

**MINUTES OF WORKSHOP  
HELD BY THE PLANNING AND ZONING COMMISSION  
APRIL 20, 2020**

**Meeting Conducted via Zoom**

**ROLL CALL:**

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

Alternates: Julian Stoppelman  
Teresa Ike  
Bonnie Potocki

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

**Proposed Form Based Zone Regulation Revisions**

Ms. Pilla introduced Mr. Ted Brovitz, the consultant working with the Planning Department for the proposed amendment to the Form Based zone regulations.

Ms. Pilla reported that the workshop is to discuss proposed revisions to the Form Based zone at Art. II, Sec. 26 of the zoning regulations. The intent of the Form Based zone is to support a pedestrian-oriented pattern with a comfortable and interesting local feel for both residents and visitors. It is intended to be a multi-use zone that is a place for people to live, work, play and socialize. She stated that it should have an internal transportation network; i.e., it is not just an automobile-oriented zone. The zone should promote pedestrian transportation as well as other forms of public transportation so as to connect people to the open spaces, the neighborhoods and the surrounding area. Ms. Pilla stated that it should also provide expanded opportunities for business that would primarily serve those neighborhoods and encourage flexibility and variety in future development, as well as high quality and appearance.

Mr. Anderson added that the reason this is being discussed currently is that the Town has been working with a developer on the Parkade. The Town is coming close to a development agreement, which has prompted a review of the regulations as they would relate to an actual development. He noted that parts of the proposal are things staff has been looking at changing

for a long time, and parts of it are things that they anticipate will need to be changed as part of this development.

Ms. Pilla reported that one of the proposed changes of nomenclature is to multi-residence from multi-family. The functional standard change proposed is to the maximum number of dwellings allowed per building. Currently, the regulation allows no fewer than 3 and no more than 10 dwelling units; the proposal is to eliminate the maximum dwelling units to allow the development of the Parkade, creating a pedestrian-oriented mixed use community. Typically, there would be more than 10 dwelling units in one strip in a mixed use community. The change will allow greater density in residences, more residences in a more compact space, which would promote a more vibrant community.

Mr. Anderson interjected that both he and Mr. Brovitz feel that the maximum of 10 dwelling units in the current regulation was a mistake. The idea of the Form Based zone is to have larger, denser buildings, though there is a note in a section limiting the size of the buildings to 10 units.

Mr. Brovitz acknowledged that he had no idea where the maximum came from, given the intention of having fairly high density residential development as well as commercial. Somehow this escaped detection when the zone was created. In order to attract the type of investment and redevelopment the Town is looking for at the Parkade, this needs to be addressed.

Mr. Stoppelman questioned whether the Planning and Zoning Commission has any interest in making a ruling that a percentage of these units be affordable. Mr. Anderson responded that, to provide some context, the Commission did not want to do that intentionally the first time and it would go against what was written in the Request for Proposals (RFP) by the Redevelopment Agency and the Board of Directors, as this is intended to be a market rate project.

Mr. Prause commented that, for this particular parcel, it was felt that it has been difficult enough to attract development without adding an affordable housing restriction.

Ms. Ike questioned whether the word multi-family should also be changed to multi-residence where it appears under “Dwelling Types.” Ms. Pilla responded that Ms. Ike was correct in her assumption. That should change as well.

Ms. Potocki inquired of Mr. Brovitz the definition of a dwelling unit. Mr. Brovitz replied that it is an individual residential unit. It could be a single-family house, an attached single-family house, an apartment or condominium. He assumed that the Town’s building ordinance has a definition of dwelling unit.

Ms. Pilla moved to the next section dealing with street networks and connectivity. Currently, the regulation states that “all primary streets must be publicly dedicated and accepted by the Town and private streets and closed or gated streets are prohibited.” A revision would be necessary for the Parkade development because, in the proposal, Green Manor Boulevard will be a private

street. It will ensure public access but it will become a private street, as will the interior streets within the development. This will be revised to state, “closed or gated streets are still prohibited but private streets are allowable.” Primary streets do not necessarily need to be publicly dedicated by the Town.

Mr. Brovitz explained that this will give more flexibility in the design standards whether they are public or private. They are keeping the option open because the Town may not want them to become public roads.

Ms. Potocki speculated who would be responsible for maintenance if the roads are private and there are apartments vs. condos.

