

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 3, 2019**

ROLL CALL:

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

Alternate Member Sitting: Teresa Ike

Absent: Timothy Bergin
Julian Stoppelman

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 Public Hearing at 7:10 P.M. The Secretary read the legal notice when the call was made.

REVISED AGENDA

MOTION: Mr. Stebe moved to revise the agenda to add the extension requests for Kenneth Boynton's applications 2019-036, 2019-037, and 2019-038 until July 15, 2019 as item 5 under New Business. Mr. Kennedy seconded the motion and all members voted in favor.

KIMLAR, LLC (continued from May 20, 2019) – 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)

Attorney Mark Shipman, with the law firm of Shipman, Shaiken and Schwefel, introduced himself. Attorney Shipman reported considerable discussion about traffic at the last meeting,

and part of the reason for the continuation of the hearing was to determine whether emergency services would accept the closing of the St. Paul Drive exit and allow just a single entrance and exit. He reminded the Commission that the applicant agreed to that plan, and it is his understanding that emergency services agreed. If it is agreeable to the Commission, the applicant is prepared to do that. He remarked that it seemed the discussion was centered around (1) traffic, which appears to have been alleviated, and (2) the possibility that something else could be built in the location. Attorney Shipman reminded the Commission that, if the application is denied, the location will not become a single-family residential property; it is permitted for commercial and apartments.

Mr. Biff Schechinger, Landscape Architect in the state of Connecticut, introduced himself. He displayed the site plan and discussed the details. The regulations would allow 36.6 units and a gross floor area at a maximum of 30% of site acreage; the proposal is for 32 units and 27.6% of site acreage. Mr. Schechinger reported a total of 77 parking spaces for the PRD and the existing 106 parking spaces on the State property. The active/passive recreation area, which will not include the detention basins or the steep slopes, exceeds the 20 sq. ft. of landscaping per parking space in the parking lot for the Neighborhood Business zone; in the PRD, the applicant proposes 80 sq. ft. per parking space. Mr. Schechinger pointed to and gave a detailed description of the grading plan.

Mr. Wilson Alford, Jr., Professional Engineer and Land Surveyor, introduced himself. Mr. Alford displayed and described the storm drainage plan. At the present time, everything pitches from east to west, he stated, and he proceeded to give further details of the drainage plan and water quality basins. Mr. Alford noted that the detention basin has been sized so the peak rate of flow off the property after construction will be less than the peak rate of flow prior to construction. The utility plan was shown and Mr. Alford discussed the details as well as the sedimentation and erosion control plan.

Mr. Hans Winkel, Don Helberg Architects, introduced himself. Mr. Winkel reported that there had been some questions about building heights and colors. He displayed the proposed buildings, explained the heights and passed around color samples of the vinyl siding.

Mr. Prause questioned the pairing of colors, which Mr. Winkel explained, noting the color details for the large buildings.

Mr. Stebe noted that, when considering a PRD, the Commission looks at the surrounding area, the proposed use, and how it interacts with the neighborhood. In addition, he explained, the Commission is also referring to the Plan of Conservation and Development, which highlights the proposed area as a community corridor, which primarily has suburban residential characteristics, i.e., single family homes. The community corridor does mention having some retail at the

intersections of roads, but Mr. Stebe acknowledged that this is not at the intersection of roads. He stated that the definition of a PRD in the zoning regulations in Art. II, Sec. 7, paragraphs 1 and 2, has language that is the guide the Commission has to follow. Mr. Stebe reported that he is missing some connections between the regulation and what is being presented. He remarked that Sec. 7.01.01 states “the PRD is a zone of medium density residential district which allows a mixture of various types of housing including single-family, duplex and multi-family dwellings.” Therefore, he explained, there is not an argument that the proposal is not allowed by the regulations. He went on to read, “the development of the planned site is to be made to encourage the most appropriate use of the site, preserve the natural features of the site, and provide for housing at a moderate cost.” In paragraph 2, he read “the zone shall be established with a view toward conserving the value of the buildings and land, encouraging the most appropriate use of the land with reasonable consideration for the character of the neighborhood.” He reiterated that the surrounding neighborhood is completely single-family housing; no home is over 1,500-1,600 sq. ft. He continued reading, “The PRD shall allow a mixture of housing types and development density which is suitable for the particular site. The design elements of the proposed development shall be attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area and the proposed use shall not adversely affect property values in the neighborhood.”

