

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
DECEMBER 10, 2018**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Michael Stebe, Secretary  
Jessica Scorso  
Timothy Bergin  
Patrick Kennedy

Alternates: Teresa Ike

Absent: Julian Stoppelman

Also Present: Gary Anderson, Director of Planning  
Matthew Bordeaux, Senior Planner  
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

HILLIARD MILLS, LLC – Request a special exception under Art. II, Sec. 16.15.02 (1) for a banquet hall at 640 and 642 Hilliard Street and 370 Adams Street. – Special Exception (2018-086)

Mr. Peter Bonzani, 640 and 642 Hilliard Street, Manchester, introduced himself.

Mr. Bonzani stated he is proposing the utilization of Building 4 as a banquet hall as it would be a complementary use. He reported that the buildings house many daytime businesses and this use would be at off hours, which would prevent parking difficulties. Mr. Bonzani said they went before the Zoning Board of Appeals (ZBA) to request a variance to allow shared parking. If the building were strictly office space, the parking load would be too great.

Mr. Bonzani projected a preliminary layout for the interior of the building as well as the surrounding properties. He explained the occupancy would be 275 people.

Mr. Stebe referred to the many discussions over the years regarding the project. He questioned whether the occupancy number is for seating inside only or also using the outside space. Mr. Bonzani said he would encourage the use of the green space outdoors, noting they have no intention to pave the area.

Mr. Stebe noted that the outdoor area technically opens up more space and sought to clarify that the total number of occupants would be calculated based on the interior. Mr. Bonzani concurred and reported he would accept a stipulation that the occupancy would not exceed 275.

Mr. Stebe expressed his concern because that area is in the floodway and that space should be maintained as is.

Ms. Scorso inquired about the traffic study, which was included in the Commission's packet. Mr. Bonzani explained that the traffic study was prepared by Mr. Bushnell, and the analysis noted the proposal would not create any additional traffic. He reported he is conscious of being a good neighbor to surrounding homes and businesses.

Mr. Prause praised the creative use of the property, noting that the current uses are nearing the maximum of parking limitations and off-hours uses are helpful. He noted that when Hilliard Mills was recently before the ZBA, the shared parking hours were limited to 5 P.M. on Friday through 5 P.M. on Sunday. Mr. Bordeaux reported that the request for the variance was approved for those hours. Mr. Bonzani noted that the use is better suited for weekends.

Mr. Prause referred to the residences on Wedgewood Drive and expressed concern about noise. Mr. Bonzani explained that the homes on Wedgewood Drive are approximately 100 ft. higher with many trees. He also reported the hall will not be operated in January, February or March; in the summer, it will be well screened.

Mr. Prause questioned whether outdoor events would include music, or if music would be limited to inside the banquet hall. Mr. Bonzani recalled that outdoor music was added to the zoning regulations last year. Mr. Bordeaux explained that outdoor entertainment would require a separate special exception. Mr. Prause noted that, while the Town does allow banquet facilities in the Industrial zone, it requires a special exception because it may abut residential properties, which is why the Commission looks at these questions.

Mr. Prause asked how Mr. Bonzani calculated the number of parking spaces required. Mr. Bonzani referred to the zoning regulations for the number of spaces per banquet. Mr. Prause referred to Art. IV, Sec. 9.03.03, "One parking space for three seats and one space for each of two employees on the largest shift," and said that is 261 guests and 14 staff.

Mr. Bonzani stated he has enjoyed watching life come back to Buildings 1, 2 and 3 over the last 12 years, and it will be nice to see Building 4 get back to business. He reminded the Commission that Building 4 had trees growing out of the roof a few years ago and now there is a new roof and two of the four walls have been rebuilt.

Mr. Bordeaux reported two outstanding Staff comments, noting the comments are the same as those for the previous four approvals for the site without the banquet facility:

1. From Ray Myette, Jr., Design Engineer, dated November 2, 2018, regarding water service and additional notes to be added to the plan.
2. From Matt Bordeaux, Senior Planner, regarding an incorrect calculation for the amount of disturbance in the regulated flood plain that must be corrected.

Mr. Prause assumed there were no changes to the exterior of the building. Mr. Bonzani reported there is a permit into the Town to restore the shell of the building, to repair walls that are falling apart. Mr. Prause requested clarification that they are not changing the design in a way that is

different from its current look. Mr. Bonzani replied they are not. He noted that in the west wall, someone had installed a massive garage door; they have restored the wall to its original look.

