

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 7, 2019**

ROLL CALL:

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

Alternate Members: Julian Stoppelman
Charles Sabia

Absent: Teresa Ike

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 7:00 P.M. The Secretary read the legal notice when the call was made.

VANLOSE ENTERPRISES, LLC– Request a zone change from Residence A to General Business zone at 86 Oakland Street and 11 and 25 Edward Street. – Zone Change (2018-128)

Mr. Steve Carter, President of Mazda of Manchester, introduced himself. Mr. Carter explained that the Mazda brand has grown and improved, and Mazda is improving dealerships across the country. The improvement program requires an investment and expansion of the dealership. The expansion, he explained, will eliminate 12 to 13 parking spaces. Mr. Carter reported that he has acquired the subject land over the last 15 years, and plans to utilize it for employee parking primarily. Additionally, he noted, the State of Connecticut improved Oakland Street, which took property from the dealership, eliminating 15 to 16 parking spaces.

Mr. Carter displayed and explained the building plans, noting the expansion will be 1,400 sq. ft. The properties on Edward Street and their plan were shown and described. Mr. Carter also described the landscaping of the area to minimize sight lines. He noted the project will be a good investment in Mazda and the Town of Manchester.

Attorney John LaBelle, 243 Main Street, Manchester, introduced himself. He referred to the projected plans and described the expansion in detail. Plans were filed with the Commission recently for the project, as any modifications to the existing plans at 80 Oakland Street must come before the Commission for approval. Attorney LaBelle noted the location has been established as appropriate for an automobile dealership, but when the exterior of the buildings are changed, the owner must receive approval.

Mr. Carter explained the need for the expansion, and Attorney LaBelle sought to describe why the plan is an appropriate use of the three parcels. He displayed the survey of the three properties along with detailed zoning requirements. Attorney LaBelle read into the record the regulation pertaining to non-conforming use, Art. IV, Sec. 7.00.02, and described how the properties are affected, noting additional language in the zoning regulations states that, even though lots may be non-conforming, single family homes can be built.

Attorney LaBelle explained that the proposal would eliminate the non-conformities at 86 Oakland Street and 11 Edward Street, which would be an asset to the neighborhood. He understood that the plan will go before the Planning and Zoning Commission if the zone change is granted, because it will be an automotive use, as well as employee parking and an area where overflow vehicles could be temporarily stored. Mr. Carter is seeking to not impact the neighborhood and to do so in an attractive manner. The parking would allow the dealership to remain economically viable, he noted, on a street with high traffic volume near the area where many dealerships have built.

Attorney LaBelle referred to a memo from Staff indicating the location is in what is known as a community corridor. He described the various uses on Oakland Street and stated that it is an appropriate area for a zone change. The Plan of Development, according to Attorney LaBelle, contemplates vacant, underutilized parcels to develop.

Mr. Stebe referred to the preliminary review, and reiterated his comments from that meeting. He noted there are many other uses in that area, and therefore, he is concerned about a zone change on three small parcels. He explained he is in favor of Mazda continuing to thrive in an area with older, historic homes, and suggested looking at the entire stretch of Oakland Street and North Main Street. Mr. Stebe reported that SMARTR2 made a recommendation to the Board of Directors within the last week or two that highlighted that the Town needs to determine how to utilize the buildings that will be opened up as a result of the old schools' renovations. He reiterated that Robertson School is one of the buildings to be closed.

Mr. Stebe stated that, taking the above into consideration, he is hesitant to take one existing house on a nice lot which faces a recreation area. In his opinion, the Town should review the entire Union Village/North End area, while allowing the dealership to thrive. Mr. Stebe reported that he is not convinced, based on the Plan of Conservation and Development and the criteria for a zone change, that this will meet the criteria, and he would prefer maintaining the residential neighborhood.

Attorney LaBelle pointed out that, while 25 Edward Street faces the west toward the park and Robertson School, there is a line of houses on the westerly side of Edward Street and behind that, there are residences on Union Court. In his opinion, the plan would be an attractive improvement.

Mr. Prause questioned the location of the building expansion.

Mr. Carter displayed the location of the existing building, the current employee parking and the plan for the new addition.

Mr. Prause noted there were no lines depicted on the new vehicle storage lot. Mr. Carter explained that the first two lots are where they envision the employees will park. He stated the lot without the lines is necessary, because at this time of year when sales are slow, the inventory is higher and an overflow lot would be helpful in terms of snow removal. Mr. Carter stated he does not intend to park inventory there.

