

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 16, 2012**

ROLL CALL:

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

Alternates: Susan Shanbaum (sitting)
John Chaput
Anthony Petrone

Absent: Eric Prause

Also Present: Mark Pellegrini, Director of Planning
Ginger MacHattie, Recording Secretary

Time Convened: 8:37 P.M.

NEW BUSINESS:

AMERICAN GROUP, LLC – 266 Middle Turnpike West – for the sale of four used automobiles
– Certificate of Location Approval (2012-031)

Mr. Kidd commented he likes the fact that the applicant will be cleaning up this corner and making curb cut changes. Mr. Diminico said this application has been discussed with the Zoning Board of Appeals and Town staff. It is before the Planning and Zoning Commission to determine if this is a good location for the sale of used automobiles.

Ms. Shanbaum understands there is another car dealership on West Middle Turnpike but she did not think this location was suitable in light of what type of development and activity Manchester is trying to accomplish in this area.

In response to a question from Mr. Dougan, Mr. Pellegrini said used car dealers are not permitted in the proposed overlay zone. Mr. Brown said he respects Ms. Shanbaum's point but is not clear on the Commission's role.

Mr. Pellegrini explained that the Zoning Board of Appeals approves the use and site design and development as a zoning matter. The Planning and Zoning Commission is an agent of the State and must approve a location for the use being proposed. There is no guidance in the regulations or statutes on what to consider when making that decision. He said the Commission has relied on the special exception criteria in the past. He can research this if more information is desired.

Mr. Dougan said the way he interprets this, the State is looking for two checkmarks; one from the Zoning Board of Appeals and one from the Planning and Zoning Commission. After reading the memorandum regarding the Zoning Board of Appeal's approval, he said the last paragraph seems to reaffirm its approval.

Mr. Kidd said he is struggling with this application. He looked up the statute pertaining to this and it was vague. He disagrees with Mr. Dougan's interpretation and is thinking more along the same lines as Ms. Shanbaum and Mr. Brown. The Planning and Zoning Commission can deny this application if it does not feel the location is appropriate. He perceives the Commission's role as acting as an agent for the State. It is very unclear what the criteria are and he would like to take Mr. Pellegrini up on his offer to investigate further.

Certificate of Location Approval (2012-031)

MOTION: Ms. Shanbaum moved to table this item. Mr. Kidd seconded the motion and all members voted in favor.

NORTHLAND PAVILIONS, LLC – 345 Buckland Hills Drive – to add three windows to two sides of the existing recreation building – CUD Detailed Plan Modification (2012-028)

Mr. Dan Ricci, Northland Investment Corp, explained there are three windows his employer would like to put into the basketball court in order to make it a fitness center.

Mr. Pellegrini referred to the memorandum in the Commission members' packets and pointed out the window on the gable end. Two other windows will be placed in the same area. Because this property is located in the CUD zone, approval of the Planning and Zoning Commission is required. Mr. Pellegrini said this change is internal to the development itself and will have no negative impact.

CUD Detailed Plan Modification (2012-028)

MOTION: Mr. Brown moved to approve the CUD detailed plan modification. Ms. Shanbaum seconded the motion and all members voted in favor.

SHELTER FOR WOMEN – 151 Hartford Road – for the installation of a 4-unit HVAC system in a Historic zone – Site Plan (2012-029)

Mr. Rich Dilullo, mechanical engineer, said he designed a residential cooling system for the three story building at 151 Hartford Road. The building has 7 bedrooms on the second floor. He distributed a brief memorandum to Commission members.

In response to a question from Mr. Diminico, Mr. Dilullo said this is a split system which means the condensing system is separate from the air handler.

Mr. Pellegrini said the Cheney Commission reviewed the application and recommended it for approval. The units are small and will be placed on the north side of the building. It may be visible from the neighboring property. Two units will be placed next to the entry door near the trellis and the other two will be placed at the "L" formed by the building. There will be some

landscaping. The Cheney Commission said these units are preferential to the existing window units.

In response to a question from Mr. Diminico, Mr. Pellegrini said one would have to walk to the back of the house to see the units. They may be visible to the neighbors.

Ms. Shanbaum commented that, as a neighbor, it is not easy to see the house.

Site Plan (2012-029)

MOTION: Mr. Dougan moved to approve the site plan. Mr. Brown seconded the motion and all members voted in favor.

