STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

INTERGOVERNMENTAL POLICY DIVISION

March 26, 2008

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32 of the Connecticut General Statutes, the Office of Policy and Management (OPM) is providing notice to the Continuing Legislative Committee on State Planning and Development that it is in receipt of an application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*. The application is from Attorney Stephen Penny, representing Steven and Linda Botti, the owners of 54.1 acres in the southwestern corner of Manchester. Mr. and Ms. Botti are seeking to change the current "Rural" C&D designation of the site to "Growth." This redesignation is being requested to allow for the installation of water and sewer to the site to accommodate a 69 unit, single-family residential development.

With this letter, OPM is seeking written approval from the Continuing Committee prior to initiating these proposed revisions to the C&D Plan. If the Continuing Committee directs OPM to undertake the revision process, OPM will process the application in accordance with its regulations.

Sincerely,

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Attachments: 1) Interim Change Application
2) C&D Locational Guide Map for the site

Phone: (860) 418-6484 Fax: (860) 418-6493
450 Capitol Avenue-MS# 54SLP Hartford, Connecticut 06106-1379

PB&O

Penny, Botticello
& O'Brien PC

ATTORNEYS AT LAW

March 17, 2008

Jeffrey M. Smith, Planning Specialist
State of Connecticut
Office of Policy and Management
450 Capitol Avenue-MS# 54ORG
Hartford, CT 06106-1308

Stephen T. Penny

Barry W. Botticello

Kevin M. O'Brien

William P. O'Brien

Thomas A. Robinson

Re: <u>Interim Change to the Locational Guide Map, C&D Plan</u>
260, 262, 274, 330 and 334 Bush Hill Road, Manchester

Dear Mr. Smith:

Enclosed herewith please find an Application for Interim Change for the above-referenced properties, which I discussed briefly with you several days ago. I trust that you will find it to be complete.

Per the statute and regulations, please seek the approval of the Continuing Legislative Committee on State Planning and Development to continue the application process.

Thank you for your kind cooperation in this regard.

Very truly yours,

Stephen T. Penny
Applicants' Attorney

STP/ljo
Enclosure

RECEIVED

MAR 19 2008

OPM / IGP DIVISION
UNDERSECRETARY OFFICE

202 West Center Street
Manchester, Connecticut 06040
PHONE 860.646.3500
FAX 860.643.6292
WEBSITE www.manchesterattorneys.com

APPLICATION FOR INTERIM CHANGE

The undersigned, **STEVEN A. BOTTI AND LINDA T. BOTTI**, both of Manchester, Connecticut (Applicants), the owners of 54.1 acres in Manchester, Connecticut known as 260, 262, 274, 330, and 334 Bush Hill Road, pursuant to Connecticut General Statutes §16a-2 and the Regulations of Connecticut State Agencies Office of Policy and Management §16a-24b-1 et seq, hereby make application to the Secretary for an Interim Change to the Map (as defined in said Regulations) to change the designation of the above-referenced property on Bush Hill Road in Manchester, Connecticut (the Property) from Rural Lands to Growth. Attached hereto and made a part hereof is the appropriate United States geological survey topographic series map scale of 1:24000 (1" = 2,000') which depicts the 54.1 acres [this application excludes an additional 5.1 acres owned by the Applicants and located in Glastonbury] comprising the Property (Exhibit A).

Applicant makes this request for a change from Rural Land designation to Growth for the reasons stated in the following narrative.

NARRATIVE:

Applicants and their family farmed the Property through three generations, until it became no longer economically feasible to continue doing so. Applicants have entered into a contract to develop the Property together with Bush Hill, LLC, a Connecticut limited liability company (Buyer).

The Property is currently zoned Rural Residential (RR) by the Town of Manchester. This zone permits the development of 1.3 homes per acre. Buyer has proposed an age-restricted common interest community of approximately 69 single-family detached residential dwelling units in an Elderly Housing Development (EHD) Zone. This proposed density of development is consistent with the current RR Zone district classification, significantly less than the 4 houses

per acre permitted for single-family independent living units in an EHD zone, and even further removed from the 15 units/acre maximum permitted in the EHD Zone for multi-family elderly or congregate units. The Open Space that would be required in the EHD zone would be 500 square feet for each age-restricted independent living dwelling unit (less than one acre for 69 units), or thirty (30%) percent of the total land area for multi-family development (approximately eighteen (18) acres). Buyer's proposed plan provides approximately thirty (30) acres of Open Space, nearly twice what the zoning regulations require for multi-family development, and more than thirty times more generous than the requirement for single-family. The particular design proposed by the Buyer also provides for the preservation of several natural features, including an existing cider mill, and significant acreage of orchard and woodland on all sides of and within the proposed residential community. Inasmuch as the development is set well back from Bush Hill Road, the rural character of the neighborhood will be maintained. See Exhibit A-1 for concept plan.

