

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
FEBRUARY 17, 2021**

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
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 8:00 P.M.

VOLTA CHARGING, LLC – To revise the zoning regulations at Art. I, Sec. 2 to add definitions for “Electric Vehicle Charging Station” and “Operator” and to add a new Article IV, Section 24: Electric Vehicle Charging Station. – Zoning Regulation Amendment (2020-081)

Zoning Regulation Amendment (2020-081)

MOTION: Mr. Kennedy moved to approve the zoning regulation amendments as presented at the February 17, 2021 Planning and Zoning Commission meeting to revise Article I, Section 2 to add definitions related to electric vehicle charging stations; to add a new Article IV, Section 24: Electric Vehicle Charging Stations; to revise Article II, Sections 1.03.01, 1.03.02, and 9.13.01 to add electric vehicle charging stations as a permitted accessory use in all zones with the exception of the Historic zone; to revise Article II, Section 8.03.10 to include signage associated with electric vehicle charging stations as a special exception use in the CUD zone; and to revise Article II, Section 9.14.03(f)4 and Article IV, Section 13.05.07 to reference the proposed Article IV, Section 24.02, with the following modifications:

1. Revise Article IV, Section 24.02(b) to read, “...and advertisements may cycle at a rate of no more than every 8 seconds,” and
2. Revise Article IV, Section 24.02(c) to end the sentence after “...from the Planning and Zoning Commission,” and
3. Add Article IV, Section 24.02(e), “The signage described in this section shall only be permitted in the CUD zone.”

Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed amendment is consistent with the Plan of Conservation and Development Growth Management Principle #1, which aims to promote sustainability in the urban landscape.

Mr. Prause expressed his opinion that rolling these out in the CUD zone is appropriate but there is potential to expand. He added that it aligns with Growth Management Principle No. 1 in the Plan of Conservation and Development.

The zoning regulation amendment will be effective on March 10, 2021.

80 OAKLAND STREET, LLC – Pre-Application Review to discuss a possible modification to the special exception approved for employee parking for 80 Oakland Street.

Attorney Greg McCracken, Jacobs, Walker, Rice and Barry, introduced himself as representing 80 Oakland Street. Attorney McCracken reported that 80 Oakland Street owns the property at 80 Oakland Street, as well as 86 Oakland Street and 11 and 25 Edward Street.

Attorney McCracken reminded the Commission that a special exception for employee parking was approved in July 2019. In August 2020, 80 Oakland Street applied for a demolition permit to tear down the house and begin to build the employee parking. As required by a Town ordinance, stated Attorney McCracken, the Chief Building Inspector Greg Smith published a notice of the application. There were two written objections, signed by a number of people, to the demolition of the house, which extended the issuance of the permit by 90 days to give the parties an opportunity to work the issue out. In early September 2020, 80 Oakland Street sent a letter to the objectors saying they were open to discussion about alternatives to the house demolition, even to giving the house to someone who would be willing to move it to an alternate location, offering help for the moving costs.

After the letter was sent, reported Attorney McCracken, because the timeframe for doing something about the house was perceived as relatively short, the State Historic Preservation Office became involved under the Connecticut Environmental Protection Act to prevent what it claimed would have been an unreasonable destruction of a historic structure listed on the National Register of Historic Places. He added that it is SHPO's intention to prevent demolition of the house because SHPO believes there is a reasonable and prudent alternative.

Attorney McCracken stated that, to date, his client has twice extended the time for the issuance of the demolition permit to allow this process to play out. To be feasible, the alternatives must be something that the Planning and Zoning Commission could actually approve. However, Manchester Mazda needs the parking that the special exception provided, specifically 44 spaces. Attorney McCracken noted that it is a growing dealership and there is nowhere else for the dealership to grow. In order for the plan to be prudent, the amount of employee parking cannot be drastically reduced.

