

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
AUGUST 4, 2014**

ROLL CALL:

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

Alternates: Julian Stoppelman
Teresa Ike (sitting)

Absent: Susan Shanbaum
Donald Palmer

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 7:01 p.m. The Secretary read the legal notice for the application when the call was made.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – to revise Article II Section 22 of the Zoning Regulations, adding 22.02.07 to allow residential units above the first story as a Permitted Use in the Special Design Commercial Business Zone if there are four or fewer residential units or if the combined maximum gross floor area of all residential units does not exceed 5,000 square feet; and adding 22.04.07 to allow residential units above the first floor as a Special Exception Use when there are five or more dwelling units or the floor area of residential units exceeds 5,000 square feet – Zoning Regulation Amendment (2014-047)

Renata Bertotti, Senior Planner, explained that this is an application to amend the Town's Zoning Regulations. The proposed amendment to the regulations for the SDC zone will allow residential use above the first story as a permitted use when there are four or fewer residential units, or when the combined maximum gross floor area of all residential units is less than 5,000 square feet. A special exception could also be granted if these parameters were exceeded. These changes mirror the residential uses in other business districts.

Ms. Bertotti explained that this issue was looked at after the Planning Department was approached about the Hanshaw Furniture Building. This is located in the SDC zone, but use variances are not allowed in this zone. This amendment was drafted to accommodate residential use in the SDC zone. There are two SDC areas in town, Deming Street and Middle Turnpike East. The proposed amendment complies and is consistent with the Plan of Conservation and Development and agrees with other business districts in Town.

In response to a question from Mr. Prause, Ms. Bertotti explained that the original intent with the SDC zone was to provide a higher level of design control on the development of all properties

within the zone. The Commission decided not to allow use variances in order to maintain control.

Chairman Prause asked if anyone wished to speak either in favor of or in opposition to this application.

Stephen Bruckner, 11 Welcome Place, expressed concern about the one-way road in front of the Hanshaw building. He also thought parking might cause a problem.

Ms. Bertotti relayed that CRCOG indicated there is no apparent conflict with regional plans and policies and commended the town for its efforts.

The public hearing on this application was closed.

VONTELL, JOHN – For re-subdivision of an existing lot at 143 Carter Street, RR zone – Resubdivision (2014-045)

Michael Dion, P.E., spoke on behalf of John Vontell, 143 Carter Street. He explained that the existing lot is part of Case Mountain Estates, which was developed in the early 1980s. Mr. Vontell's house was built in 1984 and has 600' of frontage. Over time, public water and sewer have become available to the neighborhood. The piece to be subdivided is just shy of 2.4 acres. The two lots fully comply with RR size requirements. The new home will connect to public water and sewer.

Mr. Dion stated that John Ianni, Soil Scientist, identified three wetland areas on the site. The flagged areas meet the criteria for wetland soil. In the 1990s, the property owner excavated a swale and installed an underdrain to intercept groundwater and discharge the flow to the existing wetlands downgrade. The improvements effectively dried out the rear yard, enabling its maintenance as a grassed lawn area. The only new impact to the wetlands will be from short-term construction; there will be no long-term issues. There will be no tree cutting or intrusion. In addition, the old septic system, which appears to be in the wetlands, will be abandoned. The land is over an acre and there will be approximately 0.4 acres of disturbance. The site will not be a difficult site on which to build a home.

In response to a question from Mr. Prause, Mr. Dion explained that the outlet pipe will be diverted under the new driveway and will no longer be in the location of the proposed new house. The property slopes from east to west, which is the path seasonal groundwater takes to the wetlands.

In response to a question from Mr. Kidd, Mr. Pellegrini explained that any resubdivision that has a wetlands component cannot be approved until the Wetlands Commission weighs in on whether the lot is buildable. Significant changes will require that the applicant come back to the Planning and Zoning Commission.

Mr. Bordeaux said he visited the site in May when it was very wet. There was a steady flow from the curtain drain outlet pipe. The issue is how to divert the flow. The pipe will be relocated under the driveway and flow to the same location. There will still be some seepage. There are a few things that would cause a change to be considered significant. A boulder wall closer to the wetlands would require more clearing. The proposed location for the home is pretty much the only location for a home on this lot. Mr. Bordeaux doesn't anticipate long term

impact; the issue will be during construction.

Mr. Pellegrini added that the concerns expressed by the Engineering Department were not about the impact of construction on the wetlands. The concerns were about the possible effects of locating a house where there were seeps; it could cause a problem with the stability of the house.

Chairman Prause asked if any member of the public wished to speak either in favor of or in opposition to this application. No member of the public came forward.

The public hearing on this application was closed.

WILLIAM GUINAN – Request a special exception under Article III, Section 6 to create a rear lot at 436 Middle Turnpike East, RA zone – Special Exception (2014-050)

Michael Dion, P.E., spoke on behalf of William Guinan. The subject property is located at 436 Middle Turnpike East and is a 1.78 acre corner lot. The intention is to create a subdivision of land. The nature of the corner will be preserved. The land to the rear of the property would be subdivided and a single family home will be constructed. The rear access strip will be wider than the 25' required. The frontage will be 65' wide and the lot meets the criteria for a Residence A lot.

Ms. Bertotti explained that the applicant is under a time constraint due to the full-depth reconstruction of Middle Turnpike East. She recommended the applicant come to the Commission with a preliminary plan only; the detailed plan has to match the preliminary plan. If the Commission proceeds, the approval can be subject to modifications. Essentially, the Commission would be approving the creation, general location, and appearance of a lot. The Town places a moratorium on cutting into the road for five years after a full depth reconstruction.

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

Pat Curtin, 60 Coburn Road, said he would be the most affected by approval of this application. The impact of the structure will have more detriment to his property than the applicant's. He is concerned about privacy and his property value. He will end up with a 2.5 story colonial in his back yard. Mr. Curtin said he is opposed to the project.

Megan Quigley, 60 Coburn Road, said her back yard consists of a strip of lawn and a strip of trees. She thinks the trees will have to come down. She had no idea when she moved there that there would be any chance of losing that privacy. This project affects her more than Dr. Guinan.

In response to a question from Mr. Prause, Mr. Dion said he doesn't think buffer screening would be out of the question.

The Chairman closed the Public Hearing portion of the meeting at 9:07 p.m.

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