AGENDA

PUBLIC HEARING:

1. **KIMLAR, LLC** – For a zone change from Neighborhood Business to Planned Residential Development zone for a portion of 699 Middle Turnpike East and from Residence A to Planned Residential Development zone at 719 Middle Turnpike East; a 2-lot resubdivision of 699 Middle Turnpike East; and construction of 32 residential apartment units in 6 buildings at 699 and 719 Middle Turnpike East.
   - PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011)
   - Resubdivision (2019-012)

2. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – Revisions to Art. II, Sec. 8 (Comprehensive Urban Development zone) to remove places of worship and schools from the list of permitted uses; to modify building height requirements for stand-alone multi-family and multi-family above ground floor commercial; and to add aquaculture, aquaponics, horticulture, hydroponics, banquet halls, conference centers, places of worship, and schools as special exception uses. Revision to Art. IV, Sec. 9 to add provisions for parking for conference centers. Revision to Art. I, Sec. 2 to add a definition for Conference Center.
   - Zoning Regulation Amendment (2019-031)

3. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – To revise the zoning regulations at Art. I, Sec. 4.06 (2) to delete the requirement that soil erosion and sedimentation control plans must contain a signature block to be signed by a design professional.
   - Zoning Regulation Amendment (2019-032)

NEW BUSINESS:

1. **KIMLAR, LLC** – For a zone change from Neighborhood Business to Planned Residential Development zone for a portion of 699 Middle Turnpike East and from Residence A to Planned Residential Development zone at 719 Middle Turnpike East; a 2-lot resubdivision of 699 Middle Turnpike East; and construction of 32 residential apartment units in 6 buildings at 699 and 719 Middle Turnpike East.
   - PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011)
   - Resubdivision (2019-012)
   - Special Exception Modification (2019-013)
   - Erosion and Sedimentation Control Plan (2019-014)
2. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – Revisions to Art. II, Sec. 8 (Comprehensive Urban Development zone) to remove places of worship and schools from the list of permitted uses; to modify building height requirements for stand-alone multi-family and multi-family above ground floor commercial; and to add aquaculture, aquaponics, horticulture, hydroponics, banquet halls, conference centers, places of worship, and schools as special exception uses. Revision to Art. IV, Sec. 9 to add provisions for parking for conference centers. Revision to Art. I, Sec. 2 to add a definition for Conference Center.
   - Zoning Regulation Amendment (2019-031)

3. **TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – To revise the zoning regulations at Art. I, Sec. 4.06 (2) to delete the requirement that soil erosion and sedimentation control plans must contain a signature block to be signed by a design professional.
   - Zoning Regulation Amendment (2019-032)

4. **ADMINISTRATIVE REPORTS**

5. **APPROVAL OF MINUTES**
   - [May 6, 2019](#) – Public Hearing/Business Meeting

6. **RECEIPT OF NEW APPLICATIONS**
   
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The Planning and Zoning Commission will hold a public hearing on May 20, 2019, at 7:00 P.M. in the Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut to hear and consider the following petitions:

**KIMLAR, LLC** – PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011); Resubdivision (2019-012) – For a zone change from Neighborhood Business to Planned Residential Development zone for a portion of 699 Middle Turnpike East and from Residence A to Planned Residential Development zone at 719 Middle Turnpike East; a 2-lot resubdivision of 699 Middle Turnpike East; and construction of 32 residential apartment units in 6 buildings at 699 and 719 Middle Turnpike East.

**TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – Zoning Regulation Amendment (2019-031) – Revisions to Art. II, Sec. 8 (Comprehensive Urban Development zone) to remove places of worship and schools from the list of permitted uses; to modify building height requirements for stand-alone multi-family and multi-family above ground floor commercial; and to add aquaculture, aquaponics, horticulture, hydroponics, banquet halls, conference centers, places of worship, and schools as special exception uses. Revision to Art. IV, Sec. 9 to add provisions for parking for conference centers. Revision to Art. I, Sec. 2 to add a definition for Conference Center.

**TOWN OF MANCHESTER PLANNING & ZONING COMMISSION** – Zoning Regulation Amendment (2019-032) – To revise the zoning regulations at Art. I, Sec. 4.06 (2) to delete the requirement that soil erosion and sedimentation control plans must contain a signature block to be signed by a design professional.

At this hearing interested persons may be heard and written communications received. A copy of the proposed zoning regulation amendments and 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: May 16, 2019

RE: Kimlar, LLC – 699 and 719 Middle Turnpike East
Planned Residence Development Zone Change & Combined Preliminary and Detailed Site Development Plan (2019-011);
Resubdivision (2019-012); Special Exception Modification (2019-013);
Erosion and Sedimentation Control (2019-014)

Introduction

The applicant is proposing a zoning district change to construct a multi-family Planned Residential Development at 699 and 719 Middle Turnpike East. The proposed development is located to the north of Middle Turnpike East, on the southeast corner of the intersection of Plaza Drive and St. Paul Drive. The project includes two parcels. 699 Middle Turnpike East (MTE) is currently zoned Neighborhood Business (NB zone) and consists of approximately 6.96 acres. The parcel includes an existing 24,975 single-story commercial structure occupied by the State of Connecticut Department of Social Services. The second parcel, 719 MTE, is a 0.29-acre undeveloped lot in the Residence A zone.

The applicant is proposing to subdivide 699 MTE to maintain the existing State-occupied facility on the easterly 3.59 acres in the Neighborhood Business zone, create a new 3.66-acre parcel on the westerly extent of the existing parcel, and change the zoning district to Planned Residence Development (PRD). The applicant is requesting approval of a combined PRD Preliminary and Detailed Site Development Plan that will include 719 Middle Turnpike East as undeveloped space.

There are four (4) permits being requested by the applicant. The PRD Zone Change and Combined Preliminary and Detailed Plan of Development (2019-011); Resubdivision (2019-012) of 699 MTE into two parcels; a Special Exception Modification (2019-013) for proposed improvements of the remaining Neighborhood Business zoned parcel; and certification of an Erosion and Sedimentation Control Plan (2019-014) for soil disturbance that will exceed one-half acre.

