

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JULY 15, 2019**

**ROLL CALL:**

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

Alternates: Julian Stoppelman  
Teresa Ike  
Bonnie Potocki

Also Present: Gary Anderson, Director of Planning  
David Laiuppa, Environmental  
Planner/Wetlands Agent  
Katie Williford, Administrative Secretary

The Chairman opened the Public Hearing at 7:08 P.M. The Secretary read the legal notice for the application when the call was made.

PRANAY & MAYA SHAH – 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. – Zone Change (2019-078)

Attorney Stephen Penny, an attorney practicing in Manchester, presented the application on behalf of the applicants, Pranay “Peter” Shah and his wife, Maya. Approval of the application would change the property’s zoning from Residence A (RA) to Neighborhood Business (NB), he explained, and he described the parcel’s location, size, frontages, and surrounding properties. He noted that public water and sewer are available, as are other utilities. Both Broad Street at the site and Hilliard Street, as it moves northeasterly from the site, are classified as Collector Streets in the Town’s Plan of Conservation and Development (POCD), Attorney Penny stated. There are no wetlands or watercourses on the site. The principal use in this large Residence A zone is single-family homes with some multifamily complexes.

Attorney Penny stated that the site has been developed since 1945 with an approximately 1,400 sq. ft. commercial building and appurtenant paved parking that has served for some decades as a neighborhood convenience store, a legal nonconforming use. No exterior changes to the site are proposed. The applicants have operated the current convenience store with a grocery store beer permit for 24 years, as their predecessor also did before them. However, competition with the nearby CVS pharmacies has reduced their revenues to an unsustainable level, Attorney Penny said.

Attorney Penny discussed the regulations that apply to the NB zone, quoting its purpose as “a commercial district within or adjacent to residential neighborhoods. Its purpose is to provide stores and service establishments for the convenience shopping and service needs of persons residing in the neighborhood and incidentally to others peripheral to the neighborhood.” He read

from Article II, Section 24, which sets forth permitted uses in the zone, noting that those uses represent a broad range of retail uses determined, per the regulations, to be compatible within or adjacent to residential neighborhoods, including alcoholic liquor sales. He added that personal services, professional offices, restaurants, and some other uses are also included, and all of these uses are subject to Article II, Section 9, the General Requirements for Business Zones, which include safeguards such as noise abatement, residential zone screening, lighting, access, and parking. He went on to list the uses permitted by special exception in the NB zone.

There are no lot area or frontage dimensional requirements in the NB zone, but a 25 ft. front yard and 15 ft. side yards are required, Attorney Penny said.

Article IV, Section 8, regarding alcoholic liquors, does not raise any concerns for this application, as these regulations deal with separation distances from other liquor permits or from uses such as colleges, schools, places of worship, hospitals, or libraries, none of which exist within the protective distances from this site, Attorney Penny said.

The proposed package store permit use is treated in the regulations in the same fashion as the existing grocery store beer permit, Attorney Penny stated; they are the only liquor permits permitted as-of-right in the NB zone.

Attorney Penny stated that the POCD character map designates this area as Traditional Suburban, and read the definition from the POCD. He noted that the plan reports that its goal is to maintain and enhance these types of character where they currently exist and encourage them where they do not. While the POCD does not mandate the Commission's decision, Attorney Penny said, the Commission must properly consider the plan in its decision making. He stated that the proposal is compatible with and an integral part of the mixed-use Traditional Suburban character area. He reiterated that Broad Street and Hilliard Street are Collector Streets and are appropriate to accommodate the traffic associated with the proposed use. The store would be open for fewer hours than permitted by state law, Attorney Penny stated, and the hours of operation would be Monday through Thursday 8:00 A.M. to 8:00 P.M., Friday from 8:00 A.M. to 9:00 P.M., Saturday from 8:00 A.M. to 9:00 P.M., and Sunday from 10:00 A.M. to 2:00 P.M. The store is operated only by Mr. Shah and his wife, he said.

Attorney Penny concluded that the proposal is consistent with the POCD, the zoning regulations, and the decades long retail use of the site. He added that there are no comments from Town Staff.

In response to a question from Mr. Stebe, Attorney Penny repeated the hours of operation.

Mr. Stebe asked for clarification of the difference between the existing use and what is proposed. Attorney Penny explained that a package store permit is for all liquors, while a beer only permit goes with a grocery store. A store must have groceries to qualify for a beer only permit, but a package store cannot have groceries; it is strictly a place where alcoholic liquors are sold.

