



1 products from the towers, like broad band service to recoup their investment. Gina  
2 Jacobson calculated that to erect the tower and purchase the related devices have a cost of  
3 about \$25,000. Doug Hackett of Hanover Dispatch noted that while he is not familiar  
4 with all the details of the application, it is likely that this project will help  
5 communications. Firemen noted that if it doesn't work it can come down. In response,  
6 WaveComm indicated that unless the project is fully funded by the Town of Plainfield,  
7 the company will have spent significant funds on the project and therefore the tower will  
8 be part of their larger business operations and would need to be able to stay regardless of  
9 how much it improves fire and police communications. Preliminary testing has indicated  
10 that the system should make significant improvements to EMS communication  
11 capabilities. There was some confusion about whether the system was being proposed as  
12 free to the town or whether there would be ongoing charges. WaveComm clarified that  
13 there will be cost to the town, although at this point they are not sure how much these  
14 costs will be.

15  
16 Gene Hewes asked if this would help with his lack of cell phone service at his home on  
17 adjacent Hedgehog Road . He was told it would not. He then responded that if approved,  
18 he would seek cell tower carrier for his property, since his home is also located in the  
19 RCII zone and up until now not available for towers.

20  
21 Chairman Colburn held a procedure discussion with the board and as a result the ZBA  
22 determined it would first handle the merits of the variance, if that led to an affirmative  
23 decision then move on to the Special Exception portion of the application.

24  
25 Member Bill McGonigle shared some information he had researched on the latest  
26 standards for granting a variance. This related to the Boccia court decision and  
27 subsequent amendments to RSA 674:33 that have effectively lowered the bar for granting  
28 variances.

29  
30 Next board members entered into a discussion with the applicant, and abutters focused on  
31 the five criteria for granting a variance. Those from the neighborhood who spoke noted  
32 that due to its small size, only a 4' base with a lattice work structure supporting small  
33 panels, it is unlikely that most people will see the tower. However, there was concern of  
34 what might happen to this tower in the future. It is commonly known that Des and Shirley  
35 Hudson are planning to relocate closer to the main road in the next few years. It is clear  
36 from communication with the Hudson's that they are allowing the tower as a public  
37 service. They were approached by members of the PVFD and WaveComm with the idea  
38 to address a public safety need.

39  
40 Board members felt confident that a decision could be crafted that makes it clear that this  
41 tower is primarily for EMS communications and is not intended to be significantly  
42 altered in the future. In weighing the public good against the prohibition in the zone,  
43 board members noted that the tower site requires virtually no further development into  
44 the back country, the tower will be located about 200' behind the Hudson's home and  
45 will utilize the power supply that serves the home. The home has a back up generator to  
46 cover extended power outages.

47

1 As the variance discussion moved forward it became clear that:

- 2 1) Assistance from Town Counsel in crafting a legally tightly written motion to
- 3 approve a variance would be helpful.
- 4 2) That there remains some confusion about the details of the proposal that should be
- 5 worked out with the Selectmen so that the ZBA can fully understand the public
- 6 good/cost of the project.

7  
8 The above being the case, the board deferred any vote on the variance until at least  
9 February and focused on the Special Exception portion of the application. This  
10 review indicated that additional information about tree height in the area adjacent to  
11 the tower will be necessary, as well as some kind of photo simulation as to what the  
12 tower will look like at this site. WaveComm will work on providing this additional  
13 information. The application was recessed until February 11<sup>th</sup> at 7pm here at the  
14 Meriden Town Hall. Firefighter Dan Lapan offered that regardless of whether or not  
15 this project is feasible the Hudson's should be thanked for their kindness for being  
16 willing to allow the structure on their property.

