

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JANUARY 4, 2023**

**MEMBERS PRESENT:**

In Person: Eric Prause, Chairman  
Patrick Kennedy, Vice Chairman  
Michael Stebe, Secretary  
Nicole Clemons  
Teresa Ike  
Electronically: Yamuna Menon

**ALTERNATE MEMBER SITTING:**

In Person: Bonnie Potocki

**ABSENT:** Carlos Jusem

**ALSO PRESENT:**

In Person: Gary Anderson, Director of Planning  
Megan Pilla, Principal Development Planner  
Electronically: David Laiuppa, Environmental Planner/Wetlands  
Agent  
Nancy Martel, Recording Secretary

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

CLEVER AVILA – For a proposed 4-lot resubdivision to create 3 new building lots at 270 Gardner Street. – Resubdivision (SUB-0002-2022)

Mr. Mark Peterson, Professional Engineer, Gardner & Peterson Associates, Tolland, introduced himself, stating that he is representing the applicant.

Mr. Peterson pointed to the displayed plan and reported that the property is located on the west side of Gardner Street and is just over 7 acres. He discussed the boundary survey plan showing the existing house, the driveway, and accessory structures to be removed for zoning compliance. He explained that the existing driveway to the home will be relocated.

Mr. Peterson stated that all four lots are in conformance with the zoning regulations. The three lots are 0.8 acres or more and typically have around 120 ft. of frontage along Gardner Street. Additionally, Mr. Peterson explained the topographic plan, which also showed the proposed driveways, houses, utilities, and sedimentation and erosion control. A certified soil scientist

walked the property and submitted a letter that is in the Commission members' files, stating that there are no wetlands on the property.

According to Mr. Peterson, the homes will be served by public utilities, sanitary sewer, and water on Gardner Street, which will be accessed for each of the proposed homes. The sedimentation and erosion controls were detailed for the Commission.

A drywell will be provided adjacent to each of the proposed homes. These will collect storm water runoff from the proposed rooftops and infiltrate that water into the ground, so there will be a total net reduction of impervious surface with the removal of the accessory structures and infiltrating the proposed runoff into the ground. Mr. Peterson reported that a construction detail sheet and an erosion and sediment control plan are included in the Commission members' packets.

Staff has reviewed the plans and provided comments, to which Mr. Peterson has responded, and he feels everything is in order with the regulations. He explained that, with a resubdivision application, the applicant is required to provide open space to the Town of Manchester. In this case, the applicant is proposing a fee in lieu of open space, as there is no Town property abutting this parcel. The parcel is surrounded by other single-family residences from previous phases of the Harvest Farms Subdivision, which created Carriage Drive, Harvest Lane, and Jolly Lane.

Ms. Potocki stated that the development is increasing impervious surface with the driveways. She asked where the runoff will be directed to.

Mr. Peterson explained that the driveways will be descending from Gardner Street toward the house, and then ultimately toward the rear of the property. After a comment from Ms. Potocki, Mr. Peterson reiterated that the driveways descend from Gardner Street from east to west.

After questioning from Ms. Potocki, Mr. Peterson gave a detailed explanation of the drainage to the rear of the properties. Mr. Peterson confirmed that, in his professional opinion, there should be no runoff trespassing onto other neighboring lots.

Mr. Prause reported that, before the meeting, Ms. Potocki asked for clarification from Staff on what criteria the Commission should be considering in approving or rejecting the resubdivision. He asked Staff to inform the Commission what criteria they should be reviewing.

Ms. Pilla stated that there is no official list of criteria, but the Commission should be considering:

- Whether the proposed resubdivision is in line with Town subdivision regulations, which include the open space portion for which the applicant has proposed a fee in lieu of open space.
- Making sure the lot sizes match the zone they are in and are suitable for the area.

Mr. Prause asked when the area was last subdivided. Mr. Peterson speculated that may have been in 2007, which Staff confirmed.

Ms. Pilla confirmed that Mr. Peterson has gone through Staff comments and addressed most, if not all, of them. She has a memo out with three labeling comments, which has not been addressed due to Staff illness. Referring to the open space, she said that the regulations provide that, in areas where it is not desirable to create new open space, a fee can be paid in lieu of that open space. Town Staff are agreeable to that in this case, Ms. Pilla said.

Ms. Pilla reported a comment that had been made about a possible deed restriction during the last subdivision. She stated that she researched it, and it does not apply to this lot.

Chairman Prause asked that any member of the public who wished to comment on this application come forward at this time.

Mr. Fred Lea, 176 Gardner Street, introduced himself, noting that he is now the last farmer on the street. At a Farm Committee meeting, he stated, he was given a letter from October 14, 2009, about the Town adopting a Manchester Aquifer Protection Program. That letter spoke about runoff and letters he has received from the Town about the proposed change reported there are no water courses under it or on it.