In response to a question from Mr. Stebe, Attorney Penny confirmed that the applicant intends to stop selling grocery items and change the business to a package store.

In response to a question from Ms. Scorso, Attorney Penny stated that no exterior changes are proposed; the only changes to the exterior would be those that the Zoning Enforcement Officer might ultimately determine are required, such as landscaping or striping parking spaces.

Mr. Stoppelman asked about the parking on the property. Mr. Shah replied that there is parking for 5 cars in the front and for 6 cars on the side of the building.

In response to a question from Mr. Stoppelman, Attorney Penny confirmed that the proposed zone change would make the use conforming; it currently only exists because it predates the zoning regulations.

Mr. Bergin asked whether deliveries and shipments will substantially change once the business becomes a package store. Mr. Shah explained that beer deliveries start after 8:00 A.M. and they don't deliver beer after 6:00 P.M., except in the case of big holidays. Deliveries are typically between 8:00 A.M. and 5:00 P.M. Mr. Bergin said his concern related more to delivery trucks at that intersection. Mr. Shah explained that the trucks park in his parking lot, not on the street.

Mr. Prause asked about the history of the nonconformity. Attorney Penny stated that the building has been there since 1945, and he guessed it has most likely been a convenience store for its entire existence.

Mr. Prause noted that another goal in the POCD is mixed-use and walkable neighborhoods. He asked if a package store would still help build a walkable neighborhood. Attorney Penny replied that the regulations set forth uses that have already been determined appropriate to serve residential neighborhoods, and one such use is a package store.

Mr. Prause noted he did not see other NB zones north of Middle Turnpike, except for Blue Duck Plaza on Green Road. Attorney Penny stated that, in all the years he has been practicing, this is the first NB zone application he has filed, so he expects there are not many in town.

Mr. Anderson stated there were no staff comments on this application.

Chairman Prause asked that any member of the public that wished to speak either in favor of or in opposition to this application come forward at this time.

Attorney Penny provided two letters in support of the application from Mr. Shah's neighbors, which he read into the record. The first was from Lorraine Walker, 5 Broad Street, stating that she had no issues or concerns with the proposed change of the Quick Mart to a package store. The second letter was from Sandra Gurski, 117 Loomis Street, stating that she fully supports Mr. Shah's proposal to change the store to a liquor store, and that she has known him for a long time and he is a very responsible and friendly business owner.

Mr. Anderson read into the record public comments that were received by the Planning Department. The first was an email from James Rivera, 130 Westerly Street, stating that he had concerns about possible loitering and panhandling, but he believed that could be controlled by the store owners. The email also discussed littering at the convenience store and said it would be advantageous to have a package store instead, to eliminate the littering and the children walking in the street to get to the convenience store. Mr. Anderson then read a letter submitted by Barry Pinney, 15 Ashland Street, which stated that he has known Mr. Shah since the store opened, that customers always have a good experience at the store, and that Mr. Shah and his family are an asset to Manchester.

Mr. Kennedy moved to close the public hearing on this application. Ms. Scorso seconded the

motion and all members voted in favor.

VANLOSE ENTERPRISES, LLC – Request a special exception per Art. II, Sec. 24.02.01(h) for construction of employee parking lots at 86 Oakland Street and 11 and 25 Edward Street, to be used in conjunction with the Mazda new car dealership located at 80 Oakland Street. – Special Exception (2019-051)

Attorney John LaBelle, 243 Main Street, Manchester, introduced himself; Mr. Steve Carter, owner of Vanlose Enterprises and Mazda of Manchester; and Mr. Eric Peterson, an engineer with Gardner & Peterson Associates. He described the subject properties, which include 86 Oakland Street to the east, which is vacant, as well as 11 and 25 Edward Street. Most people using the Mazda dealership approach from the north and south on Oakland Street, a heavily travelled community corridor, he said. There are a variety of commercial uses on the east side of Oakland Street, a condominium complex to the north, and a single-family home on Edward Street after it makes the 90 degree turn, Attorney LaBelle said.

Attorney LaBelle stated that the Commission approved a zone change from Residence A to General Business on January 7, 2019, and the applicant sought a special exception modification on February 20, 2019 to construct an addition and canopy at the northeast corner of the dealership property. Due to the associated loss of employee parking at the 80 Oakland Street property, the intent of the current application is to move that employee parking to the north side of Edward Street. Attorney LaBelle explained that there was a previous proposal to have some vehicle storage as well, but the current proposal is strictly parking for employees. He noted that Edward Street is narrow and has very light traffic, and the applicant owns all the properties along the east to west portion of Edward Street.

