. Mr. Ott seconded the motion and all members voted in favor.

Ms. Pilla noted that the applicant is preparing to apply for a wetlands permit, which is the reason for the extension.

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

Special Exception Modification (2020-063) – *Request for Extension of a Condition of the*

Approval

Erosion & Sedimentation Control Plan (2020-064) – Request for Extension of Condition of the

Approval

MOTION: Mr. Kennedy moved to approve the request for a 12-month extension of the condition of approval. Mr. Ott seconded the motion and all members voted in favor.

MANUEL & LURDES FERNANDES – For creation of a pond in a current Rural Residential area at 534 Keeney Street. – Inland Wetlands Permit – Determination of Significant Impact (2021-078)

Mr. Laiuppa presented the application on behalf of the applicant. He stated that the Fernandes family has an active farm with livestock at 534 Keeney Street and they would like to create a pond in an area just outside an existing wetland.

The grassy area to the east is a hayfield that slopes down to the pond area, and on that slope is a bit of hillside seep, Mr. Laiuppa said. To the west of the proposed pond is a wetland area. The applicants would like to collect rain and runoff into that pond for their livestock. There will be an exclusionary fence to prevent livestock from entering the pond.

Water will go downslope into a pipe or trench to be installed at a later date so the water can go to the animals rather than the animals having to go to the pond, he explained. Mr. Laiuppa suggested to the applicants that they place the pond more than 100 ft. from the property line to avoid creating an imposition on neighboring properties.

The proposed pond is close to, but not in, wetlands; it would be entirely in the upland review area, Mr. Laiuppa stated. No work is proposed in wetlands. Town mapping, which is based on 1965 Natural Resources Conservation Service (NRCS) soil interpretations, show wetlands well beyond the location of where they are in the field, into the hayfield. The entire woodland area is shown as wetlands on the NRCS mapping. Mr. Laiuppa explained that the pink line on the map is something that he went out into the field to confirm; it's not survey-accurate, but is a rough sketch of where the wetlands are.

Mr. Ott asked whether the Commission needed to include a condition requiring that the Health Department approves the location of the septic tank. Ms. Pilla stated that would not be necessary; if the Health Department does not approve the location, the applicants will have to either modify or not build the pond, because they won't be able to move the septic tank. She noted that the Health Department does not anticipate that being an issue.

Mr. Prause asked whether there is a Phase 2 of the project. Mr. Laiuppa stated that there are details to be worked out still. Only the determination of significant impact is on tonight's agenda, and Staff will request more detail on the pond itself and any outlet structures that may be constructed prior to the Commission making a decision on the wetlands permit itself.

Mr. Prause inquired about the proposed pond's impact on wetlands. Mr. Laiuppa responded that the wetland area is fed from south to north and is mostly groundwater driven, but there is a bit of seepage and overland flow coming from the hill. He suspected that, in drier years, the overland flow and seepage probably does not happen much, but any that would happen might be intercepted by the pond. If the pond was low, rain intercepted by the pond probably would not reach the wetland until the pond overflowed, he explained. However, most of the hydrology for

the wetland is groundwater driven from south to north. There may be some minor impact to the hydrology of the wetland, and the impact would likely be greater in a drier year than a wetter year. However, Mr. Laiuppa said, he would not expect a lot of impact due to the sourcing of the wetland.

There was some discussion between Mr. Stebe and Mr. Laiuppa regarding the location of the subject property and another nearby property owned by the applicants.

Mr. Anderson clarified that this is not a public hearing item; it is a business item. At this meeting, the Commission will decide whether the impact is enough to hold a public hearing.

