

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
NOVEMBER 7, 2011**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman
Andy Kidd, Secretary
Eric Prause
Horace Brown

Alternates: John Chaput (sitting for 2011-041)

Absent: Anthony Petrone

Susan Shanbaum

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

Time Convened: 7:50 P.M.

OLD BUSINESS:

PETER GRADY – 620 Middle Turnpike East – for restaurant outdoor seating in a Special Design Commercial zone – Site Plan (2011-013)

Mr. Peter Grady explained that he has been operating Grady Tavern since August, 2002, but it has been serving people since 1910. The tavern has a wonderful reputation. In the 1970s there were seven taverns in Manchester. He said times have changed and there are not even seven in the state. This application is requesting permission to offer patrons of Grady Tavern outdoor seating. Mr. Grady provided Commission members with a photograph from the Journal Inquirer that was taken 50 years ago.

Mr. Grady explained that the fence he will erect will be ornamental steel, between three and four feet high. As the plans show, no parking spaces have been lost but the depth has been changed.

In response to a question from Mr. Dougan, Mr. Grady explained that the north side of the parking area, adjacent to parking spaces 2, 3, and 4, will have 1" x 1" steel fencing secured by steel tubing.

In response to Mr. Dougan's question about providing a cast concrete wheel stop, Mr. Grady said the financial climate is tough right now. He noted the Fire Marshal's comment that these will be the most well protected patrons.

In response to a question from Mr. Kidd, Ms. Bertotti read the Fire Marshal's response. Mr. Kidd said he has the same concerns as Mr. Dougan regarding parking spaces 2, 3, and 4. He said bollards or concrete wheel stops would make him more comfortable.

In response to a question from Mr. Kidd regarding parking spaces 6 and 8, Ms. Bertotti explained that the only way to access those two spaces is by crossing over the handicap area, which is illegal.

Mr. Dougan noted on-street parking on both sides of Arnott Road which has been available for a number of years. He wasn't sure if parking is worthy of discussion. Mr. Diminico noted that the parking does need to be striped.

Mr. Grady said he was told parking is not a consideration when applying for outdoor dining as it is a seasonal use. Mr. Diminico confirmed his statement.

In response to a question from Mr. Dougan, Ms. Bertotti said the tavern has 36 seats. If you account for one or two employees, thirteen spaces would be required. This property has been non-conforming for parking for a long time. As long as no spaces are eliminated, there is not a problem. She explained that some parking spaces do not meet zoning requirements and should not be used for parking. However, the location of the outdoor patio does not appear to take away any existing spaces.

In response to a question from Mr. Brown, Mr. Grady said the tree near the proposed patio is the largest Mulberry tree in Connecticut and he wants to save it.

Mr. Diminico expressed concern about the safety of patron seating in the outdoor dining area. This establishment has been around a long time and it is difficult to count the number of seats and parking. The objective is to not to lose any parking. He suggested removing parking spaces 6 and 8, and striping spaces 1, 2, 3, 4, 5, and 7 along with providing fencing.

Mr. Grady suggested eliminating space 8 and place spaces 5, 6, and 7 in a row going east to west.

Mr. Diminico commented on the need for bollards. Mr. Grady said he understands but that doesn't stop people from driving up over the curb.

Mr. Pellegrini explained that customers are using the handicap sidewalk ramp as a driveway. It is the recommendation of the Traffic Engineer to place bollards so people cannot use the handicap ramp as a driveway.

Mr. Grady asked if the inside edge of the sidewalk is the placement he had in mind and was answered in the affirmative.

Site Plan (2011-013)

MOTION: Mr. Kidd moved to approve the SDC site plan with the following modifications: (1) remove parking spaces 8-12 from the plan; (2) relocate parking space 5 to between parking spaces 6 and 7; (3) demarcate (i.e. stripe) all parking spaces; (4) add concrete wheel stops between parking spaces 2, 3, and 4 and the outdoor seating area; and (5) install bollards at the northwest corner of the property to allow wheelchair access over the handicap ramp but prevent vehicular access at this location. Mr. Prause seconded the motion and all members voted in favor.