Proposed Zone District Change: Neighborhood Business to Planned Residence Development

Relationship to Surrounding Zoning

The proposed zone district change will apply to approximately 3.37 acres of 699 MTE and will include the 0.29-acre parcel at 719 MTE that is currently zoned Residence A. The proposed PRD is surrounded by single-family homes in the Residence A zone. The existing commercial
facility will remain in the Neighborhood Business zone. There is an existing multi-family residential development located on the north side of MTE approximately 150 linear feet to the west of Plaza Drive that includes 13 units in three (3) buildings.

Relationship to the Town Plan of Conservation and Development

In making a decision to change the zoning map, the Commission must take into consideration the Plan of Conservation and Development (POCD) in accordance with Connecticut General Statutes Section 8-3(b).

The Town’s Manchester 2020 Plan Proposed Character Map (attached) shows this parcel in the Community Corridor character area and adjacent areas are characterized as Suburban and Traditional Suburban. The POCD describes the Community Corridor character area as a “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 Suburban character area is described as “primarily residential areas characterized primarily by single family homes, open space and public uses including churches, schools and parks. Streets may be curvilinear to match topography or in a grid pattern with larger blocks. Residential lots are landscaped and most streets have sidewalks on one side. Trees and other plants are numerous and provide shade. Net residential densities range from 1 to 3 units per acre.”

The Traditional Suburban character area is described as “mixed-use but primarily residential neighborhoods consisting of single family and duplex housing, with some multifamily buildings. Streets are typically in a grid pattern and are shaded by street trees. Most streets have sidewalks and most housing is within walking distance of public transit, a neighborhood school and a neighborhood center or corridor. Structures are typically one or two stories. Net residential densities range from 3 to 10 units per acre.”

Site Plan of Development

The proposed 32-unit, multi-family residential plan includes six (6) buildings, 77 parking spaces (24 garages spaces), recreation space and public utilities.

Access and Parking

The proposed plan will have two points of access/egress. The first will be a connection to the existing driveway on MTE that currently provides access to the State-operated facility. The intersection of this driveway with MTE is signalized with a vehicle presence activated traffic signal including an exclusive pedestrian phase. The second point of access/egress is a proposed new driveway constructed on St. Paul Drive.
Building Orientation

The six (6) proposed buildings will be oriented such that a loop drive and all resident and visitor parking will be internal to the site. Therefore the front entry doors and garage doors will face internally rather than externally toward the existing streets. This orientation eliminates the need for multiple curb cuts on Plaza Drive and St. Paul Drive. The rear of the proposed buildings, therefore, including grade-level patios, will be screened with a vegetated buffer.

Unit Density

Article II, Section 7.02.03 (c) of the zoning regulations states that the total number of multi-family dwelling units shall not exceed ten (10) per acre of the multi-family dwelling site excluding wetlands and slopes greater than 15%. There are no wetlands or steep slopes on the property. Therefore, the maximum number of units possible on the 3.66-acre site would be 36 units. The applicant is proposing 32 units. The applicant is proposing 24 two-bedroom units and eight (8) one-bedroom units.

Utilities

The proposed development will include public water and sanitary sewer along with electricity, natural gas, cable and telephone services. All utility connections will be underground.

Stormwater

Stormwater drainage from the site will be collected in catch basins and directed to a series of water quality basins designed to slow the flow of stormwater and improve the water quality before discharge to a detention basin located on site. The water quality basins will be shallow, relatively flat with a stone trench and 2” outlet.

Recreation Open Space and Landscaping

In accordance with Art. II, Section 7.04.03, usable recreation areas developed for either active or passive recreation purposes shall be provided at a rate of not less than 500 square feet per dwelling unit. The applicant has proposed approximately 21,033 square feet of active/passive recreation open space equal to a rate of approximately 650 square feet per dwelling unit.

The applicant has provided a 15’ landscaped border on the plans adjacent to and parallel to all sides of the site in accordance with Art. II, Section 7.04.03 (b) (1).

Resubdivision

The proposed resubdivision of 699 MTE will reduce the existing 6.96 acre (303,215 square foot) parcel to 3.59 acres (156,197 square feet) and will create a new 3.66 acre (159,618 square foot) lot, which includes 719 MTE.
Erosion and Sedimentation Control Plan

The applicant has prepared an erosion and sedimentation control plan compliant with the Town of Manchester Soil Erosion and Sedimentation Control Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 2002, as amended. The applicant states that the proposed PRD construction vehicle traffic shall be solely through the MTE entrance. Anti-tracking construction entrances will be installed at both site access points. As the site is nearly flat, grading to construct the proposed stormwater swales and basins will serve as temporary silt/sediment traps. Silt fence will be installed around the perimeter of the site and existing and proposed catch basins will be protected with silt sacks.

The anticipated project schedule is for commencement of work in late spring / early summer of 2019.

Special Exception Modification

The existing 24,975 square foot, single-story, masonry building will remain at 699 MTE in the Neighborhood Business zone. The parking area will be reconfigured and will provide 106 parking spaces. As the use requires in excess of 60 parking spaces, the improvements are subject to special exception modification in accordance with Article II, Section 9.14.02 (b). The Commission should consider the provisions of Article IV, Section 20 of the zoning regulations to address compliance of proposed improvements with the special exception criteria.

Staff Review

Town staff has reviewed the plans and documents submitted with the project application and provided the applicant with comments to address concerns under their jurisdiction. The applicant has provided revised plans that are under review as of the writing of this memo. A full report on the results of the staff review will be provided at the public hearing.
TOWN OF MANCHESTER
PLANNING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Matthew R. Bordeaux, Senior Planner
DATE: May 16, 2019
RE: Town of Manchester Planning and Zoning Commission
     Zoning Regulation Amendment (2019-031)

Introduction

The Planning and Zoning Commission has worked with the Planning and Economic Development Department to consider amendments to the Comprehensive Urban Development (CUD) zone to increase the number of uses allowed in the evolving district. Additionally, revisions are proposed to the language regulating multi-family residential use above the ground floor of commercial buildings. The Commission and staff also agreed to propose regulating schools and places of worship in the district as special exception uses.

Proposed Amendments

Schools and Places of Worship

The proposed revision to Art. II, Sec. 8 to remove schools and places of worship from the list of permitted uses would bring the CUD zone in line with the regulation of these uses in business zones throughout town where schools and places of worship are uses subject to special exception approval as provided in Art. II, Sec. 9.14.04.

