

**TOWN OF MANCHESTER
PLANNING AND ZONING COMMISSION**

March 18, 2024
7:00 P.M.

Lincoln Center Hearing Room, 494 Main Street
Or virtually, via Zoom

AGENDA

This meeting will be held both in person and virtually, via Zoom. The meeting will be shown live on Cox Channel 16 and streamed live at <http://www.channel16.org/CablecastPublicSite/watch/1?channel=1>. Individuals who wish to speak at or attend the virtual meeting must complete a Request to Attend Virtually form, available at <https://manct.us/meeting> by 4:00 p.m. on the day of the meeting. These individuals will need to join the Zoom meeting and will be allowed to speak when directed by the Chairman. Zoom meeting information will be sent to individuals who complete a Request to Attend Virtually form. Only individuals who complete a Request to Attend Virtually form will be allowed to join the Zoom meeting. A physical location and electronic equipment will be provided for the public to use if a written request is received at least 24 hours in advance, via email to pzccomments@manchesterct.gov, or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191.

PUBLIC HEARING:

1. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** (*continued from March 4, 2024*) – Proposed regulation amendment at Art. II, Sec. I (General Requirements for Residential Zones) to allow the conversion of former school buildings to multi-family residential.
 - Zoning Regulation Amendment (REG-0001-2024)

BUSINESS:

1. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – Proposed regulation amendment at Art. II, Sec. I (General Requirements for Residential Zones) to allow the conversion of former school buildings to multi-family residential.
 - Zoning Regulation Amendment (REG-0001-2024)
2. **ADMINISTRATIVE REPORTS**
 - Administrative Approvals:
 - [Joseph Stack](#) – Lot Line Revision (LLR-0001-2024) – 38 & 46 Markwood Lane
 - Upcoming Training Opportunities
 - [Received notice of intent to file a petition for declaratory ruling to the CT Siting Council for a 1.66-megawatt solar facility at 186 Foster Street, South Windsor \(within 500 feet of Town line\)](#)


3. APPROVAL OF MINUTES

- [March 4, 2024](#) – Public Hearing/Business Meeting

4. RECEIPT OF NEW APPLICATIONS

**TOWN OF MANCHESTER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Planning & Zoning Commission

FROM: Megan Pilla, Principal Development Planner 

DATE: March 14, 2024

RE: Town of Manchester Planning & Zoning Commission
Zoning Regulation Amendment (REG-0001-2024)

This public hearing is continued from the March 4, 2024 meeting.

Introduction

The attached draft amendment to the zoning regulations would create a new section at Article II, Section 1.00.03 to allow the conversion of former school buildings to a multi-family residential use by special exception from the Planning & Zoning Commission.

The Town currently has several vacant school buildings, which have been studied by the School Repurposing Taskforce for potential adaptive reuse. The results of the study indicated that housing is a viable option for reuse of such structures, and staff identified that this is not currently possible within the existing zoning regulations. This regulation amendment is proposed to make that possible. Additionally, a proposal was recently reviewed by the Board of Directors for residential redevelopment of the former Nathan Hale school.

Proposed Regulation Amendment

The proposed regulation is similar to the existing regulations for the conversion of historic mills and hotels/motels to housing (Art. II, Sec. 9.14.03 and 9.14.05, respectively). Unlike those regulations, which apply to business zones, this section is proposed to be added to Art. II, Sec. 1 (*General Requirements for Residential Zones*) because almost all school buildings in the Town of Manchester are located in residential zones.

The following details of the proposed regulation have been researched and updated since the last meeting:

1. **Minimum floor areas** – At the Commission’s request, staff researched the minimum floor areas for dwelling units in other Connecticut municipalities, and found that most do not have any. Upon further inquiry, staff learned that a provision in CT Public Act 21-29 made it illegal for zoning regulations to require minimum dwelling unit floor areas greater than what is required by the applicable building and housing codes. As such, the

requirement for minimum floor area of dwelling units has been removed from the proposed regulation.

(Note: Other sections of the zoning regulations will need to be updated to remove minimum dwelling unit floor areas. This will be done during the upcoming comprehensive review and update of the zoning regulations.)

2. **Financial Guarantee** – A financial guarantee (a.k.a. bonding) is required in accordance with State law by Article IV, Section 22 of the zoning regulations for all erosion and sedimentation control measures, and for the “timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality.” As requested by the Commission, a statement referencing this section has been added to the proposed regulation.
3. **Affordable Housing** – Three (3) options are included in the updated draft for incorporation of an affordable housing component:
 - a. **Option 1** – do not include an affordable housing component. This option is the most consistent with the rest of the zoning regulations. Historic mill conversion is the only situation in which the regulations currently require dedicated affordable units – neither new development nor hotel/motel conversions have such a requirement. It would be inconsistent and arbitrary to apply such a requirement specifically to the proposed new section.
 - b. **Option 2** – incentivize the inclusion of affordable units by allowing additional development opportunity. With this option, developers may include new buildings or building additions in the development plan if a minimum of 15% of all residential units are dedicated as affordable. Height and density criteria for new buildings and building additions are included.

If an affordable housing component is to be included, staff recommends this option over Option 3, as it provides greater flexibility, and incentivizing (rather than requiring) affordable housing is likely to attract a wider range of development opportunities. Other CT municipalities have implemented similar incentive-driven regulations.
 - c. **Option 3** – copied from the regulations for mill conversion (Art. II, Sec. 9.14.03(k)). This option would require 10% of all residential units to be dedicated as affordable. Staff concerns with this option include:
 - i. A blanket requirement limits flexibility in development options. Needs will vary depending on the site and context.
 - ii. A blanket requirement may limit the potential pool of interested developers, resulting in longer vacancies for the existing decommissioned

- school buildings. Although affordable housing is needed, the immediate priority is the successful redevelopment of the currently vacant schools.
- iii. Though well-intended, the affordable housing requirement applied to historic mill conversions has not successfully resulted in permanently affordable units.

Plan of Conservation and Development

The Commission should consider whether the proposed regulation amendment is in line with the goals of the Plan of Conservation and Development (Manchester NEXT). The following recommendations from the POCD may specifically apply:

“Educational Facilities” recommendation #3: *Complete the Repurposed Schools project and move forward.*

“Housing – Changing Preferences” recommendation #1: *Strengthen neighborhoods and expand housing choices through an increased mix of uses, diversified housing choices, and the concentration of more housing within mixed-use areas such as Downtown.*

“Housing Attainability” recommendation #2: *Prioritize policies and programs that encourage higher density pedestrian-oriented neighborhoods with a range of housing choices.*

Staff Review

Town staff has reviewed the proposed zoning regulation amendment and there are no outstanding comments.

The proposed regulation was reviewed by CRCOG, and no conflict with regional plans was noted. CRCOG notes that they commend the effort by the Town to “create more choice in housing for all ages and incomes through the expansion of housing diversity.”

mp

R:\Planning\PZC\2024\03 - March 18\Packet\REG-0001-2024 - Memo.docx

Attach.

