1 2 3 MERIDEN TOWN HALL 4 Zoning Board Members Present: 5 Richard Colburn, Chair 6 Margaret Cassedy Ted Moynihan 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

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MINUTES OF THE ZONING BOARD OF ADJUSTMENT **MEETING JANUARY 9TH 2006**

Priscilla Eastman

Peter Martin

The meeting opened at 7:30pm. The December 12th minutes were approved as amended. The board reviewed photographs of the now constructed 343 Freeman Road cell tower 05-05. The false branches have not yet been installed, but should be in place by the end of the month.

Case 2006-01 Mark and Sandy Horne: Special exception request for Approved Business Project #34 to include the following uses: Storage, distribution, and a rental house. Mark Horne explained that this application involves merging two existing lots (map 107 lot 19,20) that the couple owns as well as annexing land from their new residence (map 240 lot 5)to correct the area deficiencies that were pointed out from the last application which included only the lot with the large commercial building. Now that the applicant has purchased the adjacent property, the possibility of locating the commercial building on a conforming lot exists. Once completed, the lot reconfiguration will result in the commercial building and the rental house being located on a 3.0 or more acre lot with road frontage on Route 12A. The storage portion of the project includes about 100 lockers ranging from 8'X8' to 20'X30' which encompasses about 2/3 of the 20,000 square feet available in the building. The distribution business includes the arrival of a tractor trailer during the night. The truck is unloaded at the rear of the building where the load is broken into five or six smaller loads which are placed into vans that leave very early in the morning to make rounds to medical centers in the area. This cycle is repeated five times per week.

Board members felt that to properly evaluate the proposal the following additional information is needed: Access logs for both the storage business and the distribution business, information on any hazardous materials that are being stored on the premise, calculations about impervious area on the site so that the minimum lot size can be calculate number and size of vehicles operated from the site.

Chairman Colburn opened the discussion to abutters and members of the public present. General comments expressed concern about the size and scope of this proposal so close to the Village area. Others noted that this property has had a long history of "commercial" type uses that are more intensive than the current proposal. There was general agreement that, if approved, any decision by the Board would have to contain sufficient detail to insure that, if the intensity of the use increased, additional town review would occur. Mark Horne noted that this project is as large as they ever intend it to be. See case 05-07 for background.

Board members discussed both a site visit and a joint meeting with the Planning Board and determined that neither was immediately necessary. The hearing was recessed to the February meeting at which time the applicant will have prepared the requested information.

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The January meeting adjourned at 9:00pm. The board's next meeting will be February 13	^h 2005.
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6 Submitted, Richard Colbu	n
7 Chairman	
8 Stephen Halleran	
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING FEBRUARY 13TH 2006 MERIDEN TOWN HALL

4 Zoning Board

Members Present: Richard Colburn, Chair Priscilla Eastman

Margaret Cassedy Ted Moynihan

Brad Atwater

The meeting opened at 7:35pm. The January minutes were approved as amended.

Public in attendance: J. Atwater, H. Brashwell, M. Drye, G. Davini, C. McNellis, D. MacDonald, J. Kennedy, M. Horne, S. Horne.

Continuation of Case 2006-01 Mark and Sandy Horne: Special exception request for Approved Business Project #34 to include the following uses: Storage, distribution, and a rental house. Brad Atwater was questioned about his status for this application. He indicated that at this time he has not recused himself from the application and feels that he can judge the case fairly.

Board members reviewed three e-mails, one from Jean Kennedy, one from Diane MacDonald and one from Carolyn McNellis. Carolyn McNellis asked that the text be included verbatim in the minutes. The board denied this request. There was a discussion about minutes and how much details should be in them. Diane MacDonalad questioned the accuracy of the minutes. Halleran noted in the past board minutes have been taped, but that the quality of the taping was poor and typically the tapes were not ever used or listened to and just became a storage issue. Halleran further noted that the job of minute taking came to his position for both cost savings and efficiency reasons. He would be happy to have someone else do the job in a timely manner, past experience has shown that it is difficult to find someone willing to do the work which is very part-time and involves about six nights per month. Brad Atwater made a motion that the Town Administrator be directed to look into the cost of recording board minutes using updated technology. The motion was seconded and voted in the affirmative.