Multi-Family Buildings

The proposed revision of Art. II, Sec. 8.03.03 would modify building height requirements for stand-alone multi-family and multi-family above ground floor commercial. The maximum building height for a multi-family building in the zone would increase from 40’ to 50’ to be consistent with the building height in the General Business zone. That maximum height increases to 60’ if located above ground-floor commercial uses exceeding 100,000 square feet and within one-half mile of existing mass transit. The maximum height further increases when the residential use is still within the given proximity to mass transit but proposed above 200,000 square feet or more of ground-floor commercial space.

This proposal is an effort to incentivize multi-family and mixed-use development within a reasonable walking distance of mass transit and increase the residential density in a district loaded with services and amenities. Additionally, there are few commercial structures 200,000 square feet or greater in area in this district. Reducing the qualifying size of the commercial
structure to 100,000 square feet may allow for the development of residential housing above ground-floor commercial space where currently not possible.

Special Exception Uses

The proposed regulation amendment would add aquaculture, aquaponics, horticulture, hydroponics, banquet halls, conference centers, places of worship, and schools as special exception uses. The proposed uses were viewed as uses that would function in buildings with large footprints located in the district and would not have a significant impact on, and would be generally compatible with, the operations of the existing permitted uses in the area. The proposal increases the flexibility to re-occupy existing structures with uses unlike the original occupant of the structure.

Conference Centers

The proposal to add “conference centers” to the list of special exception uses in the zone necessitates the Commission add a definition of the use and provisions for parking. The proposed revision to Art. IV, Sec. 9 requires that a conference center provide one parking space for each four (4) seats or one parking space for every 50 square feet of assembly or meeting area, whichever is greater.

The proposed revision to Art. I, Sec. 2 adds a definition for Conference Center. The proposed definition reads: “A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations can include sleeping, eating, and recreation.”

The proposed definition differentiates the use from a Convention Center that might include trade shows or the like.

MRB
(3) An imaginary line established for certain streets by the Planning and Zoning Commission by authority of the charter.

**Building Line Dimension** - The lineal distance of a building line across a lot from sideline to sideline.

**C Cemetery** - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Certification** means a signed, written approval by the Planning and Zoning Commission (or its designated agent) that a soil erosion and sediment control plan complies with the application requirements of these regulations.

**Clinic** – An establishment licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic diseases or injuries where patients are not lodged overnight.

**Commission** shall mean the Planning and Zoning Commission of the Town of Manchester.

**Community Garden or Urban Farm**: A garden or farm located in a municipal park or on land otherwise open to the public with individual plots or with crops cultivated to support the community or for educational purposes.

**Conference Center** – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations can include sleeping, eating, and recreation.

**Convenience Store** - A retail store opened for business for extended hours with less than 3,000 square feet of floor area offering a limited selection of grocery items and other goods.

**Convenience Store / Gas Facility** - A building / lot used for the retail sale of gasoline and other automotive fuels used in conjunction with the operation of a convenience store.

**Corner Lot** - A lot situated at a corner of the intersection of two streets.

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23 Rev. 8/15/94  
24 Rev. 7/9/03, effective 7/29/03  
25 Rev. 10/1/85  
26 Adopted 1/23/19, effective 2/8/19  
27 Adopted 5/3/99, effective 6/7/99  
28 Adopted 5/3/99, effective 6/7/99
ARTICLE II ZONING USES
COMPREHENSIVE URBAN DEVELOPMENT ZONE

Section 8

8.01 Purpose

8.01.01 A Comprehensive Urban Development zone allows planned development of various types of commercial, industrial and residential land uses as well as certain accessory uses and special exception uses.

8.01.02 The intent of the "CUD" regulations is to permit greater flexibility and more economical and efficient use of the land while allowing a harmonious variety of land uses, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

8.01.03 All uses are subject to the requirements set forth in this section and no building shall be used or erected nor land used except as provided in this section.

8.02 Permitted Uses

The following land uses are permitted in a "CUD" zone after a Detailed Site Development Plan (Detailed Plan) is approved by the Planning and Zoning Commission:

8.02.01 Retail sales, including retail shops, department stores, shopping centers and shopping malls.

8.02.02 Personal service shops.

8.02.03 Office, including professional.

8.02.04 Restaurant and brewpub/restaurant, including outside building food consumption.

8.02.05 Bowling alley, theaters, museums, cultural and/or social community facilities, and similar amusement enterprises.

8.02.06 Hotel, motel.

8.02.07 Radio and television broadcasting studio.

8.02.08 Public, quasi-public and utility buildings, structures and uses. As used herein, a quasi-public use shall mean a public service company, public transportation or a charitable use.

8.02.09 Indoor and outdoor recreation facilities including tennis court, skating rink, health and recreation club, and other similar facilities.

8.02.10 Places of worship and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation or

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1 Repealed and replaced with new version 09/29/2016, effective 10/21/2016
2 Adopted 01/17/01, effective 02/06/01

Art. II Sec. 8 pg. 1
education shall not be subject to the provisions of Article IV, Section 10.  

8.02.110 Research and development facilities, data processing and laboratories.

8.02.121 Medical clinic, hospitals, medical offices.

8.02.1312 Telecommunications services and facilities.

8.02.1413 Accessory uses.

8.02.1514 Family day care homes conducted in a dwelling unit.

8.02.1615 (a) Wireless telecommunication antennas located on buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.

(b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.

(c) All wireless telecommunications facilities shall be in accordance with the requirements of Article IV, Section 19.

8.02.1716 Elderly Housing Development as permitted in Article II, Section 20.

8.02.1817 Gasoline Service Stations incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:

(a) Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and bio-fuels) and incidental automotive products, and shall not include automotive repairs.

(b) Such uses shall be exempt from (i) the requirements set forth in Article IV, Section 5.

(c) Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.

(d) No Gasoline Service Station building shall be closer than 200 feet to any residential dwelling.

