AGENDA

PUBLIC HEARING:

1. **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)

NEW BUSINESS:

1. **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)

2. **MICHAEL BUGNACKI** – For construction of a house and driveway, trenching for utilities, clearing of trees, and grading at 24 Trevor Court.
   - Inland Wetlands Permit – Determination of Significance (2018-132)
   - Inland Wetlands Permit (2018-132)

3. **TOWN OF MANCHESTER PUBLIC WORKS DEPARTMENT** – Replacement of 30" culvert and installation of debris structure at Burnham Street Extension.
   - Inland Wetlands Permit – Determination of Significance (2018-130)
   - Inland Wetlands Permit (2018-130)

4. **HIGHLAND MEETING ROOM, INC.** – To relocate the existing parking, create a one-way internal traffic flow, and expand a portion of the existing building at 127 and 133 Highland Street.
   - Erosion and Sedimentation Control Plan (2018-121) – Request for 65-day Extension
   - Special Exception Modification (2018-122) – Request for 65-day Extension

5. **APPOINTMENTS TO CAPITOL REGIONAL PLANNING COMMISSION**

6. **ADMINISTRATIVE REPORTS**
   - Development Impact Report

7. **APPROVAL OF MINUTES**
   - November 19, 2018 – Business Meeting
   - December 10, 2018 – Public Hearing/Business Meeting

8. **RECEIPT OF NEW APPLICATIONS**
TOWN OF MANCHESTER
PLANNING AND ZONING COMMISSION

January 7, 2019
Immediately following the regularly scheduled meeting

Lincoln Center Hearing Room
494 Main Street

WORKSHOP AGENDA

1. Comprehensive Urban Development (CUD) Zone
TOWN OF MANCHESTER
LEGAL NOTICE

The Planning and Zoning Commission will hold a public hearing on January 7, 2019, at 7:00 P.M. in the Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut to hear and consider the following petition:

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

At this hearing interested persons may be heard and written communications received. A copy of the proposed zoning district change may be reviewed in the Town Clerk’s office, 41 Center Street, during regular business hours, 8:30 a.m. – 5:00 p.m., Monday through Friday, or in the Planning Department, 494 Main Street, during regular business hours, 8:30 – 4:30, Monday through Friday.

Planning and Zoning Commission
Eric Prause, Chair
TO: Planning and Zoning Commission

FROM: Matthew R. Bordeaux, Senior Planner

DATE: January 3, 2019


Introduction

The applicant is requesting a zone change from Residence A to General Business zone at 86 Oakland Street and 11 and 25 Edward Street. The three (3) subject parcels would be utilized for additional off-street parking for the Mazda of Manchester auto dealership (a Preliminary Site Plan depicting conceptual parking layout is attached). The 3 parcels are located across Edward Street to the north of the Mazda dealership, west of Oakland Street. A 13-unit Planned Residence Development is located to the north of the subject parcels on Oakland Street and there are single and multi-family houses on Edward Street to the northwest.

The three (3) parcels are owned by Vanlose Enterprises, LLC, the owner of the Mazda dealership at 80 Oakland Street, and are a combined area of 0.66 acres (29,099 square feet). An old single-family house still remains on 25 Edward Street. The property is currently a maintained grassed lawn with a few mature trees scattered about. Dense vegetation lines the property’s perimeter and acts as a visual screen to the adjacent residentially zoned properties.

Relationship to Surrounding Zoning

The area includes a mix of General Business and residentially zoned districts (a map of area zoning is attached). The auto dealership is designated General Business, as are the nearby Dunkin Donuts and Sam’s Food Store on Oakland Street, and former CCC Feeds Co-op at 35 Apel Place, located to the southeast. An Industrially zoned parcel is located directly across the street from 86 Oakland Street and the remainder of the area is zoned Residence A.

The applicant has provided a Land Use Map (attached) with the names of businesses in the area. This is not a zoning map, but rather a depiction of the different uses of area properties.

Relationship to the Town Plan of Conservation and Development

In making a decision to change the zoning map boundary, the Commission must take into consideration the Plan of Conservation and Development (POCD) in accordance with Connecticut General Statutes Section 8-3(b). The Commission may review Section VI of the POCD on “Community Character”.

The Town’s Manchester 2020 Plan Proposed Character Map (attached) shows 86 Oakland Street in the “Community Corridor” character area and the two Edward Street parcels characterized as “Traditional Suburban”. The subject property is circled in red on the attached Proposed Character Map. The property is surrounded by different character areas, similar to the various zoning districts. A “Business Park/Industrial” character area is located across Oakland Street and a “Mixed Use Center” area characterizes the area locally known as “Depot Square.”

The POCD describes the “Community Corridor” character area as “Primarily residential corridor that provides a connection between neighborhoods, carries moderate traffic levels and may include low-intensity commercial uses at key intersections. Buildings are typically two or three stories. Businesses typically serve surrounding neighborhoods. Net residential densities range from 8 to 20 units per acre.”

The auto dealership is located in the “Mixed Use Center” character area and is described as follows: “Consists of a tight network of streets with wide sidewalks, tree plantings and a street wall created by building frontages. These areas are centers of activity, serving as a transit hub and containing residential, commercial and office uses. Parking is typically on street or behind primary buildings. Additional uses include parks, libraries, schools, and other institutional uses. Net residential densities range from 10 to over 20 units per acre.”

Staff Review

Town staff reviewed the plans and documents submitted with the application and have no outstanding comments or concerns with the proposal.
DISCLAIMER: This map is compiled from other maps, deeds, dimensions and other sources of information. Not to be construed as accurate surveys and subject to final changes as a more accurate survey may disclose. NOTES: Original planimetric and topographic data were compiled by stereophotogrammetric methods from photography dated April 1999 in accordance with ASPR accuracy standards for 1 inch = 40 ft large scale Class I mapping. The updating of the GIS data is performed by the GIS/Maps & Records Unit on a continual basis utilizing the best and most appropriated sources available.
TO: Planning and Zoning Commission / Inland Wetlands Agency

FROM: David Laiuppa, Environmental Planner / Wetland Agent

DATE: December 28, 2018

RE: Michael Bugnacki – 24 Trevor Court
Inland Wetlands Permit and Determination of Significance (2018-132)

Introduction

The applicant, Michael Bugnacki, is proposing the construction of a new single-family house on an existing, undeveloped lot. The subject parcel is located at 24 Trevor Court and has frontage and access on the south side of Trevor Court as well as frontage on the north side of Castle Hill Road, as shown on the attached location map. According to the Town’s Tax Assessor’s records, 24 Trevor Court is 2.78 acres.

The parcel contains wetlands throughout the northern and southern portions as well as a Town of Manchester Conservation Easement surrounding the property. An unnamed stream flows roughly east to west in the northern portion of the site. There is an existing bridge across the stream that will serve as access to the site.

Project Description

The proposed activities, which include tree cutting, driveway construction, utility trenching, house construction, and grading are almost entirely within the regulated upland review area. Additionally, the installation of a gas line will occur within the wetland area. All other utility connections within the wetlands have previously been installed.

The installation of the gas line will require 250 square feet of trenching across the unnamed brook and associated wetland borders of the brook. The proposed work within the upland review area will disturb 0.6 acres.

Background information

24 Trevor Court is a building lot in a previously approved subdivision. The Inland Wetlands Permit for the subdivision, originally referenced as Rieg Highlands, now referred to as Highland Oaks, was last approved in May 2012 and has since expired. Wetlands were delineated by John P. Ianni in October 1988, revised in July 1989, May 2000, and finally in November 2001. The previously approved application was regulated under the 50 foot upland review area limitations. The plan sheets for this application correctly depict the current 100 foot upland review area buffer. The border of the Town Conservation Easement is also depicted on the plan sheets.
**Inland Wetlands Permit**

The proposed activity will occur in the regulated watercourse, wetlands, and upland review areas located on the site. The proposed impacts to the watercourse and associated wetlands are temporary and involve utility trenching. Much of the activity within the upland review area will be permanent impacts associated with the physical structure of the house and driveway.

Proposed activities will include gas line trenching, which will impact 250 square feet of an unnamed brook and associated wetlands, additional utility trenching, tree cutting, driveway construction, house construction, and grading, which will impact 0.6 acres within the upland review area. As shown on the plans, erosion and sedimentation controls will be installed and utilized during the construction process.

**Determination of Significance**

The Inland Wetlands Agency is required to make a determination of the significance of the impact of the proposed activities on the wetlands, watercourses, and/or water bodies. In making its determination, the Commission should be guided by the definition of "Significant Impact Activity" as found in the Inland Wetlands and Watercourses Regulations, which means any activity, including, but not limited to, the following activities which may have a major effect or significant impact:

a. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed; or

b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or

c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or perform other functions; or

d. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or

e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse; or

f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse; or

g. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

If the Agency finds the proposed activity will have a significant impact on the wetlands, a public hearing is required. Should the Agency find this activity will not create a significant impact, then no public hearing is required.
**Staff Review**

Town staff is reviewing the plans and documents submitted with the application. A report on the status of staff comments will be provided at the January 7 Planning and Zoning Commission meeting.

DWL
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Attachments
DISCLAIMER: This map is compiled from other maps, deeds, dimensions and other sources of information. Not to be construed as accurate surveys and subject to final changes as a more accurate survey may disclose. NOTES: Original planimetric and topographic data were compiled by stereophotogrammetric methods from photography dated April 1999 in accordance with ASPR accuracy standards for 1 inch = 40 feet large scale Class I mapping. The updating of the GIS data is performed by the GIS/Maps & Records Unit on a continual basis utilizing the best and most appropriated sources available.

