

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
AUGUST 13, 2018**

**ROLL CALL:**

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

Alternate Member Sitting: Teresa Ike

Alternates: Patrick Kennedy

Absent: Andy Kidd  
Julian Stoppelman

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

The Chairman opened the Public Hearing at 7:07 P.M. The Secretary read the legal notice when the call was made.

EOC PROPERTIES, INC. – Request a special exception for alternative compliance under Art. II, Sec. 26.09.04 to allow the width of a proposed new building to occupy less than 90% of the lot frontage; to allow the principal pedestrian entrance to face the existing Business District Street; to allow access to parking from Broad Street; and to allow the driveway to occupy more than 25% of the lot frontage, for proposed improvements at the existing Economy Oil Change site, at 315 Broad Street. – Special Exception (2018-067)

Attorney Michael Darby, 773 Main Street, Manchester, introduced himself. Attorney Darby explained he was representing EOC Properties, Inc., the owner of 315 Broad Street, Manchester. The business, which is named Economy Oil Change, has operated at the location since 1984, he reported. Gerry Gallo joined the business at its inception at age 16, and is now the general manager.

Attorney Darby stated that Economy Oil Change began business to serve their customers, has been successful, and has expanded to other towns. However, at this time, the Manchester shop is in serious need of an update. In order to be competitive, he noted, they must expand their

services and the current building will not accommodate that expansion. Attorney Darby pointed to the vote of confidence in the Broad Street area by EOC Properties.

Attorney Darby reported that the proposal is the first new construction before the Commission under the Form-Based zoning regulations. He noted the project is attractive, will meet many of the stated goals of the regulations for the Form-Based zone, is an approved commercial use in the zone, and will provide a service that will serve the surrounding neighborhoods. The concept with the Form-Based zoning, according to Attorney Darby, was there would perhaps be residential development in the area.

Attorney Darby described the lot and the location of the building, which is far from the road, and in keeping with the form-based zoning idea, it will be moved forward substantially. He noted the proposal will not meet all the regulations, which should not be surprising considering the limitations of the property. Art. II, Sec. 26.09.04 allows an applicant to go before the Planning and Zoning Commission to ask for a special exception to allow “alternative compliance.” Attorney Darby described the four items the applicant is seeking in terms of alternate compliance:

1. The driveway regulation states no more than 25% of the frontage can be occupied by driveways; the proposal is 26%. A portion of the problem is that the business requires cars entering and exiting a narrow lot. An effort was made to make that as minimal as possible, which resulted in the 26%.
2. Under the regulations, 90-100% of the frontage should be building. In neighboring communities, developments have been created similarly, though it is not feasible in the existing Broad Street area. The proposal is for only 42% and, thus, the applicant is requesting alternate compliance.
3. The regulations contemplate the main entrance being on the front of the building. Such placement would attract pedestrians to businesses, but there will be no pedestrian traffic in this situation. Patrons will drive their vehicle into the queue and, therefore, the main entrance would be placed near the vehicle entrance.
4. Sufficient parking has been provided behind the building and access to the parking is off Broad Street. Access by a side alley to the parking is not an option at this location and the applicant is seeking alternate compliance.

Mr. Gerry Gallo, General Manager for Economy Oil Change, introduced himself. Mr. Gallo reported he began employment with Economy Oil on January 7, 1985, and described Broad Street as a vibrant area at that time. He recounted the decline of the Broad Street area and lauded the Town’s effort to revitalize the district. Mr. Gallo said he anticipates the applicant’s efforts may spur other businesses to take care of their properties and attract others.

Mr. Gallo presented the building rendering and explained the proposed building design and materials. He also exhibited the site plan with a detailed description, including the proposed traffic pattern.

Mr. Stebe questioned whether the two bays in the existing building will be utilized.

Mr. Gallo explained the bays will remain, though there are no plans to use them. The plan for the proposed building is to utilize two bays for oil changes and one bay for emission testing.

Mr. Stebe referenced the drive access and noted there is a double-width on what has been referred to as the south drive. He questioned why that will be maintained at that full width.

