

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING MARCH 15TH 2016**
3 **MERIDEN TOWN HALL**
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6 Zoning Board

7 Members Present: Richard Colburn, Chairman Ted Moynihan
8 Scott MacLeay Brad Atwater
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10 The meeting was called to order by Chairman Colburn at 7:05pm.

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12 This being the board's first meeting since August 10th 2015 the minutes from that meeting were
13 approved as amended.
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15 Case 2016-01 Samuel Mintz: An application for a use variance to allow the large single family
16 residence at #58 Freeman Road to be converted to a two family dwelling. The house is located in
17 the RC II zoning district which does not have special exception #20 multi-family dwelling as an
18 option.
19

20 Mr. Mintz began his presentation by providing a detail history of the "Oaks Property" since his
21 ownership which began in 1986.
22

23 Most recently the main house was sold as a single family home on 12 acres to Alma Gilbert and
24 Peter Smith. The Smith's lost the property back to their bank and after a long complex process
25 Mr. Mintz has now purchased the property back and now wishes to return the main house to a
26 two family structure. Only minor changes to the structure are necessary for this to occur. One
27 small wall has to be reinstalled. The building already has the necessary kitchens and bathrooms
28 and bedroom layouts for two units. If successful, Mr. Mintz may then pursue turning the house
29 into a two unit condominium.
30

31 The property shares water and septic with two other lots that were formerly part of the compound
32 called the Oaks.
33

34 Helen and Richard Davison- Spoke in favor of the Zoning Board granting this use variance.
35 Kristine Flynn-Spoke in favor of the Zoning Board granting this use variance.
36 Diane Rogers-Spoke in favor of the Zoning Board granting this use variance.
37

38 The hearing was closed and the Zoning Board began its deliberations. The board reviewed the
39 application and criteria for granting a use variance in some detail. Referring to the application the
40 following findings were made:
41

- 42 1. The building has a history of being used as a multi-family building.
- 43 2. The house is large, 6000 sq ft and is located more than 500' from the fronting road,
44 Freeman Hill Road.
- 45 3. The building currently shares a driveway and utilities with other homes, all of which
46 were formerly part of the Maxfield Parrish compound. The use of the utilities and other
47 aspects of the property are governed by private covenants.
- 48 4. The lot, while oddly shaped is large, 12 acres, has ample road frontage and is located in
49 several zoning districts. Adequate land is available to provide on site water and septic
50 should that be necessary in the future

- 1 5. The proposed use, a return to a two family dwelling, is less intensive than other permitted
2 uses in the zone.
3 6. The Board heard no testimony in opposition to the application from abutters. To the
4 contrary, the neighbors encouraged the granting of the variance as in their view the
5 proposed residential use was less objectionable than previous permitted uses proposed for
6 the property.
7

8 Turning to the criteria for a granting a variance the board, with respect to the application
9 found the following:
10

- 11 I. The granting of the variance will not be contrary to the public's interest. The
12 proposed residential use is located in an area that is predominately residential.
13 Further the building and its accessory uses cannot be seen from the fronting street.
14 II. Built as a compound for artist Maxfield Parrish, the property is unique not only in the
15 size of the structures but the layout of adjacent buildings. The main residential
16 building, the subject of this application, is much larger than is customary for the area.
17 Its interior layout makes using it as a single family residence impracticable. These
18 special conditions make the granting of a variance a reasonable solution.
19 III. A variance would be consistent with the spirit of the ordinance, the building is
20 located in a residential neighborhood and the proposed variance is for a residential
21 use.
22 IV. Substantial justice would be served as the owner would be able to utilize the entire
23 space in a manner that is less intensive than other permitted uses in the zone.
24 V. Diminution of surrounding property values will not occur. The property is of a
25 quality that is commensurate with the neighborhood and the proposed use, done in
26 conformance with the private covenants will likely enhance neighborhood values.
27 VI. The structure and lot is sufficiently large enough to accommodate additional units,
28 perhaps four, if it were located in one of the other zoning districts. A two family use
29 is proposed and represents the minimum relief necessary to satisfy the applicant.

