

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

ALTERNATES PRESENT:

In Person: Zachary Schurin

ABSENT: Daniela Luna
Maliha Ahsan

ALSO PRESENT:

In Person: Gary Anderson, Director of Planning and Economic
Development
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.

LUZERN ASSOCIATES LLC – Inland Wetland Permit and Special Exception under Art. II, Sec. 16.15.02 (a), (b), and (c) for construction of a 144,074 sq. ft. distribution center/warehouse at 71 and 81 Commerce Road. – Inland Wetland Permit (IWP-0008-2024); Special Exception (PSE-0004-2024)

Attorney Doug Pelham, of Cohn, Birnbaum & Shea, 185 Asylum Street, Hartford, introduced himself. Attorney Pelham reported that they are seeking approval of a special exception in accordance with the zoning regulations. He described the location of the property, noting that the use is consistent with what was in mind when those regulations were developed.

Mr. Thomas Riley, Architect, TRAC Consulting, introduced himself. Mr. Riley described the location and the abutters, noting the residential properties to the west. He explained that the project involves two parcels in the Buckland Industrial Park II, approved in 2000. They will combine the two lots to create a 19.9-acre parcel. The north portion of the site is impacted by a power easement with Eversource.

The project design is a 144,000 sq. ft. warehouse, distribution, or light industrial facility. It is designed with 127 parking spots, 27 loading docks, two drive-in docks and 15 trailer storage spaces. The basis for the design was to put the loading docks on the east side of the site, as far away as possible from the residential properties to the west. There will be a ring road for both fire protection and life safety which circulates around the building, while preventing tractor trailers from circulating. The flow of the tractor trailers was discussed.

Attorney Pelham described the proposal as a state-of-the-art building based on industry standards. Though this is a spec development, they have a handle on what tenants need for services. One feature of the subdivision regulations is that they must be 150 ft. from the residential properties. The building has been set back 150 ft., though the loading docks will be approximately 300 ft. away from the residential properties. Of the five lots, only one site was developed in 2001. The overall design is in compliance with the subdivision approvals and is in harmony with the Plan of Conservation and Development. The building exterior was described in detail.

Mr. Chris Alford, Professional Engineer/Land Surveyor, 200 Pigeon Hill Road, Windsor, introduced himself. Mr. Alford presented the history of the site, and explained that they will combine lots 1 and 2. The homes built on Sherwood Drive were built in the late 1980s.

The topography of the site was described, noting the differences between 2000 and 2024. In 2000, the grading plan was to level the property with a detention pond constructed. The existing conditions map was displayed by Mr. Alford, who pointed out the wetlands. Prior to the initial work, there were about 6 acres of watershed that drained toward the Sherwood Drive homes.

Mr. Alford presented the proposal. He described the project and reported that all the roof water will be piped down to the detention basin that was constructed just after the road was built. From the west side, it would be piped around and head east, along the loading dock area and down the hill. Storm water from the parking area would be directed toward the water quality basin located on the northern part of the site. There would be no increase in flow off the property. Only approximately two acres would be directed toward the residences.

Mr. Alford described the landscaping, including a small rain garden, ornamental trees in the parking lot, a row of evergreens, and larger trees. There are currently mature oak trees on the abutters' property, which would be supplemented with more oaks and maples. On the back side of the water quality basin, there will be white spruce and blue spruce. To the north of the water quality basin, a retaining wall will be constructed adjacent to the neighbors to save the mature trees west of the wall. On the top of the retaining wall, there will be a solid fence to act as a sound barrier. Arborvitaes will be planted, as well as evergreens to buffer the trailer storage area.

A photometric plan was submitted and there will be no light trespass from the paved area. The surrounding lighting was described. Public water, public sewer, gas, and electricity are available. The rain gardens were displayed. The planting types and schedule for the bottom of the basin were presented. The area of the basin is 18,900 sq. ft. with a watershed of 5.75 acres. He described the wetlands, including the created wetlands.

There will be a construction entrance and Mr. Alford described the plan to prevent tracking onto the road during construction. The entire property will be surrounded by a filter fabric fence, the basins constructed, and water will be directed toward the basins. There will be protection on the outlets to ensure that the water leaving the basins has no sediment.