Mr. Prause referred to emergency access and the separate driveway to Adams Street, which can be used for emergency vehicles. Mr. Bonzani agreed, though it would be better if the vehicles could access via Hilliard Street.

Ms. Ike asked Staff whether letters were sent to abutters for the public hearing.

Mr. Bordeaux explained that letters were sent to abutting property owners and the public hearing sign was posted in front of the property. He reported there was no feedback from the public.

**MOTION:** Mr. Stebe moved to close the public hearing on this application. Mr. Kennedy seconded the motion and all members voted in favor.

JOSH LAFRANCE – Request a special exception per Art. II, Sec. 4.02.01 for conversion to a two-family home at 180 Porter Street. – Special Exception (2018-120)

Mr. Josh LaFrance, 56 Lyness Street, introduced himself. Mr. LaFrance explained he is seeking to return the home back to a two-family. He noted that he bought the property in July and the assessor's card, the town card, and his realtor all listed the home as a two-family. Once he began working on the house and applied for an electrical permit, it was discovered that in 2002 the previous owner switched the home to a one-family residence without changing anything about the property itself. The physical structure works very well as a two-family, he noted, as there are not many adjoining walls. According to Mr. LaFrance, it has two kitchens, the electrical service is split in the basement, there are two gas services to the house, and the layout is an obvious two-family. He reported that the house is oversized and, with its design, is unsuitable as a single family. The neighborhood is mixed, as he found several other two-families nearby.

Mr. Stebe questioned what each unit's square footage will be. Mr. LaFrance reported he did not have the square footage. It will be a roomy three bedroom, one and a half bath as well as a three bedroom, one bath. Each apartment has a large living room and dining room. All the rooms have closets. The kitchen itself has ample space. The basement is split and both apartments have their own attics, reported Mr. LaFrance.

Mr. Stebe asked if Mr. LaFrance recalled the total square footage of the house. Mr. LaFrance assumed that it was included on the town card included in the packet. Mr. Bordeaux informed Mr. Stebe that the gross living area is 6,500 sq. ft.

Mr. LaFrance stated he has not seen any evidence that anything was changed when the house became a single-family. There are only two adjoining walls and the only connection would be in the basement.

Ms. Scorso noted Mr. LaFrance's comment that there is enough parking; the tenants typically have two cars per apartment. Mr. LaFrance reported there are comfortably nine parking spaces.

Mr. Prause noted Mr. LaFrance had gone before the ZBA because the lot's square footage is less than 12,000 sq. ft. and the driveway is not paved. He sought confirmation of the number of bedrooms in each unit. Mr. LaFrance reiterated there will be three bedrooms in each unit.

Mr. Prause questioned Staff about inconsistencies between the lot record and the prior building approval. Mr. Anderson commented that it remains a mystery in terms of why, but at some point someone decided they wanted the house to be considered a single-family home. With respect to zoning, converting to a single-family home is not an issue, so staff would not be aware of that. The electrical panel was the only way they saw that it was single-family, so when Mr. LaFrance went back to the Building Department talking about a duplex, that is when this issue came up.

Mr. Prause assumed the PZC's scope is compliance with the special exception criteria about blending in the neighborhood. He noted there is wording stating the Commission must take into consideration that the change will not jeopardize the property values of single-family homes in the area. As evidence, Mr. Prause stated, Mr. LaFrance described other multi-family houses in the area.

Mr. LaFrance stated he has worked to bring up the value of the house since purchasing it. He realizes it will not be a comp for other single families, but for the other two families in the area he has added a lot of value to his own.

Mr. Bordeaux reported no outstanding staff comments. The Planning Department received a letter via e-mail, which he read into the record:

From Holly McHaelen, dated Tuesday, November 13, 2018.

