

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 15, 2013**

ROLL CALL:

Members Present: Eric Prause, Chair
Andy Kidd, Vice Chair
Horace Brown, Secretary
Michael Stebe

Alternates: Susan Shanbaum
Julian Stoppelman (sitting)

Absent: Chirag Thaker
Anthony Petrone

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

Time Convened: 8:21 P.M.

NEW BUSINESS:

555 EAST MIDDLE TURNPIKE, LLC – for a proposed parking lot for an adjacent property at 555 Middle Turnpike East, Special Design Commercial zone – Special Exception (2013-020); Erosion Sedimentation Control Plan (2013-021)

Mr. Kidd said he would like to approve phase one only and not phase two. He is more comfortable with the nature of phase one. The applicant could always come back and propose phase two.

Mr. Stebe said he did not see the necessity for the applicant to expand beyond phase one. Limiting the amount of pavement and maintaining more green space would provide for a cleaner look. The owner is planning ahead and he did not want to hinder that. However, he approved of phase one for now. He said he would be happy to have an additional conversation when phase two parking becomes necessary.

Mr. Pellegrini said the Planning and Zoning Commission members should be referring to the special exception criteria when making their decision. He reviewed the criteria which do not contain a maximum number of spaces. A special permit would not have been required for less than sixty spaces.

Mr. Stoppelman said he is concerned with the length of time the remediation would take. He said anything that would urge the completion of the remediation is important.

Mr. Brown said he would be satisfied with phase one and would hope the remediation is completed and the area graded and seeded at a minimum.

Mr. Prause said the proposal seems compatible with the neighborhood. He said he thought both phase one and phase two comply with the special exception criteria. The difference is the removal of more trees and the additional parking spaces. He said he liked the drainage system. If he had a choice, he would go with phase two first.

Mr. Pellegrini said the application can be limited to phase one only if the Commission has a justifiable reason to limit this application to 48 spaces.

Mr. Stebe said the applicant is improving the property. Any remediation will be going on for some time, which gives the applicant plenty of time to determine his next step. He would be satisfied with phases one and two as presented.

Mr. Pellegrini said that if the Commission's concern is insufficient landscaping or the removal of trees, the issue could be addressed in the conditions of approval or the Commission could request that the applicant return with a landscaping plan.

Special Exception (2013-020)

MOTION: Mr. Stebe moved to approve the special exception with modifications as outlined in staff memoranda from James Mayer, Traffic Engineer to Renata Bertotti, Senior Planner dated July 15, 2013; Bernard Kalansuriya, Design Engineer to Renata Bertotti dated July 15, 2013; and Nick Francione, Civil Engineer to Renata Bertotti dated July 15, 2013. Mr. Brown seconded the motion and all members voted in favor. The reason for the approval was the proposed project meets the special exception criteria.

Erosion and Sedimentation Control Plan (2013-021)

MOTION: Mr. Kidd moved to certify the erosion and sedimentation control plan with modifications as outlined in a staff memorandum from Nick Francione, Civil Engineer to Renata Bertotti, Senior Planner dated July 15, 2013. Mr. Brown seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – for revisions to the zoning regulations to add Bed and Breakfast Inn establishments as a special exception use in Residence AA and Rural Residence zones – Zoning Regulation Amendment (2013-033)

Mr. Prause said the Planning and Zoning Commission has discussed this subject and thought a special exception was the best way to go about it. He would like the term sleeping rooms used.

Mr. Brown said Mr. Hamstra's comments were very helpful. Providing for special exception allows an opportunity to comment on the application, whereas a "by right" use does not.

Mr. Stebe said he appreciates Mr. Hamstra's and Mr. Sweet's comments. Running a B & B takes a very specific personality; it is a lot of work. The special exception process will allow for a fully thought out operation.