Date: 12/27/2018
Author:
TOWN OF MANCHESTER
PLANNING DEPARTMENT

TO: Planning and Zoning Commission / Inland Wetlands Agency
FROM: David Laiuppa, Environmental Planner / Wetland Agent
DATE: January 3, 2019
RE: Town of Manchester Public Works Department – Burnham Street Extension
     Inland Wetlands Permit and Determination of Significance (2018-130)

Introduction

The applicant, the Town of Manchester Public Works Department, is proposing to replace an existing culvert crossing, which includes a 30” HDPE pipe and a temporary 18” culvert connection pipe, with a new 30” culvert crossing underneath Burnham Street Extension. The project location is situated just west of 63 Burnham Street Extension and connects the parcels 275 Chapel Road (to the south) to 15 Burnham Street Extension (to the north) under Burnham Street Extension.

Submitted plan sheets indicate that the entire project area is located within the 100 foot upland review area and that the proposed culvert replacement project connects two mapped surface water features. The existing, and proposed replacement, culvert serves as the discharge point for the large waterbody south of Burnham Street Extension to flow, in a northerly direction, under the road into an unnamed perennial stream. The purpose of the culvert is to prevent flooding of the public road.

Project Description

The proposed plan is to remove the existing 30” pipe and replace it with a new 30” pipe at the same elevation. It also includes the installation of a new inlet structure with grates to prevent debris from entering the culvert. Other, associated work will include pavement restoration, metal beam rail replacement, and installation of rip-rap slope protection.

Background information

In early November, Town of Manchester Public Works field crew responded to a storm drainage issue at the existing 30” culvert crossing on Burnham Street Extension. Debris from the upstream watershed (to the south) had clogged the culvert, causing undermining of the roadway. Field crews were able to excavate a portion of the road to remove the existing culvert up to the blockage, replace the removed section with a temporary 18” HDPE pipe and restore the undermined slope.

Because of the emergency situation, a wetland delineation was not performed. All line work depicting regulated areas on the plan sheets are based on existing planimetric data. The culvert
serves as a point of conveyance for a large body of water south of Burnham Street Extension as it flows northerly into a perennial watercourse. The waterbody, which seasonally fluctuates in size, is part of a subregional drainage basin for the Podunk River and collects runoff from major roadways, industrial and utility lands. The unnamed watercourse north of the road is a direct tributary to Whaples Brook, which flows northerly to the Podunk River.

**Inland Wetlands Permit**

The proposed activity will occur in the regulated watercourse / wetlands, and upland review areas located on either side of the existing paved roadway. The proposed impacts to the watercourse and associated wetlands involve removal and replacement of a culvert pipe, the installation of a new replacement inlet structure, and the armoring of a slope with rip-rap. The proposed impacts within the upland review area involve pavement restoration, metal beam rail replacement, and the installation of rip-rap slope protection (partially in mapped wetland, partially in upland review area).

The proposed project will temporarily impact approximately 500 square feet of wetlands and approximately 4,500 square feet of upland review area.

**Determination of Significance**

The Inland Wetlands Agency is required to make a determination of the significance of the impact of the proposed activities on the wetlands, watercourses, and/or water bodies. In making its determination, the Commission should be guided by the definition of "Significant Impact Activity" as found in the Inland Wetlands and Watercourses Regulations, which means any activity, including, but not limited to, the following activities which may have a major effect or significant impact:

a. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed; or

b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or

c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or perform other functions; or

d. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or

e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse; or

f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse; or
g. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

If the Agency finds the proposed activity will have a significant impact on the wetlands, a public hearing is required. Should the Agency find this activity will not create a significant impact, then no public hearing is required.

**Staff Review**

Town staff is reviewing the plans and documents submitted with the application. A report on the status of staff comments will be provided at the January 7 Planning and Zoning Commission meeting.

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DWL
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Attachments
TO: Municipal Planners and Planning Directors
FROM: Emily Hultquist, Director of Policy and Planning
SUBJECT: Appointments to CRCOG Regional Planning Commission
DATE: December 17, 2018

We are updating our Regional Planning Commission membership lists. Appointments are made on an annual basis for terms beginning in January and lasting through December of the upcoming year.

We request that your Planning Commission or Planning and Zoning Commission appoint a representative and alternate to serve on the RPC from the date of appointment through December 31, 2019. If your commission members are appointed by the Board of Selectmen or Town/City Council, the RPC appointments must also be approved by these bodies.

Your participation on the Regional Planning Commission ensures that the concerns of your municipality are reflected in regional plans and policies developed by the commission. Two of the main responsibilities of the RPC, as established under State Statutes, are to keep up-to-date a Plan of Conservation and Development for the Capitol Region, and to comment on zoning and subdivision proposals occurring along town lines.

Please make sure that the person appointed to the RPC is willing to attend our meetings on a regular basis, and if possible, please appoint an alternate who is willing to attend in the member’s absence. The 2019 RPC Meeting Schedule is attached. Meetings will be held on the third Thursdays of meeting months, as noted on the schedule. Meetings are held at the West Hartford Town Hall.

RPC meetings are used to keep planning and zoning officials informed on CRCOG projects and programs related to regional and local planning. In addition, workshop sessions on current planning and zoning topics are periodically held, and members are given time to share information on municipal planning issues.

We look forward to working with your town’s RPC representative in the coming year. If you have any questions, please feel free to contact me at 860-724-4219 or ehultquist@crcog.org.

cc. Regional Planning Commission members and alternates.
REGIONAL PLANNING COMMISSION

2019 MEETING SCHEDULE

Regular meetings of the Regional Planning Commission are held on the third Thursday of every other month.

7:00 PM at the
West Hartford Town Hall,
50 South Main Street,
West Hartford (unless noted to the contrary)

January 17, 2019
March 21, 2019
May 16, 2019
September 19, 2019
November 21, 2019
December 28, 2018

Eric Prause, Chairman
Planning and Zoning Commission
Lincoln Center
494 Main Street
Manchester, CT 06040

Re: Zoning regulations regarding parking on front and side yards

Dear Eric:

The Board of Directors recently enacted an ordinance regulating the parking of certain size vehicles on public rights of way. The ordinance resulted from a sub-committee's review of parking issues throughout the town.

During the course of the work undertaken by the sub-committee, the subject of motor vehicles being parked on front and side yards throughout the town was noted and discussed. This problem has been an issue for many years.

The sub-committee reviewed certain regulations found in other towns and it became clear that any such regulation of motor vehicles parked on front yards and side yards would fall within the purview and jurisdiction of the Planning and Zoning Commission.

Therefore, on behalf of the Board of Directors, I am requesting that the Planning and Zoning Commission undertake a review of the zoning regulations in other municipalities which address the issue of parking motor vehicles on front and side yards and consider the adoption of any zoning regulations that the commission deems appropriate to regulate this problem in Manchester.

Very truly yours,

Scott Shanley
General Manager

cc: Gary Anderson, Director of Planning and Economic Development
Board of Directors
MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION

NOVEMBER 19, 2018

ROLL CALL:

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

Alternates: Teresa Ike

Absent: Jay 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 Business Meeting at 7:00 P.M.
Mr. Prause recognized the service of Andy Kidd, Vice-Chair of the Commission. His term expired and the Commission will miss his input and wisdom.

NEW BUSINESS

MOTION: Mr. Stebe moved to revise the agenda to reverse the order of the first two items, to start with Connecticut CVS Pharmacy, LLC and then Hilliard Mills, LLC. Mr. Kennedy seconded the motion and all members voted in favor.

CONNECTICUT CVS PHARMACY, LLC – To modify the curb for the access drives between Phase I and Phase 2 and to modify the grading on Phase 2 at 1221 Main Street. – Erosion and Sedimentation Control Plan (2018-118); Special Exception Modification (2018-119)

Mr. Steven Kochis, Professional Engineer, VHB, introduced himself. Mr. Kochis explained that the modifications will be until CVS is able to find a tenant for the Phase II building; everything proposed at the current meeting is temporary.

Mr. Kochis explained the construction of Phase I began in spring 2018 and is ongoing, though it is nearing completion. The current application proposes two intermediate modifications to the Phase I buildout: 1) A request from CVS to curb the driveway between Phase I and Phase II to improve the vehicular and pedestrian circulation throughout the site in the interim stage until a
tenant is found for the Phase II building; and 2) To spread additional soil that was uncovered as unsuitable for reuse as pavement base. This does not pertain specifically to contamination levels, but is due to its levels of clay. The soil was found not to have enough contamination to warrant removal but, because it is part of the Transfer Act, it is cost-prohibitive to remove, or to find an independent contractor to take the soil.

Mr. Kochis reported that the drainage structures on Phase II have been installed and the applicant is proposing grass lined swales lined with erosion control blankets to ensure that storm water runoff will reach the basins on the Phase II eastern half of the site. There is a new proposal to install five additional trees between the Phase I and Phase II limits, according to Mr. Kochis.

Mr. Prause requested clarification that this is a modification of the plan of record. The existing plan would not be the record of design; this would be the official plan. Mr. Kochis stated this would replace the original plans. Mr. Prause assumed the eventual build-out sheets are still part of the record, but this is an additional phase being added. Mr. Kochis agreed that is the intent.

Mr. Prause asked what the impact would be if this never gets developed, and whether this could feasibly last for years.

Mr. Kochis explained this is only temporary to get the project finished. The applicant desires the Certificate of Occupancy. He noted there is no reason to believe this could not be sustainable indefinitely. The area will be loamed and seeded, with swale and drainage structures installed, he reported, and can last indefinitely if need be.
Mr. Stebe noted the change because of the excess fill. On the north end of the lot on Wells, on the western side, there is a catch, he said. The original setup that was on a fairly flat space but there is now a 1:1 or 1:2 slope coming into it from the southern edge. Mr. Stebe questioned how that would affect the functionality of the catch basin. Mr. Stebe observed that it was very steep at that point and if there is anything covering it, it will go straight into the street. He noted there is less than a foot between that and the border space to the sidewalk.

