

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
MARCH 29, 2021**

**MEETING HELD VIA ZOOM**

**ROLL CALL:**

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

Alternate Member Sitting: Julian Stoppelman

Alternate Members: Teresa Ike  
Bonnie Potocki

Absent: Michael Stebe, Secretary

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 Public Hearing at 7:00 P.M. The legal notice was read when the call was made.

GARRETT HOMES, LLC (continued from March 15, 2021) – For proposed activity including a 9,100 S.F. retail building with 37 parking spaces and associated grading, drainage, lighting, utilities, sidewalks, etc. at 120 Spencer Street. – Resubdivision (2021-005)

Mr. Matthew Bruton, Engineer, BL Companies, Meriden, CT introduced himself. Mr. Bruton shared his screen with the Google maps of the subject project. He pointed out where the property will be subdivided.

Mr. Bruton displayed the site plan and gave the details of the proposal, including the size of the building, the parking, and utilities. The site will be accessed by an existing driveway that was built for the adjacent elderly housing development. Additionally, Mr. Bruton delineated the proposed easement for future development.

Mr. Bruton reminded the Commission of some of the comments from the last meeting. Some of the issues were the addition of labels, addresses, and distances, which have been completed. On the engineering side of the proposal, there was a comment about adding light poles to the site plan, call out for curbing to be repaired along Spencer Street, a formalized street sweeping plan

note to the grading and drainage plan, relocating the sanitary service and detail for the proposed curbing and the easement to the rear. It was his opinion that all of the minor modifications have been addressed. A memo from John DiBiasi, Engineering Department, reported additional engineering comments that are minor in nature.

Ms. Pilla stated that there are several minor comments to be addressed, which are referenced in the memo from John DiBiasi today which can be included as a modification to the approval.

Mr. Prause questioned the modifications mentioned in the memo from Mr. DiBiasi dated today, which Ms. Pilla confirmed.

Mr. Bruton stated that they spoke with the engineer of the elderly housing community and he informed the Commission that, as part of the application, it was agreed between the State and the Town that both entrances to the Calamar development remain ungated for access of emergency vehicles.

There were no members of the public to speak, nor were there any written comments.

**MOTION:** Mr. Kennedy moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

MANCHESTER PARKADE I, LLC – (continued from March 15, 2021) – Special Exception and combined preliminary and detailed site plan per Art. II, Sec. 26.09.02(A)(3) for alternative compliance under Art. II, Sec. 26.04.03 (Ground Floor Limitations) to allow residential on the first floor in some areas and under Art. II, Sec. 26.09.04 E (Parking Standards Relief) for the proposed Silk City Green development at 296, 324, 330, 334 & 340 Broad Street; 418 Middle Turnpike West; and a portion of Green Manor Boulevard. – Special Exception and Combined Preliminary and Detailed Plan (2021-002)

Combining the Special Exception and the Inland Wetlands Permit was proposed by Mr. Prause and agreed upon with Mr. Freeman.

MANCHESTER PARKADE I, LLC – For regulated activities associated with site preparation and installation of underground utilities and infrastructure for the proposed Silk City Green development at 296, 324, 330, 334 & 340 Broad Street; 418 Middle Turnpike West; and a portion of Green Manor Boulevard. – Inland Wetlands Permit (2021-001)

Mr. Harry Freeman, Principal with the developer for the site, Manchester Parkade I, LLC, introduced himself. Mr. Freeman displayed a picture of the project and described the parcel as 23 acres. It is a mixed use development with a mixture of residential uses, large residential buildings, combined residential and retail buildings, office buildings, a hotel, and a ghost kitchen.

Mr. Freeman noted that they have worked closely with Staff and reported that all Staff comments will be addressed with the final plans.

Mr. George Logan, Principal Environmental Scientist, REMA Ecological Associates, introduced himself. Mr. Logan explained that he is a registered soil scientist, certified professional wetlands scientist and a certified senior ecologist with the Ecological Society of America. He stated that he has been carefully following the property for several years.

Mr. Logan remarked that there is a report that was submitted into the record dated December 2020, called an Impact Analysis. He said he will use some of the exhibits that were part of the analysis. The wetlands delineation was not conducted by his office, reported Mr. Logan, but by a soil scientist, Joseph Thoreau, in September 2019. He remarked that he, as the soil scientist of record, must verify that the wetlands delineations were done correctly.