Diane MacDonald questioned whether the board considered this application as complete. Chairman Colburn responded that the board is still gathering information about the application. To this end the board reviewed the materials submitted by the applicant as a result of the previous meeting. Based on information provided by the applicant board members determined that when considered in total as eleven acres of land and several hundred feet of road frontage the Horne properties provide ample opportunity to put the proposed approved business project on a conforming lot that satisfies both dimensional and lot coverage requirements of the ordinance.

Board members next reviewed the details of the three proposed uses for the approved business project: Storage, distribution, and a rental residential use. Applicant Mark Horne has provided both a written descriptions, and an equipment inventory of the proposed business project as well as activity logs from the site. In addition, for the distribution use photos have been provided of the various trucks used by Serenity Power Plus. From the written materials the board reviewed the following:

Storage use:

Eighty six units ranging from size 4'X4' to 20'X23' in total. The units average six entries each

day. Access records show that there are never more than two entries from 2am to 6am. The storage use involves about 14,400 sq feet of the available inside space or about 73%.

34 Distribution Use:

Accounts for 80% of the traffic on the site, using 5,750 sq ft or 27% of the available space in the building. Seven cube vans and one tractor trailer are used for the businesses eleven total employees. Nearly all the onsite work takes place between 2:30am and 6:30am.

Residential Use: A single family home located to the front of the property used as a rental.

Mark Horne noted that the adjacent auction business had more than seventy cars on site for an auction earlier that day. These included cars, trucks, trailers and vans. Neighbors disagreed that this established use is more intensive than the proposed business project.

Neighbors in attendance feel strongly that the proposed use does not satisfy the criteria for an approved business project. Hours of operation, type of activities, noise are all greater than would customarily be expected in a village setting.

Jean Kennedy questioned if many of the comments where board members use the word approved indicated a bias toward the applicant. Member Priscilla Eastman noted that her municipal association training as a Zoning Board member taught her that the ZBA's job is to assist applicants achieve their objectives within the criteria established by the zoning ordinance.

After being questioned by board members, Mark Horne added that the storage use is typically more active in the summer than during the winter, but typically involves periodic trips to a particular unit each month. The space now designated for Serenity Power Plus was previously used as sixty storage units.

Greg Davini questioned the proposed hours of operation for this use as compared to the new convenience store recently approved.

Board members started their formal review of the criteria for an Approved Business project. The board worked its way down through the list found in section 3.5 of the Zoning Ordinance. The goal being to focus discussion by making a final pass through the regulations to see what if any additional information is needed from the applicant. At this point Chairman Colburn asked that the public allow the board time to work on the application. Lots of valued comments have been received, however, these comments are starting to be repetitive and the board needs to begin its discussion. As is the custom of the board, the public hearing remained open, but the board focused on its deliberation. No additional information was requested from the applicant at this time. As expected the areas that were determined to need further board discussion and review included those criteria that concern the impacts the proposed uses will have on surrounding properties and the neighborhood in general. To gather more first hand information the board determined it would hold a site visit at the facility starting at 5pm on Monday February 20th. The public is welcome to attend, however, public comments will not be taken at the visit. The case was recessed to the time of the site visit, the public hearing was recessed until Monday March 13th at 7:30pm.

