

**TOWN OF MANCHESTER  
PLANNING AND ZONING COMMISSION**

September 4, 2024  
7:00 P.M.

Lincoln Center Hearing Room, 494 Main Street  
Or virtually, via Zoom

**AGENDA**

This meeting will be held both in person and virtually, via Zoom. The meeting will be shown live on Cox Channel 16 and streamed live at <http://www.channel16.org/CablecastPublicSite/watch/1?channel=1>. Individuals who wish to speak at or attend the virtual meeting must complete a Request to Attend Virtually form, available at <https://manct.us/meeting> by 4:00 p.m. on the day of the meeting. These individuals will need to join the Zoom meeting and will be allowed to speak when directed by the Chairman. Zoom meeting information will be sent to individuals who complete a Request to Attend Virtually form. Only individuals who complete a Request to Attend Virtually form will be allowed to join the Zoom meeting. A physical location and electronic equipment will be provided for the public to use if a written request is received at least 24 hours in advance, via email to [pzccomments@manchesterct.gov](mailto:pzccomments@manchesterct.gov), or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191.

**PUBLIC HEARING:**

1. **S.R. BLANCHARD INC.** – To amend Art. II, Sec. 4.02 to allow for the construction of two-family homes with a special exception in the Residence A zone.
  - Zoning Regulation Amendment (REG-0004-2024)

**BUSINESS:**

1. **S.R. BLANCHARD INC.** – To amend Art. II, Sec. 4.02 to allow for the construction of two-family homes with a special exception in the Residence A zone.
  - Zoning Regulation Amendment (REG-0004-2024)
2. **CAPITOL AUTOMOTIVE 2 LLC** – Construction of a new building to replace the structure destroyed by fire (Capitol Auto) and associated site improvements at 369 and 373 Main Street.
  - Special Exception Modification (PSE-0003-2024)
  - Design Overlay Zone Review (DOZ-0002-2024)
3. **RULES OF PROCEDURE**
4. **ADMINISTRATIVE REPORTS**
  - Upcoming Training Opportunities

**5. APPROVAL OF MINUTES**

- [August 19, 2024](#) – Public Hearing/Business Meeting

**6. RECEIPT OF NEW APPLICATIONS**

**TOWN OF MANCHESTER  
LEGAL NOTICE**

The Planning and Zoning Commission will hold a public hearing on September 4, 2024 at 7:00 P.M., both virtually and in person in the Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut, to hear and consider the following petitions:

**S.R. BLANCHARD INC. – Zoning Regulation Amendment (REG-0004-2024)** – To amend Art. II, Sec. 4.02 to allow for the construction of two-family homes with a special exception in the Residence A zone.

At this hearing interested persons may be heard, either in person or virtually via Zoom, and written communications received. This meeting will be shown live on Cox Channel 16 and streamed live at <http://www.channel16.org/CablecastPublicSite/watch/1?channel=1>. Individuals who wish to speak at or attend the virtual meeting must complete a Request to Attend Virtually form, available at <https://manct.us/meeting>, by 4:00 p.m. on the day of the meeting. These individuals will need to join the Zoom meeting and will be allowed to speak when directed by the Chairman. Zoom meeting information will be sent to individuals who complete a Request to Attend Virtually form. Only individuals who complete a Request to Attend Virtually form will be allowed to join the Zoom meeting. A physical location and electronic equipment will be provided for the public to use if a written request is received at least 24 hours in advance, via email to [pzcomments@manchesterct.gov](mailto:pzcomments@manchesterct.gov), or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191.


Individuals may also submit comments in writing to the Planning and Economic Development Department via email to [pzcomments@manchesterct.gov](mailto:pzcomments@manchesterct.gov), or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191. All written comments received by 4:00 p.m. on the day of the meeting will be presented and recorded as part of the hearing.

A copy of the proposed zoning regulation amendment may be reviewed online at <https://www.manchesterct.gov/Government/Departments/Planning-and-Economic-Development>; by contacting the Town Clerk's office at [townclerkdept@manchesterct.gov](mailto:townclerkdept@manchesterct.gov) or (860) 647-3037 to request a PDF by email; or in the Planning and Economic Development Department, 494 Main Street, during regular business hours (8:00 a.m. to 4:30 p.m. on Mondays, Wednesdays, and Thursdays; 8:00 a.m. to 7:00 p.m. on Tuesdays; and 8 a.m. to 1:00 p.m. on Fridays). Information about this application will be available online at <https://Manchesterct.gov/pzc> by the Friday before the hearing.

Planning and Zoning Commission  
Eric Prause, Chair

**TOWN OF MANCHESTER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**TO:** Planning & Zoning Commission

**FROM:** Megan Pilla, Principal Development Planner 

**DATE:** August 30, 2024

**RE:** S.R. Blanchard Inc.  
Zoning Regulation Amendment (REG-0004-2024)

***Introduction***

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The applicant is proposing a zoning regulation amendment to allow for the construction of two-family homes with a special exception in the Residence A zone.

Under the current regulations, an existing single-family home can be converted to a two-family home by special exception subject to certain criteria (See Article II, Section 4.02.01), but new construction of a two-family home is not permissible.

The Commission discussed this proposal during a pre-application review at its meeting on July 1, 2024.

***Proposed Regulation Amendment***

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The proposed regulation would add a new item to the list of special exception uses in the RA zone – *Construction of Two-Family Houses*. A list of five (5) specific criteria is proposed, which are equivalent to some of the existing criteria for conversion outlined in Art. II, Sec. 4.02.01.

***Plan of Conservation and Development***

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The Commission should consider whether the proposed regulation amendment is in line with the goals of the Plan of Conservation and Development (Manchester NEXT).

A recommendation from the POCD that may be applicable is *Housing Attainability* Recommendation #04: “Create additional opportunities to produce ‘Missing Middle’ housing types, or more compact housing types compatible in scale with single-family housing, such as cottage-style development or townhomes.”

***Staff Review***

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Town staff has reviewed the proposed zoning regulation amendment, and an update on the status of any comments will be provided at the September 4, 2024 meeting.

mp

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Attach.

**Applicant:** S.R. Blanchard Inc.  
**Date:** August 5, 2024  
**Application:** Zoning Regulation Change

### Draft Regulation Text

Applicant proposes to amend Article II, Section 4.02, Special Exception Uses in the RA Zone, to allow for not only a conversion of a single-family house to a two-family house (as provided in Section 4.02.01), but also for the construction of a two-family house on a vacant parcel (as provided in the new Section 4.02.11, as follows).

#### 4.02.11 Construction of Two-family houses

Houses designed to contain two separate family residences may be constructed on a vacant lot, at the discretion of the Planning and Zoning Commission. Before approval, the Commission shall find that the proposed two-family house will not impair the character of the neighborhood or jeopardize single-family property values.

- (a) The lot area shall not be less than 12,000 square feet.
- (b) No outside stairway shall be constructed on the front or side of the house.
- (c) On corner lots all stairways shall be contained inside the building.
- (d) On site vehicle parking shall be provided for each family unit on properly constructed bituminous or cement concrete areas.
- (e) The house shall have public sanitary sewer and public water.

**TOWN OF MANCHESTER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

**TO:** Planning & Zoning Commission

**FROM:** Megan Pilla, Principal Development Planner *MP*

**DATE:** August 30, 2024

**RE:** Capitol Automotive 2 LLC – 369 & 373 Main Street  
Special Exception Modification (PSE-0003-2024)  
Design Overlay Zone Review (DOZ-0002-2024)

***Introduction***

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The applicant is seeking approval of a special exception modification in accordance with Art. II, Sec. 12.02.01 for the construction of a new building to replace the structure destroyed by fire and associated site improvements at 369 and 373 Main Street. The parcel is in the Business III and Design Overlay zones.

***Project Description***

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The approximately 0.58-acre site is bounded by Flower Street to the north, Main Street to the west, and Strant Street to the south, with residential homes on the abutting properties to the east (which are also in the B3 zone). The applicant operated an auto repair business on the site until the building was destroyed by a fire in December of 2023. This proposal is for the construction of a new building to resume operation of that business, along with some changes to the site layout.

The new building would be located at approximately the same location as the former building, with a slight change to the footprint resulting in a net increase of 75 SF. Parking and vehicular access are proposed to be reconfigured (discussed further below).

The proposed floor plan (attached) indicates that the new single story building would include office space at the front, an open repair garage space capable of accommodating eight (8) vehicles at the rear, restrooms, and storage space. The façade is shown as integral colored split-face and ground-face masonry omni block accents. Garage doors are shown on the north and south sides of the building.

### Traffic & Parking

In the existing condition, there are six (6) points of vehicular access to the site – two (2) curb cuts off of Flower Street, two (2) curb cuts off of Main Street, and two (2) curb cuts off of Strant Street. The entire site is paved, and there are 21 striped parking spaces.

The proposed reconfiguration would eliminate three (3) of the existing curb cuts, maintaining only one (1) on Flower Street, one (1) on Main Street, and one (1) on Strant Street. Vehicles would enter and exit the interior garage via garage doors aligned with the remaining points of access. There would be a total of 39 parking spaces (a net increase of 18).

Because the use is the same as before the fire, no change to traffic generation is anticipated.

### Stormwater Management

The site is relatively flat, with only a slight pitch toward the west/southwest. It is entirely covered by impervious surfaces, and there is no existing storm drainage system.

No new drainage system is proposed. A 6-ft. wide landscaped berm is proposed along the Main Street frontage, which will slightly decrease the impervious area.

### Utilities

The site is served by Town water and sewer. The anticipated utility demand of the proposed project is not expected to have any adverse impact on these systems.

### *Design Overlay Zone Review*

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Design Overlay zone reviews are typically reviewed and approved administratively by the PZC Chair and the Director of Planning & Economic Development. However, if there is any uncertainty as to whether the proposal complies with the general standards of the Design Overlay zone, the proposal is referred to the commission, as is the case for this proposal.

Since the initial review, the applicant has added some additional material changes to the proposed façade, as shown in the clouded areas on sheet A-201.

### *For the Commission's Consideration*

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The Commission should consider whether the proposed development meets the special exception criteria outlined in Art. IV, Sec. 20, and the “General Standards for New Construction” outlined in Art. II, Sec. 25 of the Zoning Regulations.



***Staff Review***

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Town staff has reviewed the plans and documents submitted with the application and the status of any outstanding comments will be provided at the September 4, 2024 meeting.

mp

R:\Planning\PZC\2024\09 - September 04\Packet\PSE-0003, DOZ-0002-2024 (369 Main) - Memo.docx

Attach.

# Town of Manchester, CT



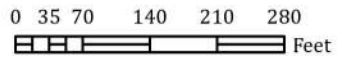
## Geographic Information Systems 369 & 373 MAIN STREET

### Legend

- Overlay Zone
- B3 - Business III
- PRD - Planned Residence Development
- RA - Residence A
- RB - Residence B
- RC - Residence C

**DISCLAIMER:**  
The Town of Manchester, CT assumes no legal responsibility for the information contained in this map. This map is provided 'AS IS' without warranty of any kind.

**NOTES:**  
Planimetric and topographic information were compiled by stereo photogrammetric methods from photography dated April 24, 1999 in accordance with ASPR accuracy standards for 1"=40' large scale Class I maps. Real property compiled from recorded deeds, subdivision plans and other public records. Utility networks compiled from record plans, as-builts and/or field survey data. Aerial photography dated April 24, 1999.



1 inch = 200 ft

Date: 8/22/2024





FLB Architecture & Planning, Inc.

860-568-4030

Fax: 860-568-5129

112 Spencer St, Suite 1B

email: [flb@flbarch.com](mailto:flb@flbarch.com)

Manchester, CT 06040

[www.flbarch.com](http://www.flbarch.com)

May 20, 2024

Planning and Zoning Commission  
Town of Manchester  
41 Center Street  
Manchester, CT 06040

Re: Capitol Automotive  
369-373 Main Street

Members of the Commission,

As we are sure you are aware, the applicant lost this property to a fire in December of 2023. They wish to rebuild in the same location and continue the same business at this location as it existed prior to the fire.

With multiple approvals for motor vehicle use on this property by both the Zoning Board of Appeals and the Planning and Zoning Commission over the last 77 years, the suitability of this use at this location is well established. The owner does not wish to increase the use or substantially increase the size of the building with this application. They do wish to make the new building more efficient and usable, however. They will be generally maintaining the same footprint but will remove the extension of the building that was located at the northwest corner of the building and fill in the area at the southwest corner that will be used as office space. The net increase in the building size is approximately 75 square feet.

Currently the existing motor vehicle approvals that exist for this property are:

1. Used car rental - 1982
2. Used car dealer - 1970
3. Limited repairer's license - 1978

The new building will be more functional for its intended use than was the previous building. It will allow for vehicles to enter/exit the building at both the north and south side and will provide for approximately the same amount of office area but in a more functional configuration.

This site is completely surrounded by other Business Zone III properties and will not change the character of the use in the neighborhood than has existed for the past 77 years.

Parking has been reconfigured on the existing paved areas. There is no intended expansion of paved area or building area (total impervious area) with this application. The parking will provide 40 spaces for both employees and vehicles for sale on the property and/or to be serviced.

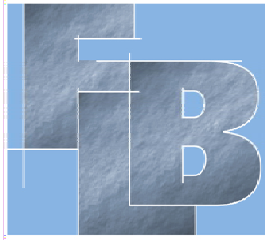
Access to the parking will be restricted to Flower Street and Strant Street (at the same access locations as existed previously). There will be no access/egress directly to Main Street. In fact, it is noted that an approval for this site in 1978 required the provision of a 6-foot wide bermed landscaped area along the Main Street frontage closing what was a point of ingress/egress to Main Street. That bermed landscaped area is proposed to be constructed with this application.

Emergency access to the site is facilitated with the curb cuts on Flower Street and Strant Street and the parking is better organized to allow movement of emergency vehicles to and on the site.

The site is served by public water and sewer. There is no storm drainage on the site and, in fact, there does not appear to be any storm drainage in the public streets in the vicinity of this property.

This proposal is consistent with the requirements of the zoning regulations and is consistent with the underlying zoning of the property and surrounding area for business purposes.





**ARCHITECTURE &  
PLANNING, INC.**

**FLB Architecture & Planning, Inc. 19 Silver Lane East Hartford CT 06118  
(860)568-4030 fax: (860)568-5129 e-mail: flb@flbarch.com web: www.flbarch.com**

TO: Manchester Planning & Zoning Commission

FROM: Alan F. Lamson, AIA

DATE: June 14, 2024

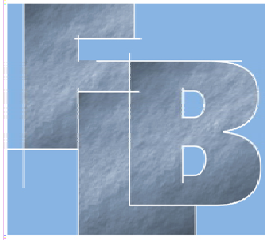
RE: 369-373 MainStreet  
Reconstruction of damaged building  
Site drainage impact

This property has existed for a long period of time in the present condition with virtually all of the site covered by impervious paving and/or roof surface. There is no public storm drainage on the site or in the vicinity of the site with the nearest catch basins along Main Street located at Haynes Street to the north (approximately 350 feet) and Bigelow Street to the south (approximately 280 feet).

