

**TOWN OF MANCHESTER
MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION/
INLAND WETLANDS AND WATERCOURSES AGENCY
APRIL 15, 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:

Electronically: Maliha Ahsan

ALTERNATES PRESENT:

In Person: Bonnie Potocki

ABSENT:

Chris Schoeneberger
Zachary Schurin

ALSO PRESENT:

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

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

PROPOSED SIDEWALK AND CURB PLAN 2024-2029 (Continued from April 1, 2024) –
Proposed amendments to the Town Sidewalk and Curb Plan

Ms. Pilla recapped the sidewalk and curb plan changes:

- PWD changed to DPW
- Table 1 – Minimum Standards for Sidewalks: Updated minimum width on rural and scenic roads to be 5 to 8 ft.
- Added a sentence at end of section Policy for New Sidewalk Installations: “To the extent feasible, based on available funding and in accordance with the Town’s Complete Streets policy, sidewalk extensions and gap filling will be included in road reconstruction projects performed by DPW.”

- Critical Path Extensions: Refer to Mr. Farina's proposed draft policies for the sidewalk and curb plan, particularly the first three policies: 1) School Walk Safety Policy, 2) Last Mile Transportation Policy, and 3) Parks and Recreation Access Policy.

The Commission had agreed that there was interest in seeing those incorporated into the language of the plan, not as a standalone policy but as criteria for prioritizing sidewalk extensions and gap filling.

Ms. Pilla detailed the key points of Mr. Farina's draft to be incorporated in the plan. She noted that she stayed within the one-mile radius of all schools, bus stops, parks and athletic fields.

Ms. Pilla stated that they replaced the date range to say the current five-year planning period to eliminate changing it every five years. She detailed the changes to the map. Regarding pedestrian scale lighting, a recommendation in the Plan of Conservation and Development (POCD), Ms. Pilla stated that existing pedestrian scale lighting on Main Street, Hartford Road, and a portion of Broad Street was added in. In the future, after studying, they hope to make recommendations on proposed areas for additional pedestrian scale lighting.

After a comment from Mr. Prause, Ms. Pilla explained that the lighting would ultimately be incorporated into the Complete Streets Plan.

After a question from Ms. Potocki, Ms. Pilla stated that she knows of other towns that have complete streets plans, though she is unsure about the sidewalk plans.

Mr. Farina read into the record his proposals that he sent to the Commission. He commented on discrepancies between what is in the plan and what is on the map. In his opinion, developers use the map itself to avoid installing sidewalks. He stated that he would like to see the map updated to reflect the actual plan. The school policy, based on radius, was referred to and Mr. Farina read his additions to the plan.

Mr. Stebe observed that it would be prudent to change the verbiage within Paragraph 3 in the introduction, where it says that the sidewalk and curb policies and the location map serve as guides for the implementation of the plan. It should be stated that the text of the plan is the policy, and the map is a representative guide.

Mr. Kennedy questioned whether it is within the Commission's authority to get that comprehensive, as the Commission's authority is only in new development. Mr. Stebe countered that the Commission's job is not just to address an application before the Commission but is also to plan for development and re-development.

Mr. Farina expressed that, historically, the adoption and amendments to the sidewalk plan are lengthy processes and cited examples. Ms. Pilla countered that no one expected this to be completed in one meeting. She added that there will always be locations where a sidewalk cannot physically be placed on both sides of the street.

After a question from Mr. Prause, Ms. Pilla commented that, if anything is to be added, Engineering staff should make that decision.

Mr. Prause, referring to the critical path extension text proposed, asked whether it should be a separate motion in New Business or default to just adopting it in the plan. The proposed changes given tonight could either be added into the draft that goes out or could be made an option during the final vote.

Ms. Pilla remarked that, if the Commission decides to add it, it could be done either way. Mr. Prause inquired whether it would require further staff review and Ms. Pilla said she did not believe it would. In her opinion, it is unnecessary because, when looking at it by radius, it overlaps with what is already there anyway. To not look at it by radius, there is no easy way to take GIS and map that out, and Ms. Pilla felt that it is impractical.

Ms. Potocki observed that Mr. Anderson has not seen the text proposed and agreed with Ms. Pilla that implementation would be difficult. In addition, she would prefer input from the Town Engineer and the Town Attorney.

Ms. Pilla commented that Mr. LaMalva has not had the opportunity to review the additional information. She cautioned that, when contemplating incorporating Safe Routes to School into the plan, this is not intended to be the kind of plan that is implemented. This is meant to be used as a tool in a very particular scenario when development is being proposed on undeveloped lots. She is hesitant to pursue the Board of Education requirements, Safe Routes to School, etc., as it is going outside of the purview of the plan.

