MINUTES OF THE ZONING BOARD OF ADJUSTMENT
May 14th 2018
MERIDEN TOWN HALL

Zoning Board

Members Present:  Richard Colburn, Chairman         Ted Moynihan
                  Peter Martin                                Brad Atwater
                  Bill McGonigle

The meeting opened at 7pm. These being the first meeting since October, the October 10th minutes were approved as amended.

Case 18-01 Henry Rupperstberger: The ZBA visited the site at #8 Daniels Road at 6:30pm. At 7:15pm at the Meriden Town Hall Chairman Colburn opened the hearing by reading the posted notice and asking the applicant to present his case to the board. Henry Ruppersberger explained that he hoping to remove the existing detached garage located at #8 Daniels Road. His property is zoned Village Residential Zone. The garage is to be replaced with a new detached barn to include an accessory dwelling unit (ADU). To be approved, the application needs both a setback encroachment special exception (#33) and an ADU special exception (#37). The property is 1.71 acres and includes a single family residence. The setback encroachment is 8’. Up to a 15’ encroachment into the setback is allowed by SE. The property has public water and a new slightly oversized septic system. In addition, he has determined that a properly sized septic system could be installed on the site to serve both the house and the new ADU.

Board members found the application to be complete and asked for any public comment. There was none, the public hearing was closed. After some deliberation and review of the zoning ordinance the following motion was made, seconded and adopted.

Resolved: In reviewing this application the ZBA makes the following findings:

ADU portion
1) The owner is the permanent resident on site.
2) The proposed unit is to be 800 sq feet spread over two floors; the main house is 1,632 sq feet in size.
3) The 1.7 acre property is located in the Village Residential zone is conforming to the zoning ordinance and the proposed ADU meets or exceeds all requirements found in the town’s ADU ordinance, section 4.3C.
4) The septic system serving the property is relatively new and is oversized for the house.
5) A licensed system designer has represented that a replacement system including the ADU on the site is possible.
6) The application satisfied the general performance standards for all special exceptions as outlined in section 5.6 I
7) Parking for the proposed unit is adequate and is proposed so that front out exiting of the driveway is possible. Currently vehicles back into Daniels Road.
Setback Encroachment portion

1) Daniels Road has been represented as a two rod road and the town’s Road Agent has reviewed the application and does not object to it.

2) As proposed the 8’ setback encroachment into the 30’ setback is within the 50% relief allowed under the ordinance.

Given the above the application is approved subject to the following conditions:

1) Prior to occupancy, the required documentation certifying permanent residency must be recorded at the Registry of Deeds (see ADU ordinance criteria #1)

2) Prior to occupancy, the project must obtain a certificate of occupancy from the town’s building inspector.

Case 18-02 John Tomlinson: A request to establish a cottage business at #177 Ladieu Road, special exception #34 and or any other applicable section of the Plainfield zoning ordinance. The property consists of 56 acres and is zoned RR and RCII. The proposed business is the storage/rental of portable toilets. On site activities will include office functions, storage and general maintenance of unrented units. After a brief procedural discussion where the board determined that the application could at least move forward as a cottage business proposal, Chairman Colburn read the posted notice and turned to the applicant to present the materials. John Tomlinson explained that he has an interest in becoming involved in a service business and feels that the rental of portable toilets, which is done almost entirely off site, is reasonable for his property. The stored toilets are out of view and he is very sensitive to the impact this project might have on the Brozen family and pledged to do all that he could to minimize the impact. John explained that a ¾ ton truck with a tank and washer capable of holding two toilets as well as trailer that could hold eight units are the main equipment. The truck is licensed to contain and haul the waster to a waste water facility. Units are transported empty. Units brought back to the Ladieu property receive an interior cabin wash and exterior wash that requires about 2 gallons of water, some dawn dish detergent and about a ¼ cup of bleach. The waste compartment is cleaned at the rental site as part of the pumping out process. John hopes to start with 33 units and if he reached 100 units he would move the business off site. He stated that the business would end at that site prior to his ever selling the home, in this way the business could not be continued without another hearing. He hopes to be at this site no longer than 3-5 years. In that time period he will learn whether the venture can be successful or not. John again stressed that he intends that this use not be a bother to his neighbors and that he will work very hard to address any unforeseen concerns that come up. Initially he plans to do the work; up to four employees are requested in the application. John estimates that a maximum of two trips in and out per day would be necessary at the 100 unit level.

