

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JUNE 15, 2020**

**MEETING HELD VIA ZOOM**

**ROLL CALL:**

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

Alternate Members: Julian Stoppelman  
Bonnie Potocki  
Teresa Ike

Also Present: Gary Anderson, Director of Planning  
Megan Pilla, Senior Planner  
David Laiuppa, Environmental  
Planner/Wetlands Agent  
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 8:05 P.M.

PARKADE CINEMAS & ENT. INC. – Request a special exception under Art. II, Sec. 26.04 to allow a drive-in movie theater at 416 Middle Turnpike West. – Special Exception (2020-026)

**MOTION:** Mr. Kennedy moved to approve the special exception under Art. II, Sec. 26.04 to allow a drive-in movie theater at 416 Middle Turnpike West, with the modifications outlined in a staff memorandum from John DiBiasi, Assistant Town Engineer, dated June 11, 2020. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed special exception meets the special exception criteria in Art. II, Sec. 26.09.03 and Art. IV, Sec. 20.

Ms. Scorso expressed her opinion that this is a very exciting application for the community and wished the applicant success.

Mr. Prause also stated that he too believes this is an exciting proposal. He was impressed with the ingenuity.

PETER M. LEVINE – Pre-application review to discuss a zoning regulation amendment to allow transportation/warehousing/light manufacturing as a use by special exception in the Comprehensive Urban Development zone.

Mr. Peter Levine, owner/principal of Amber Properties from Stamford, Connecticut introduced himself and gave a description of his business holdings. He explained that the last property he acquired was a property in Seabrook, New Hampshire, which is very similar to the Sam's Club property in Manchester. Mr. Levine reported that he had that property rezoned and put in two warehouse type tenants in the building, which has worked very well for the town.

Mr. Levine reported that he proposes to replicate that success with the Sam's Club in Manchester. He stated that the building is 138,000 sq. ft. with a prior use that is no longer viable. In his opinion, it is completely unlikely that another big box developer will be interested in the property. Additionally, according to Mr. Levine, WalMart, the owner of Sam's Club, upon sale put in very restrictive deed restrictions, not only in the purchase and sale agreement, but the buyer must agree on a range of restrictions. He explained that the restrictions include competing uses to Sam's Club and internet fulfillment uses.

The dynamics of the location, including easy access to the highway in a commercial zone, has worked well in the past, stated Mr. Levine. Additionally, he added, there is air conditioning, the floor density is good, and there are wide column widths, a high ceiling, and loading docks.

Mr. Prause explained the pre-application process to Mr. Levine.

Mr. Levine stated that dealing with WalMart is very straightforward, but not very flexible. He noted that there is really no similar product in the market. In dealing with WalMart, he said he will assume the zoning risks as he is purchasing the building.

Ms. Pilla interjected that, to clarify for the Commission members, the property in question at 69 Pavilions Drive is located in the Comprehensive Urban Development (CUD) zone. Because the proposed uses are not currently permitted in this zone, it would require a regulation amendment.

Mr. Stoppelman noted that there is a problem with losing retail in this zone and perhaps this is the best practical use of the property. He speculated on whether Mr. Levine would be interested in reducing the impervious lot pavement.

Mr. Levine replied that he does not believe that would make sense as some of the tenants may need the parking. He conceded that he may not need all of the parking, but noted that the parking was designed to fit the building and getting rid of parking would be difficult. Mr. Levine noted that, in his building in Seabrook, New Hampshire, there is a much larger parking lot, and he actually sold a portion of the parking lot to an interstate bus operator. That operator runs bus service into Manhattan and Logan. Mr. Levine explained that his proposal is very straightforward, can be accomplished rather easily, and will create jobs.

Mr. Kennedy agreed with several of Mr. Levine's points, though he acknowledged that the pandemic has not made anything better for retail. He noted that the regulations were written in

the 1980's for this retail-oriented area and times have changed. Conceptually, he thought this was a good idea and would be a tremendous economic generator, and warehouse/light industrial would be more compatible with commercial uses.

