

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JUNE 20, 2016**

**ROLL CALL:**

MEMBERS PRESENT: Eric Prause, Chair  
Andy Kidd, Vice Chair  
Michael Stebe, Secretary  
Timothy Bergin

Alternate Members Sitting: Julian Stoppelman

Alternate Members: Patrick Kennedy  
Teresa Ike

Absent: Jessica Scorso

Also Present: Mark Pellegrini, Director of Planning  
Renata Bertotti, Senior Planner  
Karen Logan, Recording Secretary

Time Convened: 7:00 P.M.

Mr. Prause opened the hearing by introducing the members of the Commission and having Mr. Stebe read the legal notice.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – To revise Art. II Sec. 9.13, delete Art. II Sec. 9.14.02 (e), and revise Art. II Sec.16.16 – to allow vending in business and Industrial zones. - Zoning Regulation Amendment (2016-025)

Mr. Pellegrini presented the background of the zoning regulation amendment request. He described the current regulations, noting that vendors wishing to establish an operation on private property had to appear before the Zoning Board of Appeals. In recent years, some vendors have established their businesses on a permanent basis, in some cases using utilities and operating year-round. The Zoning Board of Appeals has asked the Planning and Zoning Commission to address this issue. Mr. Pellegrini discussed each section of the regulations and how the changes would affect vendors, adding that these regulations would stand as “as of right” regulations and vendors would no longer have to appear before the Zoning Board of Appeals for permission to have a vending business.

Mr. Bergin thanked Mr. Pellegrini for his introduction and asked if public walkways would continue to be treated in the same manner under the new amendment. Mr. Pellegrini clarified that the term “public walkways” referred to paths the public would use, not necessarily only public sidewalks. Mr. Bergin went on to ask about the 24-day seasonal limit for vendors, and whether that would impact store owners who decided to display their goods on the sidewalk in front of a store. Mr. Pellegrini

replied that the 24-day limit was intended to apply to special or seasonal vendors, not store owners.

Mr. Pellegrini indicated that the intent is that the vendor would set up and take down the vending operation every day. Ms. Bertotti added the vendors she was thinking of were approved to operate at their location by the Zoning Board of Appeals. The Zoning Board of Appeals asked for a change in the regulations so that vendors on private property would be temporary, setting up and taking down their businesses on a daily basis. Mr. Pellegrini noted that permanent vending operations are able to conduct their businesses without paying taxes like brick and mortar store owners and this amendment to the regulations is intended to address that inequity.

Mr. Kidd asked what the intent was behind the Zoning Board of Appeals one- or two-year approval.

Mr. Stoppelman asked if a temporary construction office or sales office operating during construction of a property would be affected under the new regulations. Mr. Pellegrini pointed out the difference between the temporary sales trailer that Commission approved for Edge Fitness is that they are a tenant in the building that is being remodeled and the new regulations would not apply in that case.

Mr. Stebe asked for verification that if a tenant had requested and received approval from the Zoning Board of Appeals for a certain time frame, they would not be subject to the new regulations until the end of the time period that had been approved. Mr. Pellegrini stated that was correct.

Mr. Prause asked if the proposed regulation would address most of the issues the Zoning Board of Appeals currently hears as the special exceptions. Mr. Pellegrini responded that currently some of the uses that will be regulated by the proposed ordinance are decided by the Zoning Board and some, like firewood sales and outdoor display sales at grocery stores, often are unreported and an enforcement problem.

Mr. Kennedy asked if the significance of the 24-day provision is that the vending operation can be set up and stay on the property for special sales. Mr. Pellegrini replied that was correct.

Mr. Stoppelman noted that the 8<sup>th</sup> Utilities District sells Christmas trees every year for a period longer than 24 days. Mr. Pellegrini stated that the 24-day time frame was taken directly from the existing regulations.

Mr. Stebe asked if under these regulations, vendors would no longer have to appear before the Zoning Board of Appeals for special approval for tent sales and Mr. Pellegrini stated that was correct.

Mr. Prause opened the hearing up to public comment regarding the proposed amendment to the regulations.

Ms. Julie Bragg, 400 North Main Street, Wellesley Condos introduced herself and stated her concerns about the proposed regulations. She noted that Top Shelf Brewery is planning to build a deck in their parking lot at 422 North Main Street, to have an outdoor beer garden and live music. This is located less than 50 yards from her condo. She was concerned about noise from the activity.

She and other condo owners have petitioned the Connecticut Department of Consumer Protection.

Mr. Prause thanked Ms. Bragg for her testimony and expressed sympathy for her concerns, but clarified that the Planning & Zoning Commission was required to follow the agenda established for a Public Hearing.

Mr. Crescent DeSantis, 400 North Main Street, Wellesley Condos, added his concerns to those of Ms. Bragg.

Mr. Pellegrini stated that the Planning Department had no information regarding Top Shelf Brewery and their proposed plans. He went on to state that the staff would look into the situation with regard to the current regulations and invited the attendees to check with the Planning Department for any progress made.

Ms. Bertotti said the proposed amendment to the regulations had been submitted to CRCOG and there were no comments from them or from any of the staff members.

Mr. Stebe moved to close the public hearing; Mr. Bergin seconded and all members voted in favor.

The Chairman closed the Public Hearing at 7:43 p.m.

I certify these minutes were adopted on the following date:

August 15, 2016  
Date

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Eric Prause, Chairman

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