

**TOWN OF MANCHESTER
MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION/INLAND
WETLANDS AND WATERCOURSES AGENCY
JUNE 17, 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: Sara Van Buren

ABSENT:

Daniela Luna
Maliha Ahsan
Zachary Schurin

ALSO PRESENT:

In Person: Gary Anderson, Director of Planning and Economic
Development
Megan Pilla, Principal Development Planner
Electronically: Nancy Martel, Recording Secretary

NOTE: This meeting was held in the Manchester Room and no Silk City TV recording is available.

The Chairman opened the Business Meeting at 8:05 P.M. The Secretary read the legal notice when the call was made.

UNFINISHED BUSINESS

TOWN OF MANCHESTER – Potential disposition of 601 Lydall Street. – Mandatory Referral (MR-0003-2024)

Mr. Anderson reviewed the Mandatory Referral discussed in detail at the prior meeting, describing the four properties in question. After the Commission issues the report, it will go to the Board of Directors. The properties are related to the new downtown library, which he detailed. Mr. Anderson acknowledged his error at the last meeting, explaining that 25 Eldridge Street was not part of the bond referendum.

Mr. Anderson stated that, when the Town approached the owner of 25 Eldridge Street about purchasing the property, that owner preferred to contemplate a land exchange for a property adjacent to a parcel on Lydall Street. The property, 601 Lydall Street, was described. He explained that he reiterated information with the Water & Sewer Administrator, and the watercourse and associated wetlands within the parcel do not contribute to the Town of Manchester drinking water supply. The only value to the property is the value of the land itself. The watercourse was displayed and discussed.

David Laiuppa, Environmental Planner/Wetlands Agent, visited the delineated wetlands that encompass most of the property, according to Mr. Anderson. There is less than 0.2 acres of available buildable land which would be situated on a steep slope at the eastern end of the property between two curves in the road.

Displaying the property in question, Mr. Anderson pointed out the Town parcels. The Town is interested in trail connectivity, and the Land Acquisition and Historic Property Investment Committee is considering an easement or the purchase of the farm property in the future.

Mr. Anderson commented that it is important that the Commission take action this evening so this can go to the Board of Directors.

Mr. Prause noted which commissioners were at the previous meeting. He noted that he listened to the prior meeting's recording and believes he understands the prior comments.

Mr. Anderson interjected that this is an agreement that is on the table for the Board of Directors and the Commission is giving advice on that agreement. The acquisition of 25 Eldridge Street is key for the library project, as it will go to the Board of Directors.

Mr. Stebe stated that Mr. Anderson summarized a number of questions that the Commission had at the prior meeting. He remarked that another discussion referenced the adjacent property to the Lydall Street piece that the Town will be negotiating with. There has been encroachment on the Town property, along with movement of the property line to accommodate ingress. He commented that there are wetlands past the driveway. It was Mr. Stebe's opinion that agricultural farmland has a lower bar to reach in order to go into a wetland to make changes and they still have an approval process to go through. He added that he is correcting his statement at the last meeting. He understood the reason why the owner is seeking that property, as it is valuable to their operation. Mr. Stebe suggested putting something into the report to protect the wetlands.

Mr. Kennedy did not feel the Commission could put conditions on the referral. Mr. Anderson suggested adding a comment. Any wetlands activity would be up to the Commission anyway in its capacity as the Wetlands Agency.

After a question from Mr. Prause, Mr. Anderson stated that he will pass along a written version of whatever the Commission states. There will most likely be a comment in the report.

Mr. Farina speculated about an easement, and Mr. Anderson remarked that they have mentioned it to the Town Attorney's office, who is negotiating the agreement. Mr. Farina spoke to the fact

that the owner of the unbuildable property is unwilling to agree to an easement. Mr. Anderson reiterated that he is unsure about their willingness to give the easement.

Mr. Schoeneberger assumed that the decision parameters are not this Commission's responsibility and it is not their obligation to negotiate terms and conditions, with which Mr. Anderson agreed. Mr. Schoeneberger continued that the Commission can only make the decision for a favorable or unfavorable report based on the select criteria provided in the packet. He added that there have been no recommendations that he has read stating anything contrary to selling it off. There is nothing involving an easement in front of the Commission.

Mr. Anderson stated for the record that it is important to the library project. Once it comes to this Commission, it means there is a deal on the table for the Board of Directors to act on.

Mr. Prause noted that, when listening to the recording, there was discussion about the property already being encroached upon and that is why the owner of 25 Eldridge Street is looking for this. The Plan of Conservation and Development talks about conservation, preservation, and local farming. He asked whether the encroachment is related to farming.

