

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 16, 2017**

ROLL CALL:

Members Present:	Eric Prause, Chairman Andy Kidd, Vice Chairman Michael Stebe, Secretary Jessica Scorso Timothy Bergin
Alternates:	Patrick Kennedy Julian Stoppelman Teresa Ike
Also Present:	Gary Anderson, Director of Planning Renata Bertotti, Senior Planner Nancy Martel, Recording Secretary
Time Convened:	8:43 P.M.

NEW BUSINESS:

MAIN PUB REALTY, LLC – Request a special exception under Art. II, Sec. 12.02.11 for outdoor entertainment at The Main Pub at 300 Main Street (a.k.a. 304-306 Main Street). – Special Exception (2017-063); Design Overlay (2017-064)

Mr. Kidd reminded the Commission that when the applicant appeared for a special exception use, one of the areas of concern was how the speakers would be oriented and the process associated with that. He stated he was quite pleased with the process the applicant undertook in hiring a sound engineering firm. This will be a benchmark for how to correctly address this situation, Mr. Kidd commented. He pondered how the Commission could require the same level of due diligence. The location is a great spot for outdoor entertainment, he stated, and the Commission has wanted to enhance the experience in Manchester and enable more late-night activity and hopefully bring more business in.

Ms. Scorso reported she supports the request to enhance the community with outdoor entertainment, and is appreciative of the measures the applicant has taken to respect their neighbors. She noted the applicant has a plan in place as well as a long-term plan to check the sound on a nightly basis.

Mr. Stebe remarked he expected the applicant to return to the Commission much earlier. He observed that the applicant was diligent from the onset of the process, which gives him every confidence that what has been reported to be done will be done. Mr. Stebe remarked that any

future applicants will need to meet a high standard, given this applicant's thoroughness, and he supported the application.

Mr. Prause thanked the applicant for cooperating with the process as, since the onset of the application, the Commission recognized there should be a method in place for similar projects. He also thanked the Staff for their work. Mr. Prause agreed with the applicant that the impact to the neighborhood is well mitigated.

Special Exception (2017-063)

MOTION: Mr. Stebe moved to approve the special exception under Art. II, Sec. 12.02.11 for outdoor entertainment at The Main Pub at 300 Main Street (a.k.a. 304-306 Main Street), Business III, Off Street Parking, and Design Overlay zones, with the modifications as specified in staff memoranda from:

1. James Davis, Zoning Enforcement Officer, dated August 31, 2017
2. Matthew Bordeaux, Environmental Planner, dated August 17, 2017
3. Michelle Handfield, Assistant Town Engineer, dated September 11, 2017 to Renata Bertotti, Senior Planner

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

The reason for the approval is that the proposal meets the special exception criteria.

Design Overlay (2017-064)

Mr. Stebe commented that the design overlay was met many times over last year with the development of the patio and the proposal is a very small extension and completion of the project. He observed the proposal fits within the neighborhood and surrounding buildings.

MOTION: Mr. Stebe moved to approve the construction of an outdoor stage at The Main Pub at 300 Main Street (a.k.a. 304-306 Main Street). Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposal meets the provisions of Art II, Sec. 25 Design Overlay zone of the zoning regulations.

ADMINISTRATIVE REPORTS:

Mr. Anderson reported that the Center Springs Park Expansion ribbon cutting will be on Thursday afternoon at 4:30 P.M. He relayed that the Board of Directors had questions regarding the notification of abutters with applications, particularly zone changes and special exceptions, whenever there is a public hearing. The Board's general request was for Staff and the Planning and Zoning Commission to look at the current process, which is more than the State Statute requires, he explained. The State Statute only requires publication in the newspaper and notification of the abutters, Mr. Anderson described. He reported that he promised the Board the issue will be discussed, and noted it is preferable for Staff to over-communicate to ensure the public is notified in terms of applications. It is important to not sound an alarm on certain applications more than others in order to ensure the fairness to all applicants, he conveyed.

Mr. Anderson spoke to his ideas and requested further ideas. In terms of abutter notices, he described, currently abutter letters are sent as soon as possible, concurrent with the publication of the notice in the newspaper. At that time, the project is ready and set for the agenda, he reported. Mr. Anderson noted the list could be expanded, via the GIS application, to make a wider radius around a particular property. One thought is expanding to abutters to abutters within a certain number of feet and he reported in his prior position, the radius was set at 500 ft.

Mr. Anderson considered that in certain applications, the distance could be expanded in the event that certain properties should be included. The Board mentioned a situation where there was a piece of a plan which most likely should have included a school in the abutter letters, he explained. The issues could be reviewed on a case-by-case basis, Mr. Anderson reported, and if it makes sense to include a certain small neighborhood, that can be accomplished.