“Regarding Josh LaFrance’s request for a special exception, 2018-120, for conversion to a two-family home at 180 Porter Street, we are Mr. LaFrance’s neighbors at 19 Autumn Street. The back edge of our property abuts Mr. LaFrance’s property. We are writing in support of Mr. LaFrance’s appeal to have this property rezoned to a two-family house. We have lived at the above address for 20 years and to our knowledge, the property at 180 Porter Street has always been used as a two-family home. We were surprised to learn that it was zoned as single family. In the short time we have known Mr. LaFrance, we have been impressed with the care and effort he has put into both renovating the house, which had become rundown under the previous owners but is now completely refurbished, and establishing himself as a responsible, helpful and friendly neighbor. When another neighbor’s tree fell on our fence in September, Mr. LaFrance, not the owner of the tree, was the one who pitched in and helped with removing the debris and replacing the fence even though he hardly knew us. Mr. LaFrance is a welcome addition to the neighborhood. We have no objection whatsoever to the rezoning of his property. Please feel free to contact us if we can offer any additional information in support of Mr. LaFrance’s appeal. Thank you. Sincerely, Holly and Robin McHaelen.”

**MOTION:** Mr. Kennedy moved to close the public hearing on this application. Ms. Scorsio seconded the motion and all members voted in favor.

KENNETH BOYNTON – Zone change from Rural Residence to Residence AA zone at 426 Wetherell Street. – Zone Change (2018-127)

Attorney Dorian Famiglietti, Kahan, Kerensky and Capossela, introduced herself as representing Ken Boynton. Attorney Famiglietti pointed to the plan of the 30.35 acre property. She noted it is currently zoned as Rural Residence. Attorney Famiglietti explained the surrounding properties and their zoning. Mr. Boynton acquired the property from the Estate of Stanley Swetz in April, the property having been in the Swetz family for approximately 60 years. Mr. Boynton is a home builder and Attorney Famiglietti reported on several properties that he is developing currently.

Attorney Famiglietti reported that Mr. Boynton met with Town Staff prior to the purchase to learn what would be acceptable for the property as well as to show his plans. At that time, according to Attorney Famiglietti, former Senior Planner Renata Bertotti was supportive of the cluster subdivision idea and recommended grouping the houses toward the lower grades and leaving the open space in the steeper areas. She explained the applicant will return to the Commission with developed plans for a cluster subdivision.

Mr. Mark Peterson, Gardner & Peterson Associates, introduced himself. Mr. Peterson projected the property details and explained the various elements of the plan along with area properties. Attorney Famiglietti stated the density of the development will be 1.45 units per acre, very slightly above the density in the existing Rural Residence (RR) zone at 1.3 units per acre. With the zone change to AA, technically the applicant could build two units per acre, which they are not planning to do. She reported the plan will set aside more than one-third of the property for open space. The access points for the property would be most feasible off of Bayberry Road and Wilson Way. The developer is not proposing any new access to Wetherell Street, according to Attorney Famiglietti. She explained that the plan would be a nice transition from a smaller to a denser area.

In order to approve the zone change for the property, Attorney Famiglietti stated, the Commission needs to look at the Plan of Conservation and Development, i.e., the Manchester 2020 Plan, and evaluate the change in that context. She reminded the Commission that it is a guidance document only, meant to change and adapt as necessary. There is basis in the Manchester 2020 Plan for finding this type of cluster development on this property is consistent with the goals and intent of the plan, according to Attorney Famiglietti.

Attorney Famiglietti pointed to the Town character map, which describes predominantly what the existing uses and buildings are currently, though also has an eye toward creating a sense of space and what the Town thinks will be most appropriate. Currently, the parcel is in the rural agricultural character area based on existing conditions. In the Manchester 2020 Plan, the rural agricultural area is described as being “Characterized by open or cultivated land with minimal physical development. These include agricultural land, wooded areas and meadows. Some single family, large lot homes are present with either wooded or landscaped lots. Agricultural buildings and outbuildings such as barns and farm stands are common, as are prime agricultural soils. Net residential densities are less than one unit per acre existing in the RR area.” Attorney Famiglietti stated that, when creating a sense of space and what is appropriate sense of space, if

the land will be developed and not stay vacant, the most prudent way to develop it must be contemplated. She submitted that developing it consistent with the properties to the north and south in the suburban character area makes sense. Attorney Famiglietti reported the suburban character area is defined in the plan as “Primarily residential areas characterized primarily by single family homes, open space and public uses including churches, schools and parks.” The plan speaks to the street patterns and trees and also mentions that the net residential densities range from one to three units per acre, Attorney Famiglietti stated.

With property that will no longer remain vacant and is ready for development, Ms. Famiglietti speculated that if the zone remains RA, which allows large lot homes, it would not fit with the neighboring developments. Therefore, it seems appropriate to develop the property as a transitional piece, stated Attorney Famiglietti. Additionally, the types of homes built would be in line with the focus in the Manchester 2020 Plan.