Mr. Gallo reported it will be narrower than the current drive at 24 ft. and will maintain the existing curb cut. He explained the rationale is that, if the curb cut was eliminated, years down the road it would be difficult to re-establish.

Mr. Stebe reiterated that the existing building will not be used for clientele.

Mr. Gallo confirmed, stating they require office space.

Mr. Prause referred to the 173 ft. and questioned how far back that measurement goes from the garage.

Mr. Gallo reported it is 173 ft. from the existing garage to the sidewalk.

Ms. Scorso inquired about the buildings to the back of the existing location, whether they are part of the applicant's business.

Mr. Gallo stated that the buildings behind the existing structure are not part of the company.

Ms. Scorso questioned how much would be repaved.

Mr. Gallo pointed to the various areas that will be repaved.

Mr. Stebe asked about drainage, noting a problem on the property during a recent rainstorm.

Mr. Gallo explained that debris from a neighboring property plugged the storm drain, which caused the flooding on the property. He noted that the new building will be set at an elevation slightly higher than Broad Street; the current location's lawn area is the lowest area.

Ms. Denise Lord, Anchor Engineering, introduced herself. Ms. Lord noted the finished floor is 139.5, similar to the existing building. The current building has had no problem and they are separating the site drainage to a new outlet to alleviate everything coming to one area, she reported.

Mr. Gallo described the flow of the current drainage.

Mr. Prause, referring to the building entrance, questioned why it is not feasible to have a front entrance to the building on Broad Street.

Mr. Gallo described the queuing area and the location of the customer entrance. Compliance also calls for a certain percentage of windows, according to Mr. Gallo. He stated they were unable to make the plan work with the actual building and functionality, in terms of mechanicals, restrooms, and the size of the building.

Mr. Prause asserted that the entrance is limited by the internal layout of the building.

Mr. Gallo pointed to the north side where the sidewalk will be extended to the street.

Attorney Darby interjected that the other two Economy Oil Change locations do have a front entrance. He reiterated that this lot is long and narrow.

Mr. Matt Bordeaux stated that the Planning Department received comments from the Town Engineering staff in response to the revised plans. He explained the comments are technical and substantially related to the conflicts of the different utilities close to Broad Street with the sidewalk, the stamped concrete, water, sewer and storm water. The Engineering staff seeks detail on proper separation distances and he stated Anchor Engineering will be able to provide that information. Mr. Bordeaux reported Engineering recommends approval with modifications.

Mr. Bordeaux said there was an additional comment from the Traffic Engineer, who is concerned about utilizing the north driveway, referred to by the applicant as the “business district street,” as the entrance. The reason, he explained, is because in the vicinity of that curb cut on Broad Street, there are double lanes heading north – a bypass lane and a left turn lane. If headed south on Broad Street turning left into the Economy Oil Change site at the main entrance, a vehicle would have to cross two lanes of traffic, Mr. Bordeaux explained, and explained the Traffic Engineer’s suggestion.

Mr. Gallo reported that the business is currently using both the north and south entrance with no problems or traffic issues. He reminded the Commission about the number of businesses back in 1985, during which time the traffic count was nearly 18,000; today the traffic count is 11,300. Mr. Gallo noted the location averages 70 oil changes per day; at the emissions’ facility nearby, the average is approximately 25 emissions tests per day, which would total 95 vehicles per day at the new site. He acknowledged the company hopes to see a 20% increase in business in the future, which would bring the total to 114 vehicles per day; assuming 50% enter from the north and 50% from the south, over a nine-hour period, there would be 6.3 vehicles entering the site from the north. Regarding a traffic flow reversal, Mr. Gallo detailed the difficulty with that option.

Mr. Prause inquired whether the left turn lane into Green Manor Boulevard is longer than necessary and whether the applicant could change the north entrance to Economy Oil into a left-hand turn.

Mr. Bordeaux explained that part of the problem is the entrance into American Eagle on the opposite side of the street, which is short of the intersection.