Proposed new section to be added to Art. II, Sec. I (General Requirements for Residential Zones)

1.00.03 Multi-family school conversion special exception

- (a) Purpose: To allow for the conversion of existing school buildings to multi-family use and related development; the nature of multi-family school conversion is such that design and development may vary for different sites; multi-family school conversion is subject to the requirements set forth in this section.
- (b) Criteria for special exception: Prior to approval of a special exception, the applicant must demonstrate that the special exception, proposed use and proposed plan of development shall comply with the Special Exception criteria set forth in Article IV, Section 20 of these regulations.
- (c) Accessory uses will be permitted including but not limited to: Radio and television antennae; signs; maintenance and elevator buildings; vehicle parking areas and parking structures for residents, visitors and employees of the uses conducted and for which the parking use is appurtenant.
- (d) Site development criteria: Since prior building development will have determined the general layout of the site, the conversion and any future land development shall be consistent and in harmony with the established physical relationship of existing buildings to land area, taking into consideration the criteria set forth in the following provisions:
 - 1. Required lot/site area: Every lot to be utilized for this special exception conversion shall have a minimum lot area no less than ~~two (2)~~ 1.5 acres.
 - 2. Height: ~~New buildings or additions/~~Renovations to existing buildings shall not exceed three (3) habitable stories or forty (40) feet.
 - 3. Minimum yards: New buildings or additions/renovations to existing buildings shall comply with the minimum yard requirements for the zone in which the property is located.
 - 4. ~~Minimum floor areas: The minimum living area for units in a multi-family dwelling shall be as follows:~~
 - ~~Efficiency/studio units 300 square feet~~
 - ~~One bedroom units 500 square feet~~
 - ~~Two bedroom units 700 square feet.~~
 - ~~And for each bedroom in excess of 2, add an additional 150 square feet.~~

5.4. Site drainage: The site shall be adequately drained and include a storm

water drainage system that prioritizes on-site infiltration and/or detention, and all new drainage facilities shall be designed in accordance with the Town of Manchester Public Improvement Standards. Roof drainage shall not discharge directly onto or across sidewalks, driveways, roadways or parking areas. Low Impact Development techniques shall be considered.

6.5. Utilities: Public sanitary sewer and public water shall be required. Completion of the multi-family school conversion may require the installation of additional domestic water services, fire water services, water meters and/or sanitary sewer laterals to serve individual units or buildings in accordance with Town requirements. All new water and sewer facilities shall be in accordance with the criteria and requirements set forth in the Manchester Water and Sewer Department Rules and Regulations.

7.6. Roadways and driveways:

- a. All private roadways, driveways and parking areas shall be designed to facilitate traffic circulation and emergency vehicle movement;
- b. Notwithstanding any provision elsewhere in these regulations, private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:
 - Two-way traffic—24 foot width;
 - One-way traffic with 45 degree parking on one or both sides — 16 foot width;
 - One-way traffic with 60 degree parking on one or both sides — 18 foot width;
 - One-way traffic with 90 degree parking on one or both sides — 24 foot width;
 - Inside turning radius — 30 feet.
- c. Fire lanes shall be provided as required by the Fire Marshal's Office. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs and markings as required. Fire apparatus turning demonstration(s) specific to one or more responding vehicles shall be submitted upon request by the Fire Marshal's Office or the Town.

8.7. Vehicle parking:

- a. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and two vehicle parking spaces for each residential unit with two or more bedrooms. Notwithstanding the foregoing, for residential units within a half (½) mile radius of existing mass transit and where the

unit mix consists of 50% or more one- bedroom or efficiency units, the minimum parking ratio shall be one (1) space per dwelling unit.¹

- b. Visitor parking spaces shall be provided on site at the rate of 1 visitor space per 4 dwelling units. The applicant may request to decrease the visitor parking requirement if the applicant can show that such requirement would not be needed for the proposed development.
- c. The vehicle parking area may be within the building, underground, elevated or at grade level.

9.8. Fire protection: Fire hydrants shall be installed so that no portion of a building is greater than 250 feet from a hydrant or otherwise in accordance with recommendations by the Fire Marshal's Office and the Town.

10.9. Site preservation and landscaping:

- a. The development of a site shall be designed and developed in such a manner as to preserve its natural state insofar as is practicable by:
 - 1. Minimizing soil and tree removal.
 - 2. Designing grade changes which will blend harmoniously with the natural and undisturbed landscape.
 - 3. Not creating steep slopes by regrading.
 - 4. Treating disturbed surfaces to encourage plant growth and soil stabilization by providing top soil and the planting of appropriate trees, shrubs and grass.
 - 5. Preserving natural features such as steep slopes, rock outcrops, wetlands, vistas, etc.
 - 6. Implementing measures to minimize soil erosion and to prevent the pollution of watercourses.
 - b. A multi-family dwelling site shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization.
-

- c. All parking lots, loading areas, driveways, refuse collections areas, mechanical equipment such as generators and air conditioning condensers, and maintenance buildings shall be screened from adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which such areas are obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or standard finish poured or precast concrete shall not be acceptable finishes.

Fencing shall be required when landscaping, walls and/or grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. Fences shall be installed in accordance with the requirements of Article II, Section 1.03.04. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

Along all parking areas and drives the landscaped border shall include a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Article IV, Section 9.02.05.

All trees, shrubs, walls and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections. The sight distance triangle shall be as defined in the Town of Manchester Public Improvement Standards.

The Commission may waive all or any requirements in this section or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or that such screening is not feasible and not necessary due to site configuration or location.

~~11~~.10. Garbage storage: Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings.

~~12~~.11. Lighting: All lighting intended to illuminate the building(s), parking areas or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises or cause a nuisance from excessive glare.

~~13~~.12. Recreation areas: An area equal to not less than 30% of the gross floor area on the site shall be developed for usable recreation area(s) for either active or passive recreation purposes.

- a. Not less than 50% of the minimum required recreation areas shall consist of outdoor areas or facilities.
- b. Outdoor areas shall be improved with grass or pavers or may be left in a natural state, or may be improved for active recreational purposes, such as walking paths, playscapes, courts and swimming pools, or similar areas used for picnic tables, lawn furniture, fire pits or barbeque stands.
- c. Public parks and accessible open space directly adjacent to the development site shall be counted toward the recreation area for the site. Safe pedestrian access between the development site and the public space must be provided.

~~14~~.13. Building exterior: Designs for exterior building rehabilitation shall recommend appropriate material, colors, etc. intended to maintain or restore the integrity of the original architectural character of a given structure.

~~15~~.14. Residential Signs

- a. There shall be no more than one residential sign identifying the structure per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
- b. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.

- c. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of four feet above grade and shall have a maximum size of 20 square feet.
- d. A projecting residential sign shall have an area not exceeding 12 square feet.

(e) ~~Application procedure~~ Procedure

~~16.1.~~ 17.1. The applicant shall file an application for a multi-family school conversion special exception, including Preliminary and Detailed Plans of Development, for all of the property located within the proposed multi-family conversion special exception site. The Preliminary and Detailed Plans of Development may be separate or combined in accordance with the provisions of Article I, Section 4.

(f) Financial Guarantee Requirements

~~17.1.~~ 18.1. A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.

(g) Affordable Housing

1. New buildings or additions to the existing building may be permitted if a minimum of fifteen (15%) percent of units within the development are designated as affordable housing, as defined in section 8-39a of the Connecticut General Statutes. The designated affordable units shall be distributed proportionately across the overall unit type/mix of the project and shall be maintained as affordable for the life of the project.

Upon conversion from rental housing to owner occupied or third party ownership, the affordable rental units shall be converted to affordable ownership units.

2. Development criteria for new buildings or additions

a. Height: New buildings or additions to existing buildings shall not exceed three (3) habitable stories or forty (40) feet.

b. Density: If new buildings or additions to existing buildings are included, the overall density of the entire development shall not exceed ten (10) units per acre.

Affordable Housing component -

Option 2: "Bonus" development options when affordable housing is included

(g) Affordable Housing

1. Ten (10%) percent of the units in any proposed multi-family development shall be priced so that they are affordable to low or moderate income households. Unless otherwise approved by the Commission, the ten (10%) percent shall be distributed proportionately across the overall unit type/mix of the project and shall be maintained as affordable for the life of the project.

