

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
AUGUST 15, 2016**

ROLL CALL:

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

Alternate Members: Julian Stoppelman
Teresa Ike
Patrick Kennedy

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Karen Logan, Recording Secretary

Time Convened: 8:05 P.M.

NEW BUSINESS

MICHAEL G. AND SALLY A. FLYNN – For a change of zoning district from Form-Based Zone to Business II Zone at 230 Middle Turnpike West. - Zone Change (2016-083)

Mr. Kidd stated that the comments made by the applicant were valid, but he was concerned that changing the zoning of a single parcel would set the Commission up for other requests to change the zoning of other parcels. He said that maybe the Commission should take another look at where the Form Based Zone starts and stops, rather than changing a single parcel. He offered that he was in favor of denying the application without prejudice and having the Commission conduct a future discussion about the Form Based Zone and whether its boundaries needed to be adjusted, particularly with regards to the businesses on West Middle Turnpike.

Ms. Scorso agreed with Mr. Kidd that changing a single parcel would set the Commission up for repeated requests for changes in zoning and would chip away at the Form Based Zone. She felt that the form Based Zone was very purposeful and the Commission should look at any rezoning decisions more globally.

Mr. Stebe agreed with Mr. Kidd and Ms. Scorso that it was not advantageous to address rezoning the Form Based Zone one parcel at a time. The Commission should consider the whole picture.

Mr. Prause added that there was a larger issue of the Form Based Zone, but tonight there was one application before the Commission.

Mr. Kidd stated that he would like to have a broader discussion about rezoning in the Form Based Zone, and he would not want to approve the application before the Commission tonight.

Mr. Prause asked the Commission members what their thoughts were regarding the Form Based Zone and what should be done if this application was denied. He asked if they intended to expand the uses in the Form Based Zone or to create a hybrid zone.

Mr. Kidd felt that this was part of what the discussion should be and all options should be on the table. He didn't feel there was any problem with uses in the Business II Zone.

Mr. Bergin asked for a historical perspective. He noted that the dealership was in place before the Form Based Zone was established, and asked what would prevent the Commission from approving this application and then having a discussion about the larger issue of rezoning along the edges of the Form Based Zone. Mr. Bergin said he was sympathetic to this business and their rezoning request.

Ms. Scorso stated that she would be comfortable with that solution but would want to make sure that the Commission would have the discussion about the Form Based Zone.

Mr. Kidd said that there was nothing imminent for that property changing zoning, but he would rather address the issue at one time.

Mr. Prause noted that there was no other development occurring in the Form Based Zone that this application would affect. He leaned towards executing this change now and then considering the appropriateness of the rest of the Form Based Zone.

Mr. Stebe didn't see the Form Based Zone as creating a hindrance to businesses along this area. He believed there needed to be a larger discussion rather than changing one parcel at a time.

Mr. Prause called for a motion and Mr. Bergin moved to approve the zone change. There was no second. Mr. Prause called for another motion.

Zone Change (2016-083)

MOTION: Mr. Kidd moved to deny the change of zoning district from Form-Based Zone to Business II Zone at 230 Middle Turnpike West without prejudice. Ms. Scorso seconded the motion. Mr. Stebe, Mr. Kidd, and Ms. Scorso voted in favor of the motion. Mr. Prause and Mr. Bergin voted against the motion. The motion to deny without prejudice passed 3 to 2.

The reason for the denial is that there needs to be a larger discussion about the Form-Based Zone and the parcels within it before the Commission proceeds with rezoning any given parcel in that zone.

HILLIARD MILLS, LLC – Request a special exception under Art. II Sec. 16.15.02 (a) and (b) for a development on a site which is four (4) acres or larger in size and for a use which requires automobile parking spaces in excess of 60 to add parking at 640 and 642 Hilliard Street, Industrial and Rural Residence Zones. - Inland Wetlands Permit – Determination of Significant Impact (2016-075); Inland Wetlands Permit - (2016-075); Special Exception (2016-076); Flood Plain Permit

(2016-077)

Inland Wetlands Permit – Determination of Significant Impact (2016-075)

MOTION: Mr. Stebe moved to find the proposed activity at the above referenced location as shown on the inland wetlands permit application 2016-075 will not have a significant impact on the wetlands and therefore will not require a public hearing. Mr. Kidd seconded the motion and all members voted in favor.