Mr. Brovitz replied that there would be an association, whether there are condominiums or apartments. It would be something that represents the entire development and is responsible for maintenance. Mr. Anderson concurred with Mr. Brovitz.

Ms. Pilla displayed all the building lot types listed and described with diagrams and explanations, which she detailed for each. The proposal is to eliminate some of the types, which would simplify the number of types and avoid potential areas of confusion later in the document when some of the lot types are mentioned in other sections.

Ms. Potocki assumed these changes came about because of discussions with the current developer or to prevent redundancy within the Form Based zoning.

Ms. Pilla responded that this particular revision was to correct redundancy and confusion. It does not change the developer’s plan in any way.

Mr. Brovitz remarked that it was redundant and the use table will dictate what goes in those buildings, so there is no need to repeat that. The courtyard and the forecourt buildings are really multiple residence buildings indicating the type of open space that would be part of them, which is already covered in a different section of the regulations. He explained that a pedestal building is simply a commercial or mixed use building where the upper stories are set back further from the front elevation of the building. That was also addressed in a different part of the regulations. Mr. Brovitz reported that the intent is to keep it simple and not overlap different building types when it is not necessary.

Ms. Pilla described open space lot types. Staff is proposing categorizing them as “outdoor amenity spaces,” which is different language from open space lot types. The term “outdoor amenity spaces” is more representative of what they are; they are not just open spaces, but they are spaces that the community in this neighborhood can use in different ways. Ms. Pilla noted that they are proposing new diagrams and descriptions for these. Currently, there is a figure in the regulations that has some diagrams and descriptions, but the proposed versions are more straightforward and legible. The regulations do not require certain open space types to be used

in certain locations, and Ms. Pilla referred to this section as a guide for the types of spaces that could potentially be seen in the Form Based zone.

Ms. Pilla moved on to building lot dimensional standards. She referred to a table in the regulations which will not be removed, just simplified, and explained the proposed revision in detail. They also propose to simplify the frontage category, i.e., the percentage of the building that has to be located along the frontage. Ms. Pilla referred to several other proposed changes in the regulations.

Mr. Brovitz stated that the idea is to make this an attractive pedestrian environment, and not allow, for the most part, cars to be parked in front of the buildings. It is intended to make sure the buildings are closer to the street and have a relationship with the street, making it a positive place for living and commercial developments.

Ms. Pilla explained that the proposal is to eliminate the maximum percentages in this category, most of which were a maximum of 100% anyway, which is not necessary. Some adjustment is also proposed to the minimum percentages to allow more flexibility. She described other proposed changes to the table in detail.

Building Transparency Requirements, reported Ms. Pilla, represent the ratio of windows to solids. Because it is not uncommon to have a curtain wall (a wall of windows), staff proposes eliminating the maximum, which gives more flexibility in buildings throughout the zone. The blank wall area requirement is proposed to be eliminated altogether because it was addressed in another part of the proposal.

Ms. Potocki noted the 20% minimum building transparency requirement and asked how that works from a public health perspective, because there has to be a certain amount of light entering into the space.

Mr. Brovitz stated that, on the front of a residential building facing the street, for the purpose of privacy, it would not typically be desirable to have more than 20% windows, although there could be more. If it is a commercial building, such as retail, more window space would be desired to attract potential customers and engage the public.

Ms. Potocki sought confirmation that the transparency requirement is just for the front of the building, which Mr. Brovitz confirmed.

Mr. Brovitz agreed that the proposal is not clear and he would review the wording.

Mr. Prause questioned whether the word “maximum” should be removed from the table, which both Ms. Pilla and Mr. Brovitz affirmed.

Ms. Pilla, referring to the parking standards table, explained the proposal to simplify the table as well as the calculations. Addressing parking reduction methods, Ms. Pilla reported that shared

parking and off-site parking are currently allowed in some form. There are currently valet parking, tandem parking and deferred parking in the regulations. Shared parking has been addressed and off-site parking is self-explanatory, as is valet parking. Stacked parking in valet parking is the way the cars are arranged, rows on top of each other, which is the reason for the valet who moves cars out of the way. Tandem parking allows one car parking behind another to be shared by one residential use. Deferred parking is something municipalities are starting to use, where a certain portion of land is set aside for parking and the plans show how the parking would work, but it is not built immediately until a determination of need is achieved.

