1	MINUTES OF	THE ZONING BOARD OF	ADJUSTMENT
2		May 14 th 2018	
3		MERIDEN TOWN HALL	
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6 7	Zoning Board Members Present:	Dishard Callyon, Chairman	Tad Marmihan
8	Members Present:	Richard Colburn, Chairman Peter Martin	Ted Moynihan Brad Atwater
9		Bill McGonigle	Blad Atwalci
10		2m we comple	
11	The meeting opened at 7pm. The	ese being the first meeting since	October, the October 10th
12	minutes were approved as amen	ded.	
13			
14	Case 18-01 Henry Rupperstbe		
15	At 7:15pm at the Meriden Town		
16 17	posted notice and asking the app explained that he hoping to rem	•	• 11
18	1 0		garage is to be replaced with a
19	new detached barn to include	•	
20	application needs both a setback encroachment special exception (#33) and an ADU		
21	special exception (#37). The property is 1.71 acres and includes a single family residence.		
22	The setback encroachment is 8'. Up to a 15' encroachment into the setback is allowed by		
23	SE. The property has public water and a new slightly oversized septic system. In		
24	addition, he has determined that a properly sized septic system could be installed on the		
25	site to serve both the house ar		
26			
27	Board members found the app	olication to be complete and a	sked for any public comment.
28	There was none, the public hearing was closed. After some deliberation and review of		
29	the zoning ordinance the follo	owing motion was made, seco	nded and adopted.
30			
31	Resolved: In reviewing this ag	pplication the ZBA makes the	e following findings:
32	ADU portion		
33	1) The owner is the permanent		
34	, 1 1	800 sq feet spread over two fl	loors; the main house is 1,632
35	sq feet in size.		
36	3) The 1.7 acre property is loc	_	
37		-	all requirements found in the
38	town's ADU ordinance, section		
39	, ,	1 1 0	and is oversized for the house.
40	5) A licensed system designer	r has represented that a replac	ement system including the
41	ADU on the site is possible.	na ganaral narfarmanaa ataa da	ands for all special avacantions
42	6) The application satisfied thas outlined in section 5.6 II	ie generai periormance standa	irus for all special exceptions
43		nit is adequate and is propose	d so that front out aviting of
44	7) Parking for the proposed u	nit is adequate and is propose	

the driveway is possible. Currently vehicles back into Daniels Road.

Setback Encroachment portion

- 1) Daniels Road has been represented as a two rod road and the town's Road Agent has
 reviewed the application and does not object to it.
- 4 2) As proposed the 8' setback encroachment into the 30' setback is within the 50% relief allowed under the ordinance.

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Given the above the application is approved subject to the following conditions:

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1) Prior to occupancy, the required documentation certifying permanent residency must be recorded at the Registry of Deeds (see ADU ordinance criteria #1)

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2) Prior to occupancy, the project must obtain a certificate of occupancy from the town's building inspector.

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Case 18-02 John Tomlinson: A request to establish a cottage business at #177 Ladieu Road, special exception #34 and or any other applicable section of the Plainfield zoning ordinance. The property consists of 56 acres and is zoned RR and RCII. The proposed business is the storage/rental of portable toilets. On site activities will include office functions, storage and general maintenance of unrented units. After a brief procedural discussion where the board determined that the application could at least move forward as a cottage business proposal, Chairman Colburn read the posted notice and turned to the applicant to present the materials. John Tomlinson explained that he has an interest in becoming involved in a service business and feels that the rental of portable toilets, which is done almost entirely off site, is reasonable for his property. The stored toilets are out of view and he is very sensitive to the impact this project might have on the Brozen family and pledged to do all that he could to minimize the impact. John explained that a ³/₄ ton truck with a tank and washer capable of holding two toilets as well as trailer that could hold eight units are the main equipment. The truck is licensed to contain and haul the waster to a waste water facility. Units are transported empty. Units brought back to the Ladieu property receive an interior cabin wash and exterior wash that requires about 2 gallons of water, some dawn dish detergent and about a ¼ cup of bleach. The waste compartment is cleaned at the rental site as part of the pumping out process. John hopes to start with 33 units and if he reached 100 units he would move the business off site. He stated that the business would end at that site prior to his ever selling the home, in this way the business could not be continued without another hearing. He hopes to be at this site no longer than 3-5 years. In that time period he will learn whether the venture can be successful or not. John again stressed that he intends that this use not be a bother to his neighbors and that he will work very hard to address any unforeseen concerns that come up. Initially he plans to do the work; up to four employees are requested in the application. John estimates that a maximum of two trips in and out per day would be necessary at the 100 unit level.