Units shall be considered affordable when the rental or ownership costs do not exceed thirty (30%) percent of the gross monthly income of the household and when they are occupied by the target population. Low or moderate income households are those which earn less than eighty (80%) percent (moderate) or fifty (50%) percent (low) of the regional median income, adjusted for family size, as defined by the U.S. Department of Housing and Urban Development for the Hartford Region.

The developer and any successors and assigns shall agree to monitoring and reporting to the Town of Manchester Planning Department or its designated agent on the ten (10%) percent set aside. This monitoring is intended to verify that the required number of units is priced for and affirmatively marketed to and occupied by the target population.

Upon conversion from rental housing to owner occupied or third party ownership, the affordable rental units shall be converted to affordable ownership units.

Affordable Housing component -

Option 3: Copied from mills conversion section

Add to list of special exception uses in the following zones:

Art. II, Sec. 2 (Rural Residence zone) – add:

2.02.20 Conversion of former school buildings to multi-family housing in accordance with Art. II, Sec. 1.00.03

Art. II, Sec. 3 (Residence AA zone) – add:

3.02.11 Conversion of former school buildings to multi-family housing in accordance with Art. II, Sec. 1.00.03

Art. II, Sec. 4 (Residence A zone) – add:

4.02.11 Conversion of former school buildings to multi-family housing in accordance with Art. II, Sec. 1.00.03

Art. II, Sec. 5 (Residence B zone) – add:


5.02.11 Conversion of former school buildings to multi-family housing in accordance with Art. II, Sec. 1.00.03

Art. II, Sec. 6 (Residence C zone) – add:

6.02.12 Conversion of former school buildings to multi-family housing in accordance with Art. II, Sec. 1.00.03

**TOWN OF MANCHESTER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Planning & Zoning Commission

FROM: Megan Pilla, Principal Development Planner 

DATE: March 13, 2024

RE: Lot Line Revision

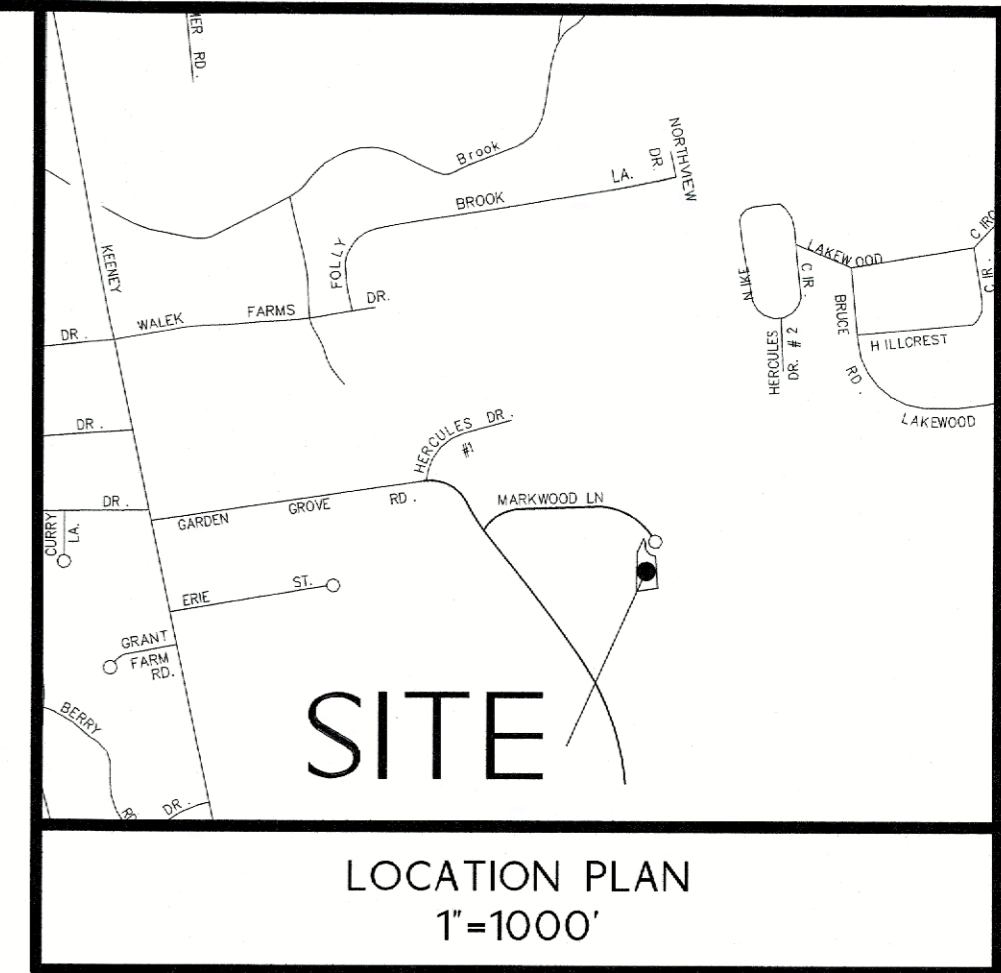
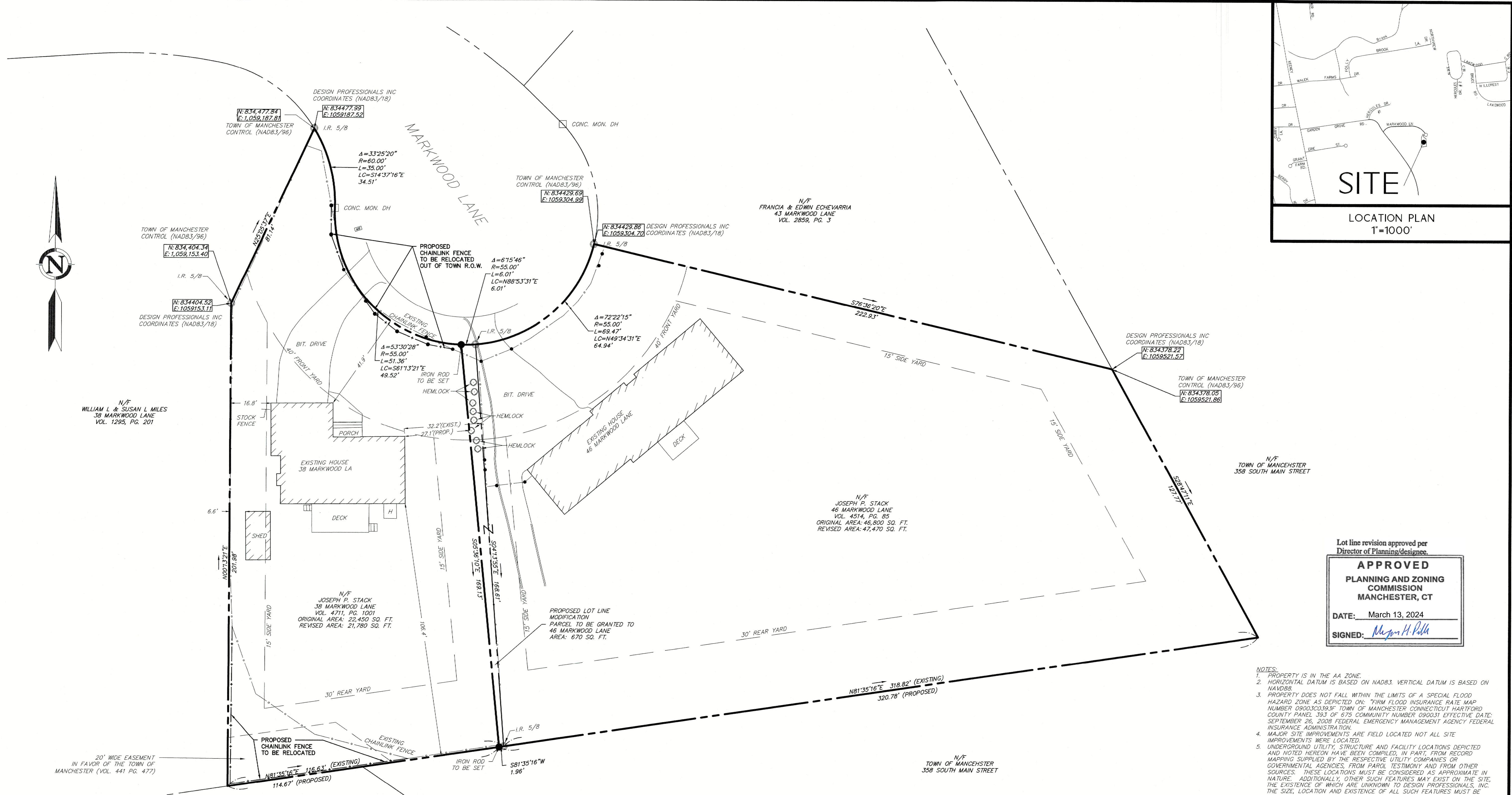
Pursuant to the Planning and Zoning Commission's policy statement regarding lot line revisions adopted May 18, 1992, we are notifying the Commission that staff has approved a lot line revision at the following location: 38 & 46 Markwood Lane.