Mr. Logan detailed to the Commission members the many steps in his verification process. All prior uses of the property and surrounding areas were explained as well as the current layout of the regulated resources. He noted that, when studying the area, he looks at the direct and indirect impacts. According to Mr. Logan, there are minor direct impacts of 745 sq. ft., which he detailed; and indirect impacts, both short-term during construction, and post-construction, which may have physical long-term impacts.

Mr. Logan stated that his conclusion is that the work will not have a significant adverse impact on the existing water quality of the brook. The direct impact itself is de minimis in his opinion, and will not impact the function and value of the watercourse.

Ms. Potocki remarked that she would like to review Section 4.4 of the Wetlands Regulations.

Mr. Laiuppa reported that, under Section 4.4 of the Wetlands Regulations, if the agency finds that the activity applied for involves or may involve a significant impact or major effect on the wetland or watercourse, the applicant shall submit additional information including but not limited to:

- Soil sample data if the parcel lies within or partially within an area believed to contain poorly drained, alluvial or floodplain soil;
- A description of the ecological community and the functions and values of the wetlands or the watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- A description of any alternative considered which would cause less or no environmental impact to the wetlands or watercourses with a description of how the proposed activity and each of the alternative scenarios would change, diminish or enhance the ecological community's functions and values of the wetlands and watercourses;
- An analysis of the chemical or physical characteristics of any fill material.

Ms. Potocki noted that Mr. Logan indicated that Bigelow Brook and associated wetlands provide fish habitat. There are direct discharges from outfalls created as well as a detention basin to the brook. She is concerned about the amount of direct discharge and concentrated flow directly to the brook. In addition, Ms. Potocki questioned how much impervious coverage there will be vs. pervious.

Mr. Freeman stated that the current site has extensive parking lots. Rather than having acres of open parking lot on the site, they have chosen to have interior parking for the biggest parking generators. He stated that was done in an effort to decrease the environmental impacts of the development.

Ms. Potocki remarked that the brook is a perennial fish habitat and there will be concentrated storm water off impervious surfaces that will get hot. She is concerned about thermal discharge and her hope is to improve the fish habitat and not stress it with discharge. The drainage basin is very large, noted Ms. Potocki, and she questioned what percentage of the storm water will be directed to the basin. She assumed the basin will require maintenance.

Mr. Wilford (Skip) Alford, Registered Professional Engineer and Land Surveyor, displayed the site plan and reported that, from the beginning, they recognized the site has two different storm systems. The first will be for the roofs, which discharge in three locations around the site. He noted that the roofs are cleaner water than the pavement. For the pavement, they will take the storm drainage from the roads and it will go into a storm basin. Mr. Alford remarked that the intention is to separate the cleaner water from the water with sand and substances from cars. The elevation and design of the basins were detailed and will comply with the DEEP Storm Water Manual for a wet basin.

Ms. Potocki inquired how long the water would be sitting in the basin and whether it will always be a wet basin.

Mr. Alford replied that it will always be wet.

Ms. Potocki reiterated her earlier question about pervious vs. impervious total acreage.

Mr. Alford reported that he does not have the details of the pervious vs. impervious acreage.

Ms. Potocki questioned if they considered any low impact development techniques in their design. She further asked if there will be any on-site infiltration.

Mr. Alford responded that one element is the separation of the water. Furthermore, there is no on-site infiltration. He noted that the water table is very high, and half of the Staff comments concern the high water table.

Ms. Potocki inquired whether the high water table is throughout the borings.

Mr. Alford informed her that he has not looked at all of the borings, but he does know there is concern about the elevation of the first building. The water table at the basin is about 18" below the surface.

Mr. Logan displayed a Google Earth map of the site. He pointed out that there are currently thermal impacts present. The watershed is highly developed with impervious surface related to thermal impact. Mr. Logan pointed to Center Springs Pond as another culprit. He believed that, when water is pumped from the water quality basin, it is pumped from the bottom of the water

column instead of the top, which will diminished thermal impacts; it is not pumped from the surface, which would be warmer water.

Mr. Alford corrected Mr. Logan, stating that, during a storm, it is pumped from the middle. There will be mixing with the ground water and it will be closer to the temperature of the ground water.