Mr. Anderson acknowledged that he does not have information on the existing encroachment. He noted that there was some in the past and, at that time, the Town felt the solution was to sell a small piece of property to the owner to accommodate a barn.

Mr. Prause noted that there is reference to urban farming as part of the rationale.

Mr. Anderson responded that farming ties in because he understands the owner wants to purchase it to protect their property.

Mr. Prause clarified that the Commission must decide:

- A favorable report is achieved by a majority of members.
- An unfavorable referral requires a two-thirds vote.
- If the Commission does nothing, there is a statutory timeframe of 35 days; when it runs out, that is the equivalent of a favorable vote.

Mandatory Referral (MR-0003-2024)

MOTION: Mr. Kennedy moved to issue a favorable report regarding the disposition of 601 Lydall Street as presented at the June 17, 2024 Planning & Zoning Commission meeting. Mr. Schoeneberger seconded the motion.

The reason for the approval is that the disposition of the property in question advances the Town's Downtown library project.

Mr. Farina speculated about where the stream crosses the street and questioned the disposition.

Mr. Anderson reiterated that he spoke with the Water & Sewer Administrator today and he again stated that there is no value to the Town's water supply.

Mr. Farina continued to comment about the discharge of the water. He reiterated that the property owners have encroached on the Town property. He added that he feels the Commission should issue an unfavorable report without an easement.

Mr. Prause asked for clarification about the water flow.

Mr. Schoeneberger asked who is responsible for the dams. Mr. Anderson responded that it is the Water & Sewer Department.

Noting that there have been issues with this property, Mr. Kennedy noted that the parcel is not useful to the Town but is useful for them; they have property downtown that is not much use to them but is useful to the Town.

Mr. Schoeneberger commented that there is nuance to every deal and consideration must be given to what benefits the long-term initiative.

Mr. Prause observed that, in the last meeting, there was discussion about the work done by the Land Acquisition and Historic Property Investment Committee regarding an easement on the larger property to the east, which he is encouraged by. There is a larger need here to be successful on the library project.

Ms. Van Buren asked whether there is the possibility of an easement on any other property.

Mr. Anderson stated that he was not able to answer that because individuals are not always forthright about what they are willing or not willing to do.

Mr. Stebe agreed with Mr. Kennedy that the Commission cannot add an addendum, but they can attach a memo, though he acknowledged that he is unsure of the process.

Mr. Prause assumed that the Commission can recommend comments, not a condition but recommended language.

After a comment from Mr. Kennedy, Mr. Anderson remarked that, to summarize, we must limit it to what the Commission wishes to say. He speculated whether it should state that the Commission urges the Board of Directors to seek an easement.

Mr. Schoeneberger offered that, from his perspective, if there is to be an accompanying memo or comments, he would be happy to participate but he did not see how it relates to the vote. The Commission has heard that the Town is in active negotiations with other properties in the area, and it seemed to him that the Commission is trying to do the work that is already being done without the benefit of insight. The decision criteria are straightforward.

Mr. Kennedy asked for clarification about the Town's pursuit of an easement. He noted that it is a separate issue. A discussion ensued regarding an amendment.

Mandatory Referral (MR-0003-2024)

MOTION: Mr. Kennedy moved to issue a favorable report regarding the disposition of 601 Lydall Street as presented at the June 17, 2024 Planning & Zoning Commission meeting. Mr. Schoeneberger seconded the motion. Mr. Kennedy, Mr. Prause, Ms. Ike, and Mr. Schoeneberger voted in favor of the motion. Ms. Van Buren, Mr. Farina, and Mr. Stebe voted against the motion. The motion passed four to three.

The reason for the approval is that the disposition of the property advances the Town's Downtown library project.

NEW BUSINESS:

VIKING MANCHESTER PARTNERS, LLC – Subdivision of existing parcel into two parcels each containing an existing commercial building, with no change in building envelope, parking, or site conditions, at 19 Pavilions Drive. – Resubdivision (SUB-0001-2024)

Resubdivision (SUB-0001-2024)

MOTION: Mr. Kennedy moved to approve the resubdivision of the existing parcel into two parcels each containing an existing commercial building, with no change in building envelope, parking, or site conditions, at 19 Pavilions Drive. Mr. Schoeneberger seconded the motion and all members voted in favor.

Mr. Stebe said that he does not understand the reason behind the resubdivision. He questioned staff about the net effect it would create on the taxable value of the property. Because this is in the one and only Comprehensive Urban Development zone, he questioned staff about the difference between this area vs. another zone in town.