Chairman Colburn asked for abutter comments first. Andrea Brown/Brozen offered that while they have concerns about the use, the family does not wish to oppose the project and respects the applicant’s rights to use his property. The two homes share a driveway so every trip in and out is right past their home. John Houde concurred with this
statement noting that he has discussed the details of the project with John Tomlinson and based on that conversation the Houdes are not opposed to the use, but they too have concerns particularly about noise and odor.

When asked if he owned abutting property to the project, Steve Halleran noted that he does and had no objections. He also noted that in his role as Town Zoning Administrator he has no vote on whether the application is approved. He serves as a clerk for the Zoning Board and is required to enforce any decision that comes from the board.

Later in the meeting a letter from abutter Melvin Miller was read. Mr. Miller is opposed to the application on grounds of the residential nature of the neighborhood. He expressed concern about property values being reduced.

The comments were opened to the general public. The following spoke in opposition to the proposal, Gretchen Cherington, Michael O’Leary, James Bonney, Scott Jaynes, Margaret Gibson, Virginia Beggs and Thomas Kardel. A letter from Steve Surgenor was also brought to the board’s attention and is part of the permanent file. Most of the verbal and written concerns expressed had to do with the character of the neighborhood and concerns about increased traffic on the roadway. Everyone agreed that the applicant was responsible and would likely be very responsive to concerns, but in general they did not feel the use was appropriate for any residential neighborhood but in particular one on a gravel road.

For those that live on Colby Hill and Columbus Jordan Road John Tomlison noted that he has no plans to take the units out via Colby Hill and the covered bridge. In the event of road work on Ladieu or something like that it could happen, but not on a regular basis.

The public comment period was closed and the Board determined that given the hour, (9:35pm) the meeting would be recessed until Thursday May 24th at 7pm here at the Meriden Town Hall.

Halleran was asked to check with the NHDES on the regulations for cleaning the units and to speak with other rental companies on their practices.

The meeting was recessed at 9:55pm.

Stephen Halleran

Richard Colburn
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
May 24th 2018
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Peter Martin Brad Atwater
Bill McGonigle

The meeting opened at 6:45pm with a noticed site visit to #177 Ladieu Road, the John Tomlinson residence, to view the proposed location for the portable toilet rental business. See May 14th minutes. In addition to the ZBA and applicant, Andrea Brown, Jennifer Houde, Cretchen Cherington, Michael O’Leary, Per Frost and Helle Frost attended the visit. John Tomlinson took the group up the lawn area that will be converted to an access road into a small clearing about 200’ south west of his home where an area had been marked out to show the planned storage area for the unrented toilets. The Tomlinson property consists of 55 acres of mostly wooded land. The storage area, as proposed, is more than 1,000’ from the public road and not visible. A hose will be run above the ground from an existing outbuilding for the washing of the exterior and cabins of the units with Dawn detergent and household bleach. No outside lights are planned and no development for the storage yard other than perhaps one or two carport type structures and the driveway stone. The closest property line would be the Houde about 150’ away. The two closest abutting homes would be Houde about 1,000’ to the south and the Brozens also about a 1,000’ away in an easterly direction.

The site visit ended at 7:00pm the board moved to the Meriden Town Hall.