Mr. Prause questioned the lighting in the planned areas. Mr. Carter reported there would be three or four 4 ft. high bollard-style lights. He noted there is ambient light in the area.

Mr. Prause assumed signage would be necessary to notify visitors that this is not a public lot. Mr. Carter stated he had not thought about signage, though it would be as minimal as possible.

Mr. Prause indicated that a different zone change could have been sought, to the Off-Street Parking zone. He questioned whether that option had been contemplated. Mr. Carter stated there had been extensive talks with the Town about how this should be approached. Ultimately, the feeling was that General Business was the way to go with the least complications.

Attorney LaBelle reported there was a discussion with Staff about the possibility of off-street parking. Apparently, the Zoning Enforcement Officer stated that off-street parking is only available for parcels that abut the primary use parcel. If there is a street separating the parcels, off-street parking is not permissible under the current regulations, Attorney LaBelle stated. Another problem with off-street parking, he noted, is that it does not allow for temporary vehicle storage, though it would permit employee parking. Attorney LaBelle reported that Staff wants to be careful about making a change to the zoning regulation for the off-street parking zone because it would be applicable to other areas in town. He referred to the comment involving signage and noted that Mr. Carter's prior dealership had very small signs.

Mr. Anderson shared the recollection of the applicant's representative. The two outstanding items, if seeking a zone change to the Off-Street Parking zone, were:

1. The definition of "adjacent." Staff would need to review that, get an opinion on it, and consider asking the Commission to change the language.
2. Stacking of the cars and off-street parking regulation requires the spaces to be striped. A business-associated parking lot is different and treated differently. The existing car dealerships in town are General Business and stacking the parking is allowed.

Mr. Prause stated that, in his opinion, changing the property to an Off-Street Parking zone tries to meet the intent. That type of zone acts as a buffer between the business and residential. He noted a benefit of the Off-Street Parking zone is that it defines the lighting that can be used, defines the size of the signs, and deals with buffering screen requirements. It also prohibits any structure from being built on the property in the future, he explained, whereas a change to General Business opens the possibility that a structure could be built and may be less compatible with abutting residential properties, he explained. Mr. Prause reported he did not see anything stating the lot must be striped.

Mr. Anderson explained that, based on discussions with the Zoning Enforcement Officer, all parking lots are required to have striping, but in an existing car-related business, that is seen as part of the operation in auto sales dealerships.

Mr. Prause reported that he read a part in the regulations stating it cannot be used for storage of any material of any kind, which could be counted as cars. Mr. Anderson stated it is a fine line, acknowledging that those items were brought up, though there was no resolution. The Planning Department's job is to let the applicant know what challenges will come with each option.

Mr. Prause explained that he was attracted to the Off-Street Parking zone because of the defined requirements for lighting, screening and signage. He deliberated whether that could be done in the approval. Mr. Anderson stated that it could be done, because it is a special exception and the Commission could require whatever modifications or conditions are needed in a future hearing.

Mr. Stoppelman questioned whether there would be any restriction due to the size and frontage of other businesses in the parking lot. Mr. Anderson reiterated that there are the zoning requirements, and as the smaller lots are non-conforming, a structure could not be placed there. On the larger lot, he explained, there would be practical limitations. In the General Business zone, there are requirements regarding the size of the building, parking, and certain setbacks. Therefore, he assumed a significant structure could not be put there.

Mr. Stoppelman stated he is referring to the lot being used for other purposes. He presumed it would be possible but impractical. Mr. Anderson stated that is his general sense, but without a specific development plan, it would be hard to judge. He referred to the lot on Edward Street without frontage on Oakland Street, which would make it less attractive.

Mr. Stebe noted that, on the plan, the applicant refers to merging all three lots, which changes the equation. The two non-conforming lots merged into one larger lot would have frontage on Oakland Street, which would also allow an egress onto Edward Street, theoretically. He speculated about the next owners of the property.

Mr. Anderson, noting he did not have a development plan in front of him, assumed that is a true statement. One caveat is that the hypothetical business could not be fronted on Oakland Street; it would have to be oriented a different way, he stated.

Ms. Ann Priskwaldo, 38 Edward Street, introduced herself and delivered copies of a petition. Ms. Priskwaldo read from the petition:

“The proposal to turn 25 Edward Street from a residential property to a commercial property, demolishing the home, is unacceptable to the people in the community on this petition. After speaking to people in the neighborhood, we are all strongly against turning this parcel into a commercial zone and demolishing the existing house, which is a Victorian and is able to be sold as a home to keep this area residential. I have been stopped numerous times and asked if the property is for sale by interested people wishing to purchase it. The owner should be able to use his other two parcels at 11 Edward and 86 Oakland to build his parking lot for employees and overspill parking without using 25 Edward Street. This would keep the dignity of the residential area and still allow him to park vehicles. Under no circumstances do we want this house torn down or the lot changed to a commercial zone. If the Committee chooses to ignore the concerns of all the neighborhood, there are stipulations to the proposal which are as follows:”

Ms. Priskwaldo stated that the proposed October Glory maple trees, or any trees, are out of the question as there have been many trees that have fallen onto power lines. She suggested other attractive shrubs, bushes and fencing options that will not grow to 50 ft. tall, endangering the area. Ms. Priskwaldo stated she is also concerned about the sewer drainage in the area as the sewer on Edward Street is already strained, needing maintenance and cleaning several times a year. Adding three parking lots to this system would cause flooding for all residents on the street. She further stated the residents ask that a solid, high fence be required on the lot to prevent the eyesore of parked cars and bright lights that do not fit in with their small residential neighborhood. Any lighting installed should be low lighting facing away from the residential homes. Ms. Priskwaldo also noted the poor upkeep of the property, with the landscaping and maintenance being ignored on areas that cannot be seen from Oakland Street.

Ms. Priskwaldo stated that the residents are submitting this petition showing the neighborhood support for keeping the area residential and not demolishing the house at 25 Edward Street. It is signed by well over 80% of the neighborhood. There would have been more signatures had this meeting not been scheduled over a holiday. She asserted that it would be a shame to demolish a beautiful 1890s Victorian home to put in a parking lot. Before making a decision on this matter, Ms. Priskwaldo suggested, the Commission should know that the property owner is likely planning on selling it and moving.

Mr. Alan Dowd, 105D Bluefield Drive, Manchester, introduced himself. Mr. Dowd stated he was concerned about the lighting in regard to the residents of Edward Street and was fairly certain those people would not be happy about the plan as proposed. The stipulations presented by Ms. Priskwaldo, according to Mr. Dowd, seem very sensible. More importantly, the Commission must consider property values and the future implementation.

Mr. Alex Rokycky, 134 North School Street, introduced himself. Mr. Rokycky stated he uses Edward Street frequently to reach Oakland Street. He noted that cars are parked on Edward Street and a fire truck could not get through. There are cars parked on both sides of the street at times, he reported, and there are bushes that are never trimmed and are hanging into the road.

Mr. Ron DeCiccio, 127-129 Bissell Street, introduced himself. Mr. DeCiccio stated he is in opposition to the proposal as he is not in favor of tearing down a house for commercial use. He stated that his property is very close to commercial properties and he has many complaints about a business close to his home. He noted that homes have been torn down and the properties are not being maintained. In his opinion, this would not be a good scenario.

Mr. Mike Peretto, 788 Lydall Street, introduced himself. Mr. Peretto commented on the process. He stated he was a principle in opposition of Jetmore Construction in 2007, a plan to put 18 condos on a 3-acre lot in the northeast corner of Manchester. In his opinion, it is reprehensible that an adjoining landowner got notice a week before a hearing. He is a principle at one of the largest landowners in Coventry, and if there is a request for a zoning change abutting the property, they receive a 90-day notice in writing before the Zoning Committee meets. He stated that Glastonbury is similar to Coventry. Mr. Peretto declared that getting a notice a week before about a proposal on abutting property, especially during a holiday season, is unfair.

Mr. Peretto asserted that he is in opposition to this plan on general principles. He pointed to the plan displayed and described the neighborhood, which has existed for over 100 years. Mr. Peretto stated he has four close personal friends living on Edward Street who like the area because it is quiet with good access. If the over 100-year-old house is torn down, the character is being stripped from the neighborhood, in his estimation. He noted that Attorney LaBelle stated the house is in disrepair; Mr. Carter bought the house over five years ago when it was in good repair. The proposal is to change a small neighborhood because of a commercial interest.

Mr. Pete Priskwaldo, 38 Edward Street, introduced himself. Mr. Priskwaldo stated that the neighborhood does not want to see the house torn down for a vehicle storage lot. While acknowledging there is industry in the area, he said a baseball field, Robertson Park, Jay Howroyd Park, and Union Pond are also close to their homes.

Mr. Bordeaux distributed a letter that had been provided to the Commission via e-mail earlier in the day. To summarize, he said, the letter is from Curtis Cunningham, 83 Bryan Drive. Mr. Cunningham expressed his concerns that the zoning designation change could unintentionally impact other properties in town and could establish a precedent of allowing this to become an acceptable option for vulnerable properties bordering commercial districts, according to Mr. Bordeaux.

Mr. Prause acknowledged that the regulations require a sign be put on the lot 10 days in advance of the public hearing. He questioned if the 10 day requirement was adhered to. Mr. Bordeaux reported that he and Mr. Laiuppa posted a sign on Oakland Street and one on Edward Street.

Mr. Prause questioned if the abutters received an additional notice. Written letters were provided to all the abutters, according to Mr. Bordeaux, the day before the signs were posted. Mr. Prause asked when that was done. Mr. Bordeaux stated he would have to check the file, but that would have been approximately two weeks, prior to the holiday.

Mr. Anderson added that the notice is published in the newspaper and social media has been added, which makes four ways of notification.

Mr. Prause stated there was a review of similar towns and it was found signs were posted 10-15 days prior to the meeting. Mr. Anderson stated there is a statutory requirement of when they must be posted in newspapers, and the signs are posted after that has been submitted.

Mr. Prause referred to the issue of flooding and the efficiency of the storm drains and questioned whether the issue was addressed. Mr. Bordeaux explained he had only recently heard the complaint from Mr. and Ms. Priskwaldo. He noted he had referred them to the Engineering Division. Parking lot development would be required to handle all storm water onsite, he reported.

Mr. Prause encouraged Mr. and Ms. Priskwaldo that if they are not receiving an answer from the Engineering Department, they should feel free to approach Staff or the Commission members.

Mr. Priskwaldo stated they have had problems with the way the road pitches on Edward Street. The Engineering Department did look at and noted it pitches down from in front of 25 Edward Street. After the street was resurfaced, he explained, the street was brought to the level of his

driveway and whenever it rained, the water flowed into his backyard. Mr. Priskwaldo reported the Town matched the lip of the driveway to prevent water flowing into the driveway. He elaborated on the gasoline spill inside Carter, which caused the smell of gasoline in the house.

MOTION: Mr. Kennedy moved to close the public hearing on this application.

Mr. Stebe speculated that if there is a serious question, which originated from the Chair, to look for more information regarding off-street parking and to receive a clarification on “abutting” and on storage of equipment (cars), that would be involved in the decision. In his opinion, the Commission needs more information before making a decision. If the public hearing is closed, information cannot be added during the business meeting.

Mr. Kennedy stated that the applicant’s attorney and the Town Planner explained the issue with off-street parking, and this is not actually an application to change the zoning to Off-Street Parking. He said he thought the Commission had enough information to make a decision, so unless there is something else, he recommended that the hearing should not be left open.

Mr. Prause referred to a comment inquiring why the two eastern-most lots could not be used as parking and why the west-most lot with the existing house could not be modified and left as is. He asked whether the applicant had looked at that option.

Mr. Eric Peterson, Professional Engineer with Gardner and Peterson Associates of Tolland, introduced himself. Mr. Peterson explained they prepared the plans for the applicant. He stated there had been discussion about moving the parking lots around. Unfortunately, 86 Oakland Street is narrow from south to north and it would be difficult to get more parking on that parcel than what is shown without another curb cut, which would be very close to the intersection of Oakland Street and Edward Street. The 11 Edward Street lot is not wide enough to house two rows of parking and a drive aisle that meets the Town’s parking standards by itself.

Mr. Prause referred to Mr. Kennedy’s comment about off-street parking and agreed that if the applicant is not seeking a zone change to Off-Street Parking zone, the public hearing should not be held open.

Mr. Bergin seconded Mr. Kennedy’s motion and all members voted in favor.

I certify these minutes were adopted on the following date:

January 23, 2019
Date

Eric Prause, Chairman

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