Inland Wetlands Permit (2016-075)

MOTION: Mr. Stebe moved to approve the inland wetlands permit. Mr. Kidd seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the land by significant impact or major effect.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Special Exception (2016-076)

MOTION: Mr. Stebe moved to approve the special exception with the modifications as specified in staff memoranda from:

1. Matthew Bordeaux, Environmental Planner/Wetlands Agent, dated August 1, 2016;
2. James Davis, Zoning Enforcement Officer, dated August 3, 2016;
3. Michelle Handfield, Civil Engineer, dated August 4, 2016;
4. Renata Bertotti, Senior Planner, dated August 5, 2016;
5. Jim Mayer, Traffic Engineer, dated August 8, 2016; and
6. Shawn Morris, 8th District Utilities Deputy Fire Marshal, dated August 11, 2016.

Mr. Bergin seconded the motion.

AMENDED MOTION: Mr. Kidd moved to approve the special exception with the modifications as specified in staff memoranda from:

1. Matthew Bordeaux, Environmental Planner/Wetlands Agent, dated August 1, 2016;
2. James Davis, Zoning Enforcement Officer, dated August 3, 2016;
3. Michelle Handfield, Civil Engineer, dated August 4, 2016;
4. Renata Bertotti, Senior Planner, dated August 5, 2016;
5. Jim Mayer, Traffic Engineer, dated August 8, 2016; and
6. Shawn Morris, 8th District Utilities Deputy Fire Marshal, dated August 11, 2016.

and with the condition that Town staff reviews and approves the plans for the location of concrete planters for separation of the pedestrian area from the roadway to meet Engineering's requirements.

Ms. Scorso seconded the amended motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception requirements.

Flood Plain Permit (2016-077)

MOTION: Mr. Stebe moved to approve the flood plain permit. Mr. Kidd seconded the motion and all members voted in favor.

CALAMAR, INC. – For construction of 128 residential units and associated site development at 188 Spencer Street. - Subdivision (2016-080); Erosion and Sedimentation Control Plan (2016-081); EHD Zone Detailed Site Development Plan (2016-082)

Attorney Stephen Penny, an attorney practicing in Manchester, presented for the applicant, which is proposing the development of a 128-unit Elderly Housing Development Zone (EHD) at 188 Spencer Street. He described the parcel, its location, and the zoning of the abutting properties. He pointed out that the parcel is currently undeveloped, having formerly been crop producing property. Attorney Penny continued by noting that the utilities were all available to the site through access at Spencer Street. In addressing the request for subdivision, Attorney Penny stated that Parcel B would remain undeveloped and become a part of McDonald's property.

Mr. Kevin Grindle, Landscape Architect with Anchor Engineering Services of Glastonbury, Connecticut spoke next. He described the primary access road from Spencer Street and noted that the secondary access from Hillstown Road would be gated until the upgrade to Hillstown Road was complete and approved by the fire Marshall and Town Planning staff. He stated that a total of 158 parking spaces were being proposed, including 46 that will be located within the garage structures and seven (7) that will be handicap accessible.

Mr. Grindle continued by discussing the stormwater management plan. He stated that the overflow from the detention ponds will drain through outlet structures to the south. The applicant also proposes to implement stormwater quality treatment measures consistent with Manchester's Public Improvement Standards.

The development will be served by public water and sanitary sewer through a corridor which extends from Spencer Street into the complex, Mr. Grindle added. The proposal calls for all utilities to connect through the main corridor. Additionally, three fire hydrants have been proposed to service the development. The landscape and lighting plan provides a buffer along the eastern, northern and southern boundaries of the development. It does not extend along the western boundary of the parcel because the detention basin which was installed during the McDonald's construction already contains existing screening materials.