Attorney Famiglietti referred to the Growth Management Principles in the Manchester 2020 Plan, which addresses housing opportunities and designing choices to accommodate a variety of housing types. In furtherance of the 2020 Plan goal, cluster subdivisions are suitable to promote the retention of open space and farmland. In addition, she stated, the Plan notes in many places that a cluster is an ideal tool for accomplishing these purposes.

In looking at the narrative content of the Manchester 2020 Plan and the 2020 Plan summary matrix, which talks about the benefits of a cluster meeting stated goals of the plan, according to Attorney Famiglietti, the proposed zone change finds a basis in the Plan of Conservation and Development and fills a need.

Mr. Prause questioned whether the property is clear-cut or if any of the property overlaps into the existing wooded area. Mr. Peterson reported that a good portion of it is open around the perimeter of the site, noting there are some wooded areas. He noted that the area in the middle of the property is open. Mr. Petersen projected the site and explained the tree line areas, the wooded areas and the open field.

Mr. Prause assumed that if the layout described was a cluster subdivision, the developer would not be removing much more of the wooded area that currently stands. Mr. Peterson would not expect to cut to the new property lines as they prefer to retain a buffer in view of the two vacant parcels to the west.

Mr. Prause questioned whether the open area is level. Mr. Peterson stated there is slope to the land. He pointed to the depiction and noted the contours on the plan. With any site, there is site work and excavation to construct the roads, Mr. Peterson explained.

While the Commission understands the projected plan is not the final plan, Mr. Prause asked if traveling down Wilson Way would be straight north-south, or if the lots would be further to the east than what currently exists on Wilson Way. Mr. Peterson said the Wilson Way cul-de-sac will be extended due south with lots on either side, and then continue the road to the south and slightly west to the Bayberry Road cul-de-sac.

Mr. Prause observed that the houses proposed on the east side of the subdivision would not be any closer to the Eversource easement than what is there now on Wilson Way. Mr. Peterson reiterated that the easterly lots are the closest to the Eversource property, comparable to the lots currently on Wilson Way.

Mr. Prause expressed concerns about emissions from the power lines and speculated on whether that is the reason the abutting area has not been developed. Mr. Peterson stated he has been in the area a number of times and has not noticed any significant noise from that transmission line.

Attorney Famiglietti added that the other side of the Eversource transmission lines is where the applicant is currently building. It is her understanding that he has had no problems with residents moving in and it has not affected the salability of the lots.

Mr. Stebe referred to the comment regarding the slope on the eastern side of the property. He noted that if the lots are too close to the easement, they will be on a fairly significant slope, although it situates the houses 15 to 20 ft. above the surrounding houses. Mr. Stebe suggested that, further into the process, the applicant should review that because that will be 15 to 20 ft. above all of the houses around. However, he does agree that the plan would work and concurs with the decision not to access the property through Wetherell Street. He noted that the properties as is, even though they are AA, are on a larger space and a larger size compared to the Planned Residential Development (PRD); he suggested leaning toward what is there rather than trying to do a transition.

Attorney Famiglietti clarified that the houses will be similar to what is in the AA zone on Bayberry Road. The lot sizes will be closer to the PRD to the north, but not quite as dense. The PRD is at 2.5 units per acre and the proposal is just under 1.5 units per acre, she explained. Mr. Stebe stated that at the same time, the Commission has been struggling with finding ways to maintain the agricultural land and keep it in use.

Attorney Famiglietti recognized Mr. Stebe's point and concurred that the plan speaks to preservation of agriculture, which is important, and sets priorities and mechanisms for purchasing development rights. She speculated that the subject property was not a priority agricultural piece in town, because there would have been offers for purchase of development rights or some acquisition by the Town. Recognizing that it is nice to have open farmland, Attorney Famiglietti asked what can be done if no one wants to farm it. The proposal that will be prepared to bring before the Commission, she reiterated, is well above the open space requirements – i.e., maintaining over a third of the property as open space, setting it aside and keeping the rural feel – and is sensitive to trying to develop the property and meet the goals of the Plan.

Mr. Peterson interjected that without the cluster, in order to increase lot sizes, there would be more work on steeper slopes and a reduction in open space. Therefore, he agreed with Attorney Famiglietti about the plan being a good model.

