

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
MARCH 20, 2017**

**ROLL CALL:**

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

Alternate Member Sitting: Julian Stoppelman

Alternates: Patrick Kennedy  
Teresa Ike

Absent: Timothy Bergin

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Matthew Bordeaux, Environmental Planner/Wetlands Agent  
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:03 PM. The Secretary read the legal notice for the application when the call was made.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Request a zone change from Form-Based Zone to Business II Zone and Design Overlay Zone at 230 Middle Turnpike West. - Zone Change (2017-010)

Ms. Bertotti described the proposed change to the zoning map at 230 Middle Turnpike West from the existing Form-Based Zone to the proposed Business II (BII) Zone with Design Overlay. She went on to state that the owner of Center Motors petitioned the Commission last summer. At that time, after discussion, the Commission decided to review the area together with the Redevelopment Agency as this particular parcel is located in the Broad Street Redevelopment area, Ms. Bertotti said. A workshop was held in December 2016, and the current proposal is being brought forth as a result of the discussion between the Planning and Zoning Commission and the Redevelopment Agency, according to Ms. Bertotti. She stated that her memo included a list of uses allowed in the Form-Based Zone and the uses allowed in the Business II Zone, without separating out the permitted uses and the special exception uses. According to Ms. Bertotti, the Design Overlay Zone will allow the Commission the ability to consider this parcel in the same manner as parcels located in other business zones, and in adjacent business zones. As this site is located adjacent to the Form-Based Zone, the Design Overlay will allow some oversight in design, she said. Ms. Bertotti stated that, based on the Commission's opinion and staff's opinion, this zone change proposal was submitted for review tonight.

Mr. Prause recalled a discussion with the Redevelopment Agency in which the Commission stated that this is a buffer property; everything to the east is already Business II, and as this property is not in the middle of the Form-Based Zone, it's more of a boundary or border. He further stated that if the zone were changed, it wouldn't really impact the Form-Based Zone plan.

Ms. Bertotti agreed, further clarifying that this is the last parcel in the Form-Based Zone area on this side of that street.

Mr. Tom Tomko, with the Zinsser Real Estate Agency, represented Mike and Sally Flynn, the owners of the property. Attorney Steve Penny was unable to attend the meeting, due to a prior engagement. Mr. Tomko indicated the applicant would have preferred the site be returned to its original zoning, which was General Business; however, it is understood that the General Business Zone no longer exists in that area. He went on to state that the property owners lost certain rights when the property was converted to Form-Based zoning. Mr. Tomko informed the Commission that, in voicemail contact with Mr. Anderson, he inquired whether this site could support a drive-through restaurant. Mr. Tomko stated that, in reviewing Mr. Anderson's recorded response, he was still unsure if such a use would be permitted as of right or by special exception. He said he would like to hear staff comments as to whether a drive-through would be permitted once the property is converted to a BII zone.

Mr. Anderson indicated that staff and the Zoning Enforcement Officer reviewed Mr. Tomko's question. It was determined that drive-throughs are permitted as of right for restaurants and retail businesses in business zones. In the General Business Zone, drive-throughs would be special exception uses, but in business zones they have been treated as as of right uses, Mr. Anderson said. He further indicated that staff cannot speak to this property specifically because there is no application for it.

Mr. Tomko stated he only wanted clarification so he may have a full understanding going forward about whether a drive through restaurant would be permitted as of right once the property's zoning is changed to BII.

Ms. Bertotti reminded the Commission that historically the Town has always distinguished between drive-throughs in business zones and drive-throughs in the General Business Zone. In the General Business Zone, a special exception is required if the establishment serves customers via drive-throughs; however, this is not a requirement in any other business zone, Ms. Bertotti said. As an example, Ms. Bertotti pointed to the CVS at the intersection of Main and Charter Oak Streets, a Business III-zoned location, which did not require a special exception for a drive-through, although it did require a special exception for a different reason. The drive-through at the McDonalds on Spencer Street, which is in the General Business Zone, required a special exception.

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

The Chairman closed the Public Hearing at 7:17 PM.

I certify these minutes were adopted on the following date:

May 1, 2017  
Date

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Eric Prause, Chairman

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