



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor – P. Francis Hicks Room
September 23, 2019 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman Craig Sanden called the meeting to order at 7:00PM.

2. ROLL CALL:

Mr. Sanden conducted the roll call, noting that the following individuals were present: George Closson, Pete Marchand, Alternates Lee Thomsen, John Cooney, and Willard Platt.

Absent excused was Art Melycher.

Mr. Platt was seated for Mr. Melycher.

3. AGENDA REVIEW:

The agenda was modified to include *Open Town Planner Position* under Other Business.

4. PUBLIC HEARINGS:

A. PZC#19-12 – Special Permit – 354 Main Street – Applicant: Alan Nero Owner: Gilson Building Property, LLC Proposal: Utilize Main Theatre as well as Second Theatre for live entertainment, to include acoustics, concerts, disc jockeys, live bands, comedians, karaoke, and/or magicians.

MOTION: Mr. Closson, Mr. Marchand second, to open the public hearing; unanimously approved.

The legal ad was read into the record with it being noted that it ran the requisite two times on September 11, 2019 and September 16, 2019 in the Republican American newspaper. Certificates of mail, serving as evidence that abutting properties received notice of the application and public hearing, were noted as having been received.

Alan Nero appeared before the Commission regarding this application. He confirmed having been provided with staff review comments from Department of Public Works Director Jim Rollins dated September 10, 2019, Fire Marshal Steve Williams dated September 12, 2019, and Zoning Enforcement Officer/Building Official Marc Melanson dated September 23, 2019. While acknowledging receipt of Mr. Melanson's comments just prior to the meeting, Mr. Nero confirmed having had several conversations with Mr. Williams regarding the sprinkler system requirement.

Mr. Nero reported that he has been occupying the building and operating his business for thirty-five years. He explained that a change in his liquor permit request was what brought him needing a Zoning sign-off. He noted that his liquor permit had only included acoustics but wanted to not have a problem if he wanted to have a group at his establishment. Mr. Sanden questioned if the building was currently sprinklered. Mr. Nero indicated that it was not but noted that he has the building inspected annually. Mr. Closson questioned whether there were plenty of fire exits. Mr. Nero confirmed. Additionally, Mr. Nero reported having three bathrooms, two on the top floor and one on the bottom floor.

Staff reported that Police Chief Bill Fitzgerald had relayed concerns over the addition of concerts. Mr. Nero noted that it was a former vaudeville theatre and that this is what it was designed for. He noted that there won't be more than 290 people at these concerts, despite at one point the theatre could hold 750 people. Mr.

Thomsen questioned what concerns the police chief had with concerts. It was noted that his concerns were with crowd control and the building not to exceed the occupancy load. Mr. Closson opined that was a stretch and did not foresee that there would likely be big named concerts beyond a load of 290, especially given the original occupancy designed for 750 people.

Mr. Sanden questioned what triggers a building to be required to have a sprinkler system. Mr. Marchand explained that it may be triggered by concerts or live entertainment that changes the building's "use" under the Fire Code.

Mr. Martinez questioned what prompted the application to be submitted. Staff explained that the type of state liquor permit is different than what has previously been sought.

Mr. Marchand questioned whether there would be any change in the hours of operation. Mr. Nero noted that the State's liquor laws allow them to stay open until 2AM. Mr. Cooney questioned whether there was adequate parking. It was noted that the Zoning Regulations do not have a parking requirement for Town Center. Mr. Platt referred to the police chief's concern, questioning whether Mr. Nero would be selling admission for each event. Mr. Nero confirmed that there would be ticket sales and confirmed that there would be no way overcrowding would happen. Mr. Marchand noted that the entrance to the venue has always been controlled as there is only one point to gain access.

The hearing was open to the public. No comment was received.

MOTION: Mr. Closson, Mr. Marchand second, to close the public hearing; unanimously approved.

5. OLD BUSINESS:

A. PZC#19-12 – Special Permit – 354 Main Street – Applicant: Alan Nero Owner: Gilson Building Property, LLC Proposal: Utilize Main Theatre as well as Second Theatre for live entertainment, to include acoustics, concerts, disc jockeys, live bands, comedians, karaoke, and/or magicians.

MOTION: Mr. Closson, Mr. Sanden second, to approve Application PZC#19-12 – Special Permit – 354 Main Street – Applicant: Alan Nero Owner: Gilson Building Property, LLC Proposal: Utilize Main Theatre as well as Second Theatre for live entertainment, to include acoustics, concerts, disc jockeys, live bands, comedians, karaoke, and/or magicians, having waived the site plan requirement. Occupancy load will be based on what the Fire Marshal finds appropriate for the facility; unanimously approved.

Following the motion but prior to the vote, Mr. Closson led the review of the criteria, which is included in the Zoning Regulations, that is considered in reviewing special permits. He noted that the building has been in use since the 1920s and the use should continue. Regarding the appropriateness of improvements, Mr. Closson noted that other than the arrangement of furniture inside, it would be the same facilities such as bathrooms which would fall under the Building Code and not Planning and Zoning. He indicated that the use does not affect transportation conditions as there is public access as it is located downtown and has public sewer and public water. There are no environmental or conservation concerns, according to Mr. Closson. Regarding long term viability, Mr. Closson noted that the theatre has been operating for nearly eighty years.

Mr. Sanden noted his only concern as the increase in number of people should be addressed because of situations across the country and requested that adequate fire exits and whatever else may be necessary, noting that these things are within purview of the Fire Marshal.

6. NEW BUSINESS:

None.

7. APPROVAL OF MINUTES: September 9, 2019.

MOTION: Mr. Marchand, Mr. Sanden second, to approve the September 9, 2019 Minutes; unanimously approved.

8. COMMUNICATIONS:

Mr. Sanden noted that several commissioners are up for reappointment and requested they communicate their intentions to the Town Manager's office. He also noted receiving a communication about a newly forming Highland Lake Preservation Committee.

9. STAFF REPORT:

None.

10. OTHER BUSINESS:

A. Continued Discussion of Zoning Regulations.

The Commission agreed to look over the draft changes that include consulting Land Use Attorney Mark Branse's review comments ahead of the next regular meeting.

Staff questioned whether the Commission agreed that a second kitchen should trigger an Accessory Apartment. It was noted that the ZEO believes it should be added to the Zoning Regulations to this effect if the Commission wants it to be looked at in this regard. The Commission agreed to review language to be drafted by staff.

B. Plan of Conservation and Development.

Mr. Sanden updated the Commission regarding the progress with the POCD. He noted that a letter will be drafted to the various boards and commissions in town to invite them to a public information meeting to provide feedback on the goals and strategies for the 2021 update. The Committee has been reviewing areas that will require updating and changes to the 2011 plan.

It was also agreed to issue a limited-scope Request for Proposal to seek a consultant to assist with the update.

C. Open Town Planner Position.

Mr. Martinez noted that it has been almost a year since the resignation of the former town planner. He questioned whether that position is going to be filled. Mr. Sanden reported that the Town Manager has no immediate plans to fill the position.

The marina was discussed with it being noted that a status update regarding the flood wall permit was supposed to be provided within eight weeks from the July 22, 2019 meeting. The Commission noted that they would like either a copy of the cover of the application or a written progress update from their engineer.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. Martinez second, to adjourn at 7:50PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**