

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 17, 2010**

ROLL CALL:

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

Alternates: Anthony Petrone
Horace Brown
Susan Shanbaum

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 7:08 p.m. The Secretary read the legal notice for the application when the call was made.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Map
Amendment – Design Overlay Zone (T-505)

Ms. Bertotti presented the proposed revisions and expansions to the zoning map to the Commission members. She said in April of 2009, the Commission deleted the provision allowing residential units above a first story as a permitted use in Business I, II, and III, Neighborhood Business and General Business zones. In January 2010, the zoning regulations were amended to allow residential units above the first story as a permitted use for four or less dwelling units when they have a combined gross floor area of 5,000 sq. ft. or less. She said the Commission suggested applying the Design Overlay Zone in the business zones where residential uses were permitted as of right to control design. She said any more than four units are subject to a special exception review.

Ms. Bertotti said the amendments excluded the General Business zone because there is no residential component. She reviewed the purpose of the Design Overlay zone and which properties are affected by this zone change. She then reviewed the map showing the affected parcels.

Mr. Sierakowski said the purpose of the amendment is to give the Planning and Zoning Commission more control over the design and modification of structures; a more detailed review than conventional zoning.

Mr. Sierakowski opened the floor for public comment at this time.

Ms. Eileen Sweeney, 86 Hawthorne Street, spoke in favor of and supported the amendment. If the intent is as stated, its purpose is not served well when a structure that contributes to the attractiveness and meaning of the streetscape and neighborhood is demolished and the property is paved over. She hoped the Commission would encourage beautification. She would like

historic reviews and architectural surveys prior to demolition discussions. The community's green spaces should also be protected. She thinks the Town should encourage developers to adapt rather than demolish buildings.

Mr. David Smith, a member of the Manchester Historical Society, spoke in favor of these regulations and the extension of the overlay zone. He noted the amendments now lock in existing properties considered non compatible for the neighborhood in which they are located. He asked if this will also affect the subsequent owners of the property by requiring them to return a building to be more like the rest of the neighborhood when they rebuild. He asked if the construction of paved parking areas in place of perfectly appropriate buildings is regulated within the guidelines. If not, he doubts they will be effective.

Ms. Leslie Frey, 30 Florence Street, said she shares the other speakers' concerns and would like to go even further with the regulations. She is upset about a couple of the buildings that have been torn down and mentioned one building on Main Street that has been built that is much too big for the lot. Ms. Frey mentioned some historical homes that are being allowed to disintegrate and are facing demolition. She does not understand the current process regarding demolition.

Mr. John Dormer, 58 Patriot Lane, is in favor of the concept of overlay design, but is disappointed in how it applies. He questioned why some items are included when they are of no historic value.

Mr. Bob Sanford, Sanford & Hawley, 336 North Main Street, said his business has been located in Town for 17 years and is a committed part of the Manchester community. His parcel is unique in that only the first 100' of the property closest to the road would be subject to the design overlay; the majority of his property would not be. He showed some photographs to the Commission members, including the street view, the building when it was purchased, a current view of the site, the building in the back of the property, and an aerial photo. There is nothing architecturally unique about the store and the property should be excluded.

Brian Miller, a principal of the Miller Group, a planning firm in Cheshire that works with many municipalities, was asked to analyze the proposed expansion of the design overlay zone as it affects Sanford & Hawley. He said only a portion of his property would be included in the newly created zone; about $\frac{3}{4}$ of an acre, which is $\frac{1}{4}$ of the entire 3.2 acre parcel. The neighborhood itself is a mixed use neighborhood. The area to the east is a standard retail center with medical offices. The area to the north contains a multi-family complex and a church and there is a multi-family area to the west.

Mr. Miller said he thinks the imposition of an overlay district could inhibit the redevelopment of this property. In the Plan of Conservation and Development, the entire property is identified for industrial use. Mr. Miller does not believe Sanford & Hawley has a high architectural quality and could not pinpoint the neighborhood architectural character. It would be difficult to apply standards to this property in relation to other areas in the area as it is eclectic and varied. Mr. Miller believes this tiny sliver of property should not be included in the design overlay.

Mr. Diminico asked Town staff to identify all other affected properties on North Main Street, which Mr. Pellegrini did.

Attorney Robert Reed, representing Sanford & Hawley, submitted a letter for the record and explained that his client recognizes the intent of this overlay design is to preserve and protect unique historic and architectural features. The property at 336 North Main Street is being

selected because it is currently located within the business zone; however, no other property nearby is slated for inclusion. Spot zoning has occurred here. Attorney Reed recognized when changing the zoning map, the Commission has broad discretion. This case is different as the underlying zoning is not changing, instead additional regulations will be added. This property has no unique architectural features or characteristics.

Mr. Ken Burkham, 811 Main Street, said he agrees with what was said about the lumber yard. He understands the Town is trying to set up some type of standard, but it already lost the chance to keep the historical look. There has been a net loss of 20% of the Town's businesses and many jobs have been lost. It is not the time to put an additional burden onto the small businessman. Mr. Burkham owns the properties at 266 and 288 Center Street. These properties were not included before, now the Town wants to include them. The front wall of the machine shop at 266 Center Street is included in the overlay, but not the rest of the building. This overlay zone is already in effect on Main Street and Center Street and has a lot of bugs that have not been overcome. He suggested working out the bugs before expanding the zone.

Mr. Henry Deming of Glastonbury, owner of 1 through 5½ Walnut Street and the parking area at the rear of 89 Pine Street, said he is in litigation concerning an abutting property and his first court appearance is April 20, 2010. He hopes that should he prevail in court, he will not have to then come to the Planning and Zoning Commission to take corrective measures to his building.

Mr. Pellegrini explained the design overlay zone is not exclusively for the purpose of historic preservation and does not regulate demolition. It applies to new construction or changes to existing buildings or structures. It is within the Planning and Zoning Commission's discretion to decide whether the zoning should apply to properties discussed tonight. The properties do not need to be in a historic or landmark district. The intent of the design overlay zone is to promote the best examples of architecture and building materials within the immediate vicinity of the property. He explained that the proper venue to regulate demolition would be the Town's Code of Ordinances, not the zoning regulations. Mr. Pellegrini said this is a zoning regulation map amendment and will have no effect on the Walnut Street speaker's civil suit.

Ms. Bertotti reviewed the correspondence received:

- A request by Sanford and Hawley to continue the public hearing or hold it at a later date.
- An inquiry from the owner of the property at 220 Spruce Street.
- Correspondence from Sanford and Hawley dated January 27, 2010 in opposition.
- Letter from Kemper Associates in opposition.
- Letter from Mandy Dang of 7 and 9 Walnut Street in opposition.

Mandy Dang, 7-9 Walnut Street, is opposed to the overlay zone. She spoke of what she gave up in Vietnam to come to the United States for freedom. She asked to be permitted freedom in managing her property in Manchester. Because of the upgrades needed to the restaurant, she has temporarily shut it down.

The Chairman closed the public hearing portion of the meeting at 8:40 p.m.

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

OFFICIAL TAPE NO. 1069