Mr. Brovitz explained that tandem parking is intended for residential projects and is becoming more and more common. Owners of a unit would have the opportunity to move the vehicles as necessary, but it would not affect any other tenants. He explained that tandem parking saves a lot of room in a parking structure or surface parking lot for a development.

After a question from Ms. Potocki, Mr. Anderson stated that he and Mr. Brovitz are discussing surface parking, which is attractive to everybody, and the quantity and location of tandem parking. Ms. Potocki stated her approval of tandem parking from a low impact development perspective.

Mr. Brovitz commented that it would allow a smaller footprint. In New Canaan, there is a large project with tandem parking underneath the building. There was a small mixed use building with 4-5 units that was able to put tandem parking behind the building. He assured the Commission that he will share those examples with Mr. Anderson.

Mr. Prause inquired how much would be under special exception review; e.g., if valet parking was a feature that a residential or business developer wanted, he asked whether that would automatically require a special exception application.

Mr. Anderson replied that most things in the Form Based zone are allowed by right. He noted that valet, for example, would depend upon the situation. The intent is for most of these things to be allowed by right, though some would depend upon the situation.

Mr. Prause commented on evaluating how much would be allowed as of right and how much the Commission would have some purview over. In some applications, valet parking may be fine, but he suggested that perhaps the Commission should reserve the right to have it explained to them so they have the right to modify a plan.

Mr. Anderson said he thought there is something in the Form Based zone that says a large development like the Parkade basically falls under special exception anyway. For specific things that the Commission would like more authority over, those would be helpful to have.

Mr. Stebe remarked that there is already tandem parking at condos with a one car garage, where the second car parks in the driveway. He recollected articles that mentioned doing a lot of the

Parkade development in phases. A smaller phase would not necessarily trigger the switch to make the entire Parkade a special exception that needs to come before the Commission.

Mr. Anderson stated that he thinks it would, because they would be large phases; they are initially talking about three phases. The master plan for the development would include the entire site layout and come to the Commission as a preliminary plan with all the layouts, the utilities, the roads, and where the buildings are, and then ultimately it would be separated into phases.

Mr. Stebe remarked that, if it is coming to the Commission as a preliminary plan, the word “preliminary” should trip any switch the Commission can think of. The detailed plan, as in the phases or the steps, is part of the larger preliminary umbrella and the Commission could do the special exception process on many of these steps as they go through.

Mr. Stoppelman stated that it was his understanding that the other part of the Parkade that is developed is also in this zone. Therefore, any change to the Form Based zone regulations that is made for this development would apply to the Parkade.

Ms. Pilla agreed that anything that is changed in the regulations would apply to the rest of the zone as well.

In addition, parking surfaces must be discussed, stated Ms. Pilla. In other zones, the regulations currently call for only bituminous parking surfacing. In the Form Based zone, there is some allowance for permeable surfaces, she noted, and asked for comments or suggestions.

Ms. Potocki remarked that the intent is to encourage pervious pavement, which Ms. Pilla stated is a question for the Commission. Ms. Potocki reminded the Commission that Bigelow Brook runs through the parcel. She suggested having, where feasible, resurfacing in the other part of the Parkade which is not being maintained with permeable pavement in areas that are not used for parking. She thought that could be a benefit to the entire zone. In her opinion, permeable pavement should be encouraged, but not necessarily required. She questioned Mr. Brovitz on how it is handled in other municipalities in terms of parking surfaces.

Mr. Brovitz acknowledged that many municipalities allow permeable parking, but not many developers have taken them up on it. Sometimes there is concern over how it will last; sometimes there are concerns from public works departments about it being filled with sediment and sand.

Ms. Potocki assumed other municipalities are not utilizing it and suggested an incentive to the developer if it is not required, some type of credit, if it is included.

Mr. Brovitz responded that there is a section further in the ordinance on low impact development providing multiple ways to handle storm water. Pervious pavement is just one of those methods. But there are many other things. One of the most effective things you can do is provide shade

trees in the parking lot. In a couple of cases, there is a sort of toolbox of sustainable treatments and techniques and the developer can choose from that toolbox to meet their requirement, anything from storm water management to pervious pavers. Mr. Brovitz suggests that is something to look into regarding how that is set up. Ms. Pilla remarked that, in terms of LID, that is something they are contemplating.

Ms. Potocki commented that, in a presentation with the developer, if there will be condos or apartments for the older population or disabled population, there should be a level surface and traction. Uneven surfaces would make it challenging for that population to get to their vehicles or wheelchairs.