Mr. Freeman interjected that, from a developer's perspective, this is a unique site. Normally, there is site clearing with the ensuing impacts. However, Mr. Freeman reported, they are taking down pavement and there will be a good deal of greenscaping. He added that they have endeavored to get away from acres of parking in order to have minimal impact.

Ms. Potocki asked for information about the landscaping plans, and Mr. Freeman replied that they will be coming back before the Commission and will provide those plans.

Mr. Stoppelman noted that Mr. Logan spoke briefly about the invasives in the wetlands. He questioned whether there will be any attempt to control those.

Mr. Logan responded that they certainly will be addressing the invasives. They are proposing to work with Staff to develop a plan which would be eradication in some areas and control in others.

Mr. Mike Licamele reported that their goal is to make it the most sustainable project in the state and perhaps further than that. They are very committed to not only their carbon footprint, but also finding ways to use technology to maximize energy efficiency. Mr. Licamele stated that they are building a micro grid to produce renewable energy on site. They will also be using solar panels and fuel cells to power the development. Approximately 25% of the energy will come from solar and 75% of the electricity will be from fuel cells. Mr. Licamele noted that heat from the fuel cells will be utilized to provide heat and hot water to some of the buildings.

Mr. Licamele explained that they will probably be generating over 10,000 megawatt hours of electricity annually. They will include battery storage to aid in electricity load balancing. He further stated that all the buildings and common areas will be designed to maximize energy efficiency. He reported that they will include smart home features for the apartments to optimize energy usage; interior common areas will include daylighting systems (piping in daylight from the roof) and the electrical will be designed to accommodate electric vehicle charging capabilities. To help balance the load, the EV charging for the residents will be programmed so that the charging can occur when there is less demand from the residential side. Mr. Licamele went on to detail the new technology they will be using, including moisture sensors in the grounds, street lighting sensors, and many others.

Ms. Potocki questioned whether solar will be on all rooftops. She speculated on whether they will consider green roofs.

Mr. Licamele responded that solar will be on most rooftops, and certainly on the larger buildings. He added that they may look into the possibility of green roofs, though the residential buildings

will not have rooftop access. The office building will have a large roof terrace, he stated, and speculated that may be appropriate for a green roof.

Mr. Freeman explained that they will be recapturing any irrigation provided on site. The irrigation will utilize water from the pond.

Mr. Stoppelman assumed that, with the level of technology, the internet will be 5G.

Mr. Licamele remarked that, because high-speed internet is not only what everyone wants, they were fortunate to learn that there is dark fiber in the ground on Broad Street and Middle Turnpike West. It is important for businesses to have redundant fiber, he explained, and there will be two fiber optic connections. Additionally, there will be a CBRM, which is essentially a Wi-Fi canopy that is off the fiber network, as well as other technology for use. Mr. Licamele stated that they will be utilizing the multiple systems for maximum coverage, but also because this will be a testing site for smart city technologies being rolled out in many locations.

Mr. Prause noted that the project narrative mentioned the Internet of Things infrastructure and questioned if that was what Mr. Licamele was referring to.

Mr. Licamele explained the details of how much of the new technology will be utilized.

Ms. Potocki noted that the detention pond is adjacent to an apartment building, and she questioned whether there will be mosquito control.

Mr. Alford assumed that there will be a bubbler to aerate the water, and thus no surface for the mosquitoes.

Mr. Logan said that will help, as well as the storm water flow in and out. Also, there will be a fringe of vegetation which will allow for natural predators of mosquitos.

Mr. Alford suggested a bat house.

Mr. Scott Hesketh, Traffic Consultant for the applicant, noted that they did receive review comments from Staff dated March 17<sup>th</sup> and March 19<sup>th</sup>. They had a Zoom conference call with Town Staff on March 23<sup>rd</sup> and all comments were discussed. This morning, March 29<sup>th</sup>, Mr. Hesketh submitted a written response to all the comments.

At the request of Town Staff, Mr. Hesketh reported that they did manual turning counts at the intersection of Green Manor Boulevard and the Stop & Shop driveway. Additionally, they did traffic counts at the intersection of the bank driveway and Green Manor Boulevard. He reported that traffic volumes observed on a Thursday afternoon and a Saturday midday were significantly less than the traffic volumes presented in their original report. The earlier traffic volumes were very conservative, done in the early days of Covid-19 when the traffic volume was quite light. However, he noted that the traffic volumes on March 17<sup>th</sup> and March 19<sup>th</sup> were slightly higher than those, and Staff was confident that people are shopping now as much as they were pre-Covid-19. The traffic counts at the various intersections were explained in detail.

