MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING JANUARY 8TH 2007
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn,Chr Ted Moynihan
Margaret Cassedy Brad Atwater
William McGonigle, alt Stephen Sheehan, alternate

The meeting opened at 7:00pm.

Alternates Sheehan and McGonigle having been appointed, but not yet sworn in will not be voting members this evening.

The October and December minutes were approved as grammatically amended.

Case 07-01 Wilder, Accessory Apartment: Chairman Colburn opened the hearing by reading the posted notice. Board members reviewed the materials provided by the applicant determining that the level of detail was sufficient to move forward with the case.

Gordon and Fern Wilder explained that this application involves converting a small apartment, initially built in the basement of their new home for them to live in while the house was being constructed, into an approved accessory apartment. The apartment has two means of egress. The house is located on 48 acres of land in the Rural Residential zone. The septic system was designed with extra capacity; a sprinkler protects the utility portion of the basement that includes the furnace. Apartment size is approximately 631 square feet with a single bedroom.

There being no abutters wishing to speak, Chairman Colburn closed the public hearing. Board members discussed the accessory apartment option as it is detailed in the zoning ordinance and reviewed the general requirements for the granting of all special exceptions.

Member Moynihan moved that as the proposed use is permitted by special exception in the Rural Residential Zone, that proper and adequate facilities have been provided the request by Gordon and Fern Wilder to establish an accessory apartment within their 161 Tallow Hill Road residence be granted. The motion was seconded and unanimously voted in the affirmative.

Rules of Procedure: The remainder of the meeting was spent continuing to update the board’s rules of procedure. As part of this discussion the board determined that perhaps two documents are needed; one, the rules of procedure and two, a document to be provided to all applicants that provides information on application procedures, filing deadlines etc. The Board continued to stress its desire to see high quality application materials being submitted by applicants to insure that the review process is as efficient as possible.

The meeting adjourned at 9:15pm.

Submitted,

Stephen Halleran Richard Colburn, Chair
The meeting opened at 7:00pm.

The January 8th minutes were approved as amended.

Case 07-02: James and Molly Sheehan An application for relief under RSA 674:41 II “Practical difficulty” to allow for the removal and reconstruction of an existing residence accessed from a class VI highway, True Road, in the town of Plainfield. The property is zoned Rural Residential. This process is necessary because Plainfield does not, without review, issue permits for projects accessed from class VI roads. Chairman Colburn opened the hearing by reading the posting. Halleran clarified that while the portion of True Road that provides access to the property is a class VI highway, from town records it appears that a portion of Batchelder Hill Road was discontinued in 1928. Board members discussed what, if any, impact this information has on the application. It was determined that, 1) The town road giving access to the property is a class VI highway and 2) that the existing residential use on the property is, due to lack of road frontage, nonconforming. This being the case the Zoning Board determined that their review of the case was appropriate.

James Sheehan explained that he and his wife purchased the residence from the estate of James Ingerson who had lived in the house until the time of his death. The Sheehan’s hope was to renovate the structure, however, a detailed review of the condition of the building has resulted in them deciding that removing the building and reconstructing a new similarly sized replacement structure on the 6-acre property will be less costly than a massive renovation. Replacement will allow for a safer more livable building. The couple is considering removing the residential structure but does not want to lose the existing residential use on the property. The plan is to start actively working on the new building within the two years allow for all zoning permits.

Board members discussed the intent of the town’s prohibition against the issuance of building permits for lots accessed from class VI roads. The ordinance adopted in 1987 cites public safety concerns as the primary objective. The ZBA review has been developed to allow existing residential uses to be maintained with reasonable relief for some expansion as well as to be allowed to continue to develop accessory structures typically associated with residential uses. At the same time minimizing the need for an increase of town services on the class VI highways is a priority. Therefore, new residential uses or significant increases in occupancy capabilities are not allowed.