Mr. Carter stated that the employee parking is needed because of the expansion to the dealership. He reiterated that the extra car storage parking has been eliminated from this plan. The intent has always been to invest heavily in landscaping to create a parklike feeling and obscure the cars in the lot, Mr. Carter said. The dealership currently has 28 full-time employees and 5 or 6 part-time employees, and 2 or 3 employees are expected to be added at the end of the dealership expansion. The maximum number of spaces needed would probably be 36, which is what is proposed in the current plan, Mr. Carter said.

Attorney LaBelle noted that the dealership expansion is part of an upgrade that Mazda is requiring of all its new car dealers.

Mr. Eric Peterson, a professional engineer with Gardner & Peterson Associates in Tolland, discussed the details of the site plan. The parking lots are proposed in the middle of the three parcels and will have roughly 36 spaces. Another lot was initially proposed to the north, but that has been eliminated. The number of curb cuts on Edward Street will be reduced from three to one, to access the future parking.

Green space and landscaping are proposed along the perimeter of the parking and the perimeter of the property, Mr. Peterson said. Arborvitaes are proposed on the perimeter of the northerly boundary, along the westerly side of the parking areas, and along the northerly boundary of 86 Oakland Street to screen residents to the north. Red maples are proposed in the green areas to provide shade and some flowering pear trees are proposed within the perimeter of the parking areas. There will be some decorative shrubbery between the parking areas, on either side, and along Edward Street. Perennial daylilies will be planted at the corner where Edward Street turns

and at the curb cuts.

Mr. Peterson stated that the parking lots will be illuminated with very low level 5' tall lights and no light will spill beyond the property boundaries.

Mr. Peterson described the drainage system. The parking lots will be graded so the drainage heads toward the middle of the two lots. Catch basins will be installed to collect stormwater, which will discharge to a stormwater treatment device just west of the parking area and then into an underground stormwater storage unit, until it percolates back into the ground. Soils on the site were evaluated and found to be loose sand and gravel, so there will be no problem accepting the water from the parking lots and there will be no runoff from these lots onto Edward Street or downstream properties, Mr. Peterson said.

Attorney LaBelle stated that combining these parcels into a single use makes sense from both a zoning and an economic standpoint. He noted that no parking is proposed on 86 Oakland Street; it is included because of the arborvitaes being planted. There will be no increase in traffic, he stated, and there will be no adverse effect on properties values; the plan is for a parklike setting with extensive landscaping. The parking area will be accessible for fire and police services. Stormwater will be fully contained on the site. Attorney LaBelle stated that the proposal is compatible with the Town POCD.

Mr. Stebe asked for confirmation that the stormwater from the parking area will go back into the ground, not into the stormwater systems in the neighboring streets. Mr. Peterson said that is correct. Mr. Stebe mentioned that, in previous hearings, there was discussion of water flow and neighboring houses being affected by the addition of a large amount of pavement.

Mr. Stebe asked Mr. Carter to confirm that snow from the main dealership property will stay on that property. Mr. Carter replied that snow will not be moved back and forth; in particularly bad years of snowfall, snow is trucked out.

In response to a question from Ms. Potocki, Mr. Carter stated that the number of employees on site varies but is typically 24 or 25, including part-time employees. The dealership opens at 7:00 A.M. with one or two people and is open until 7:30 P.M. Monday through Thursday, 6:00 P.M. on Friday, and 5:00 P.M. on Saturday. The building is being expanded on the northern side, eliminating the customer parking on that side, 15 to 16 spaces.

Ms. Potocki asked where additional inventory will be stored now that the proposal has changed to only employee parking. Mr. Carter responded that it will stay on the main dealership property.

Ms. Potocki referred to prior input from residents about deliveries and asked whether delivery trucks will be staged on Edward Street and possibly use the employee parking. Mr. Carter replied that deliveries will remain as they are currently; cars are dropped off on Oakland Street in front of the dealership and driven in through the main entrance. Some parts deliveries go down Edward Street and into the dealership; that will not change.

Ms. Potocki asked whether permeable pavement had been considered. Mr. Peterson said that is often considered, but it is costly and sometimes difficult to get on small scales. Given the deep layer of sand and gravel, the chambers can be installed just as easily to achieve the same results, Mr. Peterson stated. Ms. Potocki said her concern was maintenance and asked what the

maintenance schedule would be. Mr. Peterson said there is a port that can be opened and, if water is ponding inside, there is an issue that would have to be addressed. He added that he did not expect that, given the soils. Ms. Potocki asked about application of salt and sand in winter that could clog the ports. Mr. Peterson replied that sand is something of the past and the treatment device located upstream of the storage and downstream of the catch basins is the hydrodynamic separator style that separates sediments and oils from the stormwater.

