

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
MARCH 16, 2009**

**ROLL CALL:**

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

Alternates: Eric Prause (sitting)

Absent: Salvatore Mancini  
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 7:05 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, Section 10.01.05, 23.01.05 & 24.01.15 (T-486)

Chairman Sierakowski explained a moratorium was recently approved but housing over commercial uses was not covered by the moratorium. Deleting the provision for residential units above the first story in business zones is the only way to accomplish the Planning and Zoning Commission's goal of a six-month moratorium on all new multi-family development in Manchester, allowing the Commission the chance to review its regulations.

Mr. Pellegrini explained the regulation was drafted to eliminate residential uses on second and third floors in business zones. He reviewed the regulation amendments for Commission members. The effect of this change is that any residential units on second and third floors in the affected business zones will be rendered non-conforming; they can remain but cannot be expanded. There are financial implications, which may affect property owners, he said. Mr. Pellegrini referred this matter to CRCOG and forwarded its comments to Commission members. CRCOG advised the Commission to consider the benefits of such a mixed-use regulation to Manchester.

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

Mr. Jason Sansfield, 29 Perkins Street, asked if the moratorium would prevent the Genesis Center's supportive housing from being built for six months. He also noted that the proposal is not meant to be permanent and asked what exactly the purpose is.

Mr. Sierakowski explained the Genesis Center application for the building at the corner of Alexander and Center Streets would not be affected by the moratorium or any actions taken this evening. Any application already submitted or approved cannot be retroactively affected. He further explained that the intention of the Commission by taking this action is to review as of right regulations with an eye toward going to a special exception procedure for determining site suitability for such uses.

Mr. Prause pointed out that there is nothing in the proposed amendment with a timeline. There is no reference of any future action the Commission will take, and as written it is a permanent action.

Mr. Jeff Johnson, 47 Alexander Street, stated that the property at the corner of Alexander and Center Streets is not sold. He asked how long the plans are in effect if the funding is not approved. Mr. Pellegrini responded that it depends on the type of approval. He said the property owner has five years to complete the erosion control plan.

Mr. Johnson asked how the Genesis Center could be classified as a business as it is a non-profit organization. Mr. Sierakowski explained that an organization such as the Genesis Center is a permitted use in this location. He said he received communications from neighbors but there is no current venue to allow neighbors to raise concerns. A special exception process would provide this venue.

Mr. Daniel Reale, who owns a real estate agency on Main Street, spoke on behalf of the Board of Directors of the Tri-County Realtors. He said he doesn't understand the reasoning for taking away the rights of property owners in Manchester and hopes the Commission will rethink this proposal.

Mr. Julian Stoppelman, 33 Tanner Street, urged the Commission to remember that it is affecting people's property rights. He sees absolutely no reason to stop all development in order to consider the changes.

Mr. Horace Brown, 24 East Maple Street, appeared previously in opposition to the moratorium. Nobody at that meeting supported the moratorium and 13 people spoke in opposition, he said. He respects and endorses wanting to make changes as appropriate, but does not understand why that would require a moratorium, or in this instance, even more. He mentioned Blue Back Square and the upscale condominiums over the stores there. Mr. Brown expressed his desire to see the Commission make their considerations to the regulations without this action.

Mr. Pellegrini received a letter from CRCOG dated February 25, 2009 with their comments. Also an e-mail from Barbara Weinberg and an e-mail from Thomas Tomko in opposition to this

proposal were received for the record. Mr. Diminico noted that both e-mails came from members of the Redevelopment Agency.

Mr. Prause said he believed the hearing should be held open to allow for discussion. Mr. Diminico agreed with Mr. Prause; he would also like to see the public hearing kept open. He said he does not feel this hearing has been adequately publicized in the media. Mr. Diminico explained his concerns revolve around the fact that this is not a moratorium, but a permanent deletion. He would like to see the Commission look at zoning regulations on a regular basis. This action would really be a quasi-moratorium.

Mr. Sierakowski said he favors closing the public hearing.

Mr. Prause said he thinks the Commission needs to be very clear on any ramifications this action might have. Currently the impact is not understood. This action will create a non-conforming status which may affect values of the properties impacted. Mr. Prause said he believes this type of action should wait for the conclusion of research done during the moratorium process. He asked how many properties would be impacted and for some examples.

Mr. Sierakowski said that because the zones are so layered and convoluted, the Commission cannot take action in a piecemeal manner. He thinks the Commission should close the public hearing.

Mr. Kidd said in general he is in favor of the intent of this action. He said he is in favor of having more control and believes the Commission needs to tighten up regulations. He has questions about the extent of the impact to property owners and is not opposed to leaving the hearing open to get a better understanding of concerns of other Commission members and the public.

Mr. Dougan said there is some confusion about the temporary deletion and suggested a time limit that would coincide with the end of the moratorium. He also supports keeping the public hearing open.

Mr. Pellegrini explained that a self-imposed deadline would not be legally binding.

MOTION: Mr. Diminico moved to keep the public hearing open on this item. Mr. Prause seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – revisions to the temporary access provision and to bonding requirements adding Section 4.19; revising Sections 8.01.01 and 8.02 and deleting Section 8.01.02 – Subdivision Regulation Amendments (T-487)

Ms. Bertotti explained that closing out projects such as subdivisions has been difficult; the Town often has a difficult time collecting final drawings, records, and deeds. The Town staff has discussed how to make the process better and more expedient, allowing projects to close more efficiently. She described proposed revisions to the bonding requirements to the Commission.

In response to a question from Mr. Prause, Ms. Bertotti said she did not look into how other Towns handle this; she is aware that Windsor requires cash bonds for this reason. This would be more of an incentive than a penalty.

Chairman Sierakowski asked for anyone wishing to speak in favor or in opposition of the application to come forward. There being no public comment, the chairman closed the Public Hearing portion of the meeting at 8:27 p.m.

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

OFFICIAL TAPE NO. 1024