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Chairman Colburn asked for abutter comments first. Andrea Brown/Brozen offered that while they have concerns about the use, the family does not wish to oppose the project and respects the applicant's rights to use his property. The two homes share a driveway so every trip in and out is right past their home. John Houde concurred with this

statement noting that he has discussed the details of the project with John Tomlinson and based on that conversation the Houdes are not opposed to the use, but they too have concerns particularly about noise and odor. When asked if he owned abutting property to the project, Steve Halleran noted that he does and had no objections. He also noted that in his role as Town Zoning Administrator he has no vote on whether the application is approved. He serves as a clerk for the Zoning Board and is required to enforce any decision that comes from the board. Later in the meeting a letter from abutter Melvin Miller was read. Mr. Miller is opposed to the application on grounds of the residential nature of the neighborhood. He expressed concern about property values being reduced. The comments were opened to the general public. The following spoke in opposition to the proposal, Gretchen Cherington, Michael O'Leary, James Bonney, Scott Jaynes, Margaret Gibson, Virginia Beggs and Thomas Kardel. A letter from Steve Surgenor was also brought to the board's attention and is part of the permanent file. Most of the verbal and written concerns expressed had to do with the character of the neighborhood and concerns about increased traffic on the roadway. Everyone agreed that the applicant was responsible and would likely be very responsive to concerns, but in general they did not feel the use was appropriate for any residential neighborhood but in particular one on a gravel road. For those that live on Colby Hill and Columbus Jordan Road John Tomlison noted that he has no plans to take the units out via Colby Hill and the covered bridge. In the event of road work on Ladieu or something like that it could happen, but not on a regular basis. The public comment period was closed and the Board determined that given the hour, (9:35pm) the meeting would be recessed until Thursday May 24th at 7pm here at the Meriden Town Hall. Halleran was asked to check with the NHDES on the regulations for cleaning the units and to speak with other rental companies on their practices. The meeting was recessed at 9:55pm. Stephen Halleran Richard Colburn

MINUTES OF THE ZONING BOARD OF ADJUSTMENT May 24th 2018 MERIDEN TOWN HALL

Zoning Board

Members Present: Richard Colburn, Chairman Ted Moynihan Peter Martin Brad Atwater

9 Bill McGonigle

The meeting opened at 6:45pm with a noticed site visit to #177 Ladieu Road, the John Tomlinson residence, to view the proposed location for the portable toilet rental business. See May 14th minutes. In addition to the ZBA and applicant, Andrea Brown, Jennifer Houde, Cretchen Cherington, Michael O'Leary, Per Frost and Helle Frost attended the visit. John Tomlinson took the group up the lawn area that will be converted to an access road into a small clearing about 200' south west of his home where an area had been marked out to show the planned storage area for the unrented toilets. The Tomlinson property consists of 55 acres of mostly wooded land. The storage area, as proposed, is more than 1,000' from the public road and not visible. A hose will be run above the ground from an existing outbuilding for the washing of the exterior and cabins of the units with Dawn detergent and household bleach. No outside lights are planned and no development for the storage yard other than perhaps one or two carport type structures and the driveway stone. The closest property line would be the Houdes about 150' away. The two closest abutting homes would be Houde about 1,000' to the south and the Brozens also about a 1,000' away in an easterly direction.

The site visit ended at 7:00pm the board moved to the Meriden Town Hall.

Continuation of Case 18-02 John Tomlinson cottage business concerned with the rental of portable toilets: Chairman Colburn reopened the case. Michael O'Leary, Gretchen Cherington, Per and Helle Frost attended this session along with applicant John Tomlinson. The Frosts noted that they had not attended the first meeting, but are concerned about this possible use and would like to offer testimony. Board members discussed the appropriateness of reopening the public hearing. The Frosts are not direct abutters. On a 5-0 vote the board agreed to reopen the public hearing, asking that only new testimony be offered. Per Frost thanked the Board and noted that he opposed the application on the grounds that the proposed business is not in keeping with the character of the neighborhood and if allowed will have detrimental effect on property values. Had the Frosts been aware that such a use was even possible they would not have purchased their home.

Micheal O'Leary warned the Board that, if approved, an appeal by the neighborhood would be seriously considered.

