

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

ROLL CALL:

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

Alternates: Susan Shanbaum (sitting)

Absent: Kevin Dougan, Vice Chairman
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 7:07 p.m. The Secretary read the legal notice for the application when the call was made.

JOHN MALAPETSAS – 53 Slater Street, Unit 63-2 – to operate an automobile repair and service garage in an Industrial zone – Special Exception (2012-095); Certificate of Location Approval (2012-100)

Mr. John Malapetsas explained that he will be doing service work and special customization to automobiles at 53 Slater Street if this application is approved. He stated he submitted a brief explanation and a picture of the inside of his shop. He said he will be the only employee and the facility is set up for two cars inside with parking outside for four cars in the rear and four in the front of the building. The pictures with his application included the location of his parking. There are two spots in front of the bay and two near the cell phone tower. Mr. Malapetsas said he also submitted a letter regarding his waste oil removal with his application. He submitted pictures of the front of the building to the Chair. The pictures showed four parking spaces, two for employee parking and two for customer parking. Mr. Malapetsas said he called the Department of Energy and Environmental Protection (DEEP) regarding wastewater requirements. He said there are no drains in the floor. The only wastewater he has is from hand washing.

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

Mr. Walter Russick, 629 Tolland Turnpike, said his property abuts the subject property and expressed concern about noise, fumes, and spray painting. He said high performance cars usually have to be tested on a dynamometer which is quite loud. He is concerned about the amount of noise that may come from this business.

In response to a question from Mr. Diminico, Mr. Russick said his property is residential. There is a 20' buffer zone and this business will be about 120' from his property line. He is very concerned about the spray painting, fumes and testing of engines. He thinks the operation of this business will degrade the peace and tranquility of the area. He said he has been living in his home for 40 years. There are two churches within very close proximity, which goes against the grain of a high performance shop.

Mr. Pellegrini read a letter from Walter Russick, 629 Tolland Turnpike, into the record. In his letter, Mr. Russick expressed concerns about excessive noise, exhaust fumes, spray painting, and toxic fumes. Granting the special exception request would affect the peace, quiet, and overall quality of life in the area. Mr. Russick asked that this application be denied.

In response to a question from Mr. Kidd, Mr. Russick said the muffler shop that currently exists does not really run cars. He hears the banging when mufflers are removed and thrown into the dumpster. That shop is not really affecting his quality of life.

In response to a question from Mr. Kidd, Mr. Russick said when he purchased the property in 1965 it was not zoned industrial, it was zoned rural residential. In the late 1970s an antique auto building was built, which was the start of the building that now exists. At Mr. Kidd's request, Mr. Russick pointed out his property on the map.

In response to a question from Mr. Kidd, Ms. Bertotti said the industrial property has several tenants. The applicant's bay is oriented toward the cell tower and away from 629 Tolland Turnpike. Other tenants include a muffler shop, a carpet shop, a landscaping company and an oil company.

In response to a question from Mr. Brown, Mr. Pellegrini said the subject property was zoned Industrial after Mr. Russick had already purchased his home.

In response to a question from Mr. Brown, Mr. Malapetsas confirmed that activity started earlier this year and he is currently operating in violation. He also confirmed that the bay door faces north. The windows are sealed and there will be no painting or spray painting. The hours will be 10:00 a.m. to 5:30 p.m. Monday through Friday. He may do some shop cleanup on Saturdays.

In response to a question from Mr. Diminico, Mr. Malapetsas explained that a Dynamometer helps calibrate the car by running it at high RPMs. The vehicles will have muffler exhaust systems. He is unsure of how far the noise will carry. Mr. Malapetsas pointed out that the highway is right in front of his shop. The Dynamometer is located outside and is portable.

In response to a question from Ms. Shanbaum, Mr. Malapetsas said he did operate the

Dynometer at this location, which resulted in a complaint. The Dynometer is stored under the bench on the drawing and pulled out to the door area on the north side of the building.

In response to a question from Mr. Brown, Mr. Malapetsas said the windows are sealed and cannot be opened.

In response to a question from Mr. Kidd, Mr. Malapetsas said he expected to run a Dynometer test once or twice per week, usually on a Thursday or Friday. He said he works by himself. A car will come in; he works on it a few days, and then puts it on the Dynometer for about one hour.

