MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING MARCH 28TH   2011
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman  Ted Moynihan
Brad Atwater  William McGonigle
Stephen Sheehan

Also in attendance: Mike Sutherland  Robert Marrazzo
Cheryl Grabe  Clifton Swift
Bonnie Allard  Robert Porthouse

The meeting was called to order at 7pm by Chairman Richard Colburn. This being the first meeting since September 2010, the board reviewed the September 20th minutes making some corrections and asking Halleran to clarify a section of the draft concerning parking requirements for the KUA field house project. A vote on the minutes was deferred until the next board meeting.

Halleran reminded the group that Monday April 4th the town’s various land use board are going to gather to discuss policies and procedures for handling land use cases. The session is an opportunity to workshop together, town counsel Barry Schuster will also be attending this work session. In appreciate for the hours that board members put in each year, the town will provide some pizzas for the group.

Case 2011-01: Matthew Jackson: Request for special exception #34 Cottage Business or #35 Approved Business Project to allow an auto detailing business to be operated out of the applicants #830 Route 12A facility that was built in 2006. The Zoning Board conducted a cursory review of the application finding it to be adequate to move forward with the hearing. Zoning Administrator Halleran confirmed that the Zoning Board granted an approval for a similar business at this site back in 2000, however, that building was never built and those approvals expired. In 2006, the current building was constructed on the site for the stated use of working on the owner’s personal car collection therefore no zoning approval was necessary. The Planning Board did conduct a site plan review of the building at that time that review focused on outside lighting, screening and building color. Since then work at the site has focused on the owner’s cars, however various websites have indicated that for hire work is also being done at the facility, therefore the town has asked the owner to come forward with an application.

Attorney George Spaneas and Joanna Jackson represented owner Matthew Jackson during this hearing. The two explained that the applicant would now like to expand the work on the site to include a limited amount of work on cars owned by others. The business After FX owns two other facilities out of state where most of company’s work is done. However, occasionally given the size of the shop in Plainfield some projects would be more suited for this site. These cars are very specialized show vehicles owned by exclusive clients. No signs or advertising will be done on the site. The expectation is that about a dozen cars a year would be worked on in Plainfield.

Board members made several inquiries about the business to better understand how the shop is used and exactly what takes place in the facility. The shop is set up so that cars can be fully customized, interior and exterior.
Chairman Colburn opened the discussion up for abutter and interested party comments. Abutter Mike Sutherland noted that Matt Jackson has done many of the things he indicated to the Planning Board that he would do as far as building lighting and screening from Route 12A is concerned. Mr. Jackson made additional commitments to the Sutherlands for screening that would address the view from their house, but this work was not done. Mike went on to say that he and his wife have no complaints about what goes on inside the shop, their issue is the conduct of visitors and employees who frequent the facility and occasionally race ATV up and down the hillside facing Route 12A. This behavior is typically during the noon hour. Likewise, employees leaving at the end of the day seem compelled to race their car engines, squeal tires and the like, which can be annoying and seems unnecessary. If much of this activity was done to the rear of the property, it would not be as offensive.

Abutter Cheryl Grabe expressed even more concern about the conduct of employees, noting that in her view the noise was abusive and had significantly reduced her quality of life. She enjoys gardening and finds it very disruptive when the hill climbs are occurring and or employees are coming and going.

Westgate Road resident Clinton Swift urged the board to look at requiring the infamous above ground utility poles adjacent to Route 12A that serve the shop be removed. He feels as a business use these would not have been permitted and should go now.

Bob Marrazzo spoke in favor of the business noting that Plainfield needs additional growth in its tax base.

There being no other comments, board members began to focus their discussions on which of the two requested special exceptions should be considered. Approved Business Projects have a higher approval threshold and can be larger in size and must be located on a state highway. It was noted that the Approved Cottage Business is less intensive, limited to no more than seven employees and requires the owner to either live on site or on a lot adjacent. Consequently, in this case Matt’s house is on the lot adjacent, but should he wish to sell the business separately from the house new approvals for the business would have to be obtained at that time. Attorney Spaneous noted that the applicant would be receptive to being granted both exceptions. Board members felt that the applicant should pick one. After a brief recess the applicant choose to move forward as a Cottage Business.

The board did not feel it could address the two utility poles, from the ZBA’s perspective this is an existing building with a proposed use.