The public hearing was closed and the Board continued its deliberations. Halleran reported back on his research noting that other toilet rental companies report very similar operational details as the applicant has described. Odor is not an issue, but noise from loading and unloading units can be an issue. As presented by the applicant, the NHDES does not have a specific regulatory role in the storage yard; it does generally regulate all surface water/drainage issues for the state and does heavily regulate the operational details of the business such as pumping and transporting of the waste.

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2	Board members began their review of the proposed use as it fits the various applicable
3	section of the zoning ordinance. The appropriateness of the use in the neighborhood was
4	a focal point of the discussion and whether or not the use could be done in a way did not
5	adversely impact abutters. All agreed that the site was large and that the activity on the
6	55 acres was confined to a relatively small area away from neighbors. The traffic from
7	the business, a maximum of two trips in and out each day, was not unlike much of the
8	traffic on the road that is generated from lawn care contractors who use similarly sized
9	vehicles and trailers when on the public road serving homes in the neighborhood.
10	Members Moynihan and Martin did express concern that the use was not like any other in
11	the neighborhood and therefore was out of character and scale with its surroundings.
12	Others noted that the cottage business was the one method for most property owners in
13	town to operate a business from their home. The town has a long history of approving
14	small auto repair shops, site contractor yards and landscaping business on or adjacent to
15	applicants home parcels as long as there were not significant adverse impacts to abutters.

In an attempt to move the discussion forward member Moynihan moved to deny the application. The motion was seconded by Peter Martin. Halleran noted that he serves as the clerk for the board he does own abutting property to the Tomlinson and therefore will not participate in the writing of any decision for the case. The Zoning Board agreed with this, member Brad Atwater will write the decision.

A vote on Moynihan's motion followed. The motion to deny was lost on a vote of 3 to 2 (McGonigle, Atwater, and Colburn voted no on the denial, Martin and Moynihan voted yes on the denial).

The board then spent the remainder of the session crafting a decision to approve the application with conditions. That motion was approved on a vote of 3 to 2 (McGonigle, Atwater and Coburn in favor, Martin and Moynihan opposed. See draft decision, attached.

Stephen Halleran/Brad Atwater

Richard Colburn

1 2 MINUTES OF THE ZONING BOARD OF ADJUSTMENT 3 June 11th 2018 4 5 MERIDEN TOWN HALL 6 7 **Zoning Board** 8 Members Present: 9 Ted Moynihan Richard Colburn, Chairman **Brad Atwater** 10 Peter Martin Bill McGonigle 11 12 13 The meeting opened at 7:00pm 14 15 16

The minutes of May 24th were approved as amended. Later in the meeting the May 14th minutes were further amended to clarify that the applicant in case 18-02 offered to end his proposed business prior to any future sale of the residence.

Case 2018-03: David and Lori Moore: Chairman Colburn opened the public hearing. The applicant explained that a special exception is requested to construct accessory structures to support their existing seasonal camp (228-03) that is located at in the Conservation Zone accessed. Specifically a 20'x20' storage barn with a 10'x20' attached lean to and an 8'x10' shed are proposed. The camp has existed on the property since 1982. Structures built in the Conservation zone require a special exception. The property is accessed from Slack Road, a discontinued highway. Member McGonigle felt that the hearing was unnecessary that the applicant should simply be able to obtain a building permit for accessory structures that support existing seasonal structures in the zone. After a full discussion the board decided to move forward with the hearing. No abutters or members of the public were in attendance to testify. The public hearing was closed. Zoning Administrator Halleran noted that the town's only concern with the application is insuring that the owner understands that as this is not available for a full time residential use. The applicants noted they were aware of the limitation at the time of purchase. Based on its deliberations the Zoning Board made the following findings:

- 1) The 55 acre parcel is of a conforming size for the Conservation Zone (25 acre minimum).
- 2) The camp has existed on the site for more than 25 years.
- 3) The proposed structures are each smaller in size than the 800ft maximum size outlined in the zoning ordinance
- 4) As presented the application meets the requirements of section 5.6 of the zoning ordinance.

A motion to approve the application was made, seconded and subsequently voted in the affirmative. Prior to releasing the decision and issuing a building permit for the project the file will be supplemented with an improved map that more clearly depicts the proposed location for the two new structures. This will help with the evaluation of future applications for the property.

