

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING MARCH 28TH 2011**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle
7 Stephen Sheehan

8
9 Also in attendance: Mike Sutherland Robert Marrazzo
10 Cheryl Grabe Clifton Swift
11 Bonnie Allard Robert Porthouse

12
13 The meeting was called to order at 7pm by Chairman Richard Colburn. This being the first
14 meeting since September 2010, the board reviewed the September 20th minutes making some
15 corrections and asking Halleran to clarify a section of the draft concerning parking requirements
16 for the KUA field house project. A vote on the minutes was deferred until the next board
17 meeting.

18
19 Halleran reminded the group that Monday April 4th the town's various land use board are going to
20 gather to discuss policies and procedures for handling land use cases. The session is an
21 opportunity to workshop together, town counsel Barry Schuster will also be attending this work
22 session. In appreciate for the hours that board members put in each year, the town will provide
23 some pizzas for the group.

24
25 **Case 2011-01:** Matthew Jackson: Request for special exception #34 Cottage Business or #35
26 Approved Business Project to allow an auto detailing business to be operated out of the applicants
27 #830 Route 12A facility that was built in 2006. The Zoning Board conducted a cursory review of
28 the application finding it to be adequate to move forward with the hearing. Zoning Administrator
29 Halleran confirmed that the Zoning Board granted an approval for a similar business at this site
30 back in 2000, however, that building was never built and those approvals expired. In 2006, the
31 current building was constructed on the site for the stated use of working on the owner's personal
32 car collection therefore no zoning approval was necessary. The Planning Board did conduct a site
33 plan review of the building at that time that review focused on outside lighting, screening and
34 building color. Since then work at the site has focused on the owner's cars, however various
35 websites have indicated that for hire work is also being done at the facility, therefore the town has
36 asked the owner to come forward with an application.

37
38 Attorney George Spaneas and Joanna Jackson represented owner Mathew Jackson during this
39 hearing. The two explained that the applicant would now like to expand the work on the site to
40 include a limited amount of work on cars owned by others. The business After FX owns two
41 other facilities out of state where most of company's work is done. However, occasionally given
42 the size of the shop in Plainfield some projects would be more suited for this site. These cars are
43 very specialized show vehicles owned by exclusive clients. No signs or advertising will be done
44 on the site. The expectation is that about a dozen cars a year would be worked on in Plainfield.

45
46 Board members made several inquiries about the business to better understand how the shop is
47 used and exactly what takes place in the facility. The shop is set up so that cars can be fully
48 customized, interior and exterior.

49

1 Chairman Colburn opened the discussion up for abutter and interested party comments. Abutter
2 Mike Sutherland noted that Matt Jackson has done many of the things he indicated to the
3 Planning Board that he would do as far as building lighting and screening from Route 12A is
4 concerned. Mr. Jackson made additional commitments to the Sutherlands for screening that
5 would address the view from their house, but this work was not done. Mike went on to say that
6 he and his wife have no complaints about what goes on inside the shop, their issue is the conduct
7 of visitors and employees who frequent the facility and occasionally race ATV up and down the
8 hillside facing Route 12A. This behavior is typically during the noon hour. Likewise, employees
9 leaving at the end of the day seem compelled to race their car engines, squeal tires and the like,
10 which can be annoying and seems unnecessary. If much of this activity was done to the rear of
11 the property, it would not be as offensive.

12
13 Abutter Cheryl Grabe expressed even more concern about the conduct of employees, noting that
14 in her view the noise was abusive and had significantly reduced her quality of life. She enjoys
15 gardening and finds it very disruptive when the hill climbs are occurring and or employees are
16 coming and going.

17
18 Westgate Road resident Clinton Swift urged the board to look at requiring the infamous above
19 ground utility poles adjacent to Route 12A that serve the shop be removed. He feels as a business
20 use these would not have been permitted and should go now.

21
22 Bob Marrazzo spoke in favor of the business noting that Plainfield needs additional growth in its
23 tax base.

24
25 There being no other comments, board members began to focus their discussions on which of the
26 two requested special exceptions should be considered. Approved Business Projects have a
27 higher approval threshold and can be larger in size and must be located on a state highway. It
28 was noted that the Approved Cottage Business is less intensive, limited to no more than seven
29 employees and requires the owner to either live on site or on a lot adjacent. Consequently, in this
30 case Matt's house is on the lot adjacent, but should he wish to sell the business separately from
31 the house new approvals for the business would have to be obtained at that time. Attorney
32 Spaneaus noted that the applicant would be receptive to being granted both exceptions. Board
33 members felt that the applicant should pick one. After a brief recess the applicant choose to move
34 forward as a Cottage Business.

35
36 The board did not feel it could address the two utility poles, from the ZBA's perspective this is an
37 existing building with a proposed use.