Mr. Farina asked about the state statute that allows the Commission to create a sidewalk plan. He reported that, in consultation with a couple of lawyers, both felt the Board of Directors (BOD) should hold the public hearing, not the PZC. In addition, he inquired who the applicant is and what the recourse would be.

Attorney Timothy O'Neil, Assistant Town Attorney, reported that there is no state statute. However, the Commission is charged with the ability to do certain things per state statute. Municipalities must have a source of authority for the powers to act and, if it is not stated in the statutes, specifically under the Connecticut Zoning Commission powers, then it is reserved to the town, but the town must authorize it. In Manchester's Town Charter, there are 59 items over which the Town has the authority to exercise power through the enactment of ordinances, and sidewalks are listed in several of those 59 items.

Mr. Farina commented that he was not aware that the Board of Directors could direct the Commission, to which Attorney O'Neil replied that they passed the ordinance as their responsibility in the oversight of the development of the Town.

Mr. Farina referred to Section 8-29 in the Connecticut General Statutes and stated that it literally means such commission is authorized to prepare and file maps or plans of sidewalks. Attorney O'Neil responded that Section 8-29 has nothing to do with this particular ordinance.

Mr. Farina asked how the PZC functions as an independent body and how the BOD functions as an independent body statutorily. He speculated on how much authority the BOD has to direct the PZC to do things or whether that is an infringement on the Commission's independence. Attorney O'Neil speculated that this is the only such activity that the BOD is directing the PZC to do.

Ms. Pilla reiterated that Section 8-29 has nothing to do with the sidewalk plan. The use of the term "plan" in that statute refers to a plan sheet, such as a proposed site plan. It must also be taken in context, which is referring to subdivisions. Basically, that section is saying that a planning commission could literally propose an engineered construction plan for a new highway, a new road, or a new sidewalk. The planning commission would then be responsible for the assessment of damages or benefits to property owners who would be affected and then placing liens on properties requiring easements, etc.

Mr. Prause referred to Mr. Farina's question on the applicant and who should be holding the public hearing. Attorney O'Neil reported that the Town is the applicant for this particular sidewalk and curb plan. He added the language "...Before adoption, the plan shall be submitted to the Board of Directors for review and comment and at least one public hearing shall be held." Mr. Farina acknowledged that he does not recall that during his time on the BOD. Attorney O'Neil concluded that the public hearing would be with the PZC.

Mr. Kennedy asked the Town Attorney for his opinion on whether the PZC is overstepping its bounds by getting into matters that are clearly within the BOD's jurisdiction and going beyond the Commission's actual authority.

Attorney O'Neil responded that, in looking at the beginning of the ordinance, there is a very limited purpose of the plan. It is anticipated that this will apply to new construction. Therefore, it could be stated that the PZC is overstepping its boundaries.

After a comment from Ms. Potocki, Attorney O'Neil reported that, in his long tenure with the Town, he has never been called out to opine on the sidewalk plan or even appear before the PZC. It has been a fairly routine action during his time with the Town. He stated that the ordinance came into effect prior to his employment.

After a question from Mr. Farina, Attorney O'Neil remarked that his understanding is that the master sidewalk plan is a list of streets with sidewalks and prioritizes which need to be repaired and replaced. DPW utilizes the master plan to determine which streets need to be replaced or repaired.

Mr. LaMalva clarified that the plan was developed by Public Works in 1990 and confirmed that it is for replacing sidewalks.

Ms. Pilla read the text of a comment from Mark Morgillo, 169 Autumn Street, stating that he supports installing sidewalks along the length of Autumn Street. There were no members of the public in attendance to speak.

MOTION: Mr. Kennedy moved to close the public hearing. There was no second.

MOTION: Mr. Farina moved to continue the public hearing. Mr. Stebe seconded the motion. Mr. Farina, Mr. Stebe, Mr. Prause, Ms. Luna, Ms. Ahsan, and Ms. Ike voted in favor. Mr. Kennedy voted against the motion. The motion passed six to one.

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 Wetland Permit (IWP-0003-2024)

Mr. Jeff LaMalva, Town Engineer, representing the Department of Public Works, introduced himself.

Mr. LaMalva again presented the project background. In 2024, the Board of Directors entered into a contract with the American Ramp Company for the design and construction of the skate park/pump track. The State Department of Transportation approved the proposed plan within their jurisdiction of State Route 534 in 2024.

Mr. LaMalva described the parcel, its location, and its zoning. Currently, the property is used for recreation, both soccer fields and the Charter Oak Greenway. The project details include a synthetic turf field to be used primarily for adult and youth soccer; a utility building; a 74-stall parking lot; bus parking; and a skate park/pump track. Sidewalk connections were detailed.

Mr. LaMalva described the disturbances as follows:

- Total site area: 7.4 acres.
- Total amount of disturbance: 4.2 acres.
- Zero sq. ft. impact directly to the wetlands.
- 0.77 acres of impact within the 100 ft. regulated area.

