

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, June 4, 2020

Board Members Present:

Butch Barron, Chairman
John Aylard, Vice Chairman
Bob Morgan
Joe Pitre

Others Present:

Jennifer Berry, applicant
Abutters Wayne Jenness, Kim Jenness,
Priscilla LeBlanc, Richard LeBlanc
Diane Crisp

Board Members Absent:

Bill Fisher, Secretary, excused

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:

May 7, 2020- Public Meeting Minutes – No errors or omissions

Motion: (Pitre, second Aylard) to accept the minutes as written passed 4-0.

Any Other Business to Come Before the Board: None

CONTINUED 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 2 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.

Chairman Barron said at the last meeting Mr. Fisher raised the question as to whether this board had the ability to change something that is prohibited and that is actually why the ZBA exists- to grant Special Exceptions or Variances to the zoning ordinance. The attorneys are very clear on that and very clear that the board has to find in the positive on all 5 issues. One negative and it fails he said.

Variance from Section 2.00 (F) - Mr. Barron said that it is one application but there are 2 Variances requested- one to allow 2 principal uses and one to allow something that is not in the Table of Permitted Uses and the applicant wants to use "Commercial Uses Not Specified" to have events on her property. He asked the board to begin with the Variance request from Section 2.00 (F) to allow for 2 principal uses on a single lot.

He said asked if there were any members of the public who wished to address the issues tonight or if they were satisfied with the comments they made at the last meeting (May 7). Priscilla LeBlanc asked that the Interim Planner's comments be read aloud so they could hear his recommendations.

Mr. Barron read Planner Kyle Pimental's 5/28/20 memo to the board aloud (See attached). Applicant Jennifer Berry said she was fine with the Planner's recommended limited timeframe, number of parties and the noise decibels and understood why people would want them limited and to see how it goes before there would be any increase in any of the restrictions. I would not have a problem modifying my application to limiting it she said.

Wayne Jenness said his bedroom windows are less than 60' from the lights, the people, the music and the alcohol and the cars are less than 20' from the windows and will line the street so it will be difficult for 2 cars to pass each other. He asked what they would have with the lights, the music and 125 people drinking. There are children there playing in the streets and people driving after drinking he said.

Kim Jenness said she has lived in her home for about 32 years and did not want partying outside her bedroom windows and asked if the board would want that every time she wants to have a party. She said when she bought the house she knew what the zoning was and what would be needed for the taxes and upkeep and that it isn't fair to take your neighbor's rights away because you need money for the upkeep of your property.

She said the partying that she wants to do is close to the neighbors' yards and the people present at the last meeting couldn't hear it and suggested that the parties be held in her front yard if it is not going to bother them. Our neighborhood does not want all that partying and the extra parking and people. We're trying to raise families and it's not right to take away the type of neighborhood that we've had for all these years just because somebody needs more income and I hope you all see it as those of us on Glen Street see it she said.

Mr. Barron said the board must to try to balance the abutters' rights with the applicant's rights and the law is clear that they are able to alter the ordinance "here and there" to allow rights for the property owner that is before the board. He said there are 5 tests for each of the Variances and if you don't pass even one of those five tests then the variance can't be granted. Those tests are what the court would look at to decide whether it is appropriate or a reasonable balance of everybody's rights.

Mr. Jenness asked why the parking couldn't be just along Main Street.

Mr. Barron said as the process continues they may be able to answer some of these questions.

Mrs. LeBlanc said she owns the house abutting Ms. Berry's property and is 3' from the wall. She said all of the bedrooms are on that side of the house so with any partying, whether she is officially invited to it or not, she'll be there.

She said the proposal will be detrimental to her property and decrease the value of it once you take the big step to change it to a commercial use. She said she could see having a home

business there as the restrictions are a little greater but with a commercial use you could have a carnival there next year. I could see having a couple of events this summer and see how it goes but it is too close to the residents on Glen Street she said.

