

**MINUTES OF WORKSHOP  
HELD BY THE PLANNING AND ZONING COMMISSION  
DECEMBER 12, 2016**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Andy Kidd, Vice Chairman  
Michael Stebe  
Jessica Scorso  
Timothy Bergin

Alternates: Julian Stoppelman  
Patrick Kennedy  
Teresa Ike

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Karen Logan, Recording Secretary

Time Convened: 8:07 p.m.

**RESIDENTIAL USES IN CUD AND CBD ZONES**

Ms. Bertotti said the zoning regulations for the Comprehensive Urban Development (CUD) zone, at Art. II Sec. 8.02.12, allow standalone residential uses in accordance with the Planned Residential Development (PRD) zone regulations. However, the only residential use in the CUD zone is the Pavilions apartments, which suggests this provision did not work very well in this district, she said. Her proposal was that the Commission delete this provision, and adopt a separate set of criteria that would allow standalone and mixed-use buildings, and require that the sites would be mixed-use sites. A building could be either a mixed-use residential building or a standalone residential building, but the site itself would be mixed-use, she said. The proposed provisions to insert into the CUD zone came from the General Business zone. In this proposed text, heights of buildings are regulated by their relationship to mass transit locations, and open space requirements are based on the entire site, so open space can be used by everyone in the plaza, Ms. Bertotti said.

Ms. Bertotti recommended leaving the CBD zone regulations as-is. Staff originally intended to transfer provisions from the General Business (GB) zone to both the CUD and Central Business District (CBD) zones, but the text as written for the GB zone does not seem appropriate for the CBD zone, she said.

The entire high-rise apartment section is proposed to be deleted, Ms. Bertotti said, but she asked the Commission to consider whether the residential unit minimum floor area provision at Art. IV. Sec. 2.03.03 should be included elsewhere in the regulations.

In Article IV, Section 20, Special Exception Criteria, the only proposed change was to delete the reference to the CBD zone at Art IV Sec 20.01.01 (j), Ms. Bertotti said.

Mr. Stebe asked if the residential unit minimum floor area is included elsewhere and Ms. Bertotti said the Building Code has minimum requirements. In her 10 years working for the Town, she said, she has not seen an application that did not meet the minimum floor area requirement.

Mr. Anderson said there is a movement toward minimalism and smaller living spaces, such as micro-apartments. The provision's original intent of ensuring public safety is probably covered by other housing and building codes, Mr. Anderson said.

Mr. Bergin asked why staff proposed to delete the high rise apartments section in its entirety. If this section is deleted, he said, the maximum height for residential buildings would drop from 150 feet to 80 feet. Mr. Anderson responded that no high rise apartments have been built, and the maximum height could be changed if the Commission felt a different height would be more appropriate.

In response to a question from Mr. Bergin about the proposed Art. II Sec. 8.03.03(5)(iv)(4) regarding ground level parking being 20' from a public street, Ms. Bertotti said that came from the General Business zone, and it has to do with screening garages that have open first floors. Mr. Kennedy said he was favor of deleting the entire high rise apartments section.

Ms. Bertotti said, if this amendment is adopted as proposed, there will not be minimum floor area provisions in the GB or CUD zones. There are minimum floor area requirements in the Historic, CBD, and PRD zones, she said.

## **OUTDOOR ENTERTAINMENT**

Ms. Bertotti said Mr. Shiel researched towns including Glastonbury, Middletown, Old Saybrook, Westport, West Hartford, and Wethersfield and found that nearly all venues with outdoor entertainment are regulated by special exception. Nearly all towns relied on their noise ordinances to deal with noise levels, she said.

Ms. Bertotti said the Commission could set a time when outdoor entertainment stops, either a certain amount of time before the establishment closes, or at a specific time of day. Towns also sometimes regulated stage orientation, amplification methods, sound attenuation with landscaping, and orientation of equipment away from residential neighborhoods, she said.