Continuation of Case 18-02 John Tomlinson cottage business concerned with the rental of portable toilets: Chairman Colburn reopened the case. Michael O’Leary, Gretchen Cherington, Per and Helle Frost attended this session along with applicant John Tomlinson. The Frosts noted that they had not attended the first meeting, but are concerned about this possible use and would like to offer testimony. Board members discussed the appropriateness of reopening the public hearing. The Frosts are not direct abutters. On a 5-0 vote the board agreed to reopen the public hearing, asking that only new testimony be offered. Per Frost thanked the Board and noted that he opposed the application on the grounds that the proposed business is not in keeping with the character of the neighborhood and if allowed will have detrimental effect on property values. Had the Frosts been aware that such a use was even possible they would not have purchased their home.

Michael O’Leary warned the Board that, if approved, an appeal by the neighborhood would be seriously considered.

The public hearing was closed and the Board continued its deliberations. Halleran reported back on his research noting that other toilet rental companies report very similar operational details as the applicant has described. Odor is not an issue, but noise from loading and unloading units can be an issue. As presented by the applicant, the NHDES does not have a specific regulatory role in the storage yard; it does generally regulate all surface water/drainage issues for the state and does heavily regulate the operational details of the business such as pumping and transporting of the waste.
Board members began their review of the proposed use as it fits the various applicable section of the zoning ordinance. The appropriateness of the use in the neighborhood was a focal point of the discussion and whether or not the use could be done in a way did not adversely impact abutters. All agreed that the site was large and that the activity on the 55 acres was confined to a relatively small area away from neighbors. The traffic from the business, a maximum of two trips in and out each day, was not unlike much of the traffic on the road that is generated from lawn care contractors who use similarly sized vehicles and trailers when on the public road serving homes in the neighborhood.

Members Moynihan and Martin did express concern that the use was not like any other in the neighborhood and therefore was out of character and scale with its surroundings. Others noted that the cottage business was the one method for most property owners in town to operate a business from their home. The town has a long history of approving small auto repair shops, site contractor yards and landscaping business on or adjacent to applicants home parcels as long as there were not significant adverse impacts to abutters.

In an attempt to move the discussion forward member Moynihan moved to deny the application. The motion was seconded by Peter Martin. Halleran noted that he serves as the clerk for the board he does own abutting property to the Tomlinson and therefore will not participate in the writing of any decision for the case. The Zoning Board agreed with this, member Brad Atwater will write the decision.

A vote on Moynihan’s motion followed. The motion to deny was lost on a vote of 3 to 2 (McGonigle, Atwater, and Colburn voted no on the denial, Martin and Moynihan voted yes on the denial).

The board then spent the remainder of the session crafting a decision to approve the application with conditions. That motion was approved on a vote of 3 to 2 (McGonigle, Atwater and Coburn in favor, Martin and Moynihan opposed. See draft decision, attached.

Stephen Halleran/Brad Atwater Richard Colburn
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
June 11th 2018
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Peter Martin Brad Atwater
Bill McGonigle

The meeting opened at 7:00pm

The minutes of May 24th were approved as amended. Later in the meeting the May 14th minutes were further amended to clarify that the applicant in case 18-02 offered to end his proposed business prior to any future sale of the residence.

Case 2018-03: David and Lori Moore: Chairman Colburn opened the public hearing. The applicant explained that a special exception is requested to construct accessory structures to support their existing seasonal camp (228-03) that is located at in the Conservation Zone accessed. Specifically a 20’x20’ storage barn with a 10’x20’ attached lean to and an 8’x10’ shed are proposed. The camp has existed on the property since 1982. Structures built in the Conservation zone require a special exception. The property is accessed from Slack Road, a discontinued highway. Member McGonigle felt that the hearing was unnecessary that the applicant should simply be able to obtain a building permit for accessory structures that support existing seasonal structures in the zone. After a full discussion the board decided to move forward with the hearing. No abutters or members of the public were in attendance to testify. The public hearing was closed.

Zoning Administrator Halleran noted that the town’s only concern with the application is insuring that the owner understands that as this is not available for a full time residential use. The applicants noted they were aware of the limitation at the time of purchase. Based on its deliberations the Zoning Board made the following findings:

1) The 55 acre parcel is of a conforming size for the Conservation Zone (25 acre minimum).
2) The camp has existed on the site for more than 25 years.
3) The proposed structures are each smaller in size than the 800ft maximum size outlined in the zoning ordinance
4) As presented the application meets the requirements of section 5.6 of the zoning ordinance.