EVERGREEN CROSSING, LLC – for revisions to the Manchester Zoning Regulations at Article II Section 7.02.03 (e) and Article II Section 7.04.06 to permit three story multi-family buildings in PRD zones – Zoning Regulation Amendment (2012-007)

Mr. Kidd said his only issue is the notion of this being applied to an infill area. He had the thought that a special exception may be a better way to handle something like this, but then again, does not necessarily like special exceptions. He wondered if there might be another way to handle the infill type properties.

Mr. Pellegrini said there are a couple of things to consider. A building over two stories would have to be 100' from the property line of a multi-family site. The intent was, as you go higher, there is a desire to have more open space between the building wall and the property line of the adjacent building. The applicants are trying to be consistent with the amendment. The special exception requirement does not come into play because a PRD is a floating zone. It is a zoning district change simultaneous with a general plan of development. The Commission has very broad discretion whether or not to approve a zoning district change. If the Commission's concern is broad discretion, the PRD process gives the broadest discretion possible.

Mr. Diminico said even if this application is approved and the proposed regulation changes are made, the applicant would have to come before the Commission with any site plan or building changes. The Commission has a lot of discretion and latitude. The preliminary plan process is when the Commission can look at the details of the plan. This amendment can benefit all.

Mr. Brown said this is an important discussion. There is a lot of latitude provided to the Commission when deciding whether or not to approve an application. He expressed concern with the three story walkup. As the population ages, people will start to stay away from three story buildings. We are now very fortunate to have apartment stock that is occupied. It would be a shame to end up with vacant apartments.

Zoning Regulation Amendment (2012-007)

MOTION: Mr. Kidd moved to approve the zoning regulation amendment. Ms. Shanbaum seconded the motion and Mr. Diminico and Mr. Brown voted in favor. Mr. Dougan voted against the motion. The motion passed 4 to 1. The zoning regulation amendment will be effective at the end of the appeal period.

BRUNELLE MANCHESTER, LLC & BRUNELLE WOODLAND STREET, LLC – Pre-application review for 2 two-family houses to be located on 123 & 129 Woodland Street.

Mr. Mike Brunelle provided new designs with separation of the garages to Commission members. He prefers the design with the garages at the outside edges of the units. Both buildings will be the same. The garage bays have been recessed further into the house, which took away a small portion of the kitchen. The depth of the porch is 6'. The house is 40' wide with 10' sidelines. There will be a patio in the back. The building line is set back 20' from the front. A 42" oak will be removed because it is in the line of site. Another tree will be planted in its place with a mirror planting on the other side of the property.

In response to a question from Mr. Diminico, Mr. Brunelle said the plantings in the front of the building will be minimal but he will not leave the lots completely open. His main concern tonight is the structure and neighborhood compatibility. When he comes in with his final application, he will have all of the plantings in place. Mr. Pellegrini noted there are no specific landscaping requirements for this type of project. Mr. Brunelle said he understands Mr. Diminico's preferences include foliage and plantings; something aesthetically pleasing.

In response to a question from Mr. Brown, Mr. Brunelle said the front 8 feet of the units contains a bathroom and the staircase. The living space is in the rear of the building. The garage projects out six feet and is flush with the front steps. In response to a question from Mr. Diminico, Mr. Brunelle said the units' combined square footage is 2,400 square feet; each unit is 1,200 square feet.

Mr. Kidd expressed appreciation that Mr. Brunelle took the Commission's comments into consideration and said the color renderings were very helpful.

APPROVAL OF MINUTES:

March 5, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Kidd seconded the motion and all members voted in favor.

March 19, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Kidd seconded the motion and Mr. Diminico and Mr. Chaput voted in favor. Mr. Dougan and Ms. Shanbaum abstained.

RECEIPT OF NEW APPLICATIONS:

CASTANHO & CLOUTIER DEVELOPMENT, LLC – PRD Detailed Plan (2012-038); Erosion and Sedimentation Control Plan (2012-039) – for a seven lot subdivision of single-family homes at 698 North Main Street.

METROPCS MASSACHUSETTS, LLC – Inland Wetlands Permit – Determination of Significance (2012-040); Inland Wetlands Permit (2012-040); Flood Plain Permit (2012-041) – for installation of six panel antennas on an existing 155’ CL&P structure, placement of telecommunications equipment, and associated underground and overhead facilities at 250 Olcott Street, Industrial zone.

The Chairman closed the business meeting at 9:49 p.m.

I certify these minutes were adopted on the following date:

June 4, 2012
Date

Joseph Diminico, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.