1	The being no other business, the meeting was adjourned at 10:15pm.		
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3	Submitted,	Richard Colburn	
4		Chairman	
5	Stephen Halleran		
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT 1 MEETING FEBRUARY 20TH 2006 2 3 PLAINFIELD HEATED STORAGE 1044 ROUTE 12A 4 5 **Zoning Board** 6 Members Present: Richard Colburn, Chair Priscilla Eastman Margaret Cassedy 7 Ted Moynihan 8 **Brad Atwater** 9 10 The Site Visit, as noticed, opened at 5:00pm at the Plainfield Heated Storage building. Village property owners Ronald Bailey and Joann Griffin were in attendance for the visit. 11 12 13 Mark and Sandy Horne walked board members around the grounds of the facility and provided a tour 14 of each of the three buildings (A,B,C). Buildings A, B are used for storage and made up of interior storage cubes with each building having some open floor storage as well. Renters provide their own 15 16 locks and have 24/7 access to the building. Building C is used by Serenity Power Plus and includes loading docks to the rear of the facility. While all of building C is rented by the distribution 17 18 business, only about one half of the space is used at this time. The two largest trucks leave the facility at approximately 7pm, arriving back on site at 3:00am. These two trucks are unloaded into 19 20 the building and sorted into seven routes. The drivers of the small trucks arrive between 5:30am and 6:30am, finish loading their route and leave the property returning at approximately 4:00pm in 21 22 the afternoon. Inside the loading area are two small office spaces used by Serenity workers for 23 completing paperwork and making phone calls. 24 25 Board members walked around the rear lot viewing the area that has been filled and graveled as part of the loading dock development. It was noted that access to the rear of the building is per an 26 27 arrangement with the abutting River Valley School. Mark noted that he hopes to purchase some 28 additional acreage behind the building to accommodate employee parking and perhaps some outside storage of large vehicles and trailers. Currently, the storage of these items takes place to the front 29 30 of the building. 31 32 The site visit ended at 5:40pm, the board will take up the application next on Monday March 13th 33 at 7:30pm. 34 35 36 Richard Colburn Submitted, 37 Chairman 38 Stephen Halleran 39 40

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MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING MARCH 13th 2006 MERIDEN TOWN HALL

Zoning Board

Members Present: Richard Colburn, Chair Priscilla Eastman

Margaret Cassedy Peter Martin

Brad Atwater

The meeting opened at 7:35pm. The January minutes were approved as amended.

Public in attendance: J. Atwater, H. Brashwell, D. MacDonald, M. Horne, S. Horne.

Board members were informed about the upcoming state office of Planning training day in early April. Brad Atwater indicated a desire to attend.

Halleran reported back that he has located several MP3 recording devices that can be used to tape meetings. While he is still working on the details of selecting the best device for the town's application he is confident that a device can be obtained for under \$500. Board members encouraged that this be done. Margaret Cassedy responded to a comment by Halleran about developing a length of storage policy for the recordings by indicating that they should be stored indefinitely. Other board members agreed with this position.

Continuation of Case 2006-01 Mark and Sandy Horne: Richard Colburn reopened the hearing on the case. There was a procedural discussion about the status of the public hearing. It was determined that the hearing was still open, and Chairman Colburn invited all members of the public present to offer final comments before the board closed the hearing and began its deliberations. Diane MacDonald referred to the language found in the 1996 warrant article where the Approved Business Project Special Exception was created. She feels that this language supports her claim that only small businesses are allowed in the village areas. She also objected to the board's closing the public hearing. The board reviewed the warrant information noting that Approved Business Projects are specifically allowed in the VR zone which includes both Village areas in town. Abutter Judy Atwater questioned whether its appropriate to have a residential use as part of an approved business project. Board members determined that, in their view, because the approved business project excludes certain uses including multiple family residential uses all other permitted uses are available for an Approved Business Project. A single family residence is a permitted use in the VR zone.

There being no one else wishing to speak, the public hearing was closed and board deliberations began.

Peter Martin brought to board members attention the details of case 99-07 which resulted in the denial of a trucking terminal for the former Snath Factory on Route 12A south of Plainfield Village. In that case, the number of trucks were larger than the proposed operation and the types of trucks were all tractor trailer units that were to use the site as a location to drop a trailer and pick up another load. The Zoning Board, at that time, felt such a use was too intensive for the VR zone. Peter feels that a question for the board is whether the proposed use is of sufficiently less intensity to fall under the case 99-07 established ceiling for these types of trucking uses in the VR zone. Both proposals were similar in size, however, the currently proposed use utilizes only one large truck

during night time hours and several small vans during daylight hours.

A discussion followed about outdoor storage at this location. Mr. Horne, when asked, responded that at this time there are three outdoor storage spaces being rented. The Horne's indicated that this proposal includes three to six outdoor parking spaces. In addition, employee parking for Serenity Power Plus at this time is proposed for the front of the lot.