Zoning Regulation Amendment (2013-033)

MOTION: Mr. Stoppelman moved to approve the zoning regulation amendment with the modification to revise the text in Article IV Section 9.03.25 to replace "bituminous pavement" with "bituminous concrete pavement" and replace "pervious pavement or pervious pavers *and* crushed stone" with "pervious pavement, pervious pavers, *or* crushed stone"; and with the modifications to add

the word “sleeping” before the word “rooms” in Article II Section 2.02.18(c) and Article II Section 3.02.10(c). Mr. Stebe seconded the motion and all members voted in favor. The reason for the approval was the proposed amendment is in keeping with aspirations and opportunities identified in the Manchester POCD for Manchester to be a community with characteristics such as “*a welcoming atmosphere and destinations or activities that can be reached by transit/private auto and on foot*”. This amendment becomes effective on August 1, 2013.

ST. BRIDGET – for the installation of outdoor playground equipment at 70 Main Street, Residence B and Residence C zones – Special Exception Modification (2013-034)

Ms. Jennifer O’Brien, St. Bridget’s Playground Committee Chair, said St. Bridget has been operating as a place of worship and a school since 1966. She said the current playground in the back section of the building is not large enough. The church purchased an additional 0.25 acre so the children can be more spread out when playing outside. The current playground has been in place since 1966. It is open to the condominiums which have no landscaping or screening on their site. In the new area, the proposed fast growing arborvitae will be planted at 4’ in height, she said. The houses along the property line sold the church the property for the additional playground use. There are a total of 224 students and about 70 children will be outside playing at a time. She said there are no after school activities that would produce light or noise and there will be no impact on parking. All additions will be within the Town’s regulations.

In response to a question from Mr. Brown, Ms. O’Brien explained that the newly acquired property is not right in front of the condominiums; that area was already in use as a playground. On the diagram provided, area “C” is the area by the condominiums. Areas “A” and “B” are the new areas.

In response to a question from Mr. Prause, Ms. O’Brien said the fence will be chain link.

Mr. Kidd commented that the applicant is doing everything she can to screen and meet the regulations. The additional play area increases safety for the children and makes a more suitable environment for recess. Mr. Kidd asked about the mention of a comment for the resident of Woodland Glen Condominiums.

Ms. Bertotti said the resident’s main concerns are the proximity of the proposed area to his home, perceived lack of screening, noise, and diminished property values because of this installation.

In response to a series of questions from Mr. Kidd, Ms. O’Brien said recess takes place for two to three hours out of the each school day. Two or three grades go outside at a time, which would consist of about 70 children each recess period. There is afternoon play but that would take place in areas already being utilized for that purpose. She reminded Commission members that the condominiums were built next to a school and the people living there knew they were purchasing property by a school. Recess is one-half hour long, she said.

Mr. Kidd said he did not see a huge impact associated with this proposal. He had no issue with neighborhood compatibility.

Special Exception Modification (2013-034)

MOTION: Mr. Stebe moved to approve the special exception modification with the modification that the applicant provides a detailed drawing or a photograph of the proposed fence. Mr. Kidd seconded the motion and all members voted in favor. The reason for the approval was the proposed project meets the special exception criteria.

JOSEPH FELICE – to construct a 48’ x 24’ garage within 100 feet of a wetlands at 129 South Main Street, Residence A zone – Inland Wetland Permit – Determination of Significance (2013-033) – *Request for Extension*; Inland Wetland Permit (2013-032) – *Request for Extension*

Inland Wetlands Permit – Determination of Significance (2013-032) and Inland Wetlands Permit (2013-032) – *Request for Extension*

MOTION: Mr. Stoppelman moved to accept a 65-day extension for the Inland Wetlands Permit – Determination of Significance and for the Inland Wetlands Permit. Mr. Stebe seconded the motion and all members voted in favor.

ROGER SAMUELS – Pre-application review to discuss a proposed regulation amendment to allow residential use in the Special Design Commercial zone.