17  
18  
19 Submitted,

20  
21  
22 Stephen Halleran

Richard Colburn, ZBA Chair

23  
24  
25

1  
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **MEETING FEBRUARY 11<sup>TH</sup> 2013**  
4 **MERIDEN TOWN HALL**

5 Zoning Board

6 Members Present: Richard Colburn, Chairman Brad Atwater  
7 Stephen Sheehan  
8

9 Others in attendance: Fire Chief Frank Currier Police Chief Paul Roberts  
10 Gene Hews Mark Horne  
11 Mark Wilder Mark Fisk  
12  
13

14 The meeting opened at 7pm

15  
16 The minutes from January 14th were approved as amended.  
17

18 **Preliminary Discussion:** Mark Wilder, owner of 2.6 acres on Plummer Road (class VI)  
19 map 236 lot 3 and Mark Fish owner of the Hi On A Hill Trout Farm attended the meeting  
20 to discuss the possibility of Mark Fisk developing the so called "Plummer Springs"  
21 property into a trout hatchery facility. Mark Wilder purchased the property in 2004.  
22 Mark Fisk stressed that the while the use would require develop of the site, the project  
23 would not be as intense as the main Hatchery on Reeds Mill Road.  
24

25 At issue is the town's 1993-01 ordinance which prohibits development on class VI roads.  
26 The town has not permitted new development on a class VI road since 1987. The Zoning  
27 Board has provided relief to existing development on class VI roads using the provisions  
28 of RSA 674:41 "practical difficulty." The board struggled with this proposal given the  
29 constraints of the ordinance and the current undeveloped nature of the property. Mark  
30 Wilder and Mark Fisk stressed that this site is unique for a aquaculture use given the  
31 unique water supply on the land. Board members generally felt that the less intense the  
32 develop on the site the more likely that a use could be established. For example gravity  
33 fed modular tanks with a minimal building is more likely than a full blown hatchery  
34 center with heated buildings and full utilities. In developing the ordinance the Selectoard  
35 felt that to insure proper access to town services all development in town should occur on  
36 town maintained roads.  
37

38 The Zoning Board directed the two to consult with the Selectboard about the current  
39 ordinance and the possibility of upgrading the Plummer Road to a class V highway.  
40

41 **Continuation Case 2013-01:** Chairman Richard Colburn reopened the hearing for  
42 WaveComm Communications for a variance and special exception to erect a 90' tower  
43 behind the Hudson residence at #82 Black Hill Road. Zoning Administrator Stephen  
44 Halleran reported that town attorney has reviewed the draft variance language from last  
45 meeting and has no objections to the granting of a conditional variance, but did caution  
46 the town to make sure that if the granting of the variance is dependant on improvements

1 to emergency service communications that the board has evidence that the gains will be  
2 real and substantial.

3  
4  
5 Fire Chief Frank Currier and Police Chief Paul Roberts provided testimony that since the  
6 January meeting WaveComm has conducted extensive testing of the proposed system  
7 and that the results have shown significant improvement in EMS ability to communicate  
8 with portable radios to Hanover Dispatch and to each other. Based on this the group feels  
9 strongly that once erected the tower at the Hudson property will fill most if not all  
10 coverage gaps in Plainfield.

11  
12 This being the case Zoning Board members seemed comfortable moving forward with the  
13 review of the special exception portion of the project. This review included going  
14 through section 3.16 Wireless Communication Facility requirements as they pertain to the  
15 application. WaveComm personnel made it clear that the tower will be constructed as  
16 shown in the application and will be outfitted with steel plates at the bottom to prevent  
17 anyone from attempting to climb the tower. The tower does not require illumination and  
18 will be powered from the existing service that fees the Hudson's home.

19  
20 Photographs of the area adjacent to the tower were shown and discussed. WaveComm  
21 demonstrated that adjacent trees to the tower are 70' to 80' tall.

22  
23 Abutter Gene Hewes continued to be concerned that this tower will not enhance cell  
24 phone coverage in his neighborhood. He feels that if this tower is permitted, then a cell  
25 tower should also be permitted in the RC II zone.

26  
27 After completing its review board members directed Halleran to work with Town  
28 Counsel to develop both a variance and special exception approval for the project. The  
29 board will take these up at their next meeting, March 11<sup>th</sup> at 7pm.