The amount of impervious area is actually being reduced with this application by the creation of a 6-foot wide landscaped border along the Main Street frontage which was a requirement of a variance application approval in 1978.

Therefore, the approval of this application and the construction of the replacement structure will not increase the impact of storm water drainage on the site and will to a certain extent decrease the impervious area.

c: file



**ARCHITECTURE &  
PLANNING, INC.**

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(860)568-4030 fax: (860)568-5129 e-mail: flb@flbarch.com web: www.flbarch.com**

TO: Manchester Planning & Zoning Commission

FROM: Alan F. Lamson, AIA

DATE: June 14, 2024

RE: 369-373 MainStreet  
Reconstruction of damaged building  
Traffic impact

The use of this property at the time of the fire was for Used Car Sales and Auto Repair. The proposed new building is virtually the same floor area as the building that was destroyed. The use of the property is not changing.

Originally there were 21 parking spaces provided on the property and there were multiple curb cuts including on Main Street. The proposal submitted with this application provides 39 parking spaces on the site and 8 spaces within the building. The proposed plan provides two curb cuts – an existing one on Strant Street (eliminating the existing curb cut closest to Main Street) and an existing one on Flower Street (eliminating the second curb cut on that street). The proposed landscaped strip along Main Street will close any curb cuts (two currently) that may exist.

With no change of use there will not be additional traffic generated from this site and the site will accommodate approximately twice as many cars lessening congestion on the site.

c: file

**UTILITY IMPACT STATEMENT**  
**CAPITOL AUTOMOTIVE**  
**369-373 MAIN STREET**  
**MANCHESTER, CONNECTICUT**

**PROJECT NO. 24259.20**

This project is a rebuild of the facility that was located on the site and destroyed in a fire in December 2023. The previous building was a combination of sales floor, office and repair area. There were two toilets serving the sales floor/office area each with a water closet and a lavatory. There was also one toilet serving the repair area with a water closet and a lavatory.

The plan is to replace the two toilets in the office area and the toilet in the repair area with the same number of fixtures. The only difference is that the repair area toilet will be handicapped accessible – an improvement that does not affect the impact on utilities.

With a total of 3 water closets and 3 lavatories both prior to the fire and as proposed for the new building, there will be no impact on the water and sanitary sewer utilities on this site. Connections to both water and sanitary sewer will be at the same locations as they were previous to the fire.

**SURVEY NOTES:**

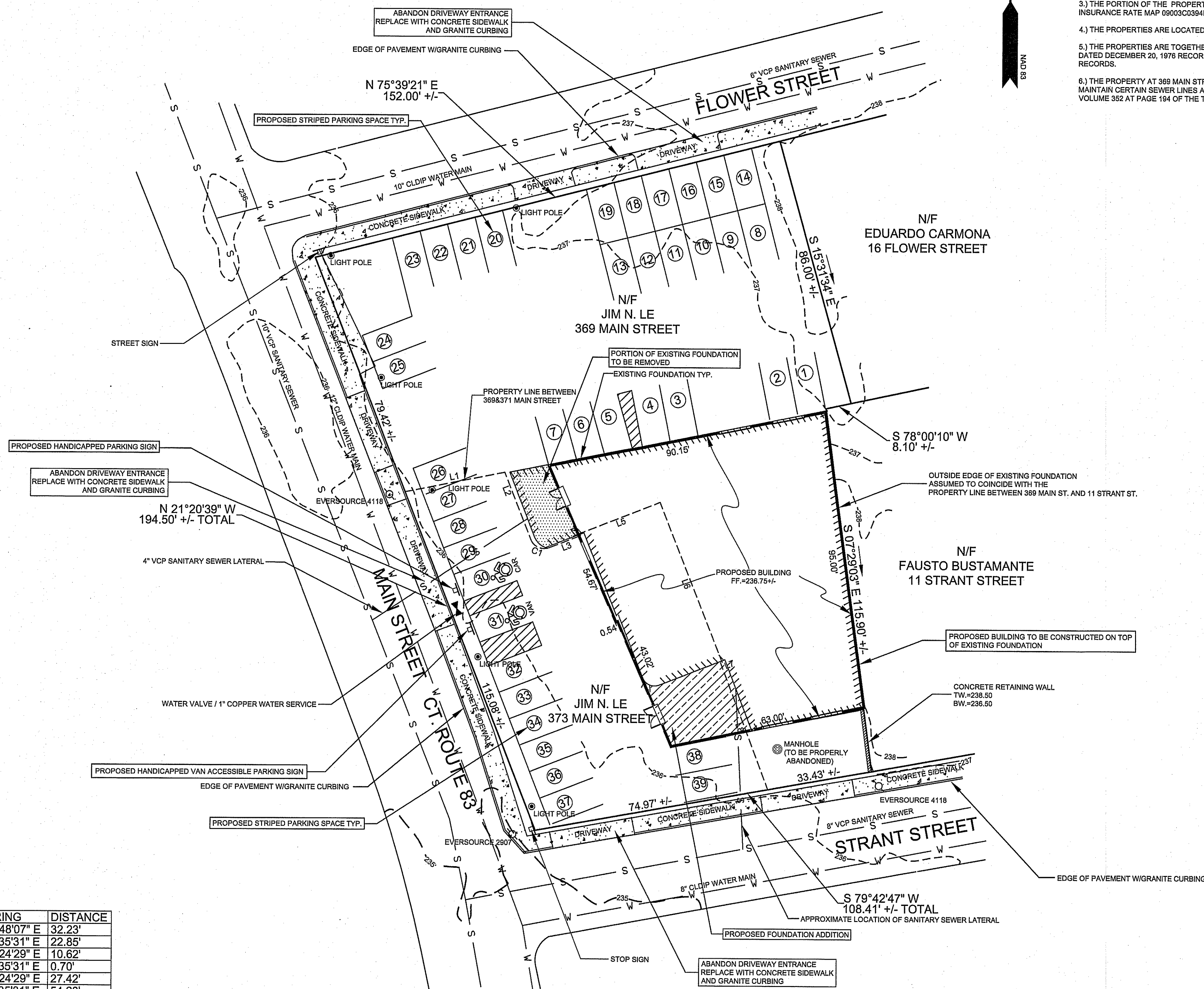
- 1.) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-29 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES' MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS', AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON AUGUST 29, 2019. IT IS A GENERAL LOCATION SURVEY MAP BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS D AND TOPOGRAPHICAL SURVEY ACCURACY CLASS 1-D. THIS MAP WAS PREPARED FROM RECORD RESEARCH, OTHER MAPS, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY BOUNDARY OR LIMITED PROPERTY BOUNDARY SURVEY AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE THE INTENT OF THIS MAP IS TO DEPICT THE APPROXIMATE LOCATION OF THE EXISTING SITE FEATURES SHOWN. THIS MAP IS TO BE USED FOR THE STATED INTENT AND FOR THE PARTIES THE PLAN HAS BEEN PREPARED FOR ONLY. ANY USE OF THIS PLAN FOR OTHER USES OR BY OTHER PARTIES WILL RENDER ANY CERTIFICATIONS CONTAINED HEREON NULL AND VOID. ANY MODIFICATIONS TO THIS PLAN NOT COMPLETED BY BUSHNELL ASSOCIATES LLC. WILL RENDER ANY CERTIFICATIONS CONTAINED HEREON NULL AND VOID.
- 2.) TOPOGRAPHY DEPICTED WAS TAKEN FROM TOWN OF MANCHESTER GIS DATA.
- 3.) THE PORTION OF THE PROPERTY SHOWN IS LOCATED IN A FLOOD HAZARD ZONE AE PER FIRM FLOOD INSURANCE RATE MAP 09003C0394F EFFECTIVE SEPTEMBER 26, 2008.
- 4.) THE PROPERTIES ARE LOCATED IN A B-3 ZONE.
- 5.) THE PROPERTIES ARE TOGETHER AND SUBJECT TO A PARTY WALL AGREEMENT DATED DECEMBER 20, 1976 RECORDED IN VOLUME 618 AT PAGE 254 OF THE TOWN OF MANCHESTER LAND RECORDS.
- 6.) THE PROPERTY AT 389 MAIN STREET IS TOGETHER WITH RIGHT OF WAY AND A RIGHT TO USE AND MAINTAIN CERTAIN SEWER LINES AS APPEARS IN A DEED DATED DECEMBER 3, 1959 AND RECORDED IN VOLUME 352 AT PAGE 194 OF THE TOWN OF MANCHESTER LAND RECORDS.

**MAP REFERENCES:**

- 1.) PROPERTY OF ROBERT O. MARCHAND NO. 373 MAIN STREET MANCHESTER, CONN. SCALE: 1"=20' DATE: DECEMBER 14, 1976 KENNETH R. BOUD L.S.
- 2.) SUBDIVISION PLAN PROPERTY OF THOMAS E. & ETHEL M. ROLLASON SUMMIT ST. & STRANT ST. MANCHESTER, CONN. BY E.H. SCALE: 1"=20' JOB NO. 75-16-D DATE 6-10-75 SHEET 1 OF 1
- 3.) PLAN AND PROFILE OF STRANT ST. MANCHESTER, CONN. FEBRUARY 1915 SCALES PLAN 1"=40' PROFILE 1"=10' J. FRANK BOWEN ENGINEER
- 4.) MAP OF MADISON STREET HOLLY STREET FLOWER STREET MANCHESTER CONN. SEPT. 1901 SCALE 40'=1" C.H. OLMSTED ENG.

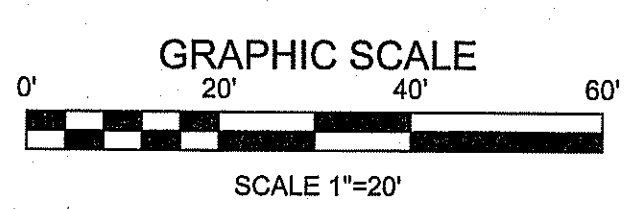
**CONSTRUCTION NOTES:**

- 1.) OWNER OR CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 2.) OWNER OR CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION CONTAINED ON THIS PLAN PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.



LINE	BEARING	DISTANCE
L1	N 78°48'07" E	32.23'
L2	S 21°35'31" E	22.85'
L3	N 68°24'29" E	10.62'
L4	S 21°35'31" E	0.70'
L5	N 68°24'29" E	27.42'
L6	S 21°35'31" E	54.28'
L7	S 68°24'29" W	0.54'
L8	S 20°41'31" E	43.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	4.50'	7.07'	6.36'	N 66°36'03" W	90°01'05"