In order to provide sanitary sewer service to the development, Buyer entered into negotiations with the Glastonbury Water Pollution Control Authority (WPCA). Service would be furnished by a line constructed through an easement entering the Property across its southerly boundary from Glastonbury. On November 16, 2005, the WPCA agreed to provide the service, but only to the Property and under those conditions set forth in a subcommittee report which is attached hereto as Exhibit B. Subsequently, the Glastonbury town attorney added a requirement that the Buyer provide the WPCA with a written statement from the State of Connecticut confirming that the project is within an area consistent with the [State PCD] for the introduction of public sanitary sewers. See Exhibit C.

Public water service would be provided by the Metropolitan District Commission (MDC) from its Glastonbury facilities, entering the Property through the same easement as would accommodate the sanitary sewer service. This understanding is memorialized in a letter from the MDC dated December 2, 2005, attached hereto as Exhibit D.

In the process of developing its concept plan for the development, Applicant and Buyer held an informational meeting for residents and land owners in the area in March 2007. Approximately twenty (20) area households were represented. None of those in attendance objected to the proposal, and in fact, many expressed an interest in acquiring one of the proposed units for themselves.

Buyer's proposed development, although calling for sanitary sewer service and a water main, is consistent with the Town of Manchester Plan of Conservation and Development of September 1998, revised April 2004 and January 2005 (P.C.D). The P.C.D., as an objective, encourages development principles which preserve important features and assure preservation of and public access to land in support of the Town's Open Space goals, especially in Conservation Development areas. The Property is designated by the P.C.D. as in such an area and accomplishes these goals. One of the objectives of the P.C.D. as to Open Space is that "the regulations should require [developments] to connect with, or provide access to, existing town lands and facilities". There is no connecting town land, but Buyer's plan does provide substantial Open Space contiguous to other such land owned by the Manchester Land Conservation Trust. The P.C.D. goes on to provide that in the southwest quadrant, which is where the Property is located, "new residential development should be subject to new Conservation Development regulations to preserve the rural character of the area, add to the open space system and greenway network, [and] protect significant natural features and habitat". Buyer's proposal accomplishes each of these objectives. As previously stated, it provides for vastly more Open Space than is required by the Manchester Zoning Regulations, preserves the orchards and woodlands, is set well back from the public roadway, and connects its Open Space to fourteen (14) acres of the Manchester Land Conservation Trust, thereby preserving the rural character of the area. A conventional subdivision by comparison, with its large-size lots and well and septic utilities, would allow construction of up to 76 single-family houses, would result in most of the land (all but the wetlands) being cleared for construction--

with the resultant loss of the orchards and woodlands, and would fail to accomplish any of the goals set forth in the P.C.D.

Although Applicants are requesting an interim change, it should be noted that the Conservation and Development Policies Plan for Connecticut 2005-2010, suggests that development and infrastructure for Rural Areas should be guided by certain guidelines. One such guideline is to "encourage Rural Plans ... to protect the rural environment through controls and techniques, such as cluster subdivision, that direct development patterns to conformity with rural values." Although the plan does not favor costly urban infrastructure for sewer and water, Applicants believe this proposed development does not violate that intention. The sanitary sewerage system will only serve the development (without it the common interest community--cluster--development would not be possible). The water main and sanitary sewer system are to be provided by Buyer at no cost to the Town of Manchester.

For all of the reasons set forth herein, Applicants respectfully request that this Interim Change Application be approved. Please send copies of all notices to Applicants in care of their attorney, Stephen T. Penny, 202 West Center Street, Manchester, Connecticut 06040.

Dated this 4th day of March, 2008.

