

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 18, 2016**

ROLL CALL:

MEMBERS PRESENT: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Michael Stebe, Secretary
Timothy Bergin

Alternate Members: Teresa Ike (Sitting)
Patrick Kennedy
Julian Stoppelman

Absent: Jessica Scorso

Also Present: Mark Pellegrini, Director
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
Karen Logan, Recording Secretary

Time Convened: 7:04 P.M.

Chairman Prause opened the hearing by introducing the members of the Commission and having Mr. Kidd read the legal notice.

JIN YOUNG PARK – To amend Art. II, Sec. 22.02 and 22.04 to permit health and recreation facilities as a permitted and special exception use in the Special Design Commercial Business Zone. – Zoning Regulation Amendment (2016-022)

Attorney Stephen Penny detailed the applicant’s request to the Commission, which involved amending the zoning regulations at Art. II, Sec. 22.02 and 22.04 to permit health and recreation facilities as a permitted and special exception use in the Special Design Commercial Business Zone (SDC). Attorney Penny said the amendment is to add the following language to the list of permitted uses in the SDC zone: “Health and recreation facilities which do not exceed 2,000 square feet either individually or in combination with other uses on a site.” He listed the permitted and special exception uses currently allowed in the SDC zone.

Attorney Penny noted that health and recreation facilities are currently permitted in Business II, III and V, Central Business District, General Business, Form-Based, and Industrial zones, as well as in the Historic Zone subject to special exception approval by the Commission. Health and recreation facilities include uses such as martial arts and yoga studios, personal trainer and physical fitness studios, gyms, and other similar uses.

Attorney Penny concluded by stating that the proposed health and recreation facility use is consistent with the SDC zone and the Town's Plan of Conservation and Development. He asked for the Commission's approval and invited questions.

Mr. Prause asked for staff comments and Ms. Bertotti indicated that staff had no outstanding comments.

Mr. Stebe asked if staff had a full definition of health and recreation facilities. Ms. Bertotti replied that the definitions she researched were very broad and non-specific, but there are no current specific definitions.

Mr. Stebe asked if there was a personal trainer in the SDC zone on East Middle Turnpike. Mr. Pellegrini stated that there was a personal trainer in that location and he was not sure if they had applied for a special exception or non-conforming use.

Mr. Stebe continued by asking if the definition of health and recreation facilities would be left open. Mr. Pellegrini answered that the amendment limits the size of health and recreation facilities to 2,000 sq. ft.

Attorney Penny added that he had looked through the regulations for a definition of health and recreation facilities and didn't find anything specific.

Mr. Prause asked about the intent of the Special Design Commercial Business Zone and if it was to preserve and protect the special nature of the two neighborhoods which were identified. Mr. Pellegrini replied that the intent of the Special Design Commercial Business Zone was to be specific about the types of uses allowed and also to add a design review element that was not in the regulations elsewhere. After these two zones were adopted, the Commission decided not to extend these zones to other areas because there was some opposition to it. Subsequently, the Commission adopted the Design Overlay Zone, so this is something of a unique situation, he said. Mr. Pellegrini said that he believed that in the course of writing the regulations, this category was simply overlooked.

Mr. Kidd asked what the thinking was behind the different square footages allowed for different permitted uses. Mr. Pellegrini stated that those limitations were in the original SDC zone regulations. At the time the original regulations were written, staff looked at what types and sizes of businesses were in existence and used those as a guideline for limitations on square footage.

Mr. Prause opened the floor to public comment on the regulation amendment. Hearing none, Mr. Prause called for any final comments from the applicant or the Commission.

Mr. Stebe moved to close the public hearing on this application. Ms. Ike seconded and all members voted in favor. The public hearing on this application was closed.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise Art. I, Sec. 2 and Art. II, Sec. 18 to allow Inns as a special exception use in the Historic Zone. – Zoning Regulation Amendment (2016-026)

Mr. Stebe read the legal notice.

Ms. Renata Bertotti, Senior Planner for the Town of Manchester Planning Department, made the presentation for the Planning and Zoning Commission's request for a zoning regulation amendment to allow Inns as a special exception use in the Historic Zone. She reviewed the sequence of events that brought this issue before the Commission and said the Commission was approached in September of 2015 by an owner of two of the Cheney Mansions, who wanted to operate a Bed & Breakfast. The uses discussed at the time did not fit the strict interpretation of a Bed & Breakfast, particularly with regards to the requirement that Bed & Breakfasts be owner occupied. Planning Department staff did some research and proposed the definition for an Inn be used as:

“Inn – a building in which guest rooms are used to provide overnight accommodations to guests for compensation, which may include accessory uses such as serving of meals, conference facilities and indoor and/or outdoor event facilities for guests and patrons.”

Under the proposed amendment, Ms. Bertotti said, Inns will be allowed subject to the special exception criteria listed under Article IV Section 20 of the zoning regulations, and the specific criteria applicable to uses and buildings located in the Historic Zone. In addition, she said, the additional standards proposed are that the establishments do not contain more than 10 guest rooms, that the individual rooms do not contain cooking facilities, that guest stays do not exceed 30 consecutive calendar days, that, to the extent possible, the architectural arrangement and integrity of the interior spaces and details is maintained, and that the joint use of off-street parking spaces may be permitted by the Commission when appropriate. Under this proposal, the Commission may permit off-site event parking located either inside or outside of the Historic Zone when the applicant can show the existing parking arrangement with an off-premise parking site and demonstrate to the Commission that shuttling patrons to and from the site will not add significant traffic to area streets and intersections, Ms. Bertotti said.