30  
31 The meeting adjourned at 9:00pm

32  
33 Submitted,

34  
35  
36 Stephen Halleran

Richard Colburn, ZBA Chair

1                                   **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
2                                   **MEETING MARCH 11<sup>TH</sup> 2013**  
3                                   **PLAINFIELD TOWN HALL**

4   Zoning Board

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

8  
9  
10   The meeting opened at 7pm.

11  
12   The February 11<sup>th</sup> minutes were approved as amended.

13  
14   **Case 13-01:** Chairman Richard Colburn reopened the case, noting that the public hearing was  
15   closed at the last meeting and the board was now continuing its deliberations. Halleran noted that  
16   since the last meeting a draft decision was, based on board notes, prepared and has since been  
17   reviewed by town attorney Barry Schuster. Board members reviewed the decision. A motion to  
18   approve the necessary variance was made by member Atwater, seconded and voted in the  
19   affirmative. A second motion followed to approve the special exception; this too was seconded  
20   and voted in the affirmative.

21  
22   **Case 13-02:** Chairman Colburn opened this case by reading the posted notice. The applicant  
23   seeks town approvals to establish a residential use in the upper floors and an antique fireman  
24   shop/restoration facility on the ground floor of what is commonly referred to as the “old  
25   Plainfield Store” located at 1100 Route 12A. The store has been vacant for several years and  
26   therefore has no grandfathered zoning rights at this time. The 5400 sq ft three store structure sits  
27   on .2 acres of land in the middle of Plainfield Village. As expected, the hearing was well  
28   attended by Plainfield residents. Member Brad Atwater noted that while he received a notice of  
29   the hearing his commercial property does not directly abut the store lot and he has decided to  
30   remain on the case as a voting member.

31  
32   Applicant Paul Yates explained that he would like to move to Plainfield with his wife and three  
33   children, live in the upstairs and established a business to be called “The Collector’s Armory” that  
34   would, with the assistance of gunsmith Andrian Canton, focus on the purchase, sale and repair of  
35   collectible firearms and outdoor supplies. Mr. Yates made it clear that the business is not  
36   envisioned as a typical gun store with a volume based business model, but rather will focus on  
37   gunsmithing services and sales of expensive firearms for the collector. The old building, the  
38   Smith Auction house and the Plainfield Elementary school for his children’s education have  
39   attracted him to Plainfield.

40  
41   Hours of operation would be Tuesday-Friday 10-6, Sundays 12-7, Closed on Mondays. A  
42   maximum of three employees including the owner is planned. Residential parking will be on the  
43   Peterson Road (north) side of the building with customer parking on the south side of the  
44   building.

45  
46   The store has a deeded right to install a septic system under the Corey Tabor Field on church  
47   land. Members of the Plainfield Church present at the hearing confirmed this easement.

48  
49   Chairman Colburn opened the hearing to abutters. The following is a synopsis of the comments  
50   received. Resident Rob Bailey thanked the applicant of the narrative in the application and noted

1 that he does not object to the proposed use. Laurie Atwater expressed a desire to see the store  
2 building in use, but had concerned about the sale of firearms in the village. Village store owner  
3 Ann Yates (no relation) supported the proposal and the general efforts currently underway to  
4 revitalize Plainfield Village. Mike Sutherland supported the idea, but was unclear as to the exact  
5 nature of the business, noting that several internet based links to Mr. Canton indicated a strong  
6 internet presence with a wide variety of guns and paramilitary activity noted. Gunsmith Canton  
7 responded that he has not been associated with “Ballastic Maximus” for more than three years  
8 and that the focus of this business is as represented in the application. Village Resident Diane  
9 MacDonald expressed concern about the sale of assault style semi automatic weapons in the  
10 village. Paul Yates noted that while they might sell semi automatic sporting firearms, the sale of  
11 assault weapons was not part of their business plan. Members of the public questioned the  
12 security plans for the facility. Paul Yates acknowledged that the building will be fully alarmed  
13 and the police and fire department will have access to the necessary information about what is  
14 inside the building and how it is stored. Priscilla Wheeler who has her own revitalization project  
15 going on across the street was supportive of the application and offered to share parking if that  
16 would help.