Mrs. LeBlanc asked if the board decides to approve it if it was possible to try it temporarily without granting the variance and to go slowly with this as it does affect the people who live there. She said Ms. Berry's original request was to have events on Saturday night until 11 p.m. and Sundays until 7 p.m. and then possibly all week long and that would be overkill for a residential section. She said that a commercial business can be expanded quite easily and based on the fact that she may be living there in a few years she was not in favor of this.

Mr. Barron said the owner would have to return to this board to expand a commercial business. Chairman Barron then said he forgot to address the issue of not having a full board present for this meeting and told Ms. Berry that she had the option to wait until there are 5 members present. We have a member absent and the alternate is also absent so there are only 4 of us instead of 5 he said.

Ms. Berry said she was fine with proceeding with this meeting.

Chairman Barron asked the board to address the Variance from Section 2.00 (F) to allow 2 principal uses on a single lot first. He said both of the Variance requests must pass all 5 of the tests on the application before them and that the applicant submitted 2 other pages (her answers to the facts supporting the requests and event venue proposal) with the application.

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

Applicant response—I do not believe granting me this variance will be contrary to the public interest. I will not be making any changes to my property or the buildings on the property to accommodate this new use. The house will continue to be my primary residence and I will continue to maintain the house and property to the high standard that I currently do. Except for a small sign on the front lawn the property will continue to look as it does today which is an asset to the neighborhood. Additional traffic will be for brief periods only and not at all overwhelming for the area. I believe this venue would be an asset to the community bringing people to the community who would not otherwise have a reason to come and providing a unique event space locally for people to use. Also I plan to include local vendors on a list of preferred vendors for the venue thus bringing additional business to other professionals in town.

Board response — Mr. Pitre said it is quite a big building and there are other venues in the neighborhood with the old Town Hall and the American Legion Post not far away and there used to be a school on that corner. If we take the land unconstitutionally the courts have said there needs to be some compensation.

Mr. Barron said it is only a taking of land if they deny a principal use which they have not denied because it is still allowed to be a residence. He said there are some issues here that affect the public interest such as the time, number of uses, alcohol being introduced into a residential

area and parking issues which they have to address.

Mr. Pitre said there is a parking issue in that area every time there is an election.

Mr. Barron said those are required activities that happen every 4 years or once a year not 5 or 6 days a week or every weekend and the elections don't affect the side streets there.

He said there isn't any on street parking in front of her residence as the white line is only 4-5 ft. off of the sidewalk which means that if they park there they will be parking in the travel lane.

Ms. Berry said there is room to park in front of her house but not on the other side of the street.

Mr. Barron said the white line is closer to the sidewalk as you go along Main Street and you can't park in front of her neighbors' houses without going over the white line which is a ticketable offense.

Mr. Morgan said his biggest concern would be the parking and that he would not want to alienate his neighbors. He said they heard from some people who were in favor of this at the last meeting.

Mr. Barron asked Ms. Berry to locate the area where the parties would be held on the aerial photo provided with the application.

Ms. Berry pointed out her property and said that her backyard has 3 tiers.

Mr. Barron noted that the venue is within 75' of the front of the abutter's house.

Mr. Aylard asked if the back line has a fence.

Ms. Berry said the back of her property currently has a 2' stone wall and a chain link fence.

Mr. Aylard asked if there are any noise-canceling devices in her yard.

Ms. Berry said currently there is no sound blockage in the yard but a fence could be put up along the back and the side lines instead of the chain link fence which doesn't provide any sight or sound blockage.

Mr. Barron then asked Mrs. LeBlanc and Mr. Jenness to point out their properties on the aerial photo. He said Ms. Berry is proposing to impact both sides of Main Street, both sides of the park and both sides of Glen and Lincoln Streets with the parking for this proposal.

Ms. Berry said the proposed parking would go up Main Street from the old Town Hall to Webster Street because that is where the shoulder is wide enough and then on both sides of the park where there is enough room to pull off so you're not in the way of traffic.