Alternatives to disturbing the wetlands were contemplated, which were described in detail, as well as the difficulties they would present. They plan to construct some additional wetlands because they will have a higher value, provide more function, and be better in the long run than the small ones. He noted that the wetlands were accidentally created when the parcel was leveled in 2000.

Mr. Alford acknowledged that they do not have a tenant for the building. They are designing the building to be flexible to accommodate tenants. In addition, they know what tenants are looking for. The building fits with the zoning regulations, as well as the Town's desired use of properties.

Mr. George Logan, REMA Ecological Services, introduced himself and described his qualifications. He reported that the Commission has two documents, the Wetlands Delineation Report from May, and the Wetlands Assessment Report from June.

Wetlands delineations were displayed and detailed, showing an aerial from 2022. The delineations were conducted from February to April 2024. Mr. Logan reported the disturbed wetland soil types. There is some exposed soil, tight subsoils that were put down. A 1995 aerial photo was displayed, showing the property to be completely forested. He described the parcel after earthwork. A very large detention basin was primarily used as a siltation basin. A drainage ditch brings water from Commerce Drive, which flows into the detention basin.

From a hydrological perspective, Mr. Logan stated, all the wetlands except for Wetland F are very shallow. He described the wetlands, A through F, which are essentially wet meadows, noting that they were all man-made and transitional, and in time they will shrink. The Town's Environmental Planner requested he visit the site to review Wetland F to determine if it is a functioning vernal pool. About 20% of Wetland F has a foot or more of water today and is teeming with green frogs, but no egg masses. He found a box turtle, approximately 15 years old, who came into existence after the site disturbance. Mr. Logan stated that, since the box turtle is in good shape, there may well be others in the area. He explained how the area will be handled during construction. Mr. Logan displayed the ditch and the detention basin, noting that there were no wetland plants. He discovered that they are in the process of cutting trees.

Wetland Impacts

33,600 sq. ft. of impact to Wetlands A through F.

- Short Term: Erosion and sedimentation
- Long Term: Wetland hydrology and alteration of stream flow

There is no hydrological impact. The water quality basin, by itself, can do an amazing job. They will create additional water quality basins to further polish the water.

Mitigation

- The three basins, 42,400 sq. ft. of wetland habit creation

The wetlands to be created are higher functioning than the wetlands they are taking. They are creating a semi-permanent hydrologic regime to a much greater extent. In addition, there will be an increase in aquatic habitat. He explained the process of dewatering to install plants. He believes the preferred alternative is both feasible and prudent.

Professional Opinion: While six low-functioning, newly formed wetlands will be impacted, their functions and values will more than be replaced by the proposed created wetland habitats. Short- and long-term impacts to off-site wetland resources are not expected, including preservation of the water quality of downgradient receiving waters.

Mr. Scott Hesketh, Licensed Engineer, F.A. Hesketh & Associates, E. Granby, CT, introduced himself. His report of May 17, 2024 has been submitted for consideration. They were asked to review the impact of the proposed development on the local roadway network.

Mr. Hesketh stated that they reviewed the files of the Connecticut Department of Transportation: traffic volume counts on the I-291 off-ramp and on-ramp from June 2022, and Tolland Turnpike and Chapel Road from September 2018. Turning movement counts were conducted at both the I-291 ramps at the intersection of Tolland Turnpike and Chapel Road, at the intersection of Chapel Road and Batson Drive, and at the intersection of Chapel Road and Clark and Burnham Streets. Those counts were the basis of their study.

The proposed development is a 144,300 sq. ft. development. Using the Institute of Transportation Engineers Trip Generation Report, which estimates the traffic volume at proposed developments, the proposed facility is projected to generate approximately 266 trips on a daily basis (half entering and half exiting). The peak hour volumes are predicted to be 41 trips during the morning peak hour and 44 trips during the afternoon peak hour. They predict 87 truck trips on a daily basis, with 3 truck trips during the morning peak hour and 4 truck trips during the afternoon peak hour. Mr. Hesketh stated that they projected traffic to the local roadway network based on the distribution percentages and projected the combined traffic volume upon completion of the development.

Capacity analysis calculations were taken at all the intersections where turning movement counts were conducted. Based on that review, under the background conditions, the two signalized intersections operate at Level of Service B or C and, with the addition of the site-generated traffic, those intersections will continue to operate at Level of Service B or C during the peak hours. At the unsignalized intersections, all movements at those two locations operate at Level of

Service A or B during the peak hours. The intersection of the I-291 ramp at Chapel Road is unsignalized. There is no traffic approaching Chapel Road. The only movement of concern would be the left turn onto the ramps. That intersection operates at Level of Service A under all conditions.

