

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
DECEMBER 3, 2012**

**ROLL CALL:**

Members Present: Joseph Diminico, Chairman  
Andy Kidd, Secretary  
Eric Prause  
Horace Brown  
Michael Stebe

Alternates: Susan Shanbaum

Absent: Anthony Petrone  
John Chaput

Also Present: Mark Pellegrini, Director of Planning  
Renata Bertotti, Senior Planner  
Matthew Bordeaux, Environmental Planner  
and Wetlands Agent  
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:04 p.m.

**ORDER OF BUSINESS**

**MOTION:** Mr. Kidd moved to suspend the rules of procedure and to amend the order of business to move Old Business item, BRUCE R. & ROSEMARIE T. CHIRICO, Zoning Map Amendment, to be the first item on the agenda, and the New Business item, THE HOME DEPOT, CUD Detailed Plan Modification, to be the second item on the agenda. Mr. Brown seconded the motion and all members voted in favor.

The Planning and Zoning Commission returned to the public hearing at 7:49 p.m. and the Secretary read the legal notice for the application when the call was made.

WAL-MART REAL ESTATE BUSINESS TRUST – 205 Spencer Street – to redevelop the property with a new retail store and associated parking and site improvements in a General Business zone – Special Exception (2012-082) – continued.

Attorney John Knuff represented the applicant, Wal-Mart Real Estate Business Trust, and he stated he would be responding to outstanding issues. There are some remaining staff comments, but they are technical in nature. He said one question at the last meeting concerned outdoor storage of fertilizer. There will not be any outdoor storage; it must all be kept under a hard roof. Attorney Knuff provided a handout entitled Request for Special Exception to the Commission members and Attorney Shansky. Several portions of Manchester's Plan of Conservation and Development support this application.

Attorney Knuff noted the Commission's request for LED lighting throughout the site and said his client can commit to that. He said there will be consistency in the poles.

In response to a question from Mr. Diminico, Attorney Knuff could not provide a rendering but explained that LED lighting operates differently than metal halide lights and may require a few more poles.

Attorney Knuff noted the Commission's request for landscaping along Spencer Street and said his client has proposed Sargent Crabapple trees along the street.

In response to a question from Mr. Diminico, Attorney Knuff said the trees will only be used as a buffer, not in the parking area.

Attorney Knuff noted a report by Mr. Scott Thornton, a traffic engineer, that addresses a memorandum written by Mr. Mayer. At the request of Mr. Kidd, Attorney Knuff reviewed each item in the memorandum and explained the islands north of Ocean State and east of the Wal-Mart building will be redistributed to line up evenly.

Mr. Jim Mayer, Town Traffic Engineer, explained that he is looking for raised islands because people leaving their cars are more exposed to vehicular traffic. Raised islands will minimize exposure, he said.

In response to questions from Mr. Kidd, Mr. Mayer explained that the median island at the entrance to the site should be left in because of turning movements. It forces more steering on the part of the left turn vehicles. The problem location for accidents is at the Wendy's driveway.

Mr. Kidd commented that he is looking for anything that will improve the intersection at the applicant's site driveway.

Mr. Brown agreed. If realignment is needed, it should be done. As far as accident reporting, he thinks the Commission should look back to when K-Mart was active.

Mr. Mayer said he did not have that information available; he only had information regarding the last three years.

In response to a question from Mr. Diminico, Mr. Mayer said he would likely be able to obtain older information from the Police Department if needed.

Mr. Brown said he is concerned about the volume of traffic on Spencer Street and Hillstown Road. There has been an increase in traffic volume since K-Mart was active due to the enrollment at Manchester Community College.

Mr. Mayer said the State recently replaced the signal equipment and separated Hillstown Road from the Starbucks traffic. He is not concerned with that intersection affecting this project.

Attorney Knuff said his client could line up the driveway with the property across the street and

maintain the median. The traffic study was completed at the applicant's peak hours. The peak time for the school is early morning and late afternoon. The peak times do not overlap, he said.

In response to a question from Mr. Diminico, Mr. Scott Thornton said the peak hours are late afternoon Friday and Saturday mid-day. He did not contact Manchester Community College to find out its peak hours, but the traffic counts were completed when school was in session.