38
39 Based on the materials in the application and the testimony received the Zoning Board during its
40 review made the following findings for the proposed business:

- 41
42 1) The business has been represented as follows:
43 Days of operation are six per week.
44 Hours of operation are 9am to 6pm with occasional extended hours.
45 Lighting and screening as previously approved the Planning Board.
46 At this site the business will typically work on only 10-12 cars per year.
47 A maximum of 2-3 cars, including the owners, can be worked on in the shop at one time.
48 This site will have no significant retail traffic.
49 No signs or advertising on the site is proposed.

50

1 2) The lot, 31 acres, has sufficient gravel surfaces around the building to provide adequate
2 parking.

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

8
9 Based on these findings Moynihan moved to approve the application subject to the following
10 conditions:

- 11
12 1) The Planning Board evaluates the adequacy of screening for the building.
13
14 2) The town conducts a code review of the facility, including the handling and storage of
15 hazardous materials.
16
17 3) All activities associated with the business (including the activities of employees) must be
18 done in manner that meets the general performance requirements in section 4.8 of the
19 Plainfield Zoning Ordinance.

20
21 The motion was seconded and voted in the affirmative.

22
23 The March meeting was adjourned at 9:45pm

24
25
26 Submitted,

27
28
29 Stephen Halleran

Richard Colburn, ZBA Chair

30
31

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING MAY 9TH 2011**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle
7 Stephen Sheehan

8
9 The Zoning Board meeting was called to order at 7:10pm.

10
11 The September 10th minutes were approved as further amended concerning the KUA field house
12 parking section. The March 28th minutes were approved as amended.

13
14 **Case 2011-02 KUA wind powered generator:** Chairman Colburn opened the public hearing by
15 reading the posted notice. Kimball Union is proposing a 66' wind powered generator to be
16 located behind a Miller. This is a student project intended to provide educational information to
17 students about alternative energy systems.

18
19 The board did its customary review of the application and determined that the application was
20 sufficient to move forward with the hearing. No abutters attended the meeting.

21
22 KUA Student Charlotte Herbert explained the application to the board, this is her capstone
23 project. She explained the various features of the generator. Blades are 12' in diameter, the tower
24 is 58', maximum height with a blade in the vertical position is 66'. The unit has been sited to
25 meet town required setbacks and provide the necessary clear fall area around the unit. According
26 to the manufacturer noise and vibrations from the generator unit are below the maximums
27 allowed by the ordinance. The unit will be gray in color and will not be used for any other
28 purpose. The electricity generator will be used to offset the cost of operating the Miller building.
29

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

35
36 As required by the ordinance, KUA has agreed to remove the tower should it no longer be
37 functional or becomes obsolete.

38
39 Based on the lack of abutter interest, the size of other adjacent structures, the characteristics of the
40 site, the visual facsimile done by the applicant using computer animation and the relative low
41 height of the structure the board determined that a balloon test was not required for this
42 application.

43
44 There being no other questions and no one wishing to speak, the board closed the public hearing
45 and deliberated the merits of the application by reviewing both the specific requirements for this
46 particular special exception as well as the broader requirements for all special exceptions.

47
48 Member Moynihan moved to approve the application finding that based on the provided materials
49 and testimony the proposal meets the requirements as outlined in section 3.17 of the zoning
50 ordinance. Specifically, because the proposed unit will be located well within the KUA campus,

1 far from abutters, impacts on the adjacent neighborhood is expected to be minimal. In completing
2 its review the board notes that the application also satisfies the general requirements for all
3 special exceptions found in section 5.6 II. There is concern that the tower could represent a
4 hazard if climbed or equipped with a hinge that is not locked. The Zoning board had insufficient
5 details to fully evaluate this issue, but has addressed the concern with a condition of approval.
6

7 Conditions of approval:

8
9 1)When the specific configuration of the tower is finalized the applicant must review the method
10 of preventing access to the tower with either the Zoning Board, the Planning Board or the
11 Building Inspector as determined by the town's zoning administrator.
12

13 2)Per the zoning ordinance, the applicant must go through site plan review with the Planning
14 Board.
15

16 3)The structure must demonstrate code compliance as determined by the town's building
17 inspector.
18

19 4) All application materials become part of this application.
20
21

22 The motion was seconded and voted in the affirmative on a vote of 5 to 0.
23

24 **Other business:** KUA CFO Jim Gray updated the zoning board on the school's progress to start
25 construction on the field house. The school hopes to have a signed construction contract in the
26 next couple of weeks.
27

28 The meeting adjourned at 8:30pm.
29

30 Submitted,
31

32
33 Stephen Halleran

Richard Colburn, ZBA Chair
34
35
36
37
38
39
40
41

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING JUNE 13TH 2011**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle

7
8 The Zoning Board meeting was called to order at 7:05pm.
9

10 The board minutes of May 9th were approved as grammatically amended.
11

12 Chairman Colburn opened the one case on the agenda for the evening by reading the posted
13 notice.
14

15 **Case 2011-03 Mherdad & Teresa Didehbani:** The applicant is requesting special exception #33
16 Approved Setback Encroachment and any other applicable section of the zoning ordinance to
17 allow for the construction of a new accessory structure (24'x24' garage) at their home on 2
18 Daniels Road. As proposed, the new garage will replace an existing 10'x24' garage and shed
19 previously on the site. The new building, as proposed, will have a side yard setback of 7.5' and
20 front yard setback of 16' without the special exception setbacks of 15' and 30' respectively are
21 required. Mr. Didehbani offered as a point of clarification that the building to be removed is
22 17'X24' in size.
23

24 Per ZBA established procedure Chairman Colburn asked his board members to review the
25 application to determine whether the application was sufficiently complete to move forward.
26 Halleran noted that three photographs of the site have recently been added to the file. Board
27 members determined that the application was in order and the hearing moved forward. Mr.
28 Didehbani explained that he and his wife have been investigating options for a couple of years of
29 how to replace the aging barn/shed with a new 24'x24' garage that would face Daniels Road.
30 Purchasing land from an abutter was considered, however, the preferable approach is to within
31 the limits of the zoning ordinance be granted relief to simply replace the existing building. Their
32 lot is only 9,088 sq ft, to be conforming in the VR with public water the lot would need to be
33 30,000 sq ft.
34

35 Halleran affirmed that the applicant has been working with their various abutters for a couple of
36 years on possible solutions; however taking land away from any of the surrounding properties is
37 problematic for those parcels. Based on conversations he has had with abutters there seems to be
38 support for the current approach. The proposed garage is the minimum size that is typically
39 thought of for a functional two car garage. The Didehbani's indicated that the new garage will
40 feature attic trusses to allow for cold storage above the garage bays. In accordance with town
41 procedure Daniels Road is viewed as the fronting street for this application as the property is
42 accessed and addressed from that roadway. The curb cut for the property is Daniels Road, not
43 Route 12A.
44

45 Halleran noted that the town's road agent has reviewed the proposal on site and has determined
46 that as proposed the new garage will be setback sufficiently so that cars parked in front of the two
47 bays will be out of the town's maintenance right of way.
48

49 At the suggestion of Chairman Colburn Zoning Board members determined that rather than
50 viewing the application as a setback encroachment section 3.11, using section 3.12 Non-

1 conforming uses might provide additional options for the board in conducting its review.
2 Chairman Colburn noted that the residential use is nonconforming in at least three areas, lot size,
3 lot coverage and setbacks. He further noted that as proposed the new garage does not worsen the
4 degree of nonconformity and actually improves the side set back for the garage. The current
5 building is 5' from the lot line, the new one will be 7.5'.
6

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

11
12 Where as the lot and its residential use pre dates the zoning ordinance is nonconforming for lot
13 size, lot coverage and existing setbacks.
14

15 Where as the proposed replacement structure will improve the side setback encroachment and
16 does not significantly worsen the other nonconforming factors.
17

18 Where as the town's Master Plan seeks to encourage use and investment in existing village
19 residential buildings and finding that the application meets the requirements for a special
20 exception I move that the application be approved.
21

22 The motion was seconded and unanimously voted in the affirmative.
23

24 **Other business:** Halleran updated the Board on the Matthew Jackson case 2011-01 noting that
25 the building inspector and fire chief have now completed a walk through of the shop interior and
26 are working with the owner to gain compliance on several life safety issues that need correcting.
27 Matt has agreed to hire a fire protection engineer to make recommendations and offer suggested
28 fixes. Fire suppression around the paint booth and a second means of egress from the upstairs
29 offices are the main areas of concern.
30

31 Halleran noted that in an unrelated matter Todd and Deanna MacDonald are involved in a dispute
32 with Matt over land clearing and shaping done to the rear of the lot that is impacting their
33 property. The town's conservation commission chairman is visiting the site tomorrow and the
34 MacDonald's have invited the Zoning Board members to attend. The ZBA noted that their
35 review was focused on the interior use of the large existing structure and that their review did not
36 include any land clearing to the back.
37

38 The meeting adjourned at 8:15pm.
39

40 Submitted,
41

42
43 Stephen Halleran

Richard Colburn, ZBA Chair

44
45
46

1 **draft**
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
3 **MEETING SEPTEMBER 12TH 2011**
4 **MERIDEN TOWN HALL**

5 Zoning Board

6 Members Present: Richard Colburn, Chairman Ted Moynihan
7 Stephen Sheehan William McGonigle

8
9 Others in attendance: Linda Barton Sara Pushbee
10 Jim Platt Hillary Platt
11 David LaBelle Thomas Lappin

12
13 The Zoning Board meeting was called to order at 7:05pm.