Board members began an itemized review of the operational criteria for an Approved Business Project and the granting of a special exception.

Priscilla Eastman noted that in her view noise generated from the goings and comings of the trucks is the main issue with this application. Chairman Colburn responded that for him, he does not believe the proposed use is unreasonable for a state highway, the only question in his mind is whether or not the use as proposed, conducted in the middle of the night, is reasonable or unreasonable. Member Cassedy agreed noting that for her the night time activity is the issue. Brad Atwater noted that from living in the village his experience is that as proposed, the use does have negative impacts on the village. If done during daylight hours, many of these concerns would go away. He also questioned how changes in tenants and use of the space within the buildings (storage v. distribution would be handed). Chairman Colburn offered that initially these issues would be handled through the Zoning Administrator and then as needed the Zoning Board.

Priscilla Eastman acknowledged that this building has existed on the site for many years and has had many different types of uses. For her, as proposed, the use would be the maximum intensity allowed for this building during night time hours. If approved, she would encourage that minimizing night time noise be a priority.

At this time, Peter Martin moved to conditionally approve the application (see attached materials) within a very narrow scope of operational criteria that would require additional board review for any significant changes to the businesses as currently described. In making this motion Peter acknowledged the expressed concerns both from abutters and board members and indicated that he felt approving the use with conditions that create a clear record of what is expected and what will require additional review is necessary to insure proper enforcement. The motion was seconded. A broad discussion followed about the exact details of Peter's motion. Member Cassedy asked for clarification on several points concerning the outdoor storage and employee parking, Brad Atwater asked for additional information on how enforcement would be handled and Pricillia Eastman advocated for additional language in the final decision to encourage noise abatement whenever possible. Peter responded that he would draft a final decision including the details brought out in this discussion. His motion is intended to approve the Approved Business Project to include a storage use, a distribution use and a residential rental use as they currently exist. Any expansion of any of the uses, might trigger a Zoning Board review, but in particular the distribution use is to be absolutely limited to the current operational intensity.

A vote on the motion was called, those voting yes 2, those voting no 2, Chairman Colburn cast the deciding vote in favor of the motion as presented. The application was approved on a 3 to 2 vote. Martin will draft a decision for board members review.

There being no other business the meeting adjourned at 10:40pm.

Submitted,

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Stephen Halleran

Richard Colburn, Chair ZBA

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING MAY 8TH 2006 MERIDEN TOWN HALL

Zoning Board

Members Present: Ted Moynihan Priscilla Eastman
Margaret Cassedy Peter Martin

Brad Atwater

The meeting opened at 7:35pm. The March minutes were approved as amended.

2006-02 Daniel Proulx: Acting Chairman Ted Moynihan opened the case which is a request for Special Exception #11, Accessory Apartment to be constructed onto the applicant's residence located at 111 Dodge Road. The property currently consists of a single family home on 12.6 acres located in the Rural Residential Zone. Mr. Proulx explained that the single bedroom apartment will be 800 square feet and is connected to the attached garage by a heated "breezeway or mudroom" area toward the front of the existing lot. The file contains certification regarding the ability of the existing septic system to, if needed, be enlarged. Responding to a question from member Brad Atwater, the applicant noted that the resulting setback to the road will continue to be several times the minimum 30' that is required in the Rural Residential Zone.

The board reviewed the process for granting a special exception found in section 5.6II of the current zoning ordinance. There being no abutters wishing to speak and no further questions from board members, Peter Martin moved to approve the application as presented finding that the proposal satisfies both the specific criteria for an accessory apartment and the general criteria for granting a special exception. Margaret Cassedy seconded the motion which was subsequently voted in the affirmative on a unanimous vote.

Rehearing Request Case 2006-01: Ted Moynihan explained that for tonight's business the board will review a motion by Diane McDonald on behalf of herself and some residents of Plainfield Village requesting a rehearing of this case. Public testimony will not be taken; however, if the board needs clarification or additional information over what has been presented it may ask questions of those in attendance. If the request for a rehearing is granted, a noticed public hearing will follow as part of the board's next meeting. Mark and Sandy Horne, the applicants of case 2006-01 were in attendance for this meeting.

