

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
NOVEMBER 16, 2009**

**ROLL CALL:**

Members Present: Eugene Sierakowski, Chairman  
Joseph Diminico, Vice Chairman  
Kevin Dougan, Secretary  
Andy Kidd

Alternates: Eric Prause (sitting)  
Anthony Petrone (sitting for B-296)

Absent: Salvatore Mancini

Also Present: Mark Pellegrini, Director of Neighborhood  
Services and Economic Development  
Renata Bertotti, Senior Planner  
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

PETER GRADY – Zoning Regulation Amendment: Article II Section 22.02.04 (G154)

Mr. Peter Grady, owner of Grady's Tavern, 622 Middle Turnpike East, said he is proposing a zoning amendment that would regulate small restaurants within the Special Design Commercial zone the same as restaurants in other zones as far as outdoor seating is concerned. He said the proposed zoning text amendment is to Article II Section 22.02.04 which regulates restaurants in the Special Design Commercial (SDC) zone.

Mr. Pellegrini explained the intent of the amendment is to allow restaurants with 3,000 sq.ft. or less of customer service area to have outdoor seating. He said under the current provisions of the SDC regulation, restaurants that do not exceed 3,000 sq.ft. of customer service area are permitted uses as of right. However, they are restricted to indoor seating only and to food consumed inside the premises. Mr. Pellegrini said they are also subject to site development plan approval by the PZC. The proposed amendment, if adopted, would still require site development plan approval but would allow restaurants less than 3,000 sq.ft. to have outdoor seating as well as indoor seating, he said.

By deleting the requirements for indoor seating and inside food consumption from Article II Section 22.02.04, Mr. Pellegrini said the regulations would fall back on the definition of restaurant contained in the zoning regulations. He said the regulations define a restaurant as "an establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises."

The SDC zone is the only zoning district that was drafted to prohibit outdoor seating areas in restaurants less than 3,000 sq.ft. Also included is a map showing the location of the SDC zoned parcels.

In response to a question from Mr. Dougan, Mr. Grady estimated that his tavern is 1,600 square feet. Ms. Bertotti stated that there are no outstanding staff comments. This application has been referred to CRCOG, which found no conflict with regional planning.

Mr. Pellegrini explained that the object of the Special Design Commercial zone was to provide the Planning and Zoning Commission with additional control. It was placed in smaller commercial districts or in arterial strips. All development plans are required to come before the Planning and Zoning Commission.

In response to a question from Mr. Diminico, Ms. Bertotti said this public hearing was publicly noticed, but no abutters were noticed. Mr. Pellegrini said the Special Design Commercial zoned properties are located in the Manchester Green area and on Deming Street.

Mr. Kidd commented that this is almost a fairness issue. He wondered why one zone type was picked to enforce this type of regulation. Mr. Pellegrini reviewed the background and explained that when the Plan of Development was adopted in 1998, it was recommended different zoning be developed in order to regulate certain areas. The Special Design Commercial zone was drafted and adopted to provide an additional level of oversight on smaller commercially zoned properties located on collector or arterial streets such as Main Street, Hartford Road, Center Street and Deming Street. The first place affected was Deming Street; the second being Manchester Green.

In response to a question from Mr. Kidd, Mr. Pellegrini said that about four food service establishments on Deming Street and five on Manchester Green would be affected by the proposed amendment.

In response to a question from Mr. Dougan, Mr. Pellegrini said outdoor dining is not restricted by size of establishment in any other zoning district.

The Chairman asked anyone wishing to speak in favor of or in opposition to this application to come forward at this time.

Mr. Bob Kilpatrick of 61 Steep Hollow Lane, said he supported this application. The zoning regulations are unique to where this establishment is. He enjoys outdoor dining and hopes the Commission supports this application.

Ms. Bertotti said a letter was received in opposition from Mr. Curtis Cunningham of 83 Bryan Drive that was included in an e-mail to Commission members. Mr. Cunningham is concerned about creating a public nuisance and included provisions from the Town of West Hartford that regulate outdoor dining. He stated that outdoor dining should be part of the streetscape with a primary goal of food service and not an outdoor bar.

Mr. Grady said that outdoor dining is enjoyed by many and is a sociable activity. He does not anticipate any problems or loud behavior. He said this is an opportunity to draw people out and in this economic environment, people need a reason to go out.

In response to a question from Mr. Prause, Mr. Grady said he is not sure of the best place to locate his outdoor dining area. He wants something comfortable that looks good and has appeal, he said.

The chairman closed the Public Hearing portion of the meeting at 7:22 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1060