17  
18 The public hearing was closed at 8:30pm.

19  
20 Chairman Colburn turned the discussion to one of building and site logistics. Some board  
21 members conducted a site walk of the property at 6:15pm noting that the parking on the south  
22 side of the building is problematic with cars needing to be able to turn around so as not to exit the  
23 lot by backing into Route 12A. While practically available, on street parking cannot be counted  
24 on to satisfy the business parking needs.

25  
26 Board members reviewed various provisions of the zoning ordinance to try and determine where  
27 this nonconforming building best fits. The approved business project was ruled out as it envisions  
28 a fully conforming lot and structure. The board decided that the Approved Combination of  
29 Related Uses might be appropriate as it was developed to assist with the use of older existing  
30 buildings in the village. The need for a variance and or an approved parking plan was also  
31 discussed. Board members asked the applicant to develop a more detailed and measured parking  
32 plan. Rough calculations suggested that something like 6-9 parking spaces will be required  
33 depending on the final configuration of the inside of the facility. The board also asked the  
34 applicant to develop some lot coverage calculations for inclusion in the application.

35  
36 Board members completed their work for then night be developing the framework for a possible  
37 decision on the case. The case was recessed until Monday April 8<sup>th</sup> at the Meriden Town Hall.

38  
39 The meeting was adjourned at 10:10pm

40  
41 Submitted,

42  
43  
44 Stephen Halleran

Richard Colburn, ZBA Chair

1                                   **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
2                                   **MEETING APRIL 8TH 2013**  
3                                   **MEIRDEN TOWN HALL**

4   Zoning Board

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

8  
9  
10   The meeting opened at 7pm.

11  
12   The March 11<sup>th</sup> minutes were approved as amended.

13  
14   The Zoning Board continued its deliberations on the Paul Yates case for the Plainfield Store. The  
15   applicant is looking to establish a residential use on the top two floors of the buildings and a retail  
16   store/workshop focused on the sale repair and restoration of firearms and the sale of outdoor  
17   supplies on the Main floor. Applicant Paul Yates updated the application with the following  
18   information: a new parking plan that includes leasing two spots from the Community Church, lot  
19   coverage calculation and a note indicating that his gunsmith will not be Adrian Canton. Mr. Yates  
20   is currently working on finding a replacement gunsmith.

21  
22   **From its discussions the Zoning Board made the following findings with a respect to the**  
23   **site, building and the proposed use:**

24  
25   The general store building has for most of its useful life served as a focal point for the Plainfield  
26   Village community. At its peak it served simultaneously as a store, post office, bank and  
27   residence. In recent years the building has been unoccupied and has started to fall into a state of  
28   disrepair.

29  
30   The Plainfield Zoning Ordinance encourages the preservations and continued use of existing  
31   historical buildings. To this end the zoning ordinance provides relief from certain sections of the  
32   zoning ordinance in cases where projects aim to repurpose an existing building built before 1975.

33  
34   The facility has on old existing septic system that little current information is known about.

35  
36   The 100 year old plus multi story building located on .2 of an acres with 1900 sq ft. footprint and  
37   associated gravel parking areas has nearly 100% lot coverage.

38  
39   The proposed business use of the sale of firearms will be situated directly adjacent to a  
40   community church and to an established recreation area for children. Customers entering and  
41   exiting The Collector's Armory will be in close proximity to those using and coming and going  
42   from the playing fields.

43  
44   Due to the nature of a gun repair business establishing well defined areas of separation from the  
45   residential use will be important. By its very nature the storage of firearms, gun powder and  
46   related accessories has the potential to be problematic for a residential use in the same facility.