Mr. Kochis explained the proposed drainage pattern. Mr. Stebe assumed that having the 6 ft. slope coming into it on the south end will not affect the functionality.

Mr. Kochis stated there would not be enough storm water as the catch basins were designed for the full buildout.

Mr. Stebe requested a reminder of where the original retaining wall was proposed. Mr. Kochis explained where the retaining wall was originally proposed.

Mr. Stebe assumed the current plans will stay in place but once the original plan set is commenced, the applicant will revert to the original proposal. Mr. Kochis agreed that there will be no effect on the final buildout. When Phase II is built, all the excess soil will be removed and the retaining wall will be constructed along with installation of other utilities associated with the project.
Mr. Prause asked how the Phase II development would work with the temporary stockpile area and the effort needed to take down the additional curbing being installed. He asked about the setup, storage of soil, and the construction equipment needed in the CVS parking lot.

Mr. Kochis assumed when Phase II is installed, one of the access areas would be used as a construction entrance. He further explained the other necessary steps to proceed.

Mr. Prause noted that the original erosion and sedimentation control plan had put the stockpile at the south portion below where the CVS building will be. Therefore, it would be possible to stockpile on the new Phase I temporary location if needed. Mr. Kochis concurred.

Mr. Prause inquired whether there is a need for a revised erosion and sedimentation control plan currently for the development of Phase II, since it will not be concurrent. Mr. Bordeaux did not believe so at this time, though he would have to review the plans. He assumed it could be done administratively if it could be shown that soil could be retained on the Phase II portion of the property. He assumed there will be anti-tracking pads at the drives being removed currently, though he had not contemplated whether that plan will be effective and functional following this revision.

Mr. Prause questioned which erosion and sedimentation control plan would be approved at the current meeting. Mr. Bordeaux explained that the proposed erosion and sedimentation control plan is incorporated into the Phase II plans. He noted it includes the grading, loam and seed, and
questioned whether he omitted a sheet in the Commission’s plan depicting where catch basins would be protected with silt fences around the perimeter.

Mr. Kochis was of the opinion that revised erosion and sedimentation control plans were provided in the current application. Mr. Bordeaux stated that sheet C5 only has lines striking out notes that do not apply to Phase II; therefore, all the notes that exist on sheet C5 are consistent with the Commission’s packet. In other words, that is the erosion and sedimentation control plan the Commission would be approving.

Mr. Stebe noted the applicant added a number of trees on the western end of the plan. He observed that it appears there will be two trees in the middle of the two driveways that will be eliminated, in addition to the four in the inlet. He questioned whether the trees, after they are planted, will require removal in the future.

Mr. Kochis agreed with Mr. Stebe’s observation. He explained they would be amenable to moving the trees to a location that would eliminate the need for removal.

Mr. Bordeaux agreed with Mr. Stebe’s comment regarding the trees, noting it would be appropriate to add such language in the motion for the Erosion and Sedimentation Control plan as a modification. While discussing the issue with phasing, and because this may be a temporary situation, it may be appropriate to modify the motion for the Special Exception Modification to approve the Special Exception Modification under Art. II, Sec. 9.14.02(b) to modify the curb for
access drives and grading during Phase I at 1221 Main Street, which would contain the activity
to Phase I and leave the Phase II buildout approval in place going forward.

Mr. Prause asked for clarification from Mr. Kochis about the potential contaminated soil on the
Phase II property, questioning whether there is any issue with contamination on Phase II.

Mr. Kochis explained there is a certain level of contamination, whether PCBs or such, which will require immediate removal from the site once uncovered. The soil was tested for PCBs and none of the soil tested contained levels requiring immediate removal. He noted the entire site must be viewed as a contaminated site in the eyes of the Transfer Act, which makes it prohibitive to remove the soil from the site.

Mr. Prause surmised that if the site remained undeveloped for a period of time, there is no environmental issue. Mr. Kochis stated there would be no known environmental issues.

Erosion and Sedimentation Control Plan (2018-118)

MOTION: Mr. Kennedy moved to certify the Erosion and Sedimentation Control Plan with the modification that the applicant retain the number of trees but allow them to be rearranged per the approval of Town Staff. Mr. Bergin seconded the motion and all members voted in favor.

Special Exception Modification (2018-119)

MOTION: Mr. Kennedy moved to approve the Special Exception Modification under Art. II, Sec. 9.14.02(b) to modify the curb for the access drives and
grading during Phase I at 1221 Main Street. Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria.

HILLIARD MILLS, LLC – For parking area expansion at 640 and 642 Hilliard Street and 370 Adams Street. – Inland Wetlands Permit – Determination of Significance (2018-085); Inland Wetlands Permit (2018-085); Erosion and Sedimentation Control Plan (2018-087); Special Exception Modification (2018-088); Flood Plain Permit (2018-089)

Mr. Peter Bonzani, 642 Hilliard Street, introduced himself. Mr. Bonzani explained he is before the Commission to discuss the paving and the bulk of the site work at Hilliard Mills. He projected the site plan with the areas that have been approved in the past, and the areas being proposed. Mr. Bonzani stated they have endeavored to retain the natural area along the brook as well as the walking trail. He described the need for on-site parking, noting that all parking combined on the site has been approved, and along with the current application, the total would be 150 spaces. Looking at the square footage based on the tenant uses and future uses, he noted, if the applicant utilized every square foot of the site for business and office use, they may actually need a few more spaces.

Mr. Bergin questioned the storm water discharge pipe, which is undersized for the anticipated storm water. He inquired about the location of potential flooding. Mr. Bonzani pointed to the
area, noting that at some point in the past, across the street, the bank eroded and the river began to undermine the road, which necessitated an emergency repair. He explained there had been a 10” pipe going to the road line and one under the road. For some reason, the Town installed an 8” pipe for the last couple of feet to the river. Mr. Bonzani pointed to an area where there could be some ponding in the 100 year flood events. In order to accommodate that event, there is a note on the plan stating they are aware of the situation. He explained that they have not noted ponding or standing water in that area currently. That area was paved previously, he stated, and is hard-packed at this time with a water table quite close.

Mr. Bergin reported his concern over the proximity to Hilliard Street and questioned whether any other materials were considered for creating parking in the area. Mr. Bonzani pointed to the plans for the area, which is a part of the environmental capping, noting he would have preferred lawn. He pointed out the various areas on the property and the details thereof.

Mr. Prause asked Mr. Bonzani to indicate the new parking spaces on the plan. Mr. Bonzani displayed the areas requested.

Mr. Prause noted that some of the work will be done in the upland review area of the inland wetlands, and inquired about precautions. Mr. Bonzani explained the sediment control lines. He also pointed out temporary stockpile areas.

Mr. Prause asked about the emergency access area and whether there will be traffic flowing through. Mr. Bonzani noted that at this time it is not utilized. There had been discussion about
sealing the area off, but there is a deeded right-of-way to both this property and the gas station property, requiring the road be maintained. He believed that currently 50% of his tenants do not know that road exists. In addition, Mr. Bonzani explained, the area will be maintained for access for emergency vehicles.

Mr. Praise surmised, after reviewing the plans, that there will be two more catch basins and a hydrodynamic separator before discharge into the brook. Mr. Bonzani agreed.

Mr. Bordeaux reported three outstanding Staff comments, which are minor and technical in nature:

1. Mr. Bordeaux noted that, in the calculations of activity in the upland review area and flood plain, a decimal point was mislocated and other calculations needed to be consistent. The original spreadsheet had more parking spaces than were being represented on the plans, and Mr. Bordeaux asked for consistency.

2. Mr. Shawn Morris, the Deputy Fire Marshal, Eighth Utilities District, made a comment that drive aisles must be maintained at 24 ft. wide, unobstructed, and that any fire hydrants need to be replaced during construction.

3. Mr. Raymond Myette, Design Engineer, Water and Sewer, had minor technical comments regarding pipes and labeling on the plans.

Mr. Prause noted a proposed stone landscaped area and questioned whether there will be any other landscaping as part of the parking lot extension. Mr. Bonzani displayed landscaped areas on the plans.
Inland Wetlands Permit – Determination of Significance (2018-085)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2018-085 will not have a significant impact on the wetlands and, therefore, will not require a public hearing. Mr. Stebe seconded the motion and all members voted in favor.

Inland Wetlands Permit (2018-085)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for parking area expansion at 640 and 642 Hilliard Street and 370 Adams Street. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetlands by significant impact or major effect.

The permit is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Erosion and Sedimentation Control Plan (2018-087)

MOTION: Mr. Kennedy moved to certify the Erosion and Sedimentation Control Plan with the modifications as specified in staff memoranda from:
1. Matthew R. Bordeaux, Senior Planner, dated November 14, 2018; and
2. Shawn Morris, Deputy Fire Marshal, dated November 9, 2018; and

Ms. Scorso seconded the motion and all members voted in favor.

Special Exception Modification (2018-088)

MOTION: Mr. Kennedy moved to approve the special exception modification under Art. II, Sec. 16.15.02(a) and (b) for parking area expansion at 640 and 642 Hilliard Street and 370 Adams Street, with the modifications as specified in staff memoranda from:

1. Matthew R. Bordeaux, Senior Planner, dated November 14, 2018; and
2. Shawn Morris, Deputy Fire Marshal, dated November 9, 2018; and

Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria.