Mr. Barron said those are grass areas at the park which are maintained by the Town and are not actual parking spots.

Ms. Berry said they could shuttle people in and not have them parking.

Mr. Barron asked if she planned to have 125 people at the events.

Ms. Berry said she could limit the number of people.

Mr. Barron said with 125 people that would be at least 60 cars or more depending on the event which fill everything highlighted on the photo. That would put a lot of pedestrian traffic crossing the roads in the neighborhoods he said.

Mr. Aylard said they were talking about 2 principal uses on one lot and now they seem to be talking about the second variance requested.

Mr. Barron said both variances have to meet the same criteria and they are discussing them individually. The use proposes to have 125 people so you have to consider that second use and the impact upon both. Once you come up with a solution for one of them it will carry over but you can't bypass it on this one he said.

Mr. Morgan said not unless you shuttle them all in and that would probably be what people would prefer.

Ms. Berry said they shuttled a large number of people for her daughter's wedding although there were still a few people parking in town.

Mr. Aylard asked for lowest number of people where the proposal would still be feasible.

Ms. Berry said that number would be 80 people.

Mr. Aylard asked for the best location on her property so the parties would be away from the houses.

Ms. Berry said they could utilize the second tier instead of the lower tier.

Mr. Aylard asked for the number of parking spaces available on the one side of Main Street.

Mr. Barron said it would depend on what else is happening on a particular day and if people are home from work. He said the Main Street parking is usually open until you get to Lincoln Street because those residents lack adequate parking in their own yards. Even if she runs a shuttle service there will be some people who won't use it he said.

Ms. Berry said there will also be cars belonging to the DJ and the caterers that can park in her driveway or in a Lincoln Street resident's driveway that has 5 extra spaces.

Mr. Aylard asked if there is access to her property from Glen Street.

Ms. Berry said there is a gate to access her property off of Glen Street.

Mr. Barron said that it was important to address the lighting and noise concerns for both variances.

Mr. Morgan asked Ms. Berry what type of lighting she planned to use for the events.

Ms. Berry said there are decorative lights around the perimeter of the tent and there are no spotlights in the tent. She said lanterns line walkway down to the lower tier so people can see the slate surface at night and there is a work light on the garage stoop shining down on the backyard so people could see to get to the Porta-Potties in the driveway. My property has a line of 8' tall Arborvitaes down the side and the light shining stops at the Arborvitaes she said.

Mr. Morgan asked what decibel of noise would be a reasonable number.

Mr. Barron said that in the workplace OSHA uses 85 decibels as a limit for noise where you are standing which can be permanently damaging. Listening to that would be tough in a quiet neighborhood he said.

Ms. Berry said the neighborhood isn't completely quiet and the neighbors all play music every weekend in the summer and there are several that have campfires and have the music playing

until 1-2 a.m. and we can all hear it.

Mr. Barron said it is a little different when it is a business and the noise is continuous.

Mr. Aylard said he would like to see different decibel levels allowed at different times such as a little louder before 8 p.m. and then a little lower from 8 p.m. to closing.

Mr. Barron asked who would enforce this. He asked the abutters if when the wedding was held on Ms. Berry's property if the music was obnoxious.

Mr. Jenness said it was loud with bright lights and there were 100 people and they're drinking.

Mr. Barron said the problem is the venue is outside and if it was inside it would be a lot easier to control the noise and annoyance to the neighbors but the house isn't conducive to that.

Ms. Berry said she was not trying to be difficult or cause trouble and that she thought it would be a nice thing for the town to have a place and the property is unique. If everybody is uncomfortable with it, it's not a disaster for me if I don't do it she said.

Mr. Barron said the property suits what she is trying to do but the neighborhood isn't necessarily suited for it. I don't know how to control the noise he said.

Mrs. Jenness said that Glen, Lincoln and Winter Streets have no sidewalks. She asked where they are supposed to walk if they bring in all these cars and people.

