

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
AUGUST 17, 2020**

**MEETING HELD VIA ZOOM**

**ROLL CALL:**

Members Present: Patrick Kennedy, Acting Chairman  
Michael Stebe, Secretary  
Jessica Scorso  
Jessica Poland

Alternate Member Sitting: Teresa Ike

Alternate Members: Bonnie Potocki

Absent: Eric Prause, Chairman  
Julian Stoppelman

Also Present: Megan Pilla, Senior Planner  
David Laiuppa, Environmental  
Planner/Wetlands Agent  
Nancy Martel, Recording Secretary

The Vice-Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

WALTER LANDON – Zone change from Residence A zone to Planned Residential Development zone at 321 Oakland Street (a.k.a. 321-1/2 Oakland Street) and 27 Lillian Drive. – PRD Zone Change & Preliminary Site Development Plan (2020-007)

Mr. Joe Boucher introduced himself and stated that he understands this is a preliminary application for the zone change. He explained the specifics of the property, the minimal wetlands impact, the area residences, and the history of the property.

Based on the Town formula, at 3.735 net acres, the applicant proposes 37 units, 84 total parking spaces, and an open space area. Mr. Boucher pointed out the revisions that have been made since the prior pre-application meeting and explained the feedback from all utilities, Engineering and Survey, and noted all will be in the final plan. There are sidewalks on both sides of Oakland Street and the property is on a bus route. Mr. Boucher explained that they hired a traffic engineer who reported there are very few accidents and he then read from the report.

Mr. David Mieczynski of National Realty Advisors addressed the potential impact and the demand for housing in the area. He stated that he had given Ms. Pilla a comprehensive housing

market analysis done for HUD through census data showing a demand for 3,750 apartment units in the metro Hartford area, including Manchester. Therefore, he noted, there is a demand for additional housing in the market.

Commenting on the project's potential impact to the schools, Mr. Mieczynski referred to the Urban Land Institute study showing the overall impact from multi-family housing on the schools is significantly smaller than it is for single-family households. He estimated a potential of 7 students being added to the school system.

Mr. Mieczynski referred to the question about the impact on property values surrounding the development, and utilizing the Urban Land Institute study, he said the data shows no negative impact and there would actually be a slighter higher positive impact. He stated he would be happy to forward the supporting reports.

Mr. Boucher remarked that they have addressed the Staff comments and demonstrated that the 37 units proposed on the site will conceptually work. They fully understand that the actual developer may have other plans for the project, and appreciate that those will come with the second phase of approval.

Ms. Potocki stated that she had reviewed the October 7, 2019 meeting minutes and there are some outstanding questions that have not been addressed by the applicant. She questioned whether natural features will be preserved in the proposed development. Also, she inquired about the impervious surface; the demographics, local vs. regional; and the date of the Urban Land Institute study referred to.

Mr. Boucher explained the plan for the natural features. It was his opinion that the property may have been used for farming in the past. He added that, of the total 4.18 acres, 1.58 acres will be impervious.

Mr. Mieczynski reported that the Comprehensive Housing Market Analysis done by HUD and the U.S. Census was dated 2017 and was a local study. The Urban Land Institute is a national study and was based on 2005 data.

Ms. Pilla commented that Staff reviewed multiple rounds of revisions for the application, and reported that the applicant was very accommodating in responding to their requests. She said that nearly all comments were addressed, acknowledging that there were a couple of very minor comments which will be addressed at the time of the detailed plan submission. Additionally, Ms. Pilla noted that there were a couple of minor Engineering utility-related comments that are on a marked-up site plan.

Mr. Stebe noted that this is the first PRD application since the PZC updated the verbiage in the zoning regulations on a renewal at 5 years. Noting that this is a preliminary plan, he acknowledged that it is not binding. He questioned how many changes from the preliminary site plan would be accepted when the detailed site plan is submitted.

Ms. Pilla reported that there can be differences and details will be fleshed out with the detailed site plan. However, if a detailed site plan is submitted that does not match the concept of the preliminary site plan, it must then be approved as a PRD zone change all over again. She reported that she would have to review the language in the regulations to confirm whether there are strict criteria regarding changes.