Mr. Thornton explained that Mr. Spear contends the existing two stores will generate more traffic with an anchor store. He gets his numbers based on the application of shopping center rates. The two stores are a discount store and an auto parts store. The shopping center rates estimate 60% to 70% more than counted at this location. Mr. Spear mentioned queuing on Shop Rite's property; the applicant does not have control over that property. The improvements at the intersection should improve other conditions in the area. Mr. Thornton explained that this application does not add any new streets. Everything is existing. This is a redevelopment of an existing shopping center.

In response to questions from Mr. Diminico, Mr. Mayer explained that Pep Boys and Ocean State have been there. Any activity that increases their business is considered pass-by business. Customers are already at the site and go into an additional store. The number of trips counted at the site is based on the existing conditions and it is reasonable to use these numbers. Mr. Mayer said it is reasonable to assume that people will continue to go to the existing businesses, but it is not reasonable to back out the data by applying a projection of a new business and applying shopping center trip generation rates to existing facility. The traffic generation of existing facility is what it already is. While there will be an increase in the overall activity, it is reasonable to assume that any increase of traffic generation to Pep Boys and Ocean State will be due the pass-by customers.

In response to a question from Mr. Brown, Mr. Mayer said the State Traffic Commission reviews the proposal once Town approval is received. Mr. Thornton added that he has had meetings with the Department of Transportation (DOT) and the State Traffic Commission.

Mr. Al Carpenter, P.E., reviewed some PowerPoint slides addressing landscaping and sidewalk elevations. At Mr. Brown's suggestion, the ash trees have been changed to autumn blaze maple trees. He displayed a rendering of the crabapple trees along Spencer Street. They will be placed at 20' on center and would help block the view of the bays from Spencer Street.

Chairman Diminico asked if any member of the public wished to speak either in favor of or in opposition to this application.

Mr. Dan Moran, Chestnut Street, said he was opposed to this project. He said Manchester has to stand up to giant corporations. Home Depot, for example, pays about \$250,000 in taxes a year but its gross is \$2 million per week. Over 20 years, Home Depot has paid \$5 million in taxes. Meanwhile, \$2 billion has been sucked out of the area, he said. He is against Wal-Mart because of ShopRite. He is curious about Wal-Mart's incentive for moving to this location. It already has a store in the Buckland area. He believes the existing Wal-Mart will close. Mr. Moran agrees with the engineer about the raised islands; it will be good to have them to help keep people safe. He suggested a place for handicap and senior vans to park right in front of the

building.

Ms. Catherine Oliver, 32-C McGuire Lane, said she was at Ocean State at 3:45 that afternoon. Traffic was backed up from the light at the applicant's driveway all the way to Hillstown Road. In addition there is traffic from Manchester Community College and it gets to be a major problem. She has not heard any discussion of tractor trailers that will be delivering to Wal-Mart. ShopRite has been in the area for 50 to 60 years. Ocean State and Pep Boys are taxpayers. She is not in favor of Wal-Mart going into this location. Ms. Oliver is concerned about what will happen with the other store. We will be trading this for another empty box.

Mr. Thomas Danehy, 22 Myrtle Street, said he was against Wal-Mart on Spencer Street. The main concern is traffic impact on the area. In addition, Pep Boys, Ocean State and ShopRite are existing stores. When Wal-Mart comes to the area and sells things cheaper, other businesses cannot compete. Wal-Mart does not like unions, full-time employees, and health insurance. It took its manufacturing to China. America cannot compete with \$0.20 per hour, he said.

Mr. James Martin, Lake Street, wondered how this Wal-Mart will affect Manchester's children and families. He dislikes Wal-Mart and he and his family do not shop there. Wal-Mart is good at closing down their neighbors all around the country. He said it will close businesses on Spencer Street. A lot of the businesses there are surviving, not thriving. This may be the end of those stores. The applicant's lawyer referenced the 2020 Plan. Another Wal-Mart is technically perfect according to that Plan. He wondered if anyone has done a study about what will happen if there are two Wal-Marts in Town. He speculated that the Buckland Wal-Mart will be closing and we are just trading empty spaces. It does not seem like Manchester will sustain two Wal-Marts.