Mr. Levine stated that he and Mr. Anderson had initially met pre-COVID-19, and reported he had spoken with brokers to get a feel for the market. He was told that there is a tenant in Manchester who needs to expand, and this would be a perfect opportunity for the business to stay in town and allow them to grow.

Ms. Potocki asked how many properties Mr. Levine has developed that were formerly Sam's Club.

Mr. Levine responded that he redevelops and owns 6 properties, all in New Hampshire, including the Seabrook building, which was a Sam's Club. He added that he owned the Union Leader Newspaper, a statewide newspaper in New Hampshire, although he has downsized that with two charter schools and about 90,000 sq. ft. which was formerly their printing facility. He stated he has Carrier, an HVAC distributor, a furniture distributor, and a small manufacturer as well. He informed Ms. Potocki that he has redeveloped only one other Sam's Club but the buildings are almost identical and the significant issues have been dealt with.

Ms. Potocki questioned whether Mr. Levine had a particular relationship with a particular architectural firm.

Mr. Levine assured Ms. Potocki that he would probably use a Connecticut-based firm to do engineering if needed, and currently has a Phase I firm in Middletown, Connecticut for engineering. He has partnered with a Middletown environmental firm, and construction or architectural work would require local vendors.

Ms. Potocki stated that this property is within an aquifer protection area, and explained that there are restrictions in terms of usage and what can be stored in the warehouses.

Mr. Levine stated he was aware of that and noted that this would be an important part of the tenant approval process. He noted that his building in Seabrook, New Hampshire was also within an aquifer protection area. As the owner of the property, he assured Ms. Potocki that the last thing he would want is to get a pollutant in there which would cause risk.

Ms. Potocki questioned how long Mr. Levine's LLC has been in business.

Mr. Levine explained that his operating company, Amber Properties, has been in business for over 20 years. He noted that each property he owns is a single-purpose standalone limited liability company, which is typical in this business.

Ms. Potocki expressed concern that the area is a retail mall, so truck traffic, deliveries and warehouses would be factored into the retail use of the same road.

Mr. Levine assured Ms. Potocki that would not be an issue with the tenants. Without knowing for certain the tenants and the delivery times, not wanting to misrepresent anything, there is clearly an advantage to being near the highway. Taking an aerial view of this parcel, between the retail and the residential, it would not be hard to assume that a business would want to have a distribution capability to service everything around there, whether retail or residential. He reported that traditional retail would not find a home in this building.

Mr. Stebe observed that, crossing I-84, there is a slightly smaller building that is similar, next to Buckland Hills Cinemas. He questioned how this proposal would fit into the surroundings, acknowledging that this is an island unto itself within the development zone and, in his opinion, light manufacturing would be the operative word.

Mr. Levine agreed that the building is set back and isolated, making it an ideal location. The building has been vacant for two years, which is not in anybody's best interest, particularly if jobs can be attracted. In his opinion, there is a very strong demand for this building as industrial, which may meet the aquifer protection guidelines.

Mr. Anderson reported that the only interest that the Town has heard of beyond this light manufacturing/warehouse/transportation concept has been many calls about self-storage. He explained that self-storage has a very limited economic impact, as it does not employ many people, does not have much personal property, and is a way to fill a building, in contrast to what is being proposed. Mr. Anderson noted that, even pre-COVID-19, the market over time has shifted from retail from front end to back end, resulting in less demand and need for people to visit and shop for retail goods and more demand for this type of transportation and warehousing.

Mr. Levine anecdotally relayed that, in Seabrook, a 90,000 sq. ft. tenant named Spinnaker does logistical work for a number of tech companies, such as Nokia. They are bringing in goods that need to be tested or have the need to be consolidated from one source and distributed to another. He said there is trucking but certainly not heavy trucking use. Mr. Levine explained that they have approximately 50 employees and will probably expand to 100 employees.

