

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JULY 27, 2016**

MEMBERS PRESENT: James R. Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Armando Darna

ALTERNATES PRESENT: Sandra DeCampos
John Topping, Sitting

ABSENT: Edward Slegeski

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.

HILLVIEW CONDOMINIUMS – application #2016-073 - Request a variance of Art. II Sec. 1.03.05 (a) to allow an 8' high fence (6' maximum height permitted) at 292 Green Road (Hillview Condominiums), Residence A zone.

Mr. Barry Cyr of Condo Realty, the property manager for Hillview Condominiums, presented the application. One reason for requesting an 8' fence is that residents of Hillview Condominiums and the adjacent Woodbridge Condominiums can see in each other's windows, he said. The nearby Manchester Pizza also causes noise concerns and customers loitering in the area, and students from the nearby Bowers School cut through Hillview Condominiums, Mr. Cyr said. When people trespass through the property, it causes concern for erosion because it creates an area where water can collect when rainwater flows down Henry Street and into the catch basins, he said.

Mr. Cyr indicated the location of the proposed fence and specifically the portion proposed to be 8' tall. He said the fence would be metal chain link with slats that are a burgundy, reddish color to match the façade of the condominium units at Hillview.

The condominium board president, Mr. Lynn Lemieux of 306 A Green Road, came forward. He said that even with a 6' fence, the rear of Woodbridge Condominiums was still visible to anyone walking by. Both condominium complexes wanted more privacy, he said. He said he hoped the neighborhood children would be less likely to climb an 8' chain link fence with slats in it. He noted that in addition to Bowers School, there are a junior high school and a high school nearby, and children from all of those schools come through the condo complex during the school year. They do not pay attention to "no trespassing" signs, he said.

Mr. Stevenson clarified that the ZBA is only considering the 250 feet of 8' high fence, not the rest of the fence that does not need a height variance.

Mr. Haley asked if the applicant had considered shrubbery for privacy. Mr. Lemieux replied that there was shrubbery previously, but they cut down much of it. Tall shrubs wouldn't stop the kids from going through, he said. Mr. Haley asked if Mr. Lemieux thought a 2' higher fence would prevent them from climbing it, and Mr. Lemieux said he hoped so. Mr. Haley asked if the condos are 2 stories and Mr. Lemieux confirmed they were. Mr. Haley noted that the second story windows would still be visible with the proposed fence.

Mr. Darna said the units are 4' to 5' above the parking lot to begin with and an 8' fence would not provide privacy with that elevation. Mr. Lemieux responded that the neighborhood children can get over a 6' fence easily. He said he did not know for sure if a taller fence would solve that problem, but asked what harm an 8' fence would do.

In response to questions from Mr. Gionet, Mr. Lemieux said the fence would be black chain link with burgundy slats; there would be no silver color.

Mr. Topping said the applicant created the hardship by removing the shrubs. He asked if the applicant had considered a 6' fence and arborvitae. Mr. Lemieux said if the children couldn't climb the 6' fence there would not be as much of a problem, except for having less privacy. Stockade fences were torn down and even set on fire once previously, which is why the proposal was for chain link, he said. The shrubbery was a mess of weeds and vines, Mr. Lemieux said. He said he hoped to put fence up and grow shrubs in front of it for aesthetic purposes.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application.

Ms. Regina Boza, who lives in Woodbridge Condominiums, came forward. She has lived in her unit for 17 years and there has been a stockade fence in the past. She said there is a line of foot traffic that affects both condo complexes, and if Hillview Condominiums has a fence all the way around it does seem to deter that traffic. However, she said she has not seen children climb the fence, but rather they push on it, find a loose part, and squeeze through. She agreed a sense of privacy was important, but was concerned that a chain link fence would be ugly and hurt her property value. She was also concerned that, unlike a stockade fence which is solid, a chain link fence with slats would have gaps that passersby could see through.

Ms. Bertotti said there were no comments from staff.

Mr. Topping asked Mr. Davis if there were other locations in town where there were 8' fences. Mr. Davis could not think of one at the moment but said there had been applications requesting 8' fences. He said a line had to be drawn somewhere as far as the maximum permitted height for a fence, and he thought 6 feet was chosen because it is a standard height in the industry and anything above 6 feet requires a building permit.

Mr. Lemieux said there was a property on Garden Street with an 8' high wire fence that is electrified all the way around it.

The public hearing on this application was closed

AUDIOPOP FESTIVALS, LLC – application #2016-089 – Request a use variance under Art. II, Sec. 16.13 to allow a beer and music festival with vendors on September 24 and September

25, 2016 and a parking variance under Art. IV, Sec. 9.01.01 to allow off-site parking during the event at 640 and 642 Hilliard Street, Industrial and Rural Residence zones.