Mr. Brian Hurlburt, 86 Overlook Drive, said Attorney Knuff talked about the 2020 Plan. He noted that the Plan calls for more local businesses and the support of the local business model. For every two jobs Wal-Mart creates, three will be lost due to the existing businesses closing. Mr. Hurlburt has been in town 25 years and used to shop at Bradlees and the Record Breaker. The Parkade turned to blight, he said. Mr. Hurlburt expressed concern about the traffic and wondered if the increase in trucks has been considered. Traffic between Thanksgiving and Christmas will be backed up onto the highway. He mentioned the environmental impact and urged the Commission to think globally and act locally.

Ms. Terry Parla, 55 Bruce Road, said Manchester has 54,000 people and East Hartford has 45,000 to 50,000 people; there is only so much money available. She questioned whether Manchester really needs two Wal-Marts. ShopRite is one of her favorite stores and she does not want to see it go out of business. If Wal-Mart must go into this location, it should be without the grocery store. There are a lot of empty stores in Manchester; things are bad. We do not need another Wal-Mart in Manchester.

Ms. Eileen Sweeney, Hawthorne Street, said she was in opposition to this application. She was heading east on Spencer Street today at 5:55 p.m. and the traffic was backed up to the mega church. Wal-Mart will kill surrounding businesses, and traffic is a major issue, she said. There are a lot of elderly, children, teens, and families crossing at the intersection in front of ShopRite. Its employees make low wages and are kept at part-time status.

Attorney Marjorie Shansky said she had been moved by the insightful comments made. She noted the Manchester 2020 Plan is a great document, but information can be extracted from it to support any view. A Wal-Mart in this location will only allow future uses for stores that can survive in the shadow of a superstore. There will not be neighborhood scale development here in the future. The Plan of Conservation and Development is an advisory document. Special exception criteria should be paid special attention. These are the standards in which the applicant should be held. This application has aspects not consistent with special exception criteria 20.01.01 (c), neighborhood compatibility. This use will alter the characteristics of the neighborhood due to the scale of its operation. It will also affect the property value of the surrounding properties. She said traffic congestion will cause the inability to get to the destination of the commercial uses; if people cannot come to them with the same amount of ease, the value will diminish. Getting traffic right in this location is paramount. The applicant has the burden of establishing their eligibility for the permit they seek and this applicant is not there yet.

Attorney Shansky believes the application does not comport with Section 20.01.01(h), Environmental Protection and Conservation. The Hockanum River flood plain is very close to this property. She suggested leaving all 4,000 square feet that will be restored to green space alone rather than repaving some. She suggested the use of a rain garden and permeable pavers for overflow parking.

Mr. Jeremy Flick, Lake Street, said he has lived in town for 30 years. He remembers shopping at the Parkade and walking down Main Street and being able to purchase things locally. He has seen the Parkade diminish after the mall was built. He does not think there should be two Wal-Marts in the same town within four miles of each other. We are working hard to rebuild our town and bring back community so we really need to think long and hard about this application. He said he was against this application.

Mr. Colin MacNamara, Lakewood Circle North, read a statement made by Mr. Richard Blumenthal when he was prosecuting Wal-Mart in 2001. It indicates that Wal-Mart is a serious statewide polluter in 11 stores with stormwater contamination at each store. Contaminants included fertilizer, pesticides, oils and other dangerous pollutants that flow into Wal-Mart's parking lots and into public water supplies. Mr. MacNamara said he was against the proposal.

Ms. Bonnie Potocki, 61 McKee Street, said she agreed with the previous speakers. She agreed with Attorney Shansky's concern for the Hockanum River. Manchester is spending a great deal of time on the redevelopment of the Parkade, trying to use the asset of nearby Bigelow Brook. She said the proposed Wal-Mart is going near the flood plain of the Hockanum River. We should highlight the Hockanum River with redevelopment and mixed use, not big box retail. In the quadrant meetings, people were looking at mixed use or a transportation hub for this parcel, not big box retail.

Ms. Mary MacNamara, Lakewood Circle North, wondered if the Commission actually has the power to say no to this application. The Commission has heard from many people against this application. For every speaker, there could be 200 more that did not come out to speak. Manchester already has a big box store. She wondered why another big box store is needed.