Mr. Laiuppa discussed the criteria for the Commission to consider in making their determination, which were listed in his memo. He noted that this work would be entirely in the upland review area, and there would be no deposition or removal of material within the wetland or substantial change to the natural channel or dynamics of a watercourse. Mr. Laiuppa said that the only item that may be relevant is item C, any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life, prevent flooding, supply water, assimilate waste, or facilitate drainage. In drier years, when there is less water getting to those wetlands, the pond will effectively intercept it. Mr. Laiuppa noted that this project would create a regulated resource, whereas normally the Commission sees proposals for removing or filling in a resource. This will become a new regulated resource adjacent to that wetland system. If the Commission considers the pond to be part of the existing system, it is effectively not removing any water because it is becoming part of the system. The Commission must consider what the proposed work does to an existing system, not to a future system, Mr. Laiuppa said. Another item that the Commission might consider would be item E, any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland. Mr. Laiuppa said he expected it would be rare that this would deplete the existing wetland system.

Inland Wetlands Permit – Determination of Significant Impact (2021-078)

MOTION: Mr. Kennedy moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2021-078 will not have a significant impact on the wetlands and therefore will not require a public hearing. Ms. Poland seconded the motion.

Mr. Prause agreed with Mr. Laiuppa's summary. He stated that some of the determination of significance criteria are impacted, but the Commission is also supposed to require a public hearing when there is a substantial change, and this does not sound like a substantial change. Mr. Prause noted that neighbors provided input about the zone change application last year, and he suggested it might be useful to have a public hearing because the neighbors have concerns about what happens at this property. He agreed that the proposal does not trigger the determination of significance criteria in the state statutes, but thought it might make sense to hold a public hearing in the interest of hearing from neighbors.

Mr. Stebe asked what would happen when there are heavy rainstorms, and how it would affect the drain lines if a reservoir is created there that will be filling and now it is going to come over the line when it was normally seeping in over a larger space of time. He also reminded the Commission that the significance doesn't have to be detrimental; it can be beneficial.

Mr. Kennedy noted that the work is in the upland review area and the memo says any drainage would follow existing drainage patterns. Talking about heavy rain is speculative, he stated. Within the normal course of events, the proposal is pretty insignificant. Regarding the neighbors, Mr. Kennedy noted that a zone change is much more of a policy issue than this application. He said he did not see a need for a public hearing because the proposal is for a minor change to the upland review area that will not have much impact on existing wetlands.

Mr. Ott asked whether there will be another avenue for a public hearing. Mr. Prause replied that a petition could trigger a hearing.

Mr. Prause agreed with Mr. Kennedy that the application does not meet the threshold of significant change. However, because there is interest from the public, he thought that maybe the Commission should hold a public hearing.

A vote was taken by roll call. Ms. Poland and Mr. Kennedy voted in favor of the motion. Mr. Stebe, Mr. Ott, and Mr. Prause voted against the motion. The motion failed two to three.

MOTION: Mr. Stebe moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2021-078 may have a significant impact on the wetlands and therefore will require a public hearing. Mr. Ott seconded the motion. A vote was taken by roll call. Mr. Stebe, Mr. Ott, and Mr. Prause voted in favor of the motion. Ms. Poland and Mr. Kennedy voted against the motion. The motion passed three to two.

TOWN OF MANCHESTER PUBLIC WORKS DEPARTMENT – To replace the existing twin arch corrugated metal pipe culverts conveying Lydall Brook beneath Ambassador Drive with new twin precast concrete box culverts. – Inland Wetlands Permit – Determination of Significant Impact (2021-086)

Mr. Laiuppa presented the application on behalf of the Engineering Department. Due to recent storms, the culvert under Ambassador Drive washed out and collapsed the road due to flooding. This is considered an emergency repair, but a permit is still required. Work has not been done yet, but Public Works is trying to get things lined up to get it fixed as soon as possible.

At this point in the system, Lydall Brook is not a perennial watercourse, Mr. Laiuppa said. It collects runoff from the surrounding yards. Because of the significance of the storm, there was enough water pressure, and an older system contributed to the failure of the existing pipe under the road. The proposal is to remove the remainder of what is there now and replace it with a newer box culvert type system. Work will be fully within the intermittent watercourse and adjacent wetland area, which is also a flood plain. The plan is to restore grades to conditions prior to the storm, Mr. Laiuppa said. Any work will be at or near the road and will not go back into the yards seen in the photos.

