

DRAFT

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JUNE 26, 2024**

MEMBERS PRESENT:

In Person: James R. Stevenson, Chair
Robert Haley, Vice Chair
Kevin Hood

ALTERNATES PRESENT:

In Person: Harun Ahmed, Sitting

ABSENT:

Sandra DeCampos, Secretary
Edward Slegeski
Linda Harris
Gailyn Hill

STAFF PRESENT:

In Person: Megan Pilla, Principal Development Planner
Electronically: James Davis, Zoning Enforcement Officer
Nancy Martel, Recording 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.

HILLIARD MILLS LLC – Application #VAR-0002-2024 – Request variances from Art. II, Sec. 19.05.01(b)(1) and 19.05.02 (b) and (c) for certain structural flood proofing requirements for the historical rehabilitation of Hilliard Mills Building #6 at 640 Hilliard Street, Industrial zone.

After discussion, the applicant agreed to go forward with the application with only four Board members.

Mr. Peter Bonzani, 642-640 Hilliard Street, introduced himself. Through discussions with Town staff, it was determined that floodproofing needs to be performed for Building 6. In the zoning regulations, there are requirements for floodproofing in the flood plain. Some of the requirements are not in agreement with what is required under the Federal Department of Interior Standards for Rehabilitation of Historic Structures, such as flood-resistant materials and metal doors. The Department of Interior requires the original wood-style doors on the exterior. The State Historic Preservation Office administers the Department of Interior standards for historic rehabilitation of historic structures and the historic tax credit program.

When he was made aware of this issue, Mr. Bonzani had a discussion with Diane Ifkovic at CT DEEP, who asked specific questions about the use. Mr. Bonzani assured her this is not residential. After asking if this is a historic structure, he assured her it is and is being

administered by the State of Connecticut State Historic Preservation Office for the tax credit program. According to Ms. Ifkovic, typically both would be exempt in the State's eyes. In consultation with Town staff, Mr. Bonzani was informed that there is not a mechanism in the regulations to allow for an exemption, thus leading to the application for a variance.

This particular building is 190 years old, the oldest on the site. It is a three-story building with a large attic and a walk-out basement. The basement level is considered below the base flood elevation. According to Ms. Ifkovic, the design flood elevation for the State of Connecticut is one foot above base flood elevation. Mr. Bonzani noted that they have voluntarily taken floodproofing measures in the other buildings, which he described. In Building 6, they are proposing three tenant spaces, two small commercial kitchens, and the other table and chair storage in the basement level. They are proposing that the interior walls up to the design flood elevation would be masonry unit with no sheetrock or utilities below that. Interior doors can be metal; the windows may also be in the design flood elevation, and they are stringently required by the Department of Interior standards to be wood. Ms. Ifkovic forwarded him the FEMA requirements for building.

After a question from Mr. Stevenson, Mr. Bonzani stated that only a small portion of the building is in the flood plain, and he displayed and described the rendering.

Mr. Haley asked when the building flooded last.

Mr. Bonzani replied that, to the best of his knowledge, the last flood was in 1869. There was flooding in 2021, as well as last summer. Not a drop got into that building. He had no knowledge of any flooding in the 1938 hurricane. Water did enter Building 2's basement and Building 4 in 2021.

Mr. Haley asked whether the applicant has contacted FEMA for relief with the floodproofing.

Mr. Bonzani explained that there are some FEMA regulations that allow for renovation of historic structures. Specifically, this is about Manchester's regulations. He stated that they are following FEMA and the State of Connecticut's recommendations.

Mr. Haley acknowledged that the applicant is not here about FEMA, but just the Manchester regulations. He reiterated that the Town of Manchester will not be liable, which Mr. Bonzani acknowledged and explained it is in writing.

Mr. Stevenson noted the proposed deck near the brook and questioned whether it is necessary.

Mr. Bonzani stated that the deck is completely out of the floodway. It is in the flood plain, but not in the floodway. Planning and zoning requirements are met and there is a ramp for ADA access for Building 6 and Building 5, which is required.

Mr. Stevenson referred to the zoning regulations at Art. II, Sec. 19.04.04, Variance Procedures, which mentions the danger that materials may be swept onto other lands to injure others, the danger to life and property due to flooding or erosion, and the contents of the building causing

damage to other individual owners. He asked whether the deck could go down deep enough to prevent it breaking away from the building.

Mr. Bonzani described the plans for the deck, which will be of steel construction. The top of the deck is planned to be oak planks.

A discussion was held between Mr. Stevenson and Mr. Bonzani about the construction and placement of the deck to ensure it does not break away.

Mr. Stevenson asked whether the Board could put a condition on the approval, requiring that it be built to FEMA standards for flooding, with which Mr. Bonzani agreed.

Mr. Davis stated that he is not familiar with the FEMA requirements. He believed it could be put on as a condition, though he acknowledged that he is unsure what the FEMA requirements are vs. the Building Code requirements.

Mr. Stevenson referred to a notation about flood conditions, “the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.” He asked for confirmation that the applicant would not be reaching out to the Town for any assistance during a flood. Mr. Bonzani noted that they have not to date and will not.

Mr. Stevenson assumed that the applicant will purchase the required FEMA flood insurance.

Mr. Bonzani noted that he has had it for 18 years.

Mr. Haley questioned the timeframe as well as the building’s use.

Mr. Bonzani stated that he would like to complete it in 18 months. He acknowledged that the building is a disaster, noting that it has taken a massive team of people to fix the building. He additionally commented on the extensive state requirements to receive tax credits. The restoration is a daunting project. Mr. Bonzani explained the proposed uses for the building. There are no attic plans at this point.

Mr. Ahmed inquired about the buildings and whether Mr. Bonzani owns them all, which Mr. Bonzani described. He explained that there is no residential use and described the mix of uses.

Ms. Pilla reported no technical comments on the application. Staff is pleased that there is no residential use and there is no impact to the flood plain capacity. If the variance is approved, the flood plain permit will still be required from the Planning and Zoning Commission. Regarding the FEMA and state requirements, because of the historic nature of the project, the State waives certain requirements. In staff review, it was determined that does not give the ability to waive the Town zoning regulations, necessitating the variance.

A discussion was held between Mr. Haley and Ms. Pilla about whether there has been discussion with the Town Attorney to ensure that there will be no issues with FEMA. Mr. Haley noted a special meeting recently, during which the Town Attorney reiterated that the Board must be careful about overruling superior government.

Mr. Stevenson stated that part of the variance procedures in Art. II, Sec. 19.04.04 states, “The Zoning Board of Appeals shall maintain the records of all appeal actions and shall report any variances to the Federal Emergency Management Agency upon request.” He reiterated that Ms. Pilla will investigate that.

Ms. Pilla reported that there is lengthy documentation on how to write zoning regulations to specifically allow for flood plain variances. If that was frowned upon, flood plain variances would not be allowed, but she will get an opinion from the Town Attorney’s office.

Mr. Stevenson commented that, if the variance is granted, he would like Town staff to investigate what notifications must go to FEMA. Ms. Pilla assured him that she will investigate that.

Mr. Bonzani mentioned that he sent documentation about the FEMA exemptions that are allowed under the historic program.

A discussion was held between Mr. Haley, Mr. Bonzani, and Ms. Pilla about raising the basement.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

The Public Hearing was closed at 7:30 P.M.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

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