Referring to the site plan, Mr. Stebe pointed out the houses that will be demolished and asked if the driveway entrance would remain.

Mr. Boucher reported that, at 27 Lillian Drive, there is currently a house close to Oakland Street. There is another little house tucked behind with a garage. All three buildings will be razed along with the chicken coop. The only other house is a ranch with a carport at 22 Lillian Drive.

Mr. Stebe assumed that 22 Lillian Drive would retain driveway access, which was confirmed by Mr. Boucher. All other abutters have driveways on Oakland Street, Mr. Stebe assumed, again confirmed by Mr. Boucher. Mr. Stebe acknowledged that the proposal fits the neighborhood but is unsure of what is surrounding the property, other than a number of small houses. He asked what else is around it to show for the record how this will fit into the neighborhood.

Mr. Boucher reported that to the north are the Brownstone Apartments, to the east and south is the Manchester Oaks apartment complex, and on Oakland Street are single-family or duplex style homes.

There were no members of the public to speak.

**MOTION:** Mr. Stebe moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

AMBER PROPERTIES, LLC – To amend the Comprehensive Urban Development (CUD) zoning regulations at Art. II, Sec. 8 to allow light industrial uses in the zone. – Zoning Regulation Amendment (2020-047)

Attorney Stephen Penny introduced himself as representing the applicant, Amber Properties, LLC.

Attorney Penny explained that the application is to restore light industrial as a special exception use in the Comprehensive Urban Development zone. He reported that the amendment would apply to anywhere in the zone, which extends along both sides of Buckland Hills Drive from Buckland Street on the west to just short of Deming Street on the east, and from Pavilions Drive and I-84 on the south to the Manchester/South Windsor line on the north.

Attorney Penny noted that his client has the former Sam's Membership Only Warehouse Club building located at 69 Pavilions Drive under contract for purchase and has several potential light industrial commercial tenants who have expressed an interest in the property. WalMart closed

the Sam's Club facility in January 2018 and the large 139,247 sq. ft. building on 13.07 acres has remained vacant since then.

Attorney Penny detailed the Comprehensive Urban Development zone regulations. He gave an account of the historical changes to the regulations to accommodate the Buckland Mall. Attorney Penny enumerated the permitted uses listed in the current CUD zone district regulation and referenced old regulations. He reported that the provision for light industrial and manufacturing uses as special exceptions began in 1986 and remained in the CUD regulations from that time until 2016, when light manufacturing and processing were deleted "because those uses had never been proposed." The proposed text amendment would restore the light industrial and manufacturing uses to the zone.

Mr. Alan Lamson introduced himself and described his credentials, adding that he served as the Technical Planning Assistant for the Town of Manchester between 1975 and 1977, and then as the Director of Planning between 1977 and 1984. He acknowledged the 2020 Plan of Conservation and Development, which was adopted in 2012. Mr. Lamson stated that, in reviewing the Staff report, he agrees with Ms. Pilla, Senior Planner, and her references to certain aspects of the Plan of Conservation and Development. The CUD zone is a part of the mixed-use regional center shown in the plan, but it is not possible to ascertain the intent of this zone when it was first adopted.

Mr. Lamson pointed out that the Staff report stated that certain goals and objectives in the Plan of Conservation and Development "may support this application." He detailed the other pieces of the Plan that the Commission should consider. It is the applicant's opinion that there will be even more vacancies in the area with the continued contraction of the brick and mortar retail economy, which will place demand on uses that may not currently be in the zone.

There are also several places where this proposal conforms to the consistency noted in the Plan of Conservation and Development, reported Mr. Lamson, with the stated growth management and practices, which he went on to explain. He stated that the Plan of Conservation and Development indicates that, even in 2012, some changes were occurring in the number and types of establishments in Manchester, especially in the retail and light industrial sectors of the economy, which he enumerated.