Mr. Mike Krause, 180 West Mountain Road, Simsbury, CT, presented the application. He said he was organizing a beer and music festival at 642 Hilliard Street and requesting offsite parking for the event. Mr. Krause said he contacted business owners on Adams Street, which crosses Hilliard, and some were willing to allow him to use their parking areas for the event on September 24th and 25th. Adams Mills agreed to let the applicant use their back lot with a 184 car capacity and Decormier agreed to allow the use of their older vacant lot, which holds around 185 cars, he said. He also had agreements with owners of several smaller lots for an approximate total of a 430 to 440 car capacity at any given time.

Mr. Krause said the property is zoned to allow breweries and restaurants, and a brewery is a similar use to his proposed use of a beer festival. The festival would be a two-day event, the first half with local breweries and the second half with an Oktoberfest-style event with live music from local bands.

Mr. Stevenson asked for elaboration on the applicant's hardship. He added that he had been to the brewery there and they have around 50 people at a time, and asked how the applicant was proposing to handle 2,500 people at the site. Mr. Krause said the site is an appropriate site for the event because it is zoned for breweries and restaurants, which are similar to what he is proposing to do, and he has gotten neighbors to agree to let him use their parking facilities.

In response to a question from Mr. Haley, Mr. Krause said there will be a minimum of two police officers, but Police Chief Montminy's decision will determine the final number of officers. Mr. Haley thought a large number of policemen would be needed for safety, given that parking was proposed up and down Adams and Hilliard Streets and people would be drinking beer then going back to their cars at 9:00 p.m. Mr. Krause said he was taking efforts to slow people's drinking by limiting the size of the beers.

Mr. Haley said he visited the site and noticed the half-demolished buildings, pipes coming out of the ground, and an unpaved area. He said he did not see the site as safe or easily accessible and asked why the applicant felt this was a good site for his event. Mr. Krause responded that he was confident paving would take place in that center area before the event. The end of Building 4 in the middle would be secured off, and a large tent would be in that area to prevent access to get close to that building, he said. There is a restricted area which will be used for the second emergency egress path, he said.

Mr. Haley said the area where the latrines are proposed is not level and has broken pieces of cement, and people would be walking there after drinking while it's getting dark. Mr. Krause said the cement would be removed and the latrines would extend beyond the face of the building, where the ground is more level. In the back area, loose concrete would be removed and fencing would be put up so no one can access it. There would also be lighting in that area, he said. Mr. Haley asked if the parking lots the applicant had agreements to use would be lit, and specifically asked about the abandoned car lot. Mr. Krause said he had seen lights in that lot.

Mr. Darna said Adams Street is the main thoroughfare to that mall on a weekend and can be busy. He saw a safety issue with the vehicle traffic, people trying to get out of the parking lots, and people going down Hilliard Street which also has a lot of traffic. Mr. Krause said the corner of Hilliard Street and Adams Street has crosswalks and traffic lights, and all of the parking lots

except for one are on the north side of Adams Street, which is the side with a sidewalk. He said only one parking lot, Mustangs Unlimited, does not have a sidewalk directly to that intersection, and he was planning to run a shuttle from that lot. He added that he would hire as many police officers as the Police Chief required.

Mr. Peter Bonzani, the property owner and a resident of Bolton, Connecticut, came forward. He said 2,500 people are not expected to be on the site at any one time. Rather, he expected a few hundred, with maybe up to 500 when the bands are there. He agreed that Adams Street is a busy road, but planned to have as many officers as Chief Montminy felt were necessary for safety. He said there is currently an application to the Planning and Zoning Commission to do paving in the area, and when the paving is being done the debris will be cleaned off and the area will be leveled. The bathrooms would be on level slabs that are there currently, Mr. Bonzani said. Audiopop Festivals plans to use a local shuttle to pick up some of the patrons for the event to help alleviate the amount of foot traffic, he said. He added that the proposed festival was in line with use of the site for a brewery, and that the brewery had a pig roast previously with a few hundred people.

Mr. Topping asked what the plan would be if 1,200 people showed up in any 2-hour period. Mr. Bonzani said the applicant would limit the number of tickets sold, and they expected people to come at different times depending on which portion of the event they were more interested in. He said he did not think the bands would draw 1,200 people, but he thought there was sufficient square footage to handle that capacity, and as many police officers as needed would be hired. Mr. Bonzani added that the applicant would end the event earlier than required by ordinance so it would not continue late into the night.