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- 1 Case 2018-04: Kimball Union Academy: Chairman Colburn opened the public hearing.
- 2 Hunter Ulf representing KUA explained the request for a setback encroachment to allow
- a new faculty housing residence to be located 9' into the required setback for Main Street.
- 4 The reason for the application is that it will allow the buildings on Main Street to remain
- 5 roughly in line with one and another. The new home is planned for just below Huse
- 6 House located at #45 Main Street and will utilize the existing driveway/parking for Huse.
- 7 The school plans to bring a lot merger to the Planning Board later this month. Merging
- 8 the lot into the main campus will clarify the zoning status of the property and is
- 9 consistent with what was done two years ago when the 1812 house was converted to a
- dormitory. Hearing no objection from his board, Chairman Colburn opened the public
- hearing. Abutter Lori Estey explained that she did not oppose the project, but continues to
- be concerned that further development on Main Street will adversely effect the existing
- drainage near her home. Hunter Ulf explained that no disturbance is planned for the
- existing drainage swale. The school has, on multiple occasions, notified the state that the
- culvert under Main Street is plugged. To date the state has been unwilling to address the
- issue. Hunter added that if necessary the house can be built in conformance with the set
- back the school would prefer to have the buildings in the same line. Lori Estey noted that
 - she does not object to the setback encroachment. The public hearing was closed and the
- she does not object to the setback encroachment. The public hear board began its deliberation making the following findings:
 - 1) The proposed setback does not create a traffic hazard, parking and access will be from existing sites.
 - 2) The proposal meets the requirements for a setback encroachment found in section 3.11 and the requirements for a special exception found in section 5.6 of the Zoning Ordinance.

A motion to approve the special exception, subject to the completion of the described lot merger, allowing for a 9' encroachment into the required 30' setback was made, seconded and voted in the affirmative.

Other business: Reacting to the discussions that have occurred at the last couple of Zoning Board meetings the board felt that a joint session with the Planning Board to discuss possible changes to the zoning ordinance would be valuable.

The meeting adjourned at 8:55pm.

Stephen Halleran

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Richard Colburn

1 2 3 4 5	MINUTES O	F THE ZONING BOARD OF A July 9 th 2018 MERIDEN TOWN HALL	ADJUSTMENT
6 7 8 9	Zoning Board Members Present:	Richard Colburn, Chairman Peter Martin	Bill McGonigle Brad Atwater
10 11 12 13	The meeting opened at 7:00pm		
14 15	The May 24 th minutes were a	approved as amended.	
16 17 18	As requested last meeting, H will become part of their file	alleran showed the board a ma for case 18-03.	p created by the Moores that
19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35	Chairman Colburn reviewed hearing but rather an opportusecond hearing of the case is new information, not previous the case or two did the board Colburn reviewed the appeal whether or not the decision of time. The Board discussed a Barry Schuster as well as a pattached. Both attorneys point to the same issue, that I case, the owner has made an the site past his ownership. The town cannot compel him ownership.	The board concluded that the o to do so. Their review of the p	This meeting is not a public to request and determine if a look for two issues: One, if the total transfer that could impact needs correcting. Chairman that the issue raised is the or to a specific length of the arm had with Town Counsel treatise on NH Zoning. Copy land not the owner. In this asiness will not be continued at tweet can make that offer, but project has to be blind to
36 37 38		procedure in the case which in mining that there were in, their	1
39 40 41	•	for a rehearing was made by lin the affirmative 3 to 0, Chair	<u>•</u>
42 43 44 45 46 47	parties Chairman Colburn all Tomlinson restated his intent neighborhood and to move the	owed all those that wished, to ions to make this business nea ne business off site as quickly a to give up the approved busin	rly invisible to his as financially possible. He also

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2	Abutters Jennifer Houde, Reed Brozen and Andrea Brown expressed frustration with the
3	zoning process, noting that at times it was not clear in their mind the difference between
4	abutters and neighbors. Being direct abutters has put them in a difficult position in their
5	neighborhood, they do not wish to be at odds with either the applicant or their friends in
6	the neighborhood. It has been a difficult and decisive time for them all. All in
7	attendance agreed that the special exception process is not perfect and procedures can
8	always been improved upon. Direct abutters are treated differently under zoning law;
9	each receives a certified notice of the case and by their proximity to any application their
10	input is highly valued.
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12	The Zoning Board will be holding some meetings with the Planning Board later this
13	summer to discuss the zoning ordinance and possible changes. All were encouraged to
14	participate in those discussions.
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16	The meeting adjourned at 8:10pm.
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19	Stephen Halleran Richard Coburn
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MINUTES OF THE ZONING BOARD OF ADJUSTMENT **August 13th 2018** MERIDEN TOWN HALL **Zoning Board** Members Present: Richard Colburn, Chairman Bill McGonigle Peter Martin **Brad Atwater** The meeting opened at 7:00pm The July 9th minutes were approved as amended. Case 2018-05 Christopher Laundry: Chairman Colburn opened the hearing by reading