APPLICANTS:

Steven A. Botti

Steven A. Botti

Linda T. Botti

Linda T. Botti

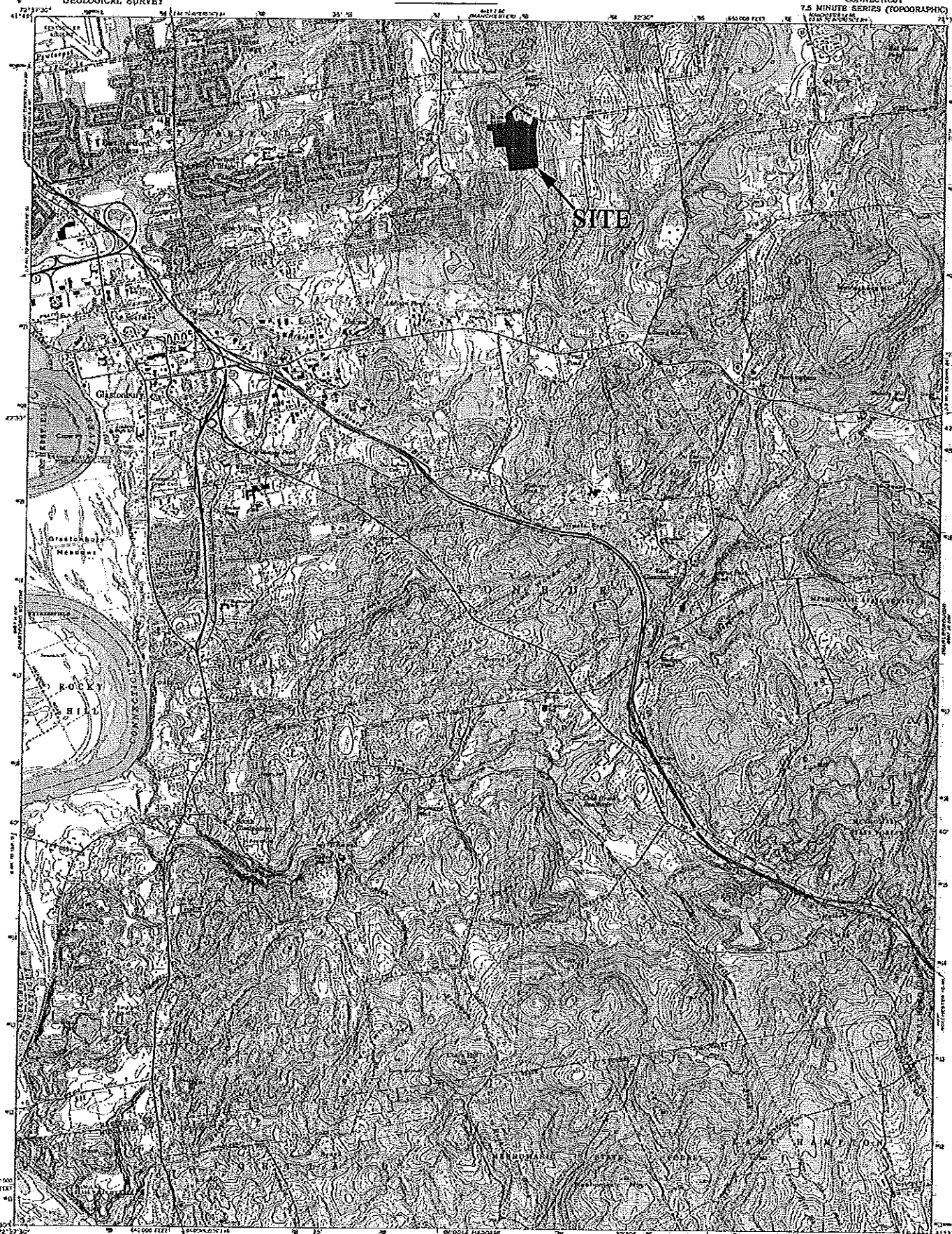
BUYER:
BUSH HILL, LLC

By Joanne T. Gallicchio
Joanne T. Gallicchio, Its Member
Duly Authorized

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

EXHIBIT A

GLASTONBURY QUADRANGLE
CONNECTICUT
7.5 MINUTE SERIES (TOPOGRAPHIC)



Produced by the United States Geological Survey
Revised in cooperation with State of Connecticut
Highway Department
Control by USGS, NOS/NOAA, USCS, and Connecticut Geodetic Survey
Topography by planetable surveys 1942-1943. Revised 1964
Projection and 10,000-foot grid ticks: Connecticut coordinate system
1000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue
1927 North American Datum (NAD 27)
North American Datum of 1983 (NAD 83) is shown by dashed corner ticks
The values of the shift between NAD 27 and NAD 83 for 7.5-minute intersections are given in USGS Bulletin 1775
There may be private inholdings within the boundaries of the National or State reservations shown on this map
Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION
Heavy duty
Light duty
Medium duty
Unimproved dirt
State Route