Mr. Stebe acknowledged that he is struggling with the proposal because the surrounding homes are smaller. The retail that was previously on the lot was smaller local shops. However, he views the proposal as a much denser setup compared to the surrounding location at a ridge height much larger than anything around it.

Attorney Shipman remarked that the plan is also transitional and the Plan of Conservation and Development speaks to that. The present owner of the property, ABL Associates, fought the zoning that was created, but the Town created a non-single family island in a single-family area. Attorney Shipman explained the proposal is medium density, noting that the applicant is not even meeting the medium-density standards that regulations allow. Given its surrounding areas, the applicant believes that medium-density residential is the most compelling use for the property, and in his opinion, this meets the Town’s Plan of Conservation and Development. Attorney Shipman reported that the proposal will be a residential use that will not diminish the value of the adjoining homes. If the property were made into residential lots, perhaps three or four residential lots could be made, though the owner is not going to sell the property for that purpose as this is currently a pre-existing development.

Mr. Stebe reminded Attorney Shipman that the hearing was continued because of the unanswered questions and concerns. He noted that he is looking for a very concrete explanation of why the plan was developed, not why the alternative would be negative. Mr. Stebe inquired about the projected rental rate on each of the units.

Attorney Shipman explained that would be determined by a real estate professional.

Mr. Larry Shipman, a member of Kimlar, LLC, stated the market range prices are between \$1,200 and \$1,500, though the rate may vary due to the type of unit.

Attorney Shipman acknowledged that perhaps he is at fault for presenting the proposal as the only good option. He stated that the applicant believes this is a more appropriate transition from the existing ABL use. In his opinion, the Plan of Conservation and Development encourages this type of development.

Mr. Prause referred to the condominium to the west and a residential apartment building approximately a block away. He questioned how this development would compare to those two existing units.

Attorney Shipman could not accurately answer how this plan compares. This is a practical use for land that is residential but not capable of being economically feasible as single-family housing.

Mr. Schechinger explained that the plan was created as a transitional zone in an area that has a business zone on it. When the applicant first developed the preliminary development option, the plan was for townhouses, according to Mr. Schechinger. In 2015, there was a preliminary review, he reminded the Commission, and the comments were that this would be a great use if they were to: (1) break up the buildings as individual groupings and (2) have all the transportation and parking internally. Mr. Schechinger stated that the plan calls for the two-story buildings so the front entryway of the building is not on the street side but will have the amenities of a porch and patio. He stated the applicant followed the direction of the Town for landscaping around and through the center of the project, which should absorb the buildings and make them a non-entity to the neighborhood, and should not negatively impact the neighborhood.

Mr. Prause questioned whether Mr. Schechinger was referring to a meeting with Staff or a preliminary plan.

Mr. Schechinger stated the applicant had a preliminary application.

Mr. Larry Shipman interjected that in 2016, the applicant had a preliminary hearing with drawings and plans which showed all the driveways that opened to St. Paul. The Commission asked if the applicant could break up the townhouse style buildings and, he explained, that is what the applicant attempted to do with this plan.

Mr. Prause noted that at the last meeting there was a discussion about the dumpster design and the applicant stated they would review the plan. He questioned whether modifications were made.

Mr. Schechinger stated that they reviewed the plan and it was determined the dumpsters are in the appropriate place. It will be landscaped heavily and the applicant can add more landscaping if deemed necessary, he reported, though it is felt to be adequate.

Mr. Prause questioned screening for the properties to the south.

Mr. Schechinger explained there will be evergreen plants. He noted that the applicant wishes to keep the integrity of a passive green with the water treatment basins; it will be surrounded by wooden fence as well as gated with slats to make it opaque.