Ms. Pilla stated that she does not have that answer. Procedurally, this is actually easier in the CUD zone because they can get away with the strip of frontage. She commented that the mall property has multiple parcels, each with their own strip of frontage.

Mr. Anderson reported that, if the application meets the requirements of the subdivision, the Commission is to approve it.

TOWN OF MANCHESTER PUBLIC WORKS DEPT – Parking lot improvements including pavement replacement, grading to drain, installation of new drainage swale within infiltration trench, replacement of wooden barrier rail, and ADA improvements at 864 Middle Turnpike West. – Inland Wetland Permit (IWP-0007-2024); Flood Plain Permit (FLDP-0002-2024)

Mr. John DiBiasi, Assistant Town Engineer, introduced himself. Mr. DiBiasi reported that he ran through the entire project at the last meeting. He reviewed the project, Laurel Marsh Park improvements to a small parking lot area, one of a number of projects planned for the area which is grant funded. The parking lot falls within the regulated area.

The parking area was displayed, and Mr. DiBiasi gave a detailed explanation of the existing conditions. He reported that there will be a complete replacement of the parking lot, grading in a uniform fashion to redirect rainwater. There will also be ADA improvements to ensure access for

all, as well as improvements to the timber rail. In addition, the Recreation Department will be working on a new gateway sign to the parking area, as well as a wood utility pole in the parking lot.

Mr. DiBiasi detailed the wetlands and the Hockanum River. He pointed out the upland review area, noting that the parking area is predominantly outside the regulated area. The work is in the floodway, necessitating the flood plain permit and limiting activities within the area. He went on to describe the proposed grading plan, the bioswale, and landscaping. In addition, he explained the plan for the connection between the trail along Middle Turnpike and across the parking area directly to the trail. Mr. DiBiasi highlighted overgrown brush which will be cut back.

During a state project years ago, they provided a dedicated left turn lane intended for the parking area. However, the parking area has a right in/right out restricted driveway, which is not conducive to left turns in. The center island will be modified to facilitate westbound left turns in. The ADA ramp and space were detailed, as was the utility pole.

Mr. DiBiasi stated that the northern edge of the parking area runs parallel to the state highway line and the Town needs an encroachment permit from the State to allow access. The overall disturbance of the project has gone down based on small changes. The disturbance within the upland review area is 0.065 acres and there is no work within the wetland. There will be short-term temporary impacts due to the construction, though no long-term impacts are anticipated. The plan is to capture stormwater and filter the initial runoff. As a result of this project, the flood storage capacity will be increased by one cubic yard by the proposed grading. It will not result in an increase in flood levels.

There are wood turtles in the area, Mr. DiBiasi informed the Commission. When aware of species of special concern, the Public Works Department provides the fact sheet from DEEP. The plan is to use additional silt fencing beyond what they need for erosion control measures as an exclusionary barrier to keep turtles out of the parking lot construction. Silt sacs and adjacent catch basins will be used as needed, in accordance with the updated 2023 guidelines.

Mr. DiBiasi reiterated that they will be replacing the parking lot in kind, maintaining its footprint, partly to make the required ADA accommodations, but also for safe access for parking vehicles and access to the trail. Alternatives would be to not pursue the project and let the parking lot degrade, potentially leading to the closure of the parking lot. There was discussion about pursuing pervious pavement, for which specialized equipment is required for proper maintenance. Pervious pavement is highly susceptible to sand infiltration, which clogs the pores of the pavement. Mr. DiBiasi stated that he and the Town Engineer attended a meeting with CRCOG discussing municipal stormwater concerns, issues, and hot topics where permeable pavement was addressed, noting the requirement of equipment to maintain it. He added that, if he were to pick one location for the first public test area, it would not be this location, as it is in the flood plain that is prone to flooding, bringing sand and fill to the site.

In terms of alternatives to the bioswale, nothing could be done which would keep it as it is today. An alternative to the bioswale which has limited access due to the removal of brush and trees would be similar to a hydrodynamic separator. Due to the grade being downhill from the state

road and the depth needed for most HDS units, it would be difficult to get the water back up to the state road, necessitating direct discharge closer to the Hockanum River.

The work is being directly funded through a grant. Per the terms of the grant, funding is provided by the State of Connecticut Urban Act Grant administered by the Department of Energy and Environmental Protection.

Mr. DiBiasi gave the details of the proposed timeline. He acknowledged feedback after the last meeting from the Conservation Commission. One comment was regarding pervious pavement. The second question involved whether the size of the parking lot could be increased. However, the way the grant was written to fund the proposed work was specific to the size and layout. He noted that he discussed with the Town Engineer after the last meeting that, if there is interest, it could be reviewed as part of a much larger project. Manchester and the Town of East Hartford have a joint grant regarding more significant issues along the Hockanum River Trail.