Mr. Ronald Lyman spoke on behalf of Mr. Roger Samuels, who was unable to attend the meeting. Mr. Lyman has been given the assignment to market Mr. Samuels’ property. The property is a 34,000 square foot property located in the Special Design Commercial zone. He said as nice as the Town has tried to make the aesthetics in the area, the structure itself is a little past its prime. Several older mills have been restored in Town. He said this building has some siding and underneath that is asbestos siding. If one were to sandblast to the brick and point it, a handsome building would be the result, he said. The lower ceilings and close columns of these older mills do not meet the needs of today’s manufacturers or warehouses that want 20 foot ceilings, ample parking, and all one floor. He said this building contains 3 levels, and there is parking for about 30 cars with 25 spaces to the side of the building and some space in the back. The best reuse for a property like this would be for office or residential use. The existing zone does not accommodate any type of residential use. He said Ms. Bertotti recommended a zoning text amendment in SDC zone to allow for residential use. Mr. Lyman was hoping for a zone change to Business 2. This allows for everything that is allowed in Business 1 as well as residential. He would like this building to evolve into a high and better use and thinks Business 2 zoning is the way to accomplish that. It would have adequate parking for condominium use. Mr. Lyman said he was hoping for guidance from the Planning and Zoning Commission.

In response to a question from Mr. Prause, Mr. Lyman said condominiums and apartment complexes are allowed in the Business 2 zone. He is picturing 28 condominiums here.

Mr. Pellegrini said residential use is allowed in the Business 2 zone above the ground floor only. A zone change here would look like spot zoning. There is no regulation that would allow the entire building to be residential at this time. He said the applicant would need to apply for an amendment to the regulations that would allow for residential use.

Mr. Lyman said the zoning map is already spot zoned. He would like to have more flexibility because he is trying to market the property. Mr. Lyman said he was not opposed to a text change. The way the property is zoned now, the seller is in for a real tough road. He said h was hoping the Commission will give him the tools he needs to be able to sell the property.

Mr. Pellegrini explained that the way the regulations are written now, if the zoning text amendment was to allow the same fraction of residential use as other Business zones, only four units could potentially be residential use as of right. Any more units than that would require a special exception and there is no business zone that currently allows for residential use of the entire building. He asked Commission members to comment on their feelings on making the entire building exclusively residential. Mr. Prause said he would like the entire area to be zoned SDC.

Mr. Pellegrini said he and Ms. Bertotti discussed taking the residential zone language and transplanting that into the SDC zoning language. That would allow for residential use above the ground floor and personal services, office, and retail on the first. Businesses that are 5,000 square feet or less are a permitted use; businesses more than 5,000 square feet would require a special exception.

Mr. Brown said he had trouble picturing those types of uses in the so-called first floor of this building since half of the first floor is in the ground.

Mr. Stoppelman said the building is on the bus line which is good because he could not imagine there is enough parking available for the building.

Mr. Kidd said this applicant has come on a fishing expedition. He wants to be able to do everything he is proposing "just in case". Mr. Kidd is not interested in that discussion. He would like to see more of a concrete plan with more of a business plan rather than fishing.

Mr. Prause thought the Commission may be amenable to changing the SDC designation to allow some type of residential use.

HIGHLAND MEETING ROOM INC – Pre-application review to discuss a possible expansion of a place of worship at 133 Highland Street onto 127 Highland Street.

Mr. Trevor Forbes, 100 Grandview Street, is a trustee for Highland Meeting Room, Inc. The congregation currently meets at 133 Highland Street. The building here was built about 50 years ago and services have grown. He said their neighbor at 127 Highland Street approached the trustees to see if they would like to purchase his property. He said Highland Meeting Room is interested in purchasing the property. They anticipate a special exception process, but before making an offer and committing the congregation's money, they would like to investigate the suitability for expansion.

Mr. Prause referred to two proposed layouts. One retains the house and one removes the house. Ideally he would like to see the parking removed from the front of the building.

In response to a question from Mr. Prause, Mr. Forbes said the Oak Grove Nature Center is behind their building.