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3. Rev. 12/04/89  
4 Rev. 12/04/89  
5 Rev. 10/20/97, effective 11/11/97  
6 New 11/03/03, effective 11/28/03  
7 Rev. 04/20/98, effective 05/12/98  
8 Rev. 01/21/09, effective 2/11/09
(e) No gasoline pumps may be located closer than 25 feet to any lot line.

8.02.1918 Accessory use of yards, walkways and parking lots as allowed under Article II Sections 9.13.02, 9.13.03 and 9.13.04.9

8.03 Special Exceptions

Certain uses are deemed appropriate in the "CUD" zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission (unless authorization by the Zoning Board of Appeals is designated) after a public hearing. Special exception uses shall be subject to the provisions of the Special Exception Criteria in Article IV, Section 20.10

8.03.0111 12 All uses which include development on a site which is four (4) acres or larger in size.13

8.03.02 All uses which require automobile parking spaces in excess of 60.

8.03.0314 Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

1. The aggregate of all building ground floor commercial uses shall not be less than 50% of the total ground floor uses for all buildings on the site

2. Building Height:

   i. Maximum fifty (50) feet. Minimum height shall be 30’ (minimum of two stories of residential use), Maximum Eighty eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet. Minimum height shall be 40 feet (minimum of three stories of residential use)

   ii. Maximum sixty (60) feet (maximum of five stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 100,000 square feet.

   iii. Maximum eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet.

   Maximum height shall comply with CUD zone requirements forty

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9 New 02/13/17, effective 03/01/17
10 Rev. 11/03/03, effective 11/28/03
11 Rev. 7/21/14, effective 8/1/14
12 Rev. 07/06/16, effective 07/20/16
13 Rev. 11/03/03, effective 11/28/03
14 New 02/13/17, effective 03/01/17
(40) feet if more than one half mile from existing mass transit or if existing commercial space is less than 200,000 square feet. Minimum height shall be 30’ (minimum of two stories of residential use).

3. Open Space: Open space on the site shall be provided for the use of residences as well as for the benefit and use of all users of the site. The following open space for the entire property shall be provided as follows.

i. Up to four residential stories – 250 square feet for each residential unit

ii. Each residential story in excess of four – 125 square feet for each residential unit.

iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants

   1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.

   2. Open space dedicated for residential tenants shall be located no greater than 100’ from the nearest residential building or mixed use building containing residential units.

iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.

   1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.

   2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.

4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:

i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.

ii. For all other residential sites, minimum parking shall be 1.5 spaces per dwelling unit.
minimum of 10% of the façade and a maximum of 70% of the façade above the ground floor is required.

1. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.

2. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

3. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.

4. Ground level parking under buildings is prohibited within 20’ of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3’ high wall from ground level. Transparency shall be between 20% and 70% of the ground floor façade facing public spaces, primary drives and where visible from a public street. Openings may consist of open façade walls, grills, grates or other semi open architectural features. Other site screening elements such as berms, fences and landscape shall be employed where appropriate.

8.03.04 Outdoor entertainment provided that:

(a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;

(b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;

(c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

8.03.05 The following activities when conducted indoors: Aquaculture, Aquaponics,
Art. II, Sec. 8

Horticulture, and Hydroponics.

8.03.06 Banquet Hall

8.03.07 Conference Center

8.03.08 Places of worship\textsuperscript{14} and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.\textsuperscript{16}

The following land uses may be permitted by special exception in a "CUD" zone with approval of the Zoning Board of Appeals:

(a) Carnivals and circuses in accordance with Article IV, Section 16.\textsuperscript{18}

(b) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.\textsuperscript{19}

(c) Child day care center and group day care home

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1. \textsuperscript{20}

8.04 Minimum "CUD" Zone Area

8.04.01 The minimum area of a "CUD" zone shall be 100 acres upon initial creation. A "CUD" zone shall be created in accordance with the procedures for zone change subject to the requirements of all regulatory bodies having jurisdiction.

8.04.02 An existing "CUD" zone may be enlarged by the addition of contiguous parcels in accordance with the procedure for zone change and subject to the requirements of all regulatory bodies having jurisdiction. (Parcels shall be considered contiguous even if they are separated by public streets.) The contiguous parcels must have frontage on and access to a public street unless the owner of the contiguous parcel and the owner of the existing "CUD" parcel with frontage on a public street agree to access to the contiguous parcel over existing or proposed public or private streets in the existing "CUD" parcel. Evidence of a permanent right to use such

\textsuperscript{14} Adopted 01/17/01, effective 02/06/01
\textsuperscript{16} Rev. 12/04/89
\textsuperscript{17} Rev. 08/05/02, effective 08/30/02
\textsuperscript{18} Rev. 05/16/11, effective 06/13/11
\textsuperscript{19} Rev. 12/04/89
\textsuperscript{20} Rev. 12/04/89
9.03.23\textsuperscript{19} Self Storage Facilities - a minimum of six spaces, plus one for each employee.

9.03.24\textsuperscript{20} Medical Offices / Clinics - established and / or expanded after 06/07/99, 1 space per 150 s.f. of gross leasable\textsuperscript{21} floor area.

9.03.25\textsuperscript{22} Bed and Breakfast Inns- one (1) parking space per one guest sleeping room plus two (2) parking spaces for property owners. Parking shall be located in side and rear yards only. Vehicle parking areas shall be constructed of bituminous concrete pavement, masonry concrete, pervious pavement, pervious pavers or crushed stone. When requested by the applicant an alternative parking surface material may be approved if the Commission finds the proposed material is suitable.

9.03.26\textsuperscript{23} Brewpub – one parking space for each three (3) customer seats and one space for each two employees on the largest shift.

9.03.27 Conference Center – one parking space for each four (4) seats or one parking space for every 50 square feet of assembly area or meeting rooms, whichever is greater.

\textsuperscript{19} Adopted 05/03/99, effective 06/07/99
\textsuperscript{20} Adopted 05/03/99, effective 06/07/99
\textsuperscript{21} Rev. 05/15/00, effective 06/03/00
\textsuperscript{22} New 07/15/13, effective 08/01/13
\textsuperscript{23} New 01/21/15, effective 02/13/15
TO: Planning and Zoning Commission

FROM: Matthew R. Bordeaux, Senior Planner

DATE: May 16, 2019

RE: Town of Manchester Planning and Zoning Commission
Zoning Regulation Amendment (2019-032)

Introduction

In an effort to improve the efficiency of the post-approval process for permits administered by the Planning and Zoning Commission or administratively approved by Town staff, the Planning Department is proposing to eliminate the requirement that an applicant’s design professional certify that the plan is in compliance with applicable erosion and sedimentation control regulations by providing a signature block, unique to our regulations, on the approved plans.

