

**TOWN OF MANCHESTER  
MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION/  
INLAND WETLANDS AND WATERCOURSES AGENCY  
FEBRUARY 21, 2024**

**MEMBERS PRESENT:**

In Person: Eric Prause, Chairman  
Patrick Kennedy, Vice Chairman  
Michael Stebe, Secretary  
Teresa Ike  
Chris Schoeneberger  
Daniela Luna  
Michael Farina

**ALTERNATES PRESENT:**

In Person: Bonnie Potocki  
Maliha Ahsan

**ABSENT:** Zachary Schurin

**ALSO PRESENT:**

In Person: Megan Pilla, Principal Development Planner  
Gary Anderson, Director of Planning & Economic  
Development  
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.

CT SITING COUNCIL PETITION – To collect public comments for submission to the Siting Council for a proposed solar facility at 250 Carter Street.

The Chairman informed the attendees that the Planning and Zoning Commission does not have authority to approve or deny the proposal. However, the Commission can hold a public hearing to obtain public input which will be submitted to the Siting Council, who makes the ultimate decision.

Ms. Pilla, Principal Development Planner, presented the proposed location, mostly forested with a 50 ft. wide easement for Algonquin Gas Company and a portion of the Shenipsit Trail. She pointed out wetlands. She described the 2,590 non-reflective solar panels in detail, noting that they are surrounded by a 7 ft. high chain link fence and a 12 ft. wide gravel drive for access from Carter Street. The landscape was described as in a location closest to surrounding properties. Ms. Pilla detailed plans for storm water, as well as the limit of disturbance. The facility will connect to the existing Eversource pole on Carter Street, utilizing underground conduit and six utility

poles along the access drive. The total proposed clearing is approximately seven acres with approximately 1,100 sq. ft. of direct disturbance to the wetland in the location of the access road. Concrete pads were described for the electrical equipment.

The following residents provided comments in opposition to the proposal:

- James Memery, 31 Bette Drive
- Rose Carroll, 21 Brookview Circle
- Pam Carpenter, 101 Amanda Drive
- Linda Woodall, 51 Blue Ridge Drive
- Martin Hainsey, 74 Volpi Road, Bolton
- Ray Welnicki, 121 Amanda Drive
- Roger Paro, 255 Carter Street
- Robert Thulin, 211 Carter Street
- Colin McNamara, 47 Grandview Street
- Eric Fuerst, 120 Amanda Drive
- Keegan Purcell, 180 Blue Ridge Drive
- Frank Burnes, 140 Amanda Drive
- Rachel Schnabel, 263 Blue Ridge Drive
- Liz Krajewski, 295 Carter Street
- Katherine Fuerst, 120 Amanda Drive
- Glen Woodall, 51 Blue Ridge Drive
- Marie Urbanetti, 213 Blue Ridge Drive
- Henrietta Cobb, 187 Amanda Drive
- William Graver, 30 Blue Ridge Drive
- Donna Kaffenberger, 64 Erie Street
- Dana Schnabel, 263 Blue Ridge Drive

No members of the public provided comments in favor of the proposal.

Ms. Potocki offered clarity about the regulatory process. The developer is seeking a waiver to not be heard by local authorities, meaning they are under 1 MW. They want to be under the jurisdiction and go through a declaratory ruling with the Siting Council. The Siting Council is seeking public input, she said, noting that it is important to be at this meeting but also important to submit written comments so they can deliberate on whether to grant the waiver or not.

Ms. Pilla noted that written comments received will be compiled and submitted to the docket together. If anyone has additional comments, they can be sent in writing to her in the Planning Department. Instructions were given on how to submit written comments.

Mr. Prause stated that, when there is any Siting Council docket, a public hearing and Council acknowledgment can be requested through a written letter to the Siting Council. The Siting Council could hold a public hearing to receive direct testimony from residents, though they are not obligated to.

Mr. Farina added that he is appalled by the location and speculated about eminent domain of the parcel by the Town. He suggested the Commission review properties in the town in a rural

residential area that the Siting Council could utilize. He suggested the Commission discuss the Town acquiring properties by referendum or eminent domain at the next meeting.

Mr. Schoeneberger echoed Mr. Farina's comments.

