

**TOWN OF MANCHESTER
MINUTES OF BUSINESS MEETING
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 Business Meeting at 8:50 P.M.

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

MOTION: Mr. Farina moved to continue the public hearing to May 6, 2024. Mr. Stebe seconded the motion. Mr. Prause, Mr. Stebe, Ms. Luna, Mr. Farina, Ms. Ike, and Ms. Ahsan voted in favor of the motion. 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); Erosion & Sedimentation Control Plan (ESC-0003-2024)

Inland Wetlands Permit (IWP-0003-2024)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for the expansion of Charter Oak Park facilities including a new skate park and pump track, synthetic turf playing field, and parking lot at 30 Charter Oak Street, with the modifications specified in a staff memorandum from:

1. Megan Pilla, Principal Development Planner, dated April 12, 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.

Mr. Prause commented that prudent and feasible alternatives were presented but none overshadowed the benefit of the project.

Mr. Kennedy gave his opinion on artificial turf, but recognized the amount of fertilizer and pesticides that would be put on grass.

Mr. Stebe concurred with Mr. Kennedy. He remarked that the applicant explained why turf was chosen over a natural field.

Erosion & Sedimentation Control Plan (ESC-0003-2024)

MOTION: Mr. Kennedy moved to certify the erosion and sedimentation control plan for the 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, with modifications as specified in a staff memorandum from:

1. Megan Pilla, Principal Development Planner, dated April 12, 2024.

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

ADMINISTRATIVE REPORTS

- Upcoming training opportunities
- Update on comprehensive update to the zoning regulations
- Update on open violation for 260 Tolland Turnpike

Mr. Farina raised the topic of reviewing the Rules of Procedure and making amendments. He suggested separating out the Design Review Guidelines and separating out policy.

In response, Mr. Kennedy noted that there have not been any actual practical problems running meetings. Anything added can be grounds for litigation.

Mr. Stebe commented that there are statements about having a seven-member board, which will not be the case in January 2025. He also felt that there are several items that the Commission could review.

Ms. Luna expressed her support for reviewing the rules and guidelines in a future meeting.

Ms. Potocki stated that she is in favor of the review and suggested a workshop.

Ms. Pilla acknowledged that the zoning regulations update will be a lengthy process. She stated that an update to the Rules of Procedure would be up to the Commission members. Any proposed changes must be reviewed by the Town Attorney's office. The next membership increase will generate another update.

Mr. Prause is interested in reviewing the requirement for adding items to Business because, currently, in the Rules of Procedure an item can be added to an agenda with a majority vote. Robert's Rules of Order has a default that a two-thirds vote is required to modify an agenda, and it is primarily written for large boards that meet infrequently. Because this Commission is a small body and there is typically a full membership in attendance, a majority is more practical. The state statute is more about state public agencies. He felt the proposal to create a way to add agenda items should be a discussion: Whether to have it as a threshold where one person could add to an agenda; whether it could be done between meetings; or whether, as is current, a member brings up an idea during administrative reports and the group makes a decision.

Ms. Pilla, recommending caution, stated that the way the Planning and Zoning Commission is intended to run is not the same as the Board of Directors and other similar boards, in that individual members are not supposed to put forth individual items. It should be the Commission acting as a group and acting on the applications before it.

Attorney O'Neil commented that adding to an agenda does require a two-thirds vote. Regarding individuals adding items to the agenda, the agenda is set for the Commission. This is a body that acts on applications submitted and accepted. He contemplated what type of item would be added to an agenda.

Mr. Farina stated that many different things could be added that fall within the Commission's authority through state statute: There are things in the POCD statutes that are required, and many which fall under "may" language, but the Commission could do those things and then amend the POCD, which statute says should be done. At the last meeting, there was an item the Commission generously allowed him to put on an agenda as an individual member. The Commission could do a greenways plan, according to state statute. In his proposed rules, any business item for discussion shall be placed on the agenda if submitted in writing 10 days prior to the meeting.

Attorney O'Neil remarked that it seems to him that the Commission already has that ability. After Administrative Reports and comments, a member could request an item be placed on the

next agenda. He was unsure what, during the course of a meeting, would be necessary to rise to the level of adding at the current meeting.

