

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
MAY 1, 2017**

**ROLL CALL:**

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

Alternates: Julian Stoppelman  
Patrick Kennedy  
Teresa Ike

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:02 PM. The Secretary read the legal notice when the call was made.

HILLIARD MILLS, LLC – To revise Art. I, Sec. 2.01 to add a definition for “banquet hall” and Art. II, Sec. 16.15.02 to add banquet halls and outdoor entertainment at banquet halls as special exception uses in the Industrial zone. - Zoning Regulation Amendment (2017-024)

Mr. Peter Bonzani, 642-640 Hilliard Street and 370 Adams Street, Manchester stated that this application is a follow-up to the pre-application review held in February. In order to push the proposal forward, Mr. Bonzani applied to create a definition, as currently no definition of a banquet hall exists, he said. He said staff informed him the appropriate route is for banquet halls to be a special exception use, in order to allow case-by-case review of proposed banquet halls in the Industrial zone. Mr. Bonzani said he has proposed adding the definition of “banquet hall” as well as the special exception use in the Industrial zone for a banquet hall.

Ms. Bertotti clarified the application, stating that the applicant appeared before the Commission several months ago in a pre-application setting. At that time, she said, a discussion was held regarding the applicant’s desire to create a banquet hall on their property in the Industrial zone. Currently, banquet halls are allowed as part of a hotel in the Industrial zone, according to Ms. Bertotti. She stated that staff advised the applicant to draft a text amendment to allow banquet halls as a special exception use independent of a hotel in the Industrial zone. At the pre-application meeting, the Commission thought the use was appropriate for the Industrial zoning district, particularly when reviewed under the criteria of Special Exception, where there is case-by-case analysis of a proposed use, Ms. Bertotti said.

Mr. Bertotti stated there is currently a proposal for the addition of banquet halls in the Industrial zone under Special Exception. She reported that the applicant has proposed a definition for banquet halls

which reads: “Banquet Hall - A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged.” In the pre-application discussion, the element of outdoor entertainment as a part of banquet halls was raised, according to Ms. Bertotti. At that time, the Commission was reviewing a proposal for outdoor entertainment in other zoning districts, and those outdoor entertainment uses were not proposed to be added at that time to the Industrial zone, Ms. Bertotti stated. She went on to say that as the Commission discussed this, it became apparent that outdoor entertainment that falls under the same rules that apply in every other zoning district would be suitable if added to banquet halls in the Industrial zone. Ms. Bertotti stated that, on its own, outdoor entertainment would not be allowed as an accessory use to banquet halls; however, if this proposal is approved, it would be allowed as a special exception. The same rules that were adopted for outdoor entertainment are included in this provision with some minor changes, she said, and those changes were approved as a modification to the original proposal for outdoor entertainment, to which the applicant had no access at the time of application.

Mr. Bergin questioned the use of the word “private” in the definition for banquet halls, how enforcement would view a public event vs. a private event, and in what ways the Town might be precluded from accessing such a facility. Ms. Bertotti replied that this is not the Town’s application. Mr. Bergin then proposed the same question to Mr. Bonzani.

Mr. Bonzani reminded the Commission that one of the suggestions from Staff was to research other towns and their definitions of a banquet hall. The proposed definition is from Minnesota, as the applicant could not locate one from this area. He stated that his location could also have a public event, e.g., a fundraiser. In Mr. Bonzani’s opinion, the word “private” is geared toward having a fundraiser for which tickets are sold.

Mr. Stoppelman stated that, in his opinion, the definition is trying to make it clear that a banquet hall is not a restaurant.

Mr. Kidd observed that the application proposes adding a definition, and asked if there was other language that needed to be added to allow banquet halls as a special exception use.

Ms. Bertotti responded that she would pass around a copy of the proposed text for the regulation. She explained that the definition would be included in the Definition section of the regulations. In the Industrial Zone section, banquet halls would be listed under the section that guides Special Exception uses, she said. In that same section, outdoor entertainment would be listed separately, as a use that is allowed by special exception when in conjunction with a banquet hall use, and subject to additional provisions, according to Ms. Bertotti.

Mr. Kidd requested affirmation that the regulation language is fine and can just be inserted into the regulations, which Ms. Bertotti affirmed.

Mr. Prause questioned Staff about how a banquet hall would have been classified in the past, if it was part of a restaurant. Ms. Bertotti replied that the zoning regulations did not include a definition for banquet halls previously, so if the Zoning Officer understood that it was a banquet hall, as long as it was part of a hotel in the Industrial zone, it would have been allowed subject to special exception. Ms. Bertotti said she did not think banquet halls were ever allowed as part of a restaurant, but she thought a

restaurant could be part of a banquet hall. Mr. Prause stated that if a restaurant had a banquet hall, it would fall under the use category of a restaurant, to which Ms. Bertotti agreed.