The recreation areas include a 20 sq. ft. patio at the rear entrance of the proposed building. Green space will be provided throughout the development according to Town regulations.

Mr. Grindle concluded his presentation by discussing the proposed erosion and sedimentation control plan. The plan includes anti tracking pads at the construction entrance, temporary swales to provide a catch basin for stormwater management, as well as a provision for a temporary stockpile location. All catch basins will be protected by silt sacks and hay bales.

Mr. Brent Narkawicz, Development Director for the Northeast, Calamar, Inc. was the next speaker. He presented the architectural details of the final plan of development. He described the proposed

building design as an H-shaped, three-story building featuring two-toned vinyl siding and windows, architectural shingle roofing, as well as gables, patios and decks. He concluded his presentation by describing common areas and distributing samples of the proposed materials.

Mr. Prause asked what the triangular area on the western edge of the parcel was. Mr. Narkawicz explained that it was an easement reserved by the State of Connecticut. Mr. Prause asked why the landscaping was not extended into the easement and Mr. Grindle replied that the area already contained vegetation and the applicant did not feel it was appropriate to remove vegetation to plant landscaping.

Mr. Prause stated that the application works well for the parcel. He noted that the parking plan and recreational space meet the regulation requirements exactly. He asked the applicant if they felt they had provided enough of a buffer. Mr. Grindle asserted that the parking was adequate and that the percentage of green space could easily be increased by changing the labeling on the site map. He added that the applicant was striving to meet Town minimum requirements.

Mr. Kidd asked if the applicant had any thoughts about how Parcel C might be used, long term. Attorney Penny answered that this applicant had no control over the use of Parcel C and that would be up to the owner, which was the trust.

Mr. Kidd then asked staff if, from a planning perspective, Parcel C was conducive to business development. Ms. Bertotti stated that Parcel C is zoned General Business and that Calamar, Inc. had agreed to share access with Parcel C. Mr. Pellegrini added that although Parcel C appears long and narrow on the site map, with four (4) acres, there was certainly adequate space for general business development.

Mr. Stebe asked if the primary access road was two lanes – one in and one out. Attorney Penny responded that was correct; the road would be 24' wide with two 12' lanes.

Mr. Stebe asked where the handicapped parking spaces would be located. Mr. Grindle answered that there were four handicapped parking spaces at the front of the building, one in each of the eastern parking garages, and one in the northwest garage. Mr. Stebe continued by asking if the handicapped parking spaces in the garages accommodated a van, and Mr. Grindle stated that they were compliant and did accommodate a van.

Mr. Prause called for staff comments. Ms. Bertotti stated that staff comments were minor and technical in nature and that staff had no objections to the waiver request.

Mr. Pellegrini asked if the Commission would like to have a closer look at the proposed materials for the building. Mr. Prause said yes and Mr. Narkawicz passed the proposed material samples around for the Commission's review. While the Commission members reviewed the materials samples, Mr. Narkawicz provided an overview of the layout of the proposed building.

Mr. Kidd asked which materials would be used in what locations. Mr. Narkawicz responded that the asphalt architectural shingles would be used for roofing and the siding would be two tones, although the samples did not necessarily represent the exact colors that would be used.

Ms. Bertotti stated that staff recommended approval of the subdivision application be that Parcel B be conveyed to and merged with the McDonald's property. Also, staff recommended approval of the Erosion and Sedimentation Control Plan subject to the conditions of the staff memoranda.

Mr. Prause asked if the Commission needed to include anything about the waiver in the motion and Ms. Bertotti said they did.

Subdivision (2016-080)

MOTION: Mr. Stebe moved to approve the subdivision of 188 Spencer Street with the condition that Parcel B be conveyed to the owner of 184 Spencer Street and be merged with 184 Spencer Street. Ms. Scorso seconded the motion and all members voted in favor.