At the previous meeting, it was determined that the project may have a significant impact on the wetlands.

Regarding impacts, Mr. LaMalva said that there are no wetlands disturbances with the project. Regarding the upland review disturbance, he said that the Charter Oak Greenway is acting as a buffer between the project and the brook.

The soil classification is well-drained soil.

The wetlands functions and values are storm water conveyance, fish and local wildlife, and shoreline stabilization.

The alternatives are: 1) Not pursuing the project, or 2) Reducing the size of the parking lot, which will not accommodate features within the park.

The bid will specify that the prospective synthetic turf vendor must certify, backed by independent testing, that the product is free of PFAS-containing materials.

Mr. LaMalva detailed the storm water management for each area of the site.

Mr. LaMalva described the erosion and sedimentation controls.

The entire project will be inspected daily by Town staff with an occasional inspection by Mr. Laiuppa, the Wetlands Agent.

Mr. LaMalva described the anticipated cost and schedule as follows:

- Project Cost: Roughly \$5 million.
- Proposed Schedule:
 - Phase I (turf field and parking lot) to begin construction this summer, completed Spring 2025.
 - Phase II (skate park/pump track) to begin construction immediately following Phase I, to be completed by Summer 2025.

Mr. Stebe assumed the utility house will be included in Phase I, which was confirmed. He inquired about the location of the pump. Mr. LaMalva pointed out the existing sanitary sewer line. Details were provided about the slopes and water flow. Mr. LaMalva reported that they can add an existing yard drain outside the field for connection.

Ms. Potocki expressed her concerns about the design and stated that the 7.4 acres will be a heat island. Artificial turf radiates heat, as do the pavement and parking lot. Discharge in the summer will be directed toward the Hop Brook. Mr. LaMalva stated that, looking at the amount of runoff in this area compared to the watershed of Hop Brook, it is extremely negligible. He clarified that the disturbed area is only 4.2 acres. The turf field is 2 acres, the parking lot 0.7 acres, and the skate park approximately 1 acre.

Ms. Pilla pointed out that the locations of trees are shown on the erosion and sedimentation control plan.

Ms. Potocki stated her concerns about the heat and children.

A conversation was held between Mr. Prause and Mr. LaMalva about the fence heights.

Mr. Rob Topliff, Park Department, explained that the softball field is actually a small soccer field.

Ms. Pilla reported one small technical staff comment.

Mr. Laiuppa referred to the Conservation Commission's comments:

- Will the runoff of the site be captured and detained?
- The site should be treated like a parking lot with treatment of runoff.
- The field and pavement should be more pervious to allow infiltration.
- The turf, pavement and concrete get hot, and the runoff could add to heat loading if it does not cool off before being released to the stream.

- Will there be treatment for leachate runoff from the site?
- Is there a concern about gas-off from the turf or any other surface?
- Will there be a vegetative buffer on the south side of the project, one that is more than just aesthetic?
- All plantings should be native.

He acknowledged that some of the comments were addressed at either this or the previous meeting.

Mr. Laiuppa noted that any comments he had were covered by discussions that have already taken place. He further pointed out that this section of the park is not in the flood plain. Any impacts are in the upland review area, not in the wetland or watercourse.

Mr. Prause noted that there will be a requirement in the bid package that the turf must be third party tested for PFAS. He asked whether there is any particulate on the fields. Mr. Prause inquired whether runoff would be collected as part of rainwater or if it would get to the wetlands.

Mr. LaMalva explained that the infield material is a mixture of sand and a coated crumb rubber, recycled tires with an environmental coating, free of PFAS materials. He noted that the grading of the field is very flat and he does not anticipate movement of the infield material from storm water.

Mr. Topliff remarked that it will be mostly contained, and at the high school there is not any tracking coming off it from the maintenance.

After a question from Mr. Prause, Mr. Laiuppa stated that, dependent on the material, if there was any runoff from the field, it would be captured by the hydrodynamic separator.

Mr. LaMalva noted that there is a field perimeter concrete curb which contains both the turf and the infield material.

Mr. Laiuppa agreed with Mr. LaMalva that, in this particular location, it would be quickly moved through the system, but where it discharges to the stream, there is potential for heat loading. He noted that, in a drought, a thunderstorm could flow into the system, and there may be an impact from heat loading, though not in a traditional sense.

Mr. Stebe commended staff for gathering the information on the turf. He asked about a remark about treatment of leachate runoff. Mr. Laiuppa remarked that the Conservation Commission's comment was actually about material runoff.

No members of the public made a comment.

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

The public hearing closed at 8:45 P.M.

I certify these minutes were adopted on the following date:

May 6, 2024

_____ Date

_____ Eric Prause, Chairman

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