Mr. Asif Hossain, 611 Tolland Turnpike, said he has the same concern as his neighbor. He has heard the muffler shop testing at 2:00 a.m. and does not know to whom he should file a complaint. He said the testing at the muffler shop is very loud. He does not know what type of impact a second shop would have; he already has trouble with the muffler shop. Mr. Hossain has lived at this home for 20 years and purchased the land when the area was very quiet. He had three kids and wanted a big yard for his family to play. He said he is unsure what types of problems he will have with this new business.

In response to a question from Mr. Diminico, Mr. Hossain said the muffler shop is what he heard at 2:00 a.m. His concerns include pollution, noise, and chemicals. He said he has heard the muffler shop two or three times per month in the middle of the night.

In response to a question from Mr. Prause, Mr. Hossain said his house number is 611 and he was not sure if the noise was coming from the new use.

Ms. Bertotti said Mr. Russell Johnston reviewed the utilities plan for the Eighth Utilities District and told the applicant to contact DEEP to see if he needs a permit for stormwater discharge. The applicant provided a letter regarding waste oil but no letter regarding DEEP's response. Town staff has no technical comments.

In response to a question from Mr. Diminico, Ms. Bertotti said, according to testimony, DEEP does not require permits.

Mr. Johnston, representing the Eighth Utilities District, said his concern was whether or not this applicant needed a vehicle wash down general permit. He has heard that the applicant contacted DEEP and does not need one because there are no floor drains.

In response to a question from Mr. Brown, Ms. Bertotti confirmed that both churches were notified of this application because they are abutters. Aside from 629 Tolland Turnpike, there have been no inquiries.

In response to a question from Mr. Prause, Ms. Bertotti said she did receive the additional information she requested and revisions are complete.

In response to a question from Mr. Diminico, Ms. Bertotti said there is a buffer but it is spotty in

some areas. She said immediately adjacent to the proposed parking, the buffer is more dense. Then going easterly it gets spottier.

Mr. Diminico commented that a natural buffer would be ideal in this instance.

Mr. Malapetsas said he can see how the noise level would be a problem. He would not want to make noise at night, but this is an Industrial zone and near a highway. He would use the Dynometer during his hours of operation. Mr. Malapetsas said he is worried about noise. If the neighbors can hear him, he hopes he could do something about it. He said he does not want to cause problems at this location. There is not a lot of banging involved in his work. It is more about technical tuning. He said he hopes to be able to continue with his shop.

In response to a question from Ms. Shanbaum, Mr. Malapetsas said the noise would be a revving engine; some engines are quiet and some are loud.

In response to a question from Mr. Prause, Mr. Malapetsas said his hours could be 10 a.m. - 5:30 p.m., 9 a.m. – 5 p.m., and 9 a.m. – 4 p.m. The Dynometer would be run in that timeframe; not at night. He would only clean his shop on weekends, he said.

Mr. Prause noted that one consideration with this application is the proximity to churches.

Mr. Malapetsas said there is nobody in the churches all week; the church is occupied on Sundays.

In response to a question from Mr. Brown, Mr. Malapetsas said he would agree with the Commission limiting the hours and days of operation.

Mr. Pellegrini, in response to an earlier comment, explained that neighbors can complain if there are excessive noise levels. The Town does have a noise ordinance and complaints can be made based on the noise level.

The public hearing on this application was closed.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – for revisions to the zoning regulations at Article II Sections 7, 8, 18, 20 and Article IV Section 20 to expand the types of minor changes permitted to be administratively approved – Zoning Regulation Amendment (2012-096)

Ms. Bertotti said this is one of the applications discussed during Commission workshops and read the language to be added, which would allow the Chair of the Planning and Zoning Commission and the Director of Planning to approve certain applications. Recent examples of these types of applications include the umbrellas at the Head Start School and the storage shed at the Marriott Hotel. If the changes exceed the definition of a minor change, they would be referred back to the Planning and Zoning Commission. There are no outstanding staff comments and CRCOG has no concerns about this application.

In response to a question from Mr. Diminico, Mr. Pellegrini explained that in all sections where sentences were added, the regulations already had provisions for minor changes. Because of the nature of the changes this will save the Commission and the applicant time.

Mr. Prause read the definition of a minor change. Mr. Kidd said he is in favor of this application and asked for an example of the savings.

Ms. Bertotti said the application fee is \$260.00. It generally takes an applicant 15 to 30 days to get on a meeting agenda. If the applicant does not need to go to the Commission, the application can be approved within a week or two.

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

Mr. Prause asked that any minor changes be announced within the Administrative Reports and Ms. Bertotti said she can provide a report.

The public hearing on this application was closed.

The Chairman closed the Public Hearing portion of the meeting at 8:01 p.m.

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