Mr. Prause explained his question was whether there could be a left-hand turn lane in both directions in order to not block the south-bound queue by having to make a left-hand turn over two lanes. He noted that on the weekends, there is a lot of traffic turning into both Economy Oil Change and American Eagle.

Mr. Anderson stated that the redevelopment of Broad Street took development at the Parkade into account in terms of where those things are located and anticipated development at the Parkade property. If the turn lane is a bit longer, that would probably be the reason, he suggested.

Mr. Prause speculated on other reasons why the left-hand turn lane is longer.

There were no members of the public to speak on the application.

Mr. Prause questioned whether there was a detailed storm water plan or erosion plan as part of the application.

Ms. Lord reported it has been included on the utility plan. The other plan that shows the general utilities and storm water includes the erosion control features at all the basins.

Mr. Prause asked what is additional in the storm water plan on this application. He noted that Ms. Lord mentioned some storm water drains that exist now and questioned whether there will be any changes to storm water drains.

Ms. Lord referred to the depiction of the site and pointed out the various catch basins and drainage system.

Mr. Prause stated he was interested in the site runoff from an oil change facility and moving the building much closer to an existing storm water drain, and noted that the applicant will be adding water quality measures which seems better. He questioned whether there are any special design standards taken when dealing with an automotive repair shop.

Ms. Lord reported there are no concerns outside of the building. There will be no floor drains; it will be handled in underground storage tanks.

Attorney Darby spoke on behalf of the applicant and explained the urgency in coordinating to be able to continue emissions testing.

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

BJ'S RESTAURANTS, INC. – For a 2-lot resubdivision and a special exception under Art. II, Sec. 8.03.02 for a use requiring more than 60 parking spaces for construction of a BJ's Restaurant and Brewhouse at 344 Buckland Hills Drive. – Special Exception (2018-074); Resubdivision (2018-075)

Ms. Susan Hayes, Updike, Kelly & Spellacy, 100 Pearl Street, Hartford, Connecticut, introduced herself as representing BJ's Restaurants. Ms. Hayes explained the proposal is for a 7,500 sq. ft. BJ's Restaurant and Brewhouse on property that is currently owned by J.C. Penney.

Ms. Joan Leguay, Director of Property Development for BJ's Restaurants, 7755 Center Avenue, Huntington Beach, CA 92647, introduced herself. Ms. Leguay noted that BJ's Restaurants is based in Huntington Beach, California, and has approximately 200 restaurants across the country, traded under BJRI. She stated the proposed restaurant will be the first in Connecticut.

Ms. Leguay explained that BJ's concept is contemporary American brew house and it is considered to be a premium casual dining restaurant. She described many of the menu items. She displayed the latest prototype; only three have been built at this point. Ms. Leguay described the features of the proposed building. She noted the restaurant will employ approximately 200 people, and they hope to open as early in 2019 as possible.

Mr. Luke DiStefano, Site Civil Engineer, Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts, introduced himself. Mr. DiStefano detailed the proposal for the restaurant, which will be located in the southwest corner of the intersection of Buckland Hills Drive and Northeast Magazine Road. The project entails a subdivision of the existing property which, in its current state, is about 360,000 sq. ft., just over 8 acres. The subdivision proposed would be just over 2 acres, he explained. Mr. DiStefano pointed to the site plan and described the plan in detail, including the parking and drainage plans. He explained the utilities will not be tied into Buckland Hills Mall, but into Northeast Magazine Road.

Ms. Erin Fredette, McMahon Associates, 120 Water Street, Boston, Massachusetts introduced herself. Ms. Fredette stated McMahon conducted a full traffic impact study that included four study area intersections, including a signalized intersection of Buckland Hills Drive and Northeast Magazine Road; Ring Road's intersection with Northeast Magazine Road; and the two project site driveways. The study was conducted looking at Friday evening and Saturday mid-day. The proposed project, Ms. Fredette reported, will have a minimal impact on the operations of the study area intersections.

Mr. Prause questioned whether there will be signage directing people how to enter the site.

Ms. Leguay was unsure if that had been contemplated.

Mr. Prause noted there will be two curb cuts on Ring Road and inquired whether there is signage at both entrances to make it clear, though he believed it would be visually obvious.