In conducting its review the Zoning Board determined that with this case, as with others, placing parameters on the overall size of the replacement structure was more in keeping with the intent to minimize any increase demand for town services than controlling where on the lot the building
was located. This is particularly true for a property of this size, 6 acres, the board can, however, envision a scenario with a much larger lot where it might not be appropriate to replace a structure located adjacent to the access road far to the rear of the lot. Board members determined that, in this case where an exact location for the new residence is not known allowing for a one-acre envelope around the existing residence (200’ radius) location for citing the replacement house was reasonable and appropriate. The applicant is free to come back to the board if a site outside this area is chosen.

Turning to the replacement house dimensions, since there are no plans available for the replacement home, without further board review, keeping the replacement home to no larger than the existing residence and no more than three bedrooms was appropriate. Current house has two bedrooms though its existing areas is consistent with a typical three bedroom house.

Likewise, the board made it clear that this approval in no way is intended to establish a right of access to the building site. The Board is making no representation that the owner has rights beyond the class VI highway over the discontinued road to access the property.

There being no abutters in attendance a motion to approve relief to allow a replacement single family residence as outlined above was made seconded and voted in the affirmative.

Preliminary discussions with Paul Toms and Alan Croteau: Mr. Toms explained that he is considering purchasing the former Runnemede School building to be used for a mixture of retail uses. He is, unfortunately, not able to go into much detail at this time, but is hoping for some board direction on application procedures. Mr. Toms was directed to review the approved business project special exception criteria and to develop a detailed filled application that address the criteria necessary for the granting of a special exception. Typically applications include a detailed site plan, a written description of the project complete with operational details and traffic projections. Mr. Toms hopes to return to the ZBA for the March meeting with a formal application.

Rules of Procedure: Board members again discussed the amended rules, making several grammatical changes. The rules will continue to be available at the office for public inspection and comment and should be ready for adoptions at the next meeting.

The February meeting adjourned at 9:45pm.

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING MARCH 12TH 2007
MERIDEN TOWN HALL

Zoning Board

Members Present: Richard Colburn, Chr
                Ted Moynihan
                Margaret Cassedy  Brad Atwater
                Stephen Sheehan, alt  William McGonigle, alt

The meeting opened at 7:00pm.

The February 12th minutes were approved as amended. Following up on last month’s case S.
Halleran reported that based on a conversation with and research by Town Archivist Howard Zea
it was determined that the portion of Batchelder Hill Road that has been discontinued was just
beyond the property now owned by Jim and Molly Sheehan. This means that their property does
have access via a public right of way, in this case a class VI highway. See case 07-02 for more
detail.

Board members were informed about the annual State Office of Planning Spring Planning and
Zoning Conference to be held in Concord on Saturday April 28th. Board members were
encouraged to attend this learning opportunity.

Case 2007-03 AV PROPERTIES, LLC owned by Paul and Terry Toms: Chairman Colburn
opened the hearing reading the posted notice. The project is an application for an Approved
Business Project and any other section of the Plainfield Zoning Ordinance necessary to convert the
former Runnemede School building located at 1050 Route 12A (map 107 lot 18) into a retail
business to be operated as an antique and artesian mall/country store. Using the suggested process
template for the newly revised, but not yet adopted, rules of procedure Chairman Colburn explained
to those in attendance the process that would be followed for the application. The first is a brief
sufficiency review by the board to determine if the application contains enough information to allow
the hearing to move forward. This does not imply that the application is complete, just adequate for
a hearing. A presentation by the applicant was followed by comments from board members and
then comments from the public. Initial board deliberations will then be started.

Regarding the sufficiency review, board members quickly determined that the application was
sufficient to move forward. The applicant was asked to present the application. Paul Toms
explained that he and his wife Terry have purchased the property and plan to operate it as an
Antique/Artisan mall with approximately 40-50 vendors. The Tom’s believe that the building
having been built as a school is code compliant for this type of use. The facility has a full sprinkler
system, panic hardware on all egresses and is of course ADA equipped complete with an elevator.
The upper floor will contain 30 vendor spaces, the basement level will include a small café, a
Christmas shop and another 10-20 spaces. New England made products will be the emphasis on this
floor. Very little renovation to the building is planned other than perhaps a farmers type front
porch. Public restrooms will be in the basement. Employee parking will be to the rear, with some
fifty spaces for the public being provided along the access road loop and to the front of the building.
The facility will be opened from 10-6 seven days a week except during the winter months it will be
closed Mondays and Tuesdays. Landscaping will include the planting of hardwood and softwood
trees, flowerbeds and shrubs. The tree planting will not include as many as shown on the
preliminary site plan. All lighting will be full cut off fixtures with security lighting being motion
sensitive. Signage will be in conformance with the town’s regulations and will include two wooden signs one near the entrance and exit. The northern most sign will include information about the various shops found within the facility. As currently planned, the traffic flow will be an entrance to the south with the exit to north using the existing driveway loop. The Toms have met with Scott Akins who now owns the storage facility and the two parties are cooperatively working on an agreement which will allow the Tom’s facility to use the loop and will also provide the Atkins facility with the access they need to the rear of their building.

Zoning Board members responded with their initial questions and comments, which focused on hours of operation, deliveries, and clarification as to whether or not the application includes a farmers market component. Based on comments received, Mr. Toms will look closely at the hours of operation issue as it pertains to expanding the hours on Smith auction days, typically Tuesday nights and Saturdays.

All deliveries to the facility will be made during business hours and will not involve nighttimes. Vendors will not have after hour access to the facility, which will be run by four to ten employees depending on need and customer traffic. The application does include a farmers market feature, but not in the sense of a flea market, rather agricultural products being sold in the open field on Saturday mornings. All parking will be on site although there was general agreement that a certain percentage of the parking may be street side at the convenience of patrons. It was suggested that there might be some opportunity to partner with the Smith Auction Gallery for each to use the others parking when available to minimize overflow parking on Route 12A.

Turning to public comments, while generally supportive of the application there was a concern as how insure that any street side parking does not create problems for neighbors entering and exiting their homes. Likewise it was suggested that the Police Chief be asked to comment on the proposed traffic flow in and out of the facility, the concern being that cars exiting from the north driveway going north will have a reduced sight distance due to grade of Route 12A in that area.

Board members determined that a site visit would be helpful. The visit was scheduled for Sunday March 18th at 4:30pm the public was encourage attending. The board will next take up the application at their April 9th ZBA meeting starting at 7pm, here at the Meriden Town Hall.

Margaret Cassedy suggested to the applicant that they might want to consider another term for describing the business rather than a “Mall” which seems to not fit with the rural character of Plainfield.

**Other business:** The Zoning Board again announced and reviewed the revised Rules of Procedure. The final “reading/review” of the regulations will take place on April 9th to hopefully be followed by their adoption.

The meeting adjourned at 9:30pm.

Submitted,

Stephen Halleran                                           Richard Colburn, ZBA Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
SITE VISIT SUNDAY MARCH 18TH 2007
1050 ROUTE 12A-AV PROPERTIES, LLC

Zoning Board
Members Present:  Richard Colburn, Chr  Ted Moynihan
Brad Atwater  William McGonigle, alt

Others present:  Paul Tom’s  Mike Sutherland
Mary Sutherland  Hazel Slayton

The visit commenced at 4:30pm.

Applicant Paul Toms provided a tour of the outside of the facility including the proposed parking area. Board members reviewed the access proposal. The idea of a single in and out access point was discussed. It was noted that from the northern driveway, vehicles leaving the facility have about eight seconds to clear the intersection from the time a car traveling at a reasonable speed on Route 12A is visible cresting the top of the hill until it reaches the intersection.

Board members also viewed the area proposed for a farmers market including the parking and proposed facilities.

The group also toured the inside of the facility viewing the various proposed antique vendor and artisan vendor areas as well as the proposed dairy.

The visit adjourned at 5:30pm. The board will next take up the case on April 9th at 7pm.

