

**MINUTES OF PUBLIC HEARING
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

Absent: Anthony Petrone
Susan Shanbaum

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

The Chairman opened the Public Hearing at 7:03 p.m. The Secretary read the legal notice for the application when the call was made.

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)

Mr. Carter DeCormier explained that his dealership recently relocated to 30, 54, and 80 Tolland Turnpike. His application is for parking vehicles for display at 80 Tolland Turnpike. The property was formerly a Ford dealership and had display vehicles in front of the building. He would like to continue this practice.

Chairman Diminico asked any member of the public wishing to speak either in favor of or in opposition to this application to come forward. No member of the public wished to comment at this time.

Ms. Bertotti stated this application has been before the Zoning Board of Appeals for a special exception for parking at 80 Tolland Turnpike. The three properties Mr. DeCormier mentioned are adjacent to each other and operate as one. The applicant already uses 30 and 54 Tolland Turnpike for display but would like to extend the parking to 80 Tolland Turnpike. There are no physical delineations between the three sites. She said the Zoning Board of Appeals approved the special exception. Aside from the Planning and Zoning Commission requirement that a public hearing be held, there are no requirements the applicant must meet additional to those already examined by the Zoning Board of Appeals in reviewing the special exception.

The public hearing on this application was closed.

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)

Mr. Pellegrini reviewed his memorandum dated November 1, 2011, which explains the desire of the Planning and Zoning Commission and the Zoning Board of Appeals to address the matter of occupancy of third floor space as habitable space in residential buildings. The regulations today allow for a maximum of two habitable stories. In Manchester, we have neighborhoods with large homes and attic spaces. It is easy to make these spaces habitable and people often do so without permits. The remedy is to obtain a variance from the Zoning Board of Appeals after the conversion is already done. The amendment will replace the maximum habitable stories limit with a maximum height limit. Originally, he proposed 40’, but after doing other research and holding discussions with the Building Official, he recommends the maximum height of 35’. A typical two-story house is 31’ to 32’. Making this change would eliminate the problem of how many habitable stories are allowed, as well as the need for variances. In order to be habitable, the space would need to meet Building Code requirements.

In response to a question from Mr. Brown, Mr. Pellegrini explained that structures wholly or partially above the roof could include a chimney, flagpole, antennae, or cupola.

In response to a question from Mr. Prause, Mr. Pellegrini said he does not have measurements of every building in Town and therefore does not know how many buildings would not meet the height requirements. If an existing building were over the maximum height limit, it would be considered a non-conforming structure.

In response to a question from Mr. Kidd, Mr. Pellegrini explained the problem is not a non-conforming structure; it is the illegality of people converting non-habitable space to habitable. Currently anything above two stories is not permitted. This change would regulate those structures by height. The Zoning Regulations would regulate the height of a structure; the rest would need to meet the requirements of the Building Code.

In response to a question from Mr. Brown, Mr. Pellegrini said occupancy of basements is another problem. It is possible to have a game room or kitchenette in the basement with two floors above it.

In response to a question from Mr. Brown, Ms. Bertotti explained that anyone wishing to build a house taller than 35’, such as a mansion, they would need to obtain a variance.

Mr. Kidd suggested that the sketch included for the Commission members’ clarity may be helpful if included in the Zoning Regulations as well.

Chairman Diminico asked any member of the public wishing to speak either in favor of or in opposition to this application to come forward. No member of the public wished to comment at this time.

The Chairman closed the Public Hearing portion of the meeting at 7:49 p.m.

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

OFFICIAL TAPE NO. 1135, 1136, 1137