Ms. Leguay did not believe anything was required.

Mr. Prause inquired about compliance with the special exception criteria in the zoning regulations. It appears straightforward that the location is suitable as restaurants are compatible with the neighborhood. He questioned how the size of the building compares to the other restaurants in the area.

Ms. Hayes assumed the area restaurants are of the same size, specifically Red Robin and Longhorn Steakhouse.

Mr. Prause asked whether the height is similar to the referenced restaurants.

Ms. Leguay reported their parapet is 24 ft., which is probably very similar to Longhorn Steakhouse and Red Robin. The entry feature is 32 ft., she stated, noting that Red Robin has an entry feature, though she was not sure how tall it is. In her opinion, the restaurants will be well balanced on the corner.

Mr. Prause referred to the Dave & Buster's, which is larger, and said he wanted to make sure that the proposal is closer to the Red Robin and Longhorn Steakhouse. Ms. Leguay agreed it was.

Ms. Hayes commented that Dave & Busters is approximately 10,000 sq. ft.

Mr. Prause questioned whether the lighting on the renderings is accurate to the proposed building and Ms. Leguay said it is. He asked if there were color samples to view.

Ms. Leguay reported she did not bring a material board. She noted the Commission had both renderings and actual photographs.

Mr. Prause asked whether, in Ms. Leguay's opinion, the renderings or the photographs were more accurate to reality.

Ms. Leguay referred to the photographs, noting that in the photograph the paint color is more golden than it is; it is actually closer to tan. Otherwise, the color appears to be accurate.

Mr. Prause inquired about the depicted patio area.

Ms. Leguay pointed to the patio on the rendering.

Mr. Hayes stated that the entrance will be on the north side, facing Buckland Hills Drive, and the patio would be to the east.

Mr. Prause questioned why the entrance is to be on the north side of the building rather than the south.

Ms. Leguay reported the entrance is studied prior to the building of each site. At the location, she stated, they felt the entrance to the north has the most energy from the street. There is a great opportunity with cars entering the mall area, which is also why the patio is being located to the east, and they are comfortable that this will be the right orientation for the site. She reminded the Commission that Red Robin faces the street.

Mr. Prause asked about the trees to the front of the building.

Mr. DiStefano stated the proposal calls for seven red oak trees in the front, 15 to 18 ft. at planting. In total, he said, there will be approximately 14 trees throughout the property.

Mr. Bergin referred to a memo in the Commission's handout about enhanced pedestrian connection between Buckland Hills Drive and the front of the building. He stated he was unsure if the site plans the Commission received were updated in the presentation and if there were any modifications for pedestrian access.

Mr. DiStefano explained that they took a hard look at that during the design process. At this time, they envision pedestrian traffic to be low, acknowledging the residential development across the street. Given their understanding of the property and how it is traditionally used, he stated they do not anticipate a lot of pedestrians and currently there is an existing route, though it would be a bit of a travel. Mr. DiStefano noted when looking at a more direct route, there are considerations such as a retaining wall proposed as part of the development and the existing Buckland Hills Mall sign. In order to provide access, pedestrians would go up along Northeast Magazine Road to the site, which is a steep grade, he said. Additionally, he stated, it would have to be accessible, which would require stairs and switchback ramps to make the elevation change from Magazine Road to the parking lot, which may require losing parking spots.

Mr. Anderson reported he had spoken to this issue several times. He stated that, in his opinion, the applicant is missing an opportunity because there are hundreds of people living across the street who will likely want to visit the restaurant. Mr. Anderson agreed that facing Buckland Hills Drive is the best orientation of the building and said he understands the location of the sign and the elevation. However, he said, it does seem that there is an opportunity to make the connection from the corner beyond the sign on the Northeast Magazine Road. Mr. Anderson assumed the applicant could afford to lose a parking space or two and there would still be the accessible route to the back of the building. Currently, they are requiring pedestrians to walk past the attractive entrance to walk to the back rather than inviting them to cross the street and enter the restaurant at that frontage.

