

Town of Farmington  
Zoning Board of Adjustment Meeting Minutes  
Thursday, May 7, 2020

**Board Members Present:**

Butch Barron, Chairman  
John Aylard, Vice Chairman  
Bill Fisher, Secretary  
Bob Morgan  
Joe Pitre

**Others Present:**

Jennifer Berry, applicant  
Wayne Jenness, Kim Jenness, Jaime  
Berry, Bethany Moody, Matt Jasper,  
Priscilla LeBlanc, Paul Butler

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Chairman Barron called the meeting to order at 7 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

March 5, 2020 – Public Meeting Minutes – No errors or omissions

**Motion** : (Morgan, second Aylard) to accept the minutes as written passed 4-1 (Fisher abstained).

**Any Other Business to Come Before the Board:**

**Election of Officers –**

**a). Chairman - Motion:** (Aylard, second Fisher) to nominate Butch Barron for Chairman;  
There were no other nominations.

**Vote:** The motion passed 5-0.

**b). Vice Chairman – Motion:** (Pitre, second Fisher) to nominate John Aylard as Vice Chairman;  
There were no other nominations.

**Vote:** The motion passed 5-0.

**c). Secretary – Motion:** (Aylard, second Barron) to nominate Bill Fisher as Secretary;  
There were no other nominations.

**Vote:** The motion passed 5-0.

**NEW CASES:**

**Application for Variance by Jennifer Berry (Tax Map U5, Lot 52):** The applicant is seeking a Variance for Section 2.00 (F) Principal Uses to allow for two principal uses on a single lot, as well as for Section 2.00 (C) Table of Permitted Uses VI. (A) “Commercial Uses Not Specified” to allow an event venue on the property. The property is in the Urban Residential District.

Applicant Jennifer Berry told the board that her property is 1.5 acres in size and that she would

like to hold events in her backyard part time. It would be limited in size to 100 guests due to the limited amount of available parking around the property she said.

Ms. Berry said the parties would run on Saturdays between the hours of 11 a.m. and 10 p.m. but would not exceed 7 hours in duration. She said parties such as weddings will have music and any alcohol will be served by a licensed bartender only.

She said the event holders will be given a parking map and she will encourage the use of shuttle busses from hotels or larger parking areas outside of town. She said she didn't plan to allow the guests to use the municipal parking lot or park in front the businesses downtown and allowed parking would be in front of her home on Main Street, on both sides of Edgerly Park, along the back of her property on Glen Street and in her driveway.

Ms. Berry said portable toilets will be available for guest use at the top of the driveway where they are not visible to the neighbors so there would no impact on the Town sewer or water. She said she does not plan to do this as a full time business as she is employed full time but is looking to supplement her income so she can continue to maintain the property in the way that it should be maintained. The events would take place only during the outdoor months and parties with music would only be held on Saturdays and would end by 10 p.m. she said.

Chairman Barron read aloud the comments from Interim Planner Kyle Pimental as follows:

The applicant has submitted 2 variance requests seeking relief from Section 2.0 (F) to allow 2 principal uses on a single lot and from Section 2.0 (C) Table of Permitted Uses VI, A "Commercial Uses not specified" to allow an event venue on the property.

Mr. Pimental recommended that the board consider:

- 1). That the application be revised to restrict the operation of outdoor events to between Memorial Day and Labor Day with no more than 3 events a month for the first year which could be revisited next year.
- 2). Seek additional information on parking, traffic, noise, alcohol and lighting such as the potential for conflicts at pedestrian and vehicle intersections, consider setting a maximum decibel level for the music and restricting the use of spotlights, floodlights or other bright lights.

Mr. Pimental also recommended that the board discuss the 2 variance requests separately and to make 2 motions with any potential conditions of approval with motion 1 being for the variance to allow 2 principal uses on the same lot and motion 2 being for the variance from the Table of Permitted Uses "Commercial Uses not specified".

Chairman Barron said two of the abutters sent letters to the board and read their letters aloud for the record.

Abutter Priscilla LeBlanc wrote that it would be imprudent and unsafe to grant a variance in an urban residential area and expressed concerns about bringing large groups of people together because of the restrictions due to the COVID-19 pandemic, traffic and parking on the sides streets would interfere with the historic and residential character of the neighborhood and the safety of people living on narrow streets without sidewalks. She said the proposed venue is

approx. 10 feet from her house and she is opposed to granting the variances.

