

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
APRIL 17, 2017**

**ROLL CALL:**

Members Present: Michael Stebe, Acting Chair  
Jessica Scorso  
Timothy Bergin, Acting Secretary

Alternate Members Sitting: Julian Stoppelman  
Patrick Kennedy  
Teresa Ike

Absent: Eric Prause  
Andy Kidd

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Nancy Martel, Recording Secretary

Michael Stebe, Acting Chair, opened the Public Hearing at 7:03 PM. The Secretary read the legal notice for the application when the call was made.

**TOLLAND TURNPIKE MOTORS, LLC** – Request a Special Exception under Art. II Sec. 24.02.01 (h) for used auto sales at 1 Tolland Turnpike, General Business zone.

- Special Exception (2017-016)

Mr. Steve Penny represented the applicant and introduced Andrew Bushnell, Project Engineer, Professional Engineer and Land Surveyor with Bushnell Associates, LLC, Manchester, Mr. Alan Lamson, Architect and Land Use Planner, FLB Architecture and Planning, as well as Mohammad Taleb, managing member of the applicant.

Mr. Penny stated that the applications are for a used auto sales Special Exception approval under Art II Sec. 24.02.01 (h) of the regulations related to the General Business Zone. Additionally, before the Commission is an application for an erosion and sedimentation control plan as well as a flood plain permit, according to Mr. Penny. He explained that the site is at 1 Tolland Turnpike which is the first property in Manchester on the north side of Tolland Turnpike. It is a rectangle of land with 250 feet of frontage on Tolland Turnpike and 300 feet of depth, Mr. Penny said. The parcel is 1.71 acres in size, bounded northerly by an undeveloped parcel of land in the Hockanum River Flood Plain, easterly by a new car automobile dealership which is located in the Town of Vernon, southerly by Tolland Turnpike across from which is another new car dealership, Subaru, stated Mr. Penny. He went on to point out that there is a crane equipment sales and service business. The area is bounded westerly by a mixed use commercially zoned parcel housing a restaurant and a commercial mixed use complex, he stated. Mr. Penny further explained that there is one structure on the property which historically was the home of Vittner Nursery within which remains a small plant store and public water and sewer serve the site. He pointed out that the property was approved in Feb, 2004 by the Zoning Board of Appeals for new and used auto sales as an adjunct operation to the Subaru dealership across the street. The

applicant at that time was Sub Peak, Inc. which remains the owner of the property and is an entity associated with the Subaru dealership, he stated. According to Mr. Penny, Subaru had proposed, at the time, no changes to the property or use of the building given the proximity of its operations across Tolland Turnpike. The applicant has the subject property under lease and a consent letter from the property owner, together with a copy of the deed to the property, are both in the Planning Office file, Mr. Penny stated. He went on to inform the Commission that the applicant intends to operate a used auto sales business at the site with spaces for 27 sales vehicles, two interior auto repair spaces, four customer spaces and three employee vehicle spaces. Mr. Penny explained that there will be five vehicle spaces on the site to support the existing plant store business. He also stated that the ability to make minor repairs, as required by the Motor Vehicle Department, will be limited to vehicles sold at the site. Mr. Penny said the business would operate from 9 AM to 6 PM Monday through Saturday and employ three persons on site at any one time.

Mr. Penny went on to cite Art. II, Sec. 24.02.01 (h) which identifies new and/or used automobile sales and automobile repair as Special Exception uses in the General Business Zone. He pointed out that both Art. II, Sec. 24.02.01 (h) and Art. IV, Sec. 5 of the regulations deals with location approval and have jurisdiction over the applicant's intended used auto sales and repair use. Additionally, Mr. Penny stated the factors which the PZC is obliged to consider for Art. IV, Sec. 5.01.03, in finding that the site is suitable for the use and granting a location approval include the following: proximity of the site to schools, places of worship, libraries, theaters or playhouses, or other places of public gathering; in this case, there are no such uses or facilities nearby. He also pointed out that the Commission is to look at the intersecting streets, traffic conditions with the highway and effect on public travel, such that the use will not imperil the safety of the public.

With respect to traffic-related matters, Mr. Penny stated that the subject site is located within a large commercial area including five abutting or nearby major new car auto dealerships. He pointed out that the site was previously approved by the ZBA for an auto-related use. Mr. Penny stated that Tolland Turnpike is classified in the local Plan of Conservation and Development as a major arterial roadway; the 2012 average daily traffic count reported 17,200 vehicles traversing the road each day. The applicant has reported the anticipated peak hour trip volume would be 10 vehicles per hour which the four-lane roadway and signalized intersections can well handle, stated Mr. Penny. He explained that a review of the Connecticut Crash Data Repository records did not indicate any pattern of repeated automobile accidents in the area of the site. The applicant's traffic report letter concludes that based on the information, the applicant's proposal will not have an adverse impact on vehicular traffic traveling on Tolland Turnpike, or as it is known in Vernon, Hartford Turnpike, in the vicinity of the site, Mr. Penny said.