Although all the work will have direct impact to the watercourse, wetland, or flood plain, everything will be restored to pre-storm conditions. The channel is dry for most of the year, which makes it an intermittent watercourse. Intermittent watercourses are regulated the same as perennial watercourses, Mr. Laiuppa said.

Mr. Laiuppa stated that the Engineering Department has communicated with the Department of Energy and Environmental Protection (DEEP) regarding fisheries concerns. Because this is an intermittent watercourse, there are no fisheries concerns.

The system under the road will be changed from a corrugated pipe to a concrete box culvert. It will take up approximately the same footprint under the road and convey the same water, Mr. Laiuppa said. It will be a complete box, so it won't have a natural bottom or open bottom. If there were fisheries concerns, a natural bottom would be more desirable. Because there are no fisheries concerns, the full box is preferred from an engineering standpoint, because it is more structurally sound and is less likely to sink into the ground.

Mr. Laiuppa stated that the project will temporarily impact approximately 0.13 acres in the wetland and 0.2 acres in the upland review area. That mostly has to do with grading and excavation required for removal of what is there now and the installation of the new system. All of the impact will be temporary and direct.

Mr. Ott asked if this will improve the prior metal pipe that was there and Mr. Laiuppa said that is correct.

Mr. Prause asked if the project would impact flow during storm conditions. Mr. Laiuppa responded that it would impact flow during the work. After the work, it should have a larger capacity for flow than pre-storm conditions. The system that was in place was degrading and probably in need of replacement, and the box culvert also adds more capacity than the pipe had, he said.

Mr. Laiuppa noted that there are actually three situations when a public hearing would be held: 1) If there is significant impact; 2) if a petition is submitted, and 3) if the agency finds that a hearing would be in the public interest. There does not necessarily have to be a significant impact if it is still considered a public interest item.

Mr. Laiuppa commented on the items for the Commission to consider in making their determination. He noted item A, activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed. In this case it would be a temporary impact with removal and then placement of material, with the goal of restoring pre-storm conditions. Mr. Laiuppa also pointed out item D, activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse. If there is water in the system during construction, there is potential to cause turbidity, not necessarily downstream but in the work area itself, he said.

Ms. Pilla stated that there were no additional comments from staff.

Mr. Kennedy stated that the impact is not really from the work itself, but from the storm. The project isn't really changing anything; it's just fixing storm damage. He did not see any public interest in having a public hearing.

Inland Wetlands Permit – Determination of Significant Impact (2021-086)

MOTION: Mr. Kennedy moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2021-086 will not have a

significant impact on the wetlands and therefore will not require a public hearing. Mr. Stebe seconded the motion.

Mr. Ott stated that there is a significant impact, and while he agreed that it has to do with the storm, he still thought a hearing should be held to allow residents to see the work that will be done.

Mr. Prause noted Mr. Laiuppa's comment about emergency authorization, and asked if any work has been done. Mr. Laiuppa said no work has been done yet, although it would be allowable for them to do the work. They are currently speaking with contractors to get ready to go.

A vote was taken by roll call. Ms. Poland, Mr. Stebe, and Mr. Kennedy voted in favor of the motion. Mr. Ott and Mr. Prause voted against the motion. The motion passed three to two.

TOWN OF MANCHESTER – Mandatory referral for acquisition of 705 Keeney Street. – Mandatory Referral (2021-084)

Kyle Shiel, Senior Planner, gave a presentation on the mandatory referral item. The Metropolitan District Commission (MDC) recently offered to sell the Town its property at 705 Keeney Street. The Land Acquisition and Historic Property Investment Committee recommended to the Board of Directors that the Town purchase the property. The property is located on the Glastonbury border. The parcel is 27 acres with 174 ft. of frontage along Keeney Street. Directly to the south is about 270 acres of open space acquired by Glastonbury in the last year, Mr. Shiel said.

The property has been identified by the Land Acquisition and Historic Property Investment Committee because of its connectivity to the Nike site. One potential idea was to create a north south connection from the Nike site through 705 Keeney Street and on to the open space in Glastonbury.