Mr. Hesketh reported that it is his professional opinion that the construction of this development at this particular location will not have a significant impact on the traffic operations of the local roadway network. Because of the size of the development, it will require an Office of the State Traffic Administration approval, and they will be making application to OSTA for an administrative decision.

Mr. Riley stated that they had an informal meeting in May with the abutting neighbors on Sherwood Drive, walked them through the project, and listened to their concerns. Some of the changes they have made will keep trucks further from the residences. Another concern was the height of the building. After those discussions, they changed to a 32 ft. clear height and changed the roof to a double pitched roof, which reduces the height of the building on the west side. The height of the west side is approximately 39 ft. off grade. There were also concerns about privacy. Mr. Riley explained that there will be arborvitae and evergreen plantings along the west side. They have added a privacy fence with some acoustic value running along that area, as well as in front of the trailer storage.

In previous meetings, there was discussion about parking needs. There will be 127 spaces on site, which they believe to be adequate. Mr. Riley stated that they would be willing to put in reserve 17 spaces in the northwest corner.

Mr. Riley reviewed the special exception criteria: It is greater than 4 acres; there are more than 60 car spaces; and there are more than 7 loading docks.

Review of a special exception use by the Planning and Zoning Commission shall be based on the criteria defined in Art. IV, Sec. 20.01 of the zoning regulations. Mr. Riley listed and elaborated upon the 10 points of review for the Commission members.

1. Suitable Location for Use: The project use is suitable for the location since the property is part of an approved industrial subdivision which contemplated the use proposed. The use is in accordance with the Plan of Conservation and Development, which designates this area as a Special Industrial Zone, suitable for truck circulation, large building footprints, and uses including warehouses and manufacturing.
2. Suitable Structures for Use: The proposed structure is suitable for the site and the subdivision in that its location and size are consistent with the location and size of buildings shown on the concept plan contained in the subdivision approvals. Of the five lots contained in the subdivision, only one lot has been developed. The development of these two lots will encourage the development of the remaining two lots, which is consistent with the Plan of Conservation and Development. The property abuts residential properties to the west in East Hartford. This was also contemplated when the subdivision was approved, with the

requirement that the building is set back from the residences 150 ft. The planned development complies with this, along with preserving trees and vegetation as a buffer.

3. Neighborhood Compatibility: As discussed, this project is in an Industrial zone. The design complies with the zoning regulations. The project has been designed in consideration of the residential properties by placing the loading docks on the east side, away from the residences, setting the building back more than 150 ft., and maintaining and enhancing the natural buffers.
4. Adequate Parking and Access: The development contains parking for 127 automobiles, including required accessible spaces and EV charging spaces. According to the Parking Generation Manual by the Institute of Transportation Engineers, this project, as a warehouse, would require a minimum of 56 spaces. Access to the site is via Commerce Road with a single in and out driveway and a stop sign.
5. Adequate Streets for Use: The site is accessed via Chapel Road and Batson Drive to Commerce Road. According to the traffic report prepared by F.A. Hesketh and Associates, the traffic generation by the proposed development can be readily accommodated by the existing roadway network without a significant impact to the existing traffic operations.
6. Adequate Emergency Access: The site is laid out with a roadway circling the building that provides access to all parts of the building by emergency vehicles and fire trucks. Fire hydrants are located at required intervals for firefighting.
7. Adequate Public Utilities: As part of the construction of Commerce Road, utilities to accommodate the property, including water, sewer, gas, and electricity, were installed. A storm water system was installed connecting to the retention basin located on Commerce Road.
8. Environmental Protection and Conservation: The existing site was cleared, leveled, and generally made ready for development consistent with the approved subdivision plans back in 2001. Over the years, the site was left vacant, and the low spots developed wetlands in the area slated for development. The plan is to regrade the site, including the wetland areas in the development area, and to create new wetlands as designated in the plans. Because the site was cleared and leveled, there are no specimen trees within the area of development to save. The storm water system will incorporate three water quality basins to treat storm water before draining into the existing storm water retention basin or drainage easement. The proposed project implements sustainable initiatives, such as the roof designed to accept solar. They are providing 13 electric vehicle charging stations. The building is designed to the latest energy efficiency standards.
9. Consistent with Purpose: The project complies with the zoning regulations and the Plan of Conservation and Development. It will provide control of storm water and will establish an additional permanent wetland area to promote wildlife and to provide for economic growth.
10. Integration of Use: Does not apply to this project.