Mrs. LeBlanc said the idea of using the yard for something beautiful like this is fine but there are so many issues. She said the public interest involves the timing-having baby showers in the afternoon is one thing and having music on Friday/Saturday nights and on Sunday is a different thing. An afternoon baby shower with 30 people in her upper area and 100 people and a band and liquor and lights on the big lawn are 2 really different uses of the property she said.

Diane Crisp asked about the parking lot at the former fire station site, who uses it and if could be a revenue generator for the Town if it was rented to the event guests. It's not that far of a walk from there or they could be shuttled from the lot to Ms. Berry's property she said.

Mr. Barron said the Town owns the property and that is not an option this board can bind the Town to and she would have to get permission from the Selectmen to have them park there.

Ms. Crisp asked if the Town has a noise ordinance and if there is a noise ordinance that should help with the decibel problem.

Mr. Barron said that it doesn't mean the gloves should come off if there is no noise ordinance because that is not in the public interest.

Mr. Pitre asked Ms. Berry for her feelings on this at this point.

Ms. Berry said she didn't want to start a war or live in a town that is angry with her. I can have parties on my property whenever I choose right now in a residential neighborhood. I'm not trying to get away with anything and I don't want to do something that's not legal she said.

Mr. Pitre suggested Ms. Berry could come back with another proposal or modify it at this point but she would still have some of these issues.

Mr. Barron said if the variance is granted the board has the ability to put stipulations on the variance. We can limit the time, the noise, the parking areas, the lighting, the number of

functions that can be held, the days they can be held and there is no limit to what they could do in granting this variance. Whether she can live with those stipulations is for her to decide what to do. If the parking was shuttled and was prohibited on Lincoln and Glen Streets I think it would greatly solve the problem he said.

He said he didn't know how to go about making the noise level palatable and that operating until 10 or 11 p.m. is a little late for the neighborhood as people have said they have children. The Planner has suggested letting her ease into a few things with stipulations and have her come back in a year and see what happens he said.

Mr. Aylard said this application in its current format may be against the public interest with the wide scope of it and suggested it could have a smaller scope.

Mr. Barron said Ms. Berry has voluntarily diminished the number of people to 80 and that she would provide a shuttle and that he would stipulate in the public interest that parking not be allowed on Glen Street or Lincoln Street.

Mr. Aylard asked how they would know which cars don't belong there. He suggested the big events with 80 people could be limited to Friday and Saturday nights with a shuttle and to limit the day events to 45-50 people without a shuttle.

Mr. Pitre said most people only have 2 days a week off and that would take away the potential for Sunday events.

Mr. Aylard said he was trying to go with the public interest and have Sunday as a day of rest.

Mr. Pitre said a Sunday afternoon wedding/baby shower is a different thing and that is a very good venue for that.

Mr. Barron asked Ms. Berry if she would need to be licensed to serve alcohol at the events.

Ms. Berry said she didn't need to be licensed but the bartender serving the alcohol would have to be licensed. She said their contract indicates they are the only ones that can serve alcohol on the property and if they catch people drinking alcohol that they did not serve they are done and the party is over. Weddings would be the place where there would be alcohol and I'm not doing 18 or 21 year old birthday parties and I was thinking of the more elegant big date events like weddings, anniversaries and baby/bridal showers she said.

Mr. Morgan said the Planner indicated to limit it to 3 events a month.

Mr. Barron said that is just his suggestion and is nothing they have to do but he would limit it to some number rather than open season and would definitely revisit it.

Mr. Aylard asked if they agreed it should not be done 7 days a week.

Mr. Pitre said he didn't think there was a consideration of 7 days.

Ms. Berry said her application does say 7 days a week.

Mrs. LeBlanc said Ms. Berry did offer to re-write her proposal.

Mr. Barron said for her to go back and rewrite it without the board's input on some sort of parameters or consensus of what would be a reasonable solution for everybody they would be stumbling over the same questions the same way again with her new numbers. He said the

Planner's recommendations make sense but he didn't know where to attach them.

