

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 16, 2019**

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman/Acting Secretary
Jessica Scorso
Jessica Poland

Alternate Member Sitting: Teresa Ike

Alternate Members: Julian Stoppelman
Bonnie Potocki

Absent: Michael Stebe

Also Present: Gary Anderson, Director of Planning
David Laiuppa, Environmental Planner/Wetlands
Agent
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.

ADELBROOK, INC. – Zone change from Historic zone to Off Street Parking zone at 27, 31R, 33R, and 37R Prospect Street to establish additional parking to support an anticipated expansion of the existing educational facility at 42 Prospect Street. – Zone Change (2019-110)

Attorney Stephen Penny, representing the applicant, introduced himself to the Commission. The applicant is requesting a zone change from Historic zone to Off Street Parking zone. In addition, Attorney Penny noted, the applicant is applying for an inland wetlands permit and erosion and sedimentation control approval.

Attorney Penny displayed a map of the site and gave a detailed explanation of the location. The boundaries of the subject properties were reported, as were the locations of Hop Brook and associated wetlands.

Mr. Jeffrey Swanson, Chief Administrative Officer for Adelbrook, Inc., introduced himself. He stated the private special education facility has been in operation for approximately five years and currently serves 32 students from 11 districts. Mr. Swanson reported there are six classrooms and six teachers, and there are a variety of other educational opportunities. Students are served by occupational therapists, speech and language pathologists, behaviorists, social workers, a nurse, a program director, and a visiting psychologist, and are served meals.

Mr. Swanson explained that their current license allows Adelbrook to serve up to 33 students. The need for the services the school provides is growing, which prompted the application.

Attorney Penny stated the Commission is obliged to begin with a determination of the significance of the impact of the proposed development to the onsite wetlands and watercourse.

Mr. Andrew Bushnell, Licensed Land Surveyor and Civil Engineer with Bushnell Associates, introduced himself and stated Bushnell Associates prepared the site plan on the screen before the Commission. He reiterated the property's boundaries and the location of the wetlands. Per Manchester's Inland Wetlands and Watercourses Regulations, there is a 100 ft. upland review area, which Mr. Bushnell identified on the projected map. The project would replace the existing parking lot surface, restripe it, add landscaped islands and bring it into compliance with current requirements. The proposal includes a storm water quality swale because of the slope from the brook to the parking area, Mr. Bushnell said.

Mr. Bushnell reported there are to be two phases of the construction, the details of which he explained. There will be no disturbance within the mapped wetland area. Phase I will disturb approximately 0.59 acres and Phase II 0.57 acres. There are temporary stockpile areas specified for both phases, according to Mr. Bushnell. He reported they do not expect a long construction period.

Mr. Prause questioned the location of the proposed stone check dams and their height.

Pointing to the displayed map, Mr. Bushnell explained the location of the swale and check dams, which would be approximately 1 ft. in height.

Ms. Potocki referred to the removal of the bituminous material and questioned whether that would be regraded on site or taken off site. Mr. Bushnell was not certain, though he stated it would be a function of how the base looks. If there is insufficient base, the bituminous material would probably be removed, though they are unsure of what lies below it.

Ms. Potocki noted the parking lot has existed for some time and the condition of the subsurface soil is currently unknown. She questioned whether there has been testing for hazardous substances.

Mr. Bushnell explained there has been a Phase I environmental study, and there has been no evidence of contamination.

Ms. Potocki stated that, if the site is to be regraded, she would want the Commission to be assured there are no hazardous substances.

Mr. Bushnell reported the first phase would be commenced in the next construction season. He explained that he plotted the 100 year flood line, which he pointed out. In response to a comment from Ms. Potocki, Mr. Bushnell stated he does not anticipate any dewatering.

Mr. Prause requested clarification that the work will be done in the upland review area, which Mr. Bushnell confirmed. Mr. Prause also questioned the location of the accessible parking spaces. Mr. Bushnell said all accessible spaces would be located across the street, adjacent to the building. Mr. Prause inquired about the crosswalk to be painted on the road and whether that is where the existing crosswalk is, and Mr. Bushnell noted there is no crosswalk in that location currently.