Mr. Riley presented the layout of the building, noting that there could be one, two or three tenants. He discussed the elevations, the entrances, the view from the loading dock, and the view from the office corner.

Mr. Stebe observed that, on the sheets the members have for the setbacks, the southwest corner is shown as 141 feet and not 150 feet. He acknowledged that the 150 ft. setback is to a residential property. He noted that the property that is marked Town of East Hartford is still zoned residential, and asked whether that would still count as 150 ft. because it is a residential property line.

Mr. Riley explained that, in the Industrial Park Regulations, it is from a residential property. Because that property is a right of way for the Town of East Hartford, it was not considered for the 150 ft. setback.

Mr. Alford interjected that the conceptual plan showed a building at 95 ft. from the property line. He noted that they are more than 150 ft. from the residential properties.

Mr. Stebe sought more information on the lighting plan, pointing out the western grade height of 185-190 ft. The residential properties are somewhere around 170-175 ft., making the proposed building 20 ft. higher than the residences. He noted that there are LED lights which are much better at targeting the light and he would like a review of the lighting plan. The plan included a photoscape, but he requested clarification about lights for the exterior of the building and walkways, especially on the western side.

Mr. Riley stated that, when looking at the lighting, they were very concerned about the level of light on the west side. On that side, they have 20 ft. high poles that are on the outward side of the road but are adjusted because LED has more control; they do have shields and are tilted, projecting toward the building. Their function is to light the sidewalk, not the building. He detailed the lighting on the remaining three sides.

Mr. Stebe questioned the reasoning for the 20 ft. poles. He suggested lowering the height of those poles because, though it is technically zero at the line, it will be seen. Mr. Stebe also commented that the evergreens on the border of an improved wetland are acidic, which is not compatible with a wetland and a water source.

Mr. Logan reported that he did not specify the particular plants. Those are several species: blue spruce, Norway spruce and white spruce. There are many wetlands that are acidic, and he is not concerned about that. They will be planted on the downside of the berm. He expects that there will be shrubs in that area as well, to keep the acidity flowing off into the west rather than into the wetland. Mr. Logan stated that he will give more thought to the plan.

Mr. Stebe was concerned about the acidity and the box turtle, and Mr. Logan stated that he will look into that as well. Mr. Stebe asked about the soils Mr. Logan referred to.

Mr. Logan reported that, when looking at wetland soils, they are trying to determine drainage class. He explained the types of soil.

Mr. Prause stated that, at the last meeting, the Inland Wetlands Agency found that there was a significant impact on the wetlands and, therefore, there was statutory evidence that was requested for this meeting. He thought Mr. Logan covered most of it:

- Description of the ecological communities and the functions, values, and effects of the proposed activities. Mr. Logan did address this.
- Description of the prudent and feasible alternatives considered that would cause less or no environmental impact to wetlands. Mr. Logan noted that a feasible but not prudent alternative would be to do nothing. An alternative was shown with the reduction and saving of 10,000 sq. ft. of Wetlands C, part of D, and F. However, on balance, it was not felt to be prudent. The proposed plan would gain better functioning wetlands.
- Analysis of chemical and physical characteristics of fill material. Mr. Logan stated that was not presented. They will make sure to use clean fill. Mr. Prause considered the issues with the use of different types of soil. He questioned how that will be maintained. Mr. Logan stated that this is a basic environment. The idea would be that whatever is brought in will have a similar pH. The proposed wetland creation can tolerate a wide spectrum, but it is still a functioning wetland.
- Soil sample data. They identified some of the soil types in the area. Mr. Logan stated that the data was in the soil report.

Mr. Prause noted that the inland wetlands regulations define what a wetland is in the state of Connecticut. It does not distinguish between what was referred to as “accidental wetlands” vs. “natural or pre-existing wetlands.” He questioned whether the compensatory wetlands are more like a mirage of what a wetland is. Mr. Prause was concerned about the immediate habitat loss. The wetlands will be right next to the development without a transitional area. He was concerned about the hydrology impacts with the changes to the grading and compaction of construction. Mr. Prause asked how these wetlands will be as functional or functioning as a natural wetland, or if the development will impact the productivity.