Mr. Pitre said Ms. Berry is trying to fill a need and this board has to come to some kind of conclusion of how that need will be fulfilled without ticking everybody off.

Mr. Barron said he did not know if it is a need but she is trying to build a business and she will find that out with whether she stays in business or not. He said the second variance is where they should apply the stipulations on the number of days and hours and that some things overlap such as the parking. I think we are stumbling over the venue and not the two principal uses as we have done that many times. He said in the interest of this variance they should address the parking and the size of the venue and move on.

Consensus of the board was the public interest is served by not allowing parking on Glen Street or Lincoln Street, limiting the number of people attending an event to 80 people, provide offsite parking for 18-20 cars and a shuttle for any group of more than 40 people.

Consensus of the board was with those restrictions the variance will not be contrary to the public interest.

2). The spirit of the ordinance is observed:

Applicant response – I believe the spirit of the ordinance, only allowing one primary use of the property is to prevent people from purchasing a property designated for one type of use and then using it for something else that does not conform with the original use. It is designed as an assurance to all property owners in the area that the characteristics of the neighborhood will not change drastically over time potentially impacting their property values. Since I will not be changing the look of my property in any way and will not be performing activities contrary to a residential neighborhood setting, I believe I remain within the spirit of the ordinance. All of my neighbors have parties in their yards at one time or another. Within my current primary use of the residence having parties in my yard is allowed. I have done it quite a few times since I moved in. I am not asking to perform activities that are contrary to a residential setting, I am asking to do them more often-most weekends in the outdoor months rather than a few.

Board response – Consensus of the board was the spirit of the ordinance is observed.

3). Substantial justice is done:

Applicant response – Allowing me to run this business from my home would significantly help me to continue to maintain my home and property to the high standard that I do today. As a landmark in town that is located right on Main Street, I think this is important for not only me but the town as well. In order to provide me with this benefit, I don't believe my neighbors will be significantly impacted. The look of my house will not change so their views will not be modified. Only four of my abutters can even see into my backyard so most of the neighbors will not even see the parties. They will hear the music but as I indicated in my description of the event venue parties with music will only be held on Saturdays and will not be held after 10 p.m. which is earlier than some of my neighbors currently play their music in the summer. When I held my daughter's wedding last year some of my neighbors took advantage of the music and

danced in their yard. In regards to parking, I believe the impact will also be minimal since in the 4 years I have been living in the house I have only had cars parked in front of my house (that weren't from me) maybe a dozen times and 6 of those were in December due to events downtown. I would not schedule events Hay Day weekend or on days when similar types of events were being held downtown so the parking would remain open for those events. Per the nature of the events I would be holding there would be a short amount of time when there was a rather high amount of traffic in the neighborhood as people arrived for the event and parked. However, with the event size being limited I don't believe it would cause traffic congestion while this occurred. Parking would be fairly spread out once the driveway was full so I don't believe people would block traffic in the process of parking. Shuttle buses bringing guests would have room to pull over on Main Street in front of the house and would not block traffic. As guests would most likely leave the event in a staggered fashion I don't believe there would be any traffic problems created then either. In order to alleviate concerns regarding impacts to my neighbors I would willingly agree to a written limitation to the number of parties allowed the first couple of years as part of this variance to ensure it is not impacting the neighborhood in a negative way.

Board response – Consensus of the board was substantial justice would be done.

4). The value of surrounding properties are not diminished:

Applicant response – I will not be making any changes to my current property or the buildings on the property to accommodate this new use. The house will still continue to be my primary residence and I will continue to maintain the house and property to the high standard that I currently do. Except for a small sign on the front lawn the property will continue to look as it does today which is an asset to the neighborhood. While the neighborhood is residential it is only a few blocks from the downtown business district and therefore not currently quiet or private so I don't believe these events would change the essential characteristics of the neighborhood and therefore the value of the surrounding properties would not be diminished.