Mr. Prause requested clarification from the applicant as to the language found in a Minnesota regulation.

Mr. Bonzani confirmed that the language was something he found in a regulation from Minnesota. He said he had tried to find language that correlated with the definitions in the Manchester zoning regulations.

Mr. Prause questioned whether the applicant would be open to removing the portion of the definition referring to “a private event,” to which Mr. Bonzani replied that he would be open to that change.

Mr. Bergin suggested eliminating the word “private,” and maintaining “for an event or function,” in response to Mr. Stoppelman’s point that it’s not a recurring meal being served.

Mr. Prause interjected that the applicant may have the problem of events being held by an organization and attendees may not have paid. He agreed with Mr. Bergin’s idea of just striking out “private,” which may be simpler.

Mr. Stebe stated the use of “private” is more along the lines of public vs. private. He went on to point out a private institution would reserve a banquet hall for a specific event or a specific entity, so the facility is not public in the way that the Hearing Room is for public use and can be reserved by a civic organization for a meeting. For example, Adam’s Mill has a banquet hall, which is used for private events held by private organizations; it is a “for hire” location as opposed to a facility open to anyone, said Mr. Stebe.

Mr. Kennedy suggested clarifying with “for an event or function.”

Ms. Bertotti added that restaurants are a permitted use in the Industrial zone, so the special exception threshold for banquet halls is a higher threshold than a restaurant. As a special exception use, the use would be described to the Commission, i.e., days and hours of operation, Ms. Bertotti said. If it were then operated as a restaurant, it would violate their stated use, she said. She pointed out that restaurants are a permitted use in the zoning district, so they are subject to much less review.

Mr. Kennedy suggested the language “for an event or function that does not serve meals to the general public.”

Mr. Stoppelman interjected that it is not a public accommodation.

Mr. Bonzani stated it appears that the Commission agrees with the concept, but suggested substituting “individual function” for “private,” as the functions would be singular events; i.e., an individual fundraiser or an individual wedding.

Mr. Prause observed that there are banquet halls large enough to accommodate more than one individual event. He also requested clarification that the banquet hall itself would be a special exception item in the Industrial zone.

Ms. Bertotti replied that it would be; it was proposed to be added under special exception uses.

Mr. Prause asked for confirmation that outdoor entertainment in banquet halls would be a separate special exception use. Mr. Bertotti responded that was correct. If a banquet hall was approved as a special exception, and the operator later wanted to add outdoor entertainment, it would require a public hearing, Ms. Bertotti said.

Mr. Prause asked if any members of the public would like to speak on this application; there were no members of the public to speak on this application.

Ms. Bertotti stated that there were no Staff comments after review. She also sent this request to CRCOG, who responded that there are no conflicts with the regional plans and regional policies.

Mr. Prause referred to the input from the Plan of Conservation and Development. There is an excerpt stating, "There is a desire for Manchester to be a vibrant, thriving and energetic community. The characteristics of such a community include a diverse population, a welcoming atmosphere, and destinations or activities that can be reached by transit, private auto or on foot." He noted that the Hilliard Mills location qualifies, as it is a somewhat central location. He questioned whether there were comments on how this meets the Plan of Development.

Mr. Prause noted the major discussion addressed the word "private," with several suggestions. He noted that Mr. Kennedy had proposed "event or function that does not serve food to the public," Mr. Stoppelman had suggested "no public accommodation," the applicant had recommended changing "private" to "individual," and there was also a suggestion to strike the word "private."

Mr. Prause questioned if the applicant had a preference as to the language.

Mr. Bonzani stated they all seem reasonable and he deferred to what the Commission suggests.

Mr. Anderson interjected that striking "private" is the cleanest idea.

Mr. Bergin referred to an online definition utilizing the word "specific" which correlates with "individual."

Mr. Prause inquired if Mr. Bergin was suggesting that the banquet halls would not be a special exception. Mr. Bergin replied he proposed the wording in general; he was in agreement with the drafted amendment before the Commission.

Mr. Stebe affirmed his belief that Mr. Bergin is suggesting swapping the word "private" for "specific" which would then change the proposed text from "to any person or group for a private event or function" to "to any person or group for a specific event or function."

The Chairman closed the public hearing at 7:24 P.M.

I certify these minutes were adopted on the following date:

June 5, 2017

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eric Prause, Chairman

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