

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 17, 2019**

ROLL CALL:

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

Alternates: Julian Stoppelman
Teresa Ike
Bonnie Potocki

Also Present: Gary Anderson, Director of Planning
Matthew Bordeaux, Senior Planner
David Laiuppa, Environmental
Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:05 P.M.

OLD BUSINESS:

KIMLAR, LLC – For a zone change from Neighborhood Business to Planned Residential Development zone for a portion of 699 Middle Turnpike East and from Residence A to Planned Residential Development zone at 719 Middle Turnpike East; a 2-lot resubdivision of 699 Middle Turnpike East; and construction of 32 residential apartment units in 6 buildings at 699 and 719 Middle Turnpike East. – PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011); Resubdivision (2019-012); Special Exception Modification (2019-013); Erosion and Sedimentation Control Plan (2019-014)

Mr. Kennedy stated that he was in attendance for the second meeting about these applications, but he read through the records from the first meeting. Noting that the current zoning would allow uses that are non-single-family residential, he said the current zoning is more consistent with the Plan of Conservation and Development than what is being proposed for a zone change. At a previous workshop about the Senior Center and Manchester Green area, the consensus was for a more general mixed use approach, and the current zone actually lends itself to that. The current zoning would allow apartments over businesses, which is the classic mixed-use approach. Mr. Kennedy conveyed that the relatively dense multi-family development in the midst of what is overwhelmingly an area of single-family houses is too dense for the area, and is not consistent with the Suburban and Traditional Suburban characters for the land use aspect of the plan. On

balance, remarked Mr. Kennedy, the neighbors' objections are well taken to this zone change and he would not support it.

Mr. Stebe noted that, in his opinion, every congruent piece of property around the proposed plan is a smaller single-family house. He reported his previous statements that a large number of apartment or condo units in that small space is not in line with the rest of the neighborhood. Mr. Stebe stated that part of the PRD criteria is whether it fits with the neighborhood and how it fits with the surroundings. He was of the opinion that the proposal deviates too far from the surrounding area.

Mr. Bergin reported that he reviewed the minutes of the prior meeting thoroughly. He stated that he is sympathetic to both the neighbors' concerns and the preceding two commissioners' concerns. Mr. Bergin said that the site is adjacent to a condo complex, across the street from an apartment complex, and on a very main road. In looking for a balance of retaining suburban character, this particular application did not seek to maximize the density, he said, noting the number of units, the number of parking spaces, and that there is quite a bit of landscaping and buffering proposed in this particular project. While he appreciates the fact that the proposal is to put in higher-density housing, thoughtful steps were taken to mitigate those concerns, according to Mr. Bergin.

Ms. Scorso acknowledged that she was in attendance at both meetings, and noted she can see both sides. She also agreed that, with the condos on Middle Turnpike, this could fit into the character of that neighborhood as well. Ms. Scorso appreciated the buffering put into the plan along with access to transportation. She noted the density concern, but in her opinion, with the buffering and the careful planning, she would approve the plan.

Mr. Prause commented that there were many things he liked about the plan. In his opinion, this is the right kind of buffer zone from an industrial area to the residential units nearby. The buildings themselves, he noted, are very attractive. Mr. Prause stated that the height is concerning when compared to the area, but it enhances the streetscape and the landscaping is a big improvement over what is there currently. He noted the proposal targets the medium density area transitioning from the existing use to the residential area. Mr. Prause explained he has concerns over the impact and the perceived impact to existing properties. Referring to the Manchester 2020 Plan of Conservation and Development, going from the Community Corridor into the Suburban or Traditional density, Mr. Prause said it would be desirable to have something that is on the adjacent properties, which is the Traditional Suburban characteristic. In comparison to the other developments in the area, it more matches the Neighborhood Center developments further west on Middle Turnpike East, like Ridgecrest and the other development across the street. Mr. Prause said that the input from the public hearing indicates that residents are seeking something that falls into the Traditional Suburban or Suburban characteristic, and the application seems to be more of a Neighborhood Center. There was no indication from the public hearing that the stakeholders in the area feel there is concern about the existing zoning of Neighborhood Business. Mr. Prause pondered the opinions if a strip mall went in there, but he had no indication from any of the public testimony that they would disagree with the current zoning. He explained that he liked the concessions received during the applicant's presentation; i.e., adding restrictions, setting garbage pickup to a minimum of two times per week and posting

contact information to the management company somewhere on the property so neighbors could contact management with any concerns. Closing the second access road was a big improvement to the site plan, he said. Mr. Prause acknowledged that if the Commission moved forward with approval, he hoped the Commission added those three items as conditions of approval.

PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011)

MOTION: Mr. Kennedy moved to deny the PRD zone change and the combined application for the Preliminary and Detailed Site Development Plan at 699 and 719 Middle Turnpike East. Mr. Stebe seconded the motion. Mr. Prause, Mr. Kennedy, and Mr. Stebe voted in favor of the motion. Ms. Scorso and Mr. Bergin voted against the motion. The motion passed three to two.

The reasons for the denial are that the level of density is incompatible with the surrounding neighborhood and that the proposal is inconsistent with the Suburban and Traditional Suburban character areas in the Plan of Conservation and Development.

Mr. Stebe questioned how many of the applicant's other applications are valid other than the resubdivision because of the denial of the PRD zone change. He asked if the special exception or the Erosion and Sedimentation Control Plan would be valid for action.

Mr. Bordeaux stated that it may be appropriate to ask the applicant whether or not there is any need to move forward on the subdivision. He speculated that the Commission could act on the subdivision without the PRD, and it would just be the division of two Neighborhood Business zone parcels. If that approach is not appropriate, the Commission could deny the application without prejudice.

Mr. Prause asked the applicant whether they would like to clarify whether that is of value.

Attorney Shipman stated that the applicant would like to proceed with the subdivision, but acknowledged that other things related to the PRD and the site plan itself probably are not necessary for the subdivision. He noted that, if the subdivided parcel meets all the requirements of the regulations, the resubdivision is an approval process. He deferred to Planning, but in his opinion, the subdivision meets all the requirements of the regulations.

Mr. Bordeaux stated that, in anticipation of a PRD on 699 Middle Turnpike East, Staff did not review that parcel for its compliance with the Neighborhood Business zone should it be subdivided. He could not state whether or not it is compliant without researching the layout of the parcel in comparison to the Neighborhood Business zoning regulations. Mr. Bordeaux stated that it would probably not be appropriate to approve the subdivision without further review.

Mr. Anderson asked the applicant if they would be open to withdrawing the last three applications without prejudice; i.e., the Resubdivision, the Special Exception Modification and the Erosion and Sedimentation Control Plan.

Attorney Shipman reported that the applicant does not want to withdraw the resubdivision application.

Mr. Kennedy questioned whether there are time constraints as far as acting on the subdivision application. Mr. Bordeaux stated that the public hearing was closed, so the Commission has 65 days to make a decision.

Mr. Prause noted that the resubdivision is a public hearing item, and that option has not been presented during a public hearing. He asked if a public hearing would need to be held for that.

Mr. Anderson reported that the public hearing on that item is closed. He stated that Staff could look to see whether the proposed resubdivision meets the regulations. As pointed out, he informed the Commission, that is what a subdivision is, and Staff could report back to the Commission. That is the only piece of information Staff could provide; the Commission could not take any more testimony. Staff could let the applicant know, and if it does not meet the regulations, they would need to refile, Mr. Anderson explained.

Mr. Kennedy stated that, as long as there is time, it could be carried over to the next agenda, with which Mr. Anderson agreed.

Mr. Bergin sought clarification on the Special Exception Modification, because if the Commission were to proceed and allow a resubdivision, he thought the Special Exception Modification would be based on repaving and restriping the existing parking that is more than 60 spaces. He understood the Erosion and Sedimentation Control plan is specific to the development that was contingent on the zone change, which failed. Mr. Bergin stated that it seems that the Special Exception Modification should be held over to be acted on as well, to give the applicant the option, if it is resubdivided, to change the parking.

Mr. Anderson asked Attorney Shipman whether or not the Special Exception Modification is still valuable. Attorney Shipman stated that it is, in his opinion. He said he thought the Commission had the public hearing for all the items, but that is for the Commission to decide. Everything was presented: the site plan, the Special Exception Modification and the Resubdivision. In his opinion, the applicant would still require the Special Exception Modification and the Resubdivision.