Based on the materials in the application and the testimony received the Zoning Board during its review made the following findings for the proposed business:

1) The business has been represented as follows:
   Days of operation are six per week.
   Hours of operation are 9am to 6pm with occasional extended hours.
   Lighting and screening as previously approved the Planning Board.
   At this site the business will typically work on only 10-12 cars per year.
   A maximum of 2-3 cars, including the owners, can be worked on in the shop at one time.
   This site will have no significant retail traffic.
   No signs or advertising on the site is proposed.
2) The lot, 31 acres, has sufficient gravel surfaces around the building to provide adequate parking.

3) The use, as proposed, generally meets the criteria of section 5.2 of the zoning ordinance, however the board has heard testimony indicating that employee vehicles occasionally produce obnoxious level of noises. Examples include loud vehicles entering and exiting the property and the use of recreational vehicles on the grounds during the day.

Based on these findings Moynihan moved to approve the application subject to the following conditions:

1) The Planning Board evaluates the adequacy of screening for the building.

2) The town conducts a code review of the facility, including the handling and storage of hazardous materials.

3) All activities associated with the business (including the activities of employees) must be done in manner that meets the general performance requirements in section 4.8 of the Plainfield Zoning Ordinance.

The motion was seconded and voted in the affirmative.

The March meeting was adjourned at 9:45pm

Submitted,

Stephen Halleran  Richard Colburn, ZBA Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING MAY 9TH 2011
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Brad Atwater William McGonigle
Stephen Sheehan

The Zoning Board meeting was called to order at 7:10pm.
The September 10th minutes were approved as further amended concerning the KUA field house
parking section. The March 28th minutes were approved as amended.

Case 2011-02 KUA wind powered generator: Chairman Colburn opened the public hearing by
reading the posted notice. Kimball Union is proposing a 66’ wind powered generator to be
located behind a Miller. This is a student project intended to provide educational information to
students about alternative energy systems.

The board did its customary review of the application and determined that the application was
sufficient to move forward with the hearing. No abutters attended the meeting.

KUA Student Charlotte Herbert explained the application to the board, this is her capstone
project. She explained the various features of the generator. Blades are 12’ in diameter, the tower
is 58’, maximum height with a blade in the vertical position is 66’. The unit has been sited to
meet town required setbacks and provide the necessary clear fall area around the unit. According
to the manufacturer noise and vibrations from the generator unit are below the maximums
allowed by the ordinance. The unit will be gray in color and will not be used for any other
purpose. The electricity generator will be used to offset the cost of operating the Miller building.

In going through the application requirements found in section 3.17 of the zoning ordinance,
board members focused on public safety issues surrounding the tower. KUA will be required to
either fence the base or demonstrate that the tower is not easily climbed or dismantled. For
example a tower of this size that did not have a ladder and was equipped with a locked hinge pin
would be deemed to be in conformance with the regulations.

As required by the ordinance, KUA has agreed to remove the tower should it no longer be
functional or becomes obsolete.

Based on the lack of abutter interest, the size of other adjacent structures, the characteristics of the
site, the visual facsimile done by the applicant using computer animation and the relative low
height of the structure the board determined that a balloon test was not required for this
application.

There being no other questions and no one wishing to speak, the board closed the public hearing
and deliberated the merits of the application by reviewing both the specific requirements for this
particular special exception as well as the broader requirements for all special exceptions.

Member Moynihan moved to approve the application finding that based on the provided materials
and testimony the proposal meets the requirements as outlined in section 3.17 of the zoning
ordinance. Specifically, because the proposed unit will be located well within the KUA campus,
far from abutters, impacts on the adjacent neighborhood is expected to be minimal. In completing its review the board notes that the application also satisfies the general requirements for all special exceptions found in section 5.6 II. There is concern that the tower could represent a hazard if climbed or equipped with a hinge that is not locked. The Zoning board had insufficient details to fully evaluate this issue, but has addressed the concern with a condition of approval.

Conditions of approval:

1) When the specific configuration of the tower is finalized the applicant must review the method of preventing access to the tower with either the Zoning Board, the Planning Board or the Building Inspector as determined by the town’s zoning administrator.

2) Per the zoning ordinance, the applicant must go through site plan review with the Planning Board.

3) The structure must demonstrate code compliance as determined by the town’s building inspector.

4) All application materials become part of this application.

The motion was seconded and voted in the affirmative on a vote of 5 to 0.