Board response– Mr. Pitre said her property is close to downtown and you would expect traffic and by limiting the amount of traffic by keeping the amount of people at the events small he doesn't believe the surrounding property values would be diminished.

Mr. Aylard said provided that the events are neatly done he didn't see that the property values would be diminished.

Consensus of the board was the value of the surrounding properties would not be diminished.

5). Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Applicant response – I purchased this home 4 years ago because I love historic homes and I wanted to preserve and maintain this beautiful house for future generations to enjoy. The property and house are unique and the craftsmanship and care put into building it is evident. When you enter the property it is like stepping back in time. I so enjoy sharing its beauty with

other people and want to continue its legacy of being a home built for entertaining. However, without a supplemental income of some sort I have discovered that is going to be very difficult to do. Maintaining the yard and the house is costing more than I anticipated. I thought by holding a limited number of events at the house each year I could meet both my goals- sharing the property with others and maintaining it at a level at which it was always kept by the Thayer family.

Board response – Mr. Pitre said the property lends itself to a hardship in its size and what Ms. Berry stated is true unless you're independently wealthy. He said if the old homes are allowed to deteriorate you lose the historic content of the home which is important. It may change to a little busier but it won't look any different and she is trying to realize a little bit of income to keep it up he said.

Consensus of the board was literal enforcement of the ordinance would result in an unnecessary hardship.

Motion: (Pitre, second Aylard) to grant a variance from Section 2.00 (F) Principal Uses to allow for 2 principal uses on a single lot with the following stipulations:

- 1). Limit the venues to a maximum of 80 people;
- 2). Provide a shuttle whenever the venue exceeds 40 people and offsite parking;
- 3). No parking is allowed on Glen Street, Lincoln Street or Winter Street.

Vote: The motion passed 4-0.

Variance from Section 2.00 (C) – Mr. Barron said they would go through the same questions for this variance which is from Section 2.00 (C) Table of Permitted Uses VI. (A) "Commercial Uses Not Specified". He asked with this being a commercial use if it has to go to the Planning Board for site review.

Ms. Berry said the Planner did not mention that to her when they discussed the application. Cable TV Coordinator Robert Hall said he received a phone call from Bill Fisher who said this application does have to go before the Planning Board for site review.

The applicant used the same responses shown above for both variance requests.

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

Board response – Mr. Barron said they have the same issues as the last variance but they need to expand what they are looking at and the Planner has suggested that they limit the events timeframe to from Memorial Day to Labor Day.

Ms. Berry said for outside parties, this is a realistic timeframe because the weather doesn't cooperate outside of that time period.

Mr. Barron suggested they add the same list of stipulations put on the first variance to this variance and to add the Planner's suggested time frame to the list.

He said the Planner suggested the number of events be limited to 3 a month for the 1st year.

Mr. Pitre asked if 3 events would be enough.

Mr. Aylard asked for the number of events she would have to hold to make money.

Ms. Berry said that 3 events a month for the first year would be fine with her because she has a full time job and is not going to jump into it with both feet to start.

Mr. Barron said he read that there would be music only on Saturdays.

Ms. Berry said her plan was she would only do weddings on Saturdays and that is when there would be a DJ with music for dancing.

Mr. Barron asked how they would limit the decibels at the property lines.

Mr. Aylard asked if they are limiting the length of events.

Mr. Barron said she already limited herself to 10 p.m. and that is probably a little unreasonable.

Mr. Aylard said if the music is kept to weddings until 10 p.m. on a Saturday night that is not unreasonable and suggested a decibel limit of 85 decibels at the property line.

Mr. Barron said OSHA says that 85 decibels causes permanent hearing loss and at the property line it would affect the neighbors and other people. I don't know what it should be he said.

Ms. Berry said she could put up a fence around the bottom tier which would block the view and help to block the noise.

Consensus of the board was to limit the decibel level to 65 decibels at the property line.

Mr. Barron said Ms. Berry said in her narrative that the music will only be on Saturdays and this doesn't change what she put there other than the stipulations set by the board.