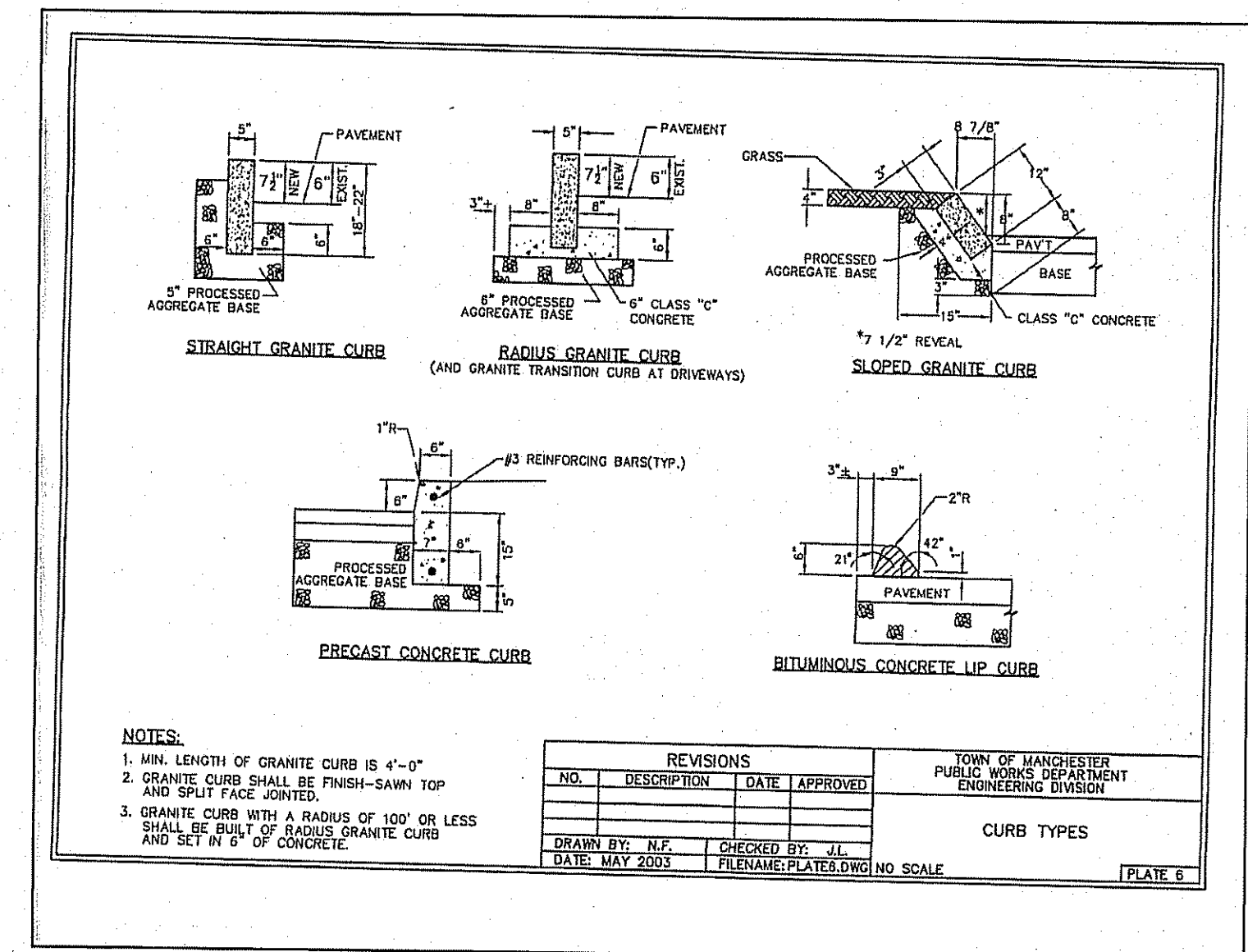
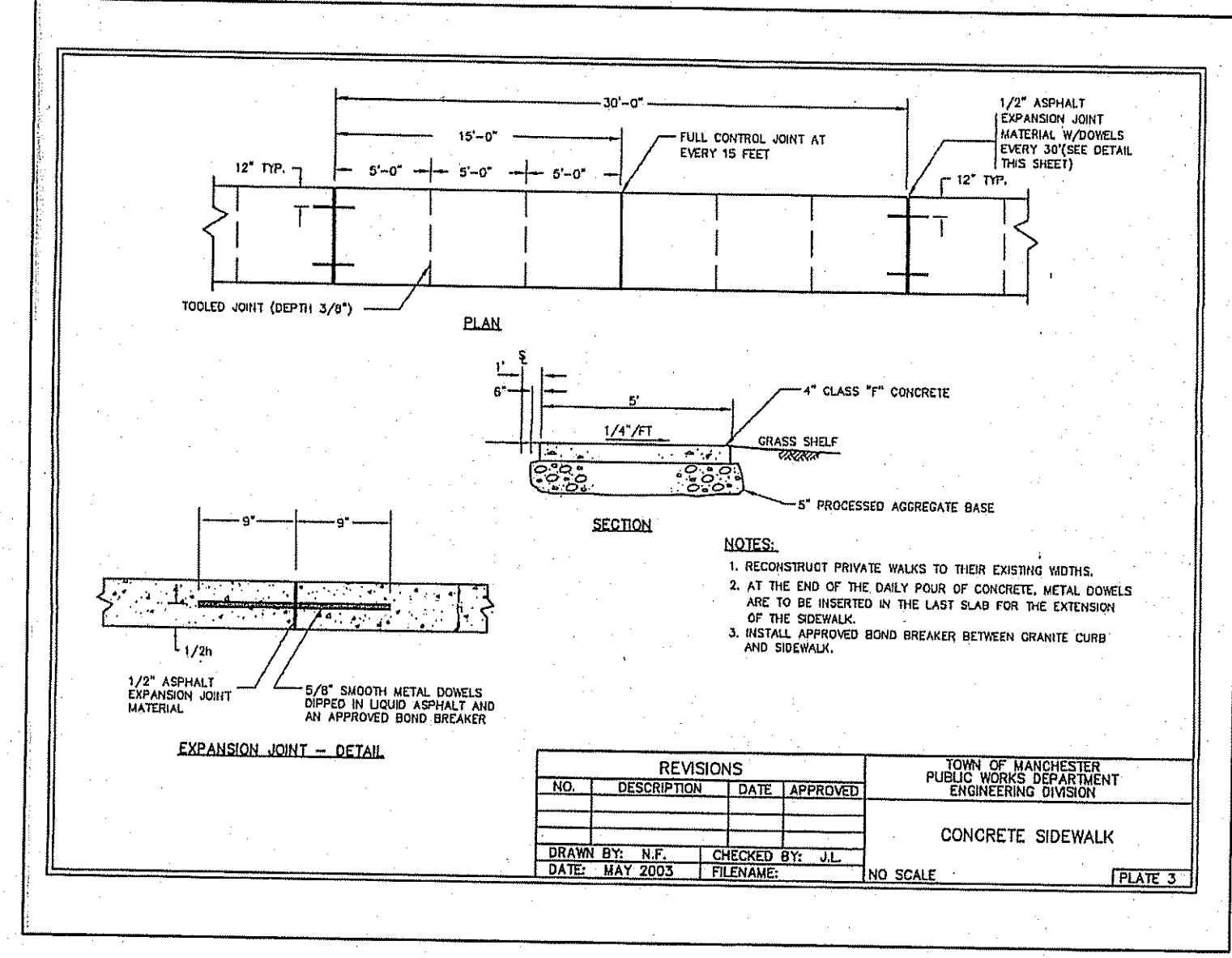


**LEGEND**

- 604 — EXISTING CONTOUR
- EXISTING UTILITY POLE
- LIGHT POLE
- S — SANITARY SEWER
- W — WATER LINE

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ANDREW F. BUSHNELL, P.E. L.S. 24591  
THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.



UTILITIES SHOWN ON THIS MAP WERE DERIVED FROM FIELD LOCATIONS AND EXISTING MAPPING CONTRACTOR TO VERIFY LOCATIONS AND DEPTH IN THE FIELD PRIOR TO THE START OF ANY CONSTRUCTION. "CALL BEFORE YOU DIG (1-800-922-4455)."

**PLAN PREPARED FOR**  
**JIM N. & BETSY LE**

389-373 MAIN STREET MANCHESTER, CT.

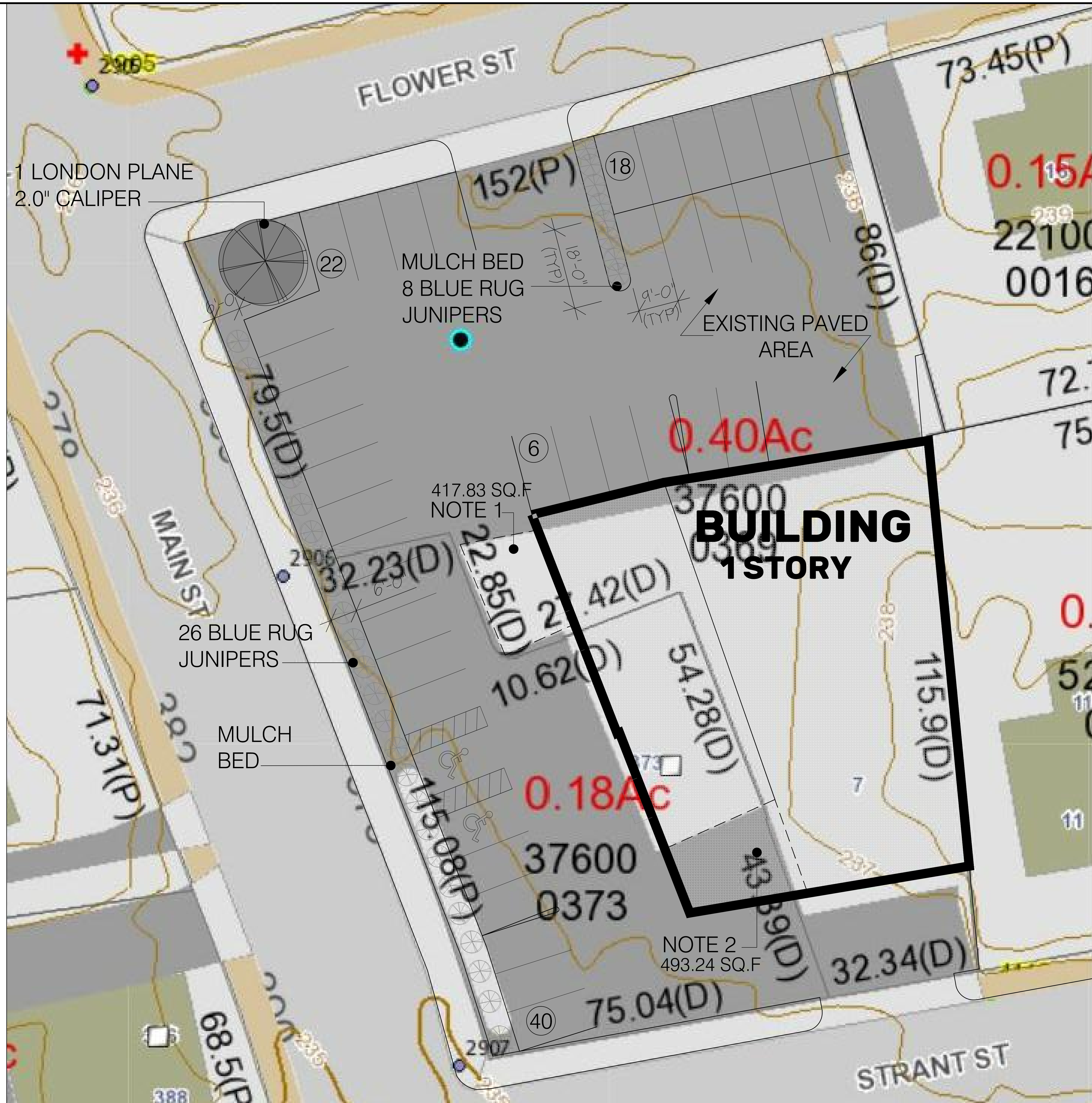
**SITE PLAN**

SCALE: 1"=20' DATE: 6/13/2024 FILE NO. 2024-54 SHEET: 2 OF 2

**BUSHNELL ASSOCIATES LLC.**  
CIVIL ENGINEERING AND LAND SURVEYING  
563 WOODBRIDGE STREET MANCHESTER, CT. 06042  
860-643-7875

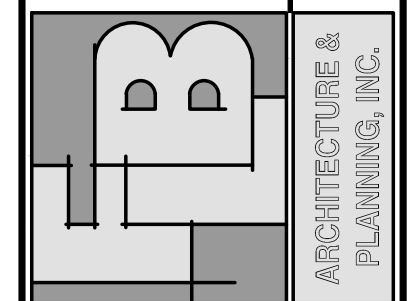
REVISIONS: 7/12/2024 TOWN STAFF COMMENTS  
6/23/2024 ARCHITECT REVISIONS





NOTE 1:  
REMOVE FOUNDATION OF  
EXISTING BUILDING, SLAB  
BACKFILL AND PAVE

NOTE 2:  
PROVIDE NEW ADDITION TO  
BUILDING (SEE PLANS AND  
ELEVATIONS)



THIS DOCUMENT, THE IDEAS AND  
INSTRUMENT OF PROFESSIONAL  
SERVICES, IS THE PROPERTY OF THE  
ARCHITECT. IT IS TO BE USED ONLY  
FOR THE PROJECT AND SITE  
WHICH IT WAS PREPARED FOR AND  
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DISSEMINATED TO ANY OTHER  
PERSON WITHOUT THE WRITTEN  
AUTHORIZATION OF THE ARCHITECT.  
THE ARCHITECT WILL BEAR NO RESPONSIBILITY  
FOR ANY ERRORS OR OMISSIONS  
ARISING OUT OF SUCH USE.

SHEET TITLE  
SITE PLAN

JOB NAME  
FIRE REPLACEMENT  
JIM N. AND BETSY LE  
364-978 MAIN STREET  
MANCHESTER, CT

SCALE  
1/40" = 1'-0"

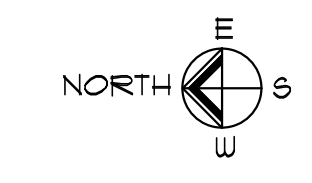
JOB NO.  
24254.20

DRAWN  
RVA

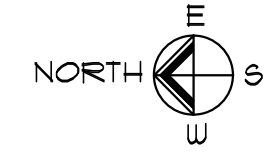
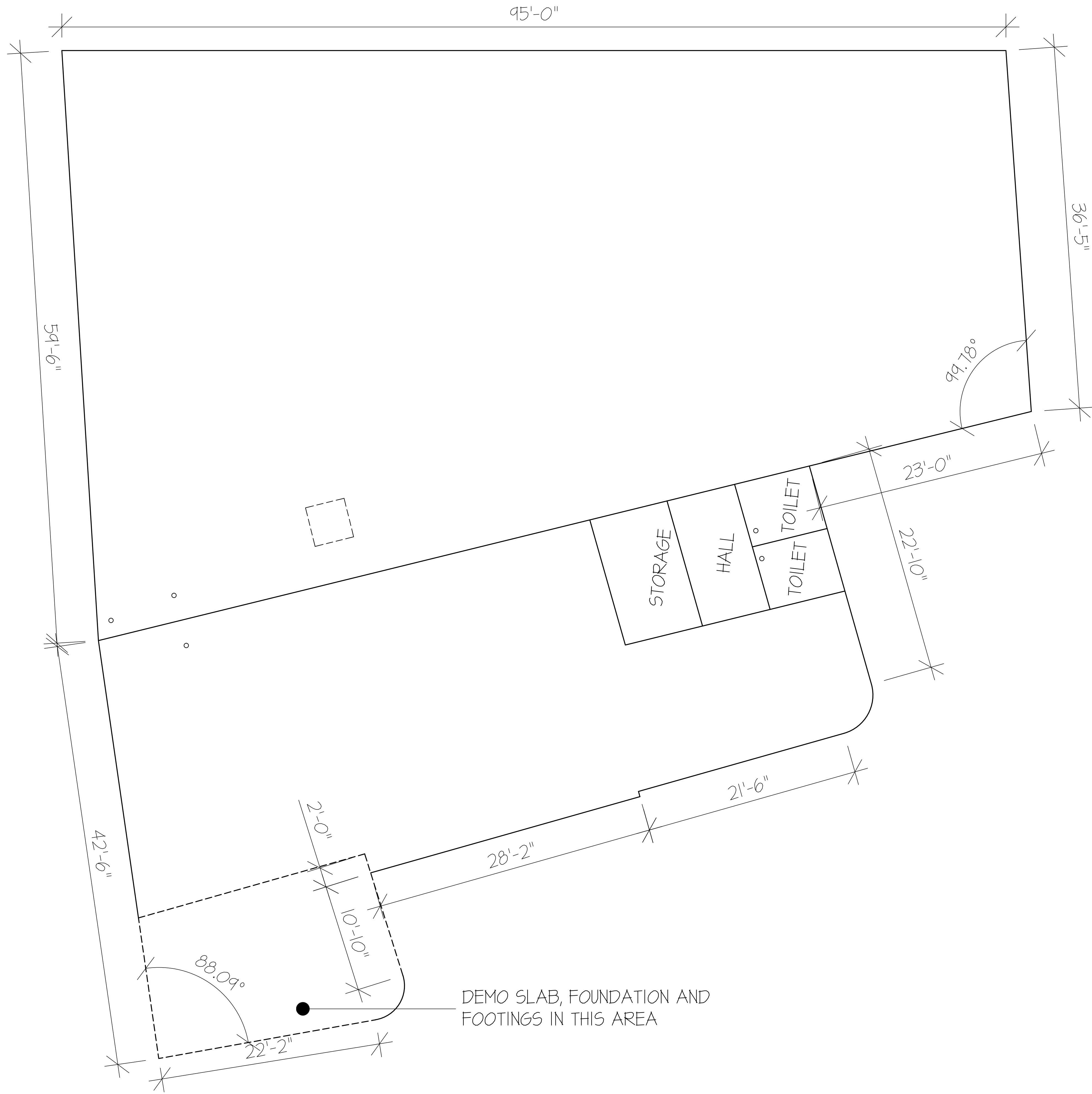
CHECKED  
AFL