Flood Plain Permit (2018-089)
MOTION: Mr. Kennedy moved to approve the flood plain permit for parking area expansion at 640 and 642 Hilliard Street and 370 Adams Street with the modifications as specified in staff memoranda from:

1. Matthew R. Bordeaux, Senior Planner, dated November 14, 2018; and
2. Shawn Morris, Deputy Fire Marshal, dated November 9, 2018; and

Ms. Scorso seconded the motion and all members voted in favor.

ASSOCIATION OF MUSLIM COMMUNITY – For a place of worship use at 35 Oak Street, 46 Cottage Street, and 50 Cottage Street. – Special Exception (2018-111) – Request for Extension Until December 10, 2018

Mr. Bordeaux explained that it came to Staff’s attention that neither Oak Street nor Cottage Street is an arterial street. Therefore, the applicant will appear before the Zoning Board of Appeals on November 28 to request that a place of worship be allowed on a street that is neither a collector nor an arterial street.

Mr. Prause asked if the applicant was before the Zoning Board of Appeals for any other application. Mr. Bordeaux believed the applicant went before the ZBA for the original approval
for the existing place of worship at 50 Cottage Street. The applicant received the variance for a place of worship on a local street and is returning for the other two parcels.

**MOTION:** Mr. Kennedy moved to approve the request for extension until December 10, 2018. Mr. Bergin seconded the motion and all members voted in favor.

**STEPHEN LOHNES – 17 Arch Street – Subdivision (L-114) – Declare subdivision null and void**

Mr. Bordeaux reported that the subdivision known as Lohnes – Arch Street and Pine Street was approved by the Planning and Zoning Commission in 2007. That approval has expired, including the additional four years granted per the Public Act 11-05, which extended any existing approval for a term of up to nine years. The subdivision has expired and, because public improvements were part of that subdivision, the State statutes require that the Planning and Zoning Commission declare the subdivision null and void. Mr. Bordeaux noted that it is the opinion of the Administrative Staff Attorney and other Staff members that this is a recommended action by the Commission to avoid any future confusion in the event of an acquisition or a plan for a project involving this parcel. Should the Commission approve the declaration of the subdivision null and void, he explained, the Administrative Staff Attorney will make a notation on the subdivision plan filed in the Town Clerk’s office to that effect.
MOTION: Mr. Kennedy moved to declare the Stephen Lohnes, 17 Arch Street Subdivision (L-114) null and void. Mr. Bergin seconded the motion and all members voted in favor.

The reason for declaring the subdivision null and void is that the subdivision approval has expired and no public improvements have been completed.

PROPOSED ZONING CITATION ORDINANCE

Mr. Anderson reported the proposed zoning citation ordinance has been deliberated over for four or five years. The Town Board of Directors directed Staff to look at an ordinance that would provide the Zoning Enforcement Officer with more power to enforce the zoning regulations. About a year ago, he noted, there was a discussion about flashing signs in town, and while the Zoning Enforcement Officer addressed those issues, many businesses would correct the problem but over time the issue would recur. Mr. Anderson explained that sending a letter warning business owners was not getting the message across. The only tool the Zoning Enforcement Officer currently has is a Cease & Desist Order, which is very strong. He reported the proposed ordinance is based on the blight ordinance in town that allows property maintenance staff to establish a warning and then assess a fee. Mr. Anderson clarified that the ordinance is not about the accumulation of fees but about the ability to do something to encourage owners to comply with the blight ordinance.
Mr. Anderson related that the crafting of the ordinance was done by the Town Attorney’s office with input from himself, former Senior Planner Renata Bertotti, and Jim Davis, the ZEO. The Zoning Enforcement Officer is in favor of this proposal, according to Mr. Anderson. He explained Staff worked with zoning enforcement officers in different Connecticut towns, particularly Ridgefield, who reported that once this ordinance was in place and a warning given out, approximately 95% of the violators fixed the problem the first time they were notified. Approximately 5% of those were given a citation and 80% of those were dealt with very quickly, according to Mr. Anderson. He stated Staff was confident this would be a step in the right direction moving forward. It will not be something used lightly, but will be used when needed, according to Mr. Anderson.

Mr. Stebe questioned the Appeal and Hearing section, Paragraph A, which states the Planning and Zoning Commission appoints a hearing officer. Mr. Anderson replied that there is a hearing officer, a local attorney, dealing with the blight ordinance, though the Planning and Zoning Commission did not appoint the officer. He suggested having that hearing officer look at zoning citation issues as well.

Mr. Stebe assumed that the attorney handling the blight ordinance is not a Town Attorney or Assistant Town Attorney. Mr. Anderson reported it is a third party.

Mr. Kennedy pointed to a potential issue with appointing a hearing officer. By statute, he noted, appeals from the Zoning Enforcement Officer are vested in the Zoning Board of Appeals. Blight
is not a zoning regulation, he explained, but rather a town ordinance and falls outside the jurisdiction of zoning altogether. Mr. Kennedy suggested researching the issue.

Mr. Bergin expressed his concern if the Zoning Enforcement Officer were to be the individual conducting the hearing, though that is not contemplated in the draft ordinance, and if it were decided the Zoning Board of Appeals is the correct body. The Town Attorney may then determine there is the need for clarity and require that the hearing officer not be the ZEO.

Mr. Kennedy observed that, in his opinion, that would not be a conflict.

Mr. Bergin stated there is language about when the appeal hearing would be scheduled, based on the date of the mailed notice. However, he reported, the notice can also be delivered by hand, in which case there would not be a date on the mailing. Mr. Bergin noted two typos in the sentence.

Mr. Prause questioned whether the Planning Department is requesting action from the Commission, such as endorsement, or if comments would be sufficient. Mr. Anderson conveyed that comments are sufficient, though if the Commission chose to make an endorsement, that would be fine.

ADOPTION OF 2019 MEETING SCHEDULE
Mr. Prause inquired about the January 2019 meeting dates. Mr. Bordeaux informed Mr. Prause that the meetings will be on January 7th and January 23rd.

Mr. Prause pointed out that the second to last date on the proposed schedule should be January 6, 2020.

**MOTION:** Mr. Kennedy moved to adopt the proposed 2019 meeting schedule with the correction noted by the Chairman. Mr. Bergin seconded the motion and all members voted in favor.

**ADMINISTRATIVE REPORTS**

**Administrative Approvals:**

**Patricia Whitehill – Lot Line Revision (2018-116) – 203 and 235 Fern Street**

The property owner is interested in selling 203 Fern Street and retaining the remainder of the property, Mr. Bordeaux said. However, the prospective owner was not interested in a lot of that size and, therefore, the owner flipped the lots in terms of area and frontage. Mr. Bordeaux noted that 203 Fern Street meets all conventional standards. The plan is for access from Fern Street, he noted, and Sunnybrook Drive will become a permanent cul-de-sac.

**Other Administrative Reports:**
Mr. Anderson reported that the Board of Directors, at its last meeting, approved the first portion of the Downtown 2020 initiative. He explained that the Downtown 2020 initiative is a three-pronged approach to encouraging redevelopment downtown; the first piece was approved last week by the Board of Directors. They approved a no-interest loan program for multi-story buildings downtown which hopefully will have a transformative effect on the downtown. Mr. Anderson continued that the second piece will be capital improvements, which will be discussed at the next Board of Directors meeting. The last prong will be simultaneously lowering the special mill rate for downtown property owners and reorganizing the relationship between the Town and the Special Services District, according to Mr. Anderson. These issues have been debated for quite some time, most strongly in the last year. There is a lot of interest currently, he noted, in the downtown, and the hope is these items will spark redevelopment in the downtown. Regarding the loan program, Mr. Anderson explained, will be a two-year program as a way to entice owners or potential owners to move on projects. Only code improvements are eligible, i.e., building code, fire code, accessibility, health code, and ways to bring older buildings up to code which would be difficult to meet because of financial implications, he stated.

APPROVAL OF MINUTES

November 5, 2018 – Business Meeting

MOTION: Mr. Kennedy moved to approve the minutes of the business meeting of November 5, 2018 as written. Ms. Scorso seconded the motion and all members voted in favor.
RECEIPT OF NEW APPLICATIONS

KENNETH BOYNTON – Zone Change (2018-127) – Zone change from Rural Residence to Residence AA zone at 426 Wetherell Street.

MOTION: Mr. Kennedy moved to adjourn the business meeting. Mr. Bergin seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 8:30 P.M.

I certify these minutes were adopted on the following date:

________________________________________  __________________________________________
Date                                                Eric Prause, Chairman

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

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

Alternates:  Teresa Ike  

Absent:  Julian Stoppelman  

Also Present:  Gary Anderson, Director of Planning  
               Matthew Bordeaux, Senior Planner  
               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.

HILLIARD MILLS, LLC – Request a special exception under Art. II, Sec. 16.15.02 (l) for a banquet hall at 640 and 642 Hilliard Street and 370 Adams Street. – Special Exception (2018-086)

Mr. Peter Bonzani, 640 and 642 Hilliard Street, Manchester, introduced himself.

Mr. Bonzani stated he is proposing the utilization of Building 4 as a banquet hall as it would be a complementary use. He reported that the buildings house many daytime businesses and this use
would be at off hours, which would prevent parking difficulties. Mr. Bonzani said they went before the Zoning Board of Appeals (ZBA) to request a variance to allow shared parking. If the building were strictly office space, the parking load would be too great.

Mr. Bonzani projected a preliminary layout for the interior of the building as well as the surrounding properties. He explained the occupancy would be 275 people.

Mr. Stebe referred to the many discussions over the years regarding the project. He questioned whether the occupancy number is for seating inside only or also using the outside space. Mr. Bonzani said he would encourage the use of the green space outdoors, noting they have no intention to pave the area.