Mr. Logan responded that “accidental wetlands” is not the definition of the wetlands; it is about how they got there. These wetlands have a very minor development of topsoil. In the wetlands at the bottom of the hill, there is a large organic layer prohibiting walking through. One thing that determines diversity and function of wetlands is the diversity of hydrologic regimes. The hydrologic regime in these wetlands is narrow, whereas the ones being created are wider. That will increase the aquatic organism quotient as more wetlands will be concentrated in two locations that are at the edges of the property and are juxtaposed favorably with habitats that remain. That itself is raising the functionality.

Mr. Schoeneberger asked whether the wetlands were there when the trees were there, over 20 years ago.

Mr. Logan clarified that they were not. The wetlands accidentally formed in the depressions. He stated that, at the edges of the wetlands and in the uplands, there are many invasive species. A vernal pool does not exist. As there is a box turtle finding, they will ensure that those are not taken. Every animal taken has a detrimental effect on the population. They will utilize the protocol that the DEEP requires to exclude them during the construction, and after construction they will be allowed back.

Ms. Pilla reported a number of staff comments from the first round of review, which the applicant has responded to and addressed. She noted that the Engineering Division is still reviewing the responses to those comments. The Industrial Park Regulations are similar to the typical zoning regulations and are applied in addition to the zoning regulations.

- The use is a permitted use in the Industrial Park, which has its own maximum building height, 75 ft., and this proposed building is lower.
- In the Industrial Park Regulations, the setbacks are larger than they are in the Industrial zone. “No structure subject to these setback requirements shall be erected which is within 150 ft. of a residence in existence at the time of the adoption of these regulations.”
- The Industrial Park Regulations do require the approval of the Economic Development Commission, which is unique. The Economic Development Commission did review this plan at their July 11th meeting and unanimously approved it.

Regarding the eastern box turtle that Mr. Logan found, Ms. Pilla stated that the Town typically finds out about them from DEEP because they have a map of the Natural Diversity Database areas where species of special concern are known to potentially be. This area is not on the map. She requested that this be reported to DEEP to update their map.

Mr. Laiuppa encouraged the members to consider each of the applications separately because they may or may not align with each other. He read information in the Commission members’ packet explaining that each member is statutorily required to be satisfied with the response from the applicant before making a final decision. As presented, the direct disturbance within the wetland area is 0.77 acres and the direct disturbance within the upland review area is 8.36 acres.

Mr. Laiuppa presented the comments he sent to the applicant and also had some updates on them as of July 11th:

- *Comment:* During the pre-application meeting, it was noted by Staff that there is a watercourse connecting the Commerce Road outlet to the large wetlands system on the east side of the property. The project soil scientist said he would investigate the area and flag the system. There is no indication on the plans that this system was identified by the project team. Please confirm that this area was investigated.

Response: “These drainage features are obvious and do not need to be delineated.” A re-delineation is not required if the applicant concurs with existing available data. The data does

not exist that shows the regulated resources, and it is the obligation of the applicant to survey the resources. This obligatory requirement helps to provide the decision-making body with all relevant information that they must consider, and any willful omission of data may be considered misleading.

- *Comment:* Wetland report discussed the functionality and impacts of the project on those wetlands that were delineated by the project soil scientist. There are other wetlands on the property that will or may be impacted by the project. Regardless of who delineated the wetlands, they should be reviewed and discussed at the same level as any other wetland.

Response: The applicant's response failed to discuss functions and values of potentially impacted systems that were identified by others. Impacts may be direct or indirect and the influence in the upland review area should also be considered.

- *Comment:* One of the aims of any project that includes a wetland permit is to eliminate or reduce, to the greatest extent possible, any impacts to wetlands. Because the proposed project is a spec build and has no designated tenant, there is no way for the applicant to know exactly what the needs of the site will be. The project being presented has multiple direct impacts to wetlands with no apparent effort in the project description, the wetland report or the site layout to avoid or minimize impacts to those wetlands. Can the applicant discuss alternative layouts and designs that would avoid or minimize impacts to regulated resources? Can the applicant quantifiably support the need for the size, scope and configuration of the project that is being proposed?

Response: The applicant's response did not address alternative layouts which would avoid or minimize impacts to the resources.