Mr. Prause inquired whether there was a mention of changes to the passive recreation areas.

Mr. Schechinger responded that he had drawn the boundaries around the usable land for use, not on steep slopes or water quality basins, on Sheet 1, L1.

Mr. Prause sought clarification of the area, which Mr. Schechinger displayed and explained in detail. He also sought to verify it would be the total of 600 sq. ft. per unit and Mr. Schechinger replied it will be 657 sq. ft.; the minimum required is 500.

Mr. Stebe, referring to L1, asked if there is simply a restriping of the State parking lot.

Mr. Schechinger acknowledged that there will be some repavement in the areas where the grading starts. He reported that there will be no modification on the back side of the existing building. The applicant felt that they would meet the requirements for an 8 ft. minimum landscape perimeter boundary all the way around and include the end islands for the parking.

Mr. Stebe noted the plan is to do the edging where some of the current pavement will have to be moved.

Mr. Schechinger explained the turning radius was displayed for the best traffic movement without impeding any of the parking spaces.

Mr. Stebe noted he had heard two separate plans for the parking lot, and asked if it is just the edges where they are going to touch it to add the barrier, and then stripe the place.

Mr. Schechinger detailed the one place where there will be some grading because the applicant has reset a catch basin. The applicant sought to gather the water coming from the parking lot because it is part of the system.

Mr. Bordeaux reported he would save the one e-mail received for public comment until the Commission was ready for it. He addressed the comments from the last meeting regarding the restricted access to St. Paul, the northerly driveway. Mr. Bordeaux noted he had reached out to the Traffic Engineer and Fire Inspector for their review and feedback. Mr. Mayer, Traffic Engineer, responded, "I don't anticipate any issues by limiting normal access and egress to the signalized intersection of Middle Turnpike East and the Social Services Department driveway." Mr. Jennings, Fire Inspector, reported, "The Fire Department does not see a significant impact in the delivery of services to the affected properties by restricting access to emergency vehicles only of St. Paul at this intersection. The Fire Department does request if a physical barrier is utilized, the barrier be a gate with a KNOX box style lock keyed to the Fire Department key system be used to secure it."

Mr. Prause asked if there are drawings that show this will be a restricted entryway.

Mr. Bordeaux replied that would be a modification of the plans. He reported they have not received a drawing but a sketch which indicated there would be a gate utilized. His question to Staff members was whether the access should be restricted to emergency vehicles only using a gated access.

Mr. Prause reiterated that Mr. Bordeaux's memo recommended the modification from Mr. Mayer, and questioned whether that has been covered.

Mr. Bordeaux explained that has not been requested by the Commission.

Mr. Prause confirmed that would require an additional condition or modification.

Mr. Schechinger clarified that the sketch was done at scale and they ran the turning radii of emergency vehicles through it, so it would be reduced from the 24 ft. width to approximately 18 ft. because it has to factor in the turning radius of the fire truck coming up St. Paul from the west into the site. In addition, the applicant accepts this as a condition of approval if the Commission wishes.

Mr. Stebe sought confirmation that the evergreens would be 6+ ft. plantings and the other shade trees will be the saplings.

Mr. Schechinger reported the planting size, at approximately 15 ft. and the evergreens at a minimum of 6-7 ft.

Mr. Stebe questioned whether those are on an updated plan because the plan he is looking at depicts much smaller trees.

Mr. Schechinger assumed Mr. Stebe was referring to ornamental trees further up against the building. He noted there is no requirement for the interior trees. The applicant chose 2.5-3 ft. rather than 3-3.5 ft., which is within the purview of the Town to dictate.

Mr. Stebe clarified the street trees are 3-3.5 ft.

Mr. Schechinger stated the larger trees would be 14-15 ft. and described their locations.

Mr. Bordeaux explained the dimension of the diameter caliber of the trunk of the tree. If the trunk is 3-3.5 ft, the tree would be anywhere from 10 ft. to 16 ft.

Mr. Schechinger reiterated that the standard for 3-3.5 ft. is 14-16 ft.