Mr. Stebe noted that fill cannot be brought into the flood plain. He assumed that would mean that removal of the current pavement will get recycled or that material will be taken out.

Mr. DiBiasi explained that the primary issue with fill has to do with storage capacity of the floodway. The requirement in the zoning regulations spells out that the storage capacity cannot be decreased. He explained the process that will be used for the new pavement. The net result will be an increase in flood storage capacity, which means a very small amount of material will be removed overall from the site.

Mr. Schoeneberger thanked Mr. DiBiasi for his level of detail.

Mr. Prause asked whether there are any remains from Laurel Park in terms of historical preservation.

Mr. DiBiasi was unaware of any remains but assumed there will be someone with intimate local knowledge. The markings specific to this particular project did not go back to anything of note.

Ms. Pilla reported no technical comments on the application. She reiterated the Conservation Commission's comments. For the benefit of newer Commission members, she noted that, when considering the flood plain permit and flood storage capacity, typically the concern is to ensure there is no decrease in flood storage capacity. In this case, this is being increased.

Mr. DiBiasi added that, at the last meeting, there was a review of wetlands on the site. The nearby wetlands associated with the river itself provide habitats for a variety of species. This particular area also provides the floodway channel for the flood plain area and flood storage. It is also important to provide recreational access to the public.

Inland Wetlands Permit (IWP-0007-2024)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for parking lot improvements including pavement replacement, grading to drain, installation of new drainage swale within infiltration trench, replacement of wooden barrier rail,

and ADA improvements at 864 Middle Turnpike West. 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.

Flood Plain Permit (FLDP-0002-2024)

MOTION: Mr. Kennedy moved to approve the flood plain permit for parking lot improvements including pavement replacement, grading to drain, installation of new drainage swale within infiltration trench, replacement of wooden barrier rail, and ADA improvements at 864 Middle Turnpike West. Ms. Ike seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

Ms. Pilla provided information for the Commission to review, as it will come up in a future application. These are the Industrial Park Regulations for Buckland Industrial Park II, which is in the Commerce Road area. There is an application in that will most likely be on a July agenda and any application in the industrial park will be subject to these regulations. Some are setbacks, uses, building heights, etc. that are more strict than regular zoning regulations.

There is not a lot for the Commission to look at besides making sure the application is in line with all of this. The main difference in the process for the applicant is that the Economic Development Commission must approve the application as well. The application in now includes a wetlands permit, so the PZC will see it first for the Determination of Significance for the wetlands permit. Before coming back to the PZC, it will go the Economic Development Commission for their approval.

After a question from Ms. Ike, Ms. Pilla stated that these should be in our regulations. These are valid until 2029 but are rarely used.

Mr. Kennedy asked whether these are part of the regulations in the members' binders.

Ms. Pilla stated that it is a separate document. If it were to be changed or extended, it is in the hands of all the property owners in the industrial park, not a municipal entity.

Mr. Kennedy assumed that this is a private compact, with which Ms. Pilla agreed.

Mr. Anderson added that it delegates it to the Economic Development Commission. The previous iteration, Industrial Park I, expired approximately five years ago. At the time, Renata Bertotti, the Senior Planner at that time, reached out to see if there was any interest in extending it and there was not.

Mr. Stebe assumed that the tweaks done, such as shared use parking and other building regulations, had zero effect on this.

Ms. Pilla affirmed Mr. Stebe’s statement, saying they still apply, and these are additional.

Mr. Stebe and Mr. Anderson discussed Ms. Luna’s appointment with CRCOG.

Mr. Prause offered Mr. Farina an opportunity to speak about the Greenway Plan, which he declined.

Mr. Prause remarked that he never received the final plan for the Keeney Erosion & Sedimentation Control plan. He requested an update.

APPROVAL OF MINUTES

June 3, 2024 – Business Meeting

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

A discussion was held regarding the minutes reflecting that 25 Eldridge Street was part of the referendum, which it was not.

RECEIPT OF NEW APPLICATIONS

LUZERN ASSOCIATES LLC – Inland Wetland Permit (IWP-0008-2024); Special Exception (PSE-0004-2024); Erosion & Sedimentation Control Plan (ESC-0004-2024) – Construction of a 144,074 sq. ft. distribution center/warehouse at 71 and 81 Commerce Road.

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 8:55 P.M.

I certify these minutes were adopted on the following date:

July 1, 2024
Date

Eric Prause, Chairman

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