Mr. Penny went on to state that other general requirements for the location approval include: Section 5.02.01, public sanitary sewer and water are required and both such utilities are available at this site, as well as Section 5.02.02 which requires adequate safeguards against surface and subsurface leakage of gas and oil. He pointed out that the elements of this requirement were explored by the Town's Water and Sewer Utility Engineer. Mr. Penny explained that there will be no steam cleaning of engines or detailing including washing of vehicles that would occur at this location and any incidental dripping from routine vehicle servicing would be treated with Speedi-Dri and disposed of as hazardous waste. The building has no floor drains ensuring no pollution risk in that regard, according to Mr. Penny. Section 5.02.04 requires that all site plans

conform to Art. I, Sec. 4 of the regulations, with which the applicant's submittal complies, stated Mr. Penny. He stated that the site will not be fundamentally altered from its current configuration as developed regarding topography, bituminous surfaces, drainage and utility facilities, with only minor alterations. He went on to state that Sec. 5.02.05 requires adequate automobile parking and there will be more than adequate parking, Sec. 5.03.01, regarding automobile sales and 5.03.02 regarding automobile repair garages both require a minimum lot area of .5 acres which is a dimensional requirement that is met at 1.71 acres. Mr. Penny also stated that the other general dimensional requirements of the General Business Zone are also met as set forth in the zoning table on the site plan.

Mr. Andrew Bushnell, Professional Engineer and Land Surveyor with Bushnell Associates described the front of the site with two two-way entrances, both an exit and an entrance at each entrance, one to the east and one to the west off of Tolland Turnpike. He described the building with the existing greenhouse and plant store. The area to the rear of the building and to the rear of the parking is generally bare and no development is proposed in that area, Mr. Bushnell stated. He explained that the site is generally flat with very little slope from front to back, and part of the site is contained in the flood plain. According to Mr. Bushnell, the proposal is to repair or replace, as required, the existing pavement in the front portion of the site and then stripe parking areas as shown for auto display, employee parking and customer parking for both businesses – the auto business and the plant store business. He further explained that the proposal is to install a 16 foot wide driveway to allow entrance into the side two service bays for the automobile repair of cars sold on the site. Mr. Bushnell also described two dumpsters, one recycling and one regular waste. He went on to explain that there will be no net increase in impervious surface on the site for storm water purposes. The parking lot will be reworked, repaired or replaced to existing grade, creating no disruption in storm water flow; the storm water flows from front to back of the site and will be maintained, according to Mr. Bushnell. He stated that the site is served by public water, public sewer, and public gas. One walkway to the existing plant store will be added as well as two walkways to access the applicant's sales office area, he said. Mr. Bushnell explained that along the back of the pavement area and along the back of the dumpster area, the applicant proposes a grass buffer strip for storm water velocity reduction and for sediment removal off the back of the paved areas as well as behind the dumpster to collect any debris that may be released from the dumpster area. Mr. Bushnell stated the applicant is proposing to add 8 cu yds of fill material in the ramp entrance area as well as lowering the building floor to make up the grade. There is about a two foot grade difference from existing ground to finished floor, according to Mr. Bushnell. He said a portion of the fill will be placed partially in the flood plain and, therefore, the applicant is proposing removal of the same amount of material in an area to the rear of the property ensuring no decrease in flood plain capacity. There will be a stockpile area behind the building surrounded by a silt fence for any soil material during the construction project, said Mr. Bushnell.

Mr. Alan Lamson, former member of FLB Architecture and Planning working as a consultant, explained that he is a licensed architect in the State of Connecticut and a charter member of the American Institute of Certified Planners and the American Planning Association. Mr. Lamson went on to describe the proposed landscaping along the frontage. He illustrated the proposed shrubbery and mulch in the area, which will also provide a visual low buffer. Mr. Lamson then described the building, pointing out the main office area, storage area, and two toilet areas. The applicant proposes two new overhead doors and lowering the existing floor, he stated.

Mr. Lamson further described the renovation of the façade and windows. The materials proposed would include exterior insulation and three colors of EIFS with the existing structure painted to match the renovation, according to Mr. Lamson.

Mr. Penny informed the Commission that in addition to granting a location approval for the use, the PZC is obliged to consider the criteria set forth in Art. IV, Sec. 20 of the regulations, for all Special Exception uses. This section of the regulation is very repetitive of the Art. IV, Sec. 5 criterion.

Mr. Stoppelman inquired whether the new colors are compatible with the existing greenhouse.