Board members began a detailed review of each of the ten reasons outlined in the request for a rehearing. See attached copy. This review was conducted against the required test that to be granted a rehearing request must either provide some new information that was not available at the first hearing or demonstrate that the board made an error in its process that warrants correction. A summary of the main arguments discussed during the review follows:

Concerning numbers 1,2,3,4,5,7,8 in general, the board determined that the process followed for this application was reasonable and in conformance with the town's zoning ordinance, ZBA practice and state law. Further, the board determined that the request for the rehearing provided, for these items, no significant new information that was not previously available to the board during its deliberations. Concerning #9, the question of whether or not the case is now moot because Serenity Power Plus has vacated the building, the board determined that a new use that strictly conformed with the approval could operate without further ZBA review. It was agreed that finding a new tenant that exactly fits the existing approval was possible, but in practice somewhat unlikely. Hence, further ZBA review would be likely for a future tenant.

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Submitted,

The focus of the discussion on whether or not to grant a rehearing settled on the issues presented in #6 and #10 which were understood to be as follows:

Based on the clarification provided by Diane MacDonald concerning the rational for #6 (required application form was not filed) it was determined that this issue concerns the discussion at the end of the last meeting about the outside storage spaces, which had not previously been identified in the application materials but came up as part of the ZBA's review of the case.

Concerning reason #10, as part of these deliberations board members acknowledged that in hindsight the approved decision could have been written in a format that covered hours of operation in the same manner as the case in 1999-07. However, in the format that was used the hours of trucking activity reflect what the board approved that evening.

Most of the remaining discussion on whether or not to grant the rehearing because work done at the final hearing on the case concerning the outside storage areas on the property should have been reviewed more thoroughly and involved more opportunity for abutter comment. Two board members felt that it should have been, two board members felt that this work was part of the natural evolution of the application and was covered thoroughly, particularly given that most of the discussion on the application and abutter concerns were centered on the new distribution use, not the existing storage use.

Member Brad Atwater moved to grant the request for a rehearing finding changes like the issue of outside storage that came up during the last meeting on the case procedurally should have involved more discussion and review. Member Cassedy seconded the motion. The motion was then discussed. Peter Martin explained that he felt further review of the case would only result in a repeat of the previous hearing and as there was no new information presented tonight and no material defect in the existing decision, that decision should stand. Member Atwater indicated that he felt more dialogue with abutters was needed concerning the outside storage areas and the impact that the overall use has on the surrounding neighborhood. The vote on the motion was a tie 2 to 2 (Atwater, Cassedy in favor, Martin and Eastman against). Acting Chairman Moynihan cast the deciding vote in favor of the motion to grant a rehearing noting the complexity of the case warrants every opportunity for public and board input.

If case 2006-01 is not withdrawn by the applicant, Halleran will notice a rehearing of the case for the June meeting. At this time it was disclosed to board members and the abutters that Mark and Sandy Horne filed a lawsuit against the town concerning case 05-07, notice to the town of this was on January 30th. Since case 06-01 had already commenced and potentially could resolve the enter matter the lawsuit was left active, but tabled until the current case was finalized. Halleran with discussions with counsel determined that to insure that the board could not be accused of taking the lawsuit into consideration in the current case, there was no value in discussing the lawsuit with board members or the public unless specifically asked. All this being the case, and given the fact that Serenity has vacated the building, it is possible that the applicant's will decide to withdraw case 02-01 and simply move forward with the lawsuit on the first case.

The meeting adjourned at 9:45pm. In follow up to previous procedural discussions, Halleran will set up a board session with Town Counsel Barry Schuster to discuss the board's existing rules of procedure and how they apply to things like e-mail.

> Ted Moynihan, Acting Chair ZBA

Stephen Halleran

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Zoning Board

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MINUTES OF THE ZONING BOARD OF ADJUSTMENT **MEETING JUNE 12TH 2006** MERIDEN TOWN HALL

Members Present: Richard Colburn, Chr Ted Moynihan

Priscilla Eastman Margaret Cassedy Peter Martin Brad Atwater, alternate

The meeting opened at 7:15pm. The May minutes were approved as amended. Richard Colburn announced that for this evening's meeting the five members of the board will be sitting on the case and the board's alternate may participate in the discussion, but will not be voting on the case.