Mr. Lamson gave a history of the CUD zone, which was created before his tenure with the Town. He explained that, in 1984, Manchester I-84 Associates developed interest in the site as the commercially-zoned land west of Buckland Street that had initially been approved by both Manchester and South Windsor for regional retail development became more and more infeasible to develop because of immense off-site improvement costs. Between 1984 and 1986, Manchester I-84 Associates and Homart Development Corporation (the ultimate developer of the mall), recommended many modifications to the zone that made it marketable, feasible and attractive as a major regional mixed use development.

The recommendations were approved by the PZC, and planning and development commenced almost immediately. He noted that, after he left the Town of Manchester, he was employed by I-84 Associates to help negotiate and develop the new strategies for the CUD zone. Mr. Lamson

explained that, early on, all interested parties became aware that there was a life cycle to large retail development, and they saw many examples of the need for a wide mix of uses to accommodate the changes in the world. They wanted to create a zoning regulation that would be nimble enough to react to those changes when, not if, they occurred. He then detailed the provisions in the zoning regulations for future uses.

Mr. Lamson reported that the only uses deleted in 2016 because “these uses have never been located in the zone,” did not include any of the items noted above. In proposing the amendment, they are retaining the current definition of light industrial and also proposing it as a special exception use as it was before. The criteria for approval are outlined specifically in the amendment and are further defined in other parts of the zoning regulations. Adoption of the amendment, according to Mr. Lamson, only allows someone to apply for approval by the Commission to locate a light industrial use in the CUD zone. He explained that research into the industry and marketplace definition of “light industrial” finds that this definition is in line with other definitions in use in professional organizations. Mr. Lamson stated that it is his professional opinion that the proposal is consistent with the intent of the CUD zone, the Plan of Conservation and Development, and other sections of the zoning regulations, and conforms to the intent to provide flexibility in the zoning designation to respond to the demands of the real estate market over the long haul with appropriate safeguards built in to allow all uses in this mixed use area to survive and thrive side by side in the Buckland area.

Attorney Penny concluded by recapping the prior CUD zone regulation, the prior explosive growth in retail in the Buckland area, and the industry-wide decline in retail establishments. The principal of a retail advisory and research firm stated that she anticipated about 25% of the country’s nearly 1,200 malls were in danger, according to Attorney Penny, and he reminded the Commission that this is on a very fast track due to WalMart’s conditions and the client having a short closing requirement. In the interest of full disclosure, said Attorney Penny, several prospective tenants have expressed an interest in the site.

Mr. Stebe asked if there was any information on the traffic of the proposed light industrial use vs. the prior use. He speculated on whether there is data for the uses.

Attorney Penny replied that is a matter they will be forced to investigate and they will hire professionals for that purpose. The client’s expectation is that the numbers from a traffic engineer will be far fewer than the 139,000 sq. ft. retail outlet was generating.

Mr. Lamson stated his opinion that light industrial may generate a couple of trucks per day.

Ms. Potocki expressed her concern that light industrial is a broad term, and asked what protection there will be for public health and the environment without knowing the potential clients.

Attorney Penny responded that is why there is a very important difference between a permitted use and a special exception use. The special exception use procedure will give the Commission the opportunity to consider what the particular proposed use is and whether it is appropriate at a particular location in the zone.

Mr. Lamson concurred with Attorney Penny's statement.

Ms. Pilla stated that, during Staff review, there were no comments requiring any revisions to the proposed text. She did note that this version is revised from the Town Clerk's exhibit, not to change the content of the proposed text, but to organize it to more closely resemble the text in the Historic zone for consistency. Ms. Pilla reported that the CUD zone is within 500 ft. of the Town line in some areas, so this was referred to the Capitol Region Council of Governments (CRCOG). The letter from CRCOG stated that they saw no apparent conflict with their regional policies or plans, but noted that some of the CUD zoning district abuts residential zoning in the Town of South Windsor. However, they felt that as the proposal is drafted with the proposed conditions for the special exception, it does not appear to constitute any concerns or conflicts additional to uses that are already permitted in the zone, she explained.

There were no members of the public signed up to speak.

**MOTION:** Mr. Stebe moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

The Acting Chairman closed the public hearing at 8:17 P.M.

I certify these minutes were adopted on the following date:

September 9, 2020

Date

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Eric Prause, Chairman

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