The plan was submitted for this revision and reviewed by town staff prior to the approval. A copy of the plan is attached for your reference. The applicant will be advised to file the stamped mylar of the lot line revision with the Town Clerk for recording at their earliest convenience.

mp/kw

Attach.

cc: File LLR-0001-2024



Lot line revision approved per
Director of Planning/designee.

APPROVED
PLANNING AND ZONING
COMMISSION
MANCHESTER, CT

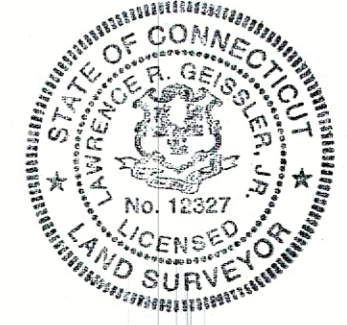
DATE: March 13, 2024

SIGNED: *Magyar H. Palko*

ZONING TABLE
#38 MARKWOOD DRIVE

ZONE: RESIDENCE (AA)			
ITEM	REQUIRED/ ALLOWED	EXISTING	PROPOSED
LOT AREA	18,000 min.	22,450 SF (0.515 AC)	21,780 SF (0.500 AC)
BUILDING DENSITY	2.0 HOUSES PER ACRE	1 HOUSE	NO CHANGE
MIN. HABITABLE GROUND FLOOR 2 STORIES	850 SF	2,200± SF	NO CHANGE
LOT FRONTAGE	120'	127.47'	121.46'
BUILDING LINE DIMENSION	120'	121.15'	117.23'
FRONT YARD	35'	41.9'	NO CHANGE
SIDE YARD	10'	16.8'	NO CHANGE
REAR YARD	25'	106.4'	NO CHANGE
BUILDING HEIGHT	35'	24.5'±	NO CHANGE
BUILDABLE AREA	30%	9.25%	9.50%

- NOTES:**
- PROPERTY IS IN THE AA ZONE.
 - HORIZONTAL DATUM IS BASED ON NAD83. VERTICAL DATUM IS BASED ON NAVD83.
 - PROPERTY DOES NOT FALL WITHIN THE LIMITS OF A SPECIAL FLOOD HAZARD ZONE AS DEPICTED ON: "FIRM FLOOD INSURANCE RATE MAP NUMBER 090230393F TOWN OF MANCHESTER CONNECTICUT HARTFORD COUNTY PANEL 393 OF 675 COMMUNITY NUMBER 090331 EFFECTIVE DATE: SEPTEMBER 26, 2008 FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION.
 - MAJOR SITE IMPROVEMENTS ARE FIELD LOCATED NOT ALL SITE IMPROVEMENTS WERE LOCATED.
 - UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROL TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO DESIGN PROFESSIONALS, INC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL CONTACT "CALL BEFORE YOU DIG" FOR UNDERGROUND UTILITY MARKING AT LEAST TWO FULL WORKING DAYS PRIOR TO START OF CONSTRUCTION: 1-800-822-4455 OR WWW.CBYD.COM.
 - MANCHESTER CONTROL MONUMENTS #548 & #553 WERE USED TO ESTABLISH THE CONTROL WITHIN THE MANCHESTER CONTROL NETWORK. MONUMENT #548: NORTH 832,994.507, EAST 1,059,075.276. MONUMENT #553: NORTH 835,690.204, EAST 1,060,105.691.
- MAP REFERENCES:**
- PLOT PLAN "NORTHVIEW" SUBDIVISION DEVELOPED BY ALBERT R. MARTIN, GERALD P. ROTTMAN & DAVID C. WOODBURY, MANCHESTER, CONN. SHEET NO 1 OF 3 DATE: 1-24-85 REVISIONS MARCH 25, 1985 SCALE: 1" = 40' PREPARED BY FUSS & O'NEILL INC.
- SURVEY NOTES:**
- THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THRU 20-300b-20 AND THE STANDARDS SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.
- TYPE OF SURVEY IS AN ORIGINAL SURVEY AND IS INTENDED TO DEPICT THE LOCATION OF EXISTING CONDITIONS RELATIVE TO PROPERTY LINES.
 - THIS IS A RESURVEY BASED ON MAP REFERENCE #1.
 - HORIZONTAL ACCURACY MEETS CLASS A-2 STANDARDS.
- TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.



Lawrence R. Gessler, Jr.
LAWRENCE R. GESSLER, JR., L.S. LIC. NO. 12327

Copyright © 2018 Design Professionals, Inc. All Rights Reserved.

21 JEFFREY DRIVE
P.O. BOX 167
SOUTH WINDSOR, CT 06485
860-291-8750 T
860-291-8757 F
www.designpros.com
designpros.com

design Professionals
CIVIL & TRAFFIC ENGINEERS / PLANNERS / SURVEYORS
CIVIL GIS ANALYSTS / LANDSCAPE ARCHITECTS

PREPARED FOR:
Joseph Stack
46 Markwood Drive
Manchester, CT 06040

DATE: 1/10/24
SCALE: 1" = 20'

STACK RESIDENCE
38 & 46 MARKWOOD DRIVE
MANCHESTER, CONNECTICUT

LOT LINE MODIFICATION
PROPERTY SURVEY

SHEET
V-1



LEE D. HOFFMAN
90 State House Square
Hartford, CT 06103-3702
p (860) 424-4315
f (860) 424-4370
lhoffman@pullcom.com
www.pullcom.com

March 7, 2024

**Via Certified Mail/
Return Receipt Requested**

Eric Prause, Chair, P&Z, Inland Wetlands &
Aquifer Protection Commissions
Town of Manchester
41 Center Street
Manchester, CT 06045

**Re: Development of Solar Project to be located at 186 Foster Street, South Windsor,
Connecticut**

Dear Mr. Prause:

Please be advised that this office represents C-TEC Solar (“C-TEC”), a developer of renewable energy facilities, and C-TEC intends to develop a 1.66-megawatt (“MW”) alternating current (“AC”) ground-mounted solar photovoltaic (“PV”) system located at 186 Foster Street, South Windsor, Connecticut (“Property”).