Other business: KUA CFO Jim Gray updated the zoning board on the school’s progress to start construction on the field house. The school hopes to have a signed construction contract in the next couple of weeks.

The meeting adjourned at 8:30pm.

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair
The Zoning Board meeting was called to order at 7:05pm.

The board minutes of May 9th were approved as grammatically amended.

Chairman Colburn opened the one case on the agenda for the evening by reading the posted notice.

**Case 2011-03 Mherdad & Teresa Didehbani:** The applicant is requesting special exception #33 Approved Setback Encroachment and any other applicable section of the zoning ordinance to allow for the construction of a new accessory structure (24’x24’ garage) at their home on 2 Daniels Road. As proposed, the new garage will replace an existing 10’x24’ garage and shed previously on the site. The new building, as proposed, will have a side yard setback of 7.5’ and front yard setback of 16’ without the special exception setbacks of 15’ and 30’ respectively are required. Mr. Didehbani offered as a point of clarification that the building to be removed is 17’X24’ in size.

Per ZBA established procedure Chairman Colburn asked his board members to review the application to determine whether the application was sufficiently complete to move forward. Halleran noted that three photographs of the site have recently been added to the file. Board members determined that the application was in order and the hearing moved forward. Mr. Didehbani explained that he and his wife have been investigating options for a couple of years of how to replace the aging barn/shed with a new 24’x24’ garage that would face Daniels Road. Purchasing land from an abutter was considered, however, the preferable approach is to within the limits of the zoning ordinance be granted relief to simply replace the existing building. Their lot is only 9,088 sq ft, to be conforming in the VR with public water the lot would need to be 30,000 sq ft.

Halleran affirmed that the applicant has been working with their various abutters for a couple of years on possible solutions; however taking land away from any of the surrounding properties is problematic for those parcels. Based on conversations he has had with abutters there seems to be support for the current approach. The proposed garage is the minimum size that is typically thought of for a functional two car garage. The Didehbani’s indicated that the new garage will feature attic trusses to allow for cold storage above the garage bays. In accordance with town procedure Daniels Road is viewed as the fronting street for this application as the property is accessed and addressed from that roadway. The curb cut for the property is Daniels Road, not Route 12A.

Halleran noted that the town’s road agent has reviewed the proposal on site and has determined that as proposed the new garage will be setback sufficiently so that cars parked in front of the two bays will be out of the town’s maintenance right of way.

At the suggestion of Chairman Colburn Zoning Board members determined that rather than viewing the application as a setback encroachment section 3.11, using section 3.12 Non-
conforming uses might provide additional options for the board in conducting its review.

Chairman Colburn noted that the residential use is nonconforming in at least three areas, lot size, lot coverage and setbacks. He further noted that as proposed the new garage does not worsen the degree of nonconformity and actually improves the side set back for the garage. The current building is 5’ from the lot line, the new one will be 7.5’.

Board members generally concurred with this reasoning focusing their review on special exception #32 rather than #31. After conducting a review of section 5.6II and finding that the application meets the requirements of a special exception member Moynihan made the following motion:

Whereas the lot and its residential use pre dates the zoning ordinance is nonconforming for lot size, lot coverage and existing setbacks.

Whereas the proposed replacement structure will improve the side setback encroachment and does not significantly worsen the other nonconforming factors.

Whereas the town’s Master Plan seeks to encourage use and investment in existing village residential buildings and finding that the application meets the requirements for a special exception I move that the application be approved.

The motion was seconded and unanimously voted in the affirmative.

Other business: Halleran updated the Board on the Matthew Jackson case 2011-01 noting that the building inspector and fire chief have now completed a walk through of the shop interior and are working with the owner to gain compliance on several life safety issues that need correcting. Matt has agreed to hire a fire protection engineer to make recommendations and offer suggested fixes. Fire suppression around the paint booth and a second means of egress from the upstairs offices are the main areas of concern.

Halleran noted that in an unrelated matter Todd and Deanna MacDonald are involved in a dispute with Matt over land clearing and shaping done to the rear of the lot that is impacting their property. The town’s conservation commission chairman is visiting the site tomorrow and the MacDonald’s have invited the Zoning Board members to attend. The ZBA noted that their review was focused on the interior use of the large existing structure and that their review did not include any land clearing to the back.

The meeting adjourned at 8:15pm.