30 Having completed a full board discussion and arrived at the above conclusions, member
31 Moynihan moved to approve the application for a variance, allowing the now single family home
32 to be returned to a two family building. The motion was seconded and voted in the affirmative.
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34 There being no other business, the meeting adjourned at 8:15pm.
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36 Submitted
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38
39 Stephen Halleran

Richard Colburn
ZBA Chairman

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1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **JUNE 13TH 2016**
3 **MERIDEN TOWN HALL**
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6 Zoning Board

7 Members Present: Richard Colburn, Chairman Bill McGonigle
8 Scott MacLeay Brad Atwater
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11 The meeting started with two noticed site visits, case 16-02 Beth Clifton #54 Bean Road a request
12 for an area variance to allow for the construction of a garage within the required Camp Road
13 setback and case 16-03 Kimball Union Academy a request for a special exception to add two
14 rows of solar panels to the ground mounted array located behind Miller Centennial Building (case
15 15-02). At both sites the board heard viewed the proposed projects.
16

17 **Meriden Town Hall**
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19 The meeting was called to order by Chairman Colburn. The Chair suggested that the board take
20 up case 16-03 (KUA) first as it is a special exception case and builds on a previous approval. The
21 variance case, by its nature, will take more time. The other board members agreed.
22

23 **Case 2016-03 Kimball Union Academy:** An application for special exception #24
24 Approved Solar Energy System to be constructed on the Kimball Union Academy
25 campus behind the Miller Centennial Building. The ground mounted system will be 87kw
26 dc power and will be located directly south of the existing array approved as part of case
27 15-02. Three rows of panels exist now; two additional rows (as a separate system) are
28 planned. No additional tree removal is required and the additional panels are not expected
29 to change the overall project's visibility. The property is located in the Village
30 Residential (VR) zoning district. Kimball Union Chief Operating Officer Hunter Ulf
31 walked the group through the proposal. The additional two rows will fit into the cleared
32 field area. The academy's site specific permit from NHDES has been successfully
33 amended to include the new panels. The state considers the array to be impervious
34 surface and therefore the amendment was needed. Halleran noted that Mark Pensgen, #13
35 Baynes Road has indicated that he feels the two new rows will be more visible from
36 Baynes road at the lower side of the array than they would be at the upper side. His
37 preference would be for the rows to be added to the upper side. Kimball Union made no
38 offer to amend the application, preferring to locate the panels as represented in the
39 application. There being no one from the public wishing to comment the hearing was
40 closed and the ZBA began its deliberations. The application, in concert with the 15-02
41 file, was found to be sufficient to move forward with the appeal.
42

43 The board made the following findings:
44

45 1) This proposal is for an 87 Kw grounded mounted array to be located in front of the
46 100Kw ground mounted solar array approved as part of case 150-02. The new array to be
47 located behind the Miller Centennial Building as shown on the application maps and is

1 in the Village Residential zone as permitted by section 3.18 of the 2015 Zoning
2 Ordinance.

3
4 2) The application satisfies the general standards for granting a special exception found in
5 section 5.6II of the zoning ordinance.

6
7 3) The proposed array location has no immediate abutters and is screened from the
8 Baynes Road neighborhood by the contours of the land combined with a wooded buffer
9 area that KUA has agreed to maintain in place. No additional tree removal is proposed for
10 this applicaton.

11
12 4) Due to the size of the lot the Zoning Board does not find that fencing is required in this
13 instance.

14
15 5) The application specifies underground electrical conduit for the project.

16
17 6) The decommissioning plan to be as outlined in 15-02.

18
19 Based on the above, member Atwater moved to approve the application subject to the
20 following conditions:

21
22 1) Site Plan Review approval or waived by the Planning Board.

23
24 2) Code compliance review by the Town's Building Inspector.

25
26 3) Utility company acceptance letter, prior to issuance of the building permit for the project.

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28 The motion was seconded and voted in the affirmative.