Mr. Prause sought clarification on the snow management plan.

Mr. Alford explained that, during the early phases of construction while there are open building sites, the snow will be moved to those locations. When the project is completed, it is anticipated that the snow will be moved from the site.

Mr. Prause questioned where the dumpsters will be located on the site.

Mr. Alford remarked that there are some dumpsters shown for the commercial spaces, and dumpsters for the residences will be in the courtyards.

Mr. Freeman added that there will be compactors for the residential and the commercial spots are identified on the plan. He added that the refuse areas will be discussed when they come back with the site plan. They are confident that there is sufficient dumpster capacity. Mr. Freeman reported that all the residential buildings will have chutes for the garbage.

Mr. Stoppelman noted that it does not appear to show sidewalks going towards Broad Street. He observed people walking through the parking lot and crossing Green Manor Boulevard to go to the Stop & Shop area.

Mr. Freeman reported that they have sidewalks on the property they have control over on Green Manor Boulevard. They do not have control over installing a sidewalk near the bank.

Mr. Stoppelman speculated that it may be up to the Town to complete the sidewalk along the side of the bank. He commented that he is concerned about the obstruction at the end of Freeman's Way, as it appears to be a right turn only onto Broad Street.

Mr. Freeman responded that, in conversation with Staff, this will be part of the recommendations for approval, maintaining that the applicant will be coming before the Commission many times. At this point, there is no issue with the left turn in to Freeman's Way. That will be re-evaluated as each phase of the development is brought before the Commission.

Mr. Stoppelman referred to the plan and questioned whether motorists would be able to drive over the barrier at the end of Freeman's Way.

Mr. Freeman quipped that, considering how people drive, he cannot make a commitment that no one will do that. They plan to make it as inconvenient as possible for people to do it. If it becomes an issue, they will speak with law enforcement.

Mr. Hesketh explained that mountable pavers allow a large vehicle, perhaps a delivery truck, to mount the curb and traverse safely over the stone pavers. It would certainly be very uncomfortable for passenger vehicles to do.

Mr. Stoppelman assumed it would not be similar to Cumberland Farms where motorists are driving over it. He questioned the term “hand holds” for future traffic signals near the credit union.

Mr. Hesketh explained that “hand holds” are when there is a traffic signal and there is a conduit underground running wires. Occasionally, there must be a “hand hold” so electricians can pull the wires throughout the conduit. He remarked that they are not proposing any modifications to the traffic signal at Broad Street and Green Manor Boulevard.

Mr. Stoppelman observed that there is no crosswalk at Freeman’s Way going across Broad Street. Considering the number of residents expected in the apartments with some children walking to Waddell School, he questioned whether it makes sense to not have a crosswalk at Freeman’s Way.

Mr. Freeman replied that they would much prefer residents go to the signalized intersection to cross Broad Street. There has been discussion of making a connection across to the bikeway in the future, which would be undertaken by the Town.

Mr. Anderson reported that there has been discussion about how to make that connection between the stub of the current trail going into Center Springs Park and the development. The Redevelopment Agency has spoken about it recently. Mr. Anderson stated that the method they are currently looking at would be a crosswalk in that area, probably with a flashing beacon.

Mr. Stoppelman asked for clarification about the reference to Main Street; i.e., Freeman’s Way and not making it a full signalized intersection.

Mr. Hesketh remarked that the site as designed has access to both Broad Street and Green Manor Boulevard. There was really no need to introduce another signalized intersection, as they are proposing to restrict left turn exiting movement. It is generally good practice to keep traffic signals in excess of 500 ft. apart.

Mr. Stoppelman questioned whether there will be any public transportation planned for Broad Street.

Mr. Anderson responded that there is currently no public transportation on Broad Street. CT Transit runs buses on both Center Street and Middle Turnpike West. In the most recent Connecticut Transit study of bus routes, Manchester did have the development site in mind. He stated that CT Transit agreed to change one of their routes to go directly down Broad Street.