Mr. Bordeaux reported about a comment from the Engineering Division which was consistent with the proposal and comments made by Mr. Stebe. He read the comment as follows:

“It is recommended that future vehicular access to the parcel be made via Wilson Way, Round Hill Road and/or Bayberry Road. Intersection sight distance departing the site onto Wetherell Street does not appear sufficient for observed prevailing speeds and the existing street stubs mentioned provide the better neighborhood connectivity than new access.”

Mr. Prause opened the meeting to the public.

Mr. Alan Estevez, 90 Bayberry Road, introduced himself. Mr. Estevez reported his concern about opening up the cul-de-sac. He noted that throughout the presentation, there was no discussion about the current residents in the area. There is value in having a cul-de-sac and the dynamics would change if the street is opened to the new development, he stated. Mr. Estevez commented that the majority of homes run on well water and he is concerned about the effects of water runoff with the construction and higher density of homes. He read from the Town’s Aquifer Protection Area Regulations:

“Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of ground water will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities and others are now threatened.”

Mr. Estevez commented about the wildlife in the area and, in his opinion, natural wildlife will be pushed out. He stated that preserving some of that is something to be considered. He urged the Commission to contemplate the loss of value in the Bayberry Road, Round Hill Road, City View, and other neighborhoods. Mr. Estevez declared he opposes the proposed change of zoning.

Mr. Edward Stearns, 32 Wilson Way, introduced himself. Mr. Stearns reported his concern is about using Wilson Way as an access road, as it is winding, curving and straight uphill. He reported that the road is particularly difficult in the winter. Mr. Stearns stated he has seen surveyors on the property adjacent to his and explained they will build a street in front of his house. He questioned the feasibility of emergency vehicles on the road. Additionally, he was concerned about the wildlife in the area. Mr. Stearns reported that his water pressure is not good and questioned what the result will be when water is continued to the development.

Mr. Andy Tyskiewicz, 127 Longview Drive, introduced himself. Mr. Tyskiewicz reported they moved to Longview Drive in May 2017. He noted that he has read that Manchester is one of the fastest-growing communities, it is the City of Village Charm, and it is in an interesting quandary because it is a desirable town where a lot of people want to come to live. Mr. Tyskiewicz explained they love their current location and respect the concerns of the other residents. He explained that there is a tremendous sense of community in his neighborhood and believes that future residents will agree.

Mr. Estevez questioned whether the tree line across from his home would be maintained to provide concealment.

Mr. Mark Peterson replied to Mr. Estevez's question and explained that those trees will be removed. In the Manchester Subdivision Regulations, the developer will be required to plant street trees. He noted that storm water drainage will be addressed during the subdivision review process. The cul-de-sacs are temporary, providing the right to extend, and all the roads will comply with the criteria of the Town Subdivision Regulations in terms of slope and drainage. Public water will be extended from the Wilson Way cul-de-sac to the site, he explained.

Mr. Prause questioned what type of mitigation may be put in place when there are concerns about drainage onto existing properties. Mr. Peterson described, based on the concept plan, two storm water basins to capture the runoff from the proposed road.

Mr. Prause inquired whether the homes would be serviced by wells or public utilities. Mr. Peterson replied that the plan is for public sewer and water. Mr. Prause assumed there will not be an impact to existing wells on adjacent roads. Mr. Peterson concurred, stating that runoff will be captured.

Attorney Famiglietti stated she understands the concerns of the current residents. She acknowledged that homeowners purchased their homes with the hope that the road would remain a cul-de-sac. However, the cul-de-sacs are temporary with the potential for future extension. Attorney Famiglietti reiterated that the cul-de-sacs will be extended in order to provide access to the property, as the property will be developed and the two cul-de-sacs are the appropriate access points. She stated that leaving the property RR is not consistent with the surrounding development, and it makes sense to change it to AA. The next question would be whether the property should be AA conventional or AA cluster. According to Attorney Famiglietti, if there were a change to AA conventional, that would allow up to two units per acre. However, that would be at the expense of setting aside one-third of the property as open space. She explained if the change is not to AA cluster, there will be larger lots, the infrastructure would be spread out further, and the open rural feel that the developer is trying to achieve with the cluster would be lost. Therefore, in their opinion, a cluster is the more appropriate AA development on the parcel, as opposed to a conventional AA subdivision.