SHARON A. MILLER REVOCABLE TRUST – 184 & 188 Spencer Street – to change parcels from Rural Residence zones to General Business zones – Zoning Map Amendment (2011-041)

Mr. Kidd said he has been conflicted over this application. The language in the Plan of Conservation and Development can be interpreted in a couple of different ways. It talks about vacancies and encourages the opportunity for mixed use. The property that is the subject of this application abuts a General Business area. He said the Plan of Conservation and Development is advisory; perhaps to help the Commission make these types of decisions. The Town is currently in the midst of developing a new Plan of Conservation and Development and he knows Spencer Street is a high priority. He would like to wait until the new Plan is ironed out before making a decision. Other considerations he would like to discuss include looking at the new zoning regulations that overlay the Broad Street property. The Spencer Street corridor should be looked at as a whole. He is interested in tabling this application or denying without prejudice.

Mr. Brown said he found this application extremely difficult as well. He read and reread the information available and visited the site twice. A variety of things came to mind when considering this application. Given its location, there will likely be little demand for low density residential in this area. Mr. Brown does not think the number of vacant businesses has declined. He noted K-Mart, Hancock Fabric and Jiffy Lube are currently vacant and Lynch appears about to become vacant. Manchester Community College will likely grow causing some type of impact on the area. When classes get out Hillstown Road is backed up from the traffic light at Spencer Street to the 384 overpass, which could limit access to the applicant's site. The property is now Rural Residence and the applicant is proposing General Business zone. The existing Plan of Conservation and Development has the site designated for mixed use. This is the only piece of land in the entire town that is vacant and classified mixed use; however, there can't be much mixed use on General Business or Rural Residence zoned properties. If the Commission was to change the zoning, it would have to defend its decision. In the long haul, Mr. Brown may agree with Mr. Kidd, but wants to hear what the rest of the Commission members think.

Mr. Diminico understands the comments made by Mr. Kidd and Mr. Brown. He was on the Commission the last time this application was brought before the Commission and was denied. He remembers vividly a consideration being whether or not commercial development would be injurious to the K-Mart parcel. This whole process is very complex. The General Business zone allowed for residential use at one time, but it no longer does. In order to achieve the Plan of Conservation and Development's recommendation of mixed use, this parcel would have to have a split zone. Mr. Diminico thinks that if this particular parcel was in such demand for residential use, it would have been presented to the Commission by now. Over the last few years, we have heard and seen more about adaptive reuse. He said this parcel is different than the K-Mart parcel; it has visibility and accessibility. He does not think it is appropriate to have residential use in this corridor. He thinks the time may have come to grant the zone change. He urged Commission members to support this application.

Mr. Prause said the (economic element) Plan of Conservation and Development is dated March, 2008. It was just eight months after that the Commission had an application similar to this one. In the last three years, we have learned a lot about redevelopment. This is in a very valuable part of Town. He thinks development here may create energy in the area. The Plan of Conservation and Development does talk about some vacancies. However, what the Town has learned as a result of the redevelopment of Broad Street can be applied here as well. It takes energy and vision to develop an area. Mr. Prause likes the idea of form based zoning, but it is not set up outside of the Broad Street area. The choices are to keep the property Rural Residence or allow a change to General Business. Given these options,

he thinks the best use is to change it to General Business.

Mr. Chaput said he, too, was conflicted about this change. He can clearly see both sides of the argument. Given where we are now, he thinks the best option is to make a change to General Business and possibly spur growth in the area.

Zoning Map Amendment (2011-041)

MOTION: Mr. Chaput sat in place of Mr. Dougan on this item. Mr. Prause moved to approve the zoning map amendment. Mr. Chaput seconded the motion. Mr. Diminico, Mr. Prause, and Mr. Chaput voted in favor of the motion. Mr. Brown and Mr. Kidd voted against the motion. The motion passed 3 to 2. The reason for the approval was the Plan of Conservation and Development calls for making the area more viable for occupancy and therefore, a General Business zone is more appropriate than a Rural Residence zone. The zoning map amendment will be effective November 16, 2011.

NEW BUSINESS:

DECORMIER MOTOR SALES, INC. – 80 Tolland Turnpike – for parking of new and used cars for display at an existing dealership under Connecticut General Statutes 14-54 in a General Business zone – Certificate of Location Approval (2011-124)

Certificate of Location Approval (2011-124)

MOTION: Mr. Brown moved to approve the certificate of location approval. Mr. Dougan seconded the motion and all members voted in favor.