Ms. Joan Ward, 51 Arcellia Drive, questioned how the sewer will exit. She explained there is an easement on her property carrying water and sewer to other homes. Ms. Ward questioned whether it will go through one pipe or if it will disperse from singular homes and go down the street or through her property.

Ms. Debbie Shoag, 17 Hilltop Drive, stated that her complaint is about the height of the buildings, which is out of character with the neighborhood. She suggested condominiums where owners would take pride in ownership.

Mr. Dave Dumaine, 86 Tracy Drive, questioned whether the neighbors fronting the south side will lose their mature trees and growth that line their back yards, and whether they have been notified. He then reported that:

- Approximately two years ago employees from the Town of Manchester were conducting perc tests in the area.
- On Wednesday, May 29th, a private environmental company took samples from all the contamination monitoring wells throughout the property.
- On Thursday, May 30th, Town of Manchester employees and the same environmental company were conducting what appeared to be top water flow and absorption tests on the property, as well as the storm drain flow.

- On Friday, May 31st, the environmental company took samples from tubular testing wells that were installed approximately 18 months ago running underneath the west side of the building.

Mr. Dumaine questioned whether the Commission would factor the above items into their decision. He asked where the water flowing down the middle of the parking lot at 699 Middle Turnpike East will go. Mr. Dumaine expressed his concern about the removal of snow and snowmelt. Acknowledging that he works at the DSS building, he said that, in his opinion, the 106 proposed parking spots will not be enough for Social Services.

Mr. Orlando Sanchez, 56 Eva Drive, recognized Attorney Shipman's statement that something will be developed on the property. Additionally, he reminded the Commission that Mr. Schechinger reported there will not be an on-site manager but rather the placement of signs with the phone number of management. He questioned the plan for receiving complaints, asking how soon calls will be returned, how promptly a solution will be offered, and whether there will be follow-up calls to ensure the grievances have been satisfied. Mr. Sanchez also restated his concern about Section 8 housing and its effect on the neighborhood. In his opinion, an on-site manager will address neighbors' concerns. He suggested the PZC make an on-site manager a prerequisite before any zoning changes take place.

Ms. Jackie Perreault, 60 Arcellia Drive, explained that she observes the entire development. In her opinion, just because the Town states it can be zoned for apartments does not mean it has to be. She reminded the Commission the neighborhood is a small community with single-family homes and many children in the area. Ms. Perreault suggested the Commission view the application from the neighbors' points of view. She proposed the applicant build something that would appease the neighbors, even if it is not as profitable as it could be.

Mr. Keith Ferry, 37 St. Paul Drive, expressed that he is still worried about the traffic issue, and described his particular concerns. He reiterated that moderate income is basically affordable income, and will have a drastic effect on the home values in the surrounding area. Mr. Ferry referred to the statement that garbage pickup will be two to three times a week, but explained that a property management company's job is to save as much money as possible and garbage pickup will suffer.

Ms. Sandy Griffin, 5 Elsie Drive, agreed with her neighbors' comments. Ms. Griffin commented that theirs is a wonderful small neighborhood. The proposal will change the neighborhood, and in her opinion, she does not believe the PZC can prevent Section 8 housing. She informed the Commission that, during heavy rainstorms, the storm drains back up and the water is very high.

Mr. Phil Carabillo, 48 Arcellia Drive, explained that he also has concerns about the flooding. Mr. Carabillo stated that two years ago his basement flooded due to the fact that the storm drains are inadequate.

Ms. Melanie Ferry, 37 St. Paul Drive, reported that her home has also flooded multiple times due to the lack of drainage systems. She noted that, during one storm, her husband had to wake up every 45 minutes in order to keep up with the sump pump. The traffic will also be a problem around her home.

Mr. Jack Prior, 66 Hilltop Drive, is concerned that the number of parking spots will not be adequate. He stated that he walks through the property every day and he notes the lot is frequently full.