47  
48   Given the above findings the Zoning Board spent the rest of the evening work on a draft of one  
49   possible decision for the case. The board felt that to be approved the project needs three  
50   approvals: A variance for the lot coverage issue, a special exception for the uses and finally an

1 Approved Parking Plan special exception. Before closing for the evening the Board voted to  
2 approve the Variance portion of the application.

3  
4 The group worked until 9:30pm. The meeting was recessed at this time until Monday April 15<sup>th</sup>  
5 at 6pm, Meriden Town Hall.

6  
7  
8 The meeting adjourned at 9:35pm.

9  
10 Submitted,

11  
12  
13  
14 Stephen Halleran

Richard Colburn, ZBA Chair

15  
16  
17  
18





1 Police Department always has concerns when alcohol is served. Keeping all vehicles in off street  
2 parking will be important to insuring that fire lanes are open and response vehicles can reach the  
3 property. Building Inspector David Lersch noted that fire barriers would have to be installed to  
4 provide necessary separations between the apartments and the commercial use. The kitchen will  
5 have to meet state code and the cooking hood fitted with fire suppression as well.

6  
7 Turning to members of the public for comment, many favorable statements were made. All those  
8 in attendance supported this business idea. Joe Williams Assistant Head of School at KUA noted  
9 that the proposed use would be very popular with KUA faculty and would provide an opportunity  
10 for faculty to interact with other members of the community. Jane Witzel and Kevin O'Leary who  
11 both live adjacent to the use expressed support for the project however they were also concerned  
12 that this will be a significant change to the neighborhood that needs to be handled with some  
13 caution for those in the immediate area. Grace Hardy Director of the Duckworth Museum  
14 welcomed Tom to the neighborhood and pledges to do all that her organization could to assist.

15  
16 Tom Lappin responded to these comments by thanking his neighbors for their support and  
17 pledging to minimize negative impacts on them.

18  
19 The Zoning Board closed the public hearing and began their deliberations by finding that the  
20 application and supporting documents were in sufficient detail to allow the process to move  
21 forward.

22  
23 Board members felt that the first step would be to handle the parking issues, which seems to be  
24 the most limiting. While the board has the ability to grant relief in several ways on parking issues,  
25 in this case the board felt that an area variance to allow, if needed, a fully sized parking lot to be  
26 constructed that would conform with the town's zoning ordinance was the best approach. The  
27 board figured the following: 1.1 acre lot =48,000sq ft. House takes up 1,744 sq ft, new kitchen  
28 600, parking lot (fully sized to accommodate 30 cars, patrons, employees and tenants) 6,260,  
29 Entry, driveway and paths 4,836 sq ft = 13,440 sq ft or 28% lot coverage. An area variance to  
30 exceed the lot coverage by 8% would allow for a conforming parking lot and would represent the  
31 minimal amount of relief necessary to allow the project to move forward.

32  
33 Board member Moynihan moved that the area variance be approved, finding the following from  
34 board discussion, town official input and public testimony:

35  
36 The lot is an existing small lot with a large historical building on it. This relief to dimensional  
37 hardship allows the existing structure to be used in its entirety. Board members noted that the  
38 Village Residential Zoning for a property with an existing structure were keys to their considering  
39 this for variance approval.

40  
41 The application is not contrary to the public interest allowing the variance would reduce the likely  
42 of parking on the public street, mitigating a possible public hazard.

43  
44  
45 The proposed use is in concert with the expressed spirit of the ordinance which encourages the  
46 reuse of existing buildings in the village zone.

47  
48 Substantial justice will be done by allowing the proposed use to move forward. The lot is of a  
49 sufficient size that reasonable green space will continue to exist on the property.

50  
51 No testimony was heard that the use will be detrimental to surrounding property values.

1  
2 The variance represents a relatively small amount of change, but significantly enhances the  
3 project's ability to function as the zoning ordinance intended.

4 The motion was seconded and voted unanimously in the affirmative, granting a variance from the  
5 town's 20% lot coverage requirement. In this case, lot coverage can now be allowed up to 28%.

