

**ZONING BOARD OF ADJUSTMENT
PLAINFIELD, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold a public hearing on the following application on **Monday September 23rd at 7:00pm at the Meriden Town Hall:**

Case 19-03 BART Industries: Request to amend their existing approval, case 17-10, for the #360 Route 12A warehouse. Hours of operation, now 6am - 6pm, are proposed to be increased to 5am - 10pm daily. Days of operation per week to be increased from six to seven.

The project file is available for public inspection at the town office. An electronic version of the application is available online at www.plainfieldnh.org/zba.htm

While not required to attend, abutters and interested parties are encouraged to attend either in person or by counsel and state reasons why the application should or should not be granted.

At this meeting the ZBA will first have to determine if this application is sufficiently different enough from cases 17-10 and 19-01 to warrant a new hearing. If such a determination is made, the new hearing will follow at this same meeting.

Notice prepared by Stephen Halleran on behalf of the
ZONING BOARD OF ADJUSTMENT/PLANNING BOARD
September 10th 2019



Plainfield Zoning Board of Adjustment
C/O Steve Halleran, Zoning/Town Administrator
110 Main Street
Plainfield, NH 03781

September 9, 2019
Subject: BART Industries/Frito Lay

Dear Mr. Halleran and the Zoning Board of Adjustment,
I am following up our submittal of August 26th, 2019 with and updated proposal for operating times of the BART Industries building at 360 Route 12A. We have been in contact with the representative of Frito Lay to confirm that the following parameters will work for their operations.

Currently the permitted hours for deliveries is from 6:00am to 6:00 pm. We are proposing the following modifications to the conditions for review by the Zoning Board of Adjustment:

1. No more than 2 tractor trailer deliveries per day
2. Tractor trailer and van deliveries limited to the hours of 5am-10pm
3. Deliveries allowed 7 days a week.

As you can see, we removed the request for 10% of deliveries outside of normal operational hours.

If you have questions, concerns or clarifications, please don't hesitate to call or email.

Best Regards,

A handwritten signature in black ink that reads "Adam Hubbard".

Adam Hubbard, R.L.A.



Plainfield Zoning Board of Adjustment
C/O Steve Halleran, Zoning/Town Administrator
110 Main Street
Plainfield, NH 03781

August 26, 2019
Subject: BART Industries/Frito Lay

Dear Mr. Halleran and the Zoning Board of Adjustment,
I am writing on behalf of the owners of BART Industries, LLC, the owners of the commercial building located at 360 Route 12A. We are submitting the accompanying Zoning Permit Application to modify the permitted hours of operation of the Frito Lay distribution building.

Currently the permitted hours for deliveries is from 6:00am to 6:00 pm. We are proposing the following modifications to the conditions for review by the Zoning Board of Adjustment:

1. No more than 2 tractor trailer deliveries per day
2. Tractor trailer deliveries limited to the hours of 6am-10pm
3. Allowance for 10% occurrence outside proposed delivery hours to accommodate weather, mechanical failures and special circumstances.
4. No limit on delivery van hours.

It should be noted that we have reviewed the driver logs provided by Frito Lay and the documentation provided by the neighbors about past use of the site and there are clear differences that suggest that the neighbors are hearing truck traffic from other sites and truck noise not associated with the Frito Lay delivery trucks. We also have anecdotal evidence that the parking lot is often used by non Frito-Lay vehicles, including Town plow and maintenance trucks, for parking or turning around outside operating hours.

If you have questions, concerns or clarifications, please don't hesitate to call or email.

Best Regards,

Adam Hubbard, R.L.A.

**PLAINFIELD ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Bart Industries Inc
14 Spencer Drive
Bellows Falls, Vt. 05101

Case 17-10

You are hereby notified that the appeal by **Bart Industries** of Bellows Falls Vermont for special exception #35 Approved Business Project to build/operate a 3,500 sq ft dry food storage/distribution facility at #360 Route 12A (tax map 218 lot 10) has been **granted** by the affirmative vote of at least three members of the Zoning Board of Adjustment. In reaching this decision, the Zoning Board has relied on the representations made in the application and testimony received at the September 11th 2017 public hearing.

As part of its review of this application the board made the following findings:

- 1) As represented on the town's tax maps the parcel is 3.5 acres in size with 680' of road frontage along Route 12A. The property is zoned Rural Residential.
- 2) The Plainfield Zoning Ordinance requires that businesses of this size and scale be located on a state highway. Route 12A is a state highway.
- 3) The neighborhood is a mix of residential and agriculture uses along with a commercial automotive garage. The agricultural businesses include a retail farm stand with daily deliveries and shipments of agricultural commodities and retail pick your own apple orchard.
- 4) The scale of the proposed use is a once a day delivery of dry food by a tractor trailer sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave the facility returning at night. The retail delivery truck process is then repeated six days per week generally between the hours of 6am to 6pm.
- 5) Lot coverage for the proposed use has been represented at 19%. A maximum coverage of 20% is allowed.
- 6) The application satisfied the general performance standards for all special exceptions as outlined in section 5.6 II of the 2016 zoning ordinance.
- 7) The application satisfies the specific standards for an Approved Business Project, section 3.5 of the 2016 zoning ordinance.