GLASTONBURY, CONN.
41072-F5-TP-024
1964
REVISED 1983

EXHIBIT A-1

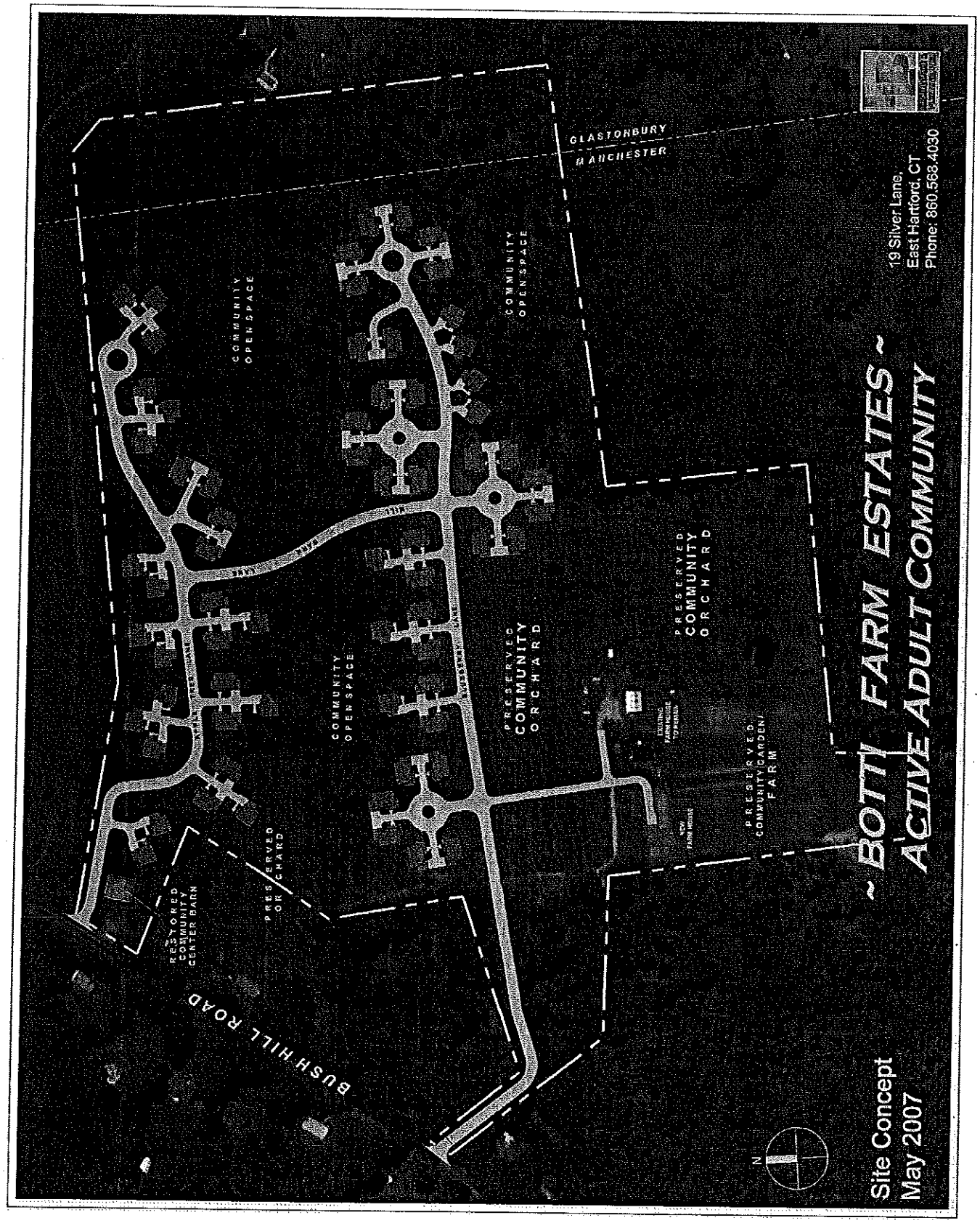

~ BOTTI FARM ESTATES ~
ACTIVE ADULT COMMUNITY
Site Concept
May 2007
19 Silver Lane,
East Hartford, CT
Phone: 860.568.4030
GLASTONBURY
MANCHESTER
BUSH HILL ROAD
COMMUNITY OPEN SPACE
COMMUNITY OPEN SPACE
COMMUNITY OPEN SPACE
PRESERVED COMMUNITY ORCHARD
PRESERVED COMMUNITY ORCHARD
PRESERVED COMMUNITY ORCHARD
PRESERVED COMMUNITY GARDEN/ FARM
RESTORED COMMUNITY CENTER BARN
N