Ms. Macy Woodofsky, Oakland Street, is currently a student at Manchester Community College. She has been stuck in traffic on Hillstown Road trying to turn either right or left. Hillstown Road from the driveway at MCC to Spencer Street is a funnel and once you are caught in it you are not going anywhere while waiting for the traffic light, she said. Traffic in this area is already beyond ridiculous at certain times of the day. She cannot help but think if Wal-Mart is added to the mix, we will have a traffic version of a heart attack. Ms. Woodofsky thinks the existing Wal-Mart should be improved. There is room for expansion and plenty of parking.

The Planning and Zoning Commission took a brief recess at 9:37 p.m. and returned at 9:52 p.m.

Mr. David Spear, a traffic engineer, explained that Pep Boys and Ocean State Job Lot are part of a shopping center. When the applicant brings the application to the State, it must use the ITE rates that are highest, which in this case is the shopping center rates.

Mr. Steve Mitchell, a traffic engineer, has worked on many of the larger developments in this area. He is representing the Kauffman's, who own the ShopRite Plaza. His client is neither in favor nor against this application. They just want Mr. Mitchell to enunciate their concerns. If he were consulted on this application, he would take the more conservative approach and use the shopping center rates. His client is concerned that the applicant's driveway will directly affect his operation. The applicant said he can get the lanes to line up and the medians in correctly. Mr. Mitchell would like to see that plan. Mr. Mitchell mentioned some other concerns, including lane continuity along Spencer Street and queuing. In addition, the applicant talked about its reliance on traffic counts. Approximately 70% of the traffic is to and from the west of the applicant's site. In their report, this was reduced to a 60/40 split. Traffic engineering is somewhat of an art, he said. There are sometimes multiple ways of doing things, including knowing when to use the least or the most conservative numbers. The applicant has used the least conservative numbers on multiple occasions, not painting a middle-of-the-road picture.

In response to a question from Mr. Diminico, Mr. Pellegrini explained the State will look at the plan. If modifications are needed, the applicant would have to come back to the Commission to modify its plan. At this point, the Commission should be satisfied that it has been presented with a plan that will work.

Mr. Mayer explained that treatments can be made to Spencer Street to accommodate the increase in traffic based on counts. The level of service is currently a "D" during peak hours. Mr. Mayer believes Spencer Street can accommodate additional activity on the street. The State is looking for a land use decision from the Town. Spencer Street is busy and there are issues. The State has to look at the big picture.

In response to a question from Mr. Diminico, Mr. Mayer explained the State could say the existing stores should be treated as a shopping center, but he does not agree because actual counts were taken at the location and they are more accurate. The ITE numbers are used when the actual numbers are not known.

Ms. Bertotti received two e-mails. One e-mail was from Ms. Leslie Frey, 30 Florence Street, in opposition to this application. Ms. Frey's e-mail said the Town does not need two Wal-Marts and it would be detrimental to the surrounding businesses. The other e-mail was from Ms. Enid

Breakstone, who travels Spencer Street several times a week. Her e-mail said if Wal-Mart goes in, traffic will only be heavier and there will be a greater hardship on this area of Town. She expressed concern for traffic in the area and fails to see the need for a second Wal-Mart in Town.

Attorney Knuff said the applicant will make its application to Office of the State Traffic Administration (OSTA) and the local legal traffic authority will be consulted. If the buildings are re-tenanted, any changes will need to be approved by the Commission. Attorney Knuff responded to the public comments made. The site, once developed, will develop more taxes than empty land. The Buckland store has already been approved for expansion. Wal-Mart is committed to the two stores remaining in Town. There is no likelihood that any store will close. The site does accommodate tractor trailers and will do so better than the existing store. This site is 500' away from Spencer Street and not conducive for mom and pop stores or mixed use residential. The queuing space for the left hand lane will be increased. Only by distorting projected traffic do numbers become a problem. Parking, access, and impact on stormwater will be significantly improved. This is not sprawl, it is smart growth.

Mr. Thornton said the traffic study is a conservative report. The trips were counted on Friday evening and Saturday mid-day per the State. The ITE is based on averages and the local data collected matches the ITE data. The State suggested aligning the driveway lanes and mirroring ShopRite's driveway and that was done. If the 60/40 split was changed to a 70/30 split, that adds one car per light cycle.

Mr. Pellegrini clarified that a simple change in tenancy does not need to come before the Commission as stated by the applicant's attorney. Unless the tenant is making physical changes to the site, the Commission may not be involved.

The Chairman closed the Public Hearing portion of the meeting at 10:50 p.m.

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