Ms. Pilla sought to address some of the comments:

- Who oversees maintenance of facilities, complaints, and nonadherence to agreements? The Siting Council oversees, and the Connecticut Attorney General's office enforces.
- Other permissions the petitioner would need – They will need a DEEP stormwater permit, as well as building and electrical permits from the Town.
- Total proposed area of disturbance: 7.8 acres of clear-cut.
- Why was a representative not in attendance? They were invited but were not required to attend.
- Spot zoning – There will be no zone change. Local zoning regulations would apply to any future uses.
- Will Town leadership be commenting? She cannot comment on Town leadership, but Town staff (Planning, Engineering, Public Works, Zoning Enforcement, and the Fire Marshal) have reviewed the documents and will be submitting comments.
- Mr. Farina's comment – The PZC has no purview over land acquisitions.

Mr. Kennedy remarked that the Shenipsit Trail goes through the property and, though this will not be a direct obstruction, it will change the hiking trail. The State seems to be more enthusiastic about overriding local control on many issues and that is something to be taken up with state legislators.

Mr. Farina was unaware of any prohibition against the Commission making a non-binding recommendation to the Board of Directors. He speculated on what would prohibit members from making a recommendation to the bodies that do have the authority to enact referenda and eminent domain. If the Commission has no authority, residents do have the authority in the Town charter to circulate a petition to force the Board of Directors to put anything up to referendum or act upon it if it is within certain financial limits.

Mr. Anderson clarified that the full Commission could certainly make any recommendation.

A member of the public inquired whether comments can be sent to Town leadership.

Mr. Prause stated that the Commission is the body with the ability to hold a public comment session and provide responses to the Siting Council. However, residents can contact anyone on the Board of Directors, but statutorily the Commission is the body the Siting Council is looking for guidance from. There is nothing that prevents anyone from going to any other channels.

Mr. Anderson added that he would encourage residents to go the Siting Council website, [portal.ct.gov/CSC](http://portal.ct.gov/CSC), to provide comments. It is not clear whether there will be a hearing, but there is a schedule. This is Petition 1609 on the docket and the deadline has been extended to March 7. He reiterated that the Planning Department will package tonight's comments and send them to the Siting Council, along with any other comments that come in.

Mr. Prause commented that he works in clean energy but not in solar and does work on petitions to the Siting Council. It has been his experience that, if there is an active, involved community making a lot of petitions, it can delay the process. Quite often, these projects depend on financing and as projects continue to stretch out, the odds of them happening are diminished. He suggested continuing to advocate, be involved in the process, understand the options to participate, ask questions that are respectful to the Siting Council, and come up with reasonable questions to ask. When going to the Siting Council website, there are a lot of solar petitions to glean information from to understand the arguments and hazards that have been brought up by other applications. In his opinion, the residents should request to have a public hearing and request Council acknowledgement, so they respond and keep residents in the process. When the Planning Department writes their comments, the Commission should state that the PZC would recommend a public hearing for the opportunity for more people to participate.

Mr. Prause stated that, as part of his job, he sits on a Standards Committee where he is a member of a group of approximately 30 individuals around the country that develops protection standards that cover fuel and oil power plants. It also covers alternate energy, including solar, wind, and other forms of energy production. As part of that, they talk about recent incidents and any lessons that have been learned. It is interesting to hear the utilities and the insurance representatives talk about the solar industry because there are not many firm regulations and a lot of lessons have been learned in the last five years. They are reviewing and hearing comments about fire concerns, especially tall vegetation getting caught in the rays which can become problematic near gas lines. He would recommend a vegetative management program.

3 SQUARED, LLC – For a special exception under Art. II, Sec. 24.02.01(j) for a mixed-use multi-family development at 14 North Main Street. – Special Exception (PSE-0058-2023); Erosion & Sedimentation Control Plan (ESC-0001-2024)

Attorney Stephen Penny introduced himself as representing 3 Squared, LLC. A wetlands permit is required, due to a portion of Lydall Brook being within 100 ft. of the project site. He noted that the Principal Development Planner stated that this permit can be approved administratively by the Inland Wetlands Agent, since the project is entirely within the upland review area. The applicant is also looking for approval for an Erosion and Sedimentation Control Plan.

Attorney Penny described the property's location, size, abutters, public road access, and utilities. There are a variety of uses in the area, as well as public recreation, elderly housing, and public transportation.

The regulations that apply to the zone were recited by Attorney Penny, including the permitted uses in the zone and those permitted by special exception. Parking requirements and building design standards have been met in the project plans.

1. *Is the proposed use at this location appropriate under the zoning regulations?* Yes, because the site is part of a General Business zone district classification.
2. It is located at the intersection of North Main Street and Oakland Street, which are both arterial roadways described in the 2020 Plan of Conservation and Development (POCD).
3. This use is appropriate owing to its compatibility with the regulation intended, mixed-use residential and commercial character of the area.