Approval Conditions:

- 1) Successful completion of the Site Plan Review process with the Planning Board with an emphasis on screening the proposed use from the residences to the northwest and southwest.

- 2) Prolonged idling of delivery trucks is not permitted.
- 3) Prior to occupancy, the project must obtain a certificate of occupancy from the town's building inspector.
- 4) The use to be monitored by the Town's Zoning Administrator. Any substantive deviation from the application or increase in the scale of the use will require additional town review.



Richard Colburn, Chairman
Zoning Board of Adjustment

Date: 16 Sept 2017

COPY

**PLAINFIELD ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Bart Industries Inc
14 Spencer Drive
Bellows Falls, Vt. 05101

Case 19-01

You are hereby notified that the appeal by **Bart Industries** of Bellows Falls Vermont to modify their approved special exception #35 Approved Business Project (case 17-10) which allows for the operation of a 3,500 sq ft dry food storage/distribution facility at #360 Route 12A (tax map 218 lot 10) has been **denied** by the affirmative vote of at least three members of the Zoning Board of Adjustment. In reaching this decision, the Zoning Board has relied on the representations made in the application and testimony received at the February 11th and March 14th meetings.

Original Case 17-10 Findings:

- 1) As represented on the town's tax maps the parcel is 3.5 acres in size with 680' of road frontage along Route 12A. The property is zoned Rural Residential.
- 2) The Plainfield Zoning Ordinance requires that businesses of this size and scale be located on a state highway. Route 12A is a state highway.
- 3) The neighborhood is a mix of residential and agriculture uses along with a commercial automotive garage. The agricultural businesses include a retail farm stand with daily deliveries and shipments of agricultural commodities and retail pick your own apple orchard.
- 4) The scale of the proposed use is a once a day delivery of dry food by a tractor trailer sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave the facility returning at night. The retail delivery truck process is then repeated six days per week generally between the hours of 6am to 6pm.
- 5) Lot coverage for the proposed use has been represented at 19%. A maximum coverage of 20% is allowed.
- 6) The application satisfied the general performance standards for all special exceptions as outlined in section 5.6 II of the 2016 zoning ordinance.
- 7) The application satisfies the specific standards for an Approved Business Project, section 3.5 of the 2016 zoning ordinance.

Original Case 17-10 Approval Conditions:

- 1) Successful completion of the Site Plan Review process with the Planning Board with an emphasis on screening the proposed use from the residences to the northwest and southwest.

- 2) Prolonged idling of delivery trucks is not permitted.
- 3) Prior to occupancy, the project must obtain a certificate of occupancy from the town's building inspector.
- 4) The use to be monitored by the Town's Zoning Administrator. Any substantive deviation from the application or increase in the scale of the use will require additional town review.

Application 19-01 is a request to modify the trucking activity on the property (finding #4 above) in the following manner:

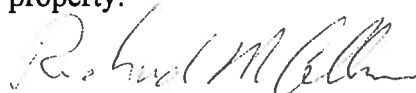
- 1) Maximum allowed number of small retail delivery trucks to be reduced from 10 to 8 (6 retail delivery trucks are currently being used).
- 2) Retail delivery truck activity is proposed at seven days per week from 4am to 5pm.
- 3) Bulk product deliveries (tractor trailers) to the site are proposed to be no more than two per day six days per week (Sunday through Friday). These deliveries may occur at anytime day or night.

(The applicant states that currently, the one truck daily delivery to the site, is primarily between 6am and 6pm, however it is not uncommon for deliveries to occur well outside of the originally proposed hours.)

In **denying** case 19-01, the Board after reviewing the conditions for granting both a special exception section 5.6II and an Approved Business Project section 3.5 of the Plainfield Zoning Ordinance March 2018 edition, made the following findings:

- 1) The potential for ongoing twenty four per day activity at the site is much different than the typical activity that is common with the permitted uses in the zone.
- 2) The proposed noise abatement measures have not, to the board's satisfaction, adequately demonstrated that they will mitigate the impact of late hour deliveries.

In absence of necessary mitigation, the use as proposed in case 19-01 is therefore determined to be detrimental to the neighboring property owner's enjoyment of their property.


Richard Colburn, Chairman
Zoning Board of Adjustment

Date: 27 March 2019