The reason for the recommended deletion is twofold. First, project applications that require an erosion and sedimentation control plan must be prepared by a licensed design professional, typically a professional engineer. The engineer must prepare the plan in accordance with applicable regulations and the required narrative will state as much. The plan sheet or sheets depicting the E&S plans will then be sealed with the design professional’s stamp and signed before final approval. This makes the additional certification block redundant.

Second, the certification block is something that appears in our zoning regulations and is not used in every municipality. What often happens is that final plans, typically a minimum of four (4) paper copies and a mylar, will be submitted without the certification block and staff is forced to request replacement sheets with the certification block. This is an unnecessary expense and delay in the post-approval process.

Proposed Amendment

The proposed amendment is to revise the zoning regulations at Art. I, Sec. 4.06 (2) to delete the requirement that soil erosion and sedimentation control plans must contain a signature block to be signed by a design professional.

MRB
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Attach.
g) A parking table showing the proposed uses, parking requirement, shared parking and parking calculations used to determine the proposed number of spaces.

h) Designated loading and parking areas.

i) A table showing the total site acreage and the percentage of land devoted to various types of civic or open space.

2. Other relevant information the applicant may wish to submit or the Commission or Planning Director may require to perform a thorough review and evaluation of the application.

4.06 Erosion and Sediment Control Plan


1. Said plan shall contain, but not be limited to:

A narrative describing:

1) The development;

2) The schedule for grading and construction activities, including
   (a) Start and completion dates;
   (b) Sequence of grading and construction activities;
   (c) Sequence for installation and/or application of soil erosion and sediment control measures;
   (d) Sequence for final stabilization of the project site.

3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.

4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.

5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

7) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

2. Soil erosion and sedimentation control plans shall bear the stamp and/or signature of a registered engineer, landscape architect, or certified soil scientist and shall include a statement certifying that the plan is in compliance with the Town of Manchester Soil Erosion and Sedimentation Control Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated
"The Planning and Zoning Commission certifies that the Soil and Erosion and Sedimentation Control Plan complies with the requirements of the Town of Manchester Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 2002, as amended".

Signature
___________________________________________

Date of Approval
___________________________________________

4.07 Electronic Submittal Requirement

Electronic copies of Detailed Plans shall be submitted in accordance with the “Town of Manchester, CT Geographic Information System, Policies and Rate Schedules” as adopted by the Board of Directors, January 21, 2003, and as amended.

4.08 Minor Modifications to Approved Plans

Minor changes to an approved Detailed Plan or a previously certified Erosion and

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6 Rev. 09/29/16, effective 10/21/16
ROLL CALL:

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

Alternate Members Sitting: Jay Stoppelman

Alternate Members: Teresa Ike

Absent: Jessica Scorso

Also Present: Gary Anderson, Director of Planning
Matthew Bordeaux, Senior Planner
David Laiuppa, Environmental Planner/
Wetlands Agent
The Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

SANRICO ASSOCIATES, LLC – Request a special exception per Art. II, Sec. 16.15.02 (a) and (b) for development on a site which is four (4) acres or larger in size and a use which requires automobile parking spaces in excess of 60 spaces, for construction of 43 small business rental units in 3 buildings at 58 Sanrico Drive, – Special Exception (2019-016)

Attorney Stephen Penny, Manchester, CT, introduced himself. Attorney Penny explained the application as well as the location and owner of the subject property. He described the parcel’s dimensions, noting the utilities available.

Attorney Penny described the building in detail as well as the building features. He explained that the applicant anticipates the primary market for the rental units would be for small building and maintenance trades as well as skilled craftspeople. The property near the wetland area will remain undeveloped and undisturbed other than 0.027 acres of wetland and approximately 1.59 acres within the upland review area. Attorney Penny reported the details of the activity in those areas. He requested that the hearing apply to all three pending applications.

Mr. Raymond Nelson, Professional Engineer registered with the State of Connecticut, introduced himself and explained his credentials. Mr. Nelson reported the total square footage of the building and property, discussed the utilities, and explained the wetlands on the property. He added that the proposal includes paved driveways and parking areas, onsite utilities to serve construction at each building, construction of a retaining wall, construction of a storm water management facility and installation of fencing and landscaping. Mr. Nelson noted that the
wetlands will be protected by temporary erosion and sediment control measures, detailed on the project site development plan.

The Senior Planner’s report offers a comprehensive overview of the site development, aspects of the project and more specific detail on the proposal, according to Mr. Nelson. He reiterated the report’s comments on the proposed storm water management facility, noting that after the development is completed, storm water will flow to onsite catch basins and yard drains with sumps, and in turn will be pumped to a proposed storm water retention infiltration basin to be constructed on the western side of the development. Mr. Nelson continued to detail the specifics of the storm water management plan. The proposed development of the subject project site will not have a significant impact on the inland wetlands and watercourses, he said. Additionally, according to Mr. Nelson, the proposed activity will not substantially diminish the natural capacity of the inland wetland or water courses that support aquatic plant or animal life, prevent flooding, supply water, facilitate drainage, or provide recreation, open space or other functions. Mr. Nelson listed the modifications and refinements to the proposed design in response to discussions with Town Staff.

Attorney Penny summarized that the proposed activities will not create a significant deleterious impact on the wetlands and watercourse in any of the particular manners set forth in the regulations and, in fact, it is believed that the conditions at the site will improve, which he explained in detail. A report by the soil scientist was delivered to the members of the Commission, which stated “There should be no significant impacts to wetland or water course resources on site or off as a result of the proposed project, provided strict compliance with the design criteria proposed and all erosion and sediment control measures outlined on the site plans are implemented.”
Mr. Stebe did not notice separators and also questioned what will be allowed to utilize the building.

Mr. Nelson described the option of installing trap hoods on the terminal catch basin.