Mr. Stevenson said he had been to craft brew festivals and thought that people would stay for the duration of the event. He noted that such events usually have shorter sessions, sell tickets per session, and limit the number of people per session. He asked if the applicant would sell tickets for individual sessions during the day. Mr. Krause responded that he could hold 3-hour sessions. Mr. Stevenson asked if the applicant could limit sales to 500 tickets per session and Mr. Krause said yes, he could have three sessions each day, with 500 people maximum per session. In response to a question from Mr. Haley, Mr. Krause said the free sampling of craft beer would be available for both the first and second sessions.

Mr. Haley asked if the applicant would hire someone to clear the site between sessions to make sure people leave. Mr. Krause said he would have to. Mr. Stevenson suggested the applicant would need an hour in between sessions to clear out the crowd, because usually last call is a half hour before closing.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. Ms. Bertotti read into the record a letter dated July 21, 2016 from April DiFalco, president of the Manchester Chamber of Commerce, in support of the proposal.

Ms. Bertotti said the Planning Department did not receive any documentation about the parking agreements that the applicant testified had been secured. She said because of the timing of the submission of this application and the fact that the ZBA does not have a meeting scheduled in August, the application process was rushed, and that may be why some of the paperwork is outstanding. She said the applicant should explain how they will direct people to the various parking lots. If the Board approved the application, the applicant would need separate permits

from building, health, and fire, Ms. Bertotti said. At this point, it is not possible to predict the number of police officers or fire service staff that will be required.

Mr. Stevenson asked if the plans presented were sufficient to show all the areas that will be paved. Ms. Bertotti said she could not confirm that because the plans were pending before the Planning and Zoning Commission. The applicant must obtain approval from the Planning and Zoning Commission for a special exception modification to get the site improved, and after that approval is obtained it's up to the owner and his contractors to actually do the paving, she said. Until the Commission approves the plan and the plans are endorsed, she could not say with certainty which areas would be paved. In response to a question from Mr. Stevenson, Ms. Bertotti said that even though the applicant testified that the lots would be paved for the festival, she would recommend adding a condition that the lots must be paved, if the Board chose to approve the variance.

Mr. Krause said he had just secured verbal agreements to use the two large parking lots in the last 48 hours and could get emails from the property owners. Mr. Stevenson clarified that the Board would require signed letters from the owners listing the details of what they would provide. He asked if the applicant could provide such letters within a week and Mr. Bonzani said he could. Mr. Bonzani indicated on the plans the area that was proposed to be paved and said a condition that the paving must be complete would be acceptable to the applicant. In response to questions from Mr. Stevenson about the plans, Mr. Bonzani said the plans the Board had did not accurately reflect which areas would be paved. Mr. Stevenson said the Board would need to see a revised plan showing all the areas to be paved.

Regarding Ms. Bertotti's point about directing people to the parking areas, Mr. Krause said when people arrived at the event site, they would be given flyers with instructions and a map showing where they could park. Mr. Stevenson suggested sending the flyer out with the online tickets and Mr. Krause said he could do that, and could also post the flyer on the website for the event.

Mr. Gionet asked how the applicant would handle people parking on the street outside the event and Mr. Krause said he would have temporary "no parking" signs posted wherever Town staff feels that is necessary.

Mr. Davis asked what the plan would be if the paving was not finished and he could not sign off on the event the Friday before, if tickets had already been sold and people were on their way there. Mr. Bonzani said they hoped to have the paving done two weeks before the event, and Mr. Stevenson said that Mr. Davis would do his signoff two weeks before the event.

Mr. Davis said he thought the applicant had also talked about parking between 640 Hilliard Street and the gas station. Mr. Bonzani said they could probably get that done if the PZC approved their application, but part of the reason they were working on getting more offsite parking was in case that parking area did not get done. If it was not done they would lose about 22 parking spaces, he said.

Ms. Bertotti said there were too many items that were up in the air, and she did not think Mr. Davis should be put in the position of signing off on plans that were revised after the Board made its decision. She noted that there was no ZBA meeting scheduled in August, but a special meeting could be scheduled to take place after the PZC's August 15th meeting so revised plans, revised documents, and the PZC's approval could be in place. Mr. Stevenson said that was a good suggestion and would allow the applicant time to think about how to manage the event sessions. He noted that even if the Board left the hearing open, that did not guarantee the

application would be approved. Mr. Topping said that if he were forced to vote now, he would have to vote no because there were so many moving parts that he was not sure could be put in place. Mr. Darna and Mr. Stevenson agreed.

The Board unanimously agreed to keep the public hearing on this application open.

The public hearing portion of the meeting was closed at 8:24 p.m.

I certify these minutes were adopted on the following date:

September 28, 2016

Date

James Stevenson, Chair

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

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