Ms. Bertotti said Planning Staff met with the Health Department at the Main Pub site and found that the ambient noise level exceeded the Town's noise ordinance. Mr. Anderson said the Health Department has been called previously about noise at the former Shea's restaurant, but after noise levels were measured, no one ever followed up to continue the complaint. Most towns rely on their noise ordinances for this type of situation, but the levels in Manchester's noise ordinance are extremely low, and it is up to the Health Department and the Police to regulate that, Mr. Anderson said.

Mr. Anderson said it probably makes sense for this use to be a special exception. The Commission could regulate hours and days of operation and the orientation of sound equipment. He said he thought the Commission should focus on whether the use in a certain location makes sense, and allow the noise part to be regulated as it is now.

In response to a question from Mr. Bergin, Ms. Bertotti said she thought provisions for outdoor entertainment would be appropriate in the Business I, II, III, and V zones, the CUD zone, and the GB zone. She said she was unsure whether it would be appropriate for the CBD zone.

Mr. Stoppelman said the only outdoor entertainment in the CBD zone is special events. Mr. Anderson said this proposal was about regular activity associated with restaurants, etc., not special events.

Mr. Kennedy said he was in favor of setting a specific end time for outdoor entertainment, rather than basing it on the time the business closes. He suggested revising the proposed Art. II Sec. 8.03.03 (e) to read, “The Planning and Zoning Commission may impose additional *or more restrictive* requirements regarding hours of operation and noise levels in circumstances where a proposed outdoor entertainment is deemed to have a potential to negatively impact adjoining residential properties.”

Mr. Bergin suggested adding outdoor movies to the proposed definition of outdoor entertainment. He asked what time other towns required outdoor entertainment to end, and Mr. Anderson said he thought it was around 10:00 p.m.

Mr. Kidd expressed concern about the provision allowing the Commission to impose additional requirements as conditions on a special exception, and how that should be managed. Ms. Bertotti said she made sure to specify what things the Commission can condition: Specifically hours and noise levels, and only in circumstances where the proposed outdoor entertainment is deemed to have a potential to negatively impact adjoining residential properties. Mr. Kidd suggested, if the Special Exception Criteria do not encompass everything that is needed, maybe that section should be amended.

Mr. Stebe said he liked the idea of having a tool to restrict a specific request, and the regular Special Exception Criteria do not give the Commission that ability. This provision needs to specify what the Commission needs to see before it can entertain a restriction, he said. Ms. Bertotti suggested possibly using language that would require the applicant to demonstrate that their proposal would not have a negative impact.

Mr. Stoppelman said it was important that the Commission does not try to regulate special events, and that should be reflected in the regulation.

In response to a question from Ms. Bertotti, Commission members confirmed the consensus was to regulate outdoor entertainment by special exception, and not to reference the noise ordinance.

## **SINGLE FAMILY HOME MINIMUM FLOOR AREA**

Mr. Anderson said the Planning Department was approached by people interested in building small homes. The minimum total area allowed for single family homes is 1,100 sq.ft. and the minimum ground floor area for two-story homes is 750 sq.ft., he said. He asked if the Commission had any interest in looking at allowing smaller homes, possibly just for the Rural Residence (RR) zone. He noted that there is a movement toward small homes and the Zoning Board of Appeals will likely hear a variance request for a home smaller than what is permitted.

Mr. Stebe said the RR zone has large lots and asked if small homes would lend themselves to rear lots. Ms. Bertotti replied that there are specific requirements to create a rear lot, and the regulations do not allow two separate detached homes in residential zoning districts, so there could not be two homes on one lot.

Mr. Bergin said he was interested in looking into this subject, and he wondered if it would conflict with the Building Code. Mr. Anderson said Planning Staff talked to the Building

Department and his understanding was that there is no minimum size for single family homes, although quality of life requirements would still need to be met.

Mr. Kennedy said variance applications for this suggest the Commission should look at the zoning regulations. He said he did not see how someone having a small house would cause any harm to anyone else, and the Commission should at least explore the matter.

Ms. Scorso asked what square footage the people who wanted to build small houses were considering, and Ms. Bertotti said it was about 600 sq.ft. Ms. Scorso asked what square footage would constitute a tiny house and Mr. Anderson said he would advise against defining that.

I certify these minutes were adopted on the following date:

March 6, 2017  
Date

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Eric Prause, Chairman

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

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