Ms. Pilla concurred, noting that some of those surfaces are not ADA compliant. Another option that could be considered is incentivizing alternative forms of transportation; i.e., bicycle parking within the development and car sharing with a reduction of minimum parking spaces. There is also the bus route to consider, where it stops on Broad Street and, technologically speaking, all the ride hailing apps which may be incentivized.

Mr. Stoppelman noted that there is no bus transportation currently on Broad Street. Mr. Anderson explained that CT Transit agreed to change one of their routes.

Mr. Kennedy noted that it's ironic that right now isn't a good time to depend upon ride sharing, due to the Covid-19 pandemic. Much of what has been done up to this point is discussion of simplifying the regulations. Now the discussion is getting into issues that are unwieldy to do through zoning and more complexity is being introduced. He commented that it is not possible to know what people will be doing from a transportation standpoint in 15-20 years. Twenty years ago, no one had heard of ride sharing apps. He stated that he is skeptical about trying to write zoning regulations for things that may not necessarily work out that well.

Ms. Pilla agreed with that point about trying to simplify vs. complicating the regulations.

Mr. Brovitz stated that it reinforces the point that the Commission must be flexible in terms of the parking requirements because things do change. For example, eight years ago the Commission was not thinking of ride sharing, but now in condominium and apartment complexes it is becoming pretty common for them to have a handful of Zip cars or even the developer sponsoring shared car programs. Around the country, people who are living in these new condominiums and apartments typically don't have as many vehicles; younger people, especially, don't have as many cars as they used to. Almost all of them have asked for car sharing programs, so making it a convenience to them and others in the area would address something that is really needed, and do it in a way that is general and flexible in the event something changes.

Mr. Kennedy remarked that, instead of writing detailed regulations about ride hailing apps, it may be necessary, as time goes on, to evaluate the parking regulations across the board to see if the regulations require too much parking everywhere.

Mr. Brovitz noted that, typically, when putting together a Form Based zone, you're addressing low impact development, open space, and parking standards and these are things that go beyond the particular district. He thought it would be worth taking a look at, in terms of whether or not some of this is something the Commission may want to consider in a broader spectrum.

Ms. Pilla commented that they have discussed internally how this would apply to all the zones. She thought starting it off in the Form Based zone makes sense to see how it works on a smaller scale, but many of the principles should be considered in the future town-wide.

Ms. Pilla referred to the sustainable design and development standards tables in the Form Based zone. Currently, the regulations say that builders shall incorporate sustainable and best management practices into building, site, and infrastructure development, and it directs to the table that provides guidelines. The guidelines direct the builders, to the best of their ability, to incorporate these practices. Ms. Pilla explained that staff is proposing expanding that and relocating it into Section to 26.08, which covers other landscaping items as well. It makes sense to envision the entire Form Based section as a presentation, as it is best to start with a larger overview and work down to the details, which this will accomplish. Staff also proposes to reference a new document, which would not be part of the zoning regulations. It would be a guidelines document, the Town of Manchester Sustainable Design and Low Impact Development Guidelines, which would be referenced in this section and could also be referenced in the other zone sections as well. It would include greater detail on the various strategies for low impact design that developers can take advantage of. The thought was, rather than making the Form Based zone more complicated by putting more language in about LID, perhaps the regulations could just reference this separate guidelines document.

That would be similar to the Downtown Design Guidelines and simpler, in Mr. Anderson's opinion. There would be 5-6 different types of LIDs. If the Commission is comfortable with that direction, it will be something to discuss further. It was felt that this can be referenced in other areas of the regulations if desired in the future. It would also be easier to change rather than going through all the regulations.

Mr. Stebe noted that the Commission had discussed this topic several months back; i.e., having it as a separate document that can be reviewed at a different level rather than a formal public hearing. Because it is an ever-changing set of practices, there is no way it can be kept up to date in a legislated piece of documentation. In his opinion, it should be referenced as a separate item similar to the Downtown Design Guidelines. Mr. Stebe pointed out that the Town can refer developers to this document.

Ms. Potocki commented that she does not have a problem with creating this as a separate document, but the Commission needs to make an effort to start populating it. Also, for MS4 permitting, as a Phase 2 community, the Commission should push on having that incorporated and helping the Engineering Department and Public Works move along in this endeavor. Ms. Pilla replied that is definitely a concurrent goal.