Mr. Prause noted that the purpose of the CUD zone is to develop various types of commercial, industrial and residential land uses. What is interesting is that there is nothing in the regulation about a permitted use or a special exception for industrial. If that was referenced in the purpose, there would be a roadmap of how intensive industrial could be and it would seem that light industrial would be reasonable. Mr. Prause referred to transportation and warehousing and stated that the proposal may receive comments in a public hearing about traffic. There are always concerns about traffic in a CUD zone, he remarked, but with shift changes, that may be a better balance to straight retail.

Mr. Stebe expressed his opinion that many people do not understand what light manufacturing is. On the Town side, there must be delineation of what types of things could be allowed.

Mr. Levine appreciated the comments. He noted that he has not hired any professionals but has a clear idea of the potential uses which would not be objectionable. Mr. Levine stated that he would be happy to assist with crafting language to alleviate any concerns.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION (continued from June 1, 2020) – Comprehensive revisions to the Form Based zone regulations at Art. II, Sec. 26 to simplify and clarify requirements and encourage desired development. – Zoning Regulation Amendment (2020-019)

There were no comments from the Commission about the amendment.

Zoning Regulation Amendment (2020-019)

**MOTION:** Mr. Kennedy moved to approve the zoning regulation amendments as presented at the June 15, 2020 Planning and Zoning Commission meeting to comprehensively revise Art. II, Sec. 26 (Form-Based Zone) to simplify and clarify various requirements in order to encourage desired development described in Art. II, Sec. 26.01.01, as presented and amended. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed zoning regulation amendment is consistent with the Plan of Conservation and Development Goal #2, Objective 1, which states: “Adopt zoning regulations that promote vibrant, walkable neighborhoods by incorporating design standards for streets and public spaces that create a sense of place, require a mix of uses within walking distance of transit, promote business uses on street level, and create attractive and well-lit pedestrian corridors.”

The zoning regulation amendment will be effective July 3, 2020.

ADOPTION OF TOWN OF MANCHESTER SUSTAINABLE DESIGN AND LOW IMPACT DEVELOPMENT GUIDELINES

Ms. Pilla displayed the revised document which, after the June 1<sup>st</sup> Planning and Zoning Commission meeting, was sent to the Conservation Commission for review. They did not elect to call a special meeting, but several members did review and provide feedback, which has been incorporated into the document in the form of an introductory purpose section. That section, according to Ms. Pilla, explains the extent of the purpose and enforcement of the guidelines that are within the document.

The Conservation Commission’s comments sought to make sure there was a clear intent for the document and a clear description of how it will be enforceable.

Ms. Pilla reported that there was a question about whether the document had been reviewed by the Sustainability Committee. She stated that it was the Sustainability Task Force who tasked the Planning and Zoning Commission with the creation of LID guidelines. That task force also called for the formation of a State Sustainability Committee; however, that committee has yet to officially meet. She added that Staff feels that the creation of this document accomplishes the task that was set forth by the Sustainability Task Force and the document can certainly be revised

in the future, if necessary, based on further review and the evolution of LID, storm water management practices, or other sustainable design practices.

Mr. Laiuppa gave a general review of the items discussed by the Conservation Commission. In response to a question, he informed the Commission that these are guidelines that would refer to existing regulations and the enforcement would be covered under those regulations. Another question referred to maintenance, which was addressed in the introductory page. There was a comment about the frequency of updating the guidelines, with the suggestion of a version or revised date. He reported a comment about having more reference to sustainability within the guidelines, mentioning within the guidelines specific points of reference, where applicable, in the zoning regulations. Additionally, the goal and guidelines should be reported with specific objectives.

**MOTION:** Mr. Kennedy moved to approve the document titled Town of Manchester Sustainable Design and Low Impact Development Guidelines as presented at the June 15, 2020 Planning and Zoning Commission meeting. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed document is consistent with the Plan of Conservation and Development, which aims to reduce impervious surfaces and treat and control storm water through low impact design techniques, and to green the urban landscape and existing neighborhoods through sustainable design.