Mr. Prause questioned staff which subdivision is mentioned in the memo as an existing Rural Residence cluster subdivision. Mr. Anderson pointed out the area of the Rural Residence cluster subdivision, which is in the Ralph and Galaxy Road areas. Mr. Peterson pointed to a map depicting the nearby cluster subdivision.

Mr. Stebe referred to a projected map of the area which seems to show a lot of AA Cluster as the majority of the land in the area. Looking at a larger view of the map, the AA and the AA Cluster are in the minority of the area. He explained it is all RR or Cluster RR. The real outlier is the PRD that is on the corner on Cougar Drive. Mr. Stebe noted there has not been a discussion of why the property must be changed to AA if the Rural Residence or the cluster version of Rural Residence is also an option. He noted that, obviously, if the zone is changed to AA Cluster, more houses can be built, which is the purpose of the business. He questioned why the applicant did not look at the cluster version of RR, which on sizing and limits is a slightly larger space than the clustered AA would be in terms of lot size and minimum housing.

Mr. Bordeaux explained that the densities are required to remain the same with a Rural Residence Cluster. However, lot sizes can be smaller. The Rural Residence Cluster could go down to AA dimensional requirements, i.e., from 30,000 sq. ft. to 18,000 sq. ft., and the frontage requirements would go down from 150 to 120 ft. In the Residence AA Cluster, the dimensional requirements of the Residence A zone are allowed, and the frontage requirement changes from 120 to 100 ft. Therefore, the density remains the same, though the dimensional standards are reduced to those of the zoning district below, he informed the Commission.

Mr. Stebe stated that when looking at the larger area, the AA zone from which all the references were pulled is the outlier. He asked again why it is necessary to move to a lower size rather than looking at the Rural Residence levels.

Attorney Famiglietti responded that the applicant is basing the zone change on the AA rather than the RR zone because of the entrance points to the new development. She explained the roads will not be traversing any RR land; the only entrance points are through AA or through the PRD. Mr. Peterson concurred, stating that the Residence RR Cluster would push the development to the east. The depths of the lots would increase on both sides of the roads, which would result in a sizeable reduction in open space.

Attorney Famiglietti acknowledged that the Residence RR Cluster would result in the applicant losing lots, but there would also be a resultant loss of open space. With the AA Cluster, over one third of the property could be set aside as open space, she clarified, and an RR Cluster would likely only allow slightly over one quarter.

Mr. Estevez noted that if regulations require trees to be cut, because his property is at a higher level, it would allow his line of vision to go straight into other houses, even if new smaller trees were planted. He suggested some guidance about how to amend the process to allow the trees to remain.

**MOTION:** Mr. Kennedy moved to close the public hearing on this application. Ms. Scorsio seconded the motion and all members voted in favor.

ASSOCIATION OF MUSLIM COMMUNITY – Request a special exception under Art. II, Sec. 5.02.02 for a place of worship use at 35 Oak Street, 46 Cottage Street, and 50 Cottage Street. – Special Exception (2018-111)

Attorney Stephen Penny, Manchester, introduced himself as representing the applicant. Attorney Penny specified the location of the property and the zoning particular to each location. He explained that 50 Cottage Street/35 Oak Street is a long-ago commonly occupied and combined parcel, developed with a single building that has frontage on two streets and, by prior use, two addresses. Attorney Penny discussed the size of each property and reminded the Commission that 50 Cottage Street and 35 Oak Street were rezoned from Central Business District to Residence B on June 18, 2018. The effect of the rezoning was to make it possible to expand the existing place of worship use inasmuch as it is allowed by special permit in the Residence B zone but, as of November 2013, is no longer a use permitted in the Central Business District.

Attorney Penny continued by detailing the surrounding properties and zoning, as well as the public utility services. He reported that the building at 46 Cottage Street is the current home of the Association, as previously approved by both the Zoning Board of Appeals and the Planning and Zoning Commission in 2010. There is also another existing building, which would become the principle place of worship. Attorney Penny stated that on November 28, 2018, the ZBA approved a variance to permit the place of worship use on the 50 Cottage Street/35 Oak Street site despite the fact that neither Cottage nor Oak Street is a collector roadway.

According to Attorney Penny, the Plan of Conservation and Development characterizes the area as mixed use center, and he detailed the regulations. He stated it is clear that the Plan of Conservation and Development, like the zoning regulations themselves, contemplates the proposed place of worship use in this mixed use neighborhood.