Mr. Anderson identified minor and technical comments that have been passed on to the Engineer. A memo from John DiBiasi, Assistant Town Engineer, mentioned that the comments may be included as modifications if the Commission chooses to approve the application.

Mr. Laiuppa reported that all comments from the Conservation Commission have been addressed. One of the questions was whether there is a land use restriction on the deed, and none of that information surfaced during the applicant's record search. Other issues have been addressed, according to Mr. Laiuppa.

Attorney Penny reviewed the regulations in reference to the zone change application. The Adelbrook School is a special exception use in the Residence C zone. In general, with a few exceptions, the zoning regulations require that adequate parking to support a land use must be provided on the same site as that use. The purpose of the Off Street Parking zone is to "permit off-street parking facilities to be established adjacent to business or industrial uses without permitting those uses to extend into the parking zone to act as a buffer strip between residence zones and other zones where off-street parking is desirable and made available, to reduce the congestion in the streets." Attorney Penny went on to detail the regulations related to the application.

Attorney Penny said the Manchester 2020 Plan of Conservation and Development character map designates the area incorporating the subject site, principally comprised of Hartford Road and the Cheney Mill complex, as "community corridor," which is described as a "primarily residential corridor that provides a connection between neighborhoods, carries moderate traffic levels and may include low density commercial uses at key intersections." Attorney Penny cited land use law as related to the plan.

Mr. Bushnell, while referencing the plan, noted landscaped islands will be added to the parking area. He described the buffering areas in the plan. He displayed a landscape plan showing perimeter landscaping of shrubs, bushes and trees in the islands, which will be new perimeter landscaping in the parking lot. He noted there is no plan to remove trees but they will prune the canopy. In his opinion, the proposed landscaping plan should add to the character of the area.

Mr. Bushnell described the proposed crosswalk and sidewalk ramps; he noted he has worked closely with the Town Traffic Engineer, Mr. Jim Mayer on those details. Lighting will also be installed for nighttime use and security purposes.

Mr. Prause inquired about whether there will be signage in the lot.

Mr. Bushnell was not aware of any signage in the lot. There is no requirement for signage and it is not a high traffic flow lot.

Ms. Potocki questioned the number of parking spaces and speculated whether they would be used primarily for employee parking. She sought confirmation of the number of spaces needed for staff.

Mr. Swanson reported there will be no school buses in the lot; primarily, students are transported to the front of the school. He confirmed the lot is mainly for use by employees, as well as families who come for meetings during the day.

Attorney Penny opined that the off-street parking zone would provide the opportunity for off-site parking to support an adjacent permitted use such as Adelbrook School. The proposal is consistent with the Plan of Conservation and Development in the existing Community Corridor classification. In addition, according to Attorney Penny, the proposal is consistent with the regulations regarding the off-site parking use serving as a buffer between existing commercial uses on the north and east of the site and the existing residential uses to the south and west. He stated it is consistent with the historic use of the site and there are no outstanding comments from the Town's own professional staff preventing approval.

Mr. Stoppelman asked if there would be a stop sign at the exit of the parking area and Mr. Bushnell said there would not.

In response to a question from Mr. Prause, Mr. Bushnell said there is one existing drive cut, which is an entrance and an exit.

Mr. Prause said that, in the past, there have been questions about what defines an "adjacent" lot. There was an application last year where the Commission considered whether a lot across the street could be considered adjacent. At the time, the Commission was hesitant to make the distinction that that would be considered adjacent.

Mr. Anderson stated that Planning Department staff had delved into the issue in partnership with the applicant. He relayed that there was some precedent for an off-street parking zone created across the street from the principle use, in the area of Chapel Street. With that in mind, Mr. Anderson noted, the Zoning Enforcement Officer was comfortable with the definition of "adjacent" including a property across the street.