EXHIBIT B

Town of Glastonbury

2155 MAIN STREET • P.O. BOX 6523 • GLASTONBURY, CONNECTICUT 06033-6523

ENGINEERING DIVISION

FACSIMILE TRANSMISSION COVER SHEET

DATE: 11/28/2005

TO:

ATTENTION: Anthony Gallicchio

FAX NO: 860-666-5483

FROM: Bob Shirshac

RE: Botti Property

MESSAGE: Attached was reviewed and approved by the WPCA @ it's meeting on 11/16/2005 For the Botti Property. I suggest concentrating on item #5 and the rest will Follow. Any questions, call me.

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 2

OUR TELECOPIER NUMBER IS: (860) 652-7734

IF A PROBLEM OCCURS WITH THIS TRANSMISSION, PLEASE CALL:

(860) 652-7735

November 16, 2005

Legal Subcommittee Recommendations

1. No further Manchester connections shall be allowed to this sewer system.
2. The Glastonbury Water Pollution Control Authority shall review and approve the tank size and design to accommodate this proposal with the intent to pump to the Glastonbury system during off peak hours once daily.
3. An assessment for connection will be the three tier system at the current rates when assessed.
4. All of the collection sewer system, storage tank and pumps shall be located within Manchester.
5. Applicant shall submit to the Glastonbury Water Pollution Authority a draft agreement between the two towns (Manchester-Glastonbury) and the association providing for the applicant and/or the association as form, to be the principle responsible party of the private sanitary sewer system infrastructure. Also noted within the agreement that should the association become insolvent the secondary responsible party shall be the Town of Manchester: As required under section 7-246F of the State of Connecticut General Statutes for the management of community sewer systems the maintenance agreement shall be between the association and the Town of Manchester. This should also be noted within the original draft agreement.
6. When the applicant has the proposed draft agreement approved by the Town of Glastonbury the applicant may at that time submit to the Water Pollution Control Authority for review and consideration a sanitary sewer impact report.

Louis M. Rinaldi

EXHIBIT C

May 25, 2006

Mr. Anthony H. Gallicchio
Bush Hill LLC
66 Cedar Street, Suite 200
Newington, CT 06111

Re: Botti Property – Bush Hill Road, Manchester, CT

Dear Mr. Gallicchio:

I received the draft agreement for the sanitary sewer installation on the above-referenced property earlier this month which has been forwarded to the Town of Glastonbury's Town Attorney for his review and comments. The Town Attorney's office contacted me and requested that we confirm that the project area is designated as an area to be sewered under the State Plan of Development, which plan is administered under the Office of Policy and Management.

I would request that you contact the State of Connecticut and have them provide a written statement to us that the project area is, in fact, within an area consistent with their plan as a sewered area. This issue must be addressed before proceeding further with review of the agreement.

If you have any further questions, please feel free to contact me at 652-7742 or by e-mail at shirshac@glasct.org.

Sincerely,

Robert W. Shirshac
Senior Engineering Technician

RWS/ce

Cc: Richard J. Johnson, Town Manager
Daniel A. Pennington, Town Engineer/Manager of Physical Services
Stephen M. Braun, Assistant Town Engineer
Michael J. Bisi, Sanitation Superintendent
Robert J. Young, Town of Manchester, 125 Spring Street, P.O. Box 191, Manchester, CT 06045-0191

MDC
The Metropolitan District
water supply • environmental services • geographic information

EXHIBIT D

December 2, 2005

Mr. Anthony H. Gallicchio
Bush Hill, LLC
66 Cedar Street, Suite 200
Newington, CT 06111

Subject: Water Availability and Capacity Analysis
Bush Hill Area, Manchester

Dear ~~Mr.~~ Tony Gallicchio,

The Metropolitan District has conducted a water availability and capacity analysis utilizing the District's water distribution computer model to evaluate the feasibility of supplying water to the proposed Bush Hill Area of Manchester via an extension of the District's 8-inch water main in East Opal Drive, Glastonbury to serve the proposed development. Our analysis was based on the following assumptions as provided by Bush Hill, LLC:

