

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
MAY 18, 2016**

MEMBERS PRESENT: James R. Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski

ALTERNATES PRESENT: Armando Darna, Sitting
John Topping

ABSENT: Sandra DeCampos

ALSO PRESENT: Renata Bertotti, Senior Planner
James Davis, Zoning Enforcement Officer
Katie Williford, Administrative Secretary

The Chair opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

BOTTICELLO FARMS, LLC – application #2016-029 - Request a use variance under Art. II, Sec. 2.01 and a parking variance under Art. IV, Sec. 9.01.01 to permit a farmers' market on June 4, July 2, August 6, September 3, and October 1, 2016 at 209 and 215 Hillstown Road, Rural Residence zone.

Ms. Ellery Clark, of 6 Lorraine Road in Manchester, presented the application. She said the proposal was identical to last year's, except that they changed the weekend to the first Saturday of the month instead of the second Saturday. In response to questions from Mr. Stevenson, Ms. Clark confirmed that all activities will be the same as last year, and there will be police for traffic control. In response to a question from Mr. Haley, Ms. Clark confirmed that the parking is still proposed to be at the church. In response to a question from Mr. Gionet, Ms. Clark confirmed that there will be police on duty every day the market is open, from start to finish. In response to a question from Mr. Haley, she said there will be no sale of alcohol.

Ms. Bertotti noted that this is a new application, so she reiterated the basic details: The application is for 209 and 215 Hillstown Road, located in the Rural Residence zone. The lots are occupied by residential property owners. The proposed use is for events on Saturday mornings on June 4th, July 2nd, August 6th, September 3rd, and October 1st. There will be a maximum of 25 vendors including six farms, seven food and beverage service providers, two retail food distributors, one children's art center, and a petting zoo. Ms. Bertotti noted that the applicant provided maps showing the locations of vendor carts and other services, and parking is proposed across the street at the church lot located at 240 Hillstown Road. This proposal is for this summer only, she said.

Mr. Haley asked if there were any problems with last year's farmers' market and Ms. Bertotti replied she was not aware of any complaints or problems last year. She said that the Chief of Police had said that the police officer presence was necessary last year for the safety of people crossing the street. Ms. Bertotti added that the road project proposed for Hillstown Road that

was discussed in relation to last year's farmer's market application will likely be under construction this summer, since it was not done last summer.

Mr. Haley asked if the Board needed to include required police presence as a condition of approval. Ms. Bertotti said it was not necessary, but including a specific condition was a good idea to be safe. Mr. Stevenson asked if there were other conditions on last year's approval and Ms. Bertotti replied she did not recall without looking at the file.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

The public hearing on this application was closed.

STEVEN MURRAY – application 2016-048 - Request a special exception under Art. II Sec. 9.14.02(e) to allow food vending from a truck at 670 Center Street, Neighborhood Business and Design Overlay zones.

Mr. Steven Murray of 37 Northbrook Court in East Hartford presented his application. He said he had proposed a food truck at the corner of Center and Adams Streets last year, and within 4 months he had moved his food operation inside of a building there, leaving the food cart unused. Mr. Murray said he proposed to use the food cart in the same location for ice cream and fried dough. The cart would be left there overnight but there is a security system and locks, so it is secured, Mr. Murray said. The proposed hours for the current proposal would be 1:00 p.m. to 9:30 p.m., instead of the previously approved 7:30 a.m. to 3:30 p.m., he said. He proposed to operate the truck 6 days a week, and close on Mondays instead of closing on Sundays as he had previously. The size and location of signage would remain the same and only the name on the sign would change, he said. Handling of waste, water, and trash would remain the same. Mr. Murray said he had spoken to the Health Department and learned that a lot of water would be required to keep a soft serve ice cream machine clean, so he decided to propose a chest freezer with buckets of hard ice cream instead. He said he expected the traffic to remain as it was, except that the peak hour would now be after dinner. He also proposed 8 small tables for his customers to sit. Mr. Murray noted that in the past some cars have cut through the lot. The menu would be ice cream, fried dough, toppings, and cones, he said. He did not believe a secondary cart location would be necessary because he did not believe there was an application for a fireworks sale at this location this year, but if needed there could be a secondary location as in years past, he said.

In response to a question from Mr. Stevenson, Mr. Murray said the tables were 18" diameter round tables, with 2 chairs per table, and they would be put into storage every night. Mr. Stevenson asked about the hours of operation and Mr. Murray replied that he is proposing to be open until 9:30 p.m. but will be closed in winter, and as the days get shorter he didn't expect to stay open until 9:30 p.m.