Mr. Anderson informed the Commission that they could either act on that or leave that for the next meeting when they take up the subdivision. In his opinion, the Erosion and Sedimentation Control Plan goes with the application.

Mr. Kennedy suggested, if there is time, to carry both over to the next meeting and the Commission will vote on them at that point.

Mr. Anderson reported that it is acceptable for the Commission to not take action and put them on the next agenda.

EDUCATIONAL PLAYCARE LTD – For expansion of an existing daycare at 452 and 462 Tolland Turnpike. – Erosion & Sedimentation Control Plan (2019-049)

Mr. David Carson, a Professional Engineer with the OCC Group, engineers for the application before the Commission, introduced himself. The site development plan for the expansion of the facility was prepared in association with Dutton Associates with offices in Glastonbury. Mr. Carson noted that there are 19 sheets of plans, which have been approved by the Zoning Board of Appeals (ZBA) for the expansion of the existing day care facility.

Mr. Carson displayed the plan depicting the existing conditions. He then offered the demolition plan, explaining that the existing building will remain, though the current playscape areas and parking area will be demolished. Mr. Carson then produced and detailed the proposed site expansion layout.

Mr. Carson pointed to the Erosion & Sedimentation Control Plan and noted that Town Staff has assisted with the plan. In demonstrating the proposal, Mr. Carson detailed the plan projected including the perimeter protection, the construction entrance, the topsoil stockpile area, and the erosion control blanketed areas. At present, explained Mr. Carson, there is no storm drainage, though the new plan calls for a water quality detention basin, which he explained in detail and which will act as a temporary sediment trap. The sloped areas on the site will be planted with a periwinkle ground cover.

The applicant has addressed all Staff review comments, Mr. Carson reported, with the exception of five minor comments from the Engineering Division, which will be incorporated into the final stamped set of plans. Displaying the last sheet, he explained that the plan was submitted for a natural diversity database review, and the final sheet details the recommendations, noting the subcontractors are to make their people aware of the possibility of Eastern Box Turtles in the area and how to handle that during the construction process.

Mr. Prause reported that he has been taking his children to Educational Playcare since his daughter was three months old back in 2011. He is very familiar with the property and is happy to see that improvements will be made. In his opinion, the parking will be much improved over the current situation. The proposed playgrounds seem to be in a very good location, behind the building rather than the current location in the front of the building. Mr. Prause questioned whether a portion of the parking area will continue to be in place during the construction phase.

Mr. Harry Freeman, Director of Development for Educational Playcare, stated that the facility will remain open. Noting that playgrounds will be added prior to closing the current areas, Mr. Freeman explained the planned process to ensure the safety of children during the construction.

Mr. Stebe noted that he tried to zoom in to see the actual numbers on the rear of the property, and remarked that the property is the low point, which slopes up to Jefferson Street and Tolland Turnpike.

Mr. Carson confirmed Mr. Stebe's point and detailed the surrounding areas.

Mr. Stebe requested confirmation about the new traffic flow. It was his assumption that the original flow remains, which will change with the hardscape adjustments on the front. He questioned what will happen to the stockpile location.

Mr. Carson reported that the original exit will remain in use during construction. He explained that the stockpile area will only be in use until the new parking area is constructed. Mr. Carson detailed the proposed traffic flow. Erosion and sedimentation control measures, he stated, will be to some degree in a state of flux as the construction moves. He explained that the drainage inlets are all at the perimeter.

Ms. Scorso stated that all of her questions regarding traffic flow have been answered. She questioned the lighting, especially toward the back of the parking lot near the dumpster enclosure.

Mr. Freeman explained that the lighting plan has been reviewed by the ZBA as part of their approval process. It was his understanding that the only issue that should be addressed at this meeting is the Erosion & Sedimentation Control Plan.

Ms. Scorso noted the 8 ft. high chain link fence and the 5 ft. high aluminum fence. She questioned the height of the fence in the front of the building, towards Tolland Turnpike.

Mr. Freeman responded that the 8 ft. fence was a condition applied by the ZBA. The fencing along the perimeter will all be 5 ft. high wrought iron.

Mr. Prause reported that in regard to the existing storm water management, everything is supposed to run off onto Tolland Turnpike or the Northwest Park Access Road. Currently, there are pipes that are supposed to convey the water to ensure one parking section does not overflow. It was Mr. Prause's opinion that the proposal will be a marked improvement.