CHURCH OF PENTECOST, INC. – 748 Tolland Turnpike – to rebuild structure on the same footprint and modifications to the entry location and building elevations in a Rural Residence zone – Special Exception Modification (2011-130)

Mr. Wayne Salo, Dixon-Salo Architects, explained his client is seeking a special exception modification due to the need to rebuild after a roof collapse. Any changes that occur to this site or the building on it must come before the Planning and Zoning Commission for review and approval. The changes to the site are minimal, but must occur because when the building was demolished it was discovered there is no way to rebuild what was there on the existing deck and foundation. The disturbance of the site will be in the area only around the building itself. When going through the process of planning to rebuild, it was decided that some changes to the structure were needed to avoid future water and snow problems. It will be built on the same footprint as before. The old foundations were rubble with cement mixed in. The structure was all wood and some rotted beams were found. The building is over 100 years old. Because the applicant must rebuild, they would like to take the opportunity to change the location of the entrance to the building. In the lower left corner of the design displayed is the quiet room. It has a little bump out with windows that extends about 3.5' out from the old foundation wall. The second change is the vestibule and entry stairs, which were moved from the center toward the east about 12.5'. In addition, a spire will be added. The roof structure was changed so the water and snow flows away from the area that connects the two portions of the building, thus correcting the issue that caused the roof collapse. The height did not change, nor did the sanctuary, seating, parking, or grading. The ramp to the vestibule was extended.

In response to a question from Mr. Diminico, Mr. Salo said the building will be vinyl sided as before and the rail for the handicap ramp will be made of pressure treated wood.

Ms. Bertotti said there is one staff comment, which is appropriate to be addressed during the building permit process.

Special Exception Modification (2011-130)

MOTION: Mr. Kidd moved to approve the special exception modification. Mr. Prause seconded the motion and all members voted in favor. The reason for the approval was the proposal meets the special exception criteria.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – revisions to Manchester’s zoning regulations at Article II Section 2.01.01, Article II Section 3.01.01, Article II Section 4.01.01, Article II Section 5.01.01, Article II Section 6.01.01, and Article II Section 7.02.01 to add height requirements for residential dwellings and to delete the habitable stories restriction – Zoning Regulation Amendment (2011-123)

Zoning Regulation Amendment (2011-123)

MOTION: Mr. Kidd moved to approve all of the proposed zoning regulation amendments for height with the modification that building height be limited to 35 feet. Mr. Brown seconded the motion and all members voted in favor. The reason for the approval was the regulation amendment is appropriate and the building height will be regulated by zoning and building habitation by building code. The zoning regulation amendment will be effective November 22, 2011.

ADOPTION OF 2012 MEETING SCHEDULE:

MOTION: Mr. Dougan moved to adopt the 2012 Planning and Zoning Commission meeting schedule as submitted. Mr. Kidd seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

EVERGREEN CROSSING, LLC – 325 New State Road – PRD Zone Preliminary Plan of Development (2011-132) – for a 224 unit multi-family residential community in a PRD zone.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2011-119) – revisions to Manchester’s zoning regulations at Article II Section 14.01.07, Article II Section 18.02.15, Article II Section 18, Table 1, and Article IV Section 8.01.01(a) to allow alcoholic liquor sales in Business V and Historic zones as a permitted use.

THE SHOPPES AT BUCKLAND HILLS – 194 Buckland Hills Drive – CUD Detailed Plan Modification (2011-131) – for relocation of existing bus stop, construction of raised paved island, drainage system, two bus shelters, pedestrian walkway, pavement reconstruction, plantings and pavement re-striping in a CUD zone.

TOWN OF MANCHESTER WATER AND SEWER DEPARTMENT – 864 Middle Turnpike West – Inland Wetlands Permit (2011-134); Special Exception Modification (2011-135); Flood Plain Permit (2011-136) – for installation of approximately 2,000 linear feet of 8” water main in Thrall Road in Industrial and Rural Residence zones.

The Chairman closed the business meeting at 9:58 p.m.

I certify these minutes were adopted on the following date:

December 5, 2011
Date

Joseph Diminico, Chairman

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

OFFICIAL TAPE NO. 1135, 1136, 1137