14
15 This being the first meeting since June, the zoning board approved the June 13th minutes as
16 amended.

17
18 **Case 2011-04 Linda Barton Busy Bee Day Care:** Chairman Colburn opened the hearing by
19 reading the public notice. The board took a cursory look at the application and determined it was
20 adequate to proceed with the hearing. Linda Barton explained the application to board members.
21 The proposal is to convert an existing home located on a seven acre lot at 1284 Route 120 into a
22 day care facility to serve up to 16 children three to five years of age. The day care use will be the
23 only use on the property. The facility will not cater to new born children over to after school
24 aged children. Business hours of operation will be 6am to 5:30pm five days a week, year round.
25 The inside and outside of the property will be renovated to meet all applicable state codes so that
26 the facility can be state licensed. A fenced play area will be created in the front. Drop off
27 parking will be also in the front with ample area so that cars can turn around living the facility
28 without backing into Route 120 which has a posted speed limit of 50mph. Board members
29 reviewed sketches of the facility while Linda explained the layout. While the facility will be a day
30 care, the emphasis will be on early pre-school learning.

31
32 Halleran noted that Health Officer Al Grindle will be inspecting the facility and will use a copy of
33 the state checklist in reviewing the facility. Safety locks, water temperature, the enclosed play
34 area, kitchen layout all get reviewed. Linda and Al have spoken about the proposed use.

35
36 Chairman Colburn opened the discussion up to abutters. Hillary Platt voiced her main concern
37 for noise and level of outside activity. She stressed that she is not opposed to the use, but once to
38 continue to be able to enjoy her property. Co-applicant Sara Pushbee said that the children would
39 never be outside unattended and that much of their day is indoors doing structured program. The
40 Board determined that there is about 250' between the daycare facility and the Platt's home.
41 Hillary noted that she was very pleased to hear all this and the answers were making her feel
42 much better.

43
44 Abutter David LaBelle noted that he supports the application, but wants to be clear that he has for
45 many years practiced his hobby of shooting antique firearms and doing "Cowbody Shooting" and
46 consequently he does not want this business across the street to change that. Zoning
47 Administrator Halleran offered that the town has no ordinance that prohibits the safe discharge of
48 firearms on a persons own property and he cannot envision the town every changing that.
49 Plainfield remains a rural community and the lawful use of firearms is part of that culture.

1 Mr. LaBell's concerns will be recorded in these minutes and will be forwarded on to the Board of
2 Seletmen as well.

3
4 The Zoning Board completed its review of the application by asking several questions concerned
5 with the facility's layout, signage and outside lighting. Linda noted that some of these details
6 remain to be worked out; however, the first step for them is to gain local zoning approval then
7 they can begin to work with the state of the facilities operational details. The board satisfied itself
8 that cars accessing the facility can turn around with the property, that signage will confirm with
9 the town code and that all outside lighting will be full cut off fixtures and should not effect
10 neighbors. The actual layout of the lighting and signage will be determined by the Planning
11 Board during site plan review.

12
13 There being no other questions member Mohnihan made the following motion:

14
15 Based on the application and testimony the board finds that the application satisfies the conditions
16 of section 5.6II and therefore the application should be approved. In making this finding the
17 Board establishes the following conditions:

- 18
19 1)The use will be subject to site plan review with the planning board.
20 2) As a condition of approval the day care must earn state certification.
21 3) Driveway layout and facility policies must allow for cars to exit the facility facing forward.
22 Backing out onto Route 120 is not allowed.
23 4) Business size, without further ZBA review, is limited to 16 children, 3 employees including the
24 owner, with hours of operation 6am to 5:30pm, M-F, 12 months of the year.
25 5) Prior to opening, the business will become state certified as a child day care facility.

26
27 The motion was seconded and voted unanimously in the affirmative.

28
29 **Other Business:** Board members held an informal discussion with resident Thomas Lappin. Mr.
30 Lappin is interested in establishing a restaurant with three one bedroom apartments overhead in
31 an existing building in the VR zone as a combination of related uses. The property has 1.1 acres
32 and access to municipal water and sewer. Based on the very limited information available, board
33 members felt that the residential use combined with a restaurant use was not a problem, however
34 the applicant would have to demonstrate that adequate facilities are provided for each of the
35 apartments as well as the restaurant use. Parking lot size and lot coverage issues are places that
36 concerned the board on a lot of this size. In addition, the facility would have to meet applicable
37 building codes and would likely need to be equipped with a fire suppression system.
38 Tom was encouraged to make all purchase commitments subject to town zoning approvals.

39
40 The meeting adjourned at 9:00pm

41
42 Submitted,

43
44
45 Stephen Halleran

Richard Colburn, ZBA Chair