Attorney Penny interjected that the Fire Marshal declined to comment until potential tenants are identified. At that point, the Fire Marshal would take jurisdictional control. The property owners’ insurance companies will scrutinize the contents of the building, and would place restrictions, according to Attorney Penny.

Mr. Prause pointed out that the watercourse flows from the southeast to the northwest, which Attorney Penny confirmed.

Mr. Nelson reported there will be a retaining wall behind which will be an erosion control blanket installed on the slope. He noted that installing the pine trees will help curb the invasives on the property, and will provide cooling for water.

Mr. Prause requested more information on the spillway, which Mr. Nelson explained in detail.

Mr. Kennedy prompted a discussion of voting on the Determination of Significance prior to proceeding to the public hearing on the special exception.

Mr. David Laiuppa, Environmental Planner/Wetlands Agent, reported that the application was discussed with the Conservation Commission and there were no outstanding comments. He explained the Conservation Commission’s prior concerns. Mr. Laiuppa’s estimate of the total area of disturbance was discussed.

Mr. Stoppelman requested that Mr. Laiuppa state on the record whether, in his opinion, there is significant impact that would require a public hearing.
Mr. Laiuppa reiterated that, in the Commission members’ memo, there is information on where the project would have a direct physical impact to wetlands; i.e., the spillway, which was discussed. He stated that the applicant has stated that the spillway will be pulled back to the wetland edge. Another permanent direct impact to the wetland is the widened driveway entrance. There will be a riprap slope into the wetland area, according to Mr. Laiuppa, though in his opinion the overall impact to the larger wetland system is probably not significant from a functionality perspective.

Mr. Stebe reported his opinion is that the Commission should continue with the applicant’s presentation. A discussion followed about the order of the public hearing.

Mr. Bergin sought clarification of the name of the trap mentioned by Mr. Nelson.

Mr. Nelson explained the trap hood is an L-shaped device that attaches to the end of a pipe which discharges downward.

Mr. Stebe requested the location of the fencing on the western edge not represented on the diagram, which Mr. Nelson explained in detail.

Mr. Kennedy observed that the thrust of the comments between the Town’s Wetlands Agent, the soil scientist and Mr. Nelson was the location of the white pines and the fence, and detailed the history of those placements.

Attorney Penny referred to the regulations that apply in the Industrial zone and detailed the permitted uses. He explained that the proposed use is one that is permitted in the Industrial zone. The applicant’s proposal, Attorney Penny reported, is compatible with the local Plan of
Conservation and Development. He also pointed out that the property is close to the I-84 corridor, accessed by arterial roadways.

Mr. Nelson described the engineering aspects of the property, including the existing topography, geographic features, location of the access drive, structures, parking, the general system of utilities, the impact of the development on the existing utility infrastructure, and expected traffic. He additionally informed the Commission of the location and purpose of the fencing on the property.

Mr. Sudhakar Nagardeolekar, Architect with NSN Architect, LLC in Tolland introduced himself. Mr. Nagardeolekar reported the design elements of the proposed industrial buildings and detailed the building exterior, materials and colors.

Mr. Bergin questioned whether the walls between the units will run floor to ceiling.

Mr. Nagardeolekar explained the walls will satisfy the Fire Marshal and the Building Inspector’s requirements.

Mr. Prause inquired about the height of the building and whether it is compatible with surrounding properties.

Mr. Nagardeolekar reported that the building will be 25 ft. in height. He stated it is consistent with area buildings.

Attorney Penny continued to restate and elaborate on the regulations pertaining to this proposal. He noted that there are no Staff comments that would preclude a favorable decision; the principle proposed use is permitted as of right in the zone for smaller projects and by special exception for this particular application; and the proposal is compatible with the pre-existing commercial uses
in the neighborhood and those contemplated by the 2012 local Plan of Conservation and Development. Attorney Penny added that the project can be accommodated on the site without impact to the local roadways, and the design of the proposed structures is compatible in height, size and design with the eclectic neighborhood.

Mr. Bordeaux stated that there are three minor outstanding comments outlined in the Commission’s motion memo. All issues will be satisfied at the time of building permit application.

There were no members of the public to speak.

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

The Chairman closed the public hearing at 8:20 P.M.

I certify these minutes were adopted on the following date:

_________________________________________  __________________________________________

Date                                                                                           Eric Prause, Chairman

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

HELD BY THE PLANNING AND ZONING COMMISSION

MAY 6, 2019

ROLL CALL:

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

Alternate Members Sitting: Jay Stoppelman

Alternate Members: Teresa Ike

Absent: Jessica Scorso

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

The Chairman opened the Business Meeting at 8:20 P.M.

NEW BUSINESS:
SANRICO ASSOCIATES, LLC – Request a special exception per Art. II, Sec. 16.15.02(a) and (b) for development on a site which is four (4) acres or larger in size and a use which requires automobile parking spaces in excess of 60 spaces, for construction of 43 small business rental units in 3 buildings at 58 Sanrico Drive. – Inland Wetlands Permit – Determination of Significance (2019-015); Inland Wetlands Permit (2019-015); Special Exception (2019-016); Erosion & Sedimentation Control Plan (2019-017)

MOTION: Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2019-015 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 (2019-015)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for regulated activity associated with the construction of 43 small business rental units in 3 buildings at 58 Sanrico Drive. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the principal functions or values of the wetland system by significant impact or major effect.
The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Special Exception (2019-016)

MOTION: Mr. Kennedy moved to approve the combined preliminary and detailed site development plan for special exception per Art. II, Sec. 16.15.02 (a) and (b) for development on a site which is four (4) acres or larger in size and a use which requires automobile parking spaces in excess of 60 spaces, for construction of 43 small business rental units in 3 buildings at 58 Sanrico Drive, with the modifications as specified in Staff memoranda from:

1. John DiBiasi, PE, Assistant Town Engineer, dated May 3, 2019; and
2. David Laiuppa, Environmental Planner/Wetlands Agent, dated May 1, 2019; and

Mr. Stoppelman seconded the motion.

Mr. Bergin expressed his concern about the potential for any number of substances used in a variety of trades. He noted that the engineer had indicated the modification is available and does not seem overly burdensome to install.

Mr. Stoppelman requested a professional opinion regarding the item.