A motion to approve the application was made, seconded and subsequently voted in the affirmative. Prior to releasing the decision and issuing a building permit for the project the file will be supplemented with an improved map that more clearly depicts the proposed location for the two new structures. This will help with the evaluation of future applications for the property.
Case 2018-04: Kimball Union Academy: Chairman Colburn opened the public hearing.

Hunter Ulf representing KUA explained the request for a setback encroachment to allow a new faculty housing residence to be located 9’ into the required setback for Main Street. The reason for the application is that it will allow the buildings on Main Street to remain roughly in line with one and another. The new home is planned for just below Huse House located at #45 Main Street and will utilize the existing driveway/parking for Huse. The school plans to bring a lot merger to the Planning Board later this month. Merging the lot into the main campus will clarify the zoning status of the property and is consistent with what was done two years ago when the 1812 house was converted to a dormitory. Hearing no objection from his board, Chairman Colburn opened the public hearing. Abutter Lori Estey explained that she did not oppose the project, but continues to be concerned that further development on Main Street will adversely effect the existing drainage near her home. Hunter Ulf explained that no disturbance is planned for the existing drainage swale. The school has, on multiple occasions, notified the state that the culvert under Main Street is plugged. To date the state has been unwilling to address the issue. Hunter added that if necessary the house can be built in conformance with the setback the school would prefer to have the buildings in the same line. Lori Estey noted that she does not object to the setback encroachment. The public hearing was closed and the board began its deliberation making the following findings:

1) The proposed setback does not create a traffic hazard, parking and access will be from existing sites.

2) The proposal meets the requirements for a setback encroachment found in section 3.11 and the requirements for a special exception found in section 5.6 of the Zoning Ordinance.

A motion to approve the special exception, subject to the completion of the described lot merger, allowing for a 9’ encroachment into the required 30’ setback was made, seconded and voted in the affirmative.

Other business: Reacting to the discussions that have occurred at the last couple of Zoning Board meetings the board felt that a joint session with the Planning Board to discuss possible changes to the zoning ordinance would be valuable.

The meeting adjourned at 8:55pm.

Stephen Halleran Richard Colburn
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
July 9th, 2018
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Bill McGonigle
Peter Martin Brad Atwater

The meeting opened at 7:00pm

The May 24th minutes were approved as amended.

As requested last meeting, Halleran showed the board a map created by the Moores that will become part of their file for case 18-03.

Rehearing request case 18-02 John Tomlinson Cottage Business, #177 Ladieu Road:
Chairman Colburn reviewed the rehearing request process. This meeting is not a public hearing but rather an opportunity for the board to review the request and determine if a second hearing of the case is warranted. The board should look for two issues: One, if new information, not previously available, has been brought forward that could impact the case or two did the board make a procedural error that needs correcting. Chairman Colburn reviewed the appeal request (copy attached) noting that the issue raised is whether or not the decision can be tied to the current owner or to a specific length of time. The Board discussed a conversation that Chair Colburn had with Town Counsel Barry Schuster as well as a passage from Peter Loughlin’s treatise on NH Zoning. Copy attached. Both attorneys point to the same issue, that land use approvals go with the land not the owner. In this case, the owner has made an offering for the file that the business will not be continued at the site past his ownership. The board concluded that the owner can make that offer, but the town cannot compel him to do so. Their review of the project has to be blind to ownership.

The board next reviewed its procedure in the case which included a public hearing, site visit and two meetings, determining that there were in, their view, no procedural errors.

A motion to deny the request for a rehearing was made by Peter Martin, seconded by Brad Atwater and was voted in the affirmative 3 to 0, Chairman Colburn did not vote.