Submitted,

Ted Moynihan  Richard Colburn, Chair
Zoning Board.  Zoning Board.
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING APRIL 9TH 2007
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chr Peter Martin
Margaret Cassedy Brad Atwater
Stephen Sheehan, alt William McGonigle, alt

The meeting opened at 7:00pm. Chairman Colburn asked member Martin how he felt about participating in this case. Peter Martin was not in attendance at the March meeting. Peter indicated that he has read all the available materials and visited the site with the applicant. Consequently, he feels informed about the application and is prepared to participate.

The March 12th board minutes and the minutes of the March 18th site visit to the AV Property facility were both amended and subsequently approved.

Case 2007-03 AV PROPERTIES, LLC owned by Paul and Terry Toms: Chairman Colburn started the discussion by reopening the hearing. The applicant was asked to discuss the changes that have been to the application since the last meeting. Board members were directed to the latest narrative and the maps that show revision #1 sheets 1/7 as the amended application. The following changes were specifically pointed out.

* The facility will be called a market not a mall.
* Vendors numbers have been reduced downward to about 50.
* Hours of operation for the farmers market have been formalized as May thru October Saturday and Sundays from 10:00am to 4:00pm.
* All deliveries will be made between the hours of 8am and 6pm.
* Thirty parking spaces are proposed with another 25 possible in the overflow area down between the farmer’s market and Route 12A. This area will be re-graded to improve drainage into existing catch basins. Handicap parking has been moved to right and left of the main doorway. Bus parking will be limited to no more than two units at anyone time.
* Exterior lighting plan was made more detailed and clarified in several areas. Fence post lights have been eliminated. All security lighting will be motion sensitive.
* Trees that were originally planned for the front the building have been eliminated and replaced with additional flowerbeds and shrubs. It was noted that behind a very cursory review, the Zoning Board defers landscaping details to the Planning Board as part of their site plan review.

Understanding that the full impact of many of the operational details will remain unknown until the facility opens, if approved, the applicant pledged to continue working with all the various town boards on any issues that arise. Paul Toms noted that the facility is intended to compliment the village and to be seen as a positive development.

No members of the public were in attendance to speak or offer final comments. The Board began its final deliberations.
Board reviewed in detail the criteria for an Approved Business Project. The following was determined:

1. The property’s land, 56 acres, and building layout satisfy the dimensional requirements for an approved business project.
2. The existing school building, built just a few years ago reasonably demonstrates that proper facilities will be provided for the use on the lot. It was noted that future additions will required Zoning Board review.
3. To the best of the board’s judgment, as proposed, the use will not be injurious to the neighborhood.
4. Reacting to Chief Gillens comments and the board’s own observations, traffic flow in and out of the facility will be as presented in the application unless modified by the Planning Board as part of their site plan review.

The above being the case, member Martin made the following motion: Moved that the ZBA approve the application by AV Properties, case 7-03, to convert the former Runnemede School Building into an Antique and Artisan Market as described in detail by the applicant in the revised plan/site plan submitted for consideration during the April 9th 2007 meeting. However, this approval does not include “building” improvements characterized in the application as long-term. Onsite business employees will be limited, by this approval, to 12. The board has considered the impact on the village in detail, specifically under section 3.5 and 5.6 II, and it finds that the plans noted as revision #1 sheets 1-7, including the accompanying narrative satisfy the requirements of these sections. The specifications of the above referenced plans and narrative are to be part of this approval unless specifically modified during the Planning Board’s Site Plan Review.

The motion was seconded and unanimously voted in the affirmative. Chairman Colburn noted that the appeal time for this application begins on April 9th 2007.

Other Business: Board members performed a final review of the revised Rules of Procedure. Several minor grammatical issues were corrected. A motion to approve the revised rules was made seconded and voted in the affirmative. Once signed, a copy will be placed on file with the town clerk.

Board members were again encouraged to attend the Office of Energy and Planning’s spring conference scheduled for the end of this month.

The April meeting adjourned at 9:20pm.