Rehearing Case 2006-01: Chairman Colburn opened the rehearing by reading the posted notice. Attorney Don Gartrell representing Mark and Sandy Horne asked that Mr. Atwater consider recusing himself from this process as his mother, Judy Atwater has been a vocal critic of the application. Attorney Gartrell was informed that Brad Atwater is the board's alternate and will not be voting this evening.

Chairman Colburn indicated for the purpose of this hearing, testimony and board review will be limited to the issues that the rehearing was granted on, it will not be a full rehearing of the original case. The rehearing was granted to allow the board to more fully discuss the outside storage spaces that were brought up at the final April meeting just prior to the final motion for approval.

Board members commenced their discussion of the outside storage spaces which were covered in the Zoning decision as follows: "Storage business shall be limited to that outlined by the applicant with the submitted material supporting the application, specifically the page headed "Storage Information" (attached), except that a total of six outside spaces for commercial vehicles or vehicle storage adjacent to the warehouse on the current impervious surface shall be permitted." Board members worked on developing a measurable standard for the use of the outside parking, noting that the details of screening would be covered by the Planning Board as part of the necessary site plan review.

Based on concerns expressed by member Ted Moynihan, the board decided to clarify its original intention that a condition of the approved decision is that the agreement between the Hornes and River Valley School for the Horne's use of a portion of the school's land to access the rear of the storage building must continue to exist and ideally would be formalized.

Prior to hearing from the applicant and and the petitioners, Chairman Colburn reminded all present that testimony is limited to the reasons for the rehearing, this is not a rehearing of the entire case. Mark Horne explained that outside storage is done on the concrete pad and the gravel drive leading to the pad. The current approval and practice has no more than six vehicles.

Diane MacDonald questioned the lack of information about the concrete pad and the appropriateness of limiting testimony. She and other abutters wish to express additional opinions on the overall adverse impacts of the project.

At this time Mark and Sandy Horne stated that they wished to withdraw case 06-1. Because of the rehearing, it is the Horne's position that the original decision in the case has not gone into effect. The tenant for the distribution business has moved away and the storage portion of the use has been in place for years. Therefore, the Hornes decided it was time to just end this particular

application. In their view this withdrawal effectively returns the property in its original configuration as an existing established nonconforming use of storage. The applicants and attorney Gartrell left the room. The Zoning Board noted that they concur that due to the withdrawal case 06-01 is now moot. The meeting adjourned at 9:00pm. Submitt@d, StephehlHalleran Rirchard Colburn, Chair

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Zoning B oa	rd		
Membe f s Pr	resent: Richard Colburn,Chr Ted Moynihan		
6	Priscilla Eastman Peter Martin		
7	Brad Atwater, alternate		
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	g opened at 7:00pm.		
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	th minutes were approved as amended.		
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	was notified that Judy Atwater, Ralph Demasi, Diane McDonald, Jack and Carolyn McNellis through		
15	attorney William Clauson have filed a letter with the Zoning Board asking the board to review the		
16	now Planning Board approved site plan review of the Townline Equipment building expansion. The		
17	material was not filed timely for the September meeting. The received request has been forwarded		
18	to town counsel Barry Schuster for review. This same group of residents may have also sued the		
19	Planning Board in Superior Court. This has not yet been confirmed. Ralph Demasi, who was in		
20	attendance at this meeting, indicated that a suit has been filed. No action on the zoning board		
21	request will be taken until more information and a recommendation from town counsel is available.		
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	monstrated the microphone and recording device that has been purchased, at the ZBA request (see		
24	February and March minutes), to allow future meetings to be recorded as MP3 files. Board members		
25 26	discussed procedurally how the recordings would be stored and retained. It was determined that		
26 27	more information from sources such as the municipal association and town counsel was needed		
28	before a formal policy could be established.		
	p on the conversation in June with town counsel, board members agreed that e-mail would only be used		
30	for administrative information. Items such as meeting dates and times, basic agenda information,		
31	information gathering assignments as designated by the chairman for upcoming meetings, etc are		
32	permissible. However, no substantive discussions or information will take place via e-mail.		
33	permissione. However, no substantive discussions of information will take place via e-mail.		
	der of the meeting was spent reviewing the board's existing rules of procedure and process. It was		
35	determined that for the more complicated cases the board would, as a first step in the formal process,		
36	complete a review of the submitted materials to determine whether the information was adequate to		
37	move forward and what, if any, additional information was obviously needed from the applicant for		
38	future meetings to move forward.		
39	rature meetings to move forward.		
	member will review the existing rules of procedure and suggested amendments and corrections to be		
41	further discussed at the October meeting.		
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The September 11th ZBA meeting adjourned at 9:30pm.