The official business having been conducted, at the request of the applicant and appealing parties Chairman Colburn allowed all those that wished, to speak. Applicant John Tomlinson restated his intentions to make this business nearly invisible to his neighborhood and to move the business off site as quickly as financially possible. He also noted that his letter in the file to give up the approved business use prior to ever selling the property is in place and is part of his application.
Abutters Jennifer Houde, Reed Brozen and Andrea Brown expressed frustration with the zoning process, noting that at times it was not clear in their mind the difference between abutters and neighbors. Being direct abutters has put them in a difficult position in their neighborhood, they do not wish to be at odds with either the applicant or their friends in the neighborhood. It has been a difficult and decisive time for them all. All in attendance agreed that the special exception process is not perfect and procedures can always been improved upon. Direct abutters are treated differently under zoning law; each receives a certified notice of the case and by their proximity to any application their input is highly valued.

The Zoning Board will be holding some meetings with the Planning Board later this summer to discuss the zoning ordinance and possible changes. All were encouraged to participate in those discussions.

The meeting adjourned at 8:10pm.

Stephen Halleran Richard Coburn
Zoning Board

Members Present: Richard Colburn, Chairman Bill McGonigle
Peter Martin Brad Atwater

The meeting opened at 7:00pm

The July 9th minutes were approved as amended.

Case 2018-05 Christopher Laundry: Chairman Colburn opened the hearing by reading the posted notice. The application is for a special exception request, #35 Approved Business Project to add the operation of a small trucking company to the property located at #142 Route 12A. Currently, the 9.1 acre property has three apartments located in the existing residence and a small horse boarding operation. As part of the trucking company use, a separate entrance onto Route 12A is proposed and has been approved by the NHDOT. The applicant explained that he hopes to buy the property, retain the three existing apartments, convert the existing horse operation to a small scale cattle operation, and house up to seven (7) trucks on the property. His primary business is contract paving work; he hauls hot mix for Pike Industries. In the winter months, two over the road trucks leave NH and are based out of South Carolina. The vehicles that support the paving operation do not operate during the winter months. Currently, the business is being run out of his #255 Old County Road property. The Zoning Board determined that the application was sufficient to move forward. The public hearing was opened, no abutters or public in attendance. The hearing was closed and the board moved to its deliberations.

Findings:

1) The #142 Route 12A property (204/10) is 9.1 acres in size and is located in the Rural Residential Zone which has a minimum lot size of 3.5 acres.
2) The property is also located partially in the Connecticut River Shoreland Conservation Protection District (S).
3) The three apartments have existed for years and at times when the agricultural use on the property was much more intensive than it is now.
4) The application has provided basic information about the utilities serving the property and has had a building inspection conducted which revealed some necessary work to bring the apartments into compliance with the state’s life safety codes.
5) The proposed use, with the new access drive will approach the 20% maximum impervious surface lot coverage allowed by the Zoning Ordinance.
6) The trucking use is done primarily offsite, the property mainly serves as a base of operations and a facility to store and maintain the vehicles.
A motion to approve the combination of three apartments, small scale agriculture and a small trucking company yard was made seconded and voted in the affirmative on a 4 to 0 vote. The approval is subject to the following conditions:

1) Under this decision the trucking yard can store up to a maximum of ten trucking units. A truck is considered one unit, a trailer is also considered one unit.

2) The apartments must satisfy the town’s building inspector for life safety code compliance.

3) The project must receive site plan review approval to include confirmation that the lot coverage, with the new access driveway, does not exceed twenty percent.

4) All development on the property must be done in conformation with the adopted Connecticut River Shoreland Conservation Protection District.

5) The application materials and representations made at the public hearing become part of this approval.

Other Business: The Board spent the remainder of the meeting discussing the town’s zoning ordinance in anticipation of a joint meeting with the Planning Board next Monday where the town’s zoning ordinance will be the focus. Workforce housing and options of business uses are expected to be the main topics.