DATE  
06/16/24

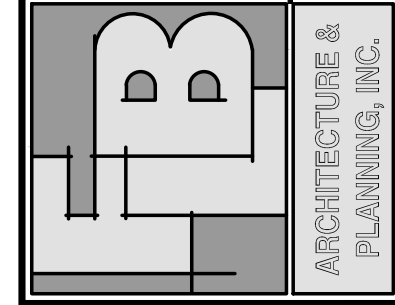
A-003



SITE PLAN  
SCALE: 1/40" = 1'-0"



**PARTIAL DEMOLITION PLAN**  
SCALE: 3/16" = 1'-0"



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112 Spencer St. Ste. 1B Manchester, CT 06040  
(860)568-4030 fax: (860)568-5129 e-mail: flb@flbarch.com web: www.flbarch.com

SHEET TITLE: PARTIAL DEMOLITION PLAN

JOB NAME: FIRE REPLACEMENT

JOB NO: 24259.20

DRAWN: RVA

CHECKED: AFL

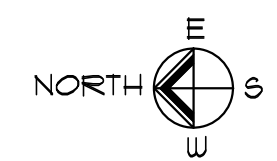
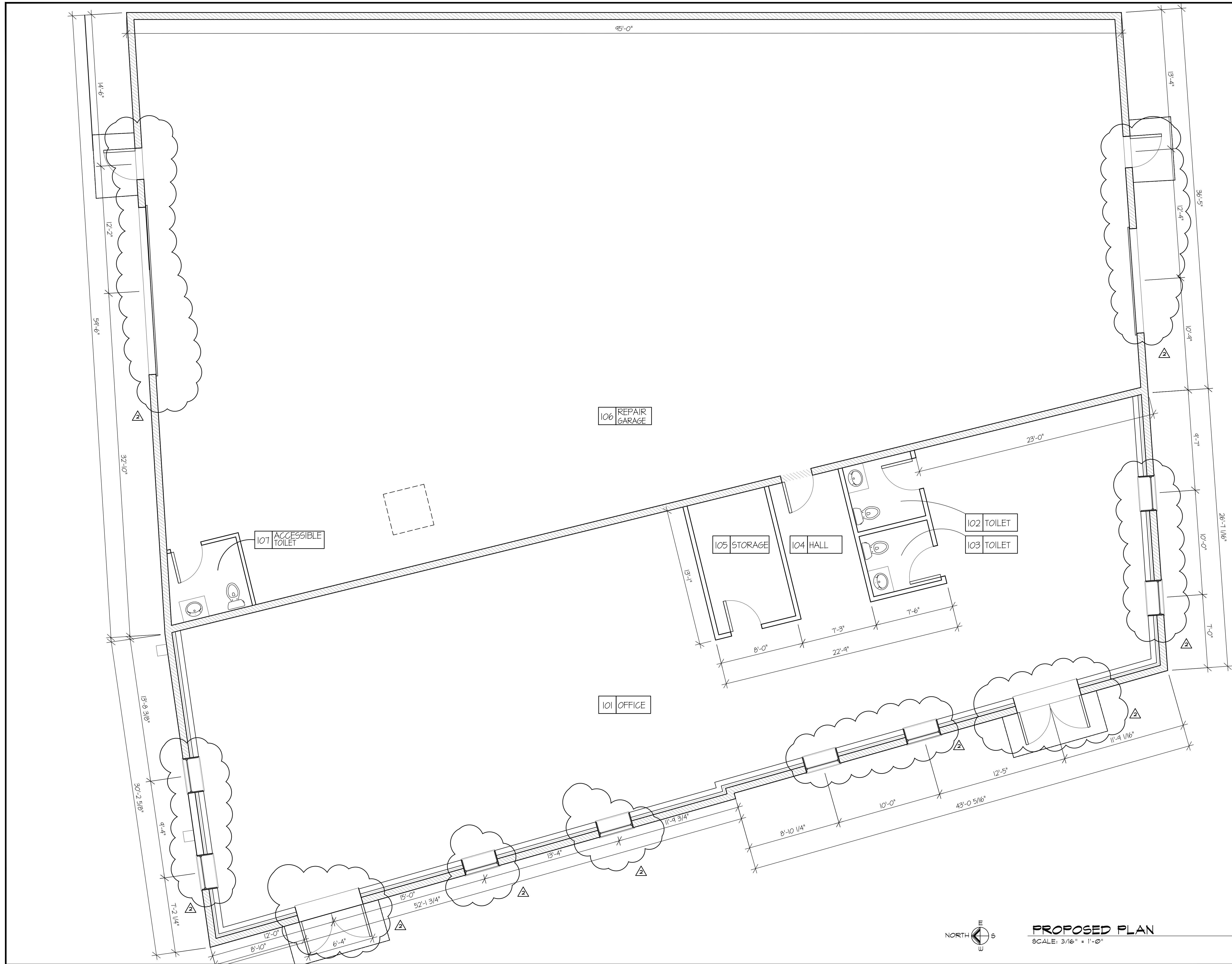
DATE: 06/16/24

JIM N. AND BETSY LE  
369-373 MAIN STREET  
MANCHESTER, CT

**A-101**



P:\24259.20 Capitol Automotive, 369 Main Street, Manchester\A-XXX\_Z.dwg, A-102, 8/23/2024 2:50:40 PM, DWG to PDF.pc3



**PROPOSED PLAN**  
SCALE: 3/16" = 1'-0"

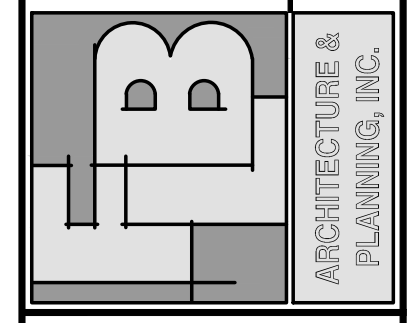
08/29/24 CHANGING THE POSITION OF DOORS AND WINDOWS

SHEET TITLE  
**PROPOSED PLAN**

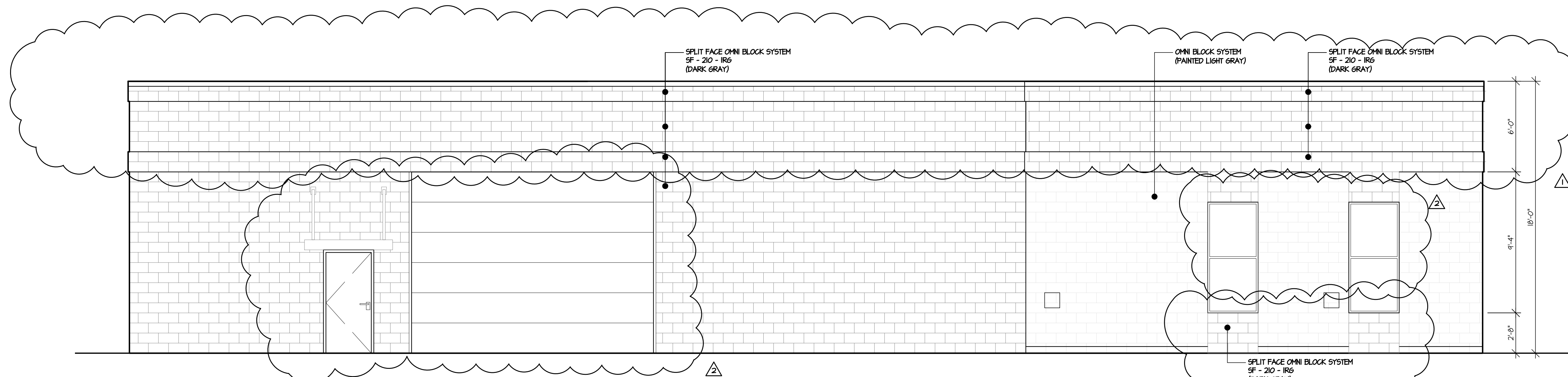
SCALE  
AS NOTED  
JOB NO.  
24259.20  
DRAWN  
RVA  
CHECKED  
AFL  
DATE  
06/16/24

JOB NAME  
**FIRE REPLACEMENT**  
JIM N. AND BETSY LE  
364-978 MAIN STREET  
MANCHESTER, CT

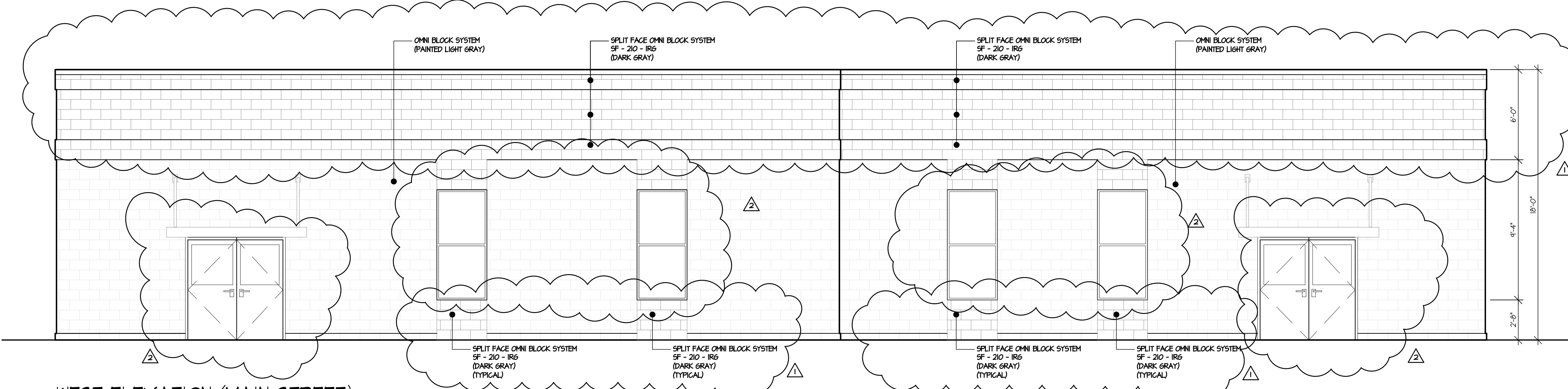
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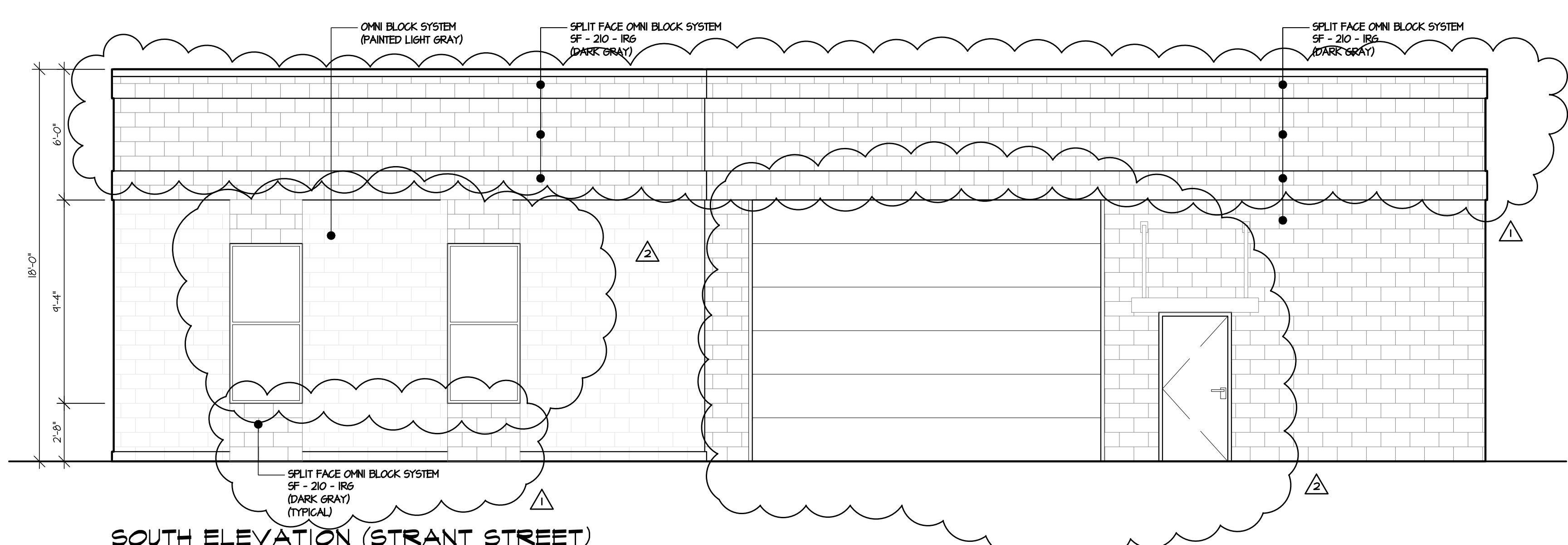


NORTH ELEVATION (FLOWER STREET)



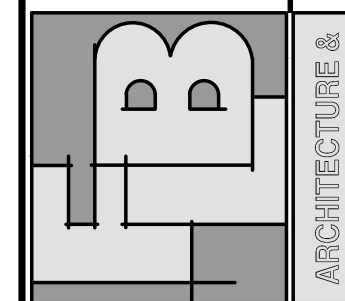
WEST ELEVATION (MAIN STREET)

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION (STRANT STREET)

SCALE: 1/4" = 1'-0"



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SHEET TITLE		ELEVATIONS	
SCALE		AS NOTED	
JOB NO.		24254.20	
DRAWN		RVA	
CHECKED		AFL	
DATE		06/16/24	
JOB NAME		FIRE REPLACEMENT JIM N. AND BETSY LE 364-378 MAIN STREET MANCHESTER, CT	

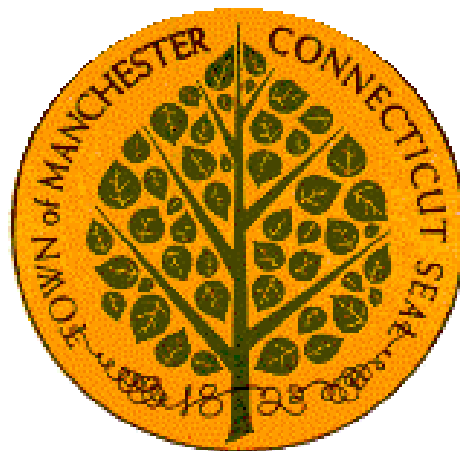
06/25/24	06/25/24	CHANGE FINISH (OMNI BLOCK SYSTEM)
06/25/24	06/25/24	CHANGING THE POSITION OF DOORS AND WINDOWS

A-201

# TOWN OF MANCHESTER

## PLANNING AND ZONING COMMISSION

### Rules of Procedure



**Adopted: January 9, 1984**  
Amended: September 4, 2024

**Effective: February 1, 1984**

**TOWN OF MANCHESTER, CONNECTICUT  
RULES OF PROCEDURE**

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**RULES OF PROCEDURE  
PLANNING AND ZONING COMMISSION**

**ARTICLE I**

**Purpose and Authorization**

The objectives and purposes of the Planning and Zoning Commission of Manchester are those set forth in Chapters 124 (Zoning) and 126 (Planning) and 440 (Inland Wetlands) of the Connecticut General Statutes (and those duties and powers delegated to the Planning and Zoning commission by these statutes), by Chapter 17 of the Charter of the Town of Manchester and in Chapter 14 and Chapter 15 of the Town of Manchester Code of Ordinances.