Attorney Penny added that, in zoning law, adjacent and abutting are treated as synonymous terms.

Mr. Prause enumerated requirements for off-street parking that the applicant needs to confirm they will meet, and he listed those for consideration by the applicant.

Attorney Penny pointed out that the residence to the south is used commercially. He said there are substantial changes in grade on both the north and south side of the property, which are heavily wooded, suggesting the lack of need for either the evergreens or fencing.

Mr. Prause stated the intent is to provide screening, especially for headlights, though this may not be a huge problem because the school will not be operating in the evening. However, at this time of year, there will be people leaving at 5:00 P.M. He noted that the residential zone implies that someone could move into the area, create a house by right, and question why there is no buffering.

Attorney Penny stated that the topography drives the need for more substantial screening. He commented that the multi-family residential complex is a substantial change in grade from this particular site. Attorney Penny explained that he is not sure that the buildings on that site are opposite this particular parcel.

Mr. Prause relayed that Article II, Section 17.01.07 speaks to the requirement for wheel or bumper guards on any parking spot that faces a street line, though he was unsure there were any parking spots facing Prospect Street. He questioned whether this could be required in any of these locations.

Attorney Penny explained the grades in relation to the parking areas.

Mr. Prause, referring to the Off Street Parking zone's requirement for the evergreens and fencing, asked whether not having one or both would require a waiver from the Commission.

Ms. Scorso observed that the Cheney Commission reviewed the application, and asked Mr. Anderson if there was further discussion.

Mr. Anderson stated the Cheney Commission listened to the presentation and supported the application. He noted the application does not require the Cheney Commission's recommendation, as it is not proposing any changes to a building that can be seen from the street. It is not within the Cheney Brothers National Historic Landmark District, according to Mr. Anderson, though is within the Historic zone. He explained staff felt it was appropriate to initiate a Cheney Commission review, and they were supportive.

Ms. Potocki questioned the plan for snow removal.

Mr. Swanson replied that it will be handled properly. He explained that the Phase 1 snow would be moved to Phase II, away from Prospect Street.

Ms. Potocki asked a question about the storm water quality basin, which Mr. Bushnell answered in detail.

Mr. Anderson spoke about the required evergreen buffer or fence, explaining that Staff typically regards present vegetation as counting against the buffer. He suggested that if the Commission feels it necessary, an evergreen buffer could be incorporated in plans to be submitted to the Town.

Mr. Kennedy questioned whether the buffer would be within the scope of the Commission's actions because the applications are for a zone change, an inland wetlands permit, and an erosion and sedimentation control plan. There is not a site plan or a special exception modification.

Mr. Anderson assumed that would have to be handled administratively.

A discussion was held between Mr. Prause and Mr. Anderson regarding the policy that would apply.

Mr. Stoppelman questioned whether there will be a stop sign at the exit to the parking lot, and Mr. Kennedy stated that, legally, the traffic on the public street has the right of way.

Mr. Bushnell submitted more insight regarding buffering. There is only one abutting residence; the remainder is abutting a highway and commercial property. Mr. Anderson said he would bring up the matter with the zoning enforcement officer. If the evergreen buffer or fence is required, staff would ask the applicant to add it to the plan.

There were no members of the public in attendance. Mr. Anderson reported three public comments:

1. A letter from Brendan Recchia, owner of Manchester Winsupply, an abutting property, submitted his supportive comment.
2. A letter from Kevin Chase, CFO of Fuss & O'Neill, stated his firm supports Adelbrook School's request.
3. A letter from Bill O'Neill, 525 Gardner Street, noted they have been longtime owners of 41 Prospect Street, abutting the south side of the parcel. He explained they have witnessed the use and abuse of the property. He expressed his concern about the current lack of lighting, and noted a lighted and landscaped parking area will benefit many.

Mr. Prause explained there are regulations regarding the lighting for the proposed lot.

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

I certify these minutes were adopted on the following date:

January 6, 2020

Date

Eric Prause, Chairman

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