SHPO offered two alternatives to the originally approved special exception, stated Attorney McCracken. There was a further alternative drawn up for his client to show another configuration that 80 Oakland Street would be willing to consider. Attorney McCracken displayed the original plan as well as the various alternatives.

Attorney McCracken stated that, at this point, his client would like input on which of the plans is something the Town would consider approving for the site, allowing the applicant to achieve the parking that it needs.

Mr. Todd Levine, Architectural Historian for SHPO, introduced himself. He said the bottom line is that they are looking for guidance on which option would be acceptable to the Town. Mr. Levine said that SHPO understands the position of the owner. He spoke about the first two options, but noted he had not seen the third option. At the end of the day, the responsibility at the State Historic Preservation Office through the Connecticut Environmental Protection Act is to simply preserve the building. The use of the building, whether used for an office for the dealership or residential, would be acceptable.

Ms. Potocki questioned whether anyone met with the petitioners, which Mr. Levine confirmed. She inquired what the interveners' preference was regarding the options.

Mr. Levine replied that the interveners' saw Option 1, though he has not received any feedback except for saving the building.

Ms. Potocki asked whether the interveners should be party to any proceedings going forward.

Mr. Anderson reminded Ms. Potocki that this is not yet an application. He stated that they could look into it.

Ms. Potocki reiterated that there was opposition to Option 1 and the presence of the parking lot on Oakland Street. Her recollection was that, when Vanlose Enterprises made their presentation, they designated a certain amount of employees and suggested the Commission revisit that.

Attorney McCracken reiterated that the application was approved for 44 spaces, though he was unsure whether it was based on the number of employees. He reminded her that 80 Oakland Street did not own the property at that time and thus did not participate in the hearing.

Ms. Potocki commented that the due diligence was not done at that time, and the matter arose when they applied for the demolition. She gave her opinion that she would not opt for Option 1 but rather Option 3.

Mr. Prause asked Mr. Anderson whether he has an opinion of whether they have intervener status and whether the meeting should be continued.

Mr. Anderson reiterated that the current meeting is a pre-application item on the agenda, so there is no issue with that.

Mr. Prause reminded the applicant that, if the Commission gives an opinion, it is non-binding. Therefore, any opinions come with the caveat that they are unofficial. He asked Mr. Anderson whether a formal application would be a special exception modification or if it would return to a full public hearing.

Mr. Anderson assumed it would be a special exception modification since it is modifying a previously-approved plan. He added that the Planning Department will have to look into the legality.

Ms. Potocki requested an opinion from the Town Attorney, with which Mr. Prause concurred.

Mr. Stebe had a question about how to treat the house. Prior to the application for the parking lot, there was an application to change the zone from a residential zone to a General Business zone. Asking for confirmation from Town Staff, he did not find anything about having a single residential building in a General Business zone. He reported that multi-use would be acceptable. He speculated that this may be opened and the lot changed back to a residential zone. Mr. Stebe stated that the applicant would need to present a very detailed plan on how they will use and maintain the property. It was his opinion that the option with a parking lot on the east side and north side of the building is not viable.

Mr. Stoppelman questioned why the Town objected to putting the parking near Oakland Street in the prior hearing. He then asked the applicant whether they believe that Option 1 is feasible to engineer.

Ms. Pilla looked back at the minutes of the meeting when the plan was approved. She said that parking was intentionally not approved for 86 Oakland Street in order to keep the parking off the frontage of Oakland Street. Ms. Pilla noted that the approved plan shown by Attorney McCracken had parking on the west half of the 86 Oakland Street parcel. She said that, on the approved stamped plan, the entirety of 86 Oakland Street was not approved for parking.

Mr. Anderson added that Staff went through this exercise with the previous applicant prior to submission. Staff encouraged the previous applicant to keep the house, though they did not feel they could. One challenge, according to Mr. Anderson, is the need to accommodate storm water from the parking lot, which Attorney McCracken displayed. It will be an engineering challenge; it is not reflected in at least one or two of the options.