Mr. Freeman responded that a bus stop is not shown on the current site plan. They do encourage public transportation. He believed that they have addressed all the comments from Staff. One open issue is to meet with Mr. Davis from the Parkade Cinemas to discuss how the applicant will bring water to his site.

Ms. Potocki questioned compliance with the Form-Based zoning about open space. She did not see a table specifying compliance with open space.

Ms. Pilla replied that the Form-Based regulations do have specific types of outdoor space listed. There are notes in the regulations about open space requirements. The applicant's requirement is that 5% of the outdoor space be dedicated to one type of open space listed in the regulations.

Mr. Prause questioned whether a review has been done, as the Commission did not have a table in front of them.

Ms. Pilla stated that there is no table and part of the reason is that there is more information to come in the detailed site plans for future phases. For example, in mixed use developments, outdoor activity zones and sidewalk cafes counts as an outdoor space. Therefore, she doubts that the applicant has gone as far as accurate areas for those spaces.

Mr. Freeman explained that they did a review and they are well above the 5% requirement for open space.

Ms. Pilla commented that it would be helpful to have documentation of the open space percentage.

Mr. Freeman responded that they will provide a table.

Mr. Anderson interjected, reporting that the amount of open space was discussed with Staff; it was not an oversight.

Ms. Potocki sought confirmation that the project will be approved in phases. She asked for a clarification of what will be voted on at this meeting.

Ms. Pilla reiterated that, at this time, the Commission is looking at a detailed site plan for what is technically the first phase of construction, namely preparation and underground utility installation. She laid out the planned phases and stated that the applicant will return to the Commission with each. Ms. Pilla explained that the Inland Wetlands Permit is relevant to the entire master plan. The Erosion and Sedimentation Control plan at this meeting is specific to this first phase of construction, i.e., the utility installation. There will be additional Erosion and Sedimentation Control plans as appropriate going forward.

Ms. Pilla reported that the Special Exception part of this application relates to alternative compliance. In the Form-Based zone, there are some opportunities to apply for alternative compliance, which is technically the same process as the Special Exception. The applicant is requesting alternative compliance for the ground floor limitation, which would limit residential uses from being on the ground floor. They are also applying for alternative compliance for parking reduction; i.e., reducing the number of required spaces. The site plan approval is considered a preliminary site plan for the master plan and a detailed site plan for the first phase of construction, which is not technically a special exception, but the alternative compliance portions do count as a special exception.

Ms. Potocki questioned whether, for the special exception, they have to comply with all criteria in the regulation.

Ms. Pilla confirmed that they do. In addition to the regular criteria of the regulation, there are also criteria in Section 26.09.03, which is specific to special exceptions, including meeting the intent of the Broad Street redevelopment area, not permanently injuring the adjacent properties, and promoting the concepts and practices associated with walkability and sustainability in the Form-Based zone. Ms. Pilla explained that, for the alternative compliance portion of the special exception, there are some additional criteria that must be met.

Mr. Prause asked about the two requests at this meeting, and specifically the ground floor limitations. In Section 26.04, there are a couple of places where it refers to these limitations. He questioned whether the Commission is considering a multi-residence building in this application.

Ms. Pilla stated that it is for the multi-residence building.

Mr. Prause noted that there is a hotel in this area and it is also a special exception. He asked if the Commission is addressing that as well, or if it is a future item.

Mr. Freeman reported that would be a future item.

Referring to the parking relief, Mr. Prause needed clarification, noting that in the memo, there was additional information provided.

Mr. Freeman explained that there were two different methodologies utilized to determine what the appropriate level of parking for a mixed use development would be. In both levels of analysis, the parking required for the mix of uses would be about 60-70 spaces less than the amount of spaces that are provided. It should be noted that, in the regulations, it draws attention to the Town's desire to minimize the amount of parking. Mr. Freeman stated that, with all the technology being used, they will know of any issues with the parking. He added that, in terms of the ground floor limitations, the original intent of the limit was to avoid residential uses right on a busy road such as Broad Street.

Mr. Laiuppa reported that the wetland permit application is significantly complete. He noted that Ms. Potocki referred to Sec. 4.4 of the regulations, which refers to any wetland applications that have been determined by the Inland Wetlands Agency to have potentially significant impact. There are four requirements within that section, some of which are touched upon in the application, but none of them formally address the requirements. Mr. Laiuppa described the requirements in detail. Some of the topics were touched upon in discussion and in the report, but they were not specifically addressed as they relate to the requirement for significant impact to wetlands and watercourses. He added that all the material for the wetlands have been received. Erosion and sedimentation control is in good shape in terms of the plans and requirements.