Mr. Dave Deforge, 47 Hilltop Drive, explained that he recently purchased his home, and stated that he might not have purchased the property if he had knowledge of the plan. He is concerned about potential noise, potential crime impact and potential property value issues.

Mr. Bordeaux read a public comment e-mail dated Sunday, June 2nd, from Mr. Doug Klotzer, 89 Hilltop Drive: "I am writing to you once again to express my concerns for the proposed zoning change and plan to construct apartments on the property located at 699 East Middle Turnpike. I will not revisit the various concerns I expressed in my previous e-mail to you. Many of them were voiced by area residents who attended the zoning meeting held on 5/20/19. In attendance myself that night, I was more struck by the lack of acknowledgement displayed by members of the Zoning Board regarding them apart from one member. Many valid concerns put forth by residents were met either by silence or were side-stepped in order to address inaccurate building height measures, proposed dumpster sizes and on-site property management. From what I witnessed from the Board that night, it seemed like a 'yes' decision had already been reached by them. From my perspective, the Board seemed far more accommodating to the plan presenters than neighborhood speakers. Sadly, the people being most adversely affected by this plan are Manchester residents, yet to me it seems the decisions being implemented regarding this change are being made by non-Town residents. In deciding to purchase in this area, many residents have made extensive financial commitments with the current zoning restrictions for this property in mind. I know my wife and I certainly did in 1995 when we purchased our house. Our real estate agent researched it prior to our placing forth a bid on the house at that time. Now years and many mortgage payments later, the decision is close to being made to change the rules. There are many significant negative changes that will come from the development. Again, I find it very hard to believe that any member of this current Zoning Board would endorse this change where they reside. This issue is larger than increased tax revenue. It involves the quality of life for many residents who reside in this area. As a result, I ask the Board, once again, to dig deeper beneath the surface at the next meeting on this proposed change and truly consider the

ramifications of it in its totality. I believe the residents in this area deserve better than silence from the Board for the valid objections that have been raised for this project. Please take the time to consider these objections further in a more thorough manner.”

Mr. Wilson described the proposed storm water flow, which will tie in to the existing storm sewer. He noted that residents’ water issues may be due to the excessive rain this spring.

Attorney Shipman addressed the comment about tests being performed recently on the property. He stated the applicant has received a “clean bill of health” from the DEEP after the routine quarterly testing was performed. The second environmental testing performed, Attorney Shipman explained, was the interior testing required by the State of Connecticut. He stated that the DEEP has informed the property owner that transfer can be performed without a Transfer Act filing because the property is not environmentally challenged.

Additionally, Attorney Shipman stated that he could not comment on Section 8. He reported that neither the applicant nor the Commission can treat Section 8 as a deterrent without being discriminatory. Addressing the mention of a condominium complex as opposed to an apartment building, he noted that a bad tenant can be evicted, though a bad condo owner cannot. In addition, he explained, most complexes have off-site management, which can be contacted for issues 24/7. Attorney Shipman also addressed the traffic concerns.

Attorney Shipman reiterated that the applicant will be retaining drainage on the property. The flow off the property will be slower and less than it is currently. However, he stated, the proposal will most likely not alleviate the issues at the existing homes but will not create more problems.

Parking for the State is spelled out in its lease, Attorney Shipman stated. He explained that the applicant will handle the snow removal on their property, and the owner of the DSS building will not be able to move the snow to the applicant’s property.

Mr. Schechinger clarified that the building will be two stories, not four. He stated that the buildings will be below the 40 ft. maximum allowed in a PRD.

Ms. Scorso requested verification of the schedule for garbage pickup.

Attorney Shipman reiterated the garbage pickup will be twice per week, unless more frequent pickups are needed.

Mr. Prause referred to the comment about how complaints can be registered. He questioned whether there will be signage placed throughout the planned development.

Attorney Shipman confirmed that each tenant will have directions on how to reach the management company. He assured the Commission that they will make the neighbors aware of how to contact management, noting that the applicant is open to suggestions.

Mr. Prause noted that usually there are signs on rental buildings with the management company's phone number. He questioned whether the applicant would be amenable to a sign on the property which includes the telephone number.

