MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING FEBRUARY 9TH  2015
MERIDEN TOWN HALL

Zoning Board
Members Present:  Richard Colburn, Chairman  Brad Atwater
                         William McGonigle  Scott MacLeay

The meeting was called to order by Chairman Colburn at 7:05pm.

The minutes of November 10th 2014 were approved as amended.

Case 2015-01 Rick Bolduc #6 Beauty Hill Road detached accessory dwelling unit:  Chairman Colburn opened the hearing by reading the posted notice. He then asked the applicant to explain the proposal to the board. Owner Rick Bolduc noted that the plan is to convert the upstairs of an existing 24x32 barn into guest quarters. His property is 6.2 acres in size, the ADU is planned for a total of about 750 square feet and will contain one bathroom and one bedroom. The barn has an existing driveway, a new septic system is planned for the project, the ADU will share the well on the property with the main house. All other utilities will be separate. Board members reviewed the application materials, complimenting Mr. Bolduc on the quality of the application. The board determined that the application was complete and the hearing could move forward. Halleran noted that as required the Fire Department was given notice of the hearing. The Board reviewed the criteria for detached ADU’s noting that the proposed unit is of like construction to the Main house and falls well below the 50% size limit when compared to the main residence The state has not approved a septic design for the project, however, one has been developed and will be approved prior to the issuance of a building permit for the project. The lot is conforming and the barn does appear to have the required setback. There being no other issues or concerns from either the board or abutters member Brad Atwater moved to approve the application as presented, subject to DES approval for the septic system. The motion was seconded and unanimously voted in the affirmative.

Other Business:  Leon Rogers met informally with the Zoning Board concerning his #1078 Route 12A property. Leon has an apartment in the main house, but is interested in perhaps developing a second apartment in the upstairs of the existing barn on the property. The Zoning Board directed Leon to look at the Approved Combination of Related Uses section of the zoning ordinance. This section is exclusively designed for VR zoned properties that were in existence prior to 1995. He was also encouraged to speak to a septic system designer and the town’s building inspector about code requirements for apartments. Leon thanked the Zoning Board for their time and will look into the matter further.

The meeting adjourned at 8:15pm

Stephen Halleran       Richard Colburn, Chair
Zoning Board
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING APRIL 11TH 2015
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Brad Atwater
William McGonigle Edward Moynihan

The meeting was called to order by Chairman Colburn at 7:05pm.

The minutes of February 9th were approved as amended.

Kimball Union Academy Preliminary Discussion Ground Mounted Solar Array:
Hunter Ulf Chief Operations Officer for KUA introduced members of Norwich Technology a solar power firm from Norwich Vermont that the school is consulting with on a possible large scale project for the land behind Miller Bicentennial Building. The project could involve a system as large as 500kw that would require a 300’x400’ sized area to contain the panels with an additional acre or more of land opened up around the array to improve its performance. The School is proud of its commitment to renewal energy technology the campus is currently home to a wind turbine and a large roof top solar system on the roof of Miller. Norwich Technology employee Terry Donahue walked the group through a basic visual analysis that has been performed. The array will not be invisible, but will be hard to detect from most places around Meriden Village. The exception will be the Baynes Road neighborhood, where it is likely some additional screening will be necessary. Mark Pensgen from Baynes Road noted that he is concerned about the visibility of the project not only from his home, but the other yet to be developed homes and the common land owned by the Baynes Road Association. KUA Hockey Coach Tim Whitehead noted that he and his wife have placed a deposit on a Baynes Road property, but would likely withdraw from the sale if this solar array goes in as currently planned.

Chairman Colburn directed the discussion toward the procedural aspects of a good Zoning Board application. It was noted that the application should focus not only on the specific criteria for the solar ordinance, but also for the general criteria for granting all special exceptions. One of the tasks for the Zoning Board will be to determine if the proposed use is in keeping with the residential character of the Village zone.

It was worth noting that Planning Board will also conduct a site plan review for the project which will focus on the operational details of the project, like screening and public safety.

The official land use review of the project could begin as early as May and be completed as quickly as mid June. However, to accomplish this KUA was encouraged to work hard to address any concerns from the Baynes Road neighborhood. It was noted that in absence of the newly approved solar ordinance, this project would not have been subject to any land use review.

Other Business: Halleran noted that Pricilla Wheeler is moving forward with finalizing her land use approvals for the restaurant on Rte 12a. Depending on her final configuration and
site plan review the application could be back before the Zoning Board for additional review.

The meeting adjourned at 8:45pm

Stephen Halleran

Richard Colburn, Chair

Zoning Board
SITE WALK: The Zoning Board and Planning Board met with interested abutters and members of the Kimball Union team to review the area proposed for a solar array. The proposal is for a 115Kw ground mounted solar array which will be approximately 130’x180’ in size. Individual array tables are to be approximately 14’ in height at the tallest point. The array is to be located behind the Miller Centennial Building as shown on the application maps and is in the Village Residential zone. Zoning Board Chairman Richard Colburn noted that the walk is for informational purposes only, the actual hearing will take place at 7pm at the Meriden Town Hall. The board’s focus was on the location of the array in relation to the Baynes Road neighborhood. Hunter Ulf, Chief Operations Officer for KUA, pointed out the wooded buffer area that will remain, screening much of the structure from Baynes Road.