Mr. Laiuppa responded that he fully supports a treatment system at the lowest end of the storm water system for additional capacity to prevent sediment and oils from entering the regulated areas.
Mr. Bordeaux added that the piece of equipment to be added, which was described by Mr. Nelson, is a hood that goes over the outlet pipe that leaves the catch basin. When water rises, he explained, the oil and floatable objects will be contained in the unit until such time as it is maintained. He stated that the location of the equipment at the last catch basin prior to discharge to the detention basin seems appropriate.

**AMENDED MOTION:** Mr. Stebe moved to add a modification to add a hood trap in the final catch basin prior to the outflow entering the retention basin. Mr. Kennedy seconded the motion and all members voted in favor.

All members voted in favor of approval.

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

**Erosion & Sedimentation Control Plan (2019-017)**

**MOTION:** Mr. Kennedy moved to certify the erosion and sedimentation control plan. Mr. Stebe seconded the motion and all members voted in favor.

**HAIR BY JEICOBY SALON SPA – 789 Main Street – Referral to the Planning & Zoning Commission per Art. II, Sec. 15.04.02 (2019-048)**

Mr. Scott Lanney, Owner of Hair by Jeicoby, introduced himself. Mr. Lanney explained that his business expanded in July 2018. His proposal is to modify the building and change the signage on the front and side of the business. Mr. Lanney detailed the material planned for the exterior of the building, explaining that it would consist of various sizes and grains of wood.

Mr. Prause offered that the siding will be similar to cedar siding.
Mr. Lanney stated it will be a rustic look.

Mr. Stoppelman reported that the material is not on the list for the downtown.

Mr. Anderson assumed Mr. Stoppelman was referring to page 6 of the Main Street Guidelines. He concurred that the list does not mention these materials.

Mr. Stoppelman speculated on the maintenance of the wood.

Mr. Lanney explained that the wood will be repurposed pallets. The plan is to polyurethane the wood, and if one piece begins to deteriorate, it could easily be removed and replaced.

Mr. Bergin noted that the purpose of the Downtown guidelines is to encourage uniformity and this will be a test case. He stated that he is not opposed to the use of wood. Mr. Bergin questioned whether the two signs hanging over the sidewalk will remain.

Mr. Lanney reported those signs have not been addressed thus far, though one of the signs will be placed on the side of the building. He noted there is an outstanding permit currently to move the signage, which can be modified.

Mr. Anderson stated that the zoning regulations only allow one projecting sign; they would not be grandfathered in for two signs. He suggested Mr. Lanney speak directly with the Zoning Enforcement Officer.

Mr. Prause noted that the regulations do allow wood clapboard style. He also expressed his concern about whether the wood blocks would be permanent in the event that a future tenant would want to remove them.

Mr. Lanney assured the Commission that the wood will not be permanent.
Mr. Kennedy acknowledged the lack of uniformity of the signs along Main Street. Therefore, he stated, he is not concerned that this would look drastically different.

Mr. Stebe expressed that he likes the proposed siding, though he suggested the lettering on the signs should be a lighter color. He requested confirmation about the sign plans, which Mr. Lanney clarified.

Mr. Lanney stated he is seeking to accomplish a facelift to the building at a reasonable cost. He continued to precisely describe the proposed updates to the members of the Commission.

Referral to the Planning & Zoning Commission per Art. II, Sec. 15.04.02 (2019-048)

MOTION: Mr. Kennedy moved to find that the proposed façade change and new signage to the tenant space at 789 Main Street conform to the Main Street Architectural Guidelines in accordance with Art. II, Sec. 15.04.02. Mr. Stebe seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS:

Mr. Bordeaux reported that there was a lot line revision approved administratively for 428 and 400 Tolland Turnpike. He explained that the property is owned by Bob’s Discount Furniture retail store and was conveyed to the property owner of the motel adjacent to the new cancer center.

APPROVAL OF MINUTES:

April 17, 2019 – Business Meeting
MOTION: Mr. Kennedy moved to approve the minutes as written. Mr. Stoppelman seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS:

HAIR BY JEICOBY SALON SPA – Referral to the Planning and Zoning Commission per Art. II, Sec. 15.04.02 (2019-048) – 789 Main Street.

EDUCATIONAL PLAYCARE LTD – Erosion & Sedimentation Control Plan (2019-049) – For expansion of an existing daycare at 452 and 462 Tolland Turnpike.

HAIRAM VENTURES, LLC – Special Exception (2019-050) – Request a special exception per Art. II, Sec. 24.02.01 (h) for automobile sales and service at 119 Spencer Street.

VANLOSE ENTERPRISES, LLC – Special Exception (2019-051) – Request a special exception per Art. II, Sec. 24.02.01 (h) and Art. IV, Sec. 5.01.02 for construction of employee parking lots and a vehicle storage lot at 86 Oakland Street and 11 and 25 Edward Street, to be used in conjunction with the Mazda new car dealership located at 80 Oakland Street.

41 PROGRESS DRIVE, LLC – Special Exception Modification (2019-054); Erosion & Sedimentation Control Plan (2019-055) – For a proposed building addition and parking expansion at 41 Progress Drive.

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

The Chairman closed the business meeting at 9:02 P.M.

I certify these minutes were adopted on the following date:
NOTICE:  A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.
SOBER HOUSES AND REASONABLE ACCOMMODATION

An application for a zoning permit to operate a sober house in a large, single family home was approved by the land use administrator. Neighboring property owners appealed this decision to the zoning board of appeals claiming the use was not a permitted use under the zoning regulations and should not have been issued a zoning permit. The zoning regulations permitted sober houses in other districts and limited single family home occupancy to 14 or fewer persons related by blood and/or marriage and to 4 or fewer unrelated persons. The proposed sober house use, on its face, did not comply with the zoning regulations.

In deciding the appeal, the board took into consideration that sober homes come under two federal regulatory schemes: the Fair Housing Act and the Americans with Disabilities Act. Both of these federal laws require that reasonable accommodations must be made for providing housing for certain protected persons, which include those suffering from drug addiction. Thus, in deciding whether the land use administrator’s decision to approve the zoning permit for the sober house was correct, the board needed to consider more than whether this use complied with the zoning regulations. It also needed to determine whether a reasonable accommodation could be made so that the permit could be approved for this housing. The board affirmed the issuance of the zoning permit, leading to an appeal to court.

