

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
OCTOBER 16, 2017**

ROLL CALL:

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

Alternates: Patrick Kennedy
Julian Stoppelman
Teresa Ike

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

MAIN PUB REALTY, LLC – Request a special exception under Art. II, Sec. 12.02.11 for outdoor entertainment at The Main Pub at 300 Main Street (a.k.a. 304-306 Main Street). – Special Exception 2017-063

Attorney Rich Conti, 1091 Main Street, Manchester, introduced himself as representing the applicant. Attorney Conti reminded the Commission that the property had a very small parking lot with two multi-family structures immediately behind it. The applicant went before the Commission in 2015 and sought permission to demolish the two multi-family structures in order to situate a parking lot, he reported. The applicant had always intended to have outdoor entertainment, Attorney Conti explained, and his clients came before the Commission for a request for an amendment to the zoning regulations to allow for a special exception use. He displayed the site plan and surrounding area, pointing out the only residential property, a fence constructed as part of the original construction in 2015, and stated all but two properties are zoned commercial. Attorney Conti remarked that in addition to being primarily commercial, the area has a great deal of noise, and he pointed out the ambulance volume entering the emergency room, as well as two high-volume roads providing background noise. He reported that the applicant is not positioning a loud situation into a quiet neighborhood. Even with the background noise, the type and regulation of equipment is aimed at controlling the noise in order to comply with the Commission's regulation and the Town Ordinance which regulates noise in that area, he stated.

Mr. Bobby Kuhl, Owner and President of KJR Engineering, LLC, introduced himself. Mr. Kuhl informed the Commission that his business is a live sound engineering and installation company. He explained that they service nightclubs, universities, high schools, middle schools, elementary schools and houses of worship. Mr. Kuhl projected his letter and described the orientation of the stage, which will be set at a 45° angle, kitty-cornered facing downstream into the Main Pub's

parking lot. He reported their proposal for a set of speakers with a very tight polar pattern and the area of sound that the speaker covers, which is a 75° field of coverage. The 0° will be set at mid patio to cover the patrons at a good volume, but the 32.5° on either side will not radiate far off the patio area, he described, which will contain the sound on the patio itself with very little spill. Mr. Kuhl further described the physics of speaker systems. He reported the traffic noise was measured, then a sound system was placed on the stage and further measurements were taken; they were able to meet the ordinance at the property line on the same side of Middle Turnpike. However, Mr. Kuhl explained, the property across the street on Middle Turnpike is further attenuated due to the fact that it is off axis. He continued to describe the various sound ranges in relationship to the nearby properties and stated there will not be an issue with meeting the ordinance.

Mr. Kuhl described the proposed sound system as high-tech and displayed a drawing of the site. He noted the system will utilize an iPad rather than a traditional mixing board and the staff will be able to control the volume of every instrument on stage and every speaker on the patio. There will also be a decibel meter allowing the applicant to walk the property and nearby areas to ensure they are in compliance. Mr. Kuhl described the installation and success of a similar system at South Windsor High School.

Mr. Prause asked if Mr. Kuhl is a licensed professional engineer.

Mr. Kuhl replied that he is not. He is a sound engineer and has been in the business for 45 years. The business has completed 5,000 shows per engineer, resulting in 15,000 total shows, he stated. He said they do acoustical modeling, and the performance of their sound systems is within the 95th to 98th percentile of what they predict.

Mr. Prause noted that the Commission has not defined what type of evidence would be appropriate. He noted there are traffic engineers that provide data regarding traffic concerns and questioned whether the Commission should consider input from a sound engineer or information on attenuation and projected decibel. The Commission has struggled with the quantification of noise, he said, and the evidence Mr. Kuhl has provided is very helpful.

Mr. Kuhl informed the Commission that there is a website to verify the calculations. He reported that his business performs acoustical engineering, sound attenuation in similar buildings and workplace/factory attenuation.

Mr. Stoppelman requested confirmation that the apartment above 312 Main Street would not have higher noise levels.

Mr. Kuhl noted there will not be a problem because the Main Pub building is blocking it.

Mr. Kidd spoke to the noise level of bands within a building and questioned whether the noise inside would be comparable to the noise outside.

Mr. Kuhl replied that within a building, there are many surfaces. There is a compression factor inside that stirs up the air and the sound will leave the building with an open door, he explained. Outside concerts, he noted, require six to eight times the amount of sound equipment to handle the same band as needed inside at the same volume. Mr. Kuhl reported that the sound from drums can be cut in half by using blast sticks rather than wooden sticks.

Mr. Kidd surmised this is a recipe-type of function and questioned whether that would be provided to the owners. He asked if a sound program would be registered with the Town.