In addition, Mr. Anderson noted, the Planning Department could improve the announcement of the agenda. Currently, the agenda is published on the website, he reported. Some thoughts, he described, are to include a link on Manchester Matters, which currently has a link to the Town calendar, though addresses and specifics are not available. Mr. Anderson questioned whether individuals would take the time to search, but perhaps if there were addresses in their neighborhood, people may be more interested in reviewing the information. He also noted the agenda could be tweeted, perhaps including the addresses, as there are a couple of Twitter pages that are growing in numbers of followers. Additionally, the agenda could be posted on Channel 16, Mr. Anderson surmised, which may reach a different audience than the former ideas.

Another item to consider, Mr. Anderson stated, is signs, which the Commission has discussed in the past. The State statute does allow a municipality to include signage in the zoning regulations, he conveyed, and it would have to apply to all items with public hearings. Any time there is a public hearing, the Planning Department would require an applicant to post a sign and demonstrate that the sign exists, and in the future the sign would have to be removed either by the applicant or Town staff, he explained. Mr. Anderson reported that would apply to both the Planning and Zoning Commission and the Zoning board of Appeals applications, and would need to be adopted as part of the regulations. There are certain requirements that are stated in the statute that are required on the sign, he reported. The Town could have the signs or just require that individuals post them. Potential challenges include enforcement, vandalism and removal of signs, he explained.

Mr. Anderson asked if the Commission would prefer he enumerate the items, to which the Commission agreed.

Abutter Notification

Ms. Scorsio requested clarification if the request from the Board of Directors was to increase notification in the previously-stated three ways. Mr. Anderson replied those are just his ideas and the Board was generally interested in increasing notification.

Mr. Stebe commented that he is in favor of the idea regarding abutters to abutters. It would be fairly easy to accomplish, and adding the 500 ft. notification would be more difficult, he noted.

Mr. Kidd requested a reminder of what constitutes an abutter. Ms. Bertotti replied it is the property directly adjacent; i.e., someone who shares a property line or is across the street. Mr.

Kidd questioned if it includes the properties behind as well, which Ms. Bertotti affirmed. Mr. Kidd also wondered about the corners. Ms. Bertotti said corner properties would be included as well if there is any common element, even if it is a few feet or a point, she explained.

Mr. Kidd agreed with the idea of expanding it to another set of abutters. He wondered whether using 500 feet would add or subtract from that, and Mr. Anderson responded that it would include almost all of them, unless there was someone that was on the other side of a large property that was over 500 ft. deep, and at that point it would not be practically an abutter.

Mr. Kidd questioned whether to use both, the 500 ft. plus abutters to abutters. Mr. Anderson replied that the Planning Department would use abutters, then abutters to abutters, as long as they are within 500 feet of the abutter.

Mr. Kennedy contemplated what other municipalities use. He stated that South Windsor used a straight 500 ft. radius. He questioned what would be more administratively convenient: adopting a radius, or the abutter to abutter. Mr. Kennedy referred to an application for which some members of the public stated they had not received notice, though they were not really abutters. He questioned how often the public has complained about notification, other than the one application.

Mr. Anderson stated that it depends on the application. Every once in a while, an application is something that interests many members of the public, he said, and there will always be individuals who state that they were not notified, but there will always be a limit. Mr. Anderson said that Planning cannot notify everyone, and perhaps a combination of these ideas would be useful.

Mr. Kennedy stated that the easiest solution would be to draw a 500 ft. circle and notify all individuals within that circle to increase notification. Trying to determine which properties about each other may be more time consuming. Mr. Anderson reported that in a dense area, that proposal would include many more properties.

Mr. Stoppelman questioned whether the Town sends the letter via regular mail. Ms. Bertotti replied the letters are sent return-receipt mail.

Mr. Stoppelman asked if there was a concern with 500 ft. being over the Town line. Ms. Bertotti responded that letters are sent to different towns only with certain applications and only to direct abutters, whether in our town or another. At this time, she noted, 500 ft. does not play any role. If a direct abutter lives in South Windsor or Glastonbury, they are notified regardless.

Mr. Stoppelman requested confirmation that Planning also notifies CRCOG. Ms. Bertotti explained it would depend on the type of application; not every application would receive CRCOG notification.

Mr. Prause questioned the reasoning for only sending letters for public hearings. Ms. Bertotti replied that the Commission only takes comments for public hearings.

