

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 18, 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
Matthew Bordeaux, Environmental Planner/Wetlands
Agent

NEW BUSINESS:

MICHAEL AND SALLY FLYNN – Special Exception Modification under Art. II, Sec. 11.02.01 for construction of a 30’ or 35’ x 45’ building at 230 Middle Turnpike West. - Special Exception Modification (2017-071); Design Overlay Review (2017-072)

Mr. Andrew Bushnell, Professional Engineer and Land Surveyor, Bushnell Associates, 563 Woodbridge Street, Manchester, introduced himself as representing Michael and Sally Flynn for the subject site. The applicant is proposing a 35’ x 45’ new building on the site, he said. Mr. Bushnell projected the site plan showing the existing and proposed conditions with the construction of the building. He further elaborated on the details of the site plan. The original special exception was issued to Center Motors in 1997, Mr. Bushnell reported, after Mr. Flynn purchased the building from the original owners. He informed the Commission that there was another modification in 2003 to allow for additional parking on the east side of the site. Mr. Bushnell described the lot as 1.7 acres in size, fairly flat in the parking area, with a steep hill leading to a plateau on top of the hill. He reported that the site is served by city water, city sewer, and natural gas and has all utilities. Mr. Bushnell reported the site is in a Business II (B2) zone; in March, 2017, the Commission changed the zoning from Form-Based Zone back to B2. He went on to describe the zones of the abutting properties.

The proposal, Mr. Bushnell stated, is to construct a free-standing building separate from the existing building. The proposed building would contain two additional service bays for Mr. Flynn’s auto repair business, he reported. The applicant’s business began as general auto sales, Mr. Bushnell said, but in the last few years the business has become specialized in trucks and SUVs, particularly diesel engines. He

explained that diesel truck repair is more involved and takes more room, and the business is limited with only two bays.

Mr. Bushnell described the 35' x 45' building, which will be a pre-fabricated steel building, and the applicant will attempt to match the color to the existing building. The new building will be the same height as the existing building, he explained, with two overhead doors and a side entry door. Mr. Bushnell depicted the building as being built into the slope, and part of the building foundation will be a 4-5 ft. high retaining wall. The remainder of the bank will be cut back, regraded and stabilized, he reported.

Increase in storm water will be minimal from the roof area, Mr. Bushnell explained, and he depicted the catch basins for runoff. He explained there will be electric to the building; sewer and water will remain as is. There is no anticipated increased demand for utilities, he noted, as far as water and sewer.

Mr. Bushnell reported that Mr. Flynn intends to keep the same hours of operation. There is no anticipated increase in traffic volume, he reported.

Mr. Stebe questioned why the existing building is not being expanded, rather than adding another building.

Mr. Bushnell responded that part of it is the setbacks. There is not much room and the parking area would have a conflict, he stated.

Mr. Stebe reported that every time he passes the property, he views the ingress and egress on the western end. One of the trucks is parked in such a way that traffic cannot get in or out.

Mr. Bushnell pointed to the change in activity on the site plan.

Mr. Stebe stated that he drove up and down Broad Street and did not see any other properties having a separate building. Any additions were to existing structures, he reported. Mr. Stebe explained his difficulty with the Design Overlay Zone and adding an outbuilding. The proposed building will be set behind and out of the way, he said.

Mr. Flynn described a pipe that exists to the back and side of the current building, which may need to be accessed in the future. In addition, there is an egress from the upstairs apartment, which is used for storage, he reported. Mr. Flynn pointed out that an addition for diesel engines would create a scenario of fumes rising to the upstairs storage room.

Mr. Stebe asked how the diesel fumes are currently being addressed.

Mr. Flynn explained there are currently oscillating fans to blow the fumes outside.

Mr. Stebe reiterated that he is concerned about adding another outbuilding on a visible spot.

Mr. Flynn noted that there is no way to attach the addition to the existing building, because if there was a drainage issue or backup of sewage, the floors would need to be removed to allow access to piping.

