

**TOWN OF MANCHESTER  
MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION/  
INLAND WETLANDS AND WATERCOURSES AGENCY  
APRIL 1, 2024**

**MEMBERS PRESENT:**

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

**ALTERNATE MEMBERS SITTING:**

In Person: Bonnie Potocki

**ABSENT:**

Chris Schoeneberger  
Maliha Ahsan  
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 Business Meeting at 8:50 P.M.

PROPOSED SIDEWALK AND CURB PLAN 2024-2029 – Proposed amendments to the Town Sidewalk and Curb Plan.

The public hearing was continued to April 15, 2024.

TOWN OF MANCHESTER PUBLIC WORKS DEPT. – Expansion of Charter Oak Park facilities including a new skate park/pump track, synthetic turf playing field, and parking lot at 30 Charter Oak Street. – Inland Wetlands Permit – Determination of Significance (IWP-0003-2024)

Mr. Jeff LaMalva, Town Engineer, representing the Public Works Department, introduced himself. Mr. LaMalva gave a brief history of the project. He detailed the existing conditions of the parcel, which is currently a grass field used for recreational purposes. It is zoned Residence AA.

The proposed project is to install a 360 ft. x 240 ft. synthetic turf soccer field along the east side of the parcel for adult and youth soccer. There will be vinyl fencing surrounding the field, bleachers and sidewalk along the west, and a 73-stall parking lot to accommodate both the turf field and the skate park utilizing the current curb cut. A 42 ft. x 16 ft. utility building is proposed for storage, restrooms, and a small staff office.

Mr. LaMalva reported that the project includes LED lighting for both the parking lot and the soccer field. Other amenities include benches, bike paths, landscaping, and sidewalk connections. There is no design yet for the skate park and pump track. The parking lot and turf field will go out to bid soon and will be constructed this year into next year. The skate park will be constructed in 2025.

The total site area is 7.4 acres with a total disturbance of 4.2 acres. There are no direct wetland impacts. There is a 0.77-acre impact within the 100 ft. regulated wetlands buffer.

Storm Water Management - The turf field is designed with a stone infiltration system, which was detailed. The parking lot drains to the southwest with proposed catch basins and storm drains directed to a hydrodynamic separator. It will be connected into an existing 48" storm pipe.

Erosion and Sedimentation Control – The total disturbed area is 4.2 acres. Silt fence is proposed downstream of work areas and silt sacks. A construction entrance will be located along the existing curb cut. A topsoil stockpile area will be at the future skate park location.

The project will be inspected daily by Town staff, and they will coordinate with Mr. Laiuppa for his inspection.

Mr. LaMalva reported that the total projected cost is \$5 million. Phase I (turf field and parking lot) will begin this summer and be completed by next May. Phase II will commence immediately following Phase I.

Mr. Stebe sought confirmation that everything being done on this site is taking the grass field and will be considered an impervious cover on the entire project. He asked why there will be a turf field instead of natural turf. The parking lot and skate park will be impervious, aside from a dirt pack for the bumps.

Mr. LaMalva explained that synthetic turf does infiltrate into the ground similar to a grass field. The reason behind the synthetic turf is that the grass fields get tremendous use and more time slots can be programmed on synthetic turf. The reason why there is no detention area shown is that the Public Improvement Standards state that, when along the watercourse, a detention area is not recommended.

After a question from Ms. Luna, Mr. LaMalva reported that most people park in the church parking lot. The proposed parking lot should accommodate the proposed activity contained within the parcel.

To answer a question from Ms. Potocki, Mr. LaMalva stated that there has not been a problem with flooding.

Mr. LaMalva explained that the storm water system being installed will receive the water from the field and the parking lot. Ms. Potocki asked whether permeable pavement was considered. For the parking lot, Mr. LaMalva stated that was not considered. There is a flat panel drain surrounded by stone, which leads to an 8” plastic pipe for overflow leading out into the parking lot system.

A discussion was held between Mr. LaMalva and Mr. Farina regarding parking, as well as permeable pavement.

Mr. Prause expressed concern over the effect of artificial turf on a wetland. Mr. LaMalva reported that he contacted the vendor, who gave information. They are basing their spec off the Manchester High School field. The vendor has done testing and is certifying that their particular turf is PFAS-free.

Mr. Laiuppa stated that his assumption is that the artificial turf is made so little pieces do not break off or break down. He acknowledged that he does not have any expertise or knowledge in the area.

Mr. Prause speculated that not having more information on artificial turf may warrant a public hearing. Ms. Potocki concurred with Mr. Prause’s opinion.

Mr. Kennedy observed that this only goes a small amount into the upland review area. In his opinion, it does not warrant a public hearing.

After a question from Mr. Prause, Mr. LaMalva stated that there is an issue currently that the natural turf is not holding up and they are not able to program as much as they would like to.

