

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 6, 2009**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Kevin Dougan, Secretary
Salvatore Mancini
Andy Kidd

Alternates: Eric Prause

Absent: Matthew Galligan
Adam Goodkin

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:03 p.m. The Secretary read the legal notice for the application when the call was made.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – deletes provision allowing residential units above the first story as a permitted use in Business I, II, and III, Neighborhood Business and General Business zones – Zoning Regulation Amendments: Article II, Sections 10.01.05, 23.01.05 & 24.01.15 (T-486) - Continued

Mr. Sierakowski explained that at the last meeting there was some public concern expressed about making properties non-conforming, and what that status would do to resale values and how it would affect insurance costs. Town staff has drafted wording that would make only multi-family units above commercial uses existing before the new regulation legal and conforming. Other questions included whether or not the Central Business District would be exempt from this action and how the action would affect the plans of the Redevelopment Agency. Mr. Sierakowski said he thought the PZC would work with the Redevelopment Agency to create new zoning regulations if that was necessary. He said the Commission wants to adopt regulations to achieve some type of control over multi-family uses over commercial uses in business zones.

Mr. Sierakowski asked for public comment at this time.

Sharon Woodley, a resident of Manchester, said Manchester needs more housing. This is not about property values; it is about keeping people off of the street. Ms. Woodley said it is a documented fact that because more money is being spent on housing, less is available to spend on retail. She asked what plan the PZC has for building affordable housing.

Mr. Jason Stansfield, 29 Perkins Street, supported the proposed amendment. He understands the need to develop a clear set of regulations and is supportive of the moratorium. At the last public hearing it was mentioned that this action may be injurious to some property owners. He said the

current rules consider the developer, not the Town's ability to support infrastructure. Regulations that would allow the Genesis Center without a public hearing are injurious to residents of that area. Members of Stonehaven recognize that there is nothing to preclude completion of the Genesis project, but he still thinks the PZC should go forward with this action.

Mr. Thomas Tomko, 33 Bobby Lane, a property owner and investor in real estate, said he is not in favor of the amendment to the zoning regulations as he indicated to Mark Pellegrini in an e-mail read at the last meeting. It has been suggested this action would not affect property values; however, lenders are more conservative with non-conforming uses. This action will affect the long-term strategies of current owners. If the PZC deletes these provisions, it is taking personal property rights away. Mr. Tomko sits on the Redevelopment Agency and some of the Broad Street suggestions include mixed use, with housing on the second floor. He believes this action will send an anti-development message.

Dr. Douglas Smith, Woodbridge Street, is against the deleting of apartments on the second floor. He is an environmentalist dedicated to Bigelow Brook. Mixed use ideas at the Parkade includes apartments on the second floor, which is a vital part of redeveloping that area.

Jeff Johnson, 47 Alexander Street, agreed with the amendment. He said Manchester has an abundance of these types of apartments and many vacant buildings. Manchester needs to do something about uncontrolled development. All development adversely affects education and services, he said. Mr. Johnson works in the public sector and said Manchester has a reputation that it is falling apart.

Mr. Gary Sweet, 75 Forest Street, also on the Redevelopment Agency, encouraged fellow members to envision where we want to be 20 years from now. He believes that includes form based zoning and getting away from the danger of template zoning. It seems brutal to enforce this change at this time, he said.

Ms. Catherine Johnson, 15 Victoria Road, said she is in favor of a moratorium as it will give cohesiveness to the current hodgepodge of zoning regulations.

Mr. Julian Stoppelman, 33 Tanner Street, asked the Commission to look forward, not back to an image it had 20 or 30 years ago. He has heard there is not much more developable land. The main problem with the moratorium is the negative publicity that says Manchester doesn't want to change. Manchester needs to take positive steps to change.

Ms. Jodi Wynn Rodiger said she moved to Manchester from New York City three years ago. She is a planner and has been sitting in on the Redevelopment Agency meetings. She is against the moratorium. Ms. Wynn Rodiger said Connecticut's problem is too many 20-30 year olds are moving out of state. She urged the PZC to think about how to produce affordable housing. There is a very successful model that includes stores with apartments or condominiums on upper floors.

Mr. Bob Schneider, 59 Scarborough Road, also a member of the Redevelopment Agency, said he sees this action as another infringement on the rights of property owners. If an individual has a piece of property, he should be able to bring it to the highest and best use, he said. If a potential developer feels he will be handcuffed in Manchester, he will not buy and develop here. Mr. Schneider saw this amendment as regressive. The Redevelopment Agency is talking about using the new urbanist approach, which includes second floor apartments. These regulations will make potential developers think twice about investing in Manchester, he said.

Mr. Pellegrini received correspondence since the last hearing from Michael Darby on behalf of the Redevelopment Agency. He read excerpts of the letter to the Commission members. Mr. Darby is opposed to this action. A letter was received from Mr. Joseph King, Jr., 102 Adelaide Road, in opposition as well.

Mr. Sierakowski noted each PZC member had a copy of suggested revisions to the original proposed amendment and read it into the record. Mr. Prause asked if the amendment language has been posted for the public. Mr. Pellegrini said a couple of members asked staff to look into this alternative language. He discussed the changes with the Town Attorney, who was of the opinion that the revisions can be included as a modification to the proposed amendment.

Mr. Prause said he does not think the public has been provided with adequate notice and the language changes the scope of the proposal too much to close the public hearing. Mr. Sierakowski said the Commission has historically taken comments heard at public hearings and incorporated the changes as modifications or conditions.

Mr. Tomko said he is concerned about the many statements made that this is temporary; however, that is not reflected in the language. He is concerned that this is being presented as temporary but there is no provision for that in the amendment. Mr. Sierakowski said the moratorium was adopted for six months and will be ending July 27, 2009. If the PZC adopts this change to the zoning regulations, the intention is to review regulations parallel with the moratorium.

Mr. Prause asked how many properties would be affected by this change. Mr. Pellegrini did not have the answer and said the staff would need to conduct research to answer the question. Mr. Pellegrini explained that if the revised language is adopted, multi-family uses in place or approved before the amendment would be treated as a legal, permitted use.

There being no further public comment, the chairman closed the Public Hearing portion of the meeting at 7:50 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1029