

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 5, 2009**

ROLL CALL:

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

Alternates: Eric Prause
Matthew Galligan
Adam Gootkin

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 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

WILLIAM POE, JR. – 156 Union Street – Request for a rear lot under Article III Section 6.01 for the construction of single-family home – Special Exception (P-181)

Attorney Stephen Penny represented the applicant who was unable to attend. He said the applicant is seeking special exception approval for the creation of a rear lot. The parcel is currently 3.4 acres, bordered northerly by nine two-family structures, easterly by Union Street and southerly by undeveloped land. He said public water and sewer service is available at the property. The property is zoned Residence B and Rural Residence and contains no wetlands or watercourses. He said the proposed lots exceed the minimum lot requirements for the zone.

Mr. Raymond Nelson, an engineer with Messier and Associates, expanded on the details of the application. He said currently the property contains a three-family house that sits on a knoll, and a detached garage. The site drains from north to south and is covered with vegetation. Mr. Nelson said the applicant proposes to construct a paved parking area for the three-family house on the front lot. The new house will be located on the proposed rear lot and will utilize the existing driveway. Mr. Nelson displayed an illustrative rendering of the proposed home. He said the landscaping will consist of several street trees and a buffer area will be left undisturbed along the property lines. Mr. Nelson pointed to the area to be disturbed. He stated that one house, with three cars at the most, will have a negligible impact on traffic conditions.

Mr. Nelson explained the erosion and sediment control plan. The existing driveway will be used as access to the site and a construction entrance will be installed at the start of the Lot 1 parking area. Silt fence will be installed downgradient from disturbed areas. He said the stock pile will be located on the flat area and protected by silt fence and/or hay bales.

Mr. Kidd noted some correspondence from homeowners on Rossetto Drive regarding a landscaping buffer. He asked if there was any way to shift the house toward the Balf property to allow for more of a buffer.

Mr. Nelson responded that the location of the house was chosen due to the topography, allowing for a walk-out basement on the low side. The current plan is to maintain a 15' side yard buffer, but he thought it might be possible to increase the buffer.

In response to several questions from Mr. Diminico, Mr. Nelson thought it would not be necessary to plant a row of evergreens to screen the neighbors' homes to the north. Mr. Diminico wondered whether Mr. Poe would return soon for a multi-family development on the rear lot.

Attorney Penny stated that the present application reflects the economic times. This is not a time most would expect the development of a multi-family property. There is a high cost for infrastructure and the development would need to be marketed, he said. If the applicant were to desire a multi-family development, he would need to come back to the Planning and Zoning Commission for approval.

Attorney Penny described the general criteria the applicant is required to meet, including finding a suitable location, a residential neighborhood, density below 1.3 units per acre, adequate streets in the area, adequate parking and access, and adequate public utilities. He said all criteria are met and there are no outstanding staff comments.

In response to a question from Mr. Prause, Attorney Penny stated that eight parking spaces are proposed to provide adequate parking to serve the existing three family house. Mr. Pellegrini added that typically two spaces are provided per unit.

Ms. Bertotti stated that the applicant had addressed all staff comments. In addition to the e-mails provided in the Commissioners packets, she said e-mails had been received from the residents of 30 Rossetto Drive. She said they expressed concerns about the proximity to the asphalt plant and declining air quality if the vegetation were removed for the proposed house, as well as declining property values of their home if this proposal was approved.

Chairman Sierakowski asked for anyone wishing to speak in favor or in opposition of the application to come forward.

Ellen Rylander, 36 Rossetto Drive, said she has lived in her home for eighteen years and has enjoyed a great backyard. Her 91 year old mother-in-law lives next door and her greatest joy is enjoying the birds and wildlife in the back yard. She would hate to see the land stripped of vegetation and asked if it would be possible to maintain the pine trees and shrubs at the edge of the property. As long as a single family house is being built on the property she does not contest the application. If the plan changes to multi-family she would not support the application.