In reviewing the board’s decision, the court set forth the following test. When deciding whether a reasonable accommodation can be made, in this case permitting the sober house, two factors must be considered: that there not be an undue financial burden on the community and that the accommodation would not alter the zoning scheme for the district.

In this case, evidence submitted at the Board’s hearing showed that there was adequate water and sewer service for the home as well as adequate parking. In addition, the number of persons to reside at the sober house – 9, would be less than the 14 allowed for a traditional family. Spring Glenn Civic Assoc. v. Zoning Board of Appeals, 67 Conn. L. Rptr. 357 (2019).

71st ANNUAL CONFERENCE

The Federation’s Annual Conference was held on March 28, 2019 at the Aqua Turf Country Club in Southington Connecticut. Our principal speaker was John Filchak, Executive Director of the Northeastern Connecticut Council of Governments. John’s presentation focused on explaining the idea of shared municipal services as a way of reducing costs without reducing municipal services. Known as regionalism, it provides municipalities with the ability to voluntarily come together to achieve efficiencies of scale.

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that individually would be difficult to realize. During the question and answer portion of the presentation, the members present made clear their opinion that local control over zoning and planning should not be reduced and that any move toward regionalism would need to safeguard this.

In addition to this presentation, the moderator for this event, Attorney James Steck, presented 13 Length of Service Awards. Special mention is made to the Lifetime Achievement Award recipients who are: Richard Fitzgerald of the Groton Zoning Board of Appeals, Margil Steinford of the Groton Planning Commission, David Wiig of the Morris Planning & Zoning Commission, Paul Sullivan of the Southbury Zoning Board of Appeals and Karl Profe of the Windsor Planning & Zoning Commission. All of them served a land use agency or agencies for 25 years of more, representing an unselfish devotion to their communities through land use.

Thank you to all who attended and please plan to attend next year’s conference.

PROTEST PETITION INEFFECTIVE AGAINST ZONE CHANGE TO ALLOW AFFORDABLE HOUSING

An affordable housing application received a favorable vote from a planning and zoning commission. The application was to amend the zoning classification for a particular parcel of property-so as to add as a permitted use, affordable housing developments. The vote to approve was 3 in favor with 2 against. However, since a protest petition had been filed, the commission deemed the application denied. An appeal to court followed.

The protest petition had been filed in conformance with Connecticut General Statutes Sec. 8-3(b) which provides that if a protest against a proposed zone change is filed with the commission signed by 20% or more of the area of the lots included in the proposed change or of the lots within 500 feet of the property included in the proposed change, then the amendment can only be approved by a vote of two-thirds of all the members of the commission.

Upon review, the court determined that 8-3(b) does not apply to a zone change application for affordable housing as the Affordable Housing Act [8-30g] lies outside of the traditional zoning scheme of which 8-3(b) is a part. Thus, the approval of the affordable housing application was done by a simple majority of the commission. Housing Authority v. Planning & Zoning Commission, 67 Conn. L. Rptr. 348 (2019).

GENERAL STANDARD CAN BE BASIS FOR DENIAL

A recent decision by the Superior Court has reaffirmed the well-established rule that a planning and zoning commission can deny a special exception application based solely on

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noncompliance with general standards found in the zoning regulations.

In this case, an owner of property located within an industrial zone applied for a zone amendment that would allow a crematoria by special exception. When the amendment was approved, he filed a special exception application for this use. The application allegedly complied with all of the specific requirements in the regulations. Nonetheless, the Commission denied the application finding that the proposed crematoria would not promote the public health, safety and general welfare. Neighbors to the proposed use stated at the hearing that having a crematoria in the industrial park would decrease property values, inhibit further development in the industrial district and pose a health risk. A finding of noncompliance with this general standard was a sufficient basis for the commission’s denial, so found the court. McLoughlin v. Planning & Zoning Commission, 67 Conn. L. Rptr. 373 (2019).

STATE LEGISLATURE LOOKS TO AMEND SECTION 8-2

Entitled “An Act to Reorganize the Zoning Enabling Act and Promote Municipal Compliance”, this proposed bill, if it becomes law, would make changes to Section 8-2 of the Connecticut General Statutes. Most of the proposed bill aims to break up the long, run-on paragraph which is Sec. 8-2 and break it up into many, numbered, small paragraphs so it will become easier to understand.

In addition to this ‘housekeeping’ measure, this proposed bill would require municipal zoning regulations to do more than ‘encourage’ a variety of housing opportunities, including affordable housing and instead require that they amend their zoning regulations to provide for these uses or risk losing discretionary funding from the State. Known as HB 6749, it was favorably approved by the Planning and Development Committee of the State Legislature and now awaits consideration by the full body.

ANNOUNCEMENTS

Membership Dues
Notices for this year’s annual membership dues were mailed March 1, 2019. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops
If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop to be held at your next meeting. At the price of $180.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed. The price for these workshops includes a booklet for each agency member.
BOOK ORDER FORM

Name of Agency: ____________________________________________

Person Making Order: __________________________________________

Address: _______________________________________________________

______________________________________________________________

Purchase Order No.: __________

“PLANNING AND ZONING IN CONNECTICUT”
at $ 30.00 each for members  Copies _______  $ __________
at $ 35.00 each for nonmembers

“CONNECTICUT ZONING BOARD OF APPEALS”
at $ 25.00 each for members  Copies _______  $ __________
at $ 30.00 each for nonmembers

“WORKSHOP BOOKLETS” at $12.00 each for members & $16.00 each for nonmembers
Planning & Zoning Commissions  Copies _______  $ __________
Zoning Board of Appeals  Copies _______  $ __________
Inland Wetlands & Watercourses  Copies _______  $ __________
Historic District Commissions  Copies _______  $ __________

TOTAL DUE:  $ __________

Please make check payable to:
Connecticut Federation of Planning & Zoning Agencies

CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES
2B Farmington Commons
790 Farmington Avenue
Farmington CT 06032

Manchester Planning & Zoning Commission
41 Center Street
Manchester, CT 06045

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PLANNING DEPARTMENT
MAY 13 2019
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