The meeting adjourned at 9:30pm

Stephen Halleran

Richard Coburn
Meeting Monday August 20th 2018
Planning Board/Zoning Board Joint Meeting
Meriden Town Hall

Planning Board Members Present: Jane Stephenson, Chair Elise Angelillo
Mike Sutherland Jeff Allbright

Zoning Board Members Present Richard Colburn, Chair Brad Atwater
Peter Martin

Public Present: Per Frost Michael O’Leary
Gretchen Cherington Andre Brown

The meeting opened at 7:00pm

This workshop meeting was a way for the Planning Board and Zoning Board to discuss the
town’s zoning ordinance and based on their experiences discuss possible changes going forward.

Public Comment: Members of the public essentially asked the Zoning Board to consider
tightening up the opportunities to operate businesses with employees in residential areas. The
group felt that many businesses that would currently qualify for a Cottage Business Approval
might not be compatible with residences and would in fact change the character. Plainfield zoning
ordinance has no commercial zoning district. So, all significant business uses go through the
special exception process. The town’s zoning ordinance give the Zoning Board wide latitude to
decide what is appropriate and what is not in a given location. All agreed that private landowners
should have the right to use and enjoy their property, just not to the unreasonable detriment of
others.

The two boards spent the rest of the meeting discussing the comments received and their own
experience with the zoning ordinance. Generally, the boards felt that the ordinance works well at
balancing the natural tension between the rights of abutters and rights of private landowners. The
Board instructed Zoning Administrator Halleran to contact town attorney about a follow up
meeting with an emphasis on improving the language under section 5.6 of the zoning ordinance
and perhaps improving the definition of a Cottage Business.

The meeting adjourned at 9:00pm

Stephen Halleran Jane Stephenson

Richard Colburn
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
October 9th 2018
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Peter Martin
Brad Atwater

The meeting opened at 7:00pm

The August 13th and August 20th minutes were approved as amended.

Case 2018-06 Landmark Property Maintenance: Chairman Richard Colburn opened
the case by reviewing the posting. The request is for an Approved Business special
exception. Applicants George-Ann and Dana Whitney provided the following
information: Landmark Property Maintenance is currently operated out of combination of
a 1.5 acre parcel in Hartford Vt and the owner’s Meriden Road residence in Lebanon
NH. Their goal is to consolidate operations onto the #361 Route 12A property (map 218
lot 11) which is 20 acres in size. The applicant is aware of the Brownfield status of a
portion of the property which is encumbered by a use restriction established by the NH
Department of Environmental Services back in 2010 when the site was cleaned up. As is
customary with their type of work the site will be used as a storage yard for company
assets, vehicles, heavy equipment, tools and will serve as their operational base going
forward. The company currently has mowing and landscape crews, performs some light
earth excavation and site work and has several dump trucks that are leased to Pike
Industries for pavement hauling. The company also does commercial plowing, salting
and sanding. At this time the company employs 9 people and operates with 6 dumptrucks,
3 excavators, small loaders and various pick-up trucks and mowing trailers. The owners
would like to add up to six more employees and three more dumptrucks. Development
plans for the site include a cleaning up the front of the property, as allowed by NHDES,
and reshape the area behind the existing tree line and small stream to accommodate the
construction of a 40’x60’ shop, pole barn and salt storage shed. No bulk storage of fuel is
proposed. Other than maintenance, no mechanical work is done on site. Many of the
details required for site plan review with the Planning Board are not yet known. The
applicant has a purchase and sale in place, but has not yet purchased the property.

There being no abutters or public in attendance the Board began its review of the case.
Members expressed some concern that the application lacks details about the
development plan. The Board agreed to move forward with the case with the
understanding that the Planning Board and NH DES will be involved in the development
details of the site. Chairman Colburn noted that for him a key to the development of the
site will be to maintain the existing tree line and berm that currently exists and acts as a
screen between the front of the lot and the rear. The applicant provided assurances that
the site will be developed in such a way as to minimize the visibility from Route 12A and
impacts on residential homes in the areas. In performing its review the Zoning Board
make the following findings:


1) The property is zoned Rural Residential and is 20 acres in size. The minimum sized lot in the zone is 3.5 acres.