Ms. Pilla stated that the applicant has been working closely with the Planning Department over the last couple of weeks to coordinate some of the open-ended questions after the last meeting, the details of which she addressed in detail and were provided in the revised plan. She referred

to the memo she had sent today, and said that most of the comments are regarding engineering, which Staff is comfortable with at this time, including as a modification to the approval. Ms. Pilla explained all of the comments and detailed each item.

Mr. Laiuppa noted the request for clarification on Sec. 4.4 of the regulations. There was also a question about the basin outlet elevation vs. street elevation; the ground water elevation vs. the elevation of the underground parking (which will be discussed at a later date); and the plans that appear to be work in the flood plains.

Mr. Ahmad Davis, Owner of D3 LLC, 416 Middle Turnpike West, Parkade Cinema, introduced himself. Mr. Davis reported that he has a strong interest in the development and congratulated the applicant on the work on the plan. He referred to Mr. Freeman's comment about underground water access headed to 418 Middle Turnpike West. Mr. Davis noted that Mr. Freeman alluded to a meeting to be held to discuss how the water will be disconnected and possibly run from another area. He has noticed over the years that whatever was done on the parcel has had an effect on his business.

Mr. Davis also inquired about the drainage water that is going to be redirected into Bigelow Brook. He speculated whether there is a plan to eliminate the current drainage system that runs down Green Manor Boulevard. Currently, the road is often flooded in heavy rain. Mr. Davis stated that he and Mr. Licamele have spoken quite a bit over the past 2-1/2 years and he feels that he has been included in the plans and their revisions.

Mr. Davis questioned whether Green Manor Boulevard has been purchased and by whom. He asked if it will be a public road, because the easement was released a number of years ago, and he was assured it would become a public road.

Ms. Pilla reported that there were no written comments from the public.

Mr. Freeman referred to the water line and said that, if he mentioned that it was 418 Middle Turnpike West, he misspoke. That property will be acquired as part of the proposed development. The water line will be going to 416 Middle Turnpike West, owned by Mr. Davis. He reiterated that the applicant and Mr. Davis will meet to finalize the detailed plans of the best way to get water to his business. Commenting about the Green Manor Boulevard flooding, the applicant will be taking out the majority of the water that currently flows into the system on Green Manor that causes the flooding. Most of the water will be redirected away from that overflowing system, according to Mr. Freeman, which should make a significant improvement. Green Manor Boulevard is currently finally owned by the Town, but that is part of the property that will be turned over to the applicant as part of the development. It, therefore, will become a private road and Mr. Freeman stated that they will be working with Mr. Davis to ensure he gets the proper easements.

Mr. Stoppelman asked if he understands correctly that the public part of Green Manor Boulevard only extends to what will become the 4-way stop between Road 1 and Stop & Shop.

Mr. Anderson explained that the portion that is owned by the Town currently will be part of this development. It begins at Broad Street and ends at the beginning of Mr. Davis's property. The remainder of the road as it goes around the other portion of the Parkade is owned by that property owner.

Mr. Stoppelman inquired whether the Town would consider putting a walkway on the part of Green Manor Boulevard that goes past the bank.

Mr. Anderson responded that a walkway would be added by the developer as they are completing the project. He reiterated that the area by American Eagle is not Town property. Mr. Anderson understood Mr. Stoppelman's concern, and acknowledged that it would be to everybody's benefit for a sidewalk to be added in that location.

Mr. Freeman interjected that it is Town-owned property, but it is not necessarily a Town road. He added that the developer will consider the sidewalk issue.

Mr. Davis remarked that, as it is a public road, part of the need for an easement would not be necessary because, if the Town was taking it over, the road would be repaired. He acknowledged that it is tough running a business in that area as things stand. He would like to have more dialog with the Town as well as Mr. Licamele and Mr. Freeman to understand what is happening, as this is a change of events that he was not aware of. This project is very important to his business, and he would like to be kept in the loop. He questioned whether there is money earmarked for the repair.