- The preliminary layout for the subdivision includes 69 single-family homes, including 64 active adult dwelling and 5 existing single family homes. For the purposes of the water distribution modeling program, 32 of the homes will be 2-bedroom and 37 will be 3-bedroom dwellings.
- A minimum flow rate of 750 gallons per minute (gpm) from each hydrant was presumed for the purpose of the water availability and capacity analysis. Please note that the Town of Manchester has not provided a definitive fire suppression flow rate to the Developer.
- The subdivision will not include an irrigation system (unless a homeowner installs one on their own), nor a community building.
- The mean elevation across the site is 270 feet (NGVD 1929). The maximum elevation for the parcel is 310 feet, with a minimum elevation of 230 feet.

The District estimates a peak hour demand of 115 gpm for the proposed development, which is computed in accordance with the "Guidelines for the Design and Operation of Public Water Treatment, Works and Sources by the Department of Public Health, Water Supplies Section" (DPUC 16-262m-8(c)).

A computer analysis using the Computer Model of the Metropolitan District's Water Supply, Treatment and Distribution System indicates that the District's distribution

system in its current status can not serve this development, as the working pressure, under normal operating conditions in the water main (as measured in the street) at the location of the development will be less than the State requirement of 25 psi.

In addition to concerns regarding the low pressure at the water main in the Bush Hill Area, there are additional concerns in regards to reaching the ultimate pumping capacity of the existing Orchard Street Pumping Station, including the lack of additional storage capacity as part of the water distribution system. These concerns are magnified if the possibility of fire events in the area is considered.

It would be technically feasible to construct and install approximately 1,300 linear feet of new 12-inch ductile iron water main between Belle Woods Drive and Deerfield Drive in Glastonbury, including the installation of pressure reducing valves in Deerfield Drive and Great Swamp Road as necessary to maintain the existing working pressure in the water mains. Under this scenario, the pressure in the water main that would serve the proposed development would be within acceptable State limits. However, there is concern regarding the construction of a water main through wetland areas in Glastonbury to ultimately serve residents in Manchester.

If an upgrade to the Orchard Street Pumping Station, including increased storage capacity, is approved and implemented by The Metropolitan District, then the Developer, at their own cost, could serve the proposed Bush Hill Area development provided that:

Scenario A

- The Developer obtains approval from the Town of Manchester and other applicable State permits so that the District can provide the subdivision with water, outside of the District's exclusive service area.
- The Developer designs and constructs and 8-inch water main to connect the existing water main in East Opal Drive, Glastonbury to the proposed development, including looping the water main as required within the planned subdivision.
- The Developer designs and constructs a water (booster) pumping station and a storage tank to comply with State of Connecticut Department of Public Health requirements, and to satisfy fire suppression flow rates.
- The Developer obtains all land and rights-of-way to build the above referenced infrastructure and appurtenances.

Scenario B

- The Developer obtains approval from the Town of Manchester and other applicable State permits so that the District can provide the subdivision with water, outside of the District's exclusive service area.
- The Developer designs and constructs approximately 1,300 linear feet of new 12-inch ductile iron water main between Belle Woods Drive and Deerfield Drive in

Glastonbury, including the installation of pressure reducing valves in Deerfield Drive and Great Swamp Road as necessary to maintain the existing working pressure in the water mains.

- The Developer installs individual booster pumps, as necessary, in residential dwellings where the working pressure in the water main (as measured in the street) is between the Department of Public Health required minimum pressure of 25 psi and 35 psi (recommended pressure).
- The Developer designs and constructs a water storage tank and pumps as necessary to provide storage and flow for fire protection. This structure would be owned, operated and maintained by the Developer.

Should you have any questions or require additional information, please feel free to contact myself at (860) 278-7850 Ext. 3208 or Neil H. Amwake, P.E. at Ext. 3438. Thank you.

