

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 7, 2013**

ROLL CALL:

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

Alternates Absent: Anthony Petrone
Susan Shanbaum
John Chaput

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

Time Convened: 7:22 P.M.

OLD BUSINESS:

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)

Chairman Diminico reviewed that a public hearing had been held on this item and there was a lengthy discussion about possible traffic impact. He said he took a very close look at the traffic reports, site plan, drainage, and parking design. One concern he had was in regard to parking lot lighting and landscaping. He would rather see the entire site cleaned up at once rather than piecemeal. He said he believed redeveloping existing properties as opposed to developing on green space was a good choice. He acknowledged that some people had questions about Wal-Mart's business model and how that may affect other businesses in Town. Those questions are not under the purview of the Planning and Zoning Commission, he said. The Commission must determine if the special exception criteria in the zoning regulations are met. Mr. Diminico thinks they have been, although he does have some lingering concerns about traffic.

Mr. Brown said the Chair explained very well the appropriate responsibility of the Planning and Zoning Commission. The Commission has spent the last year approving several applications for Wal-Mart and Sam's Club in the mall area but he has yet to see those improvements happen. He is assuming that the word of Wal-Mart's attorney is good and the current Wal-Mart will remain. Mr. Brown said he is also concerned about traffic but has to depend on the Town Traffic Engineer's judgment. It concerns him that Manchester Community College has 15,000 students, plus faculty, passing through that area. Also of concern to Mr. Brown is the assumption that traffic will not be any heavier than when K-Mart was there; that remains to be seen. He hopes the State Department of Transportation (DOT) takes significant action in this area. This application is clearly consistent with the Plan of Conservation and Development in that it is redeveloping an existing area rather than taking new land, Mr. Brown said.

Mr. Prause commended the applicant on the proposal as well as all of the people that commented on the application. He said he has a concern about compliance with the special exception criteria regarding the suitable location for the proposed use. While he knows the location was a previously developed lot with retail use, the proposed plan increases the size and intensity of retail. The Commission needs to think about the compatibility of this use with the area, he said. He wondered whether it is really viable to have another 37,000 square feet of retail space in this area beyond what previously existed. Mr. Prause supported redevelopment in this location, but with such a large expansion he questioned whether the proposed use will function in the neighborhood.

Mr. Kidd said he appreciates Mr. Prause's argument and indicated he was struggling with the same thing. There was recently a zone change for a retail parcel across the street, which could possibly bring another 20,000 to 40,000 square feet of retail. He wondered if that is a concern.

Mr. Prause said a special exception requires the Commission to look at the actual functional use. He wondered what the threshold is for an increase and what would be considered too much retail in one area. There may be negative influences on the existing businesses.

Mr. Kidd said he was struggling with the exact purview of the Planning and Zoning Commission. He empathizes with the existing businesses. The applicant did a better than average job on the design of the building and agreed to consistent lighting on the site and additional buffering. Ideally he would like to have more of a mixed use including offices, restaurants and possibly some residential, but the site has been empty for over ten years. He cannot see any reason to deny this application, he said.

Mr. Diminico thinks it would be crossing the line to take into consideration the applicant's business model. The Commission also has to be careful it is not trying to control market choices, he said.

Mr. Stebe said he heard a number of issues come out through the public hearing process and a number of people on the Commission mentioned issues regarding the business models or practices. However, that cannot enter into the Commission's decision. The big question is how this application fits into the Plan of Conservation and Development. He agrees that the redevelopment of this parcel is a benefit to the area. He expressed concern about traffic, but expects there will be some oversight from the State. Overall, the proposed use is a good fit, he said.

Mr. Prause said his concern is the amount of retail space in the area will be increased considerably compared with what was previously in that location. He is not considering the reputation of the applicant; it is not germane to this application. It is the Commission's responsibility to consider how this use is compatible with the neighborhood. He thought increasing the usage of this site is too much for the area.

Mr. Diminico cautioned that the Commission not cross the line. It cannot dictate the amount of retail an area can support or a business model. The K-Mart plaza has been vacant for more than ten years and this is the first prospective applicant for the area. This is a commercial corridor. Mr. Diminico thought the pros outweigh the cons.

Mr. Brown said there are pros and cons with this application. The applicant filed a report on its view of how they comply. Mr. Brown does not think the public's health will be adversely affected and jobs will come out of this, but traffic is a concern.

In response to a question from Mr. Prause, Mr. Pellegrini said Mr. Mayer's memorandum asked that the applicant realign the driveway with the ShopRite Plaza driveway, that landscape islands be provided at the end of the handicap parking area, LED lighting be added throughout the site, and crabapple trees be planted along the front of the property at the existing Pep Boys building.