- *Comment:* Question about planting the wet bottoms of the planned basins.

Response: The applicant responded, "Prior to planting, sufficient water can be pumped out to facilitate planting."

- *Comment:* Please describe the proposed method of pumping out the basins including water handling and disposal. Please provide specific planting plan for review by Staff.

Response: "REMA will prepare a more specific planting plan for Zone A that can be reviewed and approved by Town Staff."

Conservation Commission – At their July 15th meeting, the Conservation Commission had an opportunity to review this project and they provided the following comments:

The project does not seem suitable for the site because of the amount of direct and indirect impacts to at least six existing wetlands. It is always the preference to save wetlands rather than to create new ones. Existing wetlands are known to function. Proposed wetlands are not proven to function until several years after they are created. It is understood that the project may need to fill in wetlands and create new ones, but it's a stretch to say definitively that the new wetlands will be higher functioning than the

existing ones. That is a hope, not a fact. The applicant has not presented or discussed any alternatives that reduce the impacts to regulated resources. The applicant states there was an investigation of a potential vernal pool. A copy of that study should be presented. The applicant made a statement that if the wetlands were left to mature, they would shrink or transition into uplands. This statement is pure conjecture and is not supported by any science. These wetlands, by admission of the applicant, were formed over 20 years ago. In those two decades, the wetlands have persisted. There seems to have been no attempt by the applicant to avoid any wetland impacts. The plan as presented proposed many more parking spaces than required. As a spec build with no tenant, there is no way for the applicant to prove the need for more spaces than required.

Mr. Stebe asked which comments were satisfied with today's testimony.

Mr. Laiuppa reported:

1. It was noted that there was a watercourse connecting Commerce Road to the large wetland system. Mr. Logan stated that he investigated what Mr. Laiuppa felt could be a watercourse and he believes it is not a watercourse. Mr. Logan felt that the large basin to the north is a wetland and commented that there was no need to re-delineate. According to Mr. Laiuppa, there is the basin which is partially on the property that was not surveyed, and he was unsure if there is an upland review area for that basin. If there is, it is based on an approximation of the edge.
2. The discussion of functions and values: There was a discussion of functions and values for the larger basin. There was not a discussion of the functions and values for the wetlands under the Eversource right of way. It would only be relevant for any wetland whose upland review area may be within the footprint of this project.
3. Eliminating or reducing, to the greatest extent, any impacts on wetlands: This is in regard to feasible and prudent alternatives and alternative layouts. This was presented to the Commission.
4. The applicant stated that, prior to planting, water can be pumped out to facilitate planting and REMA would prepare a more specific planting plan that can be reviewed by staff. There has been no discussion at this meeting about the pumping of water to facilitate planting. The planting plan was presented tonight in the plans but was not presented to staff for review prior to this meeting.

Mr. Stebe asked if there is a tool to ensure that these improvements are followed through with.

Mr. Laiuppa stated that the mitigation plan is part of the plans that need to be approved by the Commission. If the wetland mitigation area is not created as proposed in the plans, that is a violation of the permit. The difficulty is the success rate based on the creation vs. the result down the road. There can be a monitoring period and there would be an insurance bond to be paid back after the monitoring period. It is not in place in the regulations but may be requested. The other alternative would be to require a certain ratio above 1:1 for mitigation. The expectation would be

that perhaps part of that mitigation area has the potential to fail but hopefully most of it won't. If there is a partial failure, at least there is mitigation for the area impacted.

Mr. Stebe noted that the zoning regulations speak of the 30%, 30%, 30% split of building size, pavement size, etc. From the images, it appears that the building is more than 30%. He asked whether Engineering has done the percentages to see if it fits within that 1/3 split.

Ms. Pilla replied that she is not sure if Engineering has. She believed that the Zoning Enforcement Officer reviewed that, though she can confirm that.

Mr. Schoeneberger noted that the wetlands did not exist 21 years ago. They cut the trees down in anticipation of development, which resulted in accidental wetlands. He questioned whether they are optimal wetlands.

Mr. Laiuppa acknowledged that they are unsure if there were wetlands there. The topography was different and the site was graded, but wetlands can exist on hills as well. The Conservation Commission commented that these wetlands have persisted for over 20 years. Wetlands are presented to the Commission with the functions as described by the soil scientist. They are a regulated resource whether they are highly functioning or low functioning. The functionality of the wetlands becomes more important with mitigation, and he gave an explanation of that process. The wetlands were delineated by the soil scientist hired for the project.