Mr. Barron said the second letter was from abutter John Tremblay who said that he didn't have any issue with the plan except for the parking for the guests attending the events. He said there is already a significant amount of traffic on Main Street and getting in and out of his driveway can be extremely difficult and people parking along the street to attend events will add to the problem. He said there is not enough parking in the neighborhood and that he felt a different parking option should be found before the events can happen.

Chairman Barron then asked if there was anyone present that wished to speak on the matter. Abutter Matt Jasper said that the private events already held by Ms. Berry were in good taste and with considerate parking. He said she has a beautiful historic house and she has done a great job making it available to the church and the community.

He said the letters expressed concerns that are relevant now but this is probably a future plan that won't go forward amid a crisis. I have no objections and it would be a valuable representation of Farmington as a place to come he said.

Abutter Wayne Jenness said he has lived on Glen Street for over 60 years and that the street is small with plenty of children. He said there's a line of cars along the street and if a car is coming up the street no other car is coming down because of the cars parked there. He said parties should be put somewhere that is not in a residential area and his bedroom is 75 feet from where she would be having the parties. He said it is dangerous with all of the cars coming down Bunker Street and Glen Street with so many children and that he is opposed to the plan.

Abutter Kim Jenness said her children's bedrooms are at the front of the house and that kids should be able to go to sleep before 10 or 11 p.m. She said it's a small area and she didn't like the idea of bringing 100 people in from out of town onto our small streets.

She said Ms. Berry sent a letter saying the first year or 2 she would limit the amount of parties she had but after that who knows. I don't want all that noise and traffic in my neighborhood and I'm sorry but I have to say I'm not in favor of this at all she said.

Abutter Bethany Moody said that she attended a church event indoors at Ms. Berry's house and that she was aware of the wedding going on only because the church announced it after the fact. She said she could understand some peoples' concerns about parking but she didn't see where parking would be an issue if there was no parking allowed on the back side of the property. Otherwise I had no idea of any other events going at the property she said.

Abutter Paul Butler said his issue with this is the parking on Glen Street and Ms. Berry assured him that it would be minimal. Other than that I don't have any reservations about it he said.

Mr. Barron said both Variance requests are on the same application but the Planner's recommendation to deal with them separately is probably sound.

Abutter Priscilla LeBlanc said her house abuts the east side of Ms. Berry's property and she is about 10 feet from where the party will be. She asked the board to look at her proposal because it mentions not just little parties or occasional parties but talks about parties on

Saturday, Sunday and through the week. She asked if the board had the same letter that Ms. Berry sent to the abutters and if they had a chance to read it.

Ms. Berry said the same proposal she sent to the abutters is part of the application.

Mrs. LeBlanc said it is clear from the proposal that it's not going to be just an occasional party and if she has the usual paraphernalia at these events it would impact the house that she owns.

Mrs. Jenness said the back part of Ms. Berry's property along Glen Street is where the people will be affected because the tent is right next to the fence and everything going on is right there on the Glenn Street side. All of the noise, the drinking, the dropping off and setting up for the event all goes through the Glen Street area and all of the people on the other streets aren't likely to be bothered because it's all on Glen Street she said.

Chairman Barron said it appears that both of variance requests are intertwined together on the application. He questioned why if the Planner wanted the board to separate the requests why there weren't two separate applications. He told the board they would have to discuss them together because it can't be pulled apart and to address each request with a separate motion. He said Ms. Berry had pretty much summarized the Event Venue Proposal included with the application and they would get into more details on the access to the property, trash removal, etc. as they get further in to the articles. He then read from the application that that the property is located at 555 Main Street and has 208' of frontage on Main Street, 370.17' on the left side, 405' on the right side and 144' in the rear.

He said she stated that the proposed use for her property is to run an event venue and it directed the reader to the attached Event Venue Proposal for further details.

Mr. Barron said the application requests a variance from Section 2.00 (F) Principal Uses to allow 2 principal uses on the same lot where only 1 principal use is allowed. He said the residence is the first principal use and the second would be the event venue and the board would have to decide if 2 principal uses would be allowed.

He said the second variance request is from Section 2.00 (C) Table of Permitted Uses VI, (A) "Commercial Uses Not Specified" and is what she is looking to allow there.