2) The Zoning Ordinance allows commercial stand alone uses only on property fronting on State Highways.

3) The proposed development on the site is setback from the road and is out of the use restricted area.

4) The proposed use is very similar to other business uses located throughout the town including a number in more heavily developed residential areas.

A motion to approve the request for an Approved Business Project special exception was made, seconded and voted in the affirmative on a vote of 3-0. The approval was conditioned upon the following:

1) Employees allowed under this approval, no more than 15.

2) The operation is limited, without needing further review, to a scale of no greater than 12 dump trucks, 6 heavy earth excavation machines and 6 pickup sized trucks.

3) Hours of operation to be materially as outlined in the application. Winter maintenance work will necessitate some operations outside of “normal hours.”

4) Siteplan Review by the Planning Board.

5) An approval of the proposed development by the NH Department of Environmental Services.

The Zoning Board will be holding a session next Monday evening (10/15/18) with the Planning Board and Town Counsel Barry Schuster to continue discussions about possible changes to the town’s zoning ordinance.

The meeting adjourned at 8:45pm.

Submitted,

Stephen Halleran Richard Colburn, Chair
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT
Meeting Monday October 15th 2018
Meriden Town Hall

PB Members Present: Jane Stephenson, Chair Jeff Allbright
Mike Sutherland Ryan Boynton
Judy Belyea Stephen Halleran, Alt

ZBA Members Present: Richard Colburn Brad Atwater
Bill McGonigle Peter Martin

Barry Schuster Town Counsel

The meeting opened at 7:00pm:

This meeting was held in follow up to the August 20th joint meeting. The overall goal is to
determine whether or not the Plainfield Zoning Ordinance as currently configured is working as
designed. In general the group felt strongly that the Zoning Ordinance has been helpful to the
orderly development of Plainfield. The ordinance also gives perspective buyers some idea of
what they or their neighbors might be allowed to do with their land in the future. Both the
Planning Board and Zoning Board strongly favor private landowner rights.

Topics discussed were as follows:

Clarifying the general requirements listed in the ordinance for special exceptions. Some seem
redundant.

Changing the Cottage Business description to make it clear that the types of businesses allowed
are wide ranging and not all related to traditional home occupation uses.

A land use review process to the zoning ordinance for large scale agricultural operations.
Currently, like a single family home, agriculture is allowed throughout the town without
restrictions.

Is it appropriate to only allow Approved Business Projects on State Highways?

Does the zoning ordinance have ample opportunity for multifamily residential projects?

Relaxing the ground mounted solar permitting requirements for all zones except the VR.

Attorney Schuster will work on a proposed amendment to the Zoning Ordinance to clarify the
requirements for a special exception. Both Boards will continue to discuss the other more
conceptual issues for possible amendments to the ordinance in future years.

The meeting adjourned at 9:00pm

Stephen Halleran Jane Stephenson

Richard Colburn
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
November 13th 2018
MERIDEN TOWN HALL

Zoning Board Members Present: Richard Colburn, Chairman Peter Martin
Brad Atwater Scott MacLeay

Others Present: Amy Franklin David Lillie
Patricia Littie Troy Hall

The meeting opened at 7:00pm

The October 9th and October 15th minutes were approved as amended.

Case 18-07 Bart Industries, proposed Amendment to Case 2017-10: The applicant is requesting to modify the existing Zoning Board decision which effectively restricts trucking activity to between the hours of 6am and 6pm. The applicant proposes to be allowed to accept one delivery per day outside these hours. The current decision allows for one bulk truck delivery per day to the warehouse.

Chairman Colburn opened the case by asking the applicant to explain the reasons for the request. Robert Boylan explained that when he applied last year for the new warehouse his experience with the tenant was that their “salty snack” business operated as follows: A tractor trailer sized truck arrives at mid day, leaves the product. The six route drivers are out making deliveries to retail stores. They return mid afternoon load the trucks for the next day and go home. The next morning they arrive at 6am and head out for more deliveries and the routine repeats itself.