Erosion and Sedimentation Control Plan (2016-081)

MOTION: Ms. Scorso moved to certify the Erosion and Sedimentation Control Plan with the modifications as specified in staff memoranda from:

1. Michelle Handfield, Assistant Town Engineer, dated August 4, 2016 to Renata Bertotti.

Mr. Stebe seconded the motion and all members voted in favor.

EHD Zone Detailed Site Development Plan (2016-082)

MOTION: Mr. Stebe moved to approve the EHD zone detailed site development plan at 188 Spencer Street with the following modifications:

As specified in staff memoranda from:

1. Raymond Myette, Design Engineer, dated August 2, 2016; and
2. Michelle Handfield, Assistant Town Engineer, dated August 4, 2016 to Renata Bertotti.

And that revised plans showing a new proposed dumpster location are approved by the Town Staff.

and approved a waiver of Article II Section 20.05.05, which requires a landscaped border of not less than 15 feet in width, for the western property boundary.

Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed detailed plan of development is consistent with the approved preliminary plan.

MCDONALD'S USA, LLC – For a vestibule addition, replacement of the existing single order point drive-through with a dual order point drive through, and modifications to parking at 70 West Center Street. - Erosion and Sedimentation Control Plan (2016-085); Special Exception Modification (2016-086); Design Overlay (2016-087)

Mr. Eric Dubrule of Bohler Engineering in Southborough, Massachusetts presented for the applicant. Mr. Dubrule described the site and the neighboring properties. He stated that the applicant was proposing site and building renovations and requesting a Special Exception for a use which required parking spaces in excess of 60, as well as an approval for improvements of the building façade. Additionally, the applicant had submitted an Erosion and Sedimentation Control Plan for approval.

Mr. Dubrule reported that the proposed renovations would result in an increase of the green space buffer along the residential (western) side of the restaurant by reducing the total number of parking

spaces. There would be no change to the utilities, drainage or grading for the site, but the plan called for rebuilding the existing trash enclosure.

The Erosion and Sedimentation Control Plan, in accordance with 2002 Connecticut Guidelines for Sediment and Erosion Control, called for silt fencing and hay bales around the perimeter of the site, an anti-tracking construction apron, and a soil stockpile location during construction.

Mr. Richard Hoffman, an Architect with Hoffman & Riley Architects, was the next speaker. He reviewed the architecture design for this proposal. He stated that the roof overhang would be eliminated and an ADA approved vestibule would be added on the drive through side of the building. Across the rear of the building the plan called for changing the cooler. All the windows would be replaced with insulated glass.

Mr. Hoffman showed the colors and the materials that were being proposed on each part of the building. He noted that the brick exterior of the building would be painted and showed the colors proposed for each section.

Mr. Kidd asked Mr. Hoffman to discuss the buildings surrounding the site in the neighborhood. Mr. Dubrule showed the Superior Court building, a dental office, Husky Pizza and residential homes in the neighborhood.

Mr. Bergin asked where the location of the new vestibule would be. Mr. Dubrule pointed out the location on the drive through side.

Mr. Prause called for staff comments. Ms. Bertotti pointed out that, in regards to the Erosion and Sedimentation Control Plan, the proposal would reduce the amount of impervious area by reducing the size of the parking lot. Staff recommended approval of the erosion and Sedimentation Control Plan. Regarding the Design Overlay Zone, the footprint of the building would remain the same, but the roofline would change. The proposed change in siding would be an upgrade, and staff felt this proposal was consistent with the regulations for the Design Overlay Zone.

Erosion And Sedimentation Control Plan (2016-085)

MOTION: Mr. Bergin moved to certify the Erosion and Sedimentation Control Plan with the modifications as specified in staff memoranda from:

1. Michelle Handfield, Assistant Town Engineer, dated August 15, 2016 to Renata Bertotti.

Ms. Scorso seconded the motion and all members voted in favor.