Mr. Anderson responded that part of the development agreement is that the developer will develop the infrastructure, including the road. The sooner they get the approvals they need, the sooner they have the property turned over to them. Then the road will be completed as shown on the submitted plans by the developer. Mr. Anderson stated the Town has made some commitments there and is participating in the infrastructure to some degree. Obviously, it is important to have that road open to the public, although it won't be a public road.

Mr. Licamele reassured everyone that they will do everything needed to ensure that everything is in place for Mr. Davis and his property. In the course of dialog, the applicant has discovered issues, i.e., the water line with no easement, and he assured the Commission that there will be no interruption to services. He reminded everyone that this plan they have presented is only the infrastructure portion, which includes Green Manor Boulevard. Mr. Licamele reported that they are looking at the plans near American Eagle, and the developer will make every effort to reach out to them.

Mr. Davis commented that it was nice to hear about the cohesive plan for American Eagle.

Mr. Licamele stated that the developer had to simplify the Phase 1 portion on the initial plan. He explained that they set up a condominium structure for the ownership of the property and the condominium association documentation will be put together and will fully integrate the theater as part of the development at some point in the future.

Ms. Potocki commented that, as Mr. Laiuppa reported, there seem to be a lot of outstanding items on the inland wetland application, e.g., alternatives analysis and soil types not identified. This leads to the question of flood storage. She asked if there is any procedure for the hearing on the inland wetlands application to be left open and the hearing on the special exception closed.

Mr. Stoppelman felt it would be better to put on conditions as needed and accept the application.

Mr. Prause asked Staff if they deem it appropriate to close the public hearing and not vote on the wetlands permit pending the outstanding information.

Mr. Logan reported that he had four items under Sec. 4.4. One referred to soil sample data. It is quite obvious that the majority of the site being developed has been referenced in his report; e.g., on Page 3 as belonging to a category of soil that is disturbed wetland soils. That is also due to some older geotechnical data that he reviewed. In addition, referencing the fill material will be clean fill. He added that, as far as functions and values, one of his comments in his presentation is that, in his professional opinion, there will be no changes of significant adverse impacts on the functions and values being provided. Additionally, on Page 7, under Table 1, where those functions and values are identified, fish and habitat is a principle function and will not be affected. Mr. Logan stated that, regarding alternative analysis, the regulations state that there must be a public hearing where there “**may** be” a significant impact. They do not say “**will** be,” so the Commission relies on experts coming before them to report whether it may or if it will have significant impact. In his professional opinion, there will be no significant adverse impact from this development on the regulated resources.

Mr. Alford stated that one of the things that Mr. Logan laid out was the alternatives. He noted that they have 745 sq. ft. of intrusion into the wetlands. The reason why there is intrusion into the wetlands is because they are trying to bring the storm drainage to a point where it is adjacent to the stream and there will not be any erosion. One of the alternatives mentioned was to bring the storm drainage outlets outside the wetlands so there is no direct impact on the wetlands. Mr. Logan detailed the problems with doing so.

Mr. Laiuppa reported that the determination that there **may** be impacts was already determined at the last meeting. The Planning and Zoning Commission, acting as the Inland Wetlands Agency, made that determination. He then explained the data necessary for the soil samples. He added that the information must be submitted to meet Sec. 4.4 of the Inland Wetlands Regulations and commented on Ms. Potocki’s questions.

Mr. Laiuppa stated that, when considering alternatives which would cause less or no environmental impact to the wetlands, this current alternative has less of an impact than previous alternatives.

Ms. Pilla commented on how to handle the issue procedurally. It would be difficult to close one public hearing related to the site and leave another open. The other alternative is to add a condition to the approval which states that a formal submission is required regarding the Inland Wetlands Regulations Section 4.4. She stated that, in her opinion, it would be a cleaner approach rather than leaving the Inland Wetlands hearing open.

Mr. Kennedy noted that there is already a modification, referring to the memo from Assistant Town Engineer John DiBiasi, and questioned whether these were contained in that memo.

Ms. Pilla replied that the one specific to the inland wetlands is not.

**MOTION:** Mr. Kennedy moved to close the public hearings. Ms. Scorso seconded the motion and all members voted in favor.

The Public Hearing was closed at 9:40 P.M.

I certify these minutes were adopted on the following date:

April 19, 2021  
Date

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Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.**