Mr. Lea reported that area is one of the biggest and productive aquifers. Most of the properties being developed there are all drywells. A neighboring 55+ community abutted him with drywells. In the almost 20 years that community has been there, not one manhole has been opened to maintain that system. On Fern Street, none of the drywells work, and he speculated whether they are filled with contaminants, etc. He asked who will enforce maintenance of the drywells.

Mr. Lea explained that all the water goes to the Globe Hollow Reservoir and eventually into the plant. He had to sign a document stating he was in accordance with requirements relating to working on vehicles. The applicant's family had a business repossessing cars and there are six unregistered cars on the property.

In addition, Mr. Lea was concerned about the type of fill the applicant brought in to fill the front yard. He stated that the neighbors were always told that no millings could be brought into any type of watershed property. However, the applicant's property has three loads of millings and two more loads with tar in it.

Mr. Lea stated that a former Town Engineer at the water shop questioned all the development in that neighborhood because the sewer has never been improved. Many developments have been added with more planned.

Mr. Lea reiterated that he is the last farmer on the street, where there had once been 12. He scolded the Planning Department for not saving more farms.

Ms. Eva Panici introduced herself as the daughter of Edward Kostek of 260 Gardner Street. Ms. Panici stated that Mr. Kostek has been a resident and taxpayer since 2010. Ms. Panici asked whether there has been a drainage study on the proposed driveway placement between 260

Gardner Street and 270 Gardner Street. Mr. Kostek seeks assurance that the new driveway will not have any adverse effects on his current drainage.

Mr. Kostek is also concerned about noise pollution with the proposed driveway between 260 and 270 Gardner Street. Ms. Panici remarked that her father built his house in 2010. Mr. Kostek specifically chose to build his driveway next to the neighbor's property north of him. He planned the house and built his master bedroom away from the driveway and street to minimize noise pollution from cars and garage doors opening and closing, and it is currently quiet.

Ms. Panici noted that her father is concerned because of an asbestos removal truck parked on the lawn close to his garden. He is concerned about contamination of the land. To date, there have been several occasions where some debris from the current construction and demolition has blown onto his driveway. He wants to ensure that, going forward, these materials be secured to the land where they are.

Mr. Peterson acknowledged a resident's concern about drywells, noting that he cannot comment on any existing drywells in the area. The proposed drywells will have a connection from the roof leaders into the drywell and not a surface grate which could cause clogging due to leaves or other debris getting into that grate.

Another comment was about some driveway runoff. Mr. Peterson explained that the runoff will be headed towards Carter Street.

After a reminder from Mr. Prause, Mr. Peterson stated that he does not know anything about a well closure. He stated that his client does work for a remediation company, and he assumes that his truck goes home with him at night. Mr. Peterson cannot comment on what is inside or outside of the truck.

Mr. Prause assumed that there are currently operations on the site. Mr. Peterson stated that he noted fill along the street deposited between Gardner Street and the detached garage. In his opinion, it is early to bring that in.

Ms. Potocki noted that there are structures that are to be removed. She asked whether there is any abatement required of those structures.

Mr. Peterson explained that the barn, which was collapsing, has been removed. The garage remains and it would be the applicant's responsibility to get a demolition permit. After a question from Ms. Potocki about the age of the garage, Mr. Peterson said he was unsure but assumed it has been on the property for a very long time.

Ms. Potocki surmised it could contain asbestos materials and lead material, and Mr. Peterson stated that he has not been in the garage. She asked whether a hazardous material building survey was conducted, of which Mr. Peterson was unaware.

Mr. Lea reported that his father's uncle was a builder, Gambollati. According to Mr. Lea, Gambollati built the house in 1926, so he assumed the garage was about that age. The reason they put a metal roof on the garage is because there are true asbestos shingles.

Ms. Beth O'Brien, 179 Fern Street, introduced herself. Ms. O'Brien reported that she grew up on Duncan Road, where her father still lives. She played in Lenti Farm when it was a farm. Ms. O'Brien asked why we must change everything and allow everyone to keep building. The previous owners could not develop anymore, so they sold the property. Now it appears building is allowed, and she speculated why it cannot be left alone. She mentioned that the drywells on Fern Street all back up, and no one maintains them.

After a question from Mr. Prause, Ms. Pilla mentioned that fill is not regulated in the zoning regulations. There are fill requirements that come up during permitting, especially structural requirements.

Ms. Potocki referred to the zoning regulations and public health and welfare. She inquired what is done with the potential presence of hazardous materials on the property.

Mr. Anderson stated that is not defined in the zoning regulations, nor in the subdivision regulations. The subdivision is strictly about the splitting of the land. Certainly, the building code and other codes would apply.

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

The Public Hearing meeting was closed at 7:30 P.M.

I certify these minutes were adopted on the following date:

February 6, 2023  
Date

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Eric Prause, Chairman

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