Mr. Schoeneberger remarked that, if the property had been built upon when it was cleared, the wetlands would not have persisted. Mr. Laiuppa agreed that wetlands could not occur where the building is, but it is unknown if there were or were not wetlands there before clearing.

Mr. Alford remarked that the water quality basin is shown on the west side of the property. It is not necessary to delineate that. He detailed where the activity is in relation to the wetlands and upland review area.

Mr. Logan stated that he was remiss in not mentioning that the wetlands within the Eversource right of way are low functioning.

Ms. Pilla read written testimony from James & Enzina Stevenson, 47 Sherwood Drive.

Ms. Deborah Ursin, 58 Sherwood Drive, East Hartford, stated that she is speaking for several residents who are unable to attend. She commented that they have been in close contact with East Hartford and state officials, expressing their concerns. According to the mayor, he sent a letter to the Town of Manchester and the Planning and Zoning Commission expressing his concerns about the proposed building and the effects on the residents of Sherwood Drive. Ms. Ursin detailed a few of her concerns: lighting, the height of the building, and the effect on their well water.

Ms. Barb Fedoras, 55 Sherwood Drive, East Hartford, agreed with Ms. Ursin's concerns. She is not sure whether the wetland plans will work. They would prefer more research on their end. Another concern is the noise.

Ms. Ella Kennen, 46 Kenwood Drive, Manchester, presented her questions:

- How long has the area been zoned Industrial?
- In the application, under “3.2.2 Removal of Native Vegetation and Habitat Loss,” it says, “this is not an appropriate metric for assessing wetland impacts since all the newly created isolated wetlands would be filled.” She questioned how filling the wetland makes the metric regarding removal of native vegetation and habitat loss irrelevant.
- Under “3.2.3 Potential Impacts to Wetland Hydrology and Stream Flow,” it says, “Since all of these newly created isolated wetlands would be filled, this is not a relevant category.” She asked what would happen to the hydrology of those wetlands.
- “3.2.4 Potential Water Quality Impacts” states, “It is our professional opinion that there will not be any adverse impacts to these waters, which include downgradient wetland resources.” She was unsure how downgradient wetland resources would not be impacted.
- How is it determined whether a wetland is a low functional quality?
- How is it determined whether a wetland would likely “blink out?”
- They said it is not typical to use retention basins as in-kind trade for wetlands, but because these were low functioning and new, an in-kind trade would be acceptable in this situation. Is that standard practice?
- The application states that, while some of the functions and values would be similarly conferred by the created wetlands, others would increase. She commented on the types of functions and values that they stated would increase.
- It seems that rather than disturbing wetlands, it is filling in and destroying wetlands.
- They stated that the created wetlands would be higher functioning and she speculated on the impact to a wetland from being surrounded by concrete and other impermeable surfaces.
- She understood that topsoil would be included in the new wetlands. They want to replace 20-year-old wetlands with new wetlands. She asked how that would be an improvement.
- They referred to an evaporation quotient as part of their determination that the wetlands would probably shrink, and she wanted more information.
- They mentioned that the wetlands are basic, neutral, or slightly acidic. She asked which it is.

Mr. Kennedy asked whether the applicant wanted the public hearing continued to provide more information in response to the comments.

Mr. Alford referred to the question of runoff from their property down to the residential areas. He reiterated that there were originally about six acres and now there are about three acres that run off. All the impervious surfaces, roof water, and anything developed on the site will go away from the neighbors. There will be no impact on their wells or increased flow onto their property. The public health code permits a septic system to be constructed within 75 ft. of a well and they will do nothing within 100 ft. of a well.

Mr. Riley stated that, back in 2000 when the subdivision was created, the wetlands were delineated by a soil scientist. At that time, there were no wetlands on the plateau area. He reiterated that they adjusted the height of the building.

Attorney Pelham responded that they would prefer the public hearing be closed, as long as it does not prevent them from answering the questions.

Mr. Kennedy responded that, if they want to add any more information, the public hearing must be kept open.

Attorney Pelham stated that they have no more information to present as part of the public hearing. They understand that they will need to respond to comments from staff.

