

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 1, 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
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:04 p.m. The Secretary read the legal notice for the application when the call was made.

CMRE, LLC – 278 Hackmatack Street – request for zone change from RR to PRD for the construction of a 13-lot single-family planned residence development with associated driveways and utilities – PRD Zone Change and Preliminary Plan of Development (C-233)

Mr. Matthew Ducsay, Civil Engineer with Milone and MacBroom, explained that the subject property sits on the south side of Hackmatack Street and is 13.1 acres in size. It is located in a RR zone and currently has one existing home, which is lot 11 of the proposed plan. The parcel has 90 feet of frontage on Hackmatack Street, approximately 300 feet west of the intersection with Judith Drive.

Mr. Ducsay described the adjacent land uses which include Trinity Covenant Church on the western and southern boundary; Walek Farms, cluster aa, to the south; and undeveloped parcels to the east. Adjacent zoning includes RR, AA, and Cluster aa. The topography climbs from Hackmatack to the existing home, which is at 268 feet. The low point of the property is in the wetlands corridor with an elevation of 204 feet. Soils consist of urban soils and fine sandy loam, which are favorable for infiltration. The wetlands have been flagged by a certified soil scientist, are isolated to one area, and total 1.1 acre, he said.

Mr. Ducsay stated the proposed development will consist of 13 lots; the existing house (proposed lot 11) will remain and 12 lots will be added. He said lot sizes range from 10,700 square feet to 34,000 square feet, with an average of 16,200 square feet. All homes will be accessed from a new street that will end in a cul-de-sac.

Mr. Ducsay displayed a rendering of the architectural styles proposed for the development. He said homes will be earth tones of greens, grays, and tans. They will have architectural shingles and vinyl siding. Homes will range from 1,800 to 2,000 square feet and will be ideal for starter homes or empty nesters. Prices will be determined by market conditions. All homes will be served by public water and sanitary sewer. Storm water management includes infiltration. The open space requirement will be fulfilled with property on the eastern side of the property. Approximately 2.5 acres of land will be open space. He said a 20-foot access and utility easement between lots 6 and 7 will provide access to the open space. A wood chip trail will loop through the open space to encourage its use, he said. There are approximately 4.6 acres of vacant land that will remain in control of the applicant but not be developed. Street trees will line the road and a landscape buffer will be created in the back corner of the property along the western frontage. The units to the west are walkout units and a buffer will mitigate the appearance as well as provide privacy.

Mr. Ducsay explained that Manchester's Plan of Conservation and Development depicts the area as a low density area, which is defined as three units per acre. He said this plan's density is 2.1 units per acre, calculated using the developable area and not including the open space. If the calculation takes open space into consideration, he said density becomes 1.6 units per acre. The applicant has conducted a traffic study which was reviewed by the Town's traffic engineer, who has determined that no traffic impact problems will result from the development. The proposed development density is less than prescribed by the Plan of Conservation and Development and the lot sizes are consistent with other lots in the area, he said.

In response to questions from Mr. Diminico, Mr. Ducsay pointed out the wetlands on the map. Approximately .8 acre of wetlands is within the open space area.

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

Leandra Manos, 264 Hackmatack Street, expressed concern for the wildlife that exists on the undeveloped land. She said there is a variety of wildlife that the neighbors are very fond of. She likes that the property is not developed. She asked what provisions are made for the wildlife and said she speaks for herself and other neighbors who were unable to attend in objection to this development.

Mr. Pellegrini explained that the applicant is requesting a PRD zone change, in this particular case it is a single family subdivision. When a single family subdivision is proposed, unless it is age restricted, each house must have its own lot. If this application is approved, the applicant would have to submit a final plan that meets the subdivision regulations. He said the applicant has accurately described the surrounding land use and overall site development.

Mr. Pellegrini said the plan has been reviewed by Town staff and there were some minor modifications requested.