**ARTICLE II**

**Name**

The Commission shall be known as the Planning and Zoning Commission of the Town of Manchester and shall consist of the regular members and alternate members appointed according to State Statute and the Charter and Ordinances of the Town of Manchester.

**ARTICLE III**

**Office of Agency**

The office of the Planning and Zoning Commission of the Town of Manchester shall be at the Planning and Economic Development Department in the Town of Manchester where all Commission records (including official documents, records, maps, etc.) will be kept.

**ARTICLE IV**

**Membership and Terms of Office**

The membership and terms of office shall be as specified in the above stated Ordinances and Charter establishing the commission, and the aforementioned General Statutes.

**ARTICLE V**

**Officers and Their Duties**

*Section 1.* The officers of the Planning and Zoning Commission shall consist of a Chairperson, a Vice Chairperson and a Secretary all of whom shall be members of the Commission.

*Section 2.* The Chairperson shall preside at all meetings and shall have the duties normally conferred by parliamentary usage. The Chairperson shall have the authority to appoint committees, call special meetings, appoint a member to act for the Secretary in his/her absence, and generally perform other duties as prescribed in these Rules.

*Section 3.* The Chairperson shall prescribe the method of conduct of the hearing. He/she shall have the privilege of discussing the matters before the Commission and of voting thereon.

*Section 4.* The Vice Chairperson shall act for the Chairperson in his/her absence and have the authority to perform the duties prescribed for that office.

*Section 5.* With the assistance of the Planning and Economic Development Department staff, the Secretary shall see that all minutes and records of the Commission are kept.<sup>1</sup> The Secretary shall act for the Vice Chairperson in his/her absence.

*Section 6.* The Chairperson is empowered to sign all map and plan approvals for the Commission if, in his/her judgment, the maps and plans conform to approvals and requirements adopted by vote of the Commission at a duly called meeting. With the approval of the Chairperson, the Director of Planning and Economic Development or designee may cause the Chairperson's signature to be affixed to such maps or plans by use of a rubber signature stamp.

*Section 7.* The Commission shall also empower the Director of Planning and Economic Development or designee to issue notice letters of approval, denial, etc. on behalf of the Commission.

## **ARTICLE VI**

### **Election of Officers**

*Section 1.* An annual organizational meeting shall be held in December or as soon thereafter as is possible at which time the officers will be elected. A majority of the regular members must be present for the election of officers to take place.

*Section 2.* A candidate receiving a majority vote from the regular members of the Commission shall be declared elected and shall serve for one year or until his/her successor shall take office.

*Section 3.* Resignations from the Commission shall be in writing and submitted to the Secretary of the Board of Directors, with a copy to the Chairperson of the Commission and Planning and Economic Development Department staff.

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<sup>1</sup> Rev. 9/4/2024



## ARTICLE VII

### Meetings

*Section 1.* Regular meetings of the Planning and Zoning Commission will generally be held on the first and third Monday of each month at 7 P.M. at Lincoln Center in the Town of Manchester. Meetings will include a remote attendance option via a video conferencing platform. The Planning and Zoning Commission shall not continue the meeting beyond 11 P.M. without the approval of two-thirds of the members present and voting at the meeting. The term regular meetings shall include all public hearings and business meetings held by the Commission.<sup>2</sup>

*Section 2.* The notice shall specify the purpose of the meeting and no other business may be considered except by a two-thirds affirmative<sup>3</sup> vote of the Commission members present and voting at the meeting in which such business is to be conducted. The number of votes necessary to transact business shall be a majority of members of the Commission except as may be modified by Statute or Ordinance.

*Section 3.* Whenever practicable seven members shall sit and vote on each business item.<sup>4</sup> When a regular member is absent or disqualified, an alternate shall be designated to act, chosen in rotation, so that they shall act as nearly equal a number of times as possible. The Chairperson shall announce any alternates seated at a meeting or for a specific application.<sup>5</sup>

3(a)<sup>6</sup> The members acting on an item will be those who were present at the public hearing or business meeting when the item was presented. When a hearing is continued, or an application is presented at multiple business meetings, members acting would have been present at all sessions on that application.

In the event regular members who were present at the hearing are absent at a meeting when an action is scheduled, an alternate who was present at the hearing will be assigned to sit in their place.

In the event there were multiple public hearing or business meeting sessions and regular members were not present at each session, an alternate member who was present at each session shall be seated to act on the item.

In the event there were not seven members present at a public hearing or business meeting, or at each public hearing on a particular application, members can review the public hearing video, or other recording of the hearing, and review the written record and application file. A member who states on the record they are familiar with the record in this way may be appointed to act on the application, with regular members given preference over alternate members when possible.<sup>7</sup>

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<sup>2</sup> Rev. 2/21/2023

<sup>3</sup> Rev. 9/4/2024

<sup>4</sup> Rev. 2/21/2023

<sup>5</sup> Rev. 9/4/2024

<sup>6</sup> Rev. 3/2/2009

<sup>7</sup> Rev. 2/21/2023

*Section 4.* The Planning and Zoning Commission shall adopt at its first meeting in December a list of meeting dates and final filing dates for each of its regular meetings in the succeeding calendar year.

*Section 5.* All Commission meetings shall be open to the public. There shall be no ex parte communications between members on applications outside of a regular meeting.<sup>8</sup>

*Section 6.* Proceedings of business meetings of the Commission need not be recorded by a stenographer or sound-recording device. Proceedings of all regular and special meetings shall be incorporated into the minutes of the Commission to be a permanent part of that record.<sup>9</sup>

*Section 7.* Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Commission.

*Section 8.* If any seated Commission member is attending a meeting remotely, and if any vote is not unanimous, that vote shall be taken by roll call.<sup>10</sup>

*Section 9.* The Board may suspend any of the Rules of Procedure for the purposes of reordering agenda items at a meeting by a 2/3 vote of the voting members present.<sup>11</sup>

## **ARTICLE VIII**

### **Order of Business**

*Section 1.* Unless otherwise determined by the Chairperson, the order of business at regular meetings shall generally be:

- a. Call to order
- b. Public hearings, if any
- c. Old business items
- d. New business items
- e. Administrative Reports
- f. Approval of Minutes
- g. Receipt of new applications
- h. Items for future agendas
- i. Adjournment<sup>12</sup>

*Section 2.* A motion must be made and passed in order to dispense with any item on the agenda.

*Section 3.* No new business submitted for action by the Commission shall be acted upon unless it is submitted to the Planning and Economic Development Department at least five

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<sup>8</sup> Rev. 9/4/2024

<sup>9</sup> Rev. 2/21/2023

<sup>10</sup> Rev. 2/21/2023

<sup>11</sup> Rev. 9/4/2024

<sup>12</sup> Rev. 9/4/2024

business days prior to a regular meeting date except as herein provided in Article VII, Section 2.

*Section 4.* The agenda for each meeting need contain only those items which have been submitted to the Planning and Economic Development Department in sufficient time for review, analysis, referrals to other interested departments or public bodies and preparation of necessary reports.

*Section 5.* Subsequent to a full staff review, Planning and Economic Development Department Staff shall add applications to a Commission agenda once substantive staff comments have been addressed by the applicant.<sup>13</sup>

## **ARTICLE IX**

### **Hearings**

*Section 1.* All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings by these Rules and by Statute.

*Section 2.* The matter before the Commission shall be presented by the applicant or a designated agent, who shall have the privilege of the floor.<sup>14</sup>

*Section 3.* Evidence shall be <sup>15</sup> recorded by a sound-recording device, at each hearing before the Commission in which the right to appeal lies to the Superior Court.

*Section 4.* No applications to the Commission (except those in which the applicant is the Commission or an administrative officer of the Town acting on behalf of the Town) which has been denied after public hearing, will be heard within one year from the date of rejection, except that after four months from such denial, the Commission may grant a hearing, if it finds, on facts presented in writing, that a material change in the situation justifies a new hearing in the interest of the public as well as the applicant.

## **ARTICLE X**

### **Conducting the Public Hearing**

*Section 1.* The Chairperson of the Commission shall preside at the public hearing.

*Section 2.* The Planning and Zoning Commission will not commence the hearing of any item after 11 P.M. without approval of two-thirds of the members present and voting. Neither shall the Commission continue hearing any item of public hearing after 11 P.M. without the approval of two-thirds of the members present and voting.<sup>16</sup>

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<sup>13</sup> Rev. 9/4/2024

<sup>14</sup> Rev. 2/21/2023

<sup>15</sup> Rev. 9/4/2024

<sup>16</sup> Rev. 9/5/90

*Section 3.* The Secretary shall read the legal advertisement for each application as the hearing is held.

*Section 4.* A summary of the question or issue may be stated by the Chairperson or their designee at the opening of the public hearing.<sup>17</sup> The hearing shall be conducted only for the purpose of taking testimony to be considered by the Commission. Comments during the hearing shall be limited to the subject advertised for hearing. All questions and comments must be directed through the chair only after being properly recognized by the Chairperson.

*Section 5.* The Chairperson shall first call for statements from the applicant and/or agent(s) to present the application/proposal. The Chairperson shall then provide opportunity for Commission members to ask questions of the applicant/agent. The Chairperson shall then ask for testimony/questions from members of the public. After all members of the public wishing to speak have done so, staff shall read or summarize any written comments received into the record.<sup>18</sup>

*Section 6.* The applicant shall be given an opportunity after spoken and written comments have been received from members of the public to answer questions or clarify points previously made by any speaker at the hearing. All parties shall be allowed to provide additional testimony in response to new evidence placed on the record at the discretion of the Chairperson.<sup>19</sup>

*Section 7.* At any time during the hearing the Chairperson shall allow reports and comments from the Town staff.<sup>20</sup>

*Section 8.* At any time during the hearing the Chairperson may allow Commissioners to be recognized in order to ask questions of staff or applicant/agent. Only the Chairperson shall address members of the public.<sup>21</sup>

*Section 9.* All persons recognized shall approach the recording microphone in order to facilitate proper recording of comments.<sup>22</sup> Before speaking each person shall give his/her name and full address.

*Section 10.* The Chairperson shall assure an orderly hearing and shall take steps necessary to maintain the order and decorum of the hearing at all times. The Chairperson shall reserve the right to limit debate in the event the discussion becomes unruly, unmanageable, off-topic or repetitive.

*Section 11.* The show of hands or similar display by those persons present shall not be allowed on any general question presented at the public hearing without approval of the Chairperson.

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<sup>17</sup> Rev. 2/21/2023

<sup>18</sup> Rev. 9/4/2024

<sup>19</sup> Rev. 9/4/2024

<sup>20</sup> Rev. 2/21/2023

<sup>21</sup> Rev. 9/4/2024

<sup>22</sup> Rev. 2/21/2023

*Section 12.* No commissioner participating in a public hearing should voice support for or against a public hearing item prior to a public hearing, nor during a public hearing before all evidence is presented. Commissioners participating in a public hearing should remain impartial and may come to a decision only after all evidence is presented.<sup>23</sup>

*Section 13.* Information developed or presented by or on behalf of a party to an application may not be presented to members of the Commission following the close of a public hearing on the application, if one was held.

*Section 14.* The Planning and Zoning Commission will not commence the hearing of any item after 11:00 P.M. without approval of two-thirds of the members present and voting.

## **ARTICLE XI**

### **Conducting the business meeting**

*Section 1.* The Chairperson of the Commission shall preside at the business meeting.

*Section 2.* The Planning and Zoning Commission will not commence any item of a business meeting after 11 P.M. without approval of two-thirds of the members present and voting. Neither shall the Commission continue deliberations of any item of a business meeting after 11 P.M. without the approval of two-thirds of the members present and voting.<sup>24</sup>

*Section 3.* Commissioners are strongly encouraged to state on the record their reasoning for voting for or against an item based upon the law and regulatory criteria. While it is not necessary for every Commissioner to do so, the record must include clear reasoning for the Commission's decision.<sup>25</sup>

## **ARTICLE XII**

### **Agenda**

*Section 1.* Planning and Economic Development Department staff shall prepare the agenda of workshops and regular and special meetings under the direction of the Chair, and staff shall see that copies of the agenda are distributed to Commissioners at least forty-eight (48) hours prior to each meeting. This rule shall not apply to emergency meetings, except that Planning and Economic Development Department staff shall see that every Commissioner is advised of any emergency meeting, with the matter of emergency stated.

*Section 2.* Planning and Economic Development Department Staff will present applications to be accepted by the Commission, those recently received and a draft future agenda may be

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<sup>23</sup> Rev. 9/4/2024

<sup>24</sup> Rev. 9/5/90

<sup>25</sup> Rev. 9/4/2024

outlined under a separate agenda item, “Receipt of New Applications.”<sup>26</sup>

*Section 3.* The Chairperson or any member may bring up items that fall within the Commission’s statutory purview under Items for Future Agenda. Any Commissioner may request a future agenda item and if supported by at least one additional member, an item may be added to a future agenda as either a discussion item, administrative report, or posted as a separate workshop meeting. All agenda items must fall under the Commission’s statutory authority and final agendas are approved by the Chairperson, in consultation with staff.<sup>27</sup>

## **ARTICLE XIII**

### **Public Relations**

*Section 1.* In the matter of the press, radio and television representatives, the Commission shall comply with Section 1-21a of the Connecticut General Statutes, as amended.<sup>28</sup>

## **ARTICLE XIV**

### **Amendments**

These rules may be amended by a two-thirds vote of the Commission members present and voting only after the proposed change has been read and discussed at a previous regular meeting, except that these rules may be changed at any meeting by the unanimous vote of all the regular members of the Commission present.