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Rirchard Colburn, Chair

MINUTES OF THE ZONING BOARD OF ADJUSTMENT 1 2 **MEETING SEPTEMBER 25TH 2006** 3 MERIDEN TOWN HALL Zoning Board Members Present: Richard Colburn, Chr Ted Moynihan 6 Priscilla Eastman Peter Martin 7 Margaret Cassedy Brad Atwater, alternate 8 The meoting opened at 7:00pm. 10 11 Chairman Colburn noted that this purpose of this meeting is to have a procedural discussion 12 concerning a request by several Plainfield Village residents/landowners (see attached copy) to have 13 the ZBA review the Planning Board's decision on the approved Townline Equipment Site Plan 14 Review. This public meeting is not a public hearing on the matter. At this time Chairman Colburn 15 recused himself from the discussion, noting that he is an abutter to the project. Arriving just after the discussion started, Brad Atwater also noted that since a family member is one of the names listed 16 17 on the appeal he also has recused himself. Vice Chairman Ed Moynihan chaired the remainder of the meeting. 18 The remaining board members discussed how they wished to proceed. It was determined that 19 the board would first consider town counsel's recommendation that the appeal was procedurally 20 21 flawed since it was filed late. Based on the outcome of that discussion the board would then decide 22 if discussing any of the details of the appeal was appropriate. Member Martin noted that he has reviewed town counsel's logic in making this determination 23 and concurs with the finding. RSA 676 requires the appeal to be made within a "reasonable time." 24 25 The board's rules of procedure established fifteen days as the time period. The Planning Board's decsion was made on August 7th, this appeal to the ZBA was dated September 5th, clearly beyond the 26 fifteen day limit. Consequently, Peter feels the board has no jurisdiction to hear the case. 27 The other members of the board seeming to agree with counsel's recommendation, member 28 29 Peter Martin made the following motion: I move that the Zoning Board deny the appeal of petitioners in the case of Townline Equipment, Inc., in which the Plainfield Planning Board, on 30 31 August 7, 2006, conditionally approved Townline's Site Plan for an expansion. The denial is based on RSA 676:5(III) in which such an appeal must be filed "in a reasonable time." 32 Further, Plainfield's ordinance (March 2005 edition) 5.5 states that such an appeal must be filed 33 within 15 days. The appeal was received in the town office on September 6, well after the deadline, 34 and therefore cannot be heard. The motion was seconded and voted in the affirmative by a vote of 35 36 4 to 0. A letter to the appellants will follow. 37

Ed Moynihan

ZBA Vic Chair

There B8ing no other business on the agenda the meeting was adjourned at 7:45pm. 39