Mr. Pellegrini emphasized this is the first subdivision application the Commission has seen since the adoption of the open space requirement in the subdivision regulations. Although the subject will be discussed at the final plan stage, if the Commission has any concerns about the location of proposed open space or whether it is suitable, this is a good opportunity to raise those concerns.

Mr. Ducsay noted the dark green area on the map represents the wooded area to remain, and the light green areas that will be cleared. The front three acres will be cleared and a limited amount behind the existing house, for a total of five acres. The remaining eight acres will remain wooded. The wildlife currently on the property will naturally migrate to the stream area.

Mr. Kidd stated for the record that he is an abutting property owner and approximately 20 feet of his property touches the south east corner of the applicant's property. Mr. Kidd said he is concerned about the limited access to the open space for the general public. Access consists of 20 feet of frontage through a right-of-way on the south side of the property. He is concerned about accepting the property as open space because it is somewhat isolated. A person wishing to access the open space would have to go down the street into the cul-de-sac, park in the cul-de-sac, and walk between two homes to access the open space. He expects that only the people in the cul-de-sac area would benefit from it.

Mr. Pellegrini explained that this is an approval of a zone change and preliminary plan. If it is approved, the open space issue would be referred to the Park and Recreation Advisory Committee. The Planning and Zoning Commission has the option to accept, revise, or not to accept the land and receive payment in lieu of open space instead. If the latter were the choice, the Town would collect the payments as the lots are sold. In this particular circumstance, the applicant requires a zone change; without the zone change there will be no subdivision.

Mr. Diminico said he believes it would be best to have other Town departments provide input if the zone change goes through. He suggested the Conservation Commission or Recreation Department may provide perspective on the open space being offered to the Town.

Mr. Dougan suggested closing the public hearing and then getting comments from other Town staff and groups as appropriate.

The Chairman closed the public hearing on this item.

ST. PAUL'S COLLEGIATE CHURCH – 416 Middle Turnpike East (aka 308 Broad Street) – request to allow religious services in one movie theatre at the Broad Street Parkade – Special Exception (S-215)

Attorney Leonard Jacobs spoke on behalf of the applicant, who is requesting permission to use one of the movie theatres at the Parkade for religious services. Services will take place one night a week except when there is a significant religious holiday. Theatre number 3 will be used routinely. If larger attendance is anticipated, there is an option to move into a larger theatre, but there will never be more than one theatre used for religious services at a time. The Parkade Cinemas are located in a General Business zone, which allows religious uses by special exception. The theatre building has existed for many years and the applicant wishes to use only one theatre, with services being from 8:00 p.m. to 9:30 p.m. There will be no impact on peak traffic hours.

Attorney Jacobs indicated this is a suitable location for this activity. He said the theatre building already exists and is broken down into individual theatres. There will be no impact on neighbors and no issues with neighborhood compatibility. There is adequate parking, adequate street access, emergency access and utilities are not an issue.

In response to a question from Mr. Prause, Attorney Jacobs said directional signs will be located within the building when a service is held. No new signs will be added outside the theatre.

In response to questions from Mr. Kidd, Attorney Jacobs said the applicant is only asking for one night a week unless there is a special holiday. If that were to change, the applicant would need to come back to the Commission. In response to a question from Mr. Kidd, Mr. Jacobs said portable staging is shown on the plans because the theatre owns it, but the applicant will not be using portable staging. Attorney Jacobs is fine with making that a condition of approval.

Mr. Pellegrini said there are no outstanding staff comments.

In response to questions from Mr. Sierakowski, Attorney Jacobs stated that if this application is approved, the applicant would enter into a lease agreement with the property owner.

Mr. Pellegrini added that the Commission has to make a decision based on whether the proposed place of worship meets the criteria for approval.

Dorothy Brindamour, 6 Morse Road, said this is a great idea and wondered why anyone would object. It's nice and would be a nice thing to do.

Mr. Pellegrini distributed a letter from the Manchester Chamber of Commerce in support of this application.

The chairman closed the Public Hearing portion of the meeting at 8:00 p.m.

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

OFFICIAL TAPE NO. 1040