the posted notice. The application is for a special exception request, #35 Approved Business Project to add the operation of a small trucking company to the property located at #142 Route 12A. Currently, the 9.1 acre property has three apartments located in the existing residence and a small horse boarding operation. As part of the trucking company use, a separate entrance onto Route 12A is proposed and has been approved by the NHDOT. The applicant explained that he hopes to buy the property, retain the three existing apartments, convert the existing horse operation to a small scale cattle operation, and house up to seven (7) trucks on the property. His primary business is contract paving work; he hauls hot mix for Pike Industries. In the winter months, two over the road trucks leave NH and are based out of South Carolina. The vehicles that support the paving operation do not operate during the winter months. Currently, the business is being run out of his #255 Old County Road property. The Zoning Board determined that the application was sufficient to move forward. The public hearing was opened, no abutters or public in attendance. The hearing was closed and the board moved to its deliberations.

Findings:

- 1) The #142 Route 12A property (204/10) is 9.1 acres in size and is located in the Rural Residential Zone which has a minimum lot size of 3.5 acres.
- 2) The property is also located partially in the Connecticut River Shoreland Conservation Protection District (S).
- 3) The three apartments have existed for years and at times when the agricultural use on the property was much more intensive than it is now.
- 4) The application has provided basic information about the utilities serving the property and has had a building inspection conducted which revealed some necessary work to bring the apartments into compliance with the state's life safety codes.
- 5) The proposed use, with the new access drive will approach the 20% maximum impervious surface lot coverage allowed by the Zoning Ordinance.
- 6) The trucking use is done primarily offsite, the property mainly serves as a base of operations and a facility to store and maintain the vehicles.

A motion to approve the combination of three apartments, small scale agriculture and a 1 small trucking company yard was made seconded and voted in the affirmative on a 4 to 0 2 vote. The approval is subject to the following conditions: 3 4 1) Under this decision the trucking yard can store up to a maximum of ten trucking 5 units. A truck is considered one unit, a trailer is also considered one unit. 6 2) The apartments must satisfy the town's building inspector for life safety code 7 compliance. 8 3) The project must receive site plan review approval to include confirmation that 9 the lot coverage, with the new access driveway, does not exceed twenty percent. 10 4) All development on the property must be done in conformation with the adopted 11 Connecticut River Shoreland Conservation Protection District. 12 5) The application materials and representations made at the public hearing become 13 part of this approval. 14 15 Other Business: The Board spent the remainder of the meeting discussing the town's 16 zoning ordinance in anticipation of a joint meeting with the Planning Board next Monday 17 where the town's zoning ordinance will be the focus. Workforce housing and options of 18 business uses are expected to be the main topics. 19 20 The meeting adjourned at 9:30pm 21 22 23 24