Mr. Shipman explained that the signage planned on Middle Turnpike East is relatively generic and the applicant would be more than happy to add the contact information to that sign.

Mr. Prause inquired of Staff whether the Engineering Department is aware of the flooding in the area.

Mr. Bordeaux remarked that he cannot speak to the history of the flooding. However, as a result of this application, he has received a number of phone calls, which he conveyed to the Town Engineer, regarding inadequate storm water management in parts of the neighborhood. He stated that the watershed drains towards and across Vernon Street through a series of open channels with a number of catch basins collecting. The drainage then connects down to Bigelow Brook, he explained.

Ms. Scorso questioned Mr. Bordeaux about the proper channels for the neighborhood to pursue regarding the flooding.

Mr. Bordeaux informed the Commission that there are a number of ways a resident can register a complaint. There are online mechanisms, one being Mark-It, which is regularly checked by the Public Works administrative staff. Residents can also call Public Works or the Engineering Department directly. Mr. Bordeaux stated that he is not aware of the schedule for drainage improvements. Typically, when the Town reconstructs residential streets, they will evaluate the storm water management system as well. He suggested that Engineering may need to take a look at this particular neighborhood, though he is not aware of the schedule for renovation of this neighborhood.

Attorney Shipman reiterated that the plans were submitted to Engineering with respect to the drainage.

Mr. Bordeaux concurred and explained that the Engineering Division does review proposals for compliance with the public improvement standards and a certain size storm is built into the

application. He reminded the Commission that there are outstanding comments from Engineering and the plans are under review.

Mr. Alford referred to a comment made by a resident that they had a sump pump in their basement and it was having trouble keeping up with the water. He stated that is indicative of a problem of a house with a high groundwater table and the homeowner is relying on a sump pump to remove the water.

Mr. Prause questioned Staff about Town visits to the site.

Mr. Anderson replied that they are not aware of any. Certainly, he stated, if there were complaints made by the neighborhood, they could be related to that, but at this time Staff is not aware of why the trucks were there.

Ms. Joan Ward reiterated that she has a sewer and a water easement on her property.

Ms. Sandy Griffin stated she has lived on her property since 1997 and the only time she's had a wet basement is when there is extreme rain and the Town-owned drains back up. She reiterated that the backup occurs on four properties. Ms. Griffin reported that she chose to put in a sump pump two years ago. There is deep concern about the water flow, she commented, when the proposed apartments are tied into the drainage system. She reported that the sump pump installer commented that she had an incredibly low water table on her property.

Mr. Orlando Sanchez remarked that he is unsure why Mr. Shipman is reluctant to have property management on-site. It is imperative to have presence for monitoring, which motivates tenants to follow the rules, he stated.

Mr. David Dumaine pointed out that there are two driveway cuts in the rear of the building allowing motorists to traverse between St. Paul and East Middle Turnpike, many times at fast speeds. His opinion is that 106 designated parking spots for DSS are not enough. Additionally, Mr. Dumaine noted that there has been no lease at 699 East Middle Turnpike, which explains why there are rusty light poles with wires hanging off and piles of contaminated sand. He surmised that the most current test results are not available at this time.

Mr. Alford again explained the proposed sewer connections.

Mr. Prause inquired about how Ms. Ward's easement will be impacted.

Mr. Alford described the location of the sewer easement.

A general discussion was held between representatives of the applicant and Ms. Ward, the homeowner.

Mr. Alford pointed out the discharge points.

Mr. Bordeaux explained that the Town Engineering Division reviewed the capacity of the existing infrastructure on Plaza Drive. He stated it would not be up to the applicant to dictate the effect on the easement or the remainder of the system; it was reviewed for the connection to the existing infrastructure. It appears that the existing infrastructure is capable of the amount of discharge being proposed, he noted, though if anything happens to the easement in the future, it would be a decision the Town would be making.

Mr. Prause commented that the Commission has no knowledge of any sewer issues, with which Mr. Bordeaux agreed.