Based on comments from abutters and the town Mr. Boylan has become aware that the tenant is not operating this way, the bulk truck arrives at various hours and often these results in the smaller delivery trucks needing to be loaded in the morning, around 5am. The tenant is unable to modify this new schedule, therefore Mr. Boylan is asking for some flexibility in the approved hours.

During the public comment period Mr. Lillie expressed frustration that this type of change would lead to the further commercialization of their neighborhood. The use was found to be reasonable based on a set of assumptions that are no longer valid. He felt strongly that the requested hour expansion should not be granted.

Amy Franklin agreed, noting that it was her communication with Mr. Boylan and the town that forced the issue, the applicant did not come forward on his own. Initially, she felt she could accept the warehouse as proposed, but this pattern of deviating from the approval and not doing things in a timely manner have made her question the acceptance.
Amy read a letter from Paul Franklin, who is out of town, urging the board not to approve the request. See file.

Troy Hall noted that while some aspects of the warehouse are more impactful to him than he thought they would be, in general the use has been an improvement. He is not interested in preventing the warehouse from operating, but he would be concerned about continued expansion of hours beyond the current request.

At the end of the public comment period the Board held a discussion that made it clear that there was little support for the proposed modification. The approved hours were a key part in the compatibility of the use with the neighborhood. Board members felt strongly that any change to hours of operation must be time specific and leave a significant portion of the night free of trucking activity. Plainfield does not have a commercial zone, so all uses must be found to be reasonable in a residential environment. There are five residences located within 1,000’ of the warehouse.

Mr. Boylan was encouraged to go back to his tenant and find out more details about their schedule and to see if some minor modifications to the 6am to 6pm hours could be acceptable to the tenant and to neighbors. Mr. Boylan stated a willingness to make modifications to the site, less night time lighting, more screening if that would help.

The Board voted to recess the application until December 10th at 7pm here at the Meriden Town Hall. Any new information for the board to consider should be delivered to the town office by 4pm on December 3rd.

The meeting adjourned at 8:30pm

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

Chairman Colburn reopened case 18-07 a request by BART Industries to modify the hours of operation for the new warehouse at 360 Rte 12A. The applicant is asking to be allowed to have one bulk delivery to the site per day outside the approved hours of 6am to 6pm. Attorney Brad Atwood addressed the board. He has recently been hired to represent the applicant and is very interested in learning about the concerns for the project.

Those in attendance were again clear that the issue is operation of the facility outside the approved hours of operation which were established in the ZBA decision as 6am to 6pm. These hours were agreed to by the owner. It is true the facility has been largely constructed as represented during the hearings, landscaping has not occurred but is now to be completed by June 1st of 2019. Unfortunately, since opening the use has consistently exceeding the approved hours. The tenant, a salty snack distributer, noted that his first employee arrives at 3am and it is true that the time that the large bulk delivery arrives varies on a daily basis. Board members asked if the tenant had received a copy of their decision from the owner, the answer was no. The lease for the building does not include any restricted hours of operation.

Attorney Atwood noted that they are here tonight to have a constructive dialogue about what could be done to the site, changes to screening and lighting, operations that would make some expansion of operational hours a possibility. Frustrations from neighbors again surfaced because the facility was allowed under a certain set of assumptions and now that it is built those assumptions do not seem valid.
Chairman Colburn noted that the requested amendment to the hours would seem to be inadequate since it does not change in anyway the small delivery truck hours and it yet it seems those trucks are routinely being loaded very early in the morning, prior to 6am.

Attorney Atwood agreed and on behalf of the applicant withdrew case 18-07. He will take time to meet with his client and neighbors and work on resubmission of a more detailed request to amend the facilities operational approval.

Zoning Administrator Steve Halleran noted that to avoid enforcement action by the town the applicant must operate the facility within the approved hours until they are amended. There is a clear record of several months of noncompliance and that can’t continue to occur without action by the town.

The meeting adjourned at 8:40pm.

Stephen Halleran

Richard Colburn