Mr. Prause concurred that the generation of the guidelines was prompted by the Sustainability Task Force. Though there is no input from the Sustainability Committee, there was input from the Task Force.

## **ADMINISTRATIVE REPORTS**

Ms. Pilla briefed the Commission on the status of the temporary outdoor dining permit program. To this point, there have been 34 complete applications and all have been approved. There are a couple that may come in for possible expansions and one application that made it part way through but has been withdrawn.

Mr. Anderson spoke about the effort called Desegregate Connecticut. It is an effort, currently led by Sara Bronin, the Chair of the Hartford Planning and Zoning Commission, to push for zoning reform on a statewide level. This has been discussed in Manchester and is in line with some of the racial and social justice efforts that are particularly active at this time. The effort is to determine what Connecticut and its municipalities can do to move those goals forward. He noted that the idea, from the State perspective, attempts to address the idea of exclusionary zoning. Mr. Anderson described exclusionary zoning as a concept in which certain towns, not Manchester, try to keep people of certain races, ethnicities or incomes away through exclusionary practices, including zoning; i.e., only allowing single family homes of significant acreage or only allowing expensive homes.

He explained that Ms. Bronin has put together a task force that met last week with 200 people on the call. They will be meeting every week and he offered to send everyone the link to the website. Mr. Anderson stated that Manchester has been on the good side of bad over time, in that the Town allows a diversity of housing types, is a diverse community, and perceives itself to be a welcoming community. Perhaps there are other concerns through unintentional zoning practices. Mr. Stoppelman is the Chair of the Housing Commission, stated Mr. Anderson, and he has spoken about implementing inclusionary zoning from time to time. Mr. Anderson sought input on whether this was something the Commission would like to discuss at a meeting or a workshop.

Mr. Stoppelman reported that there was a CRCOG meeting recently in which this zoning issue was addressed. There was a discussion about Farmington trying to modernize their zoning but meeting resistance by people who want the town to remain the same. Another issue was that South Windsor has an open hearing on Costco, which would be in close proximity to Manchester's mall.

Mr. Anderson interjected that, when he sends the information regarding the task force phone call, the Commission members will see there is a recording of the call. He thought that the Commission members would find the information interesting.

Ms. Potocki questioned whether the Commission will give an endorsement for social justice and housing, or if a resolution should be proposed. Mr. Anderson explained that the Commission can do that if they would like, but their purview over local zoning regulations would be their best option.

Ms. Potocki asked if any other towns have taken steps. Mr. Anderson noted that this effort is new, but there have been numerous efforts over time to institute inclusionary zoning. He reported that there are still towns that do not allow multi-family housing, so inclusionary zoning has been the tool other towns have used in the past to integrate more intentionally.

Ms. Potocki noted that the Plan of Conservation and Development is for 2020 and questioned whether that will be updated this year. Mr. Anderson noted that an update is actually two years away, because the plan was approved in 2012.

Mr. Stoppelman remarked that the most pressing housing issue will be that the Governor's pause on collecting rent and mortgages is due to expire at the end of the month.

## **APPROVAL OF MINUTES**

June 1, 2020 – Public Hearing/Business Meeting

**MOTION:** Mr. Kennedy moved to approve the minutes as written. Ms. Scorso seconded the motion and all members voted in favor.

## **RECEIPT OF NEW APPLICATIONS**

**PARKADE CINEMAS & ENT. INC. – Special Exception (2020-026)** – Request a special exception under Art. II, Sec. 26.04 to allow a drive-in movie theater at 416 Middle Turnpike West.

**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 9:15 P.M.

I certify these minutes were adopted on the following date:

July 20, 2020 \_\_\_\_\_

Date

\_\_\_\_\_  
Eric Prause, Chairman

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