Mr. Gionet noted that Mr. Murray was approved last year for one table but then had three tables. Mr. Murray confirmed that but said that was not done with any malicious intention. In response to questions from Mr. Topping about cars cutting through the parking lot, Mr. Murray said more cars did that when the cart was first there, but it had declined. He said the cart was pushed farther over to block cars, along with junction boxes that help to block them, and he put up a sign to discourage people from cutting through. Mr. Haley asked if Mr. Murray sought permission to put the sign on the side of his cart when he closed it, and Mr. Murray replied that he did not. Mr.

Haley asked if Mr. Murray was aware there was a proposed zoning regulation amendment relating to food trucks, which would require trucks to be moved off the site every night. Mr. Murray said he was not aware of that, but if needed, his cart could be moved. Mr. Haley added that the proposed regulations would require the cart to be closed by 9:00 p.m. and Mr. Murray said that would be fine.

Mr. Darna asked about the size of the chairs and Mr. Murray said they were 12” diameter round stools. Mr. Darna noted that the corner is windy, and asked what would prevent the chairs and tables from being blown over, to which Mr. Murray replied that the tables are stainless steel, heavy enough to stay there, and the stools have no backs to catch the wind. Mr. Slegeski asked about the inside dimensions of the trailer and whether the tables and chairs would fit inside at night. Mr. Murray replied that they would be stored inside the building at night. Mr. Slegeski asked if there were flags at the site last year and Mr. Murray responded that there is one flag on the food truck that says “Open.” Mr. Gionet asked about the sign discouraging cars from cutting through the lot, and Mr. Murray said it was a simple 2’ high A-frame caution sign. Mr. Gionet asked if there would be any streamers or flags on the cart, and Mr. Murray said he would only have the “Open” flag.

Ms. Bertotti said there were some minor technical comments from staff. The Health Department noted the applicant needs to get an itinerant food vending license and the applicant was aware of that, she said. Ms. Bertotti said Mr. Davis recommended that all proposed signs be limited to the trailer, and signage on trailer be limited to 3 square feet per linear foot of the trailer. As far as the vending amendment, she said a hearing was tentatively scheduled for June 20th and a draft of the proposed language is posted on the Town's website. She added that, if the special exception were approved, it would overrule any new regulations for the duration of the approval. Once the applicant has to reapply again, the new regulations would apply, she said. She noted that the proposed new regulations would require the truck to be removed each night, and there were other aspects of the proposed regulations that might impact some of the operation methods of this food cart.

Mr. Haley asked if the Board needed to include requirements for lighting because the food cart will be open at 9:00 p.m. Ms. Bertotti said neither the Police Department nor the Traffic Engineer commented on that, and the street has street lights.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Mr. Murray said he had spoken to the Health Department and his itinerant vending license was good until the end of July, but he turned in the next one so there would not be a lapse. The same was true for his peddler permit, he said. He noted there are lights on the food truck but none are pointed in a way that would be a nuisance to drivers by.

The public hearing on this application was closed.

168 MAIN, LLC – application #2016-056 – Request a use variance of Art. II Sec. 6.01 to allow a three-family house (two-family permitted) at 168 Main Street, Residence C and Residence A zones.

Ms. Marie Vu, the owner of 168 Main, LLC, presented the application. She said the existing house is a two-family house, and she wants it to be a three-family. There was a fire in the house

last year, she said. The front of the house is two stories and the back is a single story, so she proposed to add a second story to the back portion of the building for one of her adult sons to live in. She said she had submitted floor plans, a map of the property, and a revised map showing all buildings and the parking layout as requested by the Zoning Enforcement Officer. Because the parking area is paved and large enough to accommodate the two additional spaces required, no change is proposed to it, she said. Ms. Vu said she did not believe the addition would change the character of the neighborhood, because there are several two-story homes nearby. She said her hardship was that her two sons have disabilities and have always lived with her. As they aged, her sons need their own separate space, she said. This proposal will allow her sons to stay with her and allow her to continue to care for them, Ms. Vu said. She said she did not believe the request would cause any public health or safety issues or change the character of neighborhood. She noted that her contractor was also present to answer questions.