Mr. Freeman informed the Commission that the safety of the children is their primary concern. He noted that they have already totally renovated and upgraded the existing building. Sprinklers will be added to the facility as well, he explained, and they have worked very closely with the Fire Marshal and building officials as they have gone through the process.

Mr. Bordeaux reported outstanding Staff comments from John DiBiasi, the Assistant Town Engineer. There are some general comments related to Survey and Water & Sewer, which are relatively minor and he explained in detail.

Erosion & Sedimentation Control Plan (2019-049)

MOTION: Mr. Kennedy moved to certify the Erosion and Sedimentation Control Plan with the modifications as specified in Staff memoranda from:

1. John DiBiasi, Assistant Town Engineer, dated June 13, 2019.

Mr. Stebe seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Mr. Bordeaux reported that Staff had discovered an omission in Art. VII, the chart at the end of the zoning regulations that provides the Schedule of Area, Height & Bulk of Buildings &

Structures. In the Industrial zone, the minimum yard requirements were not updated when the Commission revised the regulations in 2013. Previously, he explained, the regulations stated that the yard requirements, in the event that the property is next to a residential zone, are the zoning requirements for that zoning district. However, straight numbers were adopted; i.e., front yard 40 ft., side yard 15 ft. and rear yard 30 ft. Mr. Bordeaux explained that the Planning Department made an administrative step to clean up the chart. The regulations will be updated and mailed. He interjected that in reading the section of the regulations, they are consistent with the 2013 amendment; for some reason the table was not updated.

APPROVAL OF MINUTES:

May 20, 2019 – Public Hearing/Business Meeting

MOTION: Mr. Stebe moved to approve the minutes as written. Ms. Scorso seconded the motion and all members voted in favor.

June 3, 2019 – Public Hearing

MOTION: Mr. Kennedy moved to approve the minutes as written. Mr. Stebe seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

1. **MISAC CORPORATION – Special Exception Modification (2019-074)** – For a garage maintenance building addition and renovation at 8 Rachel Road.
2. **WORKOUT HARDER FITNESS – Special Exception Modification (2019-075)** – To add esthetician services at 134 Pine Street, a.k.a. 136½ Pine Street.
3. **TOWN OF MANCHESTER – Erosion and Sedimentation Control Plan (2019-077)** – For construction of a cricket field and stone dust paths with minor drainage system modifications and construction of a grassed drainage swale at 45 and 115 North School Street.
4. **PRANAY & MAYA SHAH – Zone Change (2019-078)** – Change of zone from Residence A to Neighborhood Business to permit change of use from convenience store with beer permit to package store permit at 1 Broad Street.

TENTATIVE FUTURE AGENDA:

Mr. Bordeaux listed the applications that are tentatively scheduled for the Commission's July 1st and July 15th meetings.

Mr. Stoppelman questioned Item 2 on the tentative July 15th agenda, application 2019-051 for a Special Exception for Vanlose Enterprises, LLC, for construction of employee parking lots and a vehicle storage lot at 86 Oakland Street and 11 and 25 Edward Street.

Mr. Anderson reported that several months ago, the Planning & Zoning Commission approved the zone change for those properties from Residence A to General Business. As part of the

change, the applicant went to the State for an expansion of their license for those properties, which requires a local approval. State Statute says that local approval comes from the Zoning Board of Appeals. The ZBA had a public hearing and denied that application, he stated, and the applicant is looking at their options. Mr. Anderson noted the applicant is currently seeking to limit the activities on those properties to employee parking, which they believe will not require statutorily a Certificate of Location Approval.

Mr. Prause acknowledged that the previous application the PZC approved stated it would be for inventory. It is not a site plan difference, but an operational difference, he said.

Mr. Anderson agreed that it is an operational difference, and whether or not it complies statutorily with the definition of a location of an auto business is what the applicant is working on with their legal team. They may need to go back to the ZBA, he theorized, and they can do that by changing their plan and going back, but that may not be needed depending upon what the State says.

MOTION: Mr. Kennedy moved to adjourn the meeting of the Planning & Zoning Commission. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 8:10 P.M.

I certify these minutes were adopted on the following date:

July 1, 2019
_____ Date

_____ Eric Prause, Chairman

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