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<sup>26</sup> Rev. 9/4/2024

<sup>27</sup> Rev. 9/4/2024

<sup>28</sup> Rev. 2/21/2023



Town of Manchester  
Water and Sewer Department  
PO Box 0191  
Manchester, CT 06045-0191

Attn: Patrick J. Kearney II ( [pkearney@manchesterct.gov](mailto:pkearney@manchesterct.gov) )

**Application No.:** 202309242  
**Town:** Manchester  
**Project:** Globe Hollow Reservoir

Dear Applicant:

The Commissioner of Energy and Environmental Protection has approved your water diversion application. Your attention is directed to the conditions of the enclosed permit. You should read your permit carefully. Construction and other work must conform to that which is authorized. Note the annual reporting requirements located at Condition 8 of your permit. Reporting guidelines can be found on our website at <https://portal.ct.gov/deep/water/diversions/water-diversion-reporting>.

**Please note that Globe Hollow Reservoir is subject to the provisions of 26-141b-1 through 26-141b-8 of the Regulations of Connecticut State Agencies (Stream Flow Standards and Regulations).**

Section 22a-379 of the Connecticut General Statutes requires the holder of a water diversion permit authorizing a consumptive use of waters of the state to pay an annual fee to the Commissioner of Energy and Environmental Protection. Currently, the annual fee for this permit is \$470. Each year, the department mails an invoice for payment to each permit holder. Payment of the invoice is due by August 1<sup>st</sup>.

If you have not already done so, you should contact your local Planning and Zoning Office and the U. S. Army Corps of Engineers to determine local and federal permit requirements regarding your project, if any. The Corps may be contacted at their New England District, Regulatory Branch, 696 Virginia Road, MA 01742-2751 or <http://www.nae.usace.army.mil> or 1-800-343-4789.

If you have any questions concerning your permit, please contact me at 860-424-4192 or [douglas.hoskins@ct.gov](mailto:douglas.hoskins@ct.gov).

August 29, 2024

/s/ D. Hoskins

\_\_\_\_\_  
Date

\_\_\_\_\_  
Doug Hoskins, EA III

cc:

DEEP Fisheries, [joe.cassone@ct.gov](mailto:joe.cassone@ct.gov), [peter.aarrestad@ct.gov](mailto:peter.aarrestad@ct.gov),

DPH Drinking Water Section, [lisa.morrissey@ct.gov](mailto:lisa.morrissey@ct.gov), [Laverne.smith@ct.gov](mailto:Laverne.smith@ct.gov), [Eric.McPhee@ct.gov](mailto:Eric.McPhee@ct.gov),  
[mandy.smith@ct.gov](mailto:mandy.smith@ct.gov)

Scott Bighinatti, [sbighinatti@resilientlandandwater.com](mailto:sbighinatti@resilientlandandwater.com)

Jay Moran, Manchester Mayor, [jmoran@manchesterct.gov](mailto:jmoran@manchesterct.gov)

David Laiuppa, Manchester Environmental Planner, [dlaiuppa@manchesterct.gov](mailto:dlaiuppa@manchesterct.gov)





## WATER DIVERSION PERMIT

Permittee: Town of Manchester  
Water and Sewer Department  
PO Box 0191  
Manchester, CT 06045-0191

Attn: Patrick J. Kearney II ([pkearney@manchesterct.gov](mailto:pkearney@manchesterct.gov))

Permit No: DIVC-202309242

Town: Manchester

Project: Globe Hollow Reservoir

Waters: Globe Hollow Reservoir, Globe Hollow Brook

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby grants a permit to The Town of Manchester’s Water and Sewer Department (“Permittee”) to divert the waters of the state at the Globe Hollow Reservoir (“Site”). The purpose of the diversion is public water supply.

This permit supersedes Water Diversion Registration #4504-005-PWS-IM / Globe Hollow Reservoir.

### AUTHORIZED ACTIVITY

The permittee is authorized to withdraw a maximum of 8.7 million gallons of water per day (mgd) from Globe Hollow Reservoir, and further limited not to exceed a Maximum Month Average Daily withdrawal of 5.0 mgd.

All authorized activities shall be conducted in accordance with plans entitled: “System Layout / Town of Manchester Reservoir System Diversion Permit / Town of Manchester Water and Sewer Department / 125 Spring Street / Manchester, CT 06040,” prepared by SLR, dated 2/17/23, and documentation submitted as part of the permit application.

This authorization constitutes the licenses and approvals required by Section 22a-368 of the Connecticut General Statutes.

***The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.***

This authorization is subject to the following conditions:

## CONDITIONS

1. **Metering of Withdrawals.** The permittee shall maintain a totalizing flow meter(s) to measure the total amount of water withdrawn from Globe Hollow Reservoir as authorized herein and shall for the duration of this authorization continuously operate and maintain such meter(s) in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.
2. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings as prescribed on the Department's Water Diversion Reporting webpage at <https://portal.ct.gov/DEEP/Water/Diversions/Water-Diversion-Reporting> indicating the total volume of water in gallons withdrawn from the Globe Hollow Reservoir that day. The daily record shall also record the time of meter readings and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Condition 8 of this permit.
3. **Leak Detection.** Every five years based upon the schedule below, the permittee shall conduct a system-wide comprehensive leak detection survey of the water distribution system and repair any leaks found. The leak detection survey shall follow standards and criteria contained within AWWA Manual M36 as may be amended or revised, or using other criteria as approved by the Department. No later than January 31, of the following year, the permittee shall report to the Commissioner all actions taken pursuant to the leak detection survey, including the number of miles of main surveyed, survey techniques and methodology, leaks found and repairs made. A copy of this record shall be included in the Annual Report to the Commissioner required by Condition 8 of this permit. The permittee shall undertake such leak detection surveys in the years 2029, 2034, 2039, 2044, and 2049.
4. **Drought Management Plan.** Upon declaration of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan (September 6, 2022 or as amended)", the permittee shall limit the authorized withdrawal maximum as follows:

Stage 1:	8.7 mgd (0% reduction of permitted maximum withdrawal)
Stage 2:	7.8 mgd (10% reduction of permitted maximum withdrawal)
Stage 3:	7.4 mgd (15% reduction of permitted maximum withdrawal)
Stage 4:	7.0 mgd (20% reduction of permitted maximum withdrawal)
Stage 5:	6.5 mgd (25% reduction of permitted maximum withdrawal)

Furthermore, during a Stage 5 drought declaration, the permittee shall comply with any and all applicable drought restrictions of the "Connecticut Drought Preparedness and Response Plan" (September 6, 2022 or as may be amended).

5. **Meter Calibration and Reporting.** The permittee shall annually test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
6. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan, as described in the permittee's application, and in accordance with the permittee's Water Supply Plan as approved pursuant to CGS Section 25-32d and any amendments or updates thereto. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan including a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Condition 8 of this permit.
7. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least ten years from the date such data was generated, or report created, whichever is later.
8. **Annual Reporting.** The permittee shall electronically submit, by January 31 of each year for the duration of this authorization, an Annual Report for the preceding calendar year that is consistent with reporting protocols located on the Department website at <https://portal.ct.gov/DEEP/Water/Diversions/Water-Diversion-Reporting>. The Annual Report shall be certified in accordance with Condition 13 of this permit, emailed to [DEEP.WaterUseReport@ct.gov](mailto:DEEP.WaterUseReport@ct.gov), and shall contain the following:
  - a. a copy of the record of daily withdrawals and hours operated as required by Condition 2 of this permit;
  - b. denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization;
  - c. a summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and description of actual or estimated water savings achieved, as required by Condition 6 of this permit; and
  - d. a copy of the leak detection report as required by Condition 3 of this permit.
9. **Other Restrictions.** The Commissioner shall have the right to restrict the diversion authorized in this permit at any time the Commissioner determines: a) a declared local, regional, or state-wide drought advisory, watch, warning or emergency necessitates

restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.

**10. Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:

- a. the provision(s) of this permit that has been violated;
- b. the date and time the violation(s) was first observed and by whom;
- c. the cause of the violation(s), if known;
- d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
- f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented; and
- g. the signatures of the permittee and of the individual(s) responsible for preparing such report, each of whom shall certify said report in accordance with Condition 13 of this permit.

**11. Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of any construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.

**12. Request to Withdraw as Exempt.** Should the regulated activity authorized by this permit becomes eligible for an exemption listed under CGS 22a-377(a) or RCSA 22a-377(b)-1, the permittee may request in writing that this permit be withdrawn. Upon receipt of such a request and confirmation of exemption eligibility by the Department, the diversion permit shall be withdrawn.

**13. Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable

as a criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”

14. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director  
Water Planning and Management Division  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

15. **Notification of Project Initiation.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
16. **De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
17. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in

modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

18. **Removal of Structures.** Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
19. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
20. **Initiation of Construction.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
21. **Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
22. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under Condition 18 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
23. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
24. **Expiration.** This permit shall expire on September 1, 2049.

DIVC-202309242  
Globe Hollow Reservoir  
Manchester  
Page 7 of 7

Issued by the Commissioner of Energy and Environmental Protection on:

August 28, 2024  
Date

  
Emma Cimino  
Deputy Commissioner

**DRAFT**

**TOWN OF MANCHESTER  
MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION/  
INLAND WETLANDS AND WATERCOURSES AGENCY  
AUGUST 19, 2024**

**MEMBERS PRESENT:**

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

**ALTERNATE MEMBERS SITTING:**

In Person: Maliha Ahsan  
Zachary Schurin

**ABSENT:**

Teresa Ike  
Chris Schoeneberger  
Sara Van Buren

**ALSO PRESENT:**

In Person: Megan Pilla, Principal Development Planner  
David Laiuppa, Environmental Planner/Wetlands  
Agent  
Electronically: Gary Anderson, Director of Planning and Economic  
Development  
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 (continued from July 15, 2024) – 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)

Mr. Tom Riley, Architect, introduced himself. Mr. Riley noted that there were several comments and questions from the Commission and, since then, there has been much discussion with staff.

- Delineation of the edge of the wetlands for the detention basin.
- Describe the functions and values of the wetlands under the electric right-of-way.
- Review wetland alternatives.
- Discuss how water quality basins are to be constructed while using the water quality basins for sediment control during the construction process.
- Review of lighting along the west property line, possibly reducing the height to 15 ft.



Mr. Riley stated that they have submitted new information. A key request from Planning was to consider saving Wetland F. Some of the key items in the revised plan were:

- Reduce building width by 10 ft.
- Reduce parking on the southwest corner.
- Move parking closer to the building.
- Move retaining wall.

Mr. Chris Alford, Professional Engineer and Land Surveyor, introduced himself. Mr. Alford reported that Wetland F is higher than the floor of the building, necessitating a 4-5 ft. retaining wall. The retaining wall will be constructed early in the project to keep construction activity away from the wetlands. He described the plan to depress the area to expand the wetlands as much as possible.

According to Mr. Alford, there will be less clearing near the property line, slightly less impervious area, and 17 fewer parking spaces. He pointed out a conservation easement area to the southwest in East Hartford.

Mr. Alford noted that there was some discussion at the last meeting about creating wetlands in the detention area. A detention basin will be constructed on the northeast corner of the property which will also have wetland plantings and shrubs. During construction, it will be used as a sedimentation basin for sediment to be filtered before reaching downstream properties.

Mr. George Logan, REMA Ecological Services, introduced himself. Mr. Logan reviewed photos submitted to the Commission on August 16, 2024, addressing questions. He described the plans regarding those questions.

- Understanding of the functions and values of wetlands, which are minimal. They are secure on the site.
- Delineation of the edge of the constructed detention basin.
- Investigate overflow from Wetland C. As part of the plan, that will be taken care of.
- Preservation and enhancement of Wetland F, considering the box turtle.

Mr. Logan described his plan of native species and additional trees for shading.

Mr. Riley discussed their review of the lighting on the western side of the building with a photometric plan and poles at 15 ft. The lighting was not adequate, and a 20 ft. photometric plan was undertaken. It was determined that a 6" shield on the light with a 20 ft. pole prevented visibility of the lens. A custom shield is to be manufactured to shield the light from the residential side.

Ms. Pilla noted questions from the last meeting:

1. Mr. Stebe requested confirmation that land coverage requirements were met, which they were.
2. The date the zoning was made Industrial – most of the site was in 1987 and a small sliver on the south was in 1991.
3. According to the East Hartford GIS, the houses adjacent to the site were built from 1985 to 1987.

Staff Comments:

- Labeling revisions which have not been reviewed and should be made modifications to an approval.
- A condition of approval that the existing 18” pipes that were put in place when the subdivision was created to drain to the detention basin be inspected and cleaned/repaired, if necessary, before construction.

Mr. Laiuppa noted a comment about pre-treatment if utilizing the basins as wetland mitigation. It would be logical to have a plan to clean the storm water going into the basin.

The Commission must determine if the following were met:

- The description of the ecological communities, functions and values of wetlands and the effects of the proposed activities on the communities and wetland functions.
- The description of any prudent and feasible alternatives considered which would cause less or no environmental impacts to the wetlands.
- Analysis of the chemical and physical characteristics of any fill material.
- Soil sample data from any wetland.

Mr. Stebe asked whether the retaining wall and shift of impervious pavement for Wetland F would affect storm water movement around the building.

Mr. Riley stated that there will be no change in the storm water movement, which he explained in detail.

Mr. Prause referred to other concerns brought up at the last meeting, though the applicant may have addressed some of them. He noted that watercourses were not flagged and asked if that was the Eversource property.

According to Mr. Laiuppa, there was a question about wetlands that were flagged by others; those were the Eversource ones. The larger basin was not flagged but was assumed to have an edge. There was a question about a potential intermittent watercourse from the road at the end of the cul-de-sac all the way to the basin to be investigated to see if that was a regulated resource.

Mr. Prause noted a comment from the Conservation Commission about a potential vernal pool, which Mr. Laiuppa stated is wetland.

Mr. Prause also asked whether any alternate layouts were submitted that would protect the wetland. A comment had been made that this will be built on spec and, as such, there are no requirements for a customer.

Mr. Riley reported that alternatives were considered and discussed at the last meeting. However, a revised site plan was not issued. He stated that the discussion regarding spec and no requirements is not necessarily a true statement. They are purchasing a piece of property for a value and that value needs to be represented in the building to be built. There are definite market standards for the type of building being proposed. The issue of the wetlands arose after their first meeting with Planning, as there were no designated wetlands on the Town maps, but the presence of wetlands was determined by Mr. Laiuppa.

Mr. Prause requested Mr. Laiuppa's professional opinion on two questions:

1. There was significant testimony at the last meeting about what will happen to these wetlands if nothing is done. Mr. Logan had stated that they will eventually dry out and become non-functional. Mr. Laiuppa replied that he would err on the side of caution because systems that have been in place for 20 years seem to be persistent. Wetlands in Connecticut are defined by soil type, and it is very difficult for soils to revert to a non-wetland soil type. Even if it dries up, the soil may still meet the definition of a wetland. Mr. Laiuppa stated that, conservatively, it is likely that wetlands that have lasted for 20 years will last for some time longer.
2. Mr. Prause asked Mr. Laiuppa if he has concerns about the wetlands being used as water quality basins. Mr. Laiuppa responded that he does if they are not handled and treated correctly. If everything is in place and these are truly supposed to be mitigation for wetlands that are being removed from the site, they must be functioning at the highest quality. The plans in place are designed to keep the wetlands clean by the sumps. However, it must be diligently maintained.