Mr. Farina noted that he is very concerned about protecting the autonomy of individual members and not allowing a political minority to be silenced. He remarked that Democrats control the boards and commissions in Manchester. If it requires a majority to place something on the agenda, a political minority could be silenced, he said, noting a topic from a previous meeting. Attorney O'Neil stated that the Commission's agendas are set. He was confused where this was leading.

Mr. Prause asked, for example, if a commissioner or two wanted to make a zoning regulation change, whether they would be able to bring that as a discussion point, or if it requires a majority or two thirds vote to move forward.

Attorney O'Neil added that, ultimately, the entire Commission will decide whether to move forward or not.

Mr. Stebe commented that the vast majority of the Commission's activities are addressing applications from external sources. However, when bringing something up during Administrative Reports, by current rules, it is not actionable. He felt the Commission should find a path to do so.

Attorney O'Neil speculated about an item suggested to be placed on the agenda that falls outside the purview of the Planning and Zoning Commission. He reiterated that a member could suggest an item to be placed on the agenda; it would be on the next meeting's agenda.

Mr. Farina stated that he would like this topic to go on a future agenda for discussion. If a simple majority responded "no," it would not be up for discussion. The Commission would not be able to discuss it. He reiterated that he believes in having rules that protect the minority.

Mr. Prause commented that, at this point of the meeting, individuals are setting the next agenda and determining the Commission's workload, and whether the Commission is interested in taking it on. He worried about the ability to add agenda items without talking it through in Administrative Reports.

Mr. Kennedy observed that, as a practical matter, the Commission makes a motion to suspend the rules under Robert's Rules of Order and vote for it unanimously. The Commission should not proceed to the idea of one person adding things to the agenda. The PZC is an adjudicative body, not a legislative body. That is the Board of Directors' purpose. He posed the problem of one or two people on the Commission tying the Commission up by adding their items to the agenda. In his experience, staff puts together the agenda, usually applications, at the direction of the Chairman. The way this has been dealt with in the past has worked fine.

Ms. Luna asked whether, if a member states that they would like to talk about something, that would be an actionable item request during Administrative Reports.

Ms. Pilla stated that members could decide as a Commission whether it should be on a future agenda to discuss. Alternatively, a Commissioner can propose something a week before the meeting to be added to the agenda without discussing it with the rest of the Commission. Her concern comes from individual members being able to put something on the agenda without discussing it with the rest of the Commission first.

Attorney O’Neil concurred with Mr. Kennedy that the Commission could go down a rabbit’s hole if individual items are added onto the agenda. That would veer away from the Commission’s primary goal, which is to handle land use applications. He noted that he has been with the Town for over 25 years and this may be the first time he has been called to come to a meeting with the idea of answering questions, which leads him to believe that the PZC, over those 25 years, has functioned very well.

Mr. Stebe agreed with Mr. Kennedy’s opinion. He felt that the Commission should review this, and it should be a formal agenda item to discuss. There are other items coming forward that are more pressing, such as the complete review of the zoning regulations in their entirety. There should be a formal agenda item to implement the discussion.

Mr. Prause asked whether having a discussion on May 20th would allow enough time for staff to review and comment. Ms. Pilla noted that would be enough time.

Mr. Farina recommended that a section be added to the rules on Administrative Reports.

Attorney O’Neil stated that many other boards and commissions, when they do have bylaws or Rules of Procedure, will put in their template for an agenda.

Ms. Potocki commented that this item should not take precedent if there are incoming applications. The Commission is a land use board and should be acting on applications.

APPROVAL OF MINUTES

April 1, 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. **JULIANO’S POOLS – Inland Wetlands Permit (IWP-0051-2023)** – Relocation of septic leaching field and construction of a new in-ground pool with patio and safety fence at 37 Pondview Drive.
2. **VESSEL TECHNOLOGIES – Zoning Regulation Amendment (REG-0003-2024)** – Amendment to Article II, Section 7.03 to allow a higher density of dwelling units in the Planned Residential Development (PRD) zone by special exception, if the total number of bedrooms does not exceed 20 per acre.

MOTION: Mr. Kennedy moved to adjourn the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Business Meeting closed at 9:42 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 BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.