Richard Rylander of 34-36 Rossetto Drive, concurs with his wife's comments. He appreciated Mr. Diminico's comments regarding the possibility of changes to the plan of development. As proposed, the plan looks like a reasonable use of the land and he is not against the application. If a different type of use were to be proposed, he will be present to state his argument.

Ms. Bertotti said that in addition to the two e-mails already noted she received e-mail correspondence regarding the application from Theresa Lantz, Jim Mcardle, and Ellen Rylander.

There being no further public comment, Mr. Sierakowski closed the public hearing on this item.

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)

Mr. Sierakowski explained that a moratorium will give the Planning and Zoning Commission time to review a number of issues, including the ratio of single to multi-family structures, owner occupied vs. rental properties, housing in business zones, and density impacts on schools, business, etc. The Planning and Zoning Commission would hold workshops to discuss talking points and suggestions and hold informal public hearings. Any formal changes would require a separate public hearing.

Mr. Pellegrini reviewed the language of the proposed moratorium, which defined a multi-family unit as three or more units in a single structure.

Chairman Sierakowski asked for public comment in favor of or in opposition to this application.

Holly Reed of East Hartford said she understands the issues involved to include the budget, costs, and overbuilding. Before approving a moratorium, she urged everyone to consider that Manchester is known as a community town and reminded Commission members of the Town's slogan. She suggested rethinking the type of image the moratorium will present as there are other ways to regulate housing. She owns a multi-family house in East Hartford one could say is an eyesore, although she is trying to fix it up. She thinks things should be taken on a case by case basis.

Joe Hachey of 91 Diane Drive cautioned Commission members not to approve this measure. He said that 90% of moratoriums are really to keep certain people out and asked who we are trying to keep out. A moratorium is exclusionary, he said. If the Commission really wants to do a study, there is nothing to stop them. He said he doesn't want to see a moratorium passed because it will inhibit the growth. Mr. Hachey suggested that the energy being put into this issue is taking away from other areas. Although he never saw getting young families moving into Town as a bad thing, apartment and condominium complexes built recently have been in the upper economic end and have a small percentage of children. Manchester cannot go back to the 1800s and be a small farming community again. When a moratorium is passed, that sends a signal that we are not creative and do not want to encourage diversity. He believes it is lousy public policy and it will be regretted.

Scott Aiken of 92 Laurel Street described a young professional he knows who moved into the Buckland Hills apartments. When it was time to buy a house, he purchased a home on the Manchester Green. He spoke of his own experience of renting in Manchester and liking it enough to purchase his own home in Manchester. Mr. Aiken noted the priorities of the Board of Education that include smart growth and suggested a moratorium would not support that priority. He said he moved to Manchester specifically because it is not a Glastonbury, Avon, or West Hartford. Manchester has always been a working class town. He asked if this moratorium is to prevent Section 8 housing. Mr. Aiken said that it appears as if the Republican caucus seems to have already made up its mind and questioned the need for a public hearing if this is the case.

Jim Griffin of 55 Oak Forest Drive, expressed concerns about imposing a moratorium. This action would restrict income to the Town. He gave the Oak Forest complex, which he said pays

the Town between \$360,000 and \$380,000 in taxes each year and averages 3 or 4 children per year using the school system, as an example of a cash cow for the town. The complex takes care of its own roads, plowing, rubbish and recyclables. If plans move forward with the proposed condominiums on New State Road and the Dye House property, an additional \$700,000 in income will be generated per year. The board of Directors will have an easier job with the budget if this additional income is added. Mr. Griffin said the idea of a moratorium is ridiculous.

Dennis Brenner of 100 Hampton Drive, said he is opposed to the moratorium. He said we are in unique economic times and many people are unemployed in different trades. If the Planning and Zoning Commission wants to look at the zoning regulations, he thinks that is a great idea and suggested opening things up and having a discussion. He is against having a moratorium when the economy is already struggling.

Bettye Kramer of 41 Campfield Road, said she thinks a moratorium is a bad idea. Anyone who can put together the money for building should be welcome, especially at a time like this. A moratorium would mean less work for many different categories of workers. If the Commission wants to do a study, she says go ahead. But she would like projects considered individually rather than saying no more building. Ms. Kramer said the Commission has a responsibility to taxpayers and should not vote in favor of a moratorium.