Mr. Stebe noted that the outdoor area technically opens up more space and sought to clarify that the total number of occupants would be calculated based on the interior. Mr. Bonzani concurred and reported he would accept a stipulation that the occupancy would not exceed 275.

Mr. Stebe expressed his concern because that area is in the floodway and that space should be maintained as is.

Ms. Scorso inquired about the traffic study, which was included in the Commission’s packet. Mr. Bonzani explained that the traffic study was prepared by Mr. Bushnell, and the analysis noted the proposal would not create any additional traffic. He reported he is conscious of being a good neighbor to surrounding homes and businesses.

Mr. Prause praised the creative use of the property, noting that the current uses are nearing the maximum of parking limitations and off-hours uses are helpful. He noted that when Hilliard Mills was recently before the ZBA, the shared parking hours were limited to 5 P.M. on Friday through 5 P.M. on Sunday. Mr. Bordeaux reported that the request for the variance was approved for those hours. Mr. Bonzani noted that the use is better suited for weekends.

Mr. Prause referred to the residences on Wedgewood Drive and expressed concern about noise. Mr. Bonzani explained that the homes on Wedgewood Drive are approximately 100 ft. higher
with many trees. He also reported the hall will not be operated in January, February or March; in the summer, it will be well screened.

Mr. Prause questioned whether outdoor events would include music, or if music would be limited to inside the banquet hall. Mr. Bonzani recalled that outdoor music was added to the zoning regulations last year. Mr. Bordeaux explained that outdoor entertainment would require a separate special exception. Mr. Prause noted that, while the Town does allow banquet facilities in the Industrial zone, it requires a special exception because it may abut residential properties, which is why the Commission looks at these questions.

Mr. Prause asked how Mr. Bonzani calculated the number of parking spaces required. Mr. Bonzani referred to the zoning regulations for the number of spaces per banquet. Mr. Prause referred to Art. IV, Sec. 9.03.03, “One parking space for three seats and one space for each of two employees on the largest shift,” and said that is 261 guests and 14 staff.

Mr. Bonzani stated he has enjoyed watching life come back to Buildings 1, 2 and 3 over the last 12 years, and it will be nice to see Building 4 get back to business. He reminded the Commission that Building 4 had trees growing out of the roof a few years ago and now there is a new roof and two of the four walls have been rebuilt.

Mr. Bordeaux reported two outstanding Staff comments, noting the comments are the same as those for the previous four approvals for the site without the banquet facility:

1. From Ray Myette, Jr., Design Engineer, dated November 2, 2018, regarding water service and additional notes to be added to the plan.
2. From Matt Bordeaux, Senior Planner, regarding an incorrect calculation for the amount of disturbance in the regulated flood plain that must be corrected.

Mr. Prause assumed there were no changes to the exterior of the building. Mr. Bonzani reported there is a permit into the Town to restore the shell of the building, to repair walls that are falling apart. Mr. Prause requested clarification that they are not changing the design in a way that is
different from its current look. Mr. Bonzani replied they are not. He noted that in the west wall, someone had installed a massive garage door; they have restored the wall to its original look.

Mr. Prause referred to emergency access and the separate driveway to Adams Street, which can be used for emergency vehicles. Mr. Bonzani agreed, though it would be better if the vehicles could access via Hilliard Street.

Ms. Ike asked Staff whether letters were sent to abutters for the public hearing.

Mr. Bordeaux explained that letters were sent to abutting property owners and the public hearing sign was posted in front of the property. He reported there was no feedback from the public.

**MOTION:** Mr. Stebe moved to close the public hearing on this application. Mr. Kennedy seconded the motion and all members voted in favor.

**JOSH LAFRANCE – Request a special exception per Art. II, Sec. 4.02.01 for conversion to a two-family home at 180 Porter Street. – Special Exception (2018-120)**

Mr. Josh LaFrance, 56 Lyness Street, introduced himself. Mr. LaFrance explained he is seeking to return the home back to a two-family. He noted that he bought the property in July and the assessor’s card, the town card, and his realtor all listed the home as a two-family. Once he began working on the house and applied for an electrical permit, it was discovered that in 2002 the previous owner switched the home to a one-family residence without changing anything about the property itself. The physical structure works very well as a two-family, he noted, as there are not many adjoining walls. According to Mr. LaFrance, it has two kitchens, the electrical service is split in the basement, there are two gas services to the house, and the layout is an obvious two-family. He reported that the house is oversized and, with its design, is unsuitable as a single family. The neighborhood is mixed, as he found several other two-families nearby.

Mr. Stebe questioned what each unit’s square footage will be. Mr. LaFrance reported he did not have the square footage. It will be a roomy three bedroom, one and a half bath as well as a three
bedroom, one bath. Each apartment has a large living room and dining room. All the rooms have closets. The kitchen itself has ample space. The basement is split and both apartments have their own attics, reported Mr. LaFrance.

Mr. Stebe asked if Mr. LaFrance recalled the total square footage of the house. Mr. LaFrance assumed that it was included on the town card included in the packet. Mr. Bordeaux informed Mr. Stebe that the gross living area is 6,500 sq. ft.

Mr. LaFrance stated he has not seen any evidence that anything was changed when the house became a single-family. There are only two adjoining walls and the only connection would be in the basement.

Ms. Scorso noted Mr. LaFrance’s comment that there is enough parking; the tenants typically have two cars per apartment. Mr. LaFrance reported there are comfortably nine parking spaces. Mr. Prause noted Mr. LaFrance had gone before the ZBA because the lot’s square footage is less than 12,000 sq. ft. and the driveway is not paved. He sought confirmation of the number of bedrooms in each unit. Mr. LaFrance reiterated there will be three bedrooms in each unit.

Mr. Prause questioned Staff about inconsistencies between the lot record and the prior building approval. Mr. Anderson commented that it remains a mystery in terms of why, but at some point someone decided they wanted the house to be considered a single-family home. With respect to zoning, converting to a single-family home is not an issue, so staff would not be aware of that. The electrical panel was the only way they saw that it was single-family, so when Mr. LaFrance went back to the Building Department talking about a duplex, that is when this issue came up.

Mr. Prause assumed the PZC’s scope is compliance with the special exception criteria about blending in the neighborhood. He noted there is wording stating the Commission must take into consideration that the change will not jeopardize the property values of single-family homes in the area. As evidence, Mr. Prause stated, Mr. LaFrance described other multi-family houses in the area.
Mr. LaFrance stated he has worked to bring up the value of the house since purchasing it. He realizes it will not be a comp for other single families, but for the other two families in the area he has added a lot of value to his own.

Mr. Bordeaux reported no outstanding staff comments. The Planning Department received a letter via e-mail, which he read into the record:

From Holly McHaelen, dated Tuesday, November 13, 2018.
“Regarding Josh LaFrance’s request for a special exception, 2018-120, for conversion to a two-family home at 180 Porter Street, we are Mr. LaFrance’s neighbors at 19 Autumn Street. The back edge of our property abuts Mr. LaFrance’s property. We are writing in support of Mr. LaFrance’s appeal to have this property rezoned to a two-family house. We have lived at the above address for 20 years and to our knowledge, the property at 180 Porter Street has always been used as a two-family home. We were surprised to learn that it was zoned as single family. In the short time we have known Mr. LaFrance, we have been impressed with the care and effort he has put into both renovating the house, which had become rundown under the previous owners but is now completely refurbished, and establishing himself as a responsible, helpful and friendly neighbor. When another neighbor’s tree fell on our fence in September, Mr. LaFrance, not the owner of the tree, was the one who pitched in and helped with removing the debris and replacing the fence even though he hardly knew us. Mr. LaFrance is a welcome addition to the neighborhood. We have no objection whatsoever to the rezoning of his property. Please feel free to contact us if we can offer any additional information in support of Mr. LaFrance’s appeal. Thank you. Sincerely, Holly and Robin McHaelen.”

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

KENNETH BOYNTON – Zone change from Rural Residence to Residence AA zone at 426 Wetherell Street. – Zone Change (2018-127)
Attorney Dorian Famiglietti, Kahan, Kerensky and Capossela, introduced herself as representing Ken Boynton. Attorney Famiglietti pointed to the plan of the 30.35 acre property. She noted it is currently zoned as Rural Residence. Attorney Famiglietti explained the surrounding properties and their zoning. Mr. Boynton acquired the property from the Estate of Stanley Swetz in April, the property having been in the Swetz family for approximately 60 years. Mr. Boynton is a home builder and Attorney Famiglietti reported on several properties that he is developing currently.

Attorney Famiglietti reported that Mr. Boynton met with Town Staff prior to the purchase to learn what would be acceptable for the property as well as to show his plans. At that time, according to Attorney Famiglietti, former Senior Planner Renata Bertotti was supportive of the cluster subdivision idea and recommended grouping the houses toward the lower grades and leaving the open space in the steeper areas. She explained the applicant will return to the Commission with developed plans for a cluster subdivision.

Mr. Mark Peterson, Gardner & Peterson Associates, introduced himself. Mr. Peterson projected the property details and explained the various elements of the plan along with area properties. Attorney Famiglietti stated the density of the development will be 1.45 units per acre, very slightly above the density in the existing Rural Residence (RR) zone at 1.3 units per acre. With the zone change to AA, technically the applicant could build two units per acre, which they are not planning to do. She reported the plan will set aside more than one-third of the property for open space. The access points for the property would be most feasible off of Bayberry Road and Wilson Way. The developer is not proposing any new access to Wetherell Street, according to Attorney Famiglietti. She explained that the plan would be a nice transition from a smaller to a denser area.