Attorney Shipman, referring to cars speeding through the lot, stated that the applicant has no control over that. In his opinion, cars will not be able to go through the property to the surrounding roadways.

Mr. Prause acknowledged that the neighborhood would prefer not to have the development. As this is a Neighborhood Business zone, he questioned what could be built on the property as of right, if the proposal is not built.

Attorney Shipman reported that they could build a 25,000 sq. ft. strip with no individual unit more than 5,000 sq. ft. and apartments above. Therefore, there could be 25,000 sq. ft. of apartments and 25,000 sq. ft. of small retail.

Mr. Prause noted that there are condominium units and residential properties west of the proposed development, and stated those are part of the community corridor on the Manchester 2020 Plan of Conservation and Development. There has been discussion about Traditional Suburban and Suburban distinctions, Mr. Prause stated, but it appears this proposal could be part of the Community Corridor. If the Commission were to rezone the property based on this development, he questioned whether it would fall under that, or if this development is styled in the Traditional Suburban or Suburban characterization.

Mr. Anderson reported that the property itself is within the community corridor designation, between traditional suburban and suburban. He explained that, as Mr. Stebe noted, it is fairly flexible in terms of the types of uses the Commission can look at and the types of uses it can be used for.

Mr. Prause stated that he misspoke; he meant Neighborhood Center, which is a mixed use of residential, commercial and service industries. He questioned the overall density of the development.

Attorney Shipman reported it will be 32 units; 36 units are permitted.

Mr. Alford added it would be 10 units per acre.

Mr. Anderson explained that the Community Corridor states net residential densities range from 8 to 20 units per acre.

Mr. Prause added that the Neighborhood Center would be 5 to 20.

Attorney Shipman clarified that the plan is not at 10, but that would be the zone they are looking at.

Mr. Keith Ferry asserted that, when motorists are traveling south on Greenwood, they turn right onto St. Paul and then left into the north entrance of the DSS building. From the opposite direction, motorists will come up Woodbridge Street, turn left down Weaver, right on Lawton Road, cross Vernon Street, come up Hilltop, take a left on Plaza, turn right on St. Paul and turn into the north entrance. This is in an effort to avoid the lights and traffic. Regarding the garbage being picked up two or three times a week, he said that is usually the property management's responsibility and odds are it will be once a week.

Mr. Prause asked Attorney Shipman if the applicant would be amenable to a condition of approval stating that garbage pickup would be a minimum of two times a week, with which Attorney Shipman agreed.

Ms. Debby Shoag, 17 Hilltop Drive, has resided at the location since 1958. She reported that once the stores were built, drivers raced along Hilltop, rather than using East Middle Turnpike. Ms. Shoag stated that she understands the buildings will only be two stories, but the elevation of the land will make it nearly four stories.

Attorney Shipman asserted that he cannot understand why an encapsulated development, such as proposed, would be any worse than the prior stores at that location.

Ms. Jackie Perrault, 60 Arcellia Drive, suggested speed bumps to slow the traffic and questioned the process to have them installed.

Attorney Shipman reported that would be at the Town's discretion.

Mr. Anderson noted that the Town Traffic Engineer has reviewed the plan and did not have any comments related to the speed, increase in vehicles or speed bumps. If that is something that the neighborhood is interested in, there would have to be an agreement within the neighborhood and there would be a wider conversation between Engineering, the Department of Public Works and the neighborhood. Mr. Anderson stated that if the neighborhood so desires, it can be related to the DPW, though at this point speed bumps have not been considered.

Mr. Prause thanked the residents for attending the public hearing and explained the process going forward. He explained to the applicant that there are only four members of the Commission that have been at both hearings. Mr. Prause stated they will leave it to the applicant as to how they wish to proceed during new business. He reported that the applicant would need three of the four voting members to approve, or wait until the next meeting where there will be five members familiar with the record.