6  
7  
8 Board members next turned their focus to the special exception portion of the project, noting that  
9 the Approved Combination of Related Uses option requires the board to be clear on what types of  
10 changes would trigger further town review.

11  
12 The Board held a long discussion centered on the operational details of the proposal. Concerns  
13 were raised about the need to screen patron headlights from abutting properties.

14  
15 In reviewing/discussing the application details the board made the following findings:

16  
17 The multiple family use is permitted in the zone by special exception.

18 The restaurant use is permitted in the zone by special exception.

19  
20 The lot is served by both municipal water and sewer and the water district has confirmed that the  
21 new restaurant use is acceptable to them and does not present a problem.

22  
23 The age of the structure, pre 1995, qualifies for the Approved Combination of Related Uses  
24 special exception.

25  
26 Hours of operation are stated to be Monday thru Thursday 4pm to 10pm. Friday, Saturday and  
27 Sunday 4pm to 11pm. This is a reduction over what was proposed.

28  
29 From the Buildings Inspector and Police Chief with conditions both uses can be compatible on  
30 this lot and location.

31  
32  
33 At the conclusion of this discussion member Moynihan moved to, based on the above, to approve  
34 the application with the following conditions and terms:

35  
36 Approval Conditions to include:

- 37  
38 1. Site Plan Review by the Planning Board, unless specifically waived.  
39 2. Life Safety Code Compliance review by a fire protection engineer service.  
40 3. Compliance with all applicable state and local regulations for restaurants and  
41 multifamily residential buildings.

42  
43 Concerning the specifics of an Approved Combination of Related Uses Special Exception the  
44 board determined that the following would represent a substantive change triggering additional  
45 review:

- 46 • Increased seating  
47 • Expansion of hours of operation  
48 • Parking overflow problems  
49 • A change in state licensing  
50 • Outside seating

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- Amplified musical performances

The motion was seconded and voted unanimously in the affirmative.

The meeting adjourned at 9:30pm

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair

1 **draft**  
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **MEETING OCTOBER 14<sup>TH</sup> 2013**  
4 **MERIDEN TOWN HALL**

5 Zoning Board

6 Members Present: Richard Colburn, Chairman Brad Atwater  
7 Ted Moynihan Bill McGonigle  
8  
9

10 The meeting opened at 7pm  
11  
12

13 The Board caught up on approving past minutes and signing amended minutes.  
14

15 **Preliminary Discussion Mark Horne:** Mark Horne met with the Board to discuss his #142  
16 Route 12A property (107/40) which consists of 9 acres of land with an existing farm house and a  
17 now shutdown horse boarding operation. The farmhouse has, for many years, contained three  
18 apartments. The multifamily use dates back at least 30 years. Mark is considering holding  
19 weekly or monthly auctionson the site, mainly involved with the sale of agricultural products. A  
20 periodic flea market use might also be part of the deal. Halleran had asked Mark to attend this  
21 meeting, as the Zoning Ordinance does not seem to permit this combination of multi-family  
22 residential and commercial uses outside of the VR zone. Either one would likely be done on this  
23 lot under the current ordinance, but not the combination of the two. Board members felt that this  
24 might well be a good use for the property, but a change in the zoning ordinance would be needed  
25 or possibly a variance from the terms of the ordinance. Mark was encouraged to go meet with the  
26 Planning Board to see if they would be interested in eliminating the prohibition of multi-family  
27 buildings being part of an Approved Business Project could be eliminated (letter g section 3.5  
28 operation criteria). This section of the zoning ordnance was created to allow multiple uses on the  
29 same property along state highways. A similar section in the ordinance, Combination of Related  
30 Uses (section 4.3) would allow this project, but only in the VR zone.  
31

32 The meeting was adjourned at 8:15pm.  
33  
34

35 Submitted,  
36  
37

38 Stephen Halleran

Richard Colburn, ZBA Chair

39  
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