Chairman Barron then read the Facts Supporting This Request which are as follows:

1). The Variance will not be contrary to the public interest:

Summary of Applicant response: The applicant will not be making any changes to the buildings or the property, she will continue to maintain the property to the current high standards and additional traffic will be brief and not overwhelming to the area. The venue will be an asset to the community providing event space and bring more business to other businesses in town.

Board Response: Mr. Morgan asked if liability insurance was required to serve alcohol on a private property.

Mr. Barron said he was not sure what would be required but that something must be required.

Ms. Berry said the licensed bartender carries liability insurance because they are responsible for serving the alcohol and that she plans to carry her own liability policy.

Mr. Barron said this question deals with the public interest and they have heard what the public is interested in already. He said the issues that fall under this are what it is going to do to the neighborhood with the parking and the noise.

Mr. Aylard said the size or number of people would be an issue too and noted that her letter says a maximum of 120 people would be allowed on site and tonight Ms. Berry said it would be 100 people and that would be about 30 more cars in the area if there were 4 people to a car.

Mr. Morgan said she could have the best intentions in the world and say there is no parking downtown or in the municipal lot but unless she is going to walk around and monitor the parking people are going to park there and he sees that as an issue.

Mr. Barron asked for the number of parking spaces on her property.

Ms. Berry said she could fit 8-9 vehicles in her driveway leaving room for the Porta-Potties. She said if the maximum number of people allowed is too high she would be open to lowering it or to having the attendees shuttled in so there would be less parking on the streets.

She said she didn't want to cause issues for the neighbors with the parking and that she doesn't normally see anyone parking on Main Street in front of her house.

Mr. Barron said he didn't see much of an issue with Main Street but Glen Street, Winter Street and Bunker Street are all narrow streets that were not built for any traffic except for the people that live there and are not wide enough for parking unless it's on somebody's lawn. He said noise will be a problem especially with alcohol mixed in and people get louder with each drink they consume.

Ms. Berry agreed if there is a party there will be noise and that she and her neighbors entertain.

Mr. Barron said that is usually once or twice a year and this would be Sat., Sun. and any day of the week she wants with some pretty long hours.

Ms. Berry said they could limit that and the parties with DJ's would only be on Saturdays. She said Sundays would be for smaller parties such as baby showers or anniversary parties and during the week she considered having small corporate events such as team building sessions which would not be loud or have alcohol. She said this would not begin right away as she works full time and could not be doing this during the week. My thought process was a 2-3 Saturdays a month and to see how it goes she said.

Mr. Fisher said looking at Section VI (A) Principal Uses- Commercial & Industrial in the Table of Permitted Uses on page 48 of the Zoning Ordinance it says Commercial-Industrial Uses not specified that have not been permitted with review (PR) or permitted (P) are prohibited according to the new table. He said if they did grant the variance from this section to allow this venue they would be overriding a prohibited use which he did not think this board could do.

Mr. Barron said the board can't do that.

Mr. Fisher said this would be a great idea for the town to have this type of venue but in his opinion the rules prohibit them from allowing this type of venue and makes allowing 2 principal uses a moot point in this case.

He said to change this it must go before the voters next March as warrant article submitted by the Planning Board seeking to allow this type of business in the Urban Residential zone.

Mr. Barron said he wasn't positive about this and suggested this case be moved forward to the next meeting and to get clarification on it from the Town Attorney.

Mr. Fisher said that the Planner didn't mention this use is prohibited in his memo.

Mr. Barron said he is surprised about that and it gave him cause to wonder if Mr. Fisher is correct. He said he is not totally convinced and didn't want to deny the request on that basis but if Mr. Fisher is right there is no sense in going any further at all.

Mr. Fisher advised that by carrying the case forward it wouldn't any more cost to Ms. Berry.

Mr. Barron said the case would be continued until the next meeting and pick back up where they stopped at this meeting.

Mr. Fisher said public's comments are now part of the public record so they would not have to come back to the next meeting.

Mr. Barron added they are more than welcome to come back if they wish to.

**Motion:** (Barron, second Fisher) to continue this hearing to the next scheduled meeting passed 5-0.

Mr. Barron said the next meeting is scheduled for June 4 at 7 p.m. He said if they are misreading the ordinance the hearing would continue and if not, one variance dies without the other.

**Adjournment:**

**Motion:** (Aylard, second Fisher) to adjourn the meeting passed 5-0 at 7:55 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary



Elmer "Butch" Barron, Chairman