4. The use satisfies several of the goals set forth in the local POCD, Manchester Next.

Attorney Penny displayed renderings of the plans, explaining that there will be five units of commercial space and 33 units of residential apartments, which include five accessible units (10 studio, 18 one-bedroom, and 5 two-bedroom).

Mr. Bryan Panico, Cole Civil & Survey, 876 South Main Street, Plantsville, described the storm management plan utilizing pervious pavement, a rain garden, and roof leaders. He went on to describe the infiltration and best upkeep practices as in the new Storm Water Quality manual. Utilities serving the site were detailed. The plan is to preserve as much grass as possible on the site in the landscaping. There will be a total of 9,400 sq. ft. of recreational space, which he pointed out.

Mr. Stebe asked for clarification about pervious pavement for parking. Mr. Panico explained that the pavement has extra voids to allow water to pass through it to layers of stone and gravel.

Mr. Prause noted that Lydall Brook goes underneath Oakland Street and the subject property and will not be impacted, which was confirmed.

Ms. Potocki sought confirmation that they are following the new Storm Water Quality manual, which was confirmed. Mr. Panico stated that they have not gone through all of the numbers and the project was planned before the new Storm Water Quality manual documentation, though they are trying to incorporate some of the new strategies.

A conversation was held between Ms. Potocki and Mr. Panico about best management practices and whether there are dry wells.

Attorney Penny commented that the traffic report was submitted in the members' packets, as well as an updated report on the traffic accident experiences at the intersection. He also displayed the renderings of the proposed building.

Attorney Penny detailed the regulations the Commission must consider:

1. Suitable location for use/neighborhood compatibility
2. Adequate streets for use
3. Adequate parking and access
4. Adequate public utilities
5. Suitable structures for use

He concluded:

1. The proposed structure, with its variety of façade treatments, will be a significant enhancement to the area.
2. Environmental conservation and site design provide adequate storm water drainage and treatment.
3. The landscaping is unique and prolific.

Mr. Stebe noted that the curb cut was moved back from the former bank. He asked where it is in relation to the updated DOT lane striping. In addition, he asked whether it is in line with the Community Y.

Mr. Panico stated that what is reflected on the plans is adequate in terms of the striping. He added that one curb cut is existing but was not utilized by the bank. The building will be 1-2 ft. closer to Old Main Street than the Community Y.

A discussion was held between Mr. Stebe and Mr. Panico about the ingress and egress, as well as the traffic. Mr. Panico commented that there has been a recommendation to look at the traffic pattern in a year. Attorney Penny offered his comments as well.

Ms. Potocki asked whether they will be seeking an encroachment permit. Mr. Panico agreed that they will need an encroachment permit from DOT. It was originally designed without any access at all to Old North Main Street, but the Fire Marshal requested that access.

Mr. Prause requested information on the recreation areas, which Mr. Panico pointed out.

Attorney Penny pointed out the pedestrian walkways. A discussion was held regarding the USPS boxes.

Mr. Roy Evjen, member of 3 Squared, responded that there will be a professional management company offsite to handle issues. He added that they would rather have a small dumpster area and increase the frequency of pickup.

A discussion was held about the dumpsters and Mr. Panico responded that they would rather have a small dumpster area and increase the frequency of pickup, though it will be assessed as time goes on. Further plans for the dumpster and snow management were reported.

Ms. Pilla stated that there is an administrative wetlands permit attached to the application, which can be approved by the Inland Wetlands Agent if the application is approved. There are a few outstanding staff comments: one technical utility-related comment, a request to remove the parallel parking reported on the filed plan, and one about confirming the quantity of free-standing signs.

Ms. Pilla stated that the main comment is that the Traffic Engineer recommends a condition of approval that traffic be reviewed a year after the certificate of occupancy is issued, because the building was vacant before the improvements were made to North Main Street by the State and before the four-way stop was installed at the intersection of Old North Main and Oakland Streets. It is anticipated that the improvements will eliminate past issues, particularly at the entrance to the former bank from North Main Street.

After a question from Ms. Potocki, Ms. Pilla stated that residential parking is based on the number of units and retail parking requirements are based on the square footage of the retail spaces.

There were no members of the public to speak.

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

The Public Hearing was closed at 10:25 P.M.

I certify these minutes were adopted on the following date:

March 4, 2024  
Date

Eric Prause, Chairman

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