Ms. Bertotti explained it would be regulated only under the noise ordinance. All the Town would control is whether it exceeds the permitted decibel levels beyond the property line or not.

Mr. Anderson relayed the amount of information given far exceeds what was required and stated it is very useful to the Planning Department, and asserted the material would be kept on record for future applications.

Mr. Kidd proposed that the information could be the policy and procedure going forward. He agreed that the PZC has experts regarding traffic, which is more relevant than any applicant's traffic reports.

Mr. Anderson stated that sound is not necessarily regulated by zoning. Mr. Kuhl is providing the Commission with a comfort level that the proposal will be compatible with the neighborhood in line with the noise ordinance.

Mr. Kuhl conveyed that clients are trained and his company attends the first two performances, staying for the performance, to ensure the clients fully understand the system and to make sure the equipment is working properly.

Mr. Stoppelman reported that The Main Pub does have a sound engineer when a band is playing inside and he assumes there would also be one outside.

Mr. Kuhl sought confirmation from the applicant that the stages would not be used concurrently, to which the applicant agreed. He noted the applicant does have sound engineers who will be trained in the new system.

Mr. Prause questioned whether the loudspeakers will be permanently mounted at the correct angle.

Mr. Kuhl responded that they will be permanently mounted and locked down at the correct angle.

Mr. Prause inquired whether bands would bring in additional speakers.

Mr. Kuhl replied bands will bring amplifiers but no additional speakers. He also noted that there will be a roof structure and the underside of the roof will be highly-treated with sound-absorptive panels, affording at least another 10 decibels of attenuation.

Attorney Conti conveyed that the applicant considers this portion of the zoning regulations and the ordinance very important. He reiterated there is staff on site that deals with noise, and they will be trained.

Mr. Prause commented that under New Business, there is also a Design Overlay approval and asked if Attorney Conti wished to add to that item, which Attorney Conti declined. Mr. Prause assumed that all information presented thus far could be applied to the Design Overlay portion.

Mr. Stebe stated that one additional component is lighting and he did not view any additional lighting for performances. He noted the lantern lights already installed.

Mr. Beaulieu reported that the only additional lighting will be attached to the stage roof, pointed down at the musicians.

Mr. Stebe requested confirmation that there will only be lighting for the stage underneath the cover.

Mr. Beaulieu displayed a diagram of the proposed stage area and described where the speakers would be located as well as the lighting.

Mr. Stebe inquired about the back of the stage.

Mr. Beaulieu referred to the diagram and described the back of the stage.

Ms. Bertotti stated Staff reviewed the application. With regard to the special exception application, there are three staff members with very minor technical outstanding comments. If the Commission approves the special exception application, she explained, Staff recommends the incorporation of the modifications. One comment is from Mr. Davis, the Zoning Enforcement Officer, who asked the applicant to verify the proposed pole height for the stage structure, Ms. Bertotti detailed. A second comment from Mr. Bordeaux reported that a couple of trees were not installed and are shown as proposed on the plan. She stated the plan must be revised to show the trees as existing because they were approved with the previous special exception application for the work associated with expansion of parking lot. There are three specific trees on the plans, she described, and they must be planted and the plans revised. Ms. Bertotti reported that Ms. Handfield, Assistant Town Engineer, requested that a standard map note be modified.

Ms. Bertotti reported that, regarding the Design Overlay application, the application refers only to the stage construction, as the structure will be visible from the street. The criteria in the Design Overlay Zone, she explained, call for structures to be consistent with other structures on the street and located consistently with other structures on the street, though she noted that in reviewing the neighborhood, there do not appear to be any structures similar to the stage that can be used as reference points.

Ms. Ike questioned whether Staff received any comments from neighbors.

Ms. Bertotti stated she had not received any comments from neighbors.

Mr. Anderson reported he received a couple of inquiries about the application, though there were no official comments.

Mr. Prause questioned whether there was a comment from the hospital or a hospital representative.

Ms. Bertotti responded that she did not receive anything from the hospital.

There were no members of the public to speak.

Mr. Conti informed the Commission that the three trees that Ms. Bertotti referred to were installed that afternoon and can be changed to as-built on the drawings rather than proposed.

Mr. Prause noted that in the application, there were comments about suitability in comparison to the special exception criteria and those comments are on the record. He questioned whether the applicant believes the proposal is suitable for the location and the neighborhood, and does not impact public resources.

Mr. Conti affirmed, stating the proposal is nothing more than an extension of an existing use. There have been patrons of this establishment for the past two summers, he noted. The stage structure will be very small, he reported, and the applicant has taken every measure possible to ensure the sound is well-controlled.

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

The Chairman closed the public hearing at 8:43 P.M.

I certify these minutes were adopted on the following date:

December 11, 2017

Date

Eric Prause, Chairman