Mr. Stebe responded that the proposed building does not relate to the current building and that during construction a large area would be excavated.

Mr. Flynn stated that there would not be much excavation for the proposed building.

Mr. Stebe reported that part of the Design Overlay Zone regulations reads "...to ensure the development of previously-developed areas to protect, preserve and enhance the unique historic land or architectural qualities of overlay districts and retain the area's distinctive character..." He commented that he does not agree that the metal outbuilding will correspond with the current building. The previously approved shed is directly behind the building, tucked into a corner, he noted, but the proposed building will be visible from Middle Turnpike.

Mr. Flynn gave his opinion that it would not make a difference as the passing motorists are not looking at the building. He reminded the Commission of the prior proposed Quonset hut-type building, which the Commission did not support. Mr. Flynn reported that the building will be an attractive steel building with a metal roof.

Mr. Stebe thanked Mr. Flynn for his answers.

Mr. Flynn stated that he is trying to make a living, not put an eyesore on the property.

Mr. Bergin asked if Mr. Flynn had any pictures of the existing shed, or if not, could he describe the shed's height and function.

Mr. Bushnell reported that the height is approximately 8-10 ft., and it is hidden behind the building.

Mr. Flynn interjected that the shed is 14' x 35'.

Mr. Bergin questioned the use of the shed. Mr. Flynn replied it is used for storage.

Mr. Bergin asked about the building materials of the shed. Mr. Flynn stated it is a Kloter Farms' shed, 2 x 4 construction, with T-11 siding, regular roofing shingles, a 6' x 8' door on one entrance, and two barn doors facing the back of the building.

Mr. Bergin questioned the heights of the existing building.

Mr. Bushnell showed the garage area and the main office section, and displayed the height of the new building.

Mr. Bergin requested clarification of whether the height displayed is with the slight roof pitch.

Mr. Bushnell replied the roof pitch is slight.

Mr. Bergin reiterated the height of the existing building is approximately 14' and the new garage would also be approximately 14' in height, to which Mr. Bushnell agreed.

Mr. Prause remarked that in the presentation there were different color options, and questioned the color choice for the new building.

Mr. Flynn stated that there were several color options to choose from. The decision was made to utilize light beige, though he would be amenable to white if the Commission would like the buildings to match.

Mr. Bushnell pointed out the area, displaying the surrounding properties, and stated that there is no consistency to the neighborhood styles. Most of the buildings are in close proximity to the road, though the applicants' is set back from the road, he noted.

Mr. Flynn maintained that the building will be beautiful; it will be brand new. He pointed out other buildings in the area that are not well maintained.

Mr. Bushnell pointed out how well Mr. Flynn maintains the property.

Mr. Flynn stated that one of the reasons for setting the new building back was to prevent interference with the display cars on the front of the property and to maintain room for flow through the area.

Mr. Bushnell pointed to the site plan and reiterated the intent to keep the area as free as possible of conflict from vehicles.

Mr. Prause requested confirmation of the color for the new building.

Mr. Flynn responded the building will be white or tan.

Mr. Prause asked about the wall color and trim color.

Mr. Flynn stated the walls will be either white or tan and the trim will be the opposite color. He noted there would not be much trim. The existing building is porcelain and cannot be replicated.

Mr. Prause reiterated the colors will be a combination of off white and tan, to which Mr. Flynn agreed.

Ms. Bertotti reported that Staff has reviewed the application and currently there are outstanding comments from three staff members. One of the comments was from herself, reporting that there were inconsistencies between what is shown on the site plan vs. the building elevation regarding building dimensions. She requested that the applicant clarify whether the building is to be 30' x 45' or 35' x 45'. The site plan shows 35' x 45'; the building elevation shows 30' x 45', Ms. Bertotti stated. The Water & Sewer Department had two comments regarding labeling and providing call-outs and recommended approval subject to the modifications, she said. The Engineering Department had six minor and technical comments dealing with labeling and marking contours on the plans, she reported, and recommended approval subject to the plan modifications. Therefore, Ms. Bertotti stated, if the Commission proceeds to approve the application, Staff would advise the comments be included as required final plan modifications.