Mr. Prause reported that, in looking at the public act relating to Temporary Health Care Structures, there is a requirement that notification must be given to the neighbors within three days of application; there is no recourse. Ms. Bertotti confirmed that is another problematic part

of the Act. The applicant is required to complete the notification within a certain amount of days, but she does not know what would happen if that is not done. Also, if the applicant does provide notification and a neighbor complains before the Commission, she did not know the recourse.

Mr. Prause stated that could be grounds for an appeal if someone wishes to intervene in a matter that is typically not a public hearing, which would be a reason to require notification for all applications.

Mr. Anderson reported that the Statute only refers to public hearings and he has no knowledge of any town that notifies abutters of all applications.

Mr. Anderson surmised the members were comfortable with adding that language.

Ms. Bertotti explained that when an abutter is a condominium complex, that can be problematic because there may be 100 unit owners that are a distance away and are still considered to be direct abutters. Currently, Planning always notifies the condo HOA management as well as those unit owners that face the property with a development proposal. With this language, she assumed that would have to be extended.

Mr. Kennedy identified a consideration of the cost and the plan for the condominium notifications may need to be re-worked. Perhaps a notice to the condo association should count as notice, he stated. The association is the agent for the unit owners, Mr. Kennedy declared, and if sending notices by certified mail, that is approximately \$6 or \$7.

Ms. Bertotti replied that notices are sent via regular mail.

Publishing Agenda

Ms. Scorso stated she is in favor of adding the agenda to Manchester Matters and Twitter. She reports she does not access Channel 16. Mr. Anderson identified Customer Service as the publisher of Manchester Matters and said he will make contact.

Ms. Bertotti interjected that, more importantly, the future agenda should be posted.

Mr. Bergin commented that, in his opinion, posting the tentative agenda is a good idea. He suggested perhaps a disclaimer should be added stating that the agenda is subject to change, and suggesting checking back at a later date.

Mr. Kennedy asked whether there is a limit to the word count on Twitter. Mr. Anderson responded that only a link would be tweeted, and only certain addresses are on the agenda.

Ms. Scorso reiterated that most people are gaining information through social media and she cannot think of any other avenues. Ms. Ike disagreed, stating that people are watching cable and she always wondered why the next meeting agenda was never reported on cable.

Mr. Stebe questioned whether any other Boards or Commissions do anything beyond the basic norms. Mr. Anderson reported that Planning is ahead of the curve. Statute governs what the Planning and Zoning Commission does, more than it does for other Boards and Commissions, and he cannot think of any that do more than the PZC does currently.

Mr. Stoppelman noted that Manchester Matters gives a link to the meetings of the Planning and Zoning Commission. Mr. Anderson recognized that some individuals will look at Manchester Matters, but most will not. The goal is just giving more people an opportunity to look at it.

Mr. Stoppelman reported that the meetings are listed on Manchester Matters.

Signage

Mr. Stoppelman noted that members who have been on the Commission longer than he has may have comments on why this issue has not been addressed, but stated it would be an additional expense.

Mr. Prause stated, in his opinion, the signage makes sense. In South Windsor, he reported, their regulation requires the applicant to have the sign from the Planning Department in their yard 10 days before the actual hearing, and he believed it applies to all applications. Mr. Prause reported that the regulation did not inform much about what is required on the sign, and he assumed the signs state "Call the Planning Department if you have questions."

Mr. Kennedy explained that applicants would receive the sign from the Planning Department. He conveyed the issue of the sign not staying up with delayed hearings. If Planning is giving increased abutter notices, the sign regulation does pose a potential procedural impediment, he described. Mr. Kennedy suggested, if Planning is increasing the notices to surrounding properties, perhaps it should observe the results before making any other regulations.

Mr. Prause assumed there must be case law on this matter and noted that liquor licenses must have signs. There must be a ruling regarding due diligence in trying to put up a sign and a reasonable effort to keep it up, he assumed, and it would be interesting to see how that is handled.

Mr. Kennedy confirmed that there must be case law, though applicants must comply with the Town regulations and it could be grounds for appeal. He commented that if the Commission does not currently have a problem and if there is increased notification to surrounding properties, perhaps the Commission should see how that works out before adopting a regulation about signs.

Mr. Prause reiterated that the consensus is to use abutter to abutter. He is in favor, especially for properties on arterial roads or major traffic fares and where individuals care what will be developed. In his opinion, the change does not seem to be a burden, but if there are problems, the Commission could reconsider. Mr. Prause suggested the Planning Department inquire from other towns how this situation is handled.

Mr. Anderson described that, in terms of trying to be business-friendly, it's an additional requirement and sounds the alarm that something is happening. That is good for notification purposes, but the Town prides itself on being business-friendly and there is a large economic development push, and Mr. Anderson is not certain how those two things would work together. He noted that, if the Commission moves forward, it would become a regulation requiring a public hearing.