Inland Wetland Permit – Determination of Significance (IWP-0003-2024)

**MOTION:** Ms. Potocki moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application IWP-0003-2024 may have a significant impact on the wetlands and is in the public interest, and therefore will require a public hearing. Mr. Farina seconded the motion.

Mr. Laiuppa observed that some of the discussion points were about the flood plain. As was mentioned, this is outside of the flood plain. There is no activity directly within the wetland or watercourse, but it is within the upland review area. The two items he felt were relevant were:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse, or wetlands or watercourses outside the area in which the activity is proposed.
2. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation to a wetland or watercourse.

A public hearing can be called for different reasons, one of which is significant impact. Another would be public interest.

Mr. Kennedy stated that whether it is done on the basis of significant impact or just the public interest has implications for what must be done for the public hearing. That is the reason to pick one or the other.

Mr. Anderson felt the higher standard would be “may” for the public hearing.

Mr. Laiuppa interjected that, if it is decided that there is not a significant impact, it could be stated “there is no significant impact, but in the public interest.”

Mr. Stebe asked whether there is anything else on the application that would trigger a public hearing.

Mr. Anderson clarified that the public hearing would be about the wetlands.

**MOTION:** Mr. Farina moved to amend the motion to remove “and is in the public interest.” Ms. Ike seconded the motion. Mr. Prause, Mr. Stebe, Ms. Luna, Mr. Farina, Ms. Ike, and Ms. Potocki voted in favor of the motion. Mr. Kennedy abstained. The motion to amend the motion passed six to zero.

Mr. Prause, Mr. Stebe, Ms. Luna, Mr. Farina, Ms. Ike, and Ms. Potocki voted in favor of the amended motion. Mr. Kennedy voted against the amended motion. The amended motion passed six to one.

## **DISCUSSION: OPEN SPACE ACQUISITION PROCESSES**

Ms. Pilla recapped that there was a proposed draft resolution from Mr. Farina pertaining to land acquisition processes. She had some hesitancy about the PZC moving forward and referred it to the Town Attorney for feedback. The Town Attorney advises against it because the resolution as drafted would essentially be this Commission attempting to take on a responsibility that the Board of Directors has already determined belongs to another committee. The Town Attorney’s recommendation was, if this Commission truly feels there is an issue with the current land acquisition process, the Commission should request that the Board of Directors re-evaluate that process and decide if any changes need to be made to the process. The Town Attorney’s office requested that, if the Commission is inclined to pursue it, that they table the discussion so that Attorney O’Neil can join the next meeting.

Mr. Farina summarized his proposal. He stated that the Planning & Zoning Commission does have the authority to make recommendations for the implementation of the Plan of Conservation and Development. They may also make plans for open space acquisition and greenways protection and development. As the resolution is written, there is no current plan for open space acquisition or greenway protection.

Ms. Potocki noted that the Conservation Commission used to have an open space plan. She was unsure when the Land Acquisition and Historic Property Investment Committee was formed, but she recalled that there was an open space plan that would be presented to the PZC and other commissions; that is no longer the case. It may be a good initiative to develop an open space greenways protection plan and perhaps present that to the Land Acquisition and Historic Property Investment Committee.

Mr. Prause, noting that he is on the Committee, described how the Land Acquisition and Historic Property Investment Committee has been functioning with different interests to try to make decisions as required. The initial policies dated back to 2005. The most recent referendum was passed in 2016 for open space acquisition and historical preservation and has been recharged in 2023. He reported that, in the last three to four years, they have made a priority list with approximately 30 target parcels, but people are not interested in selling for various reasons. The practicality of making those acquisitions is tough. He was concerned about whether this Commission would be redundant in that task. If a priority list is published, perhaps that would compromise the ability to negotiate.

Mr. Kennedy commented that, regarding the Commission's jurisdiction, the Town Attorney is correct. This is usurpation of the Board of Directors' function. With land acquisition, the PZC cannot spend a dime. He noted that the largest problem since he has been on the Committee was recommending buying the MDC land and, months later, finding out that the Board of Directors hadn't bought it, though they eventually did. In his opinion, the Land Acquisition and Historic Property Investment Committee has done a good job of filtering out where money should be spent.

Mr. Farina noted that this is a discussion item and he can decide if he would like to submit it as an action item to a future meeting.

Mr. Prause stated that, if there is a will to move forward, they would put it on the agenda for the next meeting with Attorney O'Neil.

Ms. Potocki sought information on what is open space and what is not. Ms. Pilla responded that open space is undeveloped land.

## **DISCUSSION: MUNICIPAL FINES FOR INLAND WETLANDS VIOLATIONS**

Ms. Pilla reported that the draft ordinance in the packet has been refined by the Inland Wetlands Agent in consultation with the Town Attorney. If the Commission is satisfied with it, they can refer this draft to the Board of Directors.