Mr. Prause requested clarification about what will be used as fill in relation to the wetlands. At the prior meeting, there was testimony that it would be similar to what is on the site.

Mr. Riley explained that they are essentially excavating the wetlands and are filling with the floor of the building or the parking material.

Mr. Logan assumed it was topsoil that was scraped from the site, which would provide good material, preserve the hydrology, and ensure that the water in those areas that they want to contribute to F are not so coarse that the water goes nowhere. They will ensure that there is a good layer of organic topsoil. Supervision by wetland scientists is very important. He speculated that the wetlands were even larger years ago and have been shrinking.

There were no members of the public wishing to speak on the application.

Mr. Laiuppa reminded the Commissioners that each application should be considered independently. Feasible and prudent alternatives are very important. It has been acknowledged that there will be direct impact to wetlands and there will be mitigation for those impacts. It is important to consider whether those impacts are being adequately mitigated and that they are acceptable for what is being presented.

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

The Public Hearing was closed at 7:50 P.M.

I certify these minutes were adopted on the following date:

\_\_\_\_\_

Date

\_\_\_\_\_

Eric Prause, Chairman

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

**DRAFT**

**TOWN OF MANCHESTER  
MINUTES OF BUSINESS MEETING  
PLANNING AND ZONING COMMISSION/  
INLAND WETLANDS AND WATERCOURSES AGENCY  
FOR THE MEETING OF  
AUGUST 19, 2024**

**MEMBERS PRESENT:**

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

**ALTERNATE MEMBERS SITTING:**

In Person: Maliha Ahsan  
Zachary Schurin

**ABSENT:**

Teresa Ike  
Chris Schoeneberger  
Sara Van Buren

**ALSO PRESENT:**

In Person: Megan Pilla, Principal Development Planner  
David Laiuppa, Environmental Planner/Wetlands  
Agent  
Electronically: Gary Anderson, Director of Planning and Economic  
Development  
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:50 P.M.

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); Erosion & Sedimentation Control Plan (ESC-0004-2024)

Inland Wetland Permit (IWP-0008-2024)

**MOTION:** Mr. Kennedy moved to approve the inland wetlands permit for construction of a 140,000 sq. ft. distribution center/warehouse at 71 and 81 Commerce Road, with the modifications:

1. As specified in staff comments shown on marked-up plans by Ray Myette, Design Engineer, provided to the applicant on July 26, 2024.

and with the condition that the existing 18-inch CMP pipes that drain to the eastern detention basin and associated catch basin be inspected and cleaned and/or repaired as necessary prior to the start of construction.

With the reason for the approval that the proposed activity does not disturb the natural or indigenous character of the wetlands by significant impact or major effect.

Mr. Farina seconded the motion.

**MOTION:** Mr. Farina moved to amend the motion to change the reason for approval to, “The proposed activity does sufficiently mitigate the destruction of one manmade wetland with construction of a new and potentially better manmade wetland.” Mr. Kennedy seconded the motion to amend the motion, and all members voted in favor.

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

The reason for the approval is that the proposed activity does sufficiently mitigate the destruction of one manmade wetland with construction of a new and potentially better manmade wetland.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Mr. Stebe commented that, in his opinion, what the applicant is taking away is slightly less than what they are putting back in. He stated that those maintenance promises and the building promises must be maintained. It will fall to the Wetlands Agent for follow-up.

Mr. Prause thanked the applicant for working with staff. He expressed his concerns about the wetlands.

Mr. Kennedy noted that the applicant actually revised the plan. The applicant has done the best they can to address all the issues.

Special Exception (PSE-0004-2024)

**MOTION:** Mr. Kennedy moved to approve the special exception for construction of a 140,000 sq. ft. distribution center/warehouse at 71 and 81 Commerce Road, with the modifications:

1. As specified in staff comments shown on marked-up plans by Ray Myette, Design Engineer, provided to the applicant on July 26, 2024.

and with the condition that the existing 18-inch CMP pipes that drain to the eastern detention basin and associated catch basin be inspected and cleaned and/or repaired as necessary prior to the start of construction.

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

The reason for the approval is that the proposed activity meets the special exception criteria in Article IV, Section 20.

Mr. Prause commented that the location is suitable, the structures are generally in scale with the existing buildings in the area, it meets neighborhood compatibility with the loading docks being away from residences, it has adequate parking, the streets are built to support a business park and it has access to public utilities. The site sat idle for many years, was slated for development and has an existing storm water basin. It is consistent with the purpose and plans of the Plan of Conservation and Development and is a suitable location.

Erosion & Sedimentation Control Plan (ESC-0004-2024)

**MOTION:** Mr. Kennedy moved to certify the erosion and sedimentation control plan for construction of a 140,000 sq. ft. distribution center/warehouse at 71 and 81 Commerce Road. Mr. Farina seconded the motion, and all members voted in favor.

HILLIARD MILLS LLC – Flood plain permit for the historical rehab of Hilliard Mills Building #6 at 640 Hilliard Street. – Flood Plain Permit (FLDP-0001-2024)

Mr. Peter Bonzani, of 640 and 642 Hilliard Street, introduced himself. Referring to the prior meeting, he said they had to carve out Building 6 due to floodproofing and flood plain concerns, which required a variance from the Zoning Board of Appeals (ZBA), which was granted. In addition, there were small items requested from the Town, such as the signage by the road being changed to one sign. They learned, in consultation with their propane contractor, that having one large tank and sub-metering it invoked federal rules. On the plan, there is a spot for up to five tanks with required spacing. The shed was moved at the request of the Fire Marshal. There was a request by the Town to denote a small HVAC pad for Buildings 5 and 6.

Ms. Pilla clarified that the flood plain permit only includes the renovation of Building 6. The propane tanks and the shed are not within the flood plain, though they are in the upland review area, so there will be an administrative wetlands permit for those items. The signage change was part of the modification of the approval from the last special exception modification. Variances were granted by the Zoning Board of Appeals in July. She recommended a modification to an approval to add a note on the architectural plans indicating the filing of the Certificate of Approval.

Flood Plain Permit (FLDP-0001-2024)

**MOTION:** Mr. Kennedy moved to approve the flood plain permit for the historical rehab of Hilliard Mills Building #6 at 640 Hilliard Street, with the modification:

1. That a note be added to the architectural sheets identifying the book and page number of the filing of the Certificate of Approval for the flood plain variances on the land records.

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

## **DISCUSSION: RULES OF PROCEDURE UPDATE DRAFT**

Mr. Anderson explained that he reviewed the Planning and Zoning Commission Rules of Procedure. Mr. Farina had drafted his own. He stated that he, Mr. Prause and Ms. Pilla conferred with the Town Attorney. He reviewed the changes he is proposing, as well as those from Mr.

Farina:

- The name of the department will be changed to Planning and Economic Development.
- The title of the Commission leader will be changed to Chairperson.
- Article V, Section 5, Role of Secretary – Staff prepares agenda and notices per State Statute.
- Article VII, Section 3, Meetings – 7 members sit on a business item. Clarify how the alternates are chosen and announced.
- Article VII, Section 5 – Ensure no ex parte communication between Commission members. All meetings are open to the public, who should see all discussions in a meeting.
- Article VII, Section 9 – Suspension of the Rules of Procedure. Mr. Anderson originally asked the reasoning and was told that it is to reorder agenda items. If that is the case, he has no issue.
- Article VIII, Section 1 – Order of Business.
  - Mr. Farina suggested splitting business items up into old and new business items, which Mr. Anderson had no problem with.
  - Items for future agenda.
- Article VIII, Section 5 was problematic – Staff would have the ability to withhold agenda items, which is not something that is done or should be done. He highlighted a version which describes when something is ready to go to the Planning and Zoning Commission: after Staff has reviewed it and has gone through comments with the applicant, it is ready to go to the Commission for the PZC to vote on.
- Article IX, Section 3 – Hearings – The wording is from Statute. “Evidence shall be taken by a competent stenographer.” The meetings are recorded and transcribed into minutes.
- Article X, Conducting a public hearing
  - The verbiage is problematic. Mr. Farina made suggestions, as it was not laid out in a helpful or accurate way. The Chairperson opens the meeting and asks the applicant to state their case, and Commissioners ask questions of the applicant and staff. The public may then speak, which had been defined as a proponent of the application and someone in opposition would speak. He was against forcing people to be for or against an application. At the end, the proposed text would clarify that the applicant will have an opportunity to respond.



- Article X, Section 8 – This was a suggestion from Mr. Farina. “At any time during the hearing, the Chairperson shall allow commissioners to be recognized in order to ask questions.”
- Suggestion from Mr. Farina – During a public hearing, information is given, and it is not wise for Commissioners to give their opinions.
- All information is given in the public hearing and the Commission doesn’t ask for additional information during the business session. If more information is needed, there is the option of leaving the hearing open or extending it.
- Article XI, Conducting the business meeting
  - Mr. Farina added a piece about meetings going past 11:00 P.M. The reason for that is so that applicants and members of the public can be assured that their item will be heard in a reasonable amount of time. The Commission would have to decide whether to enter into an item past that hour.
  - Article XI, Section 3 – Mr. Anderson suggested, “Commissioners are strongly encouraged to state on the record their reasoning for voting for or against an item based upon the law and regulatory criteria.” The most important thing is to state on the record why the Commission is making a decision. It is difficult to defend a decision without any reasoning on the record.
- Article XII – New section on the agenda – This includes information on when the agenda is posted and by whom, which is statutorily required. Mr. Farina’s suggested language:
  - Section 2 – “No item or items other than those included on the agenda shall be considered at any regular meeting of the Board – except when, by a two-thirds affirmative vote of the voting members present and voting, this rule is suspended.” Mr. Anderson suggested that be taken out, as it is redundant. He also suggested mentioning receipt of new applications, which works well for the Commission.
  - Section 3 – “Any business item for discussion or action shall be placed upon the agenda at the request of any regular member, made to the Chair or Secretary or Director of Planning and Economic Development not less than ten (10) days before the date of the meeting at which the item is to be considered. Supporting written materials for any such action item shall also be provided to Department of Planning and Economic Development staff for distribution to all commissioners and alternates not less than five (5) days before the date of the meeting at which the item is to be considered.”
    - Section 3 – Mr. Anderson’s alternative is adding something to the agenda called Items for Future Agendas. Any member of the Commission can bring up an item they deem relevant and want to add to a future agenda. The Commission may decide if they want it added to an agenda or not. He feels it is important for the Commission to decide what types of items go on the agenda. Mr. Farina’s proposal essentially says that any commissioner can put whatever they want on the agenda. In the past, it has worked for the Commission to decide as a whole what goes on the agenda. The PZC and ZBA are not legislative bodies or a type of board that brings up anything that anyone wants to talk about. Statute defines what the PZC’s charge is.

- Design Review Guidelines – Mr. Farina’s comment was that this needs to be a stand-alone document, with which Mr. Anderson agrees, though he is unsure where it belongs. It has been passed to the zoning regulation consultant for guidance.
- Lot lines – Mr. Anderson agrees that this should be a stand-alone document. Mr. Anderson sent everyone a memo from the Town Attorney. In speaking with staff and the Town Attorney, it was determined that any change that changes the number of lots in a subdivision constitutes a resubdivision and should go back to the Commission, unless it is the merger of two lots that are owned by the same person. For lot line revisions, the statute does not provide the Commission or staff any authority. Staff recommends individuals go to the Planning and Economic Development Department for a review according to the zoning regulations.

Mr. Farina remarked that he would like to review a couple of Mr. Anderson’s revisions:

Article VII, Section 5 – In the sentence about ex-parte communications, Mr. Farina felt the phrase “agenda items” should be “applications.”

Mr. Prause commented that he would be concerned about an agenda item that could impact a resident’s property and it cannot be off the record.

Mr. Farina responded that, if this passed, he would not be able to have a conversation with anyone about the rules. He would question the legality of no communication between members on agenda items.

Mr. Kennedy expressed the opinion that he would leave it out altogether because that is what case law dictates. He remarked that the Rules of Procedure should be things specific to Manchester and cited examples.

Mr. Anderson stated that, if it is left in, the Town Attorney should weigh in. With anything the Commission will vote on, it is not appropriate to discuss it outside of the meeting. Mr. Anderson agreed with Mr. Kennedy’s comment that we are trying to force something that does not need to be in the Rules of Procedure. He added that, as a practical matter, much of what the Commission does is ruled by Robert's Rules of Order and we would not have that unless there are Rules of Procedure. There must be a foundational document.

Mr. Schurin questioned the need for the Rules of Procedure and how they are used.

Mr. Anderson noted that, every time he asks the Town Attorney about something a Board or Commission has done, the Town Attorney asks whether they have Rules of Procedure. It is a way of codifying how business is conducted. Echoing Mr. Kennedy, he said that there is a lot that is already in state statute, but this is educational and is meant to guide the Commission.

Mr. Prause commented that it dictates things that are not in state statute or Robert's Rules of Order, citing examples.

Mr. Stebe noted that this was discussed at the last meeting and is listed as a discussion item here. He asked if this could be voted upon at this meeting, or whether the Commission could tweak and edit as they go, knowing they will look at it again.

Mr. Prause referred to a workshop in June where there was not a consensus, prompting Mr. Anderson to try to find middle ground, speaking with the Town Attorney. He stated that he and Mr. Anderson talked about how to present this: Side by side to vote on different options, or staff and him picking what is considered to be the best path. He felt everyone concurs with what was presented and felt it could be voted upon at this meeting. Changes could be made tonight. If there are a handful of changes to be made, a motion could be made putting in the revisions. He felt that if there are more than a few changes, the Commission could have notes on each section and the members could vote on which they prefer, though they would be in the same position in two weeks.

Mr. Kennedy noted that it can be changed unanimously by a vote by the regular members of the Commission, but otherwise it has to be a two-thirds vote of the Commission only after the proposed change has been discussed at a previous meeting.

Mr. Stebe reported that there were edits made by staff based on what was discussed.

Mr. Kennedy reported that it is on the agenda as a discussion item, not an action item. If this is a non-actionable item, he would prefer to have live edits on the screen. If, in two weeks, it has been edited and there is a clean draft, it could be brought up and voted upon.

Mr. Prause acknowledged that there was a prior proposal, but this is another revision that does not meet that threshold.