Mr. Prause commented that the Commission must consider fairness to businesses that are applying, but must also represent our fellow citizens. As members of the community, he said, the members are watching out for the public.

Mr. Anderson said that the Planning Department understands the plan for the first two issues. For signs, the Department can perform more research and report back to the Commission, he explained.

Ms. Bertotti noted that some members were on the Commission when this item was previously discussed. She stated that she compiled a table of comments and she can perform the same inquiry to other towns, asking whether they require signage and what their experience has been. Staff will report the results to the Commission.

RECEIPT OF NEW APPLICATIONS:

DARREL LUPACCHINO – Inland Wetlands Permit (2017-090) – To remove fill and stabilize slope in response to Notice of Violation at 555 Lydall Street.

The application is in response to the Inland Wetlands agent's Notice of Violation. The applicant is proposing to remove fill and stabilize the slope, Ms. Bertotti said.

Mr. Kidd brought to the attention of the Commission his dismay over the historical home renovation on Main Street transforming it to a business. He noted the result will not nearly resemble the original building. In looking at the zoning map, Mr. Kidd explained, the design overlay zone is one block up. Had the property been located in the design overlay zone, no one on the Commission would have approved the renovation of that building, he surmised. He speculated that is the last house of this nature that is not in the Design Overlay zone which did not give the Commission purview to intercede as it did with the VFW. In his opinion, the Commission acted properly in that case, and complimented the renovation. Mr. Kidd questioned whether there could be an audit of any properties the Commission may want to encapsulate into a design overlay or extended design overlay zone.

Mr. Anderson reiterated that he and Mr. Kidd had discussed this issue on the phone. He stated the renovation surprised him as well. The building is in the Depot Square area, he reported, and in looking at the map, this is a General Business zone.

Ms. Bertotti reported that the General Business zone does not have Design Overlay, although that specific location should have.

Mr. Anderson commented that Design Overlay certainly would have made sense, but looking at it in the 2020 plan, there are nodes, different neighborhood centers. It might be useful to look at those to see which include the Design Overlay zone and which ones do not, he stated, to see where the Commission might want to add it. He suggested referring back to the minutes from when the Design Overlay zone was passed to understand why this was not included.

Mr. Kidd said it is water over the dam at this point.

Mr. Anderson confirmed that the Design Overlay zone is helpful because, prior to that zone, there was no design control over properties. He reported that he has received many compliments

regarding the old VFW, which is a good example of the Commission making comments, and in the end people are very happy with the way it fits into the area.

Mr. Prause explained that there are some General Business zoned properties that are in the Design Overlay zone, such as the CVS at Broad Street and Middle Turnpike.

Mr. Anderson confirmed that had come up in discussions of Broad Street and that whole corridor.

Ms. Bertotti pointed to the only General Business zoned property with a Design Overlay.

Mr. Anderson reiterated that the former bank Mr. Kidd was referring to is in a General Business zone and that is his opinion in terms of why it was not included. He explained that the Planning Department could review the minutes for an explanation.

Ms. Bertotti reported that Staff will look at the map to determine whether there are other properties where it would make sense to implement a Design Overlay and what is in the Design Overlay zone regulation. She reminded the Commission of the discussion when the CVS was proposed.

Mr. Prause noted that, in Depot Square and North Main Street, the Commission did attempt to place a Design Overlay zone but pulled back on it. He explained that the property in question would have been part of that effort. Mr. Anderson questioned whether that was a separate effort. Mr. Prause confirmed it was a separate effort, starting from Main Street to Hudson Street, and the Commission proposed a different Design Overlay zone in the North Main Street area.

Mr. Stoppelman reported on a slightly different topic, across from the old Parkade there was an old tire store that the Town demolished. He questioned whether the Town still owns that land.

Mr. Anderson requested confirmation that Mr. Stoppelman was referring to the old Nichols property. Mr. Stoppelman verified that is the property. He noted there is a sign in that location referring to building an apartment house. Mr. Anderson reported that it is a different property; the sign in question refers to property in the back known as the Circle Associates property. Mr. Stoppelman questioned whether it is part of a special zone. Mr. Anderson responded that it is in the Form-Based zone and hopefully a developer will acquire that property.

Mr. Prause inquired about the effort on agritourism. Mr. Anderson stated that will be the next workshop.

MOTION: Mr. Stebe moved to adjourn the business meeting. Mr. Kidd seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 8:30 P.M.

I certify these minutes were adopted on the following date:

December 11, 2017

Date

Eric Prause, Chairman

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