This letter is to advise you that C-TEC intends to file a petition for declaratory ruling with the Connecticut Siting Council on or after March 11, 2024, to seek to develop its solar project at the Property. You are receiving this notice from C-TEC in accordance with the Siting Council’s regulations, as a government official.

Copies of the petition will be available at the Connecticut Siting Council; 10 Franklin Square; New Britain, CT 06051 or at the Town Hall for the Town of South Windsor. In addition, an electronic copy of the petition will be available on the Siting Council’s website at www.ct.gov/csc. Should you have any further questions or concerns regarding this matter, please contact me at 860-424-4315 or the Connecticut Siting Council.

Sincerely,

Lee D. Hoffman

DRAFT

**TOWN OF MANCHESTER
MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION/
INLAND WETLANDS AND WATERCOURSES AGENCY
MARCH 4, 2024**

MEMBERS PRESENT:

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

ALTERNATE MEMBERS SITTING:

In Person: Zachary Schurin

ALTERNATES PRESENT

In Person: Bonnie Potocki
Electronically: Maliha Ahsan

ABSENT:

Daniela Luna

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.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Proposed regulation amendment at Art. II, Sec. 1 (General Requirements for Residential Zones) to allow the conversion of former school buildings to multi-family residential. – Zoning Regulation Amendment (REG-0001-2024)

Ms. Megan Pilla, Principal Development Planner, Town of Manchester, began the presentation by proposing a new section at Art. II, Sec. 1.00.03, multi-family school conversion special exception. The draft of the section is very similar to two other sections that exist in the regulations:

1. The multi-family historic mill conversion special exception.
2. The multi-family hotel/motel conversion special exception.

The proposed new section would apply to all residential zones: Rural Residence (RR), Residence AA (RAA), Residence A (RA), Residence B (RB), and Residence C (RC).

The differences between this proposed regulation and the above special exceptions are:

1. Minimum Floor Areas

- Minimum floor area for a studio or efficiency unit: 300 sq. ft.
- Minimum floor area for a one-bedroom: 500 sq. ft.
- Minimum floor area for a two-bedroom: 700 sq. ft.
- 150 sq. ft. for each bedroom in excess of two.

The reason for the difference:

- Manchester has seen a recent increase in demand for smaller housing units due to affordability and attainability.
- The structural limitations of retrofitting older, non-residential buildings.

2. Landscape Buffer Requirements – A combination of that which is required for other types of conversions to housing as well as the landscape buffer requirements for schools that are actively functioning as schools, to provide some level of buffering for adjacent residences to prevent any nuisance. The Commission may waive certain buffering requirements if the existing conditions are sufficient.

3. Recreation Areas – A minimum area equivalent to 30% of the gross floor area on the site is required to be usable recreation areas (50% outdoors). There is a provision that directly adjacent public parks and accessible open spaces count toward the minimum.

The reason for the difference: The lot sizes of former school buildings are generally larger than a hotel/motel or some of the mills.

4. Building Exterior - “Designs of exterior building rehabilitation shall recommend appropriate materials, colors, etc. intended to maintain or restore the integrity of the original architectural character of a given structure.” Many former school buildings have historically distinct architectural features that are worth preserving but are not in the historic district and are, therefore, not subject to the stringent criteria.

There are two very minor changes from the original draft proposed, based on staff review:

1. The proposed required lot or site area: Originally 2 acres, now reduced to 1.5 acres.
2. Required widths for driveways: At the recommendation of Engineering, Ms. Pilla is striking the minimum inside turning radius of 30 ft. for driveways. Engineering would rather review on a case-by-case basis.

Consistency with the Plan of Conservation and Development Recommendations

1. Recommendation #3 under Educational Facilities – completing the Repurpose Schools project and moving forward.
2. Recommendation #1 from the Housing Changing Preferences – strengthening neighborhoods and expanding housing choices through an increased mix of uses, diversified housing choices, and concentration of more housing within mixed use areas.
3. Recommendation #2 under Housing Attainability – prioritize policies and programs that encourage higher density pedestrian-oriented neighborhoods with a range of housing choices.

Ms. Potocki commented that, on a recent application, Ms. Pilla planned to research minimum floor areas of other municipalities and she inquired about the result. Ms. Pilla responded that staff has not done research specifically for that project because there has not been a formal application.

Ms. Potocki assumed this would prohibit any use other than housing or a combination of uses. Ms. Pilla commented that it creates housing as a possible use, but a former school could be repurposed for any use permitted in the zone. Combinations of uses would be allowed to the extent that the uses are allowed in the zone; most schools are in residential zones and, generally, retail is not a permitted use in a residential zone.

Ms. Potocki took exception to removing the turning radius of 30 ft. if the buildings are being repurposed due to trucks, etc., and said it would be a good idea to leave that in.

Mr. Stebe asked whether the intent is for the regulation to apply to any Town-owned school or any school in town. Ms. Pilla replied that it is written to apply to any school in town. However, it applies to school buildings and would not apply to a school occupying a tenant space within a multi-use building.

Noting that the POCD puts emphasis on mixed use, Mr. Stebe inquired whether there was any discussion among Town staff about incorporating mixed use into the regulation. They are all fairly large buildings and may be connected to other Town facilities.

Mr. Anderson stated that there was that conversation. In this case, there is a hole in the regulations regarding multi-family housing in older school buildings and residential zones. Referring to Mr. Stebe's comment, he said the concern would be how to incorporate a use that is not allowed now in the residential zone into a regulation. If retail is allowed by right, then retail would be allowed everywhere in the residential zone.

A discussion was held between Mr. Stebe and Mr. Anderson about this being a special exception.

Mr. Stebe noted that Nathan Hale is the only standalone building for conversion.

Mr. Farina noted that he was not inclined to support this because:

1. The square footage is too small.
2. Noting that this is in anticipation of a proposal for the redevelopment of one of the currently vacant school buildings, which he assumed is Nathan Hale, he stated that the PZC has not been directed by the Board of Directors, nor has the Repurposing Committee requested it.

He noted that, in the memo, it states that the results of the study indicate that housing is a viable option. However, the Repurposing Committee has not stated that is what they would like to do with any of the schools.

Mr. Kennedy noted that he does not share Mr. Farina's concerns. As far as other agencies' negotiations or actions are concerned, the PZC has no control over that. There are not many options for decommissioned school buildings currently. If the Repurposing Committee asks the PZC to make modifications, that could be considered. He added that the concern over the sizes is the functional equivalent of mandating. There is a need for smaller, more economical apartments.

Mr. Prause acknowledged that the Bennet Apartments was a conversion. He asked how that took place. Mr. Anderson was unaware of that process, though he added that Downtown has always been flexible with uses.

Noting that there is a small difference between the two existing conversion sections, Mr. Prause assumed the first one would have been the mill conversion regulations, and the hotel conversion was more recent. The proposal has sections missing from the hotel conversion:

1. Financial guarantee of the owner to ensure the public improvements happen. He asked whether that should be added or if it would be included in the public improvement standard revisions.
2. Affordable Housing. He was unsure whether there was success with the affordable housing clause imposed on the units in the mills.

Ms. Pilla stated that:

- Financial Guarantee – There was not much discussion, though it was included in the mill conversions because, at that time, the section was specifically written for the conversion of the Cheney Mills, though it applies to other historic mills.