29
30 **Case 2016-02 Beth Clifton:** An application for an area variance to allow for the
31 construction of a 24'x24' garage to be attached via a farmers porch to the existing
32 residence located at #54 Bean Road. The property is located in the Village Residential
33 (VR) zoning district. Beth Clifton explained that her house at its closest point, is 11.5'
34 from the travelled way for Camp Road. The proposed garage would be no closer to Camp
35 Road. The property is a .50 acre conforming lot that is pie shaped and surrounded on two
36 of the three sides by town roads. Bean Road has a ROW of 3.5 rods (16.5'/rod), Camp
37 Road is a 2.0 rod road. The property is served by both public water and sewer. The
38 proposed location of the garage allows for the connection to the house and preserves an
39 area of green space on the south side of the lot. To be conforming, the garage would
40 have to be located a minimum of 36' from the center of Camp Road. With a setback
41 encroachment special exception that number could be reduced to 26'. Locating the
42 garage toward Bean Road (fronting street) eliminates the ability to see the southern green
43 space area from the home and quickly makes for a nonconforming situation with respect
44 to Bean Road which has the wider right of way.

45
46 The town's road agent has reviewed the application is has indicated that as proposed the
47 garage will not adversely impact either summer or winter maintenance for Camp Road.

1 At the site visit neither Joe McClellan nor Joe Crate, both abutters, expressed any
2 concerns about the project. Mr. McClellan supported the idea; Joe Crate expressed no
3 support saying only that he did not oppose the project.

4
5 There being no one else wishing to speak the public hearing was closed and the ZBA
6 began its review. The application was deemed to be complete and sufficient to move
7 forward.

8
9 The board had a general discussion about area variances and the unique circumstances
10 that this case includes. There was a general feeling that the significant amount of road
11 frontage that this .50 acre lot contains in concert with its triangular shape is very unique
12 and places a hardship on the lot. Much of the land, including that which contains the
13 existing nearly 100 year old residence, is encumbered by the road right of way. The
14 proposed development of a two car garage is customary for a residence. Halleran pointed
15 out that the garage could be reduced in size and detached from the home resulting in
16 something closer to conformity with the ordinance. While the Board agreed with this,
17 they also felt that making those concessions would not eliminate the need for Zoning
18 Board relief and would have adverse impacts on the property as a residential use. A
19 garage in New England and adequate green space for outdoor activities are customary to
20 a home. The house being located on a small parcel, only 11.5' from the traveled way,
21 establishes a reality for the property which cannot be changed, but must be considered
22 going forward.

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24 In reviewing the application as an area variance request the Board made the following
25 findings:

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27 I) The granting of the variance will not be contrary to the public interest, a
28 residential use and its associated accessory uses/structures are customary for the
29 neighborhood.

30
31 II) B. i The relatively small size and triangular shape of the lot, the widths of the
32 public road right of way in concert with the existing development on the land results in a
33 unnecessary hardship and interferes with reasonable use of the property.

34 B.ii In the particular case the proposed use of a garage, if achieved in some other
35 location on the land leads to adverse impacts (functionality and loss of continuous green
36 space) for the small property that in the view of the board out way the benefit of coming
37 marginally closer to conformance.

38
39 III) The zoning ordinance recognizes that not all properties that existed before land
40 use regulations were adopted are able to conform to the called out standards. In this
41 particular case, the Zoning Board heard no testimony that the granting of the relief would
42 have any adverse impacts on the neighborhood. The town's road agent has reviewed the
43 application and does not object to the proposed location.

44
45 IV) The granting of the variance allows the owner the full customary enjoyment of
46 their property (substantial justice). The development of the garage does not diminish the

1 property's ability to meet the necessities of a residential property. By example, the
2 property is served by public water and sewer therefore has no need for private fresh or
3 waste water systems.

4
5 V) The subject property is similar to other properties in the neighborhood and the
6 addition of a garage is in keeping with the surroundings. No testimony was received that
7 suggests the garage will diminish the value of abutting properties.

8
9 VI) The garage will be no closer to Camp Road than the existing 95 year old
10 residence and in this manner represents a form of minimal relief that is reasonable.

11
12 Having made the above findings a motion to approve the application for the variance was
13 made, seconded and voted in the affirmative. The approval was conditioned on the new
14 garage coming no closer to the travelled way of Camp Road than 11.5'.

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16 There being no other business the meeting adjourned at 8:45pm.

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19 Submitted

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22 Stephen Halleran

Richard Colburn
ZBA Chairman

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**MINUTES OF THE ZONING BOARD OF ADJUSTMENT
JULY 11TH 2016
MERIDEN TOWN HALL**

6 Zoning Board

7 Members Present: Richard Colburn, Chairman Ted Moynihan
8 Scott MacLeay Brad Atwater
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10 The meeting opened at 7pm. The June 13th minutes were approved as amended.