Mr. Barron asked if the lights that light the back area are spot lights that shine across onto other people's property.

Mr. Aylard asked if the light is facing the neighbors or Ms. Berry's house.

Ms. Berry said the tent lights were strung into the top of the tent and shine down, the lanterns up the walkway aren't bothering anybody and there is one work light that shines down into her backyard from the left side of her property to the right side of her property and not out onto Glen Street. As far as I could tell it is not shining off my property she said.

Mr. Jenness said he sat up at the top of Bunker Street and watched the party and could hear and see it plain as day with the lights and there were "tons" of lights by the fence which were bright and lit up everything.

Mr. Hall then gave Mr. Barron some information regarding acceptable levels for noise. He read that noise is considered to be at an acceptable level at between 40 and 60 decibels or match the ambient background noise whichever is higher. Any sound above acceptable levels is generally considered noise pollution. So we may be a little high at 65 decibels he said.

Mr. Barron said he thought they should restrict the use of large spotlights, flood lights and other bright security lighting as recommended by the Planner and that there can't be any lights shining directly off her property.

Mr. Aylard said that strobe lights should be added to the list of restricted lighting.

Mr. Barron said that in the interest of the people on Glenn Street Ms. Berry said she would move the party venue up to the upper tier of her property rather than up against the fence. That would dramatically reduce the decibels they are hearing and would be reasonable he said.

Mr. Aylard asked if the bottom tier of her property is flush with the neighbor's property.

Ms. Berry said the bottom tier is directly at the street but is about 6' above Glen Street and runs approx. 70' from Glen Street to where the second tier starts and is about 100' wide.

Mr. Barron said that moving the events to the second tier would make a huge difference in what the neighbors would see and hear.

Mr. Aylard asked if tiers have railings and are safe for the clients.

Ms. Berry said the tiers are big stretches of lawn with a slate walkway with steps and handrails that goes through all of the tiers so they can be safely navigated by the guests.

Mr. Barron said a stipulation should be to not allow the use of the bottom tier for events and that all the events would be held on the second tier.

Ms. Berry asked if this restriction was only for when she was running an event as a business.

Mr. Barron said she would want to stay within these parameters because they will not know if a business or a private party was being held.

Ms. Berry said she would have to think about this because she was not sure she wanted to limit everything she could do with her yard based on this.

Mr. Barron said it would apply only when she is holding parties/events.

Mr. Aylard asked if ending an event at 10 p.m. on Saturday nights worked for Ms. Berry.

Ms. Berry said she didn't want the events to run late because she didn't want to be up late with them.

Mr. Pitre asked if she could live with no music after 9 p.m.

Ms. Berry said yes.

Mr. Barron advised that the stipulations include that the restrictions will be revisited in 1 year.

Mr. Aylard asked what would happen if she doesn't come back for the review.

Mr. Barron said then the terms of the variance would not be met and the variance is gone.

Motion: (Pitre, second Morgan) to grant a variance from Section 2.00 (C) Table of Permitted Uses VI. (A) Commercial Uses Not Specified to allow an event venue on the property with the following stipulations:

- 1). Limit the venues to a maximum of 80 people;
- 2). Provide a shuttle whenever the venue exceeds 40 people and offsite parking;
- 3). No parking on Glen Street, Lincoln Street or Winter Street;
- 4). Restrict operation to between Memorial Day and Labor Day;
- 5). Limit the number of events to three events a month for the first year;
- 6). A maximum noise level of 50 decibels at the property lines;
- 7). Restrict the use of spotlights, flood lights, strobe lights or other bright security lighting and lighting will not shine off the property;
- 8). Use of the bottom tier of the property near Glen Street for events is not allowed;
- 9). No music after 9 p.m.;

10). Review the restrictions in 1 year.

Vote: The motion passed 4-0.

Adjournment:

Motion: (Aylard, second Pitre) to adjourn the meeting passed 4-0 at 9:45 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary



Elmer Barron, Chairman

6-3-21