Mr. Anderson added:

- Affordable Housing. There was thought given to this, as it is a focus of the POCD, a focus of the State, and a focus of the Town. It was not included to try to be as flexible as possible in terms of the reuse of the buildings. In his experience, the easier path is to make a project either 100% affordable or market rate. It is more challenging to make mixed income housing. To try to dictate that through zoning regulations can be tricky. There are very few units in the

Cheney Mills that are affordable at this point. Some of the units are still listed on the State's Affordable Housing Appeals list, primarily because FHA financing or other public financing was used.

Mr. Prause referred to the list of residential zones and asked whether that includes all the zones there are currently schools in at this time. Ms. Pilla confirmed that it does, with the exception of Bennet Academy.

Mr. Prause expressed his concern about the square footage and asked if that was based on specific floor plans, or if that is a general concern. Ms. Pilla responded that it is a general concern because the Planning Department has heard from a number of developers who are looking at various sites, seeking to develop smaller units, which are in demand. Also, there are a couple of sites around town where there are other older, non-residential buildings (not schools) that developers are attempting to retrofit and are finding themselves challenged.

Mr. Prause asked whether Manchester is more generous in square footage requirements, on par with, or on the low end of requirements. He felt that would be interesting to know, especially as there is no specific developer with specific plans.

Mr. Anderson stated that there is an upcoming proposal before the Board of Directors. He asked about the concern in terms of the minimum unit sizes, and said that comparing Manchester to other towns is reasonable.

Ms. Potocki felt there is a concern about minimum space because of Covid, multi-generational housing, and children visiting with grandparents with a smaller unit. She added that she and Mr. Stebe sit on the Capitol Region Council of Governments (CRCOG), and another town did a conversion of schools for housing. She would be interested in their minimum space requirements.

Mr. Stebe believed it was more than likely New Haven. He echoed the concern about square footage. In his opinion, it would not be difficult to structure a trigger in the regulation to allow developers and engineers the ability to request a change of size if they are not able to meet the size. As there has been no specific request for a 300 sq. ft. room, there is no need to add it into the regulation in the event it is requested at some point in the future.

Mr. Kennedy did not understand why the PZC should be dictating. The size of apartments should be determined in the marketplace.

Mr. Schoeneberger concurred that this should be market driven.

Mr. Schurin asked whether State law dictates a minimum occupancy square footage requirement. Mr. Anderson responded that it does not on the Zoning side, but does on the Building side.

There was no member of the public to speak on the application.

Mr. Stebe stated that the idea of modifying the regulations to allow housing in the school buildings is 100% the correct idea. However, to create a regulation knowing that there are other activities in other corners of town that would need to be included in the discussion of how this is worded is ahead of the game. He added that, if a historical building, in order to maintain its structure, requires a wall in a certain space and it creates a hardship, that is the purview of the Zoning Board of Appeals (ZBA). Because some of the buildings have historical significance, requesting a financial guarantee makes sense.

MOTION: Mr. Kennedy moved to close the public hearing. Mr. Schoeneberger seconded the motion. The motion failed, and the public hearing was not closed.

Mr. Prause asked whether staff should research language about criteria so the PZC could allow a smaller square footage plan if limited by construction.

MOTION: Mr. Farina moved to continue the public hearing to March 18, 2024. Ms. Ike seconded the motion. Mr. Prause, Mr. Stebe, Ms. Ike, Mr. Farina, and Mr. Schurin voted in favor of the motion. Mr. Kennedy and Mr. Schoeneberger voted against the motion. The motion passed five to two.

HILLIARD MILLS LLC – Changes to previously approved PZC plans at 640 & 642 Hilliard Street and 370 Adams Street for renovation of buildings 5 & 6 and various site improvements. – Inland Wetland Permit (IWP-0054-2023)

Mr. Peter Bonzani, 640 & 642 Hilliard Street, introduced himself. Mr. Bonzani reported that there have been two stormy summers, 2021 and 2023, which have badly scoured the bank of the brook. There are large chunks of debris on the bank that they propose to break up with a handheld hammer and remove by hand. He noted that there are chunks of granite from the original dam, Manchester sandstone, loose brick and trash, which they plan to remove and replace with stone. The plan is to determine on a case-by-case basis what to remove to ensure that there is no increased turbidity or destruction of the bank. Scour since 2021 was pointed out and Mr. Bonzani noted that it did not exist a few years ago.

For various reasons, and after a discussion with the Connecticut Department of Energy & Environmental Protection (DEEP) regarding floodproofing of buildings and requirements in the flood plain, Mr. Bonzani reported that they will remove any reference and approvals for work on Building 6 as it sits 17” within the flood plain. Building 5 is above the flood plain and includes the tiny addition for a bathroom and any other work.

After a comment from Mr. Kennedy, Ms. Pilla reported that a flood plain permit is necessary for the proposed site improvement. The applicant would return at a later date for another flood plain permit for Building 6.

After a request from Mr. Prause, Mr. Bonzani displayed a picture of the deck.

Ms. Potocki asked how many cubic yards of material are to be removed and how many cubic yards of rip rap will be placed. Mr. Bonzani stated that it will be done on a case-by-case basis, though, in terms of the surface, it is 350 sq. ft. of material. The depth averages between two and

six inches thick. He noted that they would like to avoid the stream bottom and stay close to the bank.

Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor, introduced himself. Mr. Bushnell reported that it is mostly an embankment issue, and there should not be any work on the channel.

Mr. Laiuppa reported that he met with the applicant in the field. The intent is to armor the bank to prevent further erosion. The applicant would like to manually remove some of the material already on the bank to prevent disturbance before bringing in new material. When considering the application, the area highlighted on the plans is the maximum allowable area of disturbance.

Ms. Pilla reported staff comments on the special exception modification portion of the application. There are a handful of outstanding comments, all of which could be modifications to an approval and several of which are not related to the wetlands or flood plain permit:

- Signage. One of the new proposed features in the plan is the introduction of planters with signs. Those are intended to be concrete planters that include directional signage. The Zoning Enforcement Officer is currently reviewing the design of the signs to determine what category of signage they would be considered and how many would be permitted.
- There were a couple of clarifying questions from staff that have been answered regarding the size of the concrete planters and the change of one area previously planned as a patio.
- The ZEO requested clarification on the proposed historical display area. Mr. Bonzani reported that it would be a display of old historical machinery to celebrate the history of the site.

Mr. Prause inquired about the historical display area. Mr. Bonzani described it as a permanent display of machinery to show the industrial history. He noted that he probably would not include signage on the display. The proposed planter signs are to enable individuals to find the businesses within the building. They have a previously approved historical area next to Building 6, which is the original turbine from the site, and he will add signage to that.

Mr. Prause asked how the decking will match the current décor by color or design. Mr. Bonzani explained that the proposed deck between the buildings will have square pickets. The main purpose of the deck is a ramp to allow people into the building if necessary. It connects the two buildings to allow access between them and connects down to the lower level. Mr. Bonzani reported that they have tried to keep the industrial design; the State Historic Preservation Office is sensitive to faking history.

Mr. Prause assumed that there was no utility work or detrimental impacts, which Ms. Pilla confirmed. He asked how the Town regulates historical features. Ms. Pilla replied that, in a case of this type, where there is a special exception, anything placed on the site would need to be approved as part of the site plan. Generally speaking, it is not signage and is considered a decoration, which is not regulated.

Mr. Christian Hubele, 368 Adams Street, introduced himself. Mr. Hubele was curious what the plans are for the lot next to his property, as he uses it for his business equipment.

Ms. Pilla had no information about the parcel, but she stated that she will look into it outside of this meeting. She stated that no part of the proposal will affect Mr. Hubele's property.

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

The public hearing was closed at 8:35 P.M.