Attorney McCracken replied that the applicant has, to date, been reluctant to incur the expense of having an engineered plan prepared. Their thought is that such a plan would be unrecoverable money spent if there is no way it would ever make it through the Planning and Zoning Commission.

Mr. Stoppelman was of the opinion that all three options are generally acceptable but it is unlikely he would be voting.

Mr. Kennedy commented that this is unusual because, when applicants come before the Commission informally, they are sounding the members out. The issues with the reconfigured

parking lots are largely technical in engineering and would require analysis. Mr. Kennedy was concerned that the parking lots are tight, which could lead to a safety issue.

Ms. Potocki asked Attorney McCracken whether there was a variance issued for the property from the Zoning Board of Appeals. She inquired whether it would have to again go before the ZBA.

Attorney McCracken replied that it was for the dealership across the street.

Mr. Anderson interjected that he does not believe it was a variance. It was an expansion of the auto dealership location, the approval of which continues to change from PZC to ZBA, depending on the legislature. At the time of the variance, he stated, it was with the ZBA, which gave them approval to expand to the auto sale business. Mr. Anderson replied that it would not have to go before the ZBA, as it is basically permission to operate an auto dealership at that location. It was his presumption that the applicant intended to use most of the property for parking.

Attorney McCracken reiterated that the applicant is seeking comment on whether any of the options are viable before going to the expense of an engineered plan. He stated that the situation is unique because they have an approval, but may have the project derailed because of the existence of an historic building that the applicant knew nothing about prior to purchase.

Mr. Levine suggested that the architect who designed Option 1 have an opportunity to speak to the concerns regarding parking.

Mr. Dave Goslin, Crosskey Architects, 750 Main Street, Hartford, introduced himself. Mr. Goslin reported that he is not an engineer, and was hired by SHPO to sketch options as to how everyone can be satisfied. Therefore, these are only concept options, and he explained the details of the layout according to traffic standards.

Ms. Pilla suggested she could give a brief summary of the items from the original approval that resulted in revisions after the public hearing. She listed the items:

- The parking was removed entirely from 86 Oakland Street due to the concern about parking frontage on Oakland Street.
- Parking was rearranged prior to the final approval to ensure there were no parking spaces facing north in an effort to prevent headlights from facing the condominiums in that direction.
- Change to the quantity of curb cuts. The initial proposed plan had 2 curb cuts on Edward Street and there were concerns both from the Commission and from Engineering Staff, and thus it was changed to 1 curb cut.
- Landscaping was added to visually buffer the parking lot, which is in the current concept plans.
- Location of the filtration system.

Ms. Potocki asked Mr. Goslin whether any thought was given to historic preservation at the time he evaluated these concept options.

Mr. Goslin stated that he attempted to segregate the residential property and maintain that parcel dedicated toward Edward Street. He acknowledged that tonight is the first time he has seen Option 3, putting the house between two parking lots. Mr. Goslin stated that his plan was to keep Edward Street residential. He stated that his opinion was to use the parking in the middle, though the dealership does not feel that would be enough.

Mr. Levine remarked that the 1st option meets the needs of the owner. After speaking with Mr. Anderson, he learned of the concerns that arose with the original application. He acknowledged that there may be an option to reduce the curb cuts to 2. There is a 25 ft. buffer between the parking lot and the Oakland Street green space. Mr. Levine noted that the middle parking lot with 30 spaces is situated in a way that it does not appear to be facing north to the condominiums, except for a few spaces, which could be taken care of with screening.

Mr. Levine agreed that, in terms of historic preservation, breaking up the yard of 25 Edward Street detracts from the district. He reported that SHPO's role is to preserve the building. Whether the building is sold for residential use or they use it as office space, having the parking lot would still preserve the building.