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

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Regulation amendment to Art. II, Sec. 15.04.02 regarding the adoption of revised Downtown Manchester Architectural Design Guidelines. – Zoning Regulation Amendment (2019-060)

Mr. Gary Anderson, Director of Planning, reported that there is a section of the regulations, Art. II, Sec. 15.04.02, that refers to architectural guidelines (currently the Main Street Architectural Design Guidelines), which were created in 1991. Each time there is an application for a façade change in the Central Business District, that is referred to the Chairman of the Planning & Zoning Commission and the Director of Planning and Economic Development to determine whether those changes conform to the guidelines. Mr. Anderson reported that the Commission felt it was well past time to update the guidelines and to ensure that the guidelines incorporate all of downtown, not just Main Street. The main purpose of the revision was to try to encourage investment downtown, but to do so in a way that reflects and respects the historic nature of the downtown.

Mr. Anderson related that there was a subcommittee made up of a couple of members of the Planning & Zoning Commission, Ms. Scorso and former member Andy Kidd, a couple of members of the Downtown Special Services District Board and Staff. The committee deliberated on the existing guidelines, walked the downtown, talked about the buildings and hired a consultant to help guide the committee through the guidelines. The only regulation change being proposed, according to Mr. Anderson, is the change of the date and title of the guidelines. Essentially, in approving the change, the Commission would be accepting the new guidelines as well.

Mr. Don Poland, with the firm of Goman & York, explained they have been working with the Town since November 2018. Mr. Poland explained the final draft, which removes the word “draft” and also includes the new higher resolution Town seal.

Mr. Poland recounted that they did a complete edit and performed a complete tightening up of the language within the document. He stated that he had noticed one error, which he pointed out. The study area applicable to the guidelines was updated, as recommended by Staff. Mr. Poland explained that the prior guidelines focused on the turn of the century period, though after research, they identified 12 active periods within the area. Going through the various aspects of the report, Mr. Poland detailed the report as a means of approaching restoration and preservation.

Mr. Prause sought clarification that Mr. Poland stated the only type of approved grate would be the open panel grate and not the diamond or corrugated grate.

Mr. Poland reminded the Commission that the guidelines are advisory, not a strict yes or no. This is a strong recommendation for the open panel grate, not the corrugated.

Mr. Kennedy pointed out that the proposed revised regulations reference the guidelines dated June 2019 and the report actually states May 2019.

Mr. Prause acknowledged that the document is for recommendations, not something that goes directly into the regulations. He asked who has the responsibility of deciding whether or not a proposal meets the guidelines in this process. There are carve-outs for the Director of Planning and the Chair of the Planning & Zoning Commission, but he asked how it would be handled if there was an appeal.

Mr. Anderson explained that had been tightened up recently, so if there is an appeal, it can go to the full Commission. Or if either the Chairman or the Planning Director does not feel it meets the guidelines, it can also go to the full Commission.

Mr. Prause reiterated that the Planning & Zoning Commission is the authority with jurisdiction on the guidelines because it is the Commission’s recommended practice, but it is not actually a zoning regulation. He asked if it is appealable to the Zoning Board of Appeals.

Mr. Anderson replied that it is a zoning regulation in that the zoning regulations require any façade changes within the downtown to abide by these guidelines. The interpretation of the guidelines is the flexible piece, but an appeal would go to the Zoning Board of Appeals after it went to the full Commission.

Mr. Kennedy recognized that the economics will not justify a court appeal on any of the cases, and with the flexibility, in effect the appeals would go through negotiations for resolution.

Mr. Anderson explained that the guidelines focus on respect for the major architectural pieces of the building; i.e., doors, general façade, trim, treatment of the roof, and provide a good deal of flexibility in terms of tenant space. There is an opportunity to modernize over time as long as the architectural integrity of the building is maintained. He noted that downtown has developed over time. The buildings were not built in one period of time. As such, according to Mr. Anderson, if a new building is built, it could be a modern building but would have to reflect some of the character of the downtown.

Mr. Poland added that the proposal is for architectural guidelines, not to be confused with architectural standards that would be required in a historic district.

There were no members of the public to speak.

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:

June 17, 2019 _____
Date

Eric Prause, Chairman

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