Special Exception Modification (2016-086)

MOTION: Mr. Bergin moved to approve the special exception modification with the modifications as specified in staff memoranda from:

1. Michelle Handfield, Civil Engineer, dated August 15, 2016; and
2. Lawrence Talbot, Fire Marshal, dated July 15, 2016.

Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval was that the proposed activity meets the special exception requirements.

Design Overlay (2016-087)

MOTION: Ms. Scorso moved to approve the design overlay application for the changes to the

building elevations. Mr. Bergin seconded the motion and all members voted in favor. The reason for the approval was that the proposed design was generally compatible with the size, scale, material and character of the original structure and with the standards of the Design Overlay Zone.

T-MOBILE NORTHEAST, LLC – For addition of three (3) new antennas to the existing wireless telecommunications facility at 63 Elm Street.- Historic Zone Site Plan Modification (2016-088)

Mr. Robert Stanford presented for T-Mobile Northeast. The applicant requested the addition of three new antennas to the existing wireless telecommunications facility at 63 Elm Street. Mr. Stanford stated that he had already appeared before the Historic Commission on August 6, 2016 and had been granted approval for this proposal. He indicated that there were already six existing antennas at this location and that three antennas would be replaced with new antennas and three new antennas would be added. All of the antennas would be painted to match the building.

Mr. Prause called for comments from staff and Ms. Bertotti indicated there were none.

Mr. Stebe asked if the three additional antennas would max out what could be put on the two bands. Mr. Stanford replied that it was pretty close.

Historic Zone Site Plan Modification (2016-088)

MOTION: Ms. Scorso moved to approve the historic zone site plan modification. Mr. Kidd seconded the motion and all members voted in favor.

THE MAIN PUB – Pre-Application Review to discuss the possibility of a zoning regulation amendment to allow outdoor entertainment in business zones.

Mr. Keith Beaulieu presented the request for the Main Pub to offer outdoor entertainment at their patio. He described the plans for the patio, including brick hearths with fire pits, in addition to barbecue pits, which had already been approved by the Fire Marshal and the Health Department. Mr. Beaulieu stated that he had requested the pre-application review to discuss the issues involved in offering live outdoor entertainment.

Mr. Prause asked Ms. Bertotti to discuss the regulations regarding outdoor entertainment and where it might specifically be allowed. Ms. Bertotti replied that live outdoor entertainment is not specifically allowed anywhere in the regulations, but certain places receive approvals for specific events which sometimes provide outdoor entertainment.

Mr. Stoppelman felt that this would be a general change to the rules to allow outdoor entertainment in the Business II Zone. He had no objections to acoustic, non-amplified entertainment, but he would want to know how such a regulation would be enforced.

Mr. Prause asked if there were any examples of other restaurants in town that offered outdoor entertainment. Mr. Beaulieu responded that there were three establishments that he was aware of that offer outdoor entertainment: Shea's, The Hungry Tiger, and Hartford Road Café.

Mr. Pellegrini stated that those establishments did not have permits for outdoor entertainment. If the Commission was willing to permit it, a regulation would need to be written about it. Mr. Pellegrini asked what the Commission's concerns were about the topic. If the Commission had no objection to offering outdoor entertainment at all, then the task would become how to regulate it, he said. Staff would have to do some research about how to regulate it.

Mr. Kennedy asked if Mr. Beaulieu knew of any other towns that allowed outdoor entertainment. Mr. Beaulieu answered that he believed there were other towns that offered outdoor entertainment, but he would also have to do some research.

Mr. Stoppelman offered that he believed that West Hartford Center had regulations about this type of use.

Mr. Stebe felt it was a question that merited discussion, but he would have a concern about the residential abutters and the potential for disturbance.

Ms. Scorso liked the idea but would want the residential neighbors to be considered.

Mr. Kennedy thought it was interesting that other establishments were having outdoor entertainment and nobody was complaining.

Mr. Pellegrini said that people were complaining, but not to the Planning Department. The complaints about Shea's were made by Vernon residents to the Town of Vernon, and the Manchester Planning Department just recently became aware of that.