Susan Shanbaum of Hartford Road said she would like Commission members to spell out to residents exactly what the specific objections are. She is aware that Deputy Mayor Peak has mentioned wanting to be more like Glastonbury or South Windsor and has heard it intimated that with poorer people comes menace. Ms. Shanbaum does not understand the need for a moratorium. She said that Manchester is getting a reputation that it is not friendly to development and that alone is a reason not to enact a moratorium. Some properties in Town are best suited for multi-family housing. If this moratorium were passed earlier, the Dye House developer would not have been able to apply.

Horace Brown of 24 East Maple Street said he saw a portion of the Planning and Zoning Commission's discussion having to do with the moratorium and did not see sufficient reasons given for the need to take such a drastic action. Manchester has a long history of good government, good planning, and good regulation. It has had zoning regulations since the 1930s and a planning staff since the 1950s. The Planning and Zoning Commission has always been reasonable. Mr. Brown said the moratorium sends an odd signal, especially in light of Manchester's background, and wondered what had gone wrong. He said each plan should be reviewed and all proposals are subject to rejection or revision when appropriate. The Planning and Zoning Commission or Town staff can propose modifications to the Plan of Conservation and Development, Town maps, or regulations if and when necessary. Given the background of the Town and how all of these have evolved, if a change is needed it would be a limited change and can surely be done without a moratorium. Mr. Brown said that one wonders the intent of something as drastic as a moratorium. A responsible municipality must provide a variety of housing. Aside from sociological issues, there are some people who prefer multi-family housing, such as young families or older people. The money that comes from large multi-family development is truly significant and he would think losing revenue such as that would be a concern at this time.

Carl Zinsser of 176 Ralph Road said he is opposed to the moratorium. He questioned the timing of the notice of public hearing in the newspapers and pointed out that not one person has spoken in favor of the moratorium. The Republican party generally does not believe in over regulating

and that is exactly what this moratorium would do. The Board of Directors just reenergized the Redevelopment Agency and a moratorium would “cut the legs out” from under it. He said proposals like the Dye House are a good thing and asked what else could have been done with that property. Mr. Zinsser said if the Commission wants to look at the regulations, it doesn’t need a moratorium to do so.

Attorney Stephen Penny spoke in opposition on behalf of the Hayes Family Limited Partnership. He said he doesn’t know what prompted the proposed moratorium but does not believe that the current multi-family regulations are working in such a way that there is a need for such a drastic measure. Attorney Penny said that moratoriums are for small towns with inadequate regulations that have been caught “flat footed” without appropriate regulations. This does not describe Manchester, which is a uniquely successful community. It is a Town with one of the lowest per capita tax rates, one of the better bond ratings, and one of the most diverse socio-economic populations. The admittedly poor population in Town measures 8% and the financially successful population (income over \$100,000) measures 10% of the total population. Manchester has a broad range of housing stock which represents its mix well. Attorney Penny stated that not all rental housing is multi-family, and not all multi-family housing is rental housing.

Attorney Penny said the least expensive housing in Town is the older Cheney-built homes in the center of Town, most of which are rental properties. This moratorium will not address that issue. Mr. Penny pointed out that the rent for the newer multi-family developments range from \$1,000 to \$1,500 and the condo units are purchased by economically substantial couples that are downsizing. One of the Board of Director’s highest priorities is to promote economic development and a moratorium goes against that priority. Attorney Penny questioned why the regulations as they exist are so deficient that the Commission must engage in such a drastic measure. He suggested the Commission ask Mr. Pellegrini to research how often moratoriums are put into effect and for what reasons. He urged the Commission not to put the community at risk by adopting this moratorium.