The group moved up to the Meriden Town Hall:

The Zoning Board approved the April 11th minutes as amended.

The Planning Board was in attendance for the sitewalk and hearing as they have a site plan review for the project following the ZBA session.

Case 215-02 Solar array Kimball Union Academy: Chairman Colburn opened the hearing by reading the posted notice. KUA is requesting special exception #24 Approved Solar Energy System to establish a 115Kw array in the VR zone. The applicant agreed to move forward with three ZBA members present realizing that it takes a vote of all three to pass the application. Hunter Ulf KUA and Joel Stettenheim of Norwich Technology explained the details of the application which is 80% smaller than the solar field discussed at the preliminary consultation and has been moved further away from the Baynes Road area. All utilities are proposed to be underground and will connect into existing infrastructure located behind Miller. Chairman Colburn opened the discussion to abutters. Mark Pensgen, 13 Baynes Road, noted that he appreciates the school’s efforts to minimize the impact of the project on Baynes Road. Mark is still concerned that the project will be visible during fall and winter months. Conrad L’Heureux, of 11 Baynes Road echoed, Mark’s concerns and questioned whether a large solar field represented a fire hazard for the adjoining fields and woodlands, particularly during the hot dry months.
of the year. Joel Stettenheim noted that there is no increased fire danger. Heat is not a factor and the panels are designed to absorb sunlight not reflect it.

The Zoning Board reviewed the application materials and determined that the application was sufficient to begin their deliberations. The board noted that a key concern in this application is proper screening on the Baynes Road side of the project.

The board made the following findings:

1) This proposal is for a 115Kw ground mounted solar array which will be approximately 130’x180’ in size. Individual array tables are to be approximately 14’ in height at the tallest point. The array to be located behind the Miller Centennial Building as shown on the application maps and is in the Village Residential zone as permitted by section 3.18 of the 2015 Zoning Ordinance.

2) The application satisfies the general standards for granting a special exception found in section 5.6II of the zoning ordinance.

3) The proposed array location has no immediate abutters and is screened from the Baynes Road neighborhood by the contours of the land combined with a wooded buffer area that KUA has agreed to maintain in place.

4) Fencing, due to the size of the lot the Zoning Board does not find that it is required in this instance.

5) The application specifies underground electrical conduit for the project.

6) The applicant has included a decommissioning outline as part of the application.

Based on the above, member Moynihan moved to approve the application subject to the following conditions:

1) Site Plan Review approval by the Planning Board.

2) Code compliance review by the Town’s Building Inspector.

3) Utility company acceptance letter, prior to issuance of the building permit for the project.

4) Formalization of the decommission plan as determined by the Zoning Administrator.

The motion was seconded and voted in the affirmative.

The Zoning Board Meeting adjourned at 8:30pm.

See the Planning Board minutes for the details of the site plan review.

Stephen Halleran

Richard Colburn, Chair
Zoning Board
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING JUNE 29TH 2015
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Brad Atwater
Edward Moynihan Scott MacLeay

Chairman Colburn called the meeting to order at 7pm. The June 8th minutes were approved as amended.

Case 2015-03 Scott Krueger aka Krueger Autosport: Chairman Colburn opened the hearing by reading the posted notice. Scott Krueger explained his application for special exception #34 Approved Cottage Business to allow for the relocation of his existing auto repair facility located at #398 Route 12A to the vacant building located at #830 Route 12A (tax map 237 lot 2). The new site is 31 acres in size and is zoned Rural Residential and Rural Conservation II. The building is entirely in the Rural Residential zoning district and will include both the shop and his residence. Scott explained that he currently is the only employee of the business, but that he might add one or two employees in the future. Customary hours of operation are Monday thru Friday 8:00am to 5:00pm. No new buildings are planned; the existing 70’x120’ facility is more than large enough for the business and the proposed residence. The business does not sell gasoline, or conduct a significant number of retail car sales. Scott noted that he will not be placing any cars for sale down by the state highway. He does plan to install a roadside sign approximately 5’x5’ in size. Occasionally, a customer will want to sell a vehicle, but these sales are infrequent and will occur at the facility that sits more than 300’ off the road and is a screened by a row of pasture pines. While Scott is a full service repair facility the focus of his business is the repair of vintage sports cars and other foreign cars. He does not do paint work or body work. Scott does plan to remove the wild olive along the front side hill and return that area to a pasture like space that will be mowed several times each year. Scott uses established vendors for the removal of all his hazardous fluids.

Scott’s plans are to establish a residence for himself in the loft area of the shop. He will do this in conformance with the wishes of the building inspector and fire chief as they pertain to code issues. He plans a second means of egress as part of a deck construction on the rear of the building. All business activity will be confined to the front of the building, the rear of the building and the back area will be for his residence. Zoning Administrator Halleran noted that building was build in 2006 and includes a well and 450 gallon per day (3 bedroom) septic system.