Mr. Bergin commented on the amount of parking required for the site given its proximity to the mall and overlapping access to parking spots. If there was ever an opportunity to improve pedestrian access to a site at the loss of some parking spots, this would be a case where there is the potential for shared parking, he said.

Ms. Hayes stated that the applicant meets the criteria from a subdivision perspective.

Mr. Prause asked for clarification about the resubdivided parcel, which Ms. Hayes clarified on the rendering.

Mr. DiStefano noted there was a resubdivision plan submitted, which outlined the property shown on the rendering. However, the plan does extend a bit further to the west; the property becomes fairly narrow moving away from the intersection. He reported they had to provide 25 ft. of frontage for the J.C. Penney lot. Mr. DiStefano noted the rendering does not show the full subdivision but the subdivision plan submitted in the application package does.

Mr. Prause questioned whether the applicant wished to touch on the erosion and sedimentation control plan.

Mr. DiStefano explained the plan will speak for itself, and is generally in compliance with the regulations. The applicant proposes soil and sedimentation control barriers around the limit of work as well as filtration barriers. He stated it is a fairly standard soil erosion and sediment control plan.

Mr. Prause referred to the proposed construction entrance on the western end of the property. He questioned whether the applicant will widen the curb cut and replace it or if that will be the final size.

Mr. DiStefano stated they will make the curb cut for the construction entrance and it is believed that it will be as far away from the main entrance into the site off of Northeast Magazine Road as possible.

Mr. Prause asked if there will be a large soil stockpile.

Mr. DiStefano explained they always show a stockpile; there will be some soil onsite. It will be a fill site so anything taken out will go right back in, he noted. Any stockpiled material will be surrounded by siltation measures.

Mr. Bordeaux addressed outstanding Staff comments. He noted there were four Staff memos with various outstanding comments.

In a memo dated July 25, 2018, the Deputy Fire Marshal questioned the need for additional hydrants. The applicant has addressed the comment.

Mr. Bordeaux stated his comments have been addressed, though he included a comment about the pedestrian access, which can be dismissed after the Commission's decision.

Based on revised plans, there are comments from Ray Myette, Design Engineer, who is addressing the site development review while there is a staff shortage. All his comments are

minor and technical, according to Mr. Bordeaux, and Mr. Myette recommended approval with modifications.

The Water and Sewer Design Engineer, Bernard Kalansuriya, had additional comments about the depth of the sanitary sewer main. It was Mr. Bordeaux's understanding that Mr. Kalansuriya had a conversation with the applicant's engineering staff. He noted that, after the Commission's decision, Bohler Engineering can revise the plans properly and move forward.

Mr. Prause sought an opinion on whether the hearing should be held open due to concerns over color samples or discussion about the sidewalk.

Mr. Stebe stated that, regarding colors, he is satisfied with the fact that they have actual photographs with varying lighting situations. He addressed his concerns regarding the sidewalk and echoed Mr. Bergin's comments about sacrificing a few parking spaces in order to have that access.

**MOTION:** Mr. Bergin moved to close the public hearing. Ms. Ike seconded the motion and all members voted in favor.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise Art. II, Sec. 15.01.01(c) to add brewpubs and breweries as permitted uses in the Central Business District zone. – Zoning Regulation Amendment (2018-084)

Mr. Gary Anderson, Director of Planning, explained that the recommendation from Staff is to add breweries and brewpubs to the Central Business District. Breweries and brewpubs were added to the regulations in 2016 and currently the Town allows those establishments in the Industrial zone and the Historic zone via special exception. Restaurants/brewpubs are allowed in several other categories, including the CUD zone and the Central Business District, according to Mr. Anderson. Town Staff feel as though breweries and brewpubs are in line with the allowed uses such as restaurants, brewpub/restaurants, cafes, taverns and grills, alcoholic liquor sales and general retail, and would be desirable in the Central Business District. He stated that Staff feels this change would be consistent with the Manchester 2020 Plan, most notably Growth Management Principle 3, which talks about investing in desirable industries, which, in his opinion, breweries would certainly be. Those uses encourage adaptive reuse of vacant underutilized sites in the downtown area, which may have been used similarly before but may be vacant because of market conditions currently. Mr. Anderson stated they would promote the vibrancy the Town is trying to generate downtown, as well as walkability and activity in the evening hours, which is one of the main goals for the Downtown District. He noted the subject had been brought before the Downtown Special Services District Board of Commissioners at its meeting in August, and the Board was supportive of the text amendment.