I certify these minutes were adopted on the following date:

_____ Date

_____ Eric Prause, Chairman

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

DRAFT

**TOWN OF MANCHESTER
MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION/
INLAND WETLANDS AND WATERCOURSES AGENCY
MARCH 4, 2024**

MEMBERS PRESENT:

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

ALTERNATE MEMBERS SITTING:

In Person: Zachary Schurin

ALTERNATES PRESENT

In Person: Bonnie Potocki
Electronically: Maliha Ahsan

ABSENT:

Daniela Luna

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 Business Meeting at 8:35 P.M.

HILLIARD MILLS LLC – Changes to previously approved PZC plans at 640 & 642 Hilliard Street and 370 Adams Street for renovation of buildings 5 & 6 and various site improvements. – Inland Wetland Permit (IWP-0054-2023); Special Exception Modification (PSE-0055-2023); Flood Plain Permit (FLDP-0005-2023)

Inland Wetland Permit (IWP-0054-2023)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for an addition to Building 5 and various site improvements at the Hilliard Mills complex, with the modifications as specified in a staff memorandum from:

1. Megan Pilla, Principal Development Planner, dated March 1, 2024.

Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetlands by significant impact or major effect.

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

Special Exception Modification (PSE-0055-2023)

MOTION: Mr. Kennedy moved to approve the special exception modification for an addition to Building 5 and various site improvements at the Hilliard Mills complex, with the modifications as specified in a staff memorandum from:

1. Megan Pilla, Principal Development Planner, dated March 1, 2024.

Ms. Ike seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria in Article IV, Section 20.

Mr. Prause expressed his pleasure that there is progress on the site. It is an asset to the community, and he appreciates that the applicant follows the process. Additionally, it is very compliant with the special exception criteria.

Flood Plain Permit (FLDP-0005-2023)

MOTION: Mr. Kennedy moved to approve the flood plain permit for an addition to Building 5 and various site improvements at the Hilliard Mills complex, with the modifications as specified in a staff memorandum from:

1. Megan Pilla, Principal Development Planner, dated March 1, 2024.

Mr. Schoeneberger seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION

Zoning Regulation Amendment (REG-0001-2024)

MOTION: Mr. Farina moved to continue the public hearing to March 18, 2024. Ms. Ike seconded the motion. Mr. Prause, Mr. Stebe, Ms. Ike, Mr. Farina, and Mr. Schurin voted in favor of the motion. Mr. Kennedy and Mr. Schoeneberger voted against the motion. The motion passed five to two.

DISCUSSION: MUNICIPAL FINES FOR INLAND WETLANDS VIOLATIONS

Ms. Pilla reported that there is a State statute that allows municipal fines for inland wetlands violations by ordinance, so an ordinance would have to be adopted. The majority of towns in

Connecticut appear to have such an ordinance. She had no data on how often the citations are issued.

Mr. Farina stated that this involves a recommendation to the Board of Directors, as the PZC has no authority to enact an ordinance. The draft is based on current ordinances in other towns. He observed that he was surprised that Manchester did not have fines and the Wetlands Agent cannot enact a fine. He surmised that, if this goes to the Board of Directors, they will modify it. There was a discussion about the amount of the fine, and there may be an ordinance or potentially charter that limits the fine to \$100.

Ms. Potocki noted that, as there is currently no hearing officer in town, this would involve hiring a hearing officer. This also included aquifer protection, which is not part of the Inland Wetlands and Watercourses Act. Reviewing the list of violations, it does not appear that the Town has gone to court in the past few years. There would be the administrative burden of a hearing officer, usually an attorney or retired attorney on retainer or other Town staff that has been assigned the duty.

Mr. Farina reported that the requirement for a hearing officer is found in state statute. There must be one if an ordinance is passed, because a resident or entity must have a way to dispute the fine; the statute is clear on who cannot be a hearing officer, which he elaborated upon.

Mr. Prause noted that there was no exclusion of Planning Department staff, though not the Inland Wetlands agent. He assumed this would be someone who, for a period of time, would act in that position.

Ms. Pilla commented that that is one of the items she is not qualified to answer, and the Town Attorney would have to weigh in.

Mr. Prause agreed with Mr. Farina that it could be someone who is appointed to that position.

Ms. Pilla reiterated that reference to the Aquifer Protection Area would be stricken because the ordinance is specifically for Inland Wetlands. She commented on some considerations:

- III - Repeated violations on the same property. Fines shall be doubled to the extent permissible by law. As written, the fine is proposed to be \$1,000, which is the maximum fine, and therefore cannot be doubled because of the statute maximum.
- Citation Hearing Procedure. To be confirmed with the Town Attorney is whether the Town would have to establish a specific citation hearing procedure. The statute that allows for this ordinance for wetlands mentions also adopting a citation hearing procedure, and the Town does not have a formalized procedure.

Mr. Prause speculated whether this should be reviewed by the Town Attorney before sending it to the Board of Directors (BOD). Ms. Pilla confirmed that would be her suggestion, as they could weigh in on items that will inevitably come up.

Mr. Kennedy referred to the fine of \$1,000 for each offense; he assumed it would be “not to exceed \$1,000,” which is the common wording. He asked about the definition of an offense.

Mr. Schoeneberger felt that, conceptually, it is worth pursuing. He speculated on the extent of the nuances the Commission would deal with and the administrative burden of who the hearing officer would be. His primary concern is whether the Town is crushed with these instances to require something of this significance, and what could be done better to avoid getting to that stage.

Mr. Farina stated that the \$1,000 but not doubling was done intentionally and modeled after other towns. He noted that the state statute maximum is the \$1,000 but he kept it in Art. V (3) so the ordinance would not require a change every time State Statute increased the maximum penalty. He noted the language is not “shall,” but “may” at the discretion of the Wetlands Agent.

Mr. Stebe noted that it is clear that there have been situations where an applicant did not heed the certified letter stating that they are in violation. He assumed that the initial interaction would not change but, with no compliance, the Agent would have a lever to create a substantial reason to comply. The draft is very clear on the concerns and the expectation of how this should function, and there will be multiple attorneys and opinions from other professional Town staff and directors that will shape the final verbiage.

Mr. Prause noted that Art. IV states, “violations shall be subject to citation and fine.” He felt that should be changed to “may” to protect innocent violators. Mr. Prause was concerned about the gray area of fining some but not others, which may give the appearance of favoritism. Perhaps there should be language referring to “intentional” or “egregious” that may help clarify the position for the agent. Leaving staff to execute puts them in a problematic area for execution.

Ms. Potocki inquired whether Mr. Anderson felt this would be a good tool.

Mr. Anderson responded that he has mixed thoughts. He understands the intent, but shares the Chairman’s concerns about when and how it should be utilized.

Mr. Laiuppa recognized that, if this is established, it would be part of the existing tools. He felt some language should be added up front, stating that the intent is to enable enforcement in addition to the existing tools that are part of the regulations. Mr. Laiuppa reported that his first step is to talk to the involved individuals and 75% of the time that resolves the issue. If that is not successful, he issues a Notice of Violation or an Order and it is handled according to severity. He felt that defining the other options is helpful, but it should not be defined too tightly. Mr. Laiuppa noted that his Notice of Violation letters imply a softer offense than an Order letter. Going to the level of fines, the language must imply that it is a more egregious offense. However, if an individual knowingly does something in violation, it would be to their benefit, in this verbiage, to not apply for a permit but to just fill in the wetland because they would be fined \$500 rather than \$1,000. He pointed out that “Continual Violations” is very common. Most, if not all, towns that have a fee structure include this language. It is important because if someone is not compliant or slow to comply with an order, it is more of a burden. If the individual drags their feet, the fine will be much higher than for someone who complied.