Eileen Sweeney of Hawthorne Street said she grew up in southeast Manchester and remembers the wonderful neighborhoods of years ago. She said she thinks it is healthy to engage in public dialogue and to pause, reflect, and evaluate development. Ms. Sweeney believes it is wiser to use existing buildings than to continue to cut down trees for new buildings. She thinks it is important to consider the overcrowding, duplexes, absentee landlords, and ruined neighborhoods. Ms. Sweeney is glad the Dye House is being renovated. The Town is rapidly losing its buildings of character. Ms. Sweeney applauds the idea of examining this issue.

Julian Stoppelman of 33 Tanner Street said he started living in Manchester in the Beacon Hill Apartments and has since purchased two houses. He sees the moratorium as a public relations problem. He asked if the intent of the moratorium is to prevent Manchester from becoming more heterogeneous and make it more homogeneous. He said it is important that the Town provide housing for its sons and daughters and seniors. As was pointed out earlier, there is very little developable land left, he said. Mr. Stoppelman believes any changes can be made without a moratorium.

Geoff King of 62 Arnott Road spoke in opposition to the moratorium. He has heard elected officials campaigning against the Dye House project and now multi-family housing is being called into question. The reason given is that Manchester’s housing stock doesn’t look like Glastonbury or South Windsor’s. If one were to look at other mill towns such as Vernon,

Meriden, or Norwich, one would see that Manchester compares quite favorably. Manchester has exceptional services and a strong economic base. It should be building on its attributes, not trying to be like Glastonbury or South Windsor.

Mr. Prause said the biggest problems in Town have been identified as the Broad Street and Main Street areas and suggested the moratorium will close the door on a potential Blue Back Square type proposal. Another problem that has been identified is the traffic impact of multi-family developments. He suggested pushing the Buckland Traffic Study along and also noted that other parts of Town could be developed and use I-384 for highway access. The Vintage at the Grove currently has a 70% occupancy rate and that is a high end complex only recently completed. The Pavillions has a 90% occupancy rate. When he moved here from out of state, Mr. Prause said he chose Manchester because that is where he found a brand new apartment complex that was the best place to live. When he bought a home, he purchased in Manchester. He wants to make sure Manchester does not miss out on the next great development. Mr. Prause suggested that if the Commission is concerned about overburdening one area of Town, it focuses on that area. Closing the door on all development is not a good idea.

Chairman Sierakowski said he has been on the Commission for 17 years and over that time has heard concerns about the impact of development. He suggested constraining new development may encourage the use of old buildings. Many of Manchester's regulations are outdated in his opinion. The whole idea of a moratorium is to give the Commission some breathing room. By not having to deal with applications, the Commission has more time to step back and examine the regulations. Mr. Sierakowski believes the economic climate we are in now is the right time for the moratorium.

Mr. Mancini said he agrees with the Chair. He has noticed a lot of "for rent" signs lately. A moratorium will allow the Commission to take a look and reevaluate the best use of the land we have left to avoid making rash decisions. Mr. Mancini said the Commission isn't trying to sneak anything by and will still need to hold public workshops. He hopes people will attend with the same zeal shown tonight to help make decisions. With more multi-family units comes the need for more services and more roads. He doesn't want to hear in five or ten years that the Town can't support what it has.

Mr. Diminico rose a point of order and asked that Commission members follow the agenda or suspend the rules.

Mr. Sierakowski explained that alternates are not allowed to speak during the business meeting and he allowed Mr. Prause the opportunity to speak during the Public Hearing portion of the meeting. He asked if any other alternates would like the opportunity to speak.

Mr. Pellegrini said he received a letter from Geoffrey King, Chair of the Housing Commission, addressing the issue of affordable housing and also received a letter from Attorney Timothy Hollister of Shipman and Goodman who represents CHR. He said Attorney Hollister raised two points in his letter that the Commission may want to take into consideration: first, the proposed moratorium would not affect previously approved projects and second, Attorney Hollister believes building permits and certificates of zoning compliance are ministerial actions and a moratorium cannot apply in those circumstances.

The chairman closed the Public Hearing portion of the meeting at 8:43 p.m.

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

OFFICIAL TAPE NO. 1011, 1012, 1013