

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
MARCH 19, 2018**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Andy Kidd, Vice Chairman  
Jessica Scorso  
Timothy Bergin

Alternate Member Sitting: Patrick Kennedy

Alternates: Julian Stoppelman  
Teresa Ike

Absent: Michael Stebe

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, 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.

TOWN OF MANCHESTER PLANNING AND ZONING COMMISSION – To revise Art. II, Sec. 7 (Planned Residential Development Zone) to add procedures for major changes to approved plans in a PRD zone and for the revocation of a PRD zone when its associated Preliminary Plan expires and construction has not begun. – Zoning Regulation Amendment (2018-009)

Ms. Renata Bertotti, Town of Manchester Planning Department, introduced herself. Ms. Bertotti explained that the proposal is in two parts, under Art. II, Sec. 7. There has been discussion of whether the Commission had jurisdiction in their review of a substantial change to the PRD plan to review that change as a change of the zoning district, or whether that was a change consistent with the site plan change, she reported. The Commission had requested that the Planning Department research the issue, according to Ms. Bertotti, after which they consulted with the Town Attorney.

Ms. Bertotti read from the first part of the proposed text, under Art. II Sec. 7.05.03 (c):

Major changes to the detailed plan, including, but not limited to, overall site layout, design, density and building design, shall constitute an amended application which shall require new preliminary and detailed plans which are to be approved by the Commission after a public hearing is held and in the same manner as any new PRD application as outlined in Sec. 7.05.01.

She explained that Sec. 7.05.01 is the section that governs how the PRD Preliminary Plan must be submitted, together with the application for the zone change. Ms. Bertotti reported that she worked with the Assistant Town Attorney and the latest draft was revised to his satisfaction, after which he provided the latest updates. According to Assistant Town Attorney, Ms. Bertotti said, with this proposal, the language would require an amended application and the Commission would have the jurisdictional ability to review the application under the zone change purview.

Ms. Bertotti reported that, in a recent workshop, some of the Commissioners expressed concern over the fact that, once the zone is approved and the preliminary plan is approved, there is a long period of time before anything needs to happen, if ever. The PRD zone stays on the map with this preliminary plan forever, as do the development rights allocated by the preliminary plan. The preliminary plan, however, in its own merit, is a site plan, and under the General Statutes, lasts for five years, according to Ms. Bertotti. The Commission has the authority, before the preliminary plan expires, she explained, to grant an extension, upon the applicant's request, for an additional five years. Hypothetically speaking, if nothing has happened and the applicant has received an approval for a zone change with the preliminary plan and an extension for another five years, totaling 10 years, then they can apply for a detailed plan, which is also five years. To that, the applicant can ask for an extension, which the Commission can grant up to five years, she stated. Theoretically speaking, the plan can remain for 20 years without anything happening. The Planning Department has included language that relates the PRD zone effectiveness to the duration of the preliminary plan, which is five years. If the applicant wants to extend it, according to Ms. Bertotti, that would mean they receive 10 years, though it is also related to the start of construction. At some point within those 10 years, she explained, construction must be started; it cannot extend up to 20 years. She noted that the Commission may want to add, in the future, something in the zoning regulations that specifically defines the duration of the preliminary plan and the detailed plan. Ms. Bertotti reported that, during her planning career, there has been one amendment in the State statute that allowed an additional four years for the duration of site plans which was adopted to address issues of the economic downturn in 2007. Some subdivisions and inland wetlands permits were allowed to be extended to nine years instead of five years, she explained.

Mr. Stoppelman questioned whether the clock restarts with an amended preliminary plan.

Ms. Bertotti responded affirmatively, noting that it would be an entirely different application. Mr. Kidd asked whether Ms. Bertotti read through the revocation information.

Ms. Bertotti proceeded to read the revocation information, subsection 7.06, as follows:

The PRD zone will be effective for the duration of its associated Preliminary Plan. If the Preliminary Plan expires and construction of buildings and facilities has not begun the parcel of land designated as a PRD zone shall revert back to the previous zoning district and shall be so regulated.

Mr. Kidd commented that this is significant. If the Commission tied a plan to a zone change and if the plan was not fulfilled, the zone change would revert back at the end of five years, he said, to which Ms. Bertotti agreed. He questioned whether an applicant would have recourse to receive an extension.

Ms. Bertotti responded that an applicant can ask for an extension. Every site plan under State statutes, she reported, receives five years. The State statutes also allow a Commission the right to approve extensions up to five years, according to Ms. Bertotti.

Mr. Kidd assumed that, if a preliminary plan is extended, then by default the zone is extended with it.

Ms. Bertotti agreed, noting that they would go together.

Mr. Kidd sought clarification that would be for a total of 10 years.

Ms. Bertotti reported that there would be a total of 10 years before construction must begin.

Ms. Stoppelman sought clarification of Ms. Bertotti's comment about filing a detailed plan at the end of 10 years, which would extend it for another 5 years.

Ms. Bertotti reported that, in the current regulations of any zoning district where there is an allowance for preliminary and detailed plans, a site plan in its own merit has a five-year allotment. If a detailed plan is approved before a preliminary plan expires, development is not halted. A preliminary plan would not be considered an expired plan if there is an approved detailed plan, she explained.

Mr. Stoppelman reiterated that the regulation says "construction;" it does not say a detailed plan.

Ms. Bertotti clarified that it states "construction."

Mr. Stoppelman said he assumed the regulation would terminate the approval at the end of five or 10 years, regardless of whether it was a detailed plan, to which Ms. Bertotti agreed.

Mr. Prause asked, if a PRD zone is created out of an existing property and at the end of the 10 years there has been no construction and it reverts back to the original zone, if it would revert back to any previously-approved site plan that went with that original zone.

Ms. Bertotti responded that it would revert to whatever regulated it immediately preceding the change of zone.

Mr. Prause inquired, if the lot is cleared of any existing buildings, if that would be considered construction or if that is not to be construction for the plan. For example, if a commercial lot is purchased, and there is a request to change it to a PRD, the first step would be to submit the plan and have it approved. He stated that the owner would then remove all the buildings from the lot and questioned whether that would be considered the start of construction.

Ms. Bertotti said demolition would not be considered the start of construction. The start of construction would be considered something where development permits, such as construction permits for work within the right of way and utility installations, are issued.

Mr. Prause stated that, at the end of the 10 years, the property would revert back to the same commercial zone that existed previously and the approved plan would be the previous buildings that were there. He said he assumed that, if someone wanted to build something else, they would have to submit a new site plan.

Mr. Kennedy stated that would not be an issue because zoning approval is not required to demolish anything and the revocation means the zone reverts to what it used to be. If there is an existing use, it can go on consistent with the prior zoning, which it reverted to, or a pre-existing use would continue to be grandfathered, he explained. If someone wanted to do something new on it, they would have to file whatever applications are necessary under that zoning category, he noted.

There were no members of the public to speak.

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

Ms. Bertotti submitted the Staff report. She explained that she had received a letter from CRCOG. They have reviewed the proposal and find no apparent conflict with regional plans and policies, or concerns of neighboring towns.

The Chairman closed the public hearing at 7:19 P.M.

I certify these minutes were adopted on the following date:

April 2, 2018  
Date

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Eric Prause, Chairman

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