

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 6, 2012**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman (did not sit)
Andy Kidd, Secretary
Eric Prause
Horace Brown

Alternates: John Chaput (sitting)
Anthony Petrone

Absent: Susan Shanbaum

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

Time Convened: 7:08 P.M.

OLD BUSINESS:

53-71 SPENCER LLC – 53-71 Spencer Street – to allow storage and distribution of food at an existing Storage America facility – Special Exception (2011-139)

Chairman Diminico noted that both Mr. Kidd and Mr. Dougan were not present for the public hearing on this application which was held at the previous meeting. Mr. Chaput was sitting for the public hearing and would sit for this application at this meeting.

Mr. Kidd said he familiarized himself with the record by watching the recording of the public hearing meeting. Therefore, Mr. Kidd was seated as the fifth voting member. Mr. Dougan did not sit for this application.

Mr. Pellegrini reviewed that the site is a self-storage facility and the owners have rented office space as well as space for freezers and parking for an ice cream distribution business. He said this specific use was never approved for this site. A special exception approval is required for this type of business. There is already an approved special exception self storage use on this site. The question the Planning and Zoning Commission needs to answer is whether the applicant meets the special exception requirements per the testimony given.

Mr. Kidd said this application seemed like a simple item at face value, but as he reviewed it, the different aspects make the application not as straight forward as he originally thought. The trouble he was having was this is a business within a business. The special exception for this site is for a storage facility, he said. It is not set up for parking, much less for distribution of ice cream. When the special exception was originally approved, it was because the site was over four acres and did not include the notion of outside storage. The definition of a storage facility is a facility open to the general public consisting of leased storage units; the definition does not

include outside storage. Mr. Kidd said there is a problem with parking access. The business plan for the ice cream vending business is predicated on the fact that employees live close by and walk to work. Parking regulations require a parking spot for every employee. He said the Planning and Zoning Commission cannot change or forgive regulations; it is the Commission's job to uphold them.

Mr. Brown said he had some very real concerns with the special exception criteria. He said this proposal would be a very intense use in addition to a storage facility. He also did not think this use is compatible with the neighborhood. The special exception runs with the land. He questioned how the Commission could be assured that every one of the twenty drivers will be walking to work. He said this use would be better suited to an Industrial zone.

In response to a question from Mr. Prause, Ms. Bertotti said the Fire Marshal informed her the Town's largest fire truck was test driven on the site.

Mr. Prause said he looked at the special exception criteria and thought the location was suitable for this use. The property is below grade and therefore isolated, and no design elements will change. The owner said the ice cream vendor is just another tenant and considers him a tenant in good standing. He said this use is not prohibited in the General Business zone. The owner did say the tenant will not be able to have too many trucks. Mr. Prause expressed a concern with trucks coming and going from the site and recommended the trucks be parked only in the new spaces and not in the six to ten spaces near the office building.

Mr. Diminico said he was unclear as to which parking spaces will be used for the ice cream trucks. He did not think there are any other businesses on site that have assigned spaces. Mr. Diminico wondered if during the Fire Marshal's visit to the site, the Fire Marshal understood there may be additional vehicles on the site. He noted the information provided showed vehicles parallel parked and other vehicles parked on the grass. He wondered why there was a need for vehicles to park on the grass.

In response to a question from Mr. Diminico, Mr. Pellegrini said he believed the applicant said he rents offices to other businesses as well. There are nineteen parking spaces on the approved plan.

Mr. Chaput said he was having a difficult time supporting this application because he found it hard to accept that large trucks entering and exiting the site will not alter the area.

Mr. Diminico said the Commission encourages business but cannot bend and flex the regulations. This site is not designed to store vehicles and the use is not compatible with the neighborhood. Spencer Street is not an Industrial zone, which would be a more suitable zone for this proposal.

Special Exception (2011-139)

MOTION: Mr. Kidd moved to deny the special exception. Mr. Brown seconded the motion and Mr. Diminico and Mr. Chaput voted in favor of the motion. Mr. Prause voted against the motion. The motion passed four to one. The reasons for the denial were the proposal had no on-site employee parking for the proposed activity, inadequate traffic circulation and increased traffic congestion, and the proposed food distribution business was not consistent with the existing self-storage business and not compatible with the existing neighborhood.

ELECTION OF OFFICERS:

MOTION: Mr. Prause nominated Joseph Diminico for Chairman. Mr. Brown seconded the motion and all members voted in favor.

MOTION: Mr. Kidd nominated Kevin Dougan for Vice Chairman. Mr. Prause seconded the motion and all members voted in favor.

MOTION: Mr. Dougan nominated Andy Kidd for Secretary. Mr. Prause seconded the motion and all members voted in favor.

APPOINTMENTS TO CAPITOL REGIONAL PLANNING COMMISSION:

Mr. Kidd expressed interest in continuing as the regular member of the Capitol Regional Planning Commission, and Mr. Brown expressed interest in continuing as an alternate member. By consensus the Commission recommended the reappointment of Mr. Kidd and Mr. Brown to the Capitol Regional Planning Commission.

NEW BUSINESS:

APPROVAL OF MINUTES:

January 4, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Kidd seconded the motion and Mr. Diminico voted in favor. The motion passed three to zero.

RECEIPT OF NEW APPLICATIONS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2012-003) – for revisions to the Manchester Zoning Regulations to add Article II Section 26 – Form-Based Zone.

The Chairman closed the business meeting at 8:18 p.m.

I certify these minutes were adopted on the following date:

March 5, 2012
Date

Joseph Diminico, Chairman

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

OFFICIAL TAPE NO. 1145