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING SEPTEMBER 12TH  2011
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Stephen Sheehan William McGonigle

Others in attendance: Linda Barton Sara Pushbee
Jim Platt Hillary Platt
David LaBelle Thomas Lappin

The Zoning Board meeting was called to order at 7:05pm.

This being the first meeting since June, the zoning board approved the June 13th minutes as amended.

Case 2011-04 Linda Barton Busy Bee Day Care: Chairman Colburn opened the hearing by reading the public notice. The board took a cursory look at the application and determined it was adequate to proceed with the hearing. Linda Barton explained the application to board members. The proposal is to convert an existing home located on a seven acre lot at 1284 Route 120 into a day care facility to serve up to 16 children three to five years of age. The day care use will be the only use on the property. The facility will not cater to new born children over to after school aged children. Business hours of operation will be 6am to 5:30pm five days a week, year round. The inside and outside of the property will be renovated to meet all applicable state codes so that the facility can be state licensed. A fenced play area will be created in the front. Drop off parking will be also in the front with ample area so that cars can turn around living the facility without backing into Route 120 which has a posted speed limit of 50mph. Board members reviewed sketches of the facility while Linda explained the layout. While the facility will be a day care, the emphasis will be on early pre-school learning.

Halleran noted that Health Officer Al Grindle will be inspecting the facility and will use a copy of the state checklist in reviewing the facility. Safety locks, water temperature, the enclosed play area, kitchen layout all get reviewed. Linda and Al have spoken about the proposed use.

Chairman Colburn opened the discussion up to abutters. Hillary Platt voiced her main concern for noise and level of outside activity. She stressed that she is not opposed to the use, but once to continue to be able to enjoy her property. Co-applicant Sara Pushbee said that the children would never be outside unattended and that much of their day is indoors doing structured program. The Board determined that there is about 250’ between the daycare facility and the Platt’s home. Hillary noted that she was very pleased to hear all this and the answers were making her feel much better.

Abutter David LaBelle noted that he supports the application, but wants to be clear that he has for many years practiced his hobby of shooting antique firearms and doing “Cowboy Shooting” and consequently he does not want this business across the street to change that. Zoning Administrator Halleran offered that the town has no ordinance that prohibits the safe discharge of firearms on a persons own property and he cannot envision the town every changing that. Plainfield remains a rural community and the lawful use of firearms is part of that culture.
Mr. LaBell’s concerns will be recorded in these minutes and will be forwarded on to the Board of
Seletmen as well.

The Zoning Board completed its review of the application by asking several questions concerned
with the facility’s layout, signage and outside lighting. Linda noted that some of these details
remain to be worked out; however, the first step for them is to gain local zoning approval then
they can begin to work with the state of the facilities operational details. The board satisfied itself
that cars accessing the facility can turn around with the property, that signage will confirm with
the town code and that all outside lighting will be full cut off fixtures and should not effect
neighbors. The actual layout of the lighting and signage will be determined by the Planning
Board during site plan review.

There being no other questions member Mohnihan made the following motion:

Based on the application and testimony the board finds that the application satisfies the conditions
of section 5.6II and therefore the application should be approved. In making this finding the
Board establishes the following conditions:

1) The use will be subject to site plan review with the planning board.
2) As a condition of approval the day care must earn state certification.
3) Driveway layout and facility policies must allow for cars to exit the facility facing forward.
Back out onto Route 120 is not allowed.
4) Business size, without further ZBA review, is limited to 16 children, 3 employees including the
owner, with hours of operation 6am to 5:30pm, M-F, 12 months of the year.
5) Prior to opening, the business will become state certified as a child day care facility.

The motion was seconded and voted unanimously in the affirmative.

Other Business: Board members held an informal discussion with resident Thomas Lappin. Mr.
Lappin is interested in establishing a restaurant with three one bedroom apartments overhead in
an existing building in the VR zone as a combination of related uses. The property has 1.1 acres
and access to municipal water and sewer. Based on the very limited information available, board
members felt that the residential use combined with a restaurant use was not a problem, however
the applicant would have to demonstrate that adequate facilities are provided for each of the
apartments as well as the restaurant use. Parking lot size and lot coverage issues are places that
concerned the board on a lot of this size. In addition, the facility would have to meet applicable
building codes and would likely need to be equipped with a fire suppression system.
Tom was encouraged to make all purchase commitments subject to town zoning approvals.

The meeting adjourned at 9:00pm

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair