

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 21, 2009**

ROLL CALL:

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

Alternates: Matthew Galligan
Adam Gootkin

Absent: Eric Prause

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

Time Convened: 7:35 P.M.

OLD BUSINESS:

WAL-MART REAL ESTATE BUSINESS TRUST – Zoning Regulation Amendments at Article II Section 8.03.24 and Table II 8-1 – CUD Zone (W-137)

Chairman Sierakowski explained that gasoline sales as a permitted use was removed from the CUD regulations several years ago. The applicant is suggesting a change to the zoning regulations that would, under certain conditions, permit gasoline sales on the same lot as a wholesale or retail store larger than 100,000 square feet.

Mr. Pellegrini reviewed a memorandum he had previously sent to Commission members explaining the zoning regulation amendment. He explained that under the proposed regulation amendment an application for sale of gasoline in the CUD zone would be subject to a public hearing process similar to a zone change or special exception application.

Mr. Sierakowski asked Mr. Kidd if he has familiarized himself with this application and Mr. Kidd answered in the affirmative.

Zoning Regulation Amendments at Article II Section 8.03.24 and Table II 8-1 CUD Zone (W-137)

MOTION: Mr. Dougan moved to approve the regulation amendment. Mr. Diminico seconded the motion. Members Dougan, Diminico, Sierakowski and Kidd voted in favor. Mr. Prause, who sat on this item in place of Mr. Mancini, voted against. The motion passed 4 to 1. The reason for the approval was the change was consistent with the regulations and compliant with the business development recommendations in the Plan of Conservation and Development.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – revision to the Zoning Regulations to adopt a six-month moratorium to review zoning regulations that govern multi-family housing – Zoning Regulation Amendment at Article IV Section 17 (T-483)

Chairman Sierakowski reminded Commission members that shortly before the last meeting a letter was received from Attorney Hollister questioning two aspects of the proposed moratorium. His letter was referred to the Town Attorney's assistant who suggested some amended language for the moratorium regulation in his January 15, 2009 memorandum to the Commission. Mr. Pellegrini submitted the proposed regulation with amendments responsive to the Town Attorney's comments.

Mr. Dougan noted that one item not addressed with the amended moratorium regulation is a permitted use in a business zone. Mr. Pellegrini explained that some uses in the business zone are allowed as of right and do not require a decision be made by the Commission. These uses need to be addressed through an avenue other than a moratorium.

Mr. Diminico strongly suggested his fellow Commission members reconsider the moratorium. It is not in the best interest of Manchester and is a bad reflection on the Planning and Zoning Commission and the Town of Manchester. He is not opposed to reviewing the regulations, but feels that a moratorium is too drastic a measure.

Mr. Sierakowski said he respects Mr. Diminico's opinion, but is on the opposite side of the issue this time.

Zoning Regulation Amendment at Article IV Section 17 (T-483)

MOTION: Mr. Dougan moved to approve the moratorium with amendments made in the Town Attorney memorandum dated January 15, 2009. Mr. Mancini seconded the motion. Members Dougan, Mancini, Sierakowski, and Kidd voted in favor; member Diminico voted against. The motion passed 4 to 1.

MOTION: Mr. Dougan moved to amend the motion to approve the moratorium with amendments made in the Town Attorney memorandum dated January 15, 2009 to set an effective date of January 27, 2009. Mr. Mancini seconded the motion. Members Dougan, Mancini, Sierakowski and Kidd voted in favor; member Diminico voted against. The motion passed 4 to 1.

NEW BUSINESS:

SIDEWALK AND CURB PLAN 2009-2014 - Proposed amendments to the Town Sidewalk and Curb Plan

Proposed amendments to the Town Sidewalk and Curb Plan

MOTION: Mr. Dougan moved to table the application. Mr. Diminico seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Subdivision Regulation amendment: Section 4.07 (T-484)

Mr. Dougan questioned the fee-in-lieu of proposition and wondered why the Commission wouldn't just take the open space in the beginning. Mr. Sierakowski explained that 10% of a

development may not gain the Town anything and the Town may end up with an isolated piece of land that is of no value to the Town. Ms. Bertotti further explained that under the current draft, the Planning and Zoning Commission's first choice is to take the land. If the PZC does not think the land offered meets its criteria, it has the option to take an alternate route. She distributed two memoranda to Commission members for consideration when making its motion.

Subdivision Regulation amendment: Section 4.07 (T-484)

MOTION: Mr. Diminico moved to approve the Subdivision Regulation amendment with modifications in Renata Bertotti's memorandum dated January 21, 2009, excluding item 5. Mr. Kidd seconded the motion and all members voted in favor.

UNITARIAN UNIVERSALIST SOCIETY – 153 Vernon Street West – Special Exception Modification (U-47); Erosion Control Plan (U-48)

Mark Peterson, an engineer with Gardner and Peterson, spoke on behalf of the applicant. He reviewed sheet 3 of the plans sent to Commission members. He pointed out the existing building, existing curb cut, and three large parking areas, and showed the proposed addition, the proposed leach field, the additional parking area, and the driveway widening. Four small landscape islands are proposed, as well as landscaped and buffering with evergreens and a four-foot fence along the new parking areas. The proposed stormwater management system consists of catch basins, hydrodynamic separator, and yard drains. Town staff has done a thorough review, he said. The only comment Mr. Peterson is aware of is a request for rotation of the outlet of the drainage system, which the applicant will incorporate in any final plans.

In response to questions from Mr. Sierakowski, Mr. Peterson said the existing building is 7,900 square feet and the expansion consists of 1,700 square feet. There will be just under an acre of site disturbance.

In response to a question from Mr. Sierakowski, Tony Kayser, a member of Unitarian Universalist Society, explained that the only change visible from the street will be to the flat roof area. It will change to a gable roof instead.

In response to a question from Mr. Sierakowski, Mr. Peterson explained that two trees will be removed from the current parking island and a section of trees will be removed to provide for parking, but an evergreen screen will be provided.

Ms. Bertotti stated that there was only one outstanding staff comment and it was addressed by the applicant in his testimony.

Special Exception Modification (U-47)

MOTION: Mr. Dougan moved to approve the special exception modification with modifications in staff memorandum from Nick Francione to Renata Bertotti, dated January 14, 2009. Mr. Diminico seconded the motion and all members voted in favor.

Erosion Control Plan (U-48)

MOTION: Mr. Dougan moved to approve the erosion control plan. Mr. Diminico seconded the motion and all members voted in favor.

APPOINTMENTS TO CAPITOL REGIONAL PLANNING COMMISSION

Mr. Gootkin was appointed as alternate to the Capital Regional Planning Commission by consensus of the Commission.

ADMINISTRATIVE REPORTS

Discussion of Rules of Procedure: seating of alternates and policy on taking action with less than five voting members

Mr. Sierakowski explained that for as long as he has been on the Commission, it has had a policy of extending a courtesy to the applicant that if there were not five members present to hear an application, the applicant can proceed or wait until five members are available. Legally, three members constitutes a quorum.

Mr. Diminico feels that as long as the policy is stated and consistent, simplicity is best. If the Commission has the opportunity to act, then it should act. One concern he had was if there are four members present and a tie vote. Mr. Dougan feels that if a quorum is present, the Commission should act.

Mr. Prause said the Commission has to work with what it has. What happened recently will only happen during an election year when members have not yet been appointed to fill vacancies. Mr. Mancini agreed that if a quorum is present, proceed. This will expedite matters.

Mr. Kidd agreed that if a quorum is present the Commission should proceed. He expressed a concern over the word practical in the rules of procedure and thought that should be tightened up.

Mr. Sierakowski said it seems there is a consensus to drop the courtesy and act if a quorum is present.

Mr. Pellegrini said if he were the applicant and had invested a lot of time and money on a project and only three members were present to vote after he had presented his project to the whole Commission, he might not feel he was getting a fair decision. A tie vote equals no decision and some applications would be automatically approved after 65 days if no further action is taken.

There was a consensus among Commission members to leave the practice unchanged.

Mr. Sierakowski brought up another issue recently encountered by the Commission. He asked when a regular member is not present at a public hearing but then familiarizes himself with the record, is it the regular member or the alternate present for the public hearing who should be the voting member for the application.

Mr. Diminico said he thought the decision on an application should be handled by the alternate who was present for the public hearing and had the opportunity to ask questions. Mr. Dougan agreed that the person who sits for the public hearing should finish the application out.

Mr. Sierakowski asked that Mr. Pellegrini encapsulate these decisions in a memorandum.

Discussion of 2009 work program and special meeting schedule

Mr. Sierakowski reminded Commission members of its large punch list of items needing action

and suggested scheduling workshops or additional meetings to accomplish this. After some discussion, it was decided that a meeting will be held on January 29, 2009 at 6:30 p.m. regarding the moratorium.

APPROVAL OF MINUTES – January 5, 2009 – Public Hearing/Business Meeting

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

RECEIPT OF NEW APPLICATIONS

No new applications were received.

The chairman closed the business meeting at 9:40 p.m.

I certify these minutes were adopted on the following date:

February 18, 2009
Date

Eugene Sierakowski, Chairman

NOTICE: THE CASSETTE TAPE RECORDING OF THE BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1014, 1015