Mr. Lampson explained that the existing greenhouse is a combination of glass and plastic.

Mr. Stebe asked what material will be moved from the back of the building forward, and whether the control structures will remain or be removed.

Mr. Bushnell responded that he anticipates the material from the back to be removed from the site. According to Mr. Bushnell, clean structural fill will be used to build up to the entrance of the bays. He went on to state that once the excavation is completed, the gravel will remain and it will settle, allowing for the removal of the silt fence. Mr. Bushnell also described a berm across the entire site preventing storm water from leaving the site.

Mr. Stebe inquired whether sidewalks were considered at this site.

Mr. Bushnell replied that sidewalks were not considered.

A discussion between Mr. Stebe and Mr. Penny regarding possible existing sidewalks along Tolland Turnpike was held.

Mr. Penny reminded the Commission that the proposal is not a land use consideration and that the site is located on a State roadway.

Ms. Bertotti stated that Staff submitted to the applicant four memoranda with minor and technical comments. She pointed out Mr. Matt Bordeaux's comment regarding notes about a bioretention basin. Those notes are carried over from the old version of this plan, but there is no bioretention basin in this proposal, and the notes should be removed.

She went on to reference a comment from Bernard Kalansuriya with the Water Division of the Engineering Department stating that the facility cannot have floor drains unless it is permitted by the State.

Ms. Bertotti also described Mr. Davis's request for a landscaping plan and questioned the driveway size. The plans before the Commission were submitted the prior week and had not yet been reviewed by Mr. Davis.

Lastly, Ms. Bertotti pointed out the comments submitted by Michelle Handfield, Assistant Town Engineer which were minor and technical in nature, dealing with erosion and sedimentation control. Ms. Handfield recommended approval with modifications.

Mr. Stebe then opened the meeting to the public.

Ms. Lois Leighton, a resident of Vernon on the Manchester/Vernon line pointed out that the land is also wetlands. She reminded the Commission of the flooding that has occurred in the past. Ms. Leighton also inquired whether the applicant has permission to store cars on the property as there are approximately 15 to 20 used cars on the site. Ms. Leighton also described the condition of the building and a prior fuel oil leak on the site and expressed her concern that the Town of Manchester will be fined by the DEP.

Mr. Ron Conyers, 11 Tolland Turnpike, described his property as abutting the west end of 1 Tolland Turnpike, wrapping around behind the site with a very high water table. He believes the applicant has addressed his concerns regarding any water overflow. Mr. Conyers also agreed with Ms. Leighton's concerns regarding the storage of used cars currently on the site. Another concern of Mr. Conyers is whether the applicant plans to unload cars on the road.

Mr. Penny reiterated that the site is not going to be in the flood plain. When this proposal was first visited, the plan was quite ambitious and the Town of Manchester Engineering Department disapproved as that plan was in the flood plain area and in his opinion, the revised plan addresses Mrs. Leighton's concerns.

Mr. Bushnell informed the Commission that John Ianni evaluated the site and determined there are no wetlands on this site, and there are no conditions that fall under the criteria of a wetland on the site. He further explained that the ground water table is 2-3 feet down and the site has been filled 2-3 feet as have the surrounding properties. Mr. Ianni submitted a letter stating there are no wetlands on the site according to Mr. Bushnell.

Mr. Penny informed the Commission that the applicant has not stored automobiles on the site. He suspects the cars may be from the Subaru dealership, owners of the property; Subaru has received permission from the Zoning Board of Appeals to use this site on the bituminous paving for storage of automobiles. Mr. Penny stated that he has no information regarding an oil tank leak.

Mr. Bushnell informed the Commission that the applicant will drive cars onto the site from the auction, and they do not anticipate any tractor-trailer use.

Mr. Stebe asked the staff about a prior discussion regarding the tracking of motor oils. He inquired whether there is a restriction about the amount of oil that can be held onsite.

Mr. Bertotti replied that this applicant would need to get a Certificate of Location approval from the Motor Vehicle Department and the applicant has been so notified. Mr. Kalansuriya, Design Engineer, called the department within the State dealing with floor drains and the disposal of oil and vehicle repair waste, according to Ms. Bertotti. He was advised that if they do not have floor drains, they are not draining directly into the ground, and would not be regulated.

Mr. Anderson suggested Mr. Stebe is referring to the discussion surrounding the aquifer protection district.

The Acting Chairman closed the Public Hearing portion of the meeting at 8:03.

**MOTION:** Mr. Kennedy made a motion to close the public hearing. Mr. Stoppelman seconded and all members voted in favor.

I certify these minutes were adopted on the following date:

June 5, 2017  
Date

\_\_\_\_\_  
Michael Stebe, Acting Chairman

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