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair
Zoning Board Members Present: Richard Colburn, Brad Atwater, Peter Martin, Ted Moynihan

The meeting opened at 7pm

This being the first meeting since April, the minutes from that meeting were approved as amended.

**Case 2007-04 Allen and Karen Rogers:** The applicants are seeking relief under RSA 674:41 “practical difficulty” test to add a 1,000 sq ft addition to their existing residence located at 30 Loomis Road, a class VI highway. The property is zoned Rural Conservation II.

The current house is 1,800 square feet and a 1,000 square foot addition is proposed. The applicant plans to add a carriage style garden shed for lawn equipment storage some time in the next one to two years, so. The house has an approved three bedroom septic system; this addition would add the third bedroom. Currently, the house has two bedrooms occupied bedrooms with the third being used as a home office. The applicant have two young children and feels that the added living space is needed to accommodate their family and is in keeping with what would customarily be viewed as typical expansion of a residential use.

Board members held a historical discussion about the class VI road ordinance and the Zoning Board’s role in the process. While not allowing the establishment of new residences on class VI road, the town has acknowledge the rights of existing, properly permitted, residences to continue on these town roads that are not maintained by the municipality. In reviewing the applications the ZBA focuses on determining whether the proposed project is a reasonable expansion of the existing use or if the project represents a new use, which might be permitted. For example, accessory structures to a residence (garages, barns) are typically allowed, whereas new residences, or new businesses that did not involve upgrading the road would not be allowed, as they would increase the activity on these roads.

As part of the review process, the Rogers acknowledged that town does not maintain the road. Further that in using the roadway to access their home they accept any enhanced liability that might result from the lack of maintenance.

There being no abutters wishing to speak member Moynihan moved to approve the application finding that the proposed use/or improvement is customary with an established residence. Further expansion beyond the three bedrooms that has previously been approved will require additional board review. The motion was seconded and voted in the affirmative.

**Other Business:** Halleran noted that he was expecting representative from the Plainfield Village Cooperative to discuss expanding the trailer park by one additional unit. While there was no one from the park in attendance, board members noted from the previous decisions that in order to allow any further expansion the park would have to bring forward a pretty compelling argument. The applicant for the most recent expansion made it very clear that that would be the final expansion for the park and since that time the Zoning Board has denied
one other request to expand and did allow the addition of an office trailer for the park’s administrative function use.

The June meeting adjourned at 8:50pm

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair
MINUTES OF THE PLAINFIELD PLANNING BOARD
ZONING BOARD JOINT MEETING
September 10th 2007
Meriden Town Hall, 110 Main Street

Planning Board members present:

\[
\begin{align*}
& \text{Jane Stephenson} \quad \text{Des Hudson} \\
& \text{Greg Estey} \quad \text{Ruth Cassedy} \\
& \text{Mike Sutherland} \quad \text{Ron Liston}
\end{align*}
\]

Zoning Board members present (first meeting since June 11th):

\[
\begin{align*}
& \text{Richard Colburn} \quad \text{Ted Moynihan} \\
& \text{Peter Martin} \quad \text{Margaret Cassedy} \\
& \text{William McGonigle} \quad \text{Stephen Sheehan}
\end{align*}
\]

The meeting opened at 7pm at the Meriden Town Hall

The Planning Board went through its administrative duties, which included approving the minutes of August 6th, and discussing the agenda for the Board’s September 17th meeting. The meeting on the 17th will include additional follow up of the KUA athletic field project from last summer. Planning Board members expressed frustration that KUA has not satisfied all the condition of the approved site plan and does not seem to be working on completing the approval conditions this year.

Halleran provided information about the upcoming Office of Energy and Planning conference in mid October. Board members were encouraged to attend.