In order to approve the zone change for the property, Attorney Famiglietti stated, the Commission needs to look at the Plan of Conservation and Development, i.e., the Manchester 2020 Plan, and evaluate the change in that context. She reminded the Commission that it is a guidance document only, meant to change and adapt as necessary. There is basis in the
Manchester 2020 Plan for finding this type of cluster development on this property is consistent with the goals and intent of the plan, according to Attorney Famiglietti.

Attorney Famiglietti pointed to the Town character map, which describes predominantly what the existing uses and buildings are currently, though also has an eye toward creating a sense of space and what the Town thinks will be most appropriate. Currently, the parcel is in the rural agricultural character area based on existing conditions. In the Manchester 2020 Plan, the rural agricultural area is described as being “Characterized by open or cultivated land with minimal physical development. These include agricultural land, wooded areas and meadows. Some single family, large lot homes are present with either wooded or landscaped lots. Agricultural buildings and outbuildings such as barns and farm stands are common, as are prime agricultural soils. Net residential densities are less than one unit per acre existing in the RR area.” Attorney Famiglietti stated that, when creating a sense of space and what is appropriate sense of space, if the land will be developed and not stay vacant, the most prudent way to develop it must be contemplated. She submitted that developing it consistent with the properties to the north and south in the suburban character area makes sense. Attorney Famiglietti reported the suburban character area is defined in the plan as “Primarily residential areas characterized primarily by single family homes, open space and public uses including churches, schools and parks.” The plan speaks to the street patterns and trees and also mentions that the net residential densities range from one to three units per acre, Attorney Famiglietti stated.

With property that will no longer remain vacant and is ready for development, Ms. Famiglietti speculated that if the zone remains RA, which allows large lot homes, it would not fit with the neighboring developments. Therefore, it seems appropriate to develop the property as a transitional piece, stated Attorney Famiglietti. Additionally, the types of homes built would be in line with the focus in the Manchester 2020 Plan.

Attorney Famiglietti referred to the Growth Management Principles in the Manchester 2020 Plan, which addresses housing opportunities and designing choices to accommodate a variety of housing types. In furtherance of the 2020 Plan goal, cluster subdivisions are suitable to promote
the retention of open space and farmland. In addition, she stated, the Plan notes in many places that a cluster is an ideal tool for accomplishing these purposes.

In looking at the narrative content of the Manchester 2020 Plan and the 2020 Plan summary matrix, which talks about the benefits of a cluster meeting stated goals of the plan, according to Attorney Famiglietti, the proposed zone change finds a basis in the Plan of Conservation and Development and fills a need.

Mr. Prause questioned whether the property is clear-cut or if any of the property overlaps into the existing wooded area. Mr. Petersen reported that a good portion of it is open around the perimeter of the site, noting there are some wooded areas. He noted that the area in the middle of the property is open. Mr. Petersen projected the site and explained the tree line areas, the wooded areas and the open field.

Mr. Prause assumed that if the layout described was a cluster subdivision, the developer would not be removing much more of the wooded area that currently stands. Mr. Petersen would not expect to cut to the new property lines as they prefer to retain a buffer in view of the two vacant parcels to the west.

Mr. Prause questioned whether the open area is level. Mr. Petersen stated there is slope to the land. He pointed to the depiction and noted the contours on the plan. With any site, there is site work and excavation to construct the roads, Mr. Peterson explained.

While the Commission understands the projected plan is not the final plan, Mr. Prause asked if traveling down Wilson Way would be straight north-south, or if the lots would be further to the east than what currently exists on Wilson Way. Mr. Peterson said the Wilson Way cul-de-sac will be extended due south with lots on either side, and then continue the road to the south and slightly west to the Bayberry Road cul-de-sac. Mr. Prause observed that the houses proposed on the east side of the subdivision would not be any closer to the Eversource easement than what is there now on Wilson Way. Mr. Peterson
reiterated that the easterly lots are the closest to the Eversource property, comparable to the lots currently on Wilson Way.

Mr. Prause expressed concerns about emissions from the power lines and speculated on whether that is the reason the abutting area has not been developed. Mr. Peterson stated he has been in the area a number of times and has not noticed any significant noise from that transmission line.

Attorney Famiglietti added that the other side of the Eversource transmission lines is where the applicant is currently building. It is her understanding that he has had no problems with residents moving in and it has not affected the salability of the lots.

Mr. Stebe referred to the comment regarding the slope on the eastern side of the property. He noted that if the lots are too close to the easement, they will be on a fairly significant slope, although it situates the houses 15 to 20 ft. above the surrounding houses. Mr. Stebe suggested that, further into the process, the applicant should review that because that will be 15 to 20 ft. above all of the houses around. However, he does agree that the plan would work and concurs with the decision not to access the property through Wetherell Street. He noted that the properties as is, even though they are AA, are on a larger space and a larger size compared to the Planned Residential Development (PRD); he suggested leaning toward what is there rather than trying to do a transition.

Attorney Famiglietti clarified that the houses will be similar to what is in the AA zone on Bayberry Road. The lot sizes will be closer to the PRD to the north, but not quite as dense. The PRD is at 2.5 units per acre and the proposal is just under 1.5 units per acre, she explained. Mr. Stebe stated that at the same time, the Commission has been struggling with finding ways to maintain the agricultural land and keep it in use.

Attorney Famiglietti recognized Mr. Stebe’s point and concurred that the plan speaks to preservation of agriculture, which is important, and sets priorities and mechanisms for purchasing development rights. She speculated that the subject property was not a priority agricultural piece in town, because there would have been offers for purchase of development
rights or some acquisition by the Town. Recognizing that it is nice to have open farmland, Attorney Famiglietti asked what can be done if no one wants to farm it. The proposal that will be prepared to bring before the Commission, she reiterated, is well above the open space requirements – i.e., maintaining over a third of the property as open space, setting it aside and keeping the rural feel – and is sensitive to trying to develop the property and meet the goals of the Plan.

Mr. Peterson interjected that without the cluster, in order to increase lot sizes, there would be more work on steeper slopes and a reduction in open space. Therefore, he agreed with Attorney Famiglietti about the plan being a good model.

Mr. Bordeaux reported about a comment from the Engineering Division which was consistent with the proposal and comments made by Mr. Stebe. He read the comment as follows:

“It is recommended that future vehicular access to the parcel be made via Wilson Way, Round Hill Road and/or Bayberry Road. Intersection sight distance departing the site onto Wetherell Street does not appear sufficient for observed prevailing speeds and the existing street stubs mentioned provide the better neighborhood connectivity than new access.”

Mr. Prause opened the meeting to the public.

Mr. Alan Estevez, 90 Bayberry Road, introduced himself. Mr. Estevez reported his concern about opening up the cul-de-sac. He noted that throughout the presentation, there was no discussion about the current residents in the area. There is value in having a cul-de-sac and the dynamics would change if the street is opened to the new development, he stated. Mr. Estevez commented that the majority of homes run on well water and he is concerned about the effects of water runoff with the construction and higher density of homes. He read from the Town’s Aquifer Protection Area Regulations:

“Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of ground water will increase as the population grows
and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities and others are now threatened.”

Mr. Estevez commented about the wildlife in the area and, in his opinion, natural wildlife will be pushed out. He stated that preserving some of that is something to be considered. He urged the Commission to contemplate the loss of value in the Bayberry Road, Round Hill Road, City View, and other neighborhoods. Mr. Estevez declared he opposes the proposed change of zoning.

Mr. Edward Stearns, 32 Wilson Way, introduced himself. Mr. Stearns reported his concern is about using Wilson Way as an access road, as it is winding, curving and straight uphill. He reported that the road is particularly difficult in the winter. Mr. Stearns stated he has seen surveyors on the property adjacent to his and explained they will build a street in front of his house. He questioned the feasibility of emergency vehicles on the road. Additionally, he was concerned about the wildlife in the area. Mr. Stearns reported that his water pressure is not good and questioned what the result will be when water is continued to the development.

Mr. Andy Tyskiewicz, 127 Longview Drive, introduced himself. Mr. Tyskiewicz reported they moved to Longview Drive in May 2017. He noted that he has read that Manchester is one of the fastest-growing communities, it is the City of Village Charm, and it is in an interesting quandary because it is a desirable town where a lot of people want to come to live. Mr. Tyskiewicz explained they love their current location and respect the concerns of the other residents. He explained that there is a tremendous sense of community in his neighborhood and believes that future residents will agree.

Mr. Estevez questioned whether the tree line across from his home would be maintained to provide concealment.

Mr. Mark Peterson replied to Mr. Estevez’s question and explained that those trees will be removed. In the Manchester Subdivision Regulations, the developer will be required to plant street trees. He noted that storm water drainage will be addressed during the subdivision review.
process. The cul-de-sacs are temporary, providing the right to extend, and all the roads will comply with the criteria of the Town Subdivision Regulations in terms of slope and drainage. Public water will be extended from the Wilson Way cul-de-sac to the site, he explained.

Mr. Praise questioned what type of mitigation may be put in place when there are concerns about drainage onto existing properties. Mr. Peterson described, based on the concept plan, two storm water basins to capture the runoff from the proposed road.

Mr. Praise inquired whether the homes would be serviced by wells or public utilities. Mr. Peterson replied that the plan is for public sewer and water. Mr. Praise assumed there will not be an impact to existing wells on adjacent roads. Mr. Peterson concurred, stating that runoff will be captured.