Sincerely,

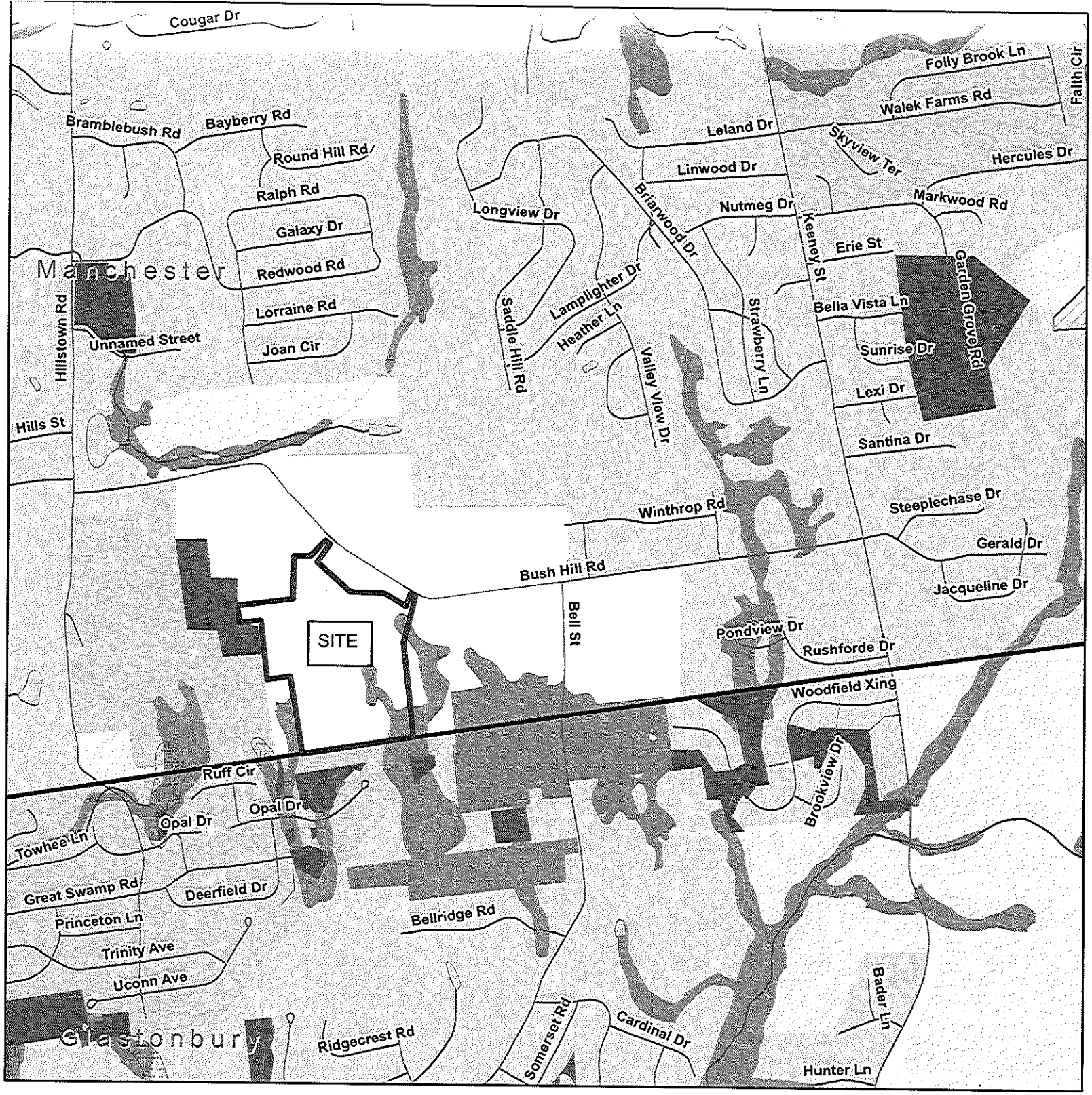
THE METROPOLITAN DISTRICT

Robert E. Moore, P.E.
Chief Administrative Officer

pc: Jennifer Ottalagana
Neil Amwake

Manchester Interim Change Site

Conservation and Development Policies Plan for Connecticut 2005-2010 Locational Guide Map



N
W E
S

600 300 0 600 Feet

For general planning purposes only

Legend

- Towns
- Tribal Settlement Area

Streets

- Interstate
- U.S. Route
- State Highway
- UC
- Local Road
- Rail

Conservation Policies

- Existing Preserved Open Space
- Large Wetlands
- Preservation Area
- Conservation Area
- Rural Lands
- Aquifer Protection Area
- Historic Districts

Development Policies

- Regional Center
- Neighborhood Conservation
- Growth Area
- Rural Community Center

Mar 20, 2008