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12 **Case 2016-04 Patricia Murray:** Chairman Colburn opened the hearing by reading the posted
13 notice. The application is for special exception #24 Approved Solar Energy System to allow for
14 the construction of 4Kw ground mounted solar (tracker type) array on a five acre property
15 located at #37 Sugar Hill Road. The property is located in the Village Residential (VR) zoning
16 district. Owner Patricia Murray explained that the ground mounted option allows her to maximize
17 the benefit from solar. Her house roof is not ideal for solar. The roof has some age and includes
18 sky lights. The single array is proposed to be 12'x20' and will be 4' off the ground with a
19 maximum height of no more than 16'. Some trees will be removed, but there are no plans to clear
20 cut the five acre lot. Board members reviewed the application materials and with the additions of
21 a letter from Eversource accepting the power into the grid and a google earth image from Chris
22 Rollins, the application was found to be adequate to move forward. Abutter Chris Rollins noted
23 that he supports the application. He is able to see the Murray house through the trees during fall
24 and winter and he would appreciate the maintenance of a vegetative buffer along the common
25 boundary lines. There being no one else wishing to speak the hearing was closed and the board
26 moved into their deliberations. The board reviewed the application against both the general
27 criteria for all special exceptions and the specific criteria for special exception #24 Approved
28 Solar Energy System. As part of this detailed review the board made the following findings:
29

30 1)The lot is relatively large for the Village Residential Zone (5 mostly wooded acres). The
31 installation is unlikely to be visible from the public road.
32

33 2)While some clearing of trees is part of the proposal, this is not expected to have a significant
34 effect on neighbors.
35

36 A motion to approve the application subject to the following condition was made, seconded, and
37 voted unanimously in the affirmative.
38

39 Approval condition:

- 40 1. A vegetative buffer suitable to maintain a visual screen from the array be maintained
41 along the property side and rear lines. This buffer at a minimum will be equal to the yard
42 set back dimension (15' side and rear).
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44 There being no other business the meeting adjourned at 8:10m
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46 Submitted
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48
49 Stephen Halleran

Richard Colburn
ZBA Chairman

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3 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
4 **DECEMBER 12TH 2016**
5 **MERIDEN TOWN HALL**
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8 Zoning Board

9 Members Present: Richard Colburn, Chairman Ted Moynihan
10 Scott MacLeay Brad Atwater
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12 The meeting opened at 7pm. This being the first meeting since July, the July 11th minutes were
13 approved as amended.
14

15 **Case 16-05 Pricilla Wheeler Olde Village Haunt:** Chairman Colburn opened the hearing by
16 reading the posted notice. The application is a request to modify the decision for case 14-02
17 (established the restaurant use) to expand the hours of operation to include seven days per week
18 11:30am to 8:00pm. Currently, the restaurant is open Friday-Saturday 12pm to 8pm and Sundays
19 8am to 1pm. Owner Pricilla Wheeler explained that the hours is the only change that is proposed.
20 The change is intended to give them the flexibility to try other things, like being open Thursday
21 night, without violating their approval. Board members found the application to be sufficient to
22 move forward, opening the public hearing.
23

24 Direct abutters Ronald Bailey and Paul and Erin Yates all expressed support for the change. Ron
25 Bailey noted that the fencing and screening has made a significant difference them and hence
26 they have no objection to the expansion of hours.
27

28 Others from the community also spoke in favor of the change, noting that, in their view, having
29 some businesses in the village has been a very positive development.
30

31 There being no one else wishing to speak, Chairman Colburn closed the public hearing and the
32 board moved forward with deliberations. The board made the following finds:
33

34 Testimony from abutters was favorable to the change.

35 Except for the specific hours of operation, the previous application approved for case 14-02
36 remains unchanged.
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38 Moynihan moved that the requested hours of operation modification be approved. The motion
39 was seconded and voted in the affirmative.
40

41 The meeting adjourned at 7:30pm.
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43 Submitted
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45
46 Stephen Halleran

Richard Colburn
ZBA Chairman