

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
OCTOBER 5, 2020**

**VIRTUAL MEETING HELD VIA ZOOM**

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

Alternates: Julian Stoppelman  
Bonnie Potocki

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

TOWN OF MANCHESTER (continued from September 21, 2020) – For renovations to Buckley Elementary School, including additions, site improvements, upgrades to the parking lot, improvements to the drop-off loop area, minor modifications to athletic ball fields, and landscaping improvements at 250 Vernon Street. – Special Exception Modification (2020-057); Erosion & Sedimentation Control Plan (2020-058)

Mr. Randall Luther, TSKP Studio, introduced himself. Mr. Luther reported that they had received comments from Staff after their last presentation to the Commission.

Mr. Darin Overton, Milone & MacBroom, introduced himself. Mr. Overton explained that, prior to comments being issued, they had an online meeting with Town Engineering Staff as well as the Water & Sewer Staff. There was a discussion about improvements to the existing infrastructure, mainly the sewer and water running through the site, and they agreed to upgrade some of those utilities. He stated that they will abandon the water line through the site per the Town's recommendation as that portion of the line is no longer needed and the Town does not wish to maintain it any longer. Mr. Overton remarked that they will propose a new tap for the domestic and Fire service lines to the school.

Subsequent to the meeting, Mr. Overton noted, Town Staff marked up the site plans proposing all of the Water & Sewer improvements, which were agreed to. As part of the Staff review, there were general comments about the appearance and content of the plans, as well as the need to update some existing utilities on the existing conditions plans after receiving new information, all of which they have agreed to do.

Mr. Overton reported notes about ensuring the landscaping maintains separation from utilities, which will be reviewed and updated. Additionally, the Water & Sewer comments provided a red line marked-up plan clarifying the description relative to the utility updates. Water & Sewer also noted that there are some Town standard details they recommended adding to the plans, which will be done. Additionally, the southern changes to the pick-up and drop-off loop for parents will be clarified on the plans, as well as a minor modification to the entrance island they need to adjust as well.

There was a good conversation with Town Staff, according to Mr. Overton, and they agreed to make the changes. Unfortunately, by the time the information was received, there was not enough time to make the changes, submit them, and expect a review before the meeting. He stated that they are willing to comply with all the changes as a condition of approval should the Commission be willing to take that into consideration.

Ms. Pilla reported that a memo was sent to the applicant from John DiBiasi, Assistant Town Engineer, dated September 29, 2020, and along with the memo was a marked-up PDF of the plan, which she described in detail.

Mr. Prause asked Ms. Pilla whether she felt that Mr. DiBiasi's suggestions are enforceable or if they should be clarified.

Ms. Pilla was of the opinion that they are enforceable.

There were no members of the public to speak.

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

LUIS MORENO – Special exception under Art. II, Sec. 16.15.02(c) to operate a place of worship in the Industrial zone at 104 Hilliard Street. – Special Exception (2020-067)

Mr. Luis Moreno, 29 Goodwin Street, East Hartford, introduced himself. Mr. Moreno explained that there are 10 to 12 members who have rented the property at 104 Hilliard Street for prayer nights, music classes, bible study, and a service. He reported that they are merely using the space for these activities and to reach out to the community. Mr. Moreno explained some of their community outreach programs. He noted that, when renting the building, they were unaware that they would need a change of use.

Mr. Stebe asked Mr. Moreno to explain the layout of the property.

Mr. Moreno stated that there will be about four parked cars at most. He noted that there are 11 parking spaces, including a handicapped space.

Mr. Stebe questioned Town Staff about the space-sharing agreement, and whether there should be a formal agreement.

Ms. Pilla noted that Staff is looking for more site plan information, including location of parking spaces, and a shared parking agreement may need to be put into play.

Ms. Potocki questioned the anticipated growth of the congregation, service times, and their parking plan agreement with the landlord.

Mr. Moreno reported that, if there were more people to accommodate, they would have another service on a different day, or multiple services on Sunday. He reiterated the small number of participants up to this point. For Ms. Potocki's benefit, he detailed the times when the building is occupied.

Ms. Pilla described the access and egress points for Ms. Potocki as well as the parking areas, including road parking.

Mr. Kennedy acknowledged that the building has been used as a karate studio. He questioned whether there were complaints about the parking with that use.

Ms. Pilla stated that there were no comments to that effect during the traffic review.