Mr. Prause asked where in town breweries and brewpubs are currently allowed.

Mr. Anderson stated they are currently allowed in the Industrial zone and the Historic zone by special exception. He noted they are different from brewpub/restaurants, which are allowed in the CUD zone and the Central Business District.

Mr. Stebe asked for clarification on the zoning map as to which areas would be affected by the amendment.

Mr. Anderson explained and depicted the area comprising the Central Business District.

Mr. Bergin stated he supports the amendment. He questioned the piecemeal approval of breweries in particular zones. The Industrial zone may have been just before he joined the Commission, he noted, after which it was the Historic zone. In looking at Main Street as a whole, Mr. Bergin stated he is surprised there is not a discussion about Business 3 because that represents the other part of Main Street headed north.

Mr. Prause asked if Mr. Anderson had a definition of a brewery and brewpub as part of the presentation. He was of the opinion that a restaurant/brewery is more of a restaurant and has a brewery onsite. A brewery would be primarily an industrial brewery, he stated, with some beer service and a pub.

Mr. Anderson said that typically there is a tap room. Many brewpubs bring food in from the outside; there may be a runner that visits other downtown restaurants to bring the food back. Referring to the proposal, the interest is in creating a small area for brewing and a tap room without a restaurant associated.

Mr. Bordeaux reported, "A brewery is a facility where beer is manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on-the-premise tastings in accordance with Art. IV, Sec. 8," which is the provision for alcoholic liquor sales. A brewpub is "a facility where beer is manufactured, stored, bottled, sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer with or without the sale of food, in accordance with Art. IV, Sec. 8."

Mr. Prause asked, if these were added to the Central Business District zone, whether they would be allowed to have outdoor seating like any typical restaurant, or if there would be special permitting for that.

Mr. Anderson explained they would be permitted if they go through the same requirements for outdoor patios but there are additional requirements from the Liquor Commission having to do with how space is separated. There cannot be an outdoor patio that is not separated from the sidewalk or from the right-of-way. The requirements must be met in terms of separation, Mr.

Anderson stated. However, if the facility meets the requirements of outdoor cafes, the idea would be to allow outdoor seating.

Mr. Prause speculated on allowing this in more commercial districts, i.e., if that is the intent of the location for a brewery and brewpub.

Mr. Anderson reported the change is driven by demand; there is interest in this district. There may be other districts where it might be desirable, he speculated.

Mr. Prause assumed the Commission would prefer to approve on a case-by-case basis. Each time there is the consideration for a different zone, there are different challenges. He questioned whether there would be an issue with proximity to Bennet School.

Mr. Anderson stated there are State requirements about the separation between the sale of alcohol and schools.

Mr. Prause noted the zone is limited and questioned how far that would extend.

Mr. Anderson stated perhaps a couple of hundred feet.

Mr. Stebe commented that a brewpub restaurant is already in the code. A brewpub would be in conjunction with the manufacture, but have a dedicated space for sampling, he noted. However, in his opinion, a brewery is typically an industrial site, and he cannot envision it in the Central Business District zone. Mr. Stebe reported he is having trouble with the word “brewery”; i.e., brewpub and restaurant are understandable and acceptable. He questioned whether Labyrinth is considered a brewery or a brewpub.

Mr. Anderson explained that he and Mr. Bordeaux felt the definitions of the three words were very similar and brewpub is more critical; in his opinion he would not have an issue with the Commission using the word brewpub.

There were no members of the public to speak on the application.

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

The public hearing was closed at 8:50 P.M.

I certify these minutes were adopted on the following date:

September 17, 2018

Date

Eric Prause, Chairman