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Zoning Boar		
Membe f s Pr		Ted Moynihan
6	Priscilla Eastman	Peter Martin
7	Margaret Cassedy	Brad Atwater, alternate
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The me O ting	g opened at 7:00pm.	
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The Septem	ber 25th meeting minutes were approved as an	nended.
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14	The board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board took up a "Motion for Reconsident and the board and	eration to Plainfield Zoning Board, Townline
15	Equipment" filed by Attorney William Cla	auson on behalf of a group of Plainfield Village
16	residents. Chairman Colburn and Alternate	e Atwater again recused themselves from these
17	discussions.	
18	Vice Chairman Moynihan took over the run	nning of the meeting.
19	In September the ZBA had declined to hear	r an appeal, from this group, of the Planning Board's
20		Townline Equipment. The denial was on on procedural
21	grounds as the board found the appeal was	•
The bo2o2d re		hrough the entire document. Discussion initially
23		h appears in the zoning ordinance, see #4 of the
24		nly used any appealable action or decision is in effect
25		f the Zoning Administrator, a building permit or an
26	approval by the Planning Board.	
27		of the site plan review regulations as called out in #5
28	•	water indicated that 1K was an error in the motion that
29	· · · · · · · · · · · · · · · · · · ·	. Unsure of whether to proceed with a discussion
30		corrected, the board decided to discuss article 9
31		s. Halleran noted that the letter stating the terms of
32	11 2	afted by him, reviewed by the board. In his view,
33		Board approved the site plan on August 7 th , with no
34		re the board unless a substantive change occurred.
35	<i>J</i> 1	construction the Planning Board asked that the
36		engineer, who was not at the August 7 th meeting, a
37		was proposed at the meeting to address an abutters
38		If the town's engineer was in agreement with the
39		ome final. The town's engineer reviewed and
40		Unclear on the policies and procedures of how the
41		membership felt it would be appropriate for the
42	=	ons, the Zoning ordinance, the Site Plan Review
43		ns to insure consistent terminology and time lines
44 45	through out the three documents.	na Doord's decision was final miss to Account 22rd
45	i urning to the issue of whether the Planning	ng Board's decision was final prior to August 23 rd ,

1	Zoning Board members were unable to determine the significance of that date, the following		
2	Planning Board meeting having been August 21st.		
3	The Zoning Board completed its review of the motion and finding neither new information nor		
4	any error in procedure by the Zoning Board Peter Martin moved to deny the request for		
5	reconsideration. The motion was seconded and voted in the affirmative by a vote of 4 to 0.		
6	Returning to a full board, the Zoning Board indicated that in November work would continue on		
7	updating the board's rules of procedure.		
8			
The meting a	adjourned at 8:15pm.		
10			
11	Ed Moynihan		
Submi tt2 d,	ZBA Vic Chair		
13			
Stepheh4Halle	eran		
15			
16			

1		NING BOARD OF ADJUSTMENT		
2	MEETING DECEMBER 11 TH 2006			
3	MERIDEN TOWN HALL			
Zoning B oard				
Members Prese	,	Ted Moynihan		
6	Brad Atwater	Stephen Sheehan-alt		
7		William McGonigle		
The me&ting of	pened at 7:00pm.			
9				
	•	nce in October, the review of the October meeting		
		eting. Halleran noted that one application for the		
	<u> </u>	se involves a request to establish an accessory		
	apartment in a newly constructed residence	e on Tallow Hill Road in the Rural Residential Zone.		
14				
	- · · · · · · · · · · · · · · · · · · ·	the board by Priscilla Eastman, who decided last		
	month to resign after nearly ten years on the	ne board.		
17				
	-	cancy on the board and residents Stephen Sheehan and		
		by Moderator Stephen Taylor as alternates to the		
	Zoning Board.			
21				
_		the project to update the Rules of Procedure. Most of		
	the grammatical and factual changes have now been made. Things like meeting location, time,			
	places of posting notices have all been updated. This being the case, the board spent most of the			
		with the procedures to be followed during public		
	=	will be amended to include after the presentation by		
	= = = = = = = = = = = = = = = = = = = =	board. Also, an opportunity for final public input		
		the case, but before the board takes up motions to		
		is public input session will be reserved for new		
		sen out of the board's deliberations. It will not be an		
	opportunity for interested persons to repeat	t previously stated concerns or objections.		
32				
		ods made as clear and standardized as possible.		
	U 11	aust be filed withing 30 days of the date of the decision,		
	-	linance requires that Appeals of Administrative		
		7.1 seems to allow for 30 days. Halleran will confer		
		ted that 7.1 simply be amended to 15 days to be		
	consistent with section 5.5 of the Zoning C	Ordinance.		
39	1. 1 . 0 00			
_	djourned at 9:00pm			
41				
Submitted,		D: 1 10 11 CI :		
Stephe#3Haller	ran	Richard Colburn, Chair		
44				
45				