Mr. Prause stated that the Commission couldn't just add this as an added use in a zone. It would be added as a special exception. There would need to be consideration of residential abutters. He asked Mr. Pellegrini if this could be a simple special exception request.

Mr. Pellegrini responded even if applicants could request a special exception, criteria should be established, such as decibel level.

Mr. Kennedy stated that enforcing general noise ordinances was tricky because other types of criteria would need to be considered in addition to decibel level. Mr. Pellegrini offered that the difficulty was writing a regulation. The Planning Department would need to check with the Health Department regarding what the noise ordinances were, as well as conduct some research into what neighboring towns had for regulations for live outdoor entertainment.

Mr. Beaulieu stated that he was proud of what the Main Pub was doing with the patio area and he felt it would be a positive change. He asked what the procedure would be moving forward.

Ms. Bertotti replied that the staff would do some research, schedule a workshop with the Commission, and then have a conversation about how to address the issue. She said that Mr. Beaulieu could be invited to the workshop if he would like. Mr. Beaulieu said he would like that.

Mr. Kennedy said that the Commission might want to offer seasonal permits in the interim.

ADMINISTRATIVE REPORTS

Administrative Approvals

Sara E. Ross – Lot Line Revision (2016-084) – 573 and 585 Birch Mountain Road.

Town of Manchester – 324/330/340 Broad Street - Inland Wetlands Permit (2016-098) – Topsoil Stockpile in 100’ Upland Review Area

Mr. Pellegrini reported that Mr. Bordeaux had issued an administrative approval to the Town of Manchester to temporarily store the dirt from the Bennett/Cheney construction site at the Broad Street former Parkade site. The dirt would be returned to the Bennett/Cheney site when the project is complete.

APPROVAL OF MINUTES

June 6, 2016 - Public Hearing

MOTION: Mr. Stebe moved to approve the public hearing minutes with the correction on page 3 that Ms. Ike seconded the motion to close the public hearing. Mr. Bergin seconded the motion and all members voted in favor.

June 6, 2016 – Business Meeting

June 20, 2016 - Public Hearing/Business Meeting

July 6, 2016 - Public Hearing/Business Meeting

MOTION: Mr. Stebe moved to approve the June 6, 2016 business meeting minutes, the June 20, 2016 public hearing and business meeting minutes, and the July 6, 2016 public hearing and business meeting minutes as written. Mr. Bergin seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

1. **JIN YOUNG PARK – SDC Special Exception (2016-092); Erosion and Sedimentation Control Plan (2016-093) – Request a special exception under Art. II Sec. 22.04.08 for a health and recreation use in an SDC zone and an erosion and sedimentation control plan certification at 608 East Center Street.**
2. **THE PLAZA AT BURR CORNERS, LLC - Zoning Regulation Amendment (2016- 095) – To revise Art. II Sec. 24 and Art. IV Sec. 20 to allow multifamily housing in the General Business zone and to provide additional special exception criteria for review of such applications.**
3. **TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2016-096) - To revise Art. I Sec. IV to change the requirements for minor modifications to approved plans.**
4. **MATTHEW AND JON REICHELDT – Special Exception (2016-097) - Request a special exception under Art. II Sec. 18.03.07 to allow a bed and breakfast at 131 Hartford Road, Historic Zone.**
5. **TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2016-099) - To repeal Article II, Section 8 (Comprehensive Urban Development Zone) and replace it with a revised Article II, Section 8 (Comprehensive Urban Development Zone).**
6. **TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2016-100) - To revise Art. IV Sec. 9 to add requirements for private**

driveways designed for vehicular traffic and to modify the parking requirements for shopping centers or malls.

7. **TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – Zoning Regulation Amendment (2016-101)** - To revise Art. IV Sec. 13 (Signs) to add requirements for theaters.

The Chairman closed the business meeting at 11:00 p.m.

I certify these minutes were adopted on the following date:

October 17, 2016 _____
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.