Attorney Penny reviewed the regulations that apply to the Residence B zone. He said that places of worship are specifically permitted by special permit in the Residence B zone. Schools and places of worship are subject to the provisions of Art. II, Sec. 1.00.02, dealing with special exception uses in residential zones, which he described in detail. Attorney Penny discussed the criteria for special exception uses.

The project involves an interior-only renovation and change of use for the existing building at 50 Cottage Street/35 Oak Street from commercial to a place of worship, reported Attorney Penny. He explained the services that will be held.

Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor with Bushnell Associates, introduced himself. Mr. Bushnell displayed the site plan that had been prepared. He described on the plan the site as well as the entrances and exits and the planned parking area. There will be no exterior changes, site work, earth work or disturbance, aside from a large emergency backup generator, which will be removed and replaced with a parking space. Mr. Bushnell detailed the parking plan for the location, with a total of 34 on-site parking spaces available. He explained the requirement for the slightly more than 700 sq. ft. of office space proposed at 35 Oak Street/50 Cottage Street, and referred to the parking plan for the space requirements. Mr. Bushnell pointed out the town parking lot access points.

A review of the Connecticut Crash Data Repository did not reveal any pattern of repeated traffic accidents or issues in the area, Mr. Bushnell stated. He reported that Jim Mayer, the Town Traffic Engineer, did not have any comments in that regard.

Mr. Bushnell said that both sites are served by city water, city sewer, and natural gas. He also does not expect any other effects to Cottage Street or Oak Street as far as vehicular or pedestrian traffic due to the use.

Mr. Stebe referred to a concrete wall behind the original building at 46 Cottage Street, noting that behind the newer building there is no actual wall. Mr. Bushnell agreed, noting the landscaping done as part of the parking lot project as well as a seating area owned by the Town of Manchester.

Mr. Stebe acknowledged there is no car access between. He sought clarification that the 35 Oak Street building is bordered on the east and west by Town parking.

Mr. Stebe pointed to the new building where there is a carve-out and questioned how that will be used. Mr. Bushnell responded that will be used for emergency egress and reported there is a gate leading in there that can be locked.

Mr. Stebe assumed that the lots will not be merged, with which Mr. Bushnell agreed.

Mr. Stebe requested information about lighting in the parking area. Mr. Bushnell believed there was street lighting as well as general lighting along Cottage Street.

Mr. Alan Lamson, Registered Architect in the State of Connecticut with FLB Architecture and Planning in East Hartford, introduced himself. Mr. Lamson detailed that the building at 35 Oak Street was originally two separate structures. At some point, the connection was strengthened by a prior owner of the property, he noted. In the 1980's, the property was one of the very first properties that was part of the Downtown Manchester Façade Improvement Program, according to Mr. Lamson. He described the many prior uses of the building. He reported that the Savings Bank of Manchester acquired the property as their operations center, improved the façade on the other two faces of the building, and strengthened the connection between the two. He explained the reason. Mr. Lamson went into detail about the building and its structure, as well as the different areas within the building.

Mr. Lamson projected the proposed layout for the interior of the building. He displayed photos of the face of the building, and reiterated that nothing will be done to the exterior of the building.

Mr. Prause stated that back in June, when there was a zone change from the Central Business District to Residence B, it was a very tough call because this was very valuable land with existing store frontage. He questioned whether, if this went back to retail use, it would be a substantial amount of work to undo.

Mr. Lamson commented that the proposal will change from what was retail/office use to an assembly use and the requirements are higher. Because the building was a bank's operation center, there is a full fire suppression system, which will make this conversion easier, he explained. Reverting back to retail would be no challenge at all.

Mr. Stebe noted that, on Cottage Street, there is another door for a small space and questioned its use. Mr. Lamson pointed out that the door goes to a storage space with mechanical equipment.

Attorney Penny recited the wording under Art. IV, Sec. 20 which sets forth certain general special exception criteria. He pointed out that the proposed place of worship use is permitted by special exception in the zone, and is less intensive in the mixed use neighborhood than the commercial uses that have existed at the site for many decades. Attorney Penny reminded the Commission that the proposal is consistent with the Plan of Conservation and Development, being located in the mixed use center area.