Mr. Stebe noted the plan to use a sediment basin as part of their erosion and sedimentation controls, one of which is Wetland F, as well as on the northeast corner.

Mr. Laiuppa remarked that one of the concerns about using a basin as a created wetland or wetland mitigation is the maintenance of that basin. They would be designing a system to be a detention basin and a wetland. By design, detention basins are made to receive materials that are not natural from the surroundings and runoff from the parking lot is intended to go in. Without pretreatment, there is the potential to add contaminants to the system. If the system is also intended to be a wetland, it raises questions whether that is appropriate. There is nothing in the regulations covering that.

Mr. Alford explained that they would cordon off the area in Wetland F, remove any turtles, and excavate the area out and enlarge it. That would be used during construction and, when the site was stabilized, it would be cleaned and then planted. All catch basins installed would have 4 ft. deep sumps and trap hoods on them with maintenance schedules. The hoods on the outlets would prevent any floatables or oils from entering the drainage system.

Ms. Pilla commented that, because there have been questions from the Commission that have not been answered and Engineering staff is still reviewing responses to their initial review, she recommended continuing the public hearing.

Mr. Prause clarified that the Commission cannot take any new evidence after the public hearing closes because the public must be allowed to comment on the evidence that is presented.

Mr. Schurin noted the discussion about potential bonding to ensure that the planned wetland would be successful. He asked how that would be pursued.

Ms. Pilla responded that staff would have to look into whether and how the bonding would be required based on the success of the wetlands.

Mr. Prause remarked that the applicant questioned whether the Commission felt the delineations not on the map and not surveyed should be done. He stated that the Commission are not experts and defer to the Inland Wetlands Agent to interpret statute. Mr. Prause suggested that the Wetlands Agent's expertise carries weight in the requirements of state statute.

Attorney Pelham reiterated that they would prefer to answer any questions the Commission has at this meeting as part of the public hearing process and close the public hearing.

Mr. Prause commented that staff's opinion is that it is best to wait for the engineering experts to give feedback.

Inland Wetland Permit (IWP-0008-2024)

Special Exception (PSE-0004-2024)

MOTION: Mr. Kennedy moved to continue the public hearing until August 19, 2024. Ms. Ike seconded the motion. Mr. Prause, Mr. Kennedy, Mr. Stebe, Ms. Ike, Mr. Schoeneberger and Ms. Van Buren voted in favor of the motion. Mr. Farina voted against the motion. The motion passed 6 to 1.

DWRE EAST CENTER, LLC – Change of zone from Residence B to Business III for two small portions of the site at 25 East Center Street and 443 & 463 Main Street. – Zone Change (ZC-0001-2024)

Mr. Alan Lamson, Vice President/Architect/Planner with FLB Architecture, introduced himself as representing David Wesley Real Estate, LLC and Scott Hollister, who own the three parcels. David Wesley Real Estate is the owner/occupant and plans to relocate to 25 East Center Street.

Mr. Lamson presented and detailed the parcels and the uses in the plan. The current zoning is the existing Business III zone adjacent to the Residence B zone. Additionally, there is a Design Overlay zone which goes back as far as the property lines do. Mr. Lamson pointed out the small portion on the site that is Residence B.

In 1938, when the Town established zoning, in most cases they determined the business zones by creating a line parallel to the street and running it for as far as they thought appropriate. No attention was paid to property lines. Mr. Lamson described the properties, which predated the establishment of zoning.

The applicant is requesting to have the small triangular pieces on the map rezoned to Business III. It makes sense for the development of the property. The consistency of the zoning and regulation application will make the development of these properties much easier for both the applicant and the Commission. It will remove the non-conforming status of those uses and will require that future development of these parcels conform with the Business III zoning regulations, including landscaping, buffering, uses, and setback.

Mr. Lamson reported that they are working with the owner on the future use of the Masonic Temple. They will return with a subsequent application to establish residential on the upper levels and business/commercial use on the lower level. The intent is to redevelop the remainder of the property, remove the structures, and create a coordinated development for the entire property.

The change does not impact any of the surrounding properties. The Plan of Conservation and Development shows the property as an urban growth area.

Ms. Pilla reported no comments or objections on the application.

There were no members of the public to provide testimony and there were no written comments.

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

The Public Hearing closed at 10:10 P.M.

I certify these minutes were adopted on the following date:

August 19, 2024
Date

Eric Prause, Chairman

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