Ms. Bertotti stated that the applications for special exception and design overlay review have been listed separately in the proposed motions. However, she recommended the Commission consider all the criteria, because the building will not be constructed if either one of the applications is denied.

Mr. Kidd agreed with Mr. Stebe from the standpoint of design overlay, more so than the special exception, as the criteria is tighter for maintaining compatibility with the existing building and area. While the area has a variety of buildings, he said, the proposal is in stark contrast. He pointed out that

the Commission has gone from taking the property from a Form-Based zone, as it was onerous, and brought it back to Business II. The Commission allowed the shed behind the building, he noted. Mr. Kidd said he understood the problems associated with building an addition to the existing building. The shed in the back is well hidden and not as obvious as the proposed building and, in his opinion, the new building would be in stark contrast in materials and shape.

Mr. Bergin stated that, in looking at the design overlay criteria, the Commission should consider the height and scale of the building, the form, the materials and the roof pitch. In his opinion, in that neighborhood, the proposed structure would satisfy those criteria. He acknowledged the concerns regarding the ribbed steel not fitting with the existing structure. However, Strano Bakery, which abuts the applicant's property, is similar in construction and Mr. Bergin stated he is satisfied with the application. He added that he would appreciate consistency in color to the greatest extent possible to help address the Commission's concerns.

Mr. Prause commented that, in looking at the design criteria, the neighborhood is a mixture of designs, making it difficult to point to this and state it is out of line with the area. In the pre-application hearing, he stated, the building height was similar to the auxiliary structure.

Mr. Flynn reported that the front side of the repair bays is 15'5" and the new garage will be 14'5". He expressed his dismay about the negativity related to the building.

Ms. Scorso questioned whether there would be another option for material to use.

Mr. Flynn stated the only other options would be brick or 2 x 4s, and the proposal is simpler.

Mr. Stebe questioned Staff about the special exception modification. As the site is already approved for the exception type, i.e., automobile sales and repair, he asked what is being reviewed for this item. Mr. Stebe asked if the review is because the exception is a functional item, and the functionality is already there.

Ms. Bertotti reported that, under special exception rules, when there is a modification to an approved special exception plan, which includes adding new buildings that could generate more traffic, parking and impact, the Commission would review the added use factor relating to impact. In this instance, she stated, the added impact appears to be negligible. The Commission is to review for the site plan and the building addition under special exception criteria, which include the review of building colors and materials, location as well as overall site plan design, landscaping and grading. In this instance, Ms. Bertotti commented, the Commission is reviewing a site plan modification because the use related impact is negligible.

Mr. Stebe expressed that the special exception in this case is not germane to the auto sales or repairs at that location; it is adding the building.

Ms. Bertotti stated that there is no distinction between car repair vs. diesel truck repair.

Mr. Stebe stated it is just the building and the design thereof which is part of the plan in the current special exception that is being modified, which Ms. Bertotti confirmed.

Special Exception Modification (2017-071)

MOTION: Mr. Bergin moved to approve the Special Exception Modification under Art. II, Sec. 11.02.01 for construction of a 35' x 45' accessory building at 230 Middle Turnpike West with the modifications as specified in staff memoranda from:

1. Renata Bertotti, Senior Planner, dated September 12, 2017;
2. Bernard Kalansuriya, Design Engineer, dated September 8, 2017; and
3. Michelle Handfield, Assistant Town Engineer, dated September 6, 2017 to Renata Bertotti, Senior Planner.

Ms. Scorso seconded the motion and Mr. Bergin and Mr. Prause voted in favor of the motion. Mr. Stebe and Mr. Kidd voted against the motion. The motion passed 3 to 2.