Mr. Kennedy referred to the condition in the proposed motion of approval subject to comments from Jim Davis, the Zoning Enforcement Officer. He inquired whether it would be adequate to approve the application subject to those comments or whether more information was needed.

Ms. Pilla noted the comments from Mr. Davis dated September 29, 2020, which the applicant just received last week. Mr. Davis did ask for quite a bit of additional detail, particularly on the site plans but also on the floor plan. His recommendation is that additional review of revised documents be done prior to approval.

Mr. Prause noted that part of the regulation refers to landscaping and screening. He questioned whether there are any proposed landscaping or screening changes to the property.

Mr. Moreno stated that he does not know if that is required. There is a house approximately 200 ft. from the building and a storage building that covers most of the property with a 4 ft. fence. Noting that the area homes are in the Industrial zone, Mr. Prause speculated whether landscaping and screening regulations are applicable to this property.

Ms. Pilla confirmed that the entire area is zoned Industrial. There are properties that are zoned industrial, but are actually residences. She stated that her interpretation of the regulation, Art. II, Sec. 9.14.04 (a) (4), is that as the use in the adjoining properties is residential, it does require buffering.

Mr. Anderson recited the regulation regarding schools and places of worship. He added that the question is what a “residential property” is. Staff’s reading is that a residential property is a property that is used as residential property, not zoned residential. There is no waiver in this regulation, according to Mr. Anderson. He reiterated that the Zoning Enforcement Officer asked for additional details about the parking and landscaping requirements. In his opinion, the landscaping requirements would be difficult to achieve in a built-out site, and the Commission may need to address that issue in the future.

Mr. Stebe asked for confirmation that there is a fence between the property and the residence, which was given by Mr. Moreno. Mr. Stebe reminded the Commission of a similar prior application, and at that time the Zoning Enforcement Officer’s opinion was that the existing Jersey barriers counted as a buffer. Mr. Stebe recollected that the Commission’s opinion was that it would put an undue hardship on that applicant to install landscaping.

At Ms. Potocki’s request, Ms. Pilla read the Zoning Enforcement Officer’s memo containing his comments. Ms. Potocki stated that the comments are substantive.

Mr. Kennedy remarked that, with the outstanding information required, the application is not in a good position for the public hearing to be closed. In his opinion, the Commission should be as flexible as possible on the buffering issue.

Ms. Pilla addressed Staff comments, beginning with the September 29<sup>th</sup> memo from Jim Davis. The memo was shared with the applicant on September 30<sup>th</sup>, leaving little time for him to respond.

Mr. Anderson sought to clarify the prior application for a place of worship on Hartford Road. He explained that, after that hearing ended, it was determined that the adjacent property was actually commercial, not residential.

Ms. Pilla read from one written public comment from Robert M. Kenyon, III, 85 and 95 Hilliard Street. Mr. Kenyon had concerns about whether there will be adequate parking.

Mr. Dale Rival, owner of the subject property, introduced himself. Mr. Rival reported his support of the application and gave a complete description of the adjacent properties. He stated that Mr. Moreno’s house of worship does not change, nor is Mr. Rival looking to change, his obligation to the Town and the Eighth Utilities District in terms of property taxes. The retail space has had four tenants in its history, according to Mr. Rival: a supply/support business for first responders, a school of jujitsu, a retail store repurposing merchandise, and now a house of worship. He requests permission for the applicant to utilize 2,000 sq. ft. of retail space to be modified, not the entire property.

Mr. Rival addressed the comments about parking. He stated that it is not shared parking; Mr. Moreno is the only retail space. There are five regular spaces and one handicapped spot in the front. Mr. Rival explained that he has the ability to let any tenant use the five parking spaces in a gated area in the rear; there is no one else that uses the area. There is a 4 ft. fence on the

property, stated Mr. Rival, and he would have no objection to putting in privacy slats to further protect the adjoining residential property. He added that he will submit information to Mr. Davis to address all the comments.

Mr. Prause commented that there is still clarification needed by the Town.

Mr. Moreno explained that he had trouble with his e-mails, making it difficult to respond to the comments. He did reach out to Mr. Davis to assure him he would be providing the requested information.

**MOTION:** Mr. Kennedy moved to continue the public hearing until October 19, 2020. Mr. Stebe seconded the motion and all members voted in favor.

The Public Hearing was closed at 7:50 P.M.

I certify these minutes were adopted on the following date:

November 2, 2020

Date

Eric Prause, Chairman

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