

Board of Adjustment  
September 13, 2011

Present:

Members: Bob Stetson, Paul Jackman, Brenda Tillberg, Peter Grant, Ron Kowalski, Kevin Brown

Witnesses: Kevin Harper, Dave Blittersdorf and attached list

Meeting called to order at 7:35 p.m. by Kevin Brown

**Continuation of Application #11-49 of Bristol Works, LLC for conditional use approval for change of use from light industry to mixed use located at 72 & 74 Munsill Ave (Parcel #205151). The property is located in the Mixed Use zoning district. Said application requires approval under Section 341 Conditional Uses.**

Kevin Harper explained that they were asked to come back with a more detailed proposal. Kevin said that ACT 250 was part of this property because there was no zoning at the time that Drake Smith wanted to put up more buildings. Kevin said that there would be no new buildings added; they are just renovating what is there already. Kevin feels that the capacity of existing or planned community facilities will be likely less demanding on the neighborhood than the previous uses of the buildings, and he feels there will be less traffic with the proposed uses. They have planned for maximum safety for traffic circulation, landscaping, screening, setbacks, freedom from flooding and ponding, sewage and water safety. Bob Stetson thanked Kevin for providing the board with a very well thought out proposal per the request of the Board members from the last meeting. Peter Grant feels that this is a good plan for the town but would like to think about the future such as what happens if he sells the property. There is no way to control the types of businesses and traffic if it is sold. Peter wants to know if there are any kinds of conditions that could be put on the application to prevent businesses that will increase traffic, smells, and other uses such as that. Kevin Brown and Brenda Tillberg would like Kevin Harper to come back with business type suggestions so that they could issue a more general type of permit approval. Kevin feels that if they try to name the types of businesses that cannot go in the space then he could potentially not be able to rent to certain types of businesses and he does have a business to run as well. Paul Jackman said that he has been on the board for about 15+/- years and they have never given a permit approval to such a general application; it is always for a specific type of business. Kevin Brown asked if Kevin Harper could speak to the wholesale bakery idea that he has for part of the light manufacturing space. He explained that the wants to build a state of the art space for baking and be able to sell it wholesale. There will be much bigger ovens, bagel boil, and a space to make fresh morning pastries, etc. The shifts for the bakery would be during the night, right now they start baking at 2 am for the goods to be ready by 6:30 am when they open. They expect there to be about 3-4 people with a couple of vans delivering goods to leave by 5:30 am. Expects that they would be operating from 2 am to 2 pm. Ron Kowalski appreciates the thoroughness of the additional information and also has concerns about the general approval of the types of businesses as well as if the business is sold what would the new owner choose to do with the businesses that are

there. Ron feels that one of the conditions that they could place would be that the new owner would have to come back to the board if they were to change the businesses. Paul asked about refrigeration, as there was noise with that when Autumn Harp was there and they did enclose them, which cut down on the noise; would those be used again. Kevin said that they would not be using the big chillers that were there before. They will have a walk in cooler and compressor. Kevin feels that because there is a new owner that now there needs to be this permit process; the other owners did not have to come before the board for approval. Bob feels that the landscaping is a very low issue as there are proposed trees shown on the map. Jim Lathrop says that this is a good idea but the grandfathering has run out for the property as it has been empty for more than 12 months. Jim feels that Kevin Harper has not addressed Section 341. Jim would like to see a professional traffic study done, and opposes shift change at 11 pm or 2 am during the night. Jim also indicated that the original ACT 250 permit said that there should have been pine trees all the way around the property that has not been done. Kevin Brown said that the board does not look at ACT 250. Jim said that it is a known statistic that property changes hands every 13 years and this property is right on the mark as there have been 4 owners in the past 50 years. Jim says that they need protection, as this is a quiet residential neighborhood. Justin Jackman sees a ton of run off from the facility as it is above the level of the road. Justin does not know if that is something that can be addressed. Justin also is in favor of the project and does not want to hold up the process. Justin is concerned that one of the trees that have been proposed may be a problem for the Jackman's Inc. trucks entering their business driveway. Justin asked about a drain that is on the side of building 1, Kevin thinks that it might be a roof drain, but will look at it. Justin is concerned about the hours of operation and the traffic on the roads. Jim Jarvis feels that this is a worthy proposal from a good business man but since he doesn't know what type of businesses are coming then you can't set conditions. Jim feels that the board and Kevin can act so that there is responsible development at this location. Brenda asked where the roofs drain off since there is concern about driveways being washed out. Kevin said that they drain off in several different areas. Kevin would be happy to fix the problem of the run off for the Jackman's driveway. Ron Kowalski would like Kevin Harper to address the non-conformity of building 1 as it doesn't meet the setbacks since it was brought up that grandfathering has expired under Section 512 (2). Kevin asked if it was to the use or the building. Kevin will try to answer that. Brenda moved to go into deliberative session for building 1. Ron Kowalski seconded. Motion passed with all in favor.

Discussion as to whether or not Kevin will be coming back for a date certain for the remainder of the buildings. Brenda Tillberg moved to have Kevin Harper come back to a meeting that will be held on Oct 11, 2011 at 7:30 p.m. Seconded by Peter Grant. Motion passed with all favor.