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

Mr. Stebe commented that making the building an addition to the existing building or moving the bays to the east side rather than facing the main road would not be difficult. He stated that there will be a difference between the two buildings and he is not in favor of the site plan. Mr. Stebe declared he does not want to inhibit the applicant's business; the business needs to be able to come up with a solution. He conveyed that, as a member of the Commission, he has an obligation to uphold the requirements of the design overlay areas.

Mr. Bergin stated that he acknowledged the discussion, though regarding the special exception modification motion, the accessory building use is appropriate and is consistent with auto repair and sales.

Mr. Kidd said he appreciated Mr. Bergin's comments. He noted that the special exception criteria points to the overlay criteria. He said the design overlay is key, in his opinion. Mr. Kidd reiterated that Ms. Bertotti stated the Commission must approve both items for this building to be constructed.

Ms. Bertotti clarified that the Commission does not have to approve both applications. If the Commission approves the special exception modification and denies the design overlay zone application, the applicant must return with a special exception modification to that approved special exception modification, she noted. Ms. Bertotti conveyed that if the applicant changes the look of the building, that would be a change requiring a review by, at a minimum, the Chairman of the Planning Commission and Director of Planning, and likely the entire Commission.

Mr. Kidd commented that he will not vote in favor of the design overlay application.

Ms. Scorso acknowledged the Commission members' points regarding the design overlay, but considering the properties in the neighborhood and the fact that the applicant's property is well maintained, in her opinion the owner will provide consistency between the buildings.

Mr. Prause related that, regarding the special exception criteria, the location is very suitable as it is an existing use in the area with the same hours of operations. He appreciated the effort to maintain color consistency. There is no significant impact to traffic volume or utility usage and Mr. Prause agreed that having the extra bays will make the operation safer and more efficient.

Design Overlay Review (2017-072)

MOTION: Mr. Bergin moved to approve the construction of a new building in a Design Overlay Zone. Ms. Scorso seconded the motion and Mr. Bergin and Mr. Prause voted in favor of the motion. Mr. Stebe and Mr. Kidd voted against the motion. The motion passed 3 to 2.

The reason for the approval is that the proposed building meets the purpose and criteria of Art. II, Sec. 25.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise Art. I, Sec. 4 (Application Requirements) to delete requirements for submission of tables of ratios for CUD zone applications. – Zoning Regulation Amendment (2017-062)

Ms. Bertotti asked the Chairman if he would like to modify the motion to strike the requirement for the zoning compliance table.

Mr. Prause stated it should not be stricken. However, he stated, at some point it should be clarified.

MOTION: Mr. Stebe moved to approve the zoning regulation amendment to revise Art. I, Sec. 4 – Application Requirements for CUD zone applications. Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposed amendment is consistent with the Plan of Conservation and Development. The effective date will be October 2, 2017.

ADMINISTRATIVE REPORTS:

Ms. Bertotti reported that there were no administrative reports.

Mr. Stoppelman reported that he had attended the CRCOG Regional Planning meeting, where there was a public hearing regarding the State Plan of Conservation and Development over the next five years. The plan affects State-funded projects of \$200,000 or more, he stated, and there is a public comment period ending on October 6, 2017. Should any Commissioners want to see the Plan of Conservation and Development or the map, Mr. Anderson would be happy to supply that.

Mr. Anderson noted that he can send an e-mail with the draft and the draft map, and if there are comments, they can be submitted to Staff and then forwarded to CRCOG.

RECEIPT OF NEW APPLICATIONS:

WORKOUT HARDER FITNESS – Special Exception (2017-081) – Request a special exception under Art. II, Sec. 18.03.05 for a recreational facility at 134 Pine Street (a.k.a. 136½ Pine Street), Historic zone.

ORANGE HALL CORP. – Special Exception (2017-083) – Request a special exception under Art. II, Sec. 12.02.09 to allow a place of worship at 72 East Center Street, Business III, Residence B, and Design Overlay zones.

MOTION TO ADJOURN: Mr. Stebe moved to adjourn the meeting. Mr. Bergin 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:

November 6, 2017

Date

Eric Prause, Chairman