In response to a question from Mr. Stoppelman, Mr. Forbes said the idea is to make the parking less visible and possibly enlarge the building itself. Currently there is not enough land to do that, he said.

Mr. Stoppelman said he would be very interested in getting the parking away from the front of the building.

Ms. Bertotti said if the property were purchased, a special exception would be needed to expand.

In response to a question from Mr. Stoppelman, Mr. Forbes said the property is used in the evenings and Saturday and Sunday mornings. The property gets quite full and there is concern regarding future expansion.

In response to a question from Mr. Prause, Mr. Forbes said the trustees have not thought through the use of the house. He does not see anybody living in it full-time.

Mr. Prause said he preferred scenario A with parking in the back.

Mr. Pellegrini asked Commission members if they had any particular concerns about expansion given the location.

In response to a question from Mr. Brown, Mr. Forbes said that given the layout of the property, they did not think there is enough space to get access to the rear of the property at this time.

Mr. Brown is not opposed to adding to the property. He said he had no problem with expansion.

Mr. Kidd said he would also like to see parking in the rear. The building has a very nice appearance now, but parking in the rear would be even better. It seems like the next door property is needed to achieve expansion, he said.

In response to a question from Mr. Forbes, Ms. Bertotti said properties are merged when the principle structure straddles the line of the two properties. If the two properties are designed in this manner, they will function as one property.

Mr. Eric Waski, senior member of Highland Meeting Room, Inc, said as part of its five year plan, Highland Meeting Room would like to see the congregation grow and it may need to expand in the future. They will need extra parking in proportion to that growth. If the congregation is going to purchase the property, the five year plan needs to be thought out intelligently.

NORTHEAST RETAIL LEASING AND MANAGEMENT COMPANY, LLC - Show Cause Hearing – Cease and Desist Order for violations to the Inland Wetlands and Watercourses Regulations at 346 Middle Turnpike West

Show Cause Hearing

MOTION: Mr. Stebe moved to affirm the Cease and Desist Order of the Environmental Planner/Wetlands Agent dated July 8, 2013 regarding 346 Middle Turnpike West, Manchester, Connecticut with the following conditions: (1) the owner, L & J Manchester II, LLC, shall apply for an Inland Wetlands Permit in accordance with the requirements of Section 4 of the Inland Wetlands and Watercourses Regulations and a Flood Plain Permit in accordance with the requirements of Article 2, Section 19 of the Zoning Regulations. The application submitted to the Agency shall include information sufficient to enable the Agency to fully ascertain the proposed activity or use and its impact on the watercourse; (2) the applications shall be delivered to the Planning Department by August 9, 2013 for official receipt by the Agency at their August 12, 2013 meeting; and (3) failure to submit a completed application by this date can result in fines and/or an application for injunction to Superior Court for

further enforcement action. Mr. Kidd seconded the motion and all members voted in favor.

MOTION: Mr. Stebe moved to suspend the rules to continue the meeting past 11:00 p.m. Mr. Stoppelman seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Administrative Approvals:

- James Slayton – Inland Wetlands Permit (2013-039) – 451 Birch Mountain Road
- Linda Marie, LLC – Inland Wetlands Permit (2013-041) – 130 Chapel Road

RECEIPT OF NEW APPLICATIONS:

CUMBERLAND FARMS, INC. – Zone Change (2013-045) – for a zone change to Business II at 13 Middle Turnpike East and the rear portions of 271 & 275 Main Street, Residence RC, RA and B2 zones.

HIGHLAND OAKS CORP. – Erosion and Sedimentation Control Plan (2013-047) – for a 2 lot resubdivision of an approved 6 lot subdivision on Abigail Circle, Residence AA zone.

TOM STAGIS – CUD Detailed Site Development Plan Modification (2013-048) – for a 60’ x 30’ tent in the parking lot of PC Richard for the temporary sale of merchandise for three years.

The Chairman closed the business meeting at 11:12 p.m.

I certify these minutes were adopted on the following date:

_____ Date

_____ Eric Prause, Chairman

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