At this time the Zoning Board reviewed the application and determined that the application was adequate for moving forward with the application. Abutters Mike and Mary Lou Sutherland noted that they support Scott’s application; he has a proven track record of running a successful business in town. Their main concerns center of things that are more site plan review orientated. Things like dark sky compliant light fixtures and screening. The public hearing was closed and the ZBA began its review.
The Zoning Board’s deliberations centered whether this should be an Approved Cottage Application or an Approved Business Application. In the end, despite the large size of the building the board determined that the use as proposed best fits the Approved Cottage Business criteria of the zoning ordinance. Several agricultural related structures in our town approach the size of this facility. Plainfield is home to at least three indoor horse riding arenas.

The Zoning Board made the following findings:

The proposed lot is in conformance with the zoning ordinance (31 acres) and is suitable for the proposed use.

The existing 70’x120’ steel building on the site is adequate for the proposed use.

The proposed use meets the criteria for an Approved Cottage Business.

A total of 10 outside spaces (2 for the home, 2 for employees, and 6 for customer parking) can easily be located on the site as currently developed.

Member Moynihan moved to approve the application subject to the following conditions:

Site Plan Review Approval by the Planning Board

Health and Safety inspections for the building to insure code compliance in the areas of fire safety, egress, drainage and hazardous waste handling.

The business will return to the Zoning Board for additional review if the size of the facility or the intensity of the use, as determined by the Zoning Administrator, changes.

The motion was seconded and voted in the affirmative on a vote of 4 to 0.

The meeting adjourned at 8:35pm.

Stephen Halleran

Richard Colburn, Chair

Zoning Board
Zoning Board
Members Present: Richard Colburn, Chairman
Edward Moynihan Scott MacLeay

Sitewalk: The Zoning Board met at 6:30pm at #1079 Route 12A to visit the proposed site for Pricilla and Robert Wheeler’s restaurant. The board approved a 25 seat restaurant at this location in 2014. Pricilla has been working through the state and local regulatory process for the project since that time. In the course of that work, she has decided to increase the size of the restaurant to 44 seats resulting in the new application. The Zoning Board walked around the site viewing both the inside and the outside. The group moved up to the Plainfield Town Hall.

Plainfield Town Hall: Chairman Colburn opened the hearing for case 15-04 and had Pricilla take the group through the details of the proposal. Days and hours of operation for the restaurant have not changed, (Friday and Saturday 12pm to 8pm, Sundays 8am to 1pm) but the number of requested seats has increased from 25 to 44 and the parking lot from 11 spaces to 16 spaces. Straight Age Architecture (Shawn Rogers) has developed a measured site plan for the restaurant. The new parking plan (16 spaces) increases the lot coverage to 50%. The Zoning Board had estimated that the 11 space plan would require lot coverage of 25%, but the measured drawing shows the necessary lot coverage to support 11 spaces to be more like 40%. Most of the project’s development has already occurred including the development of the 16 spaces. The Zoning Board noted that any improvements made without the required town approvals have no existing rights and if they cannot be approved as built they must be changed or removed.

Pricilla is currently working with the State of New Hampshire Health Department on the necessary permits for the commercial kitchen and waste disposal design. The state has approved her facility for a maximum occupancy of 49 people. Fire Chief Currier confirmed that the interior of the facility is now code compliant for the proposed use.

About twenty people showed up in support of Pricilla and Roberts plan for the business. Ron Bailey was the only abutter in attendance and while he does not object to the restaurant idea he expressed some concern for the visual impact of such a large parking lot directly adjacent to his property. Long time resident Patty Rondeau asked the Board to use good old common sense to approve this application in her words this was a time for the town to “tighten the bra and loosen the girdle” which she was confident would lead to a solution.

Board members noted that while the support for the project is good to see, the Zoning Board is bound by the requirements of the Zoning Ordinance and has currently proposed this would be a difficult application to approve. The necessary car parking for 44 seats and the relative small size of the lot .46 of acre are in conflict with one another. In approving the 25 seat plan with 11 off street parking spaces the Zoning Board used significant latitude with the zoning ordinance to try and give the applicant a reasonable use of the property.

The hearing moved forward with several ideas of ways to limit the size of the parking area. Having employees park off site was suggested as well as allowing parking on Route 12A. Zoning
Board members encouraged the supporters to pursue changes in the Zoning Ordinance with the Planning Board if their feeling is that 20% maximum lot coverage or the town’s parking requirements are too restrictive.

Needing to move forward with the restaurant in the short term, Pricilla withdrew the case 15-04, deciding to first pursue getting a restaurant of 25 seats up and running. Once this is done she can work with the Planning Board on proposed zoning ordinance changes.

Her next step will be a site plan review with the Planning Board on the 25 seat proposal.

The Meeting adjourned at 9:00pm

Stephen Halleran
Richard Colburn, Chair
Zoning Board