Attorney Famiglietti stated she understands the concerns of the current residents. She acknowledged that homeowners purchased their homes with the hope that the road would remain a cul-de-sac. However, the cul-de-sacs are temporary with the potential for future extension. Attorney Famiglietti reiterated that the cul-de-sacs will be extended in order to provide access to the property, as the property will be developed and the two cul-de-sacs are the appropriate access points. She stated that leaving the property RR is not consistent with the surrounding development, and it makes sense to change it to AA. The next question would be whether the property should be AA conventional or AA cluster. According to Attorney Famiglietti, if there were a change to AA conventional, that would allow up to two units per acre. However, that would be at the expense of setting aside one-third of the property as open space. She explained if the change is not to AA cluster, there will be larger lots, the infrastructure would be spread out further, and the open rural feel that the developer is trying to achieve with the cluster would be lost. Therefore, in their opinion, a cluster is the more appropriate AA development on the parcel, as opposed to a conventional AA subdivision.

Mr. Praise questioned staff which subdivision is mentioned in the memo as an existing Rural Residence cluster subdivision. Mr. Anderson pointed out the area of the Rural Residence cluster
subdivision, which is in the Ralph and Galaxy Road areas. Mr. Peterson pointed to a map depicting the nearby cluster subdivision.

Mr. Stebe referred to a projected map of the area which seems to show a lot of AA Cluster as the majority of the land in the area. Looking at a larger view of the map, the AA and the AA Cluster are in the minority of the area. He explained it is all RR or Cluster RR. The real outlier is the PRD that is on the corner on Cougar Drive. Mr. Stebe noted there has not been a discussion of why the property must be changed to AA if the Rural Residence or the cluster version of Rural Residence is also an option. He noted that, obviously, if the zone is changed to AA Cluster, more houses can be built, which is the purpose of the business. He questioned why the applicant did not look at the cluster version of RR, which on sizing and limits is a slightly larger space than the clustered AA would be in terms of lot size and minimum housing.

Mr. Bordeaux explained that the densities are required to remain the same with a Rural Residence Cluster. However, lot sizes can be smaller. The Rural Residence Cluster could go down to AA dimensional requirements, i.e., from 30,000 sq. ft. to 18,000 sq. ft., and the frontage requirements would go down from 150 to 120 ft. In the Residence AA Cluster, the dimensional requirements of the Residence A zone are allowed, and the frontage requirement changes from 120 to 100 ft. Therefore, the density remains the same, though the dimensional standards are reduced to those of the zoning district below, he informed the Commission.

Mr. Stebe stated that when looking at the larger area, the AA zone from which all the references were pulled is the outlier. He asked again why it is necessary to move to a lower size rather than looking at the Rural Residence levels.

Attorney Famiglietti responded that the applicant is basing the zone change on the AA rather than the RR zone because of the entrance points to the new development. She explained the roads will not be traversing any RR land; the only entrance points are through AA or through the PRD. Mr. Peterson concurred, stating that the Residence RR Cluster would push the development to the east. The depths of the lots would increase on both sides of the roads, which would result in a sizeable reduction in open space.
Attorney Famiglietti acknowledged that the Residence RR Cluster would result in the applicant losing lots, but there would also be a resultant loss of open space. With the AA Cluster, over one third of the property could be set aside as open space, she clarified, and an RR Cluster would likely only allow slightly over one quarter.

Mr. Estevez noted that if regulations require trees to be cut, because his property is at a higher level, it would allow his line of vision to go straight into other houses, even if new smaller trees were planted. He suggested some guidance about how to amend the process to allow the trees to remain.

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

ASSOCIATION OF MUSLIM COMMUNITY – Request a special exception under Art. II, Sec. 5.02.02 for a place of worship use at 35 Oak Street, 46 Cottage Street, and 50 Cottage Street. – Special Exception (2018-111)

Attorney Stephen Penny, Manchester, introduced himself as representing the applicant. Attorney Penny specified the location of the property and the zoning particular to each location. He explained that 50 Cottage Street/35 Oak Street is a long-ago commonly occupied and combined parcel, developed with a single building that has frontage on two streets and, by prior use, two addresses. Attorney Penny discussed the size of each property and reminded the Commission that 50 Cottage Street and 35 Oak Street were rezoned from Central Business District to Residence B on June 18, 2018. The effect of the rezoning was to make it possible to expand the existing place of worship use inasmuch as it is allowed by special permit in the Residence B zone but, as of November 2013, is no longer a use permitted in the Central Business District. Attorney Penny continued by detailing the surrounding properties and zoning, as well as the public utility services. He reported that the building at 46 Cottage Street is the current home of the Association, as previously approved by both the Zoning Board of Appeals and the Planning and Zoning Commission in 2010. There is also another existing building, which would become
the principle place of worship. Attorney Penny stated that on November 28, 2018, the ZBA approved a variance to permit the place of worship use on the 50 Cottage Street/35 Oak Street site despite the fact that neither Cottage nor Oak Street is a collector roadway.

According to Attorney Penny, the Plan of Conservation and Development characterizes the area as mixed use center, and he detailed the regulations. He stated it is clear that the Plan of Conservation and Development, like the zoning regulations themselves, contemplates the proposed place of worship use in this mixed use neighborhood.

Attorney Penny reviewed the regulations that apply to the Residence B zone. He said that places of worship are specifically permitted by special permit in the Residence B zone. Schools and places of worship are subject to the provisions of Art. II, Sec. 1.00.02, dealing with special exception uses in residential zones, which he described in detail. Attorney Penny discussed the criteria for special exception uses.

The project involves an interior-only renovation and change of use for the existing building at 50 Cottage Street/35 Oak Street from commercial to a place of worship, reported Attorney Penny. He explained the services that will be held.

Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor with Bushnell Associates, introduced himself. Mr. Bushnell displayed the site plan that had been prepared. He described on the plan the site as well as the entrances and exits and the planned parking area. There will be no exterior changes, site work, earth work or disturbance, aside from a large emergency backup generator, which will be removed and replaced with a parking space. Mr. Bushnell detailed the parking plan for the location, with a total of 34 on-site parking spaces available. He explained the requirement for the slightly more than 700 sq. ft. of office space proposed at 35 Oak Street/50 Cottage Street, and referred to the parking plan for the space requirements. Mr. Bushnell pointed out the town parking lot access points.
A review of the Connecticut Crash Data Repository did not reveal any pattern of repeated traffic accidents or issues in the area, Mr. Bushnell stated. He reported that Jim Mayer, the Town Traffic Engineer, did not have any comments in that regard.

Mr. Bushnell said that both sites are served by city water, city sewer, and natural gas. He also does not expect any other effects to Cottage Street or Oak Street as far as vehicular or pedestrian traffic due to the use.

Mr. Stebe referred to a concrete wall behind the original building at 46 Cottage Street, noting that behind the newer building there is no actual wall. Mr. Bushnell agreed, noting the landscaping done as part of the parking lot project as well as a seating area owned by the Town of Manchester.

Mr. Stebe acknowledged there is no car access between. He sought clarification that the 35 Oak Street building is bordered on the east and west by Town parking.

Mr. Stebe pointed to the new building where there is a carve-out and questioned how that will be used. Mr. Bushnell responded that will be used for emergency egress and reported there is a gate leading in there that can be locked.

Mr. Stebe assumed that the lots will not be merged, with which Mr. Bushnell agreed.

Mr. Stebe requested information about lighting in the parking area. Mr. Bushnell believed there was street lighting as well as general lighting along Cottage Street.

Mr. Alan Lamson, Registered Architect in the State of Connecticut with FLB Architecture and Planning in East Hartford, introduced himself. Mr. Lamson detailed that the building at 35 Oak Street was originally two separate structures. At some point, the connection was strengthened by a prior owner of the property, he noted. In the 1980’s, the property was one of the very first properties that was part of the Downtown Manchester Façade Improvement Program, according to Mr. Lamson. He described the many prior uses of the building. He reported that the Savings
Bank of Manchester acquired the property as their operations center, improved the façade on the other two faces of the building, and strengthened the connection between the two. He explained the reason. Mr. Lamson went into detail about the building and its structure, as well as the different areas within the building.

Mr. Lamson projected the proposed layout for the interior of the building. He displayed photos of the face of the building, and reiterated that nothing will be done to the exterior of the building.

Mr. Prause stated that back in June, when there was a zone change from the Central Business District to Residence B, it was a very tough call because this was very valuable land with existing store frontage. He questioned whether, if this went back to retail use, it would be a substantial amount of work to undo.

Mr. Lamson commented that the proposal will change from what was retail/office use to an assembly use and the requirements are higher. Because the building was a bank’s operation center, there is a full fire suppression system, which will make this conversion easier, he explained. Reverting back to retail would be no challenge at all.

Mr. Stebe noted that, on Cottage Street, there is another door for a small space and questioned its use. Mr. Lamson pointed out that the door goes to a storage space with mechanical equipment.

Attorney Penny recited the wording under Art. IV, Sec. 20 which sets forth certain general special exception criteria. He pointed out that the proposed place of worship use is permitted by special exception in the zone, and is less intensive in the mixed use neighborhood than the commercial uses that have existed at the site for many decades. Attorney Penny reminded the Commission that the proposal is consistent with the Plan of Conservation and Development, being located in the mixed use center area.

Attorney Penny specified that there are adequate streets for use. Cottage and Oak Streets are both classified in the Plan of Development as local streets, according to Attorney Penny, and he gave examples of streets connecting Main Street (an arterial roadway) with Spruce Street (a collector roadway) and designated collector streets in the Plan of Conservation and
Development. He pointed out that Oak Street serves the purpose of a collector roadway even though it does not enjoy the designation as such. It was the confusion over Oak Street’s status in that regard and the need for a variance that delayed the public hearing by one month, according to Attorney Penny. The traffic impact statement submitted by the applicant concludes that the activities proposed by the application will not have an adverse impact on traffic on Oak Street or Cottage Street.

There is adequate parking and access, according to Attorney Penny, as the 32 standard and 2 handicapped parking spaces identified on the proposed site plan would fall 3 spaces short of the requirements of the zoning regulations, taking into account the 3 spaces required for the mosque’s office staff. The regulation states that the additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis, Attorney Penny reported. Attorney Penny assured the Planning staff that the applicant is not relying on the fact that, as a practical matter, there is street parking available on both Cottage and Oak Streets because the regulations, perhaps shortsightedly, do not take into account the availability of such parking. The applicant is also not relying on the large, abutting public parking lots on two sides of the site, since the Town Planner has informed Attorney Penny that such parking is restricted to use by persons engaged in activity within the Central Business District. As a practical matter, however, these parking lots do exist, he stated.

There are adequate public utilities, reiterated Attorney Penny, and the applicant’s utility impact statement concludes that the proposed use will not have an adverse impact on the currently utilized public utilities. The Town Engineering staff found no issues with the applicant’s proposed use of the available public water and sewer infrastructure.

Attorney Penny reported there are suitable structures for the use. The Commission was provided with the existing building’s elevations and floor plans for the proposed place of worship use. He submitted that the renderings submitted establish that the existing building in height, size, and design, particularly at this formerly commercial location, is compatible with the heights, sizes and designs of its mixed use neighbors.
Attorney Penny informed the Commission that there are no environmental protection and conservation issues, noting the existence of unchanged exterior structures and utilities for many decades, including storm water drainage, confirms that the site works environmentally as is. Additionally, he explained, landscaping along the perimeter of the site is already in place and was substantially improved by the Town as a part of its parking lot improvement project.

In conclusion, Attorney Penny summarized:
- There are no Staff comments that would preclude a favorable decision.
- The proposed place of worship use will be less impactful on the mixed use area than was the prior commercial use.
- The use is a special exception use in the zone, compatible with the immediate mixed-use neighborhood and as contemplated by the Plan of Conservation and Development.
- The existing building is compatible in height, size and design with the neighborhood.

Attorney Penny stated these factors suggest the correctness of an approval of the application for the special exception place of worship use in the zone at this location.

Mr. Prause referred to the comment of an accessory usage and possibly invoking a parking waiver. Attorney Penny responded that there is a waiver in the regulation for accessory uses; i.e., non-worship related uses, as part of the place of worship use. He reiterated that Town Staff was quite clear that the applicant could not rely on either street parking or two major public parking lots. Mr. Anderson clarified that the issue is not that the members of the mosque are not able to use the public parking lot; the issue is that, at the property owner’s request, they were removed from the Central Business District, which is the zone which allows reliance on public parking to meet the off-street parking requirements. He continued that the property is now in the Residence B zone and must meet the off-street parking requirements of that zone. Mr. Bordeaux advised that the regulations call for the request for a waiver for the three parking spaces for office staff.
Mr. Stebe questioned whether the Zoning Board of Appeals had approved the proposal. Mr. Bordeaux reported that the applicant appeared before the Zoning Board of Appeals on November 28 and were granted a variance to conduct a place of worship on a non-arterial, non-collector road. Mr. Stebe commented that he sat on the ZBA for the original application, and at that time the Board members were in favor of the use and the purpose. He stated he is in support of the project.

Mr. Bordeaux reported one outstanding Staff comment, noting that the applicant’s intent has been to wait until the multiple approvals are in order before submitting final plans:
- From Bernard Kalansuriya, October 30, 2018 – Revise plans to show separate sanitary sewer laterals to 35 Oak/50 Cottage.

Mr. Kennedy questioned which provision of the regulations contains the waiver provision, and Mr. Stebe responded with the correct provision.

**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:

________________________________________  __________________________________________
Date                                               Eric Prause, Chairman

**NOTICE:** A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.
MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 10, 2018

ROLL CALL:

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

Alternates: Teresa Ike

Absent: Julian Stoppelman

Also Present: Gary Anderson, Director of Planning
              Matthew Bordeaux, Senior Planner
              Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 9:35 P.M.

HILLIARD MILLS, LLC – Request a special exception under Art. II, Sec. 16.15.02 (l) for a banquet hall at 640 and 642 Hilliard Street and 370 Adams Street. – Special Exception (2018-086)

Mr. Kennedy questioned whether Mr. Bordeaux’s comment had been addressed adequately, which Mr. Bordeaux clarified. Mr. Kennedy pointed out that the plan contained a maximum occupancy of 275. He inquired whether there should be a specific condition for that to be
enforced. Mr. Bordeaux confirmed that the plans show the maximum occupancy and the number of spaces shared for the use. Mr. Kennedy concluded that a condition would be redundant.

**Special Exception (2018-086)**

**MOTION:** Mr. Kennedy moved to approve the special exception under Art. II, Sec. 16.15.02 (l) for a banquet hall at 640 and 642 Hilliard Street and 370 Adams Street, with the modifications as specified in staff memoranda from:

1. Raymond Myette, Jr., Design Engineer, dated November 2, 2018; and

Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria.

Ms. Scorso stated she is in full support of this use. In her opinion, it is a great use and she is happy with the involvement and use in the area.

Mr. Stebe echoed Ms. Scorso’s comments, stating that the applicant has done their due diligence. The ability to bring these mills back to life is a core piece of the 2020 Plan. Regarding neighborhood compatibility, according to Mr. Stebe, reusing the mill is compatible. He noted that he would be in favor of the applicant expanding this operation.

Mr. Prause reported that it is impressive to see that the occupancy list is up to 32 tenants. Overall, in his opinion, the banquet facility will be a very suitable location as there are good restrictions placed by the ZBA on the hours of operation.

**JOSH LAFRANCE – Request a special exception per Art. II, Sec. 4.02.01 for conversion to a two-family home at 180 Porter Street. – Special Exception (2018-120)**
MOTION: Mr. Kennedy moved to approve the special exception under Art. II, Sec. 4.02.01 for conversion to a two-family home at 180 Porter Street. Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria.

Ms. Scorso noted she supports the conversion as there is adequate space on each side.

Mr. Prause concurred that the two-family use meets the character of the neighborhood and is the most appropriate use for the size of the home, which appears to be laid out as a two-family. He did not see any potential negative impact on property values.

KENNETH BOYNTON – Zone change from Rural Residence to Residence AA zone at 426 Wetherell Street. – Zone Change (2018-127)

Mr. Kennedy voiced his opinion that, even if the PZC denies the application, there could be a subdivision of the property. Many points discussed, i.e., drainage, etc., would have to be dealt with in a subdivision application and are not considerations for the zone change. He explained that if the applicant did a subdivision as an RR, there would not be the open space compared to the proposal. Insisting that this parcel remain Rural Residence, based on the surrounding area, would be odd, according to Mr. Kennedy, and the AA zone would fit in fairly well with more open space.

Mr. Stebe noted that, based on this very preliminary layout, there would be open space. A very large open space is the piece going north to Wetherell, he explained, which is not buildable without much expense anyway. In his opinion, the open space is not the hinge; it is the ability to sell the resulting properties to be built. Mr. Stebe addressed the difficulties that must be dealt with in the development plan.

Zone Change (2018-127)
MOTION: Mr. Kennedy moved to approve the zone change from Rural Residence to Residence AA zone at 426 Wetherell Street. Mr. Bergin seconded the motion. Mr. Kennedy, Mr. Bergin, Mr. Stebe, and Ms. Scorso voted in favor. Mr. Prause voted against the motion. The motion passed 4 to 1.

The reasons for the approval are that the proposed zone change will provide a transition of development densities between surrounding residential subdivisions and that it is consistent with the Plan of Conservation and Development, especially Growth Management Principle #1, Objective B4.

The zone change will be effective on December 28, 2018.

Mr. Prause stated he deems this a tough call. When considering increasing density, properties in the area must be considered. He suggested that if any other Commission member is tentative, he would not be opposed to tabling the motion until the next meeting.

Mr. Stebe acknowledged that there would be no additional information gained by tabling the matter.

ASSOCIATION OF MUSLIM COMMUNITY – Request a special exception under Art. II, Sec. 5.02.02 for a place of worship use at 35 Oak Street, 46 Cottage Street, and 50 Cottage Street. – Special Exception (2018-111)

MOTION: Mr. Kennedy moved to approve the special exception under Art. II, Sec. 5.02.02 for a place of worship use at 35 Oak Street, 46 Cottage Street and 50 Cottage Street, with the modifications as specified in staff memoranda from:

1. Bernard Kalansuriya, Design Engineer, dated October 30, 2018;

and to approve a waiver as provided by Art. IV, Sec. 9.03.13.
Mr. Bergin seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity meets the special exception criteria.

Ms. Scorso supported the application, stating that it is a great use of space, noting there is no adverse effect on traffic, parking would be adequate, and the location is appropriate.

Mr. Prause echoed Ms. Scorso’s comments, stating it is encouraging that the applicant needs room to expand.

**ELECTION OF OFFICERS**

**MOTION:** Mr. Kennedy nominated Mr. Prause as Chairman. Mr. Stebe seconded the motion and all members voted in favor.

**MOTION:** Mr. Stebe nominated Mr. Kennedy as Vice Chairman. Ms. Scorso seconded the motion and all members voted in favor.

**MOTION:** Mr. Kennedy nominated Mr. Stebe as Secretary. Mr. Bergin seconded the motion and all members voted in favor.

**RECEIPT OF NEW APPLICATIONS**

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

**LA IGLESIA DE DIOS, INC. – Special Exception (2018-129)** – Request a special exception under Art. II, Sec. 6.02.04 for a place of worship use at 69 North Street and 65 North Street (a.k.a. 65-67 North Street).
MOTION: Mr. Kennedy moved to adjourn the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 10:00 P.M.

I certify these minutes were adopted on the following date:

________________________________________________________________________
Date                                Eric Prause, Chairman

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