Mr. Prause remarked that there are more options that could be tweaked in Option 1 to try to get down to 2 curb cuts. The second option with the additional lot to the west does not seem viable because the parking lot would lie between 25 Edward Street and 37 Edward Street. He assumed the Commission would find a way to make it work.

Mr. Levine reiterated that this is the first time he has seen the latest proposal. He inquired whether the applicant has planned a use for the building, and incorporating it into the business model.

Mr. Jonathan Larabee, Managing Member of 80 Oakland LLC and the dealer, as well as Manchester Honda, stated that incorporating it into the business model is a possibility. He remarked that they are in a very difficult situation. They are trying to come up with a reasonable solution and be conscious of the fact that it is a historical house. Mr. Larabee stated that, despite their due diligence, the fact that the house is historical was not discovered. He noted that he is willing to look at both options. The dealership, at the time the application was approved, had several more employees, but due to the pandemic, they have fewer currently. He added that their goal is to get as close as possible to the original approved spaces.

Mr. Levine complimented the Commission's attention to detail for historic places.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise the zoning regulations at Art. II, Sec. 15.04.01 to change the requirements for the maximum setback from Main Street; at Art. II, Sec. 15.05 to remove tattoo parlors and/or body piercing studios from the list of prohibited uses in the Central Business District zone; and at Art. IV, Sec. 23 to provide greater flexibility for sidewalk cafes and seasonal vestibules. – Zoning Regulation Amendment (2021-003)

Mr. Kennedy referred to Section 23.01.01, and questioned whether adding “adjacent” back to the wording would solve the issue.

Mr. Stebe remarked that, if it says “adjacent,” it pulls in an extra set of people. It would require written permission from the adjacent property owners.

Mr. Kennedy concurred that the current language is the best way to go. As written, it seems it refers to the business that the café seating would impact.

Mr. Stebe responded that there are a couple of businesses where the frontage of the building is 10 ft. but right next door there is a building that is not being used as a restaurant business. His assumption is that a restaurant would get permission from the neighboring business. He added that, if there are issues, the Commission can tighten the regulations.

Zoning Regulation Amendment (2021-003)

MOTION: Mr. Kennedy moved to approve the zoning regulation amendments as presented at the February 17, 2021 Planning and Zoning Commission meeting to revise the zoning regulations at Article II, Section 15.04.01 to change the requirements for the maximum setback from Main Street; at Article II, Section 15.05 to remove tattoo parlors and/or body piercing studios from the list of prohibited uses in the Central Business District zone; and at Article IV, Section 23 to provide greater flexibility for sidewalk cafes and seasonal vestibules. Ms. Scorso seconded the motion and all members voted in favor.

The reason for the approval is that the proposed amendment is consistent with the Plan of Conservation and Development Growth Management Principle #3, Goal C which aims to promote vibrant, walkable neighborhoods.

Mr. Prause stated that he felt it is good to review regulations that may inhibit businesses. He was pleased the Downtown Special Services District is encouraging both regulation changes including tattoo parlors and body piercing.

The zoning regulation amendment will be effective on March 10, 2021.

MARCOS A. MUESES – Special Exception under Art. II, Sec. 5.02.02 for a place of worship at 182 South Main Street. – Special Exception (2020-076) – ***Request for 30-day Extension***

Ms. Pilla reminded the Commission that a 30-day extension was granted previously. The applicant has been working diligently to address Staff comments. Planning does have a recent revised plan and the applicant just needs more time than the previous extension allowed.

Special Exception (2020-076) – ***Request for 30-day Extension***

MOTION: Mr. Kennedy moved to approve the request for a 30-day extension for application 2020-076. Ms. Scorso seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

There were no administrative reports.

APPROVAL OF MINUTES

February 1, 2021 – Public Hearing/Business Meeting

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

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

The Business Meeting was closed at 9:15 P.M.

I certify these minutes were adopted on the following date:

March 1, 2021
Date

Eric Prause, Chairman

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