Mr. Prause was in favor of adding the reference to the low impact development guidelines. In her opinion, Ms. Pilla stated, it will be helpful to have cohesive reference from any zone to the same guidelines.

Ms. Pilla referred to a map of the subdistricts in the Form Based zone. There are currently two subdistricts, FBZ1 and FBZ2, which are slightly different in their intent, with FBZ2 being the new Parkade development, intended to be a more residentially focused mixed use, and the surrounding area more commercial and entertainment oriented. All of it is intended to be a higher density mixed use. A question staff has come to, in trying to simplify this section and make it more cohesive, is whether these two subdistricts should still be separated. She asked how it would affect the regulations if the subdistricts were eliminated and the whole zone were considered one district. It would simplify some of the tables, she said, but she questioned whether that should be done and whether it would really simplify things.

After a question from Mr. Prause, Ms. Pilla pointed out precisely where the FBZ1 and FBZ2 zones are.

Mr. Anderson noted that staff has considered this topic several times and questioned whether it matters if FBZ1 and FBZ2 are separate or merged. He stated that the original intent was to make sure there would be a residential component. In doing the research and working with the Redevelopment Agency, part of the message was that a residential component was necessary to drive the rest of the development. Knowing that there will be a residential component, he asked if it would be worth just making one zone so a developer could do any of the things that are in the regulations, rather than separating out which ones could be done in FBZ1 and which could be done in FBZ2.

Mr. Stoppelman asked what the differences are in what can be done between the two subdistricts.

Ms. Pilla replied by displaying the usage table, which separates out what the uses are between FBZ1 and FBZ2. There is quite a bit of overlap, which is the reason for the proposed simplification. There are a couple of other tables looked at in this presentation, such as the transparency table and frontage table, but there is not a tremendous amount of difference between the two subdistricts.

Mr. Anderson interjected that some of the entertainment should not be next to residential use. In his opinion, that seems to defeat the purpose. The intent is for uses to be compatible and for people to propose uses that will work together.

Mr. Stoppelman interjected that, in his opinion, it should be allowed in the entire zone.

Mr. Brovitz explained that the reason there are two subdistricts is because this is an urban renewal district and, eight years ago, it was thought to be unlikely that there would be commercial development in an established older strip area. In fact, because it's an internal area, it doesn't have visibility from Middle Turnpike or Broad Street. He reported that they were looking to focus on mixed use development there and allowing residential and higher residential by right; they were attempting to ensure that did not spill over too much to FBZ1. Mr. Brovitz said, if the two subdistricts are merged, it is important to maintain the frontages along Middle Turnpike and Broad Street for commercial uses at ground level. It would be acceptable to have residences behind or above that, but those corridors that have established commercial development on them have good visibility and traffic counts. Businesses want to have that visibility and the opportunity to demonstrate to customers what they have. If the two districts are merged, the likelihood is that there would be much more interest in residential development. The market for residential development has become, and will be in the future, much stronger than general commercial. There may be more commercial than expected or there may be more residential than expected. In terms of civic uses, the reason it is allowed in FBZ2 is because of the desire to focus on the brook and make that a nice amenity. There is no reason why there cannot be civic uses in FBZ1 as well. Civic use can be a private space, but open to the public, i.e., a town park, a playground, or a senior center.

Ms. Potocki interjected that there was a sentiment that they did not want civic use in FBZ1 for development reasons, though now the economy is completely different and as much flexibility as possible is needed going forward. She contemplated a transition area in FBZ1 or FBZ2 on the frontages, and said the civic use along Bigelow Brook would offer uses for commercial or residential; it may be wise to have an attraction in the interior.

Ms. Pilla stated that the frontages have allowable uses separated out not only by subdistrict but also by whether it is in the frontage zone.

Mr. Kennedy agreed with just combining the subdistricts. It does not seem as if there is enough difference between the two subdistricts. Ms. Pilla thought there is general agreement on that.

Ms. Pilla went on to explain that the last item is just related to simplifying the table which separates the uses out by subdistrict and by usage zone and quite a few uses. Simplifying the table would certainly help, as it is currently six pages long. She asked everyone to contact her with any ideas, as staff is continuing to work through this.

The Commission thanked Mr. Brovitz for his help.

The Workshop was closed at 10 P.M.