In response to a question from Mr. Haley, Ms. Vu said there are no tenants other than her family. Mr. Haley asked if it was actually a one-family house, in that case, and Mr. Stevenson said there are three separate living spaces, all inhabited by the applicant's family. Mr. Davis said there is the main dwelling, then an addition on the back, which is an apartment where one of the sons resides. Although a family member lives there, that apartment is a separate unit, Mr. Davis said. The applicant is requesting to mirror that first floor unit on the second floor, he said. Mr. Haley asked if the applicant wanted an addition to the existing house, or a third unit. Ms. Vu said it is currently a two-family, with the front house and another unit in the back that is just one story; she would like to add a second story on the back.

Mr. Stevenson asked if the new unit would have a separate exit to the outside. Ms. Vu's contractor, George Aguyer, came forward. He pointed out the existing unit and said there are stairs from the first floor of the main house coming into that unit, and there is still an exit door. The unit she wants to add will be similar, he said. Mr. Aguyer said it will be accessed through the old house but it will have egress to the exterior. It will be a separate apartment, so her sons can get in and out whenever they please, but she can still have access to them, Mr. Aguyer said.

Mr. Slegeski asked why the applicant wouldn't just build an addition, given that this is a family situation. He said he was concerned that once a variance was granted, there could be three rental properties in there, as well as the variance from the hair salon. Ms. Vu said her proposal is an addition, but Mr. Slegeski said she was requesting to have an apartment, which would be rentable. Mr. Stevenson said there would be three separate apartments, no matter who lived there. Mr. Slegeski noted that, when Ms. Vu no longer lives in the building, there would still be three units. Mr. Stevenson said if the applicant just wanted an addition, she would not have to come before the Board. Mr. Davis said the applicant could have built an in-law apartment but she indicated that, if she was going to invest this much money, she wanted to make it a three family with separate utilities. In response to a comment from Mr. Slegeski, Mr. Davis confirmed that, if the variance was approved, Ms. Vu could then sell the property and it would be a three-family house. Mr. Davis added that the property also has a variance for a single chair salon as a home-conducted occupation, and there are proposed zoning regulation amendments that relate to home-conducted occupations. Mr. Gionet asked if the single chair salon could be changed to another type of business and Mr. Davis said it could not, under the current regulations. Mr. Stevenson asked how many parking spaces there are currently. Ms. Vu said there are six spaces plus her 2-car garage, so 8 spaces total. Mr. Davis said the plans submitted indicated the parking exceeds the requirements. The home-conducted occupation only requires one space, and she has a handicapped parking space, he said.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Ms. Bertotti said the applicant needs a building permit and the Fire Marshal sent a letter informing the applicant of the Fire Department's requirements for this conversion. The building would be considered an apartment building, which would require certain inspections and upgrades to exits. All of that would be reviewed and subject to the Fire Department's approval at the time the building permit is issued, and the applicant is aware of that, Ms. Bertotti said.

Mr. Haley asked for confirmation that the Board would only be approving an application for a third family unit, not the building plans. Ms. Bertotti replied that the Board would be approving the use, allowing a third unit to be added to this house. The applicant would have to provide plans to the Building and Fire Departments that are satisfactory to them, she said. Mr. Davis said if the applicant came in with a permit application that was substantially different than what was presented to the Board, that would not be what would be approved. Mr. Haley asked if there is a restriction on how many in-law apartments are allowed, and Mr. Davis said he would have to look into that. A single family home is allowed to be converted to up to a four-family by special exception through the Planning and Zoning Commission, but because this is already a two-family it requires a variance, Mr. Davis said.

In response to a question from Mr. Gionet, Mr. Davis said the minimum opening door width and minimum egress windows in the building code take into consideration a firefighter coming in with a pack. Mr. Slegeski said he was concerned going forward the use of this property would be income producing. In response to a question from Mr. Topping, Mr. Davis confirmed the proposal was for the apartment to have its own separate utilities. Mr. Topping noted that there are four-family homes on Strickland Street and at least one three-family on Henry Street. He said he shared some of the concerns of other members, but wanted to let them know there are some multifamily units in the immediate vicinity. Mr. Stevenson asked if the restriping of the handicapped space was mentioned in Mr. Davis's comments and he said it was not included as a condition, but the code requires a handicapped space.

The public hearing on this application was closed and the public hearing portion of the meeting was closed at 7:53 p.m.

I certify these minutes were adopted on the following date:

June 22, 2016
Date

James Stevenson, Chair

kmw