

**MINUTES OF PUBLIC HEARING
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

The Chairman opened the Public Hearing at 7:03 P.M. The Secretary read the legal notice for the application when the call was made.

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. Renata Bertotti, Town of Manchester Planning Department, stated that it had been brought to the attention of the Planning Department that some application requirements under Art. I, Sec. 4 remained in place after the Commission adopted significant revisions to the Comprehensive Urban Development (CUD) zone regulations in September 2016. She reminded the Commission that the previous CUD zone regulations included a preliminary Comprehensive Plan of Development that was approved prior to the development of the mall area. The plan included a large table of ratios, and when something was changed due to changes in development, it was required to balance on the overall preliminary plan's table of ratios, she explained. Ms. Bertotti reported that, at the time the mall was built in the 1980s, this process made sense because the property was owned by one or two property owners. However, after the area was parcelized, she said, it became a very difficult process. Therefore, she stated, the Commission revised the CUD zoning regulations to become similar to other zoning districts, and to make it more developer-friendly.

However, when the revisions were made, Ms. Bertotti indicated, some of the requirements under the general Application Requirements section still required the comprehensive tables to be submitted. She explained that the proposal is to remove those requirements.

Ms. Bertotti stated that the Planning Department is proposing, under Art. I, Sec. 4.03.02, to delete requirements that land uses and building locations within 500 feet of a site that has a proposal on a preliminary plan be shown, as well as the requirements of a table of ratios and plans identifying all the buildings in the area. She reported that the Planning Department is also proposing regulations requiring elements that are normally required for special exception uses. Ms. Bertotti explained that this would apply to a preliminary plan requiring a public hearing, and would apply to development proposals requiring a special exception anyway. The clarification is to ensure that nothing falls through the cracks; i.e., when an applicant is searching for what is required, they see what is required both under the preliminary plan and under the special exception requirements. Under the Detailed Plan of Development, Art. I Sec. 4.05.02, the Planning Department proposes deletion of all requirements that apply to combined areas, which are no longer applicable, she reported. Ms. Bertotti informed the Commission that this application has been referred to CRCOG, who had no comment and stated they find no apparent conflict with regional plans and policies. The Staff had no comments on this application.

Mr. Prause questioned, when removing such requirements for an application, what would make the CUD zone inherently different from any other business zone at this point.

Ms. Bertotti replied that there are specific requirements under the zoning district that govern the type of uses. The CUD zone is designed to be a mixed use district with certain development standards within the zoning district, she explained. The requirements do not translate into requiring a mathematical equation for maintaining an open space for the entire area, Ms. Bertotti described, because that cannot be controlled due to ownership by various parties.

Mr. Kidd requested clarification regarding the phrase “a building plan indicating,” which was the verbiage taken from other sections. He inquired whether these are consistent and reused.

Ms. Bertotti stated that the requirements are identical to the requirements for a preliminary plan for a special exception application.

Mr. Kidd noted that Planning requests the applicant to provide samples of the finished materials, such as brick, and questioned whether the language is the same.

Mr. Kidd reiterated that the Commission typically requests the applicant provide the physical materials if at all possible. Ms. Bertotti questioned whether Mr. Kidd was requesting to add that to the regulation.

Mr. Kidd replied if the language is in multiple locations, he wouldn't adjust it.

Mr. Bertotti stated there is not language in the regulations requiring that material samples be provided; Planning staff advises applicants to provide that information because otherwise the Commission does not have a clear enough representation.

Mr. Kidd reported that the Commission has returned applications for that reason. He stated that nothing should be done at this time, and if the Commission wanted to make that a requirement, it would be a different discussion across all the regulations.

Mr. Prause noted that Art. I Sec. 4.02.02 has general requirements for preliminary plans, which should be received during submittal. He asked if, in the Preliminary Plan section under CUD zones, rather than stating which ratios must go in the table, it would be listed as “zoning compliance table.”

Ms. Bertotti responded that it would be a zoning compliance table for that particular site. This is required in reviews, specifically if there is a special exception or site plan approval, she said.

Mr. Prause questioned whether there is a definition of what is included in the zoning compliance table.

Ms. Bertotti replied that she does not believe that there is a definition currently.

Mr. Prause commented that, in the Detailed Plan section, there is a definition of what ratios are needed.

Mr. Bertotti clarified the table of ratios.

Mr. Prause suggested more detail in the preliminary line about what type of compliance is required.

Ms. Bertotti questioned if Mr. Prause was specifying the zoning compliance table, which Mr. Prause affirmed. Ms. Bertotti replied it is normally bulk, parking, and landscaping requirements if applicable. She stated while not defined; they normally include building height, setbacks, parking and landscaping requirements.

Mr. Prause inquired whether there should be more detail, or if Ms. Bertotti believed that it is adequate.

Ms. Bertotti responded she believed the current requirements were adequate, however, if the Commission disagrees, they certainly can be reviewed.

Mr. Prause stated he did not see a definition in the tables or anywhere else, and wondered if applicants would be confused about what is required.

Ms. Bertotti stated that Planning can work on defining what needs to be on the application. Additionally, it would vary by applications, she reported. The zoning compliance table in a PRD zone, she said, will list the general requirements of that zoning district; there are specific requirements in each district that could be shown but, generally speaking, there would be setbacks, height, parking and landscaping.

Mr. Prause requested clarification that it would be under just the CUD zone.

Ms. Bertotti agreed.

Mr. Prause commented that the definition should be refined. The other zones define what exactly is required, he said. Ms. Bertotti asked if he was referring to what needs to be shown in the table of ratios and he confirmed that he was.

Mr. Prause said that should be changed to be more specific.

MOTION: Mr. Bergin moved to close the public hearing and Mr. Stebe seconded the motion. All members voted in favor.

The Chairman closed the public hearing at 7:20 P.M.

I certify these minutes were adopted on the following date:

November 6, 2017

Date

Eric Prause, Chairman