Special Exception (2012-082)

MOTION: Mr. Kidd moved to approve the special exception with the modifications outlined in staff memoranda from James Mayer, Traffic Engineer, to Renata Bertotti, Senior Planner, dated December 3, 2012; from Raymond Myette, Jr., Design Engineer, to Renata Bertotti dated November 30, 2012; and from Nick Francione, Civil Engineer, to Renata Bertotti dated November 30, 2012, and with the conditions that LED lighting for the parking lot shall be provided for the entire site, including the parking lots in front of Pep Boys and Ocean State Job Lot; Sargent Crabapple trees shall be planted, 20-foot on center, along the Spencer Street frontage of the property from the eastern property line to the site driveway entrance; and all remaining islands in the entire parking lot shall be replanted. Mr. Brown seconded the motion and Mr. Kidd, Mr. Brown, Mr. Diminico and Mr. Stebe voted in favor. Mr. Prause voted against. The motion passed four to one. The reason for the approval was the proposal meets the special exception criteria and the Town's Plan of Conservation and Development.

NEW BUSINESS:

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – revisions to the zoning regulations to add Article III Section 7 – Lot Mergers to the zoning regulations, and revisions to Article I Section 2.01 to add “accessory structure” and “principal structure” to the definitions and remove “accessory use of building” definition. – Zoning Regulation Amendment (2012-119)

Zoning Regulation Amendment (2012-119)

MOTION: Mr. Brown moved to approve the zoning regulation amendment with the modification to replace the phrase in Article III Section 7, “is not a buildable lot and as such” to “buildable or not”. Mr. Prause seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – to set an effective date for the newly adopted Plan of Conservation and Development – Plan of Conservation and Development (2012-090)

Plan of Conservation and Development (2012-090)

MOTION: Mr. Prause moved to set the effective date for the Plan of Conservation and Development for January 14, 2013. Mr. Brown seconded the motion and all members voted in favor.

GARY SWEET – Pre-application review for a zoning regulation amendment to permit bed and breakfast establishments in Rural Residential and Residence AA zones.

Mr. Gary Sweet, 75 Forest Street, noted in the draft of the amendment an inn is referred to and should be bed and breakfast, which would be a permitted use in both AA and Rural zones. He explained that his interest in establishing a bed and breakfast has a lot to do with Imagine Main Street and the effort to revitalize downtown. He believes Manchester will have an art district in the downtown area and there are a lot of assets in the area, including Case Mountain, a ropes course, the theater, and Main Street events. Adding bed and breakfast establishments will be one more reason to come to Manchester. Manchester is a beautiful place; we just have to start marketing who we are, he said. During the Manchester 2020 plan process, he found out about incentives for historic preservation. He asked how Manchester can get its citizens to choose to preserve historic properties. By expanding the districts where bed and breakfasts are allowed, there may be fewer larger homes turned into apartment houses, thereby having less old, deteriorated homes with absentee landlords.

Mr. Kidd said he is all for new and improved ways to bring more business to Manchester and help downtown succeed. He suspects there may be abutting property issues, however, with new bed and breakfast establishments.

Mr. Pellegrini said the Cheney Mansions provided unique circumstances with large homes and large lots. This portion of the historic zone is the only area where bed and breakfasts are currently permitted. Outside the historic zone there may be conflicts with abutting uses. There have been proposals over the years but some obvious questions arise. Mr. Pellegrini asked Commission members to consider what concerns they would like to see addressed if this type of change were to go forward.

Mr. Prause wondered if a three square foot sign would be adequate, as that is what is allowed in a residential area. Mr. Stebe said his parents ran a bed and breakfast in Massachusetts and he has always been surprised a town this size did not have one. He has dealt with bed and breakfasts with zero parking and zero signage. They mostly operate by word of mouth. Mr. Brown said he would like to know what other towns have done.

Mr. Pellegrini explained that Mr. Sweet is presenting his proposal to see if the Commission is interested. If it is, then the Planning Department can do some research on such requirements as lot sizes, parking, pervious vs. impervious parking, and what has been done in other Towns. It was the Commission's desire to research this item further.

APPROVAL OF MINUTES:

September 19, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Prause seconded the motion and Mr. Brown, Mr. Prause, and Mr. Diminico voted in favor. Mr. Stebe and Mr. Kidd abstained. The motion passes three to zero.

November 19, 2012 – Public Hearing/Business Meeting

MOTION: Mr. Brown moved to approve the minutes as written. Mr. Prause seconded the motion and Mr. Brown, Mr. Prause, Mr. Kidd and Mr. Diminico voted in favor. Mr. Stebe abstained. The motion passes four to zero.

RECEIPT OF NEW APPLICATIONS:

THE CONNECTICUT WATER COMPANY – Inland Wetlands Permit – Determination of Significance (2012-125); Inland Wetlands Permit (2012-125); Erosion and Sedimentation Control Plan (2012-126) – to replace existing water mains along Redwood Road, Ralph Road, and Galaxy Drive, Rural Residence Cluster (r.r.) zone.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2012-124) – for revisions to Article II Section 16 to move some uses that currently require special exception approval to permitted uses and revise the requirements for permitted and special exception uses.

HAYES & HAYES, LLC – Special Exception (2012-128); Erosion and Sedimentation Control Plan (2012-129) – for construction of self-storage buildings, parking and associated site improvements at 169 Red Stone Road, General Business zone.

The Chairman closed the business meeting at 9:09 p.m.

I certify these minutes were adopted on the following date:

May 6, 2013
Date

Eric Prause, Chairman

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