**Wetland Buffer Ordinance:** After introductions, Planning Board member Mike Sutherland provided the Zoning Board with a presentation on the Planning Board’s plans to amend the town’s existing wetland conservation district. The first major change is to go from a wetland definition based on categorized soil types to one based on the occurrence of hydric soils. As a result of this change the land that is defined, as a wetlands in Plainfield would be reduced by about 25%. The second change is to establish a 50’ wetland buffer around all wetland areas in excess of ¼ of an acre in size. Development would not be allowed within the buffer without a review and approval by the Zoning Board. The Planning Board and Zoning Board held a detailed discuss about the definitions of wetlands and the impacts of the proposed regulation on Plainfield’s landowners and natural environment. The purpose of the buffer is to insure that human development impacts on water resources are minimized through filtration of run off by vegetative cover. At the same time efforts have been made to minimize the impact of the new rule on private landowners. In most cases residential development is not proposed for within 50’ of a wetland.
Moving into the details of the buffer proposals Zoning Board members discussed the various roles of those local officials involved in enforcing the regulation. The town’s Zoning Administrator and Conservation Commission Chair would be the first contacts with applicants. If a clear determination as to whether the buffer applies could not be made by these individuals the town, at its expense, will hire a wetland scientist to make a determination. Most present felt that the town paying for this first expert review is appropriate since it’s a town regulation and there a town responsibility to provide good data to applicants.

In cases where special exceptions are applied for to encroach into the buffer area, the Zoning Board noted that they prefer regulations that are have detailed statements of intent and have definite standards to be satisfied. Subjective approval criteria are always more difficult to enforce and create a greater burden for the Zoning Board.

It was noted that projects requiring a wetland permit are not affected by this regulation. If an applicant has obtained DES approval for a wetland encroachment the approval is considered local approval to be within the wetland buffer area as well. Likewise, a determination that a buffer encroachment special exception is not required does not alleviate applicants from seeking wetland permits for projects that would otherwise need a permit.

Several members of the group advocated for stricter requirements and a larger buffer. Several members also questioned the need for a regulation that by all accounts does not at the moment represent a serious problem for the town, noting that in general development is not occurring in the lowland areas.

Planning Board members explained that it is their sense that not having a wetland buffer is a weakness in our existing regulations. Residents consistently support the idea of preserving surface water quality and protecting environmentally sensitive areas. Consequently, it is the Planning Boards intention that the proposed change fills this void without presenting a significant burden to the vast majority of landowners.

In general the discussion resulted in the Zoning Board supporting the concept of a buffer ordinance. Likewise, the Zoning Board felt that the language drafted by the Planning Board, as it pertains to their role, was well crafted.

The meeting adjourned at 9:30pm.

Submitted,

Stephen Halleran

Jane Stephenson, Chair PB

Richar Colburn, Chair ZBA
Zoning Board
Members Present: Richard Colburn, Chris Margaret Cassedy Brad Atwater

The meeting opened at 7pm

Chairman Colburn announced to the Board that member Peter Martin has resigned due to the fact that he and his wife Lynn will be either away or at their second home for nine of the next twelve meetings. Consequently, Peter feels it is not appropriate for him to occupy a board seat. The group all acknowledged the contributions that Peter has made to the board during his service.

Pam Elder: Mrs. Elder held a preliminary discussion with the Zoning Board about the possibility of converting an existing sugarhouse building (16’X16’) to a small guest room to be operated as a very modest Bed and Breakfast. Operating a B&B has been a life long dream of hers and she wishes to investigate the possibility of realizing this dream. The use is permitted in the RC I zone where her house is located, however, the property is access from a class VI highway which, in Plainfield, have strict regulations concerning new development. No new buildings would be constructed; although the sugarhouse would receive an extension renovation including its own state approved septic system. Board members felt that not including a kitchen in the room would be a key component to insuring that the bed and breakfast does not become a second residence as time goes by and future owners take custody of the property. To be permitted on the class VI road the board will have to find that the project does not increase the need for town services over and above that which would be typical for the existing residence now located on the property. As part of making her decision on whether to move forward or not Board members encouraged Mrs. Elder to continue investigating all the facets of the project, including building code requirements, septic system capability and costs.

The meeting adjourned at 8:00pm

Submitted,

Stephen Halleran Richard Colburn, ZBA Chair