Attorney Penny specified that there are adequate streets for use. Cottage and Oak Streets are both classified in the Plan of Development as local streets, according to Attorney Penny, and he gave examples of streets connecting Main Street (an arterial roadway) with Spruce Street (a collector roadway) and designated collector streets in the Plan of Conservation and Development. He pointed out that Oak Street serves the purpose of a collector roadway even though it does not enjoy the designation as such. It was the confusion over Oak Street's status in that regard and the need for a variance that delayed the public hearing by one month, according to Attorney Penny. The traffic impact statement submitted by the applicant concludes that the activities proposed by the application will not have an adverse impact on traffic on Oak Street or Cottage Street.

There is adequate parking and access, according to Attorney Penny, as the 32 standard and 2 handicapped parking spaces identified on the proposed site plan would fall 3 spaces short of the requirements of the zoning regulations, taking into account the 3 spaces required for the mosque's office staff. The regulation states that the additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis, Attorney Penny reported. Attorney Penny assured the Planning staff that the applicant is not relying on the fact that, as a practical matter, there is street parking available on both Cottage and Oak Streets because the regulations, perhaps shortsightedly, do not take into account the availability of such parking. The applicant is also not relying on the large, abutting public parking lots on two sides of the site, since the Town Planner has informed Attorney Penny that such parking is restricted to use by persons engaged in activity within the Central Business District. As a practical matter, however, these parking lots do exist, he stated.

There are adequate public utilities, reiterated Attorney Penny, and the applicant's utility impact statement concludes that the proposed use will not have an adverse impact on the currently utilized public utilities. The Town Engineering staff found no issues with the applicant's proposed use of the available public water and sewer infrastructure.

Attorney Penny reported there are suitable structures for the use. The Commission was provided with the existing building's elevations and floor plans for the proposed place of worship use. He submitted that the renderings submitted establish that the existing building in height, size, and design, particularly at this formerly commercial location, is compatible with the heights, sizes and designs of its mixed use neighbors.

Attorney Penny informed the Commission that there are no environmental protection and conservation issues, noting the existence of unchanged exterior structures and utilities for many decades, including storm water drainage, confirms that the site works environmentally as is. Additionally, he explained, landscaping along the perimeter of the site is already in place and was substantially improved by the Town as a part of its parking lot improvement project.

In conclusion, Attorney Penny summarized:

- There are no Staff comments that would preclude a favorable decision.
- The proposed place of worship use will be less impactful on the mixed use area than was the prior commercial use.

- The use is a special exception use in the zone, compatible with the immediate mixed-use neighborhood and as contemplated by the Plan of Conservation and Development.
- The existing building is compatible in height, size and design with the neighborhood.

Attorney Penny stated these factors suggest the correctness of an approval of the application for the special exception place of worship use in the zone at this location.

Mr. Prause referred to the comment of an accessory usage and possibly invoking a parking waiver. Attorney Penny responded that there is a waiver in the regulation for accessory uses; i.e., non-worship related uses, as part of the place of worship use. He reiterated that Town Staff was quite clear that the applicant could not rely on either street parking or two major public parking lots. Mr. Anderson clarified that the issue is not that the members of the mosque are not able to use the public parking lot; the issue is that, at the property owner's request, they were removed from the Central Business District, which is the zone which allows reliance on public parking to meet the off-street parking requirements. He continued that the property is now in the Residence B zone and must meet the off-street parking requirements of that zone. Mr. Bordeaux advised that the regulations call for the request for a waiver for the three parking spaces for office staff.

Mr. Stebe questioned whether the Zoning Board of Appeals had approved the proposal. Mr. Bordeaux reported that the applicant appeared before the Zoning Board of Appeals on November 28 and were granted a variance to conduct a place of worship on a non-arterial, non-collector road. Mr. Stebe commented that he sat on the ZBA for the original application, and at that time the Board members were in favor of the use and the purpose. He stated he is in support of the project.

Mr. Bordeaux reported one outstanding Staff comment, noting that the applicant's intent has been to wait until the multiple approvals are in order before submitting final plans:

- From Bernard Kalansuriya, October 30, 2018 – Revise plans to show separate sanitary sewer laterals to 35 Oak/50 Cottage.

Mr. Kennedy questioned which provision of the regulations contains the waiver provision, and Mr. Stebe responded with the correct provision.

**MOTION:** Mr. Kennedy moved to close the public hearing. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 9:35 P.M.

I certify these minutes were adopted on the following date:

January 7, 2019  
Date

Eric Prause, Chairman

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