Ms. Potocki asked if there is a lighting plan. Mr. Anderson said he did not believe there is a photometric plan. Mr. Peterson added that he has it at his office. He noted that the lights are actually 4 ft. tall and they shine down on the ground.

Mr. Prause asked if alternatives to arborvitae had been considered, due to the possibility of deer eating them. Mr. Peterson responded that they were looking for something fast growing and he still recommends arborvitae.

Mr. Prause asked if the applicant had considered a zone change to Off Street Parking zone. Attorney LaBelle stated that, at the first preliminary review of the proposal, it was determined that it would be better to change the zoning to General Business. At this point, the construction of the addition needs to commence and the dealership needs the parking; going back to square one probably does not make sense, he said. Mr. Prause said a benefit of the Off Street Parking zone is that it is intended as a buffer between a business and residential properties, and it prescribes some specifics of what should be included, such as evergreen trees at least 5 ft. tall with no gaps between them. Attorney LaBelle responded that that has been accomplished with the arborvitae and the Commission can approve the proposal with conditions. Mr. Prause said he likes section 17.01.05 in the Off Street Parking zone regulations, which reads, "There shall be a landscaped buffer strip consisting of a solid screen of evergreens at least four feet in height at the time of occupancy, or a solid fence at least five feet in height along each boundary line which abuts or faces a residential zone." Mr. Prause suggested a note on the plans that specifies there will be a solid screen of evergreens.

Mr. Prause asked about a gap in the tree line and Mr. Peterson replied that it is the location of the stormwater treatment unit. There are plantings along Edward Street that will hide that area, he said.

Mr. Prause asked if signage is proposed and Mr. Peterson said it is not.

Mr. Prause asked if the applicant would be amenable to a condition requiring a solid screen of evergreens. Mr. Peterson said they would.

Mr. Anderson said there were some staff comments from the Zoning Enforcement Officer and the Engineering Division, but there was nothing that would prevent an approval, and modifications could be made on the final plans.

Regarding the type of treatment for vehicle parking, Mr. Anderson stated that only bituminous asphalt parking is allowed.

Chairman Prause asked that any member of the public that wished to speak either in favor of or in opposition to this application come forward at this time.

Mr. Wesley Shaver, 92 Oakland Street Unit D, said he saw similar plans at the Zoning Board of

Appeals meeting and this is an improvement over those. He said he appreciated the improvement, but he was shocked that the properties were even changed from residential. He urged the Commission to change the zoning back to residential. Mr. Shaver said he liked the Chairman's suggestion of requiring a solid screen of foliage. Otherwise, he did not understand how maintaining the foliage is enforceable. He said he did not wish to have parking 40 ft. from his bedroom window and there are already issues with car alarms going off in the middle of the night. Mr. Shaver asked if the row of parking to the east is even necessary, as he would like the proposal to be minimized. If a car dealership needs spaces, they will take them, he said, and promises that it is only employee parking are unenforceable.

Mr. Anderson read into the record a letter received from Ms. Laura Edwards, 99 Tanner Street, discussing her concerns about the environmental impacts of the plan. Regarding two mature trees to be removed, Ms. Edwards noted that using the existing curb cut would leave one of the trees intact, but if it needs to be removed, sizeable and similar maple trees should be planted on 86 Oakland Street bordering Edward Street. The other tree should be kept and a picnic table for employees could be put under it, instead of the two or three parking spaces proposed there, Ms. Edwards suggested. The letter went on to discuss other trees that are not identified on the submitted plans, stating that every effort should be made to keep trees with larger diameters. Ms. Edwards' second concern was the covering of more than 22,000 sq. ft. with impervious paving, and she suggested the applicant consider the use of pervious material.

Mr. Prause stated that, without a Certificate of Location Approval from the Zoning Board of Appeals, inventory cannot be parked in these spaces. It would be a zoning violation if they parked inventory there and it could be reported to the Zoning Enforcement Officer.

Ms. Potocki asked if Mr. Ken Longo, the Tree Warden, inspected the trees on this property. Mr. Anderson said he did not believe so, as the Tree Warden is responsible only for trees in the right of way and the proposal would not impact trees near enough to the right of way for him to look at.

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

The Chairman closed the Public Hearing portion of the meeting at 8:24 P.M.

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