Mr. Anderson stated that his original thought was that this would be a discussion item, as this is a different draft, but if members want to vote on it, it could be done. The difference is whether it is two-thirds or unanimous. At this moment, the Commission is having a discussion now and staff can make the changes and bring it back as an action item.

Ms. Pilla pointed out that the option of a unanimous vote states, “the unanimous vote of all the regular members.”

Mr. Farina interjected that, in Article XIV, it says, “except that these rules may be changed at any meeting by the unanimous vote.” That would leave no time to read it, and he could propose a change to the current rules and the regular members at this meeting could change the rules with no advance notice. However, it says that these rules may be amended by a two-thirds vote of those present only after the proposed changes are read and discussed at a previous regular meeting. They have been read and discussed at a previous meeting. A meeting without edits is nearly impossible. Mr. Farina commented that he liked Mr. Anderson’s sentence about ex parte communications, but as Mr. Schurin mentioned, part of this is education for new members. In his opinion, that sentence should be changed from, “There shall be no ex parte communications between members on agenda items outside of a regular meeting,” to, “There should be no ex parte communications between members on applications outside of a regular meeting.”

Mr. Schurin noted that the agenda states discussion only, and he felt it should be whatever the law states.

Mr. Stebe reported that, regardless of the law, it makes sense that it is on applications, not agenda items. Once the application is received, members should not be discussing it outside of their role.

Mr. Anderson commented that, if it states that it is about agenda items, it is essentially silent on other items but is saying there shall not be ex parte communication. On this, he would leave “shall” because “shall” is important with Freedom of Information (FOI). If it is limited to applications, it should read “shall” and is silent on other items. Perhaps that should be discussed at a later time. The sentence, “There shall be no ex parte communication between members on applications outside of a regular meeting” is true.

Mr. Prause felt it seemed that they were in agreement and “applications” is better.

Mr. Anderson reiterated that he could get clarification from the Town Attorney. This is about FOI, e-mail, quorums, etc. If they are attempting to have a draft that holds legal water that members can vote on, he thinks “shall” and “agenda” would be accurate.

Mr. Prause felt that even sub-committee meetings would need to be public.

Mr. Kennedy disagreed because it is not a quorum and is not a commission.

Mr. Farina remarked:

- Article VIII, Section 5 – He agrees with Mr. Anderson’s changes.
- Article IX, Section 3 – He mistakenly thought a meeting in the Manchester Room was not recorded, which was corrected.
- Article X, Section 13 – Mr. Anderson struck part of a sentence, “Except for information supplied by an officer of the Town in response to a request from the Commission.” Mr. Farina stated that was in the rules that Ms. Pilla had recommended. It is in case law that new evidence can be introduced if it is due to a question between a Commission member and staff. He stated his opinion that it should be left. Mr. Kennedy felt it should be deleted, listing his rationale. However, a Commission member could ask staff about technical questions. The applicants cannot interject their opinion.
- Article XII – He agrees with edits to Sections 1 and 2. He disagrees with the edits in Section 3 and supplied his recommendations.

Mr. Schurin has seen provisions that create a threshold of more than one person to add an item to an agenda.

Mr. Kennedy stated that he agrees with Section 3 as rewritten because it mirrors what happens currently. He noted that he would be completely opposed to putting things on the agenda

unilaterally. The Commission would be held hostage by one person. A member of the Planning and Zoning Commission is tasked with processing the applications that come before it.

Mr. Prause noted that members commonly bring up concerns and use the opportunity to ask questions and cited examples. He agreed that “by consensus” is not the right wording and asked for opinions about the threshold.

Mr. Farina stated that he would be fine if it took a threshold of two or three to move this forward. He had two remarks:

1. If anybody puts together a proposal, this Commission can easily table that agenda item. They might waste 5 or 10 seconds of a meeting. If someone puts something crazy on the agenda, usually the Chair, Vice-Chair or Secretary would make an immediate motion to table.
2. The Commission is both a zoning and planning board. The repeated statements that it is only a zoning board are not accurate. He felt the Commission should focus on planning.

Mr. Stebe agreed with a separation of the planning and zoning commissions. There is a misnomer in the way that the word “consensus” is being used. What the Commission operationalizes is not a true consensus. If a few members exhibit their agreement, it moves forward as an item that will be taken up. This has been done previously as an item for a future agenda. In a situation where a couple of members agreed and others were non-committal, Town staff would come back, and the Commission made good amendments to the zoning regulations. That is the Commission’s proactive planning. Mr. Stebe said better language could be used instead of “consensus.” It can be termed positively as “a future agenda by consensus,” or negatively as “a future agenda without strenuous opposition.”

Mr. Anderson commented that the Commission has not had to have consensus on agenda items in the past. He offered that, in order to put something on an agenda, the majority of the Commission should agree.

Mr. Prause would change “and by consensus” to “and supported by at least one additional voting member.” He reported that he had sent something to Mr. Anderson about what is now Article X, Section 5, reading the current wording. He noted he suggested adding a sentence on the end that says, “All parties shall be allowed to provide additional testimony in response to new evidence placed on the record.” He felt it is limiting to the public.

Mr. Anderson commented that that is not typically done. The applicant is allowed to respond to any public comments. He asked whether Mr. Prause would allow the public to respond to the applicant after the applicant has responded to the public.

Mr. Prause felt anyone should be allowed to. He clarified the suggested language to, “All parties shall be allowed to provide additional testimony in response to new evidence placed on the record at the discretion of the Chair.”

After a comment from Mr. Stebe, Mr. Prause felt it should go on the end of Section 8 or in a new section.

Mr. Anderson suggested putting it in Section 6, with which Mr. Prause agreed.

Mr. Prause noted the changes proposed are:

- Article VII, Section 5 – Changing “agenda items” to “applications.”
- Article XII, Section 3 – Changing “and by consensus” to “and supported by at least one additional voting member.”
- Article X, Section 6 – Adding “All parties shall be allowed to provide additional testimony in response to new evidence placed on the record at the discretion of the Chair.”
- Article X, Section 13 – There was discussion about whether to keep or delete the proposed language, “Except for information supplied by an officer of the Town in response to a request from the Commission.” Mr. Anderson recommended taking it out. Mr. Stebe agreed with Mr. Kennedy’s opinion. Mr. Anderson confirmed he ran the whole thing past the Town Attorney. It has been an agreement between the Commission, the Town Attorney’s office and staff that any information should be in the public hearing. Mr. Prause concurred that it will be left as stricken.

Mr. Kennedy recommended striking Article X, Section 12. It is not that Commissioners can or should predetermine applications, but there is plenty of case law on predetermination. Case law also states that, if there are reservations to an application, they should be voiced at the public hearing so the applicant can address them. The Commission does not need to summarize case law on how to hear and decide on applications in the Rules of Procedure, which should be the specific procedures for conducting business in Manchester’s Planning and Zoning Commission.

Mr. Farina stated that he would not strike Section 12.

Mr. Schurin asked if it would make sense, for something like this, to seek guidance from the Town Attorney, delving into whether it will create an issue.

Mr. Farina noted that the reason he included it was precisely to preempt a potential appeal. Without this rule, he has heard people voicing their support for or against an application and that, on its own, would be grounds for the applicant to appeal the decision.

Mr. Anderson reiterated that the Town Attorney has reviewed this. He added that this falls into the category of staff thinking it is not necessary but is not harmful. He noted that he softened the language: “No Commissioner participating in a public hearing should voice support for or against.”

Mr. Prause stated that there is good consensus on things. At the next meeting, the Commission can vote on the document based on what was discussed at this meeting and it will take a two-thirds vote.

Mr. Kennedy remarked that he will not vote for it based on the path of commissioners putting items on agendas. That will transform the type of commission that it is, and it is wrong. He did not support splitting the business meeting into old and new business items.

Mr. Stebe commented on amendments in Article XIV. The way it currently reads, it requires the vote of every single regular member, even if they are not present. The word “present” should be added, so it reads, “These rules may be amended by a two-thirds vote of the Commission members present and voting only after the proposed change has been read and discussed at a previous regular meeting, except that these rules may be changed at any meeting by the unanimous vote of all the regular members of the Commission who are present.”

Mr. Kennedy suggested striking the entire “except” clause because it is confusing and unnecessary. It takes two meetings to get to a two-thirds vote to amend the rules, but he questioned when it would be necessary to have an emergency amendment. The wording “unanimous vote of all the regular members of the Commission” is confusing. He asked whether alternates don’t count, and what happens if they vote no.

Mr. Schurin assumed that the current practice is that the Chair communicates with staff in constructing the agenda and then it is publicized. He remarked that, in other municipal bodies, the typical practice is that the Chair consults with the professional staff to develop the agenda. Many municipal bodies have a provision where there is a certain threshold to add items to an agenda.

Mr. Prause stated that, in terms of setting the agenda, most of it is statutorily dictated, so there is not much he has to do. Occasionally, staff will consult with him on the order of the agenda. The current process is, if people have concerns or want an additional item, it will be brought up at a meeting. Usually, it will require staff to do some research. After their research, they will go to him and say it should probably be a staff report under Administrative Reports. They may determine they have a lot of information and suggest a workshop. It usually starts with asking staff to look into something, such as a regulation change. Staff will do research, or the Commission will decide they are ready to tackle it. Much of it is based on workload and the readiness for the agenda.

Mr. Anderson asked whether it has been determined what to do with the last sentence. There was a suggestion to add “present.” Mr. Kennedy suggested striking the last clause.

Mr. Farina stated that they should add the word “present,” as was proposed, and keep the last clause.

Mr. Stebe believed that section is paraphrased from Robert’s Rules of Order. Removing the last line cuts out the ability to do it, even though Robert’s Rules of Order says it is possible. Then the only way it can be amended is a two-part discussion. If they keep the clause and add “present,” that is fine.

Mr. Prause commented that they could keep the clause with the intent that it be used for good purposes. He surmised that, if they were to invoke the unanimous vote clause and try to use it in a nefarious way, such as to squash an application, they would end up in court.

## **ADMINISTRATIVE REPORTS**

### 1. Upcoming Training Opportunities

There were no new upcoming training opportunities. There is the annual meeting of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC) on November 16.

### 2. Suggested Business Zone Amendments

Ms. Pilla summarized a recent application where a property owner applied for a zone change on his property, because it was mostly in a commercial zone but a small portion in the rear of the property was in a residential zone. Mr. Farina suggested looking at that everywhere it occurs and automatically fixing it. She commented on the practicality of that, specifically of how they would determine the appropriateness and where to draw the line. In terms of efficiency, she said this will not be as quick or easy as it may seem, and explained the reasons. She added that this is not the only oddity on the zoning map, and she was concerned about setting a precedent of the Town taking on responsibility for correcting zoning on private property, by not having the property owners make an application and pay the application fees. The property owner will likely consult an independent land use attorney before agreeing to any potential zone changes being proposed to ensure their property value will not be negatively impacted. The cost will be a burden to the taxpayer. Mr. Stebe inquired about the number of properties and area of town and felt it was worthwhile. He suggested streamlining the process for the owners. Mr. Kennedy affirmed that these zoning changes would require a public hearing. If owners have a need, they will come to the Town. Mr. Prause stated that he is in favor of eliminating nonconformances when they have a chance, but this would create a burden to homeowners and businesses. The review may reveal uses that are nonconforming, which could create many issues.

### 3. Eversource Tree Clearing

Mr. Laiuppa noted that he has received many phone calls and e-mails from people about Eversource's tree clearing. He has had a lot of e-mails and conversations with Eversource, the Department of Energy and Environmental Protection (DEEP), the Siting Council, and the Public Utilities Regulatory Authority (PURA). Mr. Laiuppa laid out the concerns he has received: working in wetlands, working in a Natural Diversity Database area, deep water habitat impacted for cold stream fisheries, invasive species transportation, and the conflict with a permit issued by this body.

The response from Eversource was guarded and largely supported by language from DEEP that the jurisdiction for vegetation management is under PURA. In the locations and work being done, there are some DEEP permits but there are some DEEP Memorandums of



Understanding in certain areas. If it was structural work, that would be under the Siting Council.

Some of the positive responses he received from DEEP noted that they are revising some of their tools, especially for Natural Diversity Database areas. One area in Manchester that is not common for a Natural Diversity Database is an area near Cheney Tech, flagged as a critical habitat. Due to these comments, DEEP is working on requiring on the ground screening, not just a paper review. DEEP also stated that these are the things that are in place that the Town has no jurisdiction over. The Town has purview over work in flood plains, not that they can stop the work, but if debris is left in flood plains that has the potential to be injurious or damaging to property or life, the Town can require the responsible party to remove that material. In the past, Eversource has done work in this area and has left floatable material in the flood plain, and after his request, they have removed it. He is still hoping to hear back from Fisheries because he has concerns beyond what is in their MOU about the impacts to habitats that are not flagged as critical habitats.

Mr. Prause suggested reaching out to the state legislators to define what they regulate. He understood the rationale for what they did, but suggested they come to the Commission so they can weigh in.

Mr. Laiuppa noted that, for Siting Council related items, per the MOU, Eversource is required to report to this body. For vegetation management, they are required to report to the Town Manager. He speculated on whether contacting the Planning and Zoning Commission should be required. The most important thing is to voice concerns and ask what they are going to do about it.

Mr. Prause commented that this was impactful enough that the public should have been able to weigh in.

A general discussion was held on how to approach PURA, which included the lack of information provided.

## **APPROVAL OF MINUTES**

July 15, 2024 – Public Hearing/Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes as written. Mr. Farina seconded the motion.

**MOTION:** Mr. Farina moved to amend the motion to include the modification:

1. To add “of” after “Pelham” in the first sentence.

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

All members voted in favor of the amended motion.

**RECEIPT OF NEW APPLICATIONS**

1. **S.R. BLANCHARD INC. – Zoning Regulation Amendment (REG-0004-2024)** – To amend Art. II, Sec. 4.02 to allow for the construction of two-family homes with a special exception in the Residence A zone.
2. **HILLIARD MILLS LLC – Flood Plain Permit (FLDP-0001-2024)** – Flood plain permit for the historical rehab of Hilliard Mills Building #6 at 640 Hilliard Street.
3. **APR MANCHESTER LLC – Zoning Regulation Amendment (REG-0005-2024)** – Text amendments to Form Based zone at Art. II, Sec. 26.01.02, 26.02.02, and 26.05.03.

**MOTION:** Mr. Kennedy moved to close the Business Meeting. Mr. Stebe seconded the motion, and all members voted in favor.

The Business Meeting was adjourned at 10:25 P.M.

I certify these minutes were adopted on the following date:

\_\_\_\_\_

Date

\_\_\_\_\_

Patrick Kennedy, Acting Chair

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