Mr. Schoeneberger reiterated that, conceptually, he would bring this forward to the attorneys to review, which will elicit specifics on the language he is concerned with. He acknowledged that Mr. Laiuppa works cooperatively, clearly, and concisely with violators so when there is a case of willful neglect, perhaps this is the best option. His concern on the appeal process is whether the hearing officer would understand the situation, whether additional staff would be added, and how much more of a burden can be put on Mr. Laiuppa.

Mr. Farina added that, given it is based on many towns' ordinances to enact fines, it is not reinventing the wheel but refining the wheel as long as there is consensus to have the Town Attorney review it. He suggested having the BOD first decide whether they want to enact it. The Letter of Violation states "additional actions may include an official order and/or fines," but there are no fines.

Mr. Stebe observed that this is an addendum to the current tools, process, and procedure available to the Wetlands Agent; he did not feel this ordinance needs more detail on how it gets done. When looking at a budgeting item, it says they will establish a commission; it does not say the process and procedure within it.

Mr. Anderson suggested floating the proposal to the leadership through the manager for their assessment. Then it would be driven by them, though he was unsure of their interest. If the Commission wants the BOD to take a look at it, a memo should be submitted through Town staff to the General Manager asking the Board to consider this.

Mr. Prause felt issues need to be cleaned up beforehand. Something should be added to Art. III saying that this is intended for repeated or egregious violators, not a primary tool.

Mr. Farina concurred with Mr. Prause's opinion except that he would not state "egregious violation." With the "may" language, it is up to the Wetlands Agent if it is warranted.

Mr. Anderson stated that he would feel more comfortable if the Commission reviewed it again. It could be run by the Town Attorney briefly to ask about any major concerns, make changes, and get it back to the Commission.

DISCUSSION: OPEN SPACE ACQUISITION PROCESS

Mr. Prause noted that Mr. Farina requested an opportunity to meet and look at properties such as these and make a recommendation to the Board of Directors for an acquisition plan. There was no resolution and, subsequently, Mr. Farina questioned staff about how this ties in with the Plan of Conservation and Development (POCD). How the Town plans for conservation and open space management is something the Commission must look at. Currently, the Land Acquisition and Historic Property Investment Committee does the groundwork identifying specific parcels. In the recent POCD, they are identified as coming up with a detailed list and making recommendations to the BOD. He speculated whether the members felt this Commission needs to get more involved. Mr. Prause reported that he and Mr. Kennedy are members of the Land Acquisition and Historic Property Investment Committee, along with two members of the BOD,

a representative from the Conservation Commission, someone from the Historical Society and someone from the public.

Mr. Kennedy noted that this is being done now with the Land Acquisition and Historic Property Investment Committee identifying significant properties to preserve and works quite well. There will always be areas that do not have much value where an entity will try to install a solar array. In his opinion, the problem is more with the State process, and the Town cannot be blackmailed into buying overvalued property.

Mr. Farina noted that he had previously sought a recommendation to the BOD to assess and potentially purchase property through many different mechanisms. The fact that the State can put a solar array in a Rural Residentially zoned neighborhood, effectively destroying the character of the neighborhood and ignoring wetlands regulations, does not sit well. He was concerned that there are other parcels that are equally at risk. Mr. Farina felt the Commission should recommend that the BOD look at 250 Carter Street to negotiate the purchase or take it through eminent domain. State statute says the Town may make a plan to implement the purchase of open space which is not part of the POCD. Currently, the Temporary Trails Committee and the Land Acquisition and Historic Property Investment Committee make recommendations to the BOD agendas and the PZC reacting to the public's concerns.

Mr. Prause noted that one of the criteria of the Land Acquisition and Historic Property Investment Committee is the likelihood of development. Many properties are felt to have too many wetlands to build up. He suggested that, the next time that Commission meets, they should look at that criteria again and acknowledge that there is a risk of the Siting Council approving a development. The Land Acquisition Committee is reconstituted around the referendum passed in 2016 that sets a \$4 million amount with \$1.7 million left over. There is the intention to spend roughly half of that between land acquisition and historical preservation, though more has been spent on land acquisition. Perhaps that Committee should look beyond the amount of the referendum and continue to make recommendations regardless of that limit. The statute regarding open space allows the Commission to develop an open space plan, but many towns have large areas of undeveloped space. He suggested keeping the list of open space close to the vest on the Committee to hamper the ability to negotiate a higher price or cause families stress about trusts they want to hold as an asset.

Mr. Schoeneberger asked how the Town was informed about the Siting Council's process. He noted that, on the Siting Council website, there were multiple open applications from this entity. He asked whether that is standard practice.

Ms. Pilla explained that, when a petition is submitted to the Siting Council, they are required by statute to give notice to the Town, as well as the abutting property owners. In November, the Town received notice via the mayor to expect a petition to be submitted. The lack of PZC jurisdiction is written into the statute.

Mr. Anderson remarked that they do have multiple applications. These are not applications from the Siting Council. It is between a private owner and a company.

Mr. Kennedy noted that the State has overridden the PZC jurisdiction, but there are state legislators that can put riders on bills.

Ms. Potocki reported that, years ago, the Conservation Commission drafted an open space plan and submitted it for review to Planning and Zoning and Inland Wetlands.

Mr. Farina discussed two topics: (1) the recommendation to the BOD to do something at 250 Carter Street, and (2) a plan to implement open space acquisition, which is not included in the POCD, which does not necessarily mean a list of properties, but how to get to purchase the properties. Possibilities are eminent domain, referenda, referenda every few years, and a number of acres to buy over a period of time.

Mr. Prause asked whether an action plan is something the Commission would be interested in creating. Another other option is that the Land Acquisition Committee picks it up, which would be broader than just the Planning and Zoning Commission.

Mr. Stebe noted that, within a generalized POCD plan, it is not the Commission's plan but something that could be worked on with any body that is interested in land acquisition. He reiterated that the POCD does not have a list of properties but highlights some ideals.

Ms. Potocki observed that she liked the former format with the open space plan. Opening it to others would be great to create a wish list over several years.

Mr. Prause assumed the list would be the same that we currently have. He sought the Commission's input.

Mr. Anderson noted that there is the Land Acquisition and Historic Property Investment Committee, which looks holistically at what should be acquired over time. Additionally, changing the charge of that committee so it is not related to the bond fund exclusively would make sense. He pointed out the groups that are having this discussion. He added that he is unsure how this relates to the purview of the PZC, though it has some connections to the POCD. However, there are pieces in the local government that can handle it.

Mr. Farina reiterated that this is really about the "how." There is no plan to implement land acquisition. He reported that he will submit an item for the agenda and will put together a resolution.

Ms. Potocki concurred with Mr. Anderson that there are already entities within town to handle this.

Mr. Kennedy was skeptical that this is within the Commission's institutional competence. The Commission must focus on what it is tasked with, planning and zoning. The land acquisition process works fine as is. He does not believe that Carter Street is related to that. In his opinion, it is excessive State control overriding local control in the Siting Council process that needs to be curbed. That is the State Legislature's purview and does not relate to planning and zoning.

APPROVAL OF MINUTES

February 21, 2024 – Public Hearing/Business Meeting

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

ADMINISTRATIVE REPORTS

- Upcoming Training Opportunities
 - In-house training session – March 18, 2024 beginning at 5:45 PM (before regularly scheduled meeting)

Mr. Laiuppa reported that the 14 North Main Street wetland application was administratively approved after the last Planning and Zoning meeting.

RECEIPT OF NEW APPLICATIONS

There were no new applications.

The Business Meeting was closed at 10:35 P.M.

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.