

TOWN COUNCIL/TOWN PLAN AND ZONING COMMISSION  
BUILDING-ZONE REGULATIONS WORKING GROUP  
MINUTES OF JANUARY 10, 2022 SPECIAL MEETING

*The meeting commenced at 5:30 PM through Zoom Video Conferencing.*

**Present:** Subcommittee Members: Thomas P. Gullotta, Kurt P. Cavanaugh and Laura Cahill; Rebecca Augur, AICP, Director of Planning & Land Use Services and Jonathan E. Mullen, AICP, Planner; also present Attorney Mark Branse

**1. Outdoor Dining**

Staff reiterated three time-sensitive regulatory issues due to changes in state law: accessory dwelling units, outdoor dining as an accessory use and recreational cannabis. The highest priority is outdoor dining regulations because the state law goes into effect April 1<sup>st</sup>. Therefore, focus of this meeting is on the draft outdoor dining regulations.

Staff reviewed the history of temporary outdoor dining permits under the Governor's COVID emergency executive order, how many temporary permits were approved locally, and the language of Public Act 21-2 making outdoor dining an as-of-right use. The state legislation provides minimal standards and enables towns to impose more standards. If no local regulations are adopted, then the Building Official/ ZEO would have approval authority under the new legislation.

As drafted, the proposed revisions call for staff review; however, it could be TPZ review. Mr. Cavanaugh asked about permitted use. Mr. Branse stated that as-of-right means presumed appropriate. Special permit is a higher level of review. Under administrative site plan review of an as-of-right use, an application is automatically approved after 65 days, like a building permit. Ms. Augur indicated that because of that approval process, the strength of the regulations lies in the standards.

Staff reviewed the proposed language. Mr. Gullotta asked about parking. The law requires that outdoor dining be allowed in parking area; however, staff suggests a reasonable limit on seats, after which additional parking must be provided. Ms. Cahill asked about the Spicy Green Bean as an example and whether 10 seats is too much? Mr. Branse suggested that part of the rewrite of zoning may be to increase parking standards for restaurants, or tying the outdoor dining to a percentage of overall restaurant seats. Mr. Gullotta likes the approach of a reasonable limit to the amount of parking that can be occupied by outdoor dining. Group agreed to continue to discuss.

Mr. Cavanaugh asked about protective barriers. Mr. Branse suggested the regulations could specify the type of barriers. He also rose a broader point on having the TPZ designate the ZEO by resolution and being consistent throughout the regulations. Ms. Cahill asked for concrete barriers to be specifically prohibited. Mr. Hassett and Mr. Cavanaugh expressed concern about public safety. The design of Merritt Parkway guardrails was discussed. Mr. Cavanaugh asked staff to look at various options for barriers and to create a better definition of protective barriers. Mr. Hassett indicated that barriers may need to be portable.

Mr. Branse raised concerns over regulating types of music, artistic content or decibel levels in the entertainment section. Discussion ensued on general hours of operation for outdoor dining – consensus was to allow it until 11pm. Amplified vs. non-amplified sound was discussed, and hours for entertainment will be limited to before 9pm. Mr. Gullotta suggested checking with West Hartford to understand when outdoor dining businesses start to wind down.

The review and approval process was discussed. The group agreed to have TPZ review initially to see how it goes. Once Village District Guidelines are adopted, they may have language or standards from that process that would be helpful to these outdoor dining regulations, so there will be an opportunity for the group to revisit in about a year.

Some additional questions for staff to address: applicability of liquor license; use of space heaters and safety concerns; will smoking be allowed outside. The timing of getting a proposed regulation to Council in March was discussed. Group agreed to meet again on 1/24 to address revisions and forward to TPZ for February.

**2. Section 1-3**

Staff indicated that language sent to the group focused on clean-up and re-organization, rather than significant substantive changes.

**3. Section 4-5**

Again, Staff indicated that language sent to the group focused on clean-up and re-organization, rather than significant substantive changes.

**4. Discussion**

Start discussion on January 24 regarding accessory dwelling units.

Meeting adjourned at 6:37 pm.

Respectfully submitted,



Jonathan E. Mullen  
Planner