Mr. Shiel pointed out West Gerald Drive and Gerald Drive on the map, noting that at one time the intent was to connect the streets, but the topography made it impractical.

Mr. Shiel stated that acquiring the property would be consistent with some of the goals of the Plan of Conservation and Development (POCD), including connecting bikeways and greenways via land acquisition, preserving open space, and purchasing land adjacent to other open space and natural resources.

Mr. Prause noted that both he and Mr. Kennedy are members of the Land Acquisition and Historic Property Investment Committee.

Mr. Kennedy said that the Land Acquisition and Historic Property Investment Committee voted in favor of the purchase, with one dissent. He noted that the parcel connects to Glastonbury and is also near Bush Hill Preserve. The Committee discussed ways of putting trails through all the interconnecting parcels in town, and this would go a long way toward achieving that connectivity. Mr. Kennedy said he supported the purchase and though it was a good use of the bond fund.

Mr. Prause noted that there is \$3 million left in the fund. The Land Acquisition and Historic Property Investment Committee has discussed an overall trail connectivity package with numerous potential acquisitions to better connect existing open spaces. He noted that there is a concern about the price of the property, which is appraised at \$216,000. It was suggested that it might be better to wait until there is a clearer plan of what the Committee wants to do with the remaining money. The Committee also discussed concerns about elevations and hydrology. There is a ravine on the site, as well as a culvert, and there was concern about the Town having to maintain the culvert. The offer also had a time limit, Mr. Prause said. He asked Mr. Shiel whether there are culverts the Town would have to maintain, and whether an extension of the time limit could be obtained. Mr. Shiel said the time limit was 90 days, until the end of October, and he thought staff communication to indicate interest would be fine. Regarding the topography, Mr. Laiuppa said he didn't take note of existing culverts, but he believes there are some on Keeney Street near the parcel. There is a small intermittent watercourse that comes into the site and is fed by the storm system; that is on the northern portion of the Keeney Street frontage. The topography of the site is relatively flat north to south and that follows around the curve as you go towards Keeney Street. If there was a proposed development or access for any reason, there is frontage on Keeney Street that would allow that. There is potential for development of the parcel. The larger discussion of the parcel was about connectivity. Keeney Street would be a good location for an access point, Mr. Laiuppa said.

Mr. Prause said he thought the Board of Directors would need to weigh in before the Town could indicate its interest. Mr. Anderson commented that the Land Acquisition and Historic Property Investment Committee already gave a favorable recommendation.

Mandatory Referral (2021-084)

MOTION: Mr. Kennedy moved to issue a favorable report regarding the purchase of 705 Keeney Street. Mr. Ott seconded the motion and all members voted in favor.

The reason for the favorable report is that the acquisition of the property in question for the connection of open space in Manchester to open space in an adjacent municipality is consistent with several stated goals of the Plan of Conservation and Development and with the Town's open space acquisition priorities.

ADMINISTRATIVE REPORTS:

Ms. Pilla reminded the Commission about the Connecticut Conservation and Inland Wetlands Commissions (CACIWC) annual meeting on Saturday, November 6, 2021.

APPROVAL OF MINUTES

October 4, 2021 – Business Meeting

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

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Zoning Regulation Amendment (2021-082) – Revisions to the zoning regulations in response to the requirements of recent State legislation (HB 6107), pertaining to the term "Character", Accessory Dwelling Units (ADUs), and residential parking requirements.

TOWN OF MANCHESTER PUBLIC WORKS DEPARTMENT – Inland Wetlands Permit (2021-086); Erosion & Sedimentation Control Plan (2021-087); Flood Plain Permit (2021-088) –
To replace the existing twin arch corrugated metal pipe culverts conveying Lydall Brook beneath Ambassador Drive with new twin precast concrete box culverts.

KEYBANK NA – Special Exception Modification (2021-089) – To construct a bypass lane and future vacuum tube ATM lane, and relocate existing transformer and dumpster at 344 Middle Turnpike West.

The Chairman closed the business meeting at 8:06.

I certify these minutes were adopted on the following date:

Date

Eric Prause, Chairman

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

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