Mr. Laiuppa stated that some of the revisions were a simplification of some of the language, which he detailed. Rather than reiterating a definition already in existence, this would be a supplement to the existing wetland regulations. A question the Town Attorney is looking into is for Articles VI and VII. There is a reference to a state statute, and it may not be the correct statute.

Ms. Pilla added that the Commission could move forward, if so inclined, with referring this to the BOD. Those references to the statute can be clarified during that process.

Ms. Potocki asked whether this would be helpful as a deterrent for uncooperative parties. Mr. Laiuppa reminded Ms. Potocki of the process and that hopefully this can be avoided. He is hopeful that it will rarely, if ever, be used.

Mr. Prause reminded the members about the concern that this could be seen as something implemented with bias. Mr. Laiuppa commented that the wetlands regulations are due for an update. If this is to be adopted, there should be language in it that makes it clear that this would be in an extreme case.

Mr. Prause remarked that Art. II can be removed for definitions. He added that the Agency cannot cite the Town because the money would just go to the Collector of Revenue. Mr. Laiuppa stated that one item to explore would be having the fines earmarked to go somewhere other than the General Fund, such as the Wetland Mitigation Bank.

Mr. Kennedy stated that fining the Town is not a real action. Hopefully, issues with the Town can be dealt with informally. He warned Mr. Laiuppa to be cautious about what he writes into regulations or guidelines. Additionally, Mr. Kennedy noted that the Commission is not acting on an application, though it is on the agenda so it can be acted upon. He added that he is ambivalent, as he does not see a lot of reason for it. There have not been many situations that have shown a need for it.

Mr. Prause stated that a recommendation could be made.

Mr. Stebe remarked that there have been several items before the Agency in the last year and a half where Mr. Laiuppa has had difficulty with a violator. Essentially, the violators know that he went as far as he could go. The only further step is to convince a Town Attorney to bring a case in court, which will cost the Town many times the amount of money to be collected. Having this in the toolkit would be a valuable item for Mr. Laiuppa. He felt the Agency is at the point where it can go to the Board of Directors for review and action.

**MOTION:** Mr. Farina moved to make a favorable recommendation to the Board of Directors to consider adoption of an ordinance regarding municipal fines for inland wetlands violations. Ms. Potocki seconded the motion. Mr. Prause, Mr. Stebe, Ms. Luna, Mr. Farina, Ms. Ike, and Ms. Potocki voted in favor of the motion. Mr. Kennedy abstained. The motion passed six to zero.

## **ADMINISTRATIVE REPORTS**

Ms. Pilla gave a brief update on the Siting Council petition for 250 Carter Street. A revised schedule has been posted with the public hearing set for May 2<sup>nd</sup>. At their upcoming meeting, the Board of Directors will discuss pursuing Intervener Party status.

Emma Petersen, Principal Comprehensive Planner, will be attending an upcoming meeting for a workshop with the members on the POCD implementation strategy.

Mr. Prause remarked that he spoke with Mr. Laiuppa and the Town Attorney about the Inland Wetlands Agency's place in 250 Carter Street. Looking at the docket, any wetlands information is based off the Army Corps of Engineers criteria and not the State criteria. In his opinion, it is not in compliance with Connecticut state wetlands requirements. The statute states that the Agency still retains its rights as an Inland Wetlands Commission and questioned what that means, aside from enforcing the Connecticut Wetlands. He speculated whether the Town Attorney would like the Commission to make an interrogative or through the petitioner make an interrogative.

Ms. Potocki commented that there are other local inland wetland agencies that have provided comments on petitions' declaratory rulings to the Siting Council. It wouldn't be unusual, but how much weight it has is unknown.

### **APPROVAL OF MINUTES**

March 18, 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.

### **RECEIPT OF NEW APPLICATIONS**

1. **TOWN OF MANCHESTER PUBLIC WORKS DEPT.** – **Inland Wetland Permit (IWP-0003-2024); Erosion & Sedimentation Control Plan (ESC-0003-2024)** – Expansion of Charter Oak Park facilities including a new skate park/pump track, synthetic turf playing field, and parking lot at 30 Charter Oak Street.
2. **TRIVIK BUILDERS, LLC** – **PRD Detailed Site Plan Modification (PRD-0001-2024)** – Modification to site plans at 27 Lillian Drive.
3. **HARTFORD HEALTHCARE CORPORATION** – **Zoning Regulation Amendment (REG-0002-2024)** – To add a subsection to Article IV, Section 13 to permit a limited exception to the maximum signage limitation for medical services.

The Business Meeting was closed at 10:15 P.M.

I certify these minutes were adopted on the following date:

April 15, 2024  
Date

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Eric Prause, Chairman

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