Ms. Bertotti then described the proposed minimum parking requirements and noted that the amendment included a provision which allowed an alternative parking surface to be approved by the Commission.

Mr. Pellegrini presented this to the Cheney Commission, which recommended approval of the proposal as presented. The proposed use allowing Inns as a special exception in the Cheney Family Mansion District in the Historic Zone is, in staff's opinion, consistent in character with both the purpose and intent of the Historic Zone and the Manchester 2020 Plan, Ms. Bertotti said.

Mr. Prause asked how the process would work when the Commission would approve the Special Exception parking request. Ms. Bertotti replied that the idea was that the Commission would be approached with a specific plan and a specific explanation of how parking would be handled.

Mr. Stebe asked if the special event parking requirement would be in addition to the guest and employee parking requirements. Ms. Bertotti replied that yes, both special event and employee and guest parking would have to be accommodated.

Mr. Bergin asked if the special event parking request would have to be approved by the Commission for each and every event. Ms. Bertotti stated that the approval would be to establish the capacity for a specific type of event.

Mr. Bergin went on to ask if there were specific events that would be allowed or not. Mr. Pellegrini replied that the events allowed would be broadly defined. The regulations do not define specific events.

Mr. Kidd addressed the additional parking issue. He talked through what might happen when an applicant comes before the Commission requesting a specific event. Then if the Commission approves the event, the description of the event that the Commission approved becomes the regulations for that event and if the Zoning Officer were to check on the event, he would need to have a copy of what the Commission approved. He went on to ask if the Commission should consider adding certain conditions to the regulations. Mr. Pellegrini replied that the conditions would have to relate to the proposed use and physical capacity of the facility and grounds.

Mr. Kidd asked what the mechanism might be if an applicant were to lose their agreement with off-site parking and wanted to have a different parking location approved. Mr. Pellegrini suggested that, for a modification to the agreement, the applicant would need to return to the Commission to have the new parking arrangements approved.

Mr. Prause called for public comments.

Mr. Bruce Hamstra, owner/operator of a bed and breakfast at 139 Hartford Road in Manchester, spoke in support of this amendment. He felt this amendment would be beneficial to the Town to allow the opportunity to operate a bed and breakfast or an inn, which would bring in people from out of town. Broadening the definition would increase business opportunities. He encouraged the Commission to be careful not to change the character of the Cheney properties. He has had to turn away events from his business because they were not allowed under the current regulations. He encouraged the Commission to approve the amendment.

Mr. Arthur Healy spoke next as a representative of Anthony and Paula Viscogliosi (owners of two of the Cheney mansions). He recounted Mr. Viscogliosi's appearance before the Commission, raising the issue of owner occupied bed and breakfasts. The Viscogliosis are in favor of this amendment, but they registered the following concerns:

- Parking – constructing parking lots on the Cheney properties would damage or compromise the historic nature of the mansions. They support the use of shuttle or valet parking.
- Sprinkler systems – The Fire Marshal's requirement of a sprinkler system is cost prohibitive. He asked why an inn would be required to have a sprinkler system when a bed and breakfast is not, and noted the requirement is a problematic one. There are other ways to manage the risk of fire, such as smoke detectors, heat detectors and fire extinguishers and so on.

Mr. Hamstra added that the Fire Marshal only requires sprinklers if there are guest rooms on the third floor, not on the first or second floors.

Mr. Pellegrini noted that the amendment was written with the understanding that guests would want to have their vehicles on site. Alternative materials have been allowed so that the parking areas would look nice. As far as the Fire Marshal's comments are concerned, even if the zoning regulations were to allow this, there are still building and fire code requirements which are outside of the Commission's considerations.

Mr. Prause asked how the difference between guest parking and event parking would be delineated. Mr. Pellegrini explained that applicants would need to show that they were able to accommodate the required parking, but that it might be difficult to monitor which cars were parked in the spaces allocated.

Mr. Bergin asked Mr. Healy if the Viscogliosis would be open to expanding on-site parking if they were allowed to use a combination of on-site and off-site parking. Mr. Healy responded that they are resistant to creating a parking lot. They would have to widen the driveways in order to allow parking or they would have to build a parking lot, which they did not want to do.

Mr. Stoppelman expressed concern about emergency vehicle access if the driveway were used for parking.

Attorney Penny advised caution regarding moving forward without consulting with the building inspector and fire marshal. He cited several cases regarding bed and breakfasts in other locations in the state.

Mr. Prause thanked everyone for their comments and asked for staff comments.

Mr. Pellegrini noted that the staff had consulted with both the Building Inspector and the Fire Marshal. He continued by suggesting that if the Commission wants more information, they should keep the hearing open until the next meeting and the Building Inspector and Fire Marshal could appear before the Commission.

Mr. Prause stated that he would rather sort out all the information before voting on the amendment, rather than after. Mr. Stebe echoed the Chair's concerns.

Mr. Kidd agreed that the Commission needed more input. He also expressed concern about abutting property owners and the restrictions for event times, etc. He went on to say that Attorney Penny's concerns could be significant.

Ms. Ike moved to table the Public Hearing until the next meeting. Mr. Bergin seconded and all members voted aye.

The Chairman closed the public hearing at 8:45 p.m.

I certify these minutes were adopted on the following date:

June 6, 2016 _____

Date

Eric Prause, Chairman

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