Richard Coburn

Stephen Halleran

1 2		y August 20th 2018 ing Board Joint Meeti	ing
3		Town Hall	· - 8
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5	Planning Board Members Present:	Jane Stephenson, Chair	Elise Angelillo
6	-	Mike Sutherland	Jeff Allbright
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8		D' 1 10 11 01 '	D 14.
9	Zoning Board Members Present	Richard Colburn, Chair	r Brad Atwater
10 11		Peter Martin	
12	Public Present:	Per Frost	Michael O'Leary
13	Tuble Tresent.	Gretchen Cherington	Andre Brown
14		Gretenen enermgeen	Tindre Brown
15	The meeting opened at 7:00pm		
16			
17	This workshop meeting was a way for the Plant		
18	town's zoning ordinance and based on their exp	periences discuss possible	e changes going forward.
19			D 1
20	Public Comment: Members of the public essential training and the second secon		
21 22	tightening up the opportunities to operate busin group felt that many businesses that would curr	¥ •	
23	might not be compatible with residences and w	• • • • • • • • • • • • • • • • • • • •	
24	ordinance has no commercial zoning district. S	•	•
25	special exception process. The town's zoning of	•	
26	decide what is appropriate and what is not in a		
27	should have the right to use and enjoy their pro		
28	others.		
29			
30	The two boards spent the rest of the meeting dis		
31 32	experience with the zoning ordinance. General balancing the natural tension between the rights		
33	Board instructed Zoning Administrator Hallera	•	•
34	meeting with an emphasis on improving the lan		-
35	and perhaps improving the definition of a Cotta		or and zoning oraniano
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38	The meeting adjourned at 9:00pm		
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42 43	Stephen Halleran		Jane Stephenson
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45			Richard Colburn
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1 MINUTES OF THE ZONING BOARD OF ADJUSTMENT 2 October 9th 2018 3 MERIDEN TOWN HALL 4 5 **Zoning Board** 6 7 Members Present: Richard Colburn, Chairman Peter Martin **Brad Atwater** 8 9 10 The meeting opened at 7:00pm 11 12 The August 13th and August 20th minutes were approved as amended. 13 14 Case 2018-06 Landmark Property Maintenance: Chairman Richard Colburn opened 15 16 the case by reviewing the posting. The request is for an Approved Business special exception. Applicants George-Ann and Dana Whitney provided the following 17 information: Landmark Property Maintenance is currently operated out of combination of 18 a 1.5 acre parcel in Hartford Vt and the owner's Meriden Road residence in Lebanon 19 NH. Their goal is to consolidate operations onto the #361 Route 12A property (map 218 20 lot 11) which is 20 acres in size. The applicant is aware of the Brownfield status of a 21 22 portion of the property which is encumbered by a use restriction established by the NH Department of Environmental Services back in 2010 when the site was cleaned up. As is 23 customary with their type of work the site will be used as a storage yard for company 24 25 assets, vehicles, heavy equipment, tools and will serve as their operational base going forward. The company currently has moving and landscape crews, performs some light 26 earth excavation and site work and has several dump trucks that are leased to Pike 27 28 Industries for pavement hauling. The company also does commercial plowing, salting and sanding. At this time the company employs 9 people and operates with 6 dumptrucks, 29 3 excavators, small loaders and various pick-up trucks and mowing trailers. The owners 30 would like to add up to six more employees and three more dumptrucks. Development 31 plans for the site include a cleaning up the front of the property, as allowed by NHDES, 32 and reshape the area behind the existing tree line and small stream to accommodate the 33 34 construction of a 40'x60' shop, pole barn and salt storage shed. No bulk storage of fuel is proposed. Other than maintenance, no mechanical work is done on site. Many of the 35 36 details required for site plan review with the Planning Board are not yet known. The applicant has a purchase and sale in place, but has not yet purchased the property. 37 39 There being no abutters or public in attendance the Board began its review of the case. Members expressed some concern that the application lacks details about the 40 41

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development plan. The Board agreed to move forward with the case with the understanding that the Planning Board and NH DES will be involved in the development details of the site. Chairman Colburn noted that for him a key to the development of the site will be to maintain the existing tree line and berm that currently exists and acts as a screen between the front of the lot and the rear. The applicant provided assurances that the site will be developed in such a way as to minimize the visibility from Route 12A and impacts on residential homes in the areas. In performing its review the Zoning Board make the following findings:

- 1) The property is zoned Rural Residential and is 20 acres in size. The minimum sized lot in the zone is 3.5 acres.
- 2) The Zoning Ordinance allows commercial stand alone uses only on property fronting on State Highways.
- 3) The proposed development on the site is setback from the road and is out of the use restricted area.
- 4) The proposed use is very similar to other business uses located throughout the town including a number in more heavily developed residential areas.

A motion to approve the request for an Approved Business Project special exception was made, seconded and voted in the affirmative on a vote of 3-0. The approval was conditioned upon the following:

- 1) Employees allowed under this approval, no more than 15.
- 2) The operation is limited, without needing further review, to a scale of no greater than 12 dump trucks, 6 heavy earth excavation machines and 6 pickup sized trucks.
- 3) Hours of operation to be materially as outlined in the application. Winter maintenance work will necessitate some operations outside of "normal hours."
- 4) Siteplan Review by the Planning Board.
- 5) An approval of the proposed development by the NH Department of Environmental Services.

The Zoning Board will be holding a session next Monday evening (10/15/18) with the Planning Board and Town Counsel Barry Schuster to continue discussions about possible changes to the town's zoning ordinance.

The meeting adjourned at 8:45pm.

32 Submitted,

34 Stephen Halleran

Richard Colburn, Chair

Meriden Town Hall PB Members Present: Jane Stephenson, Chair Mike Sutherland Ryan Boynton Judy Belyea Stephen Halleran, Alt ZBA Members Present: Richard Colburn Brad Atwater Bill McGonigle Peter Martin Barry Schuster Town Counsel The meeting opened at 7:00pm: This meeting was held in follow up to the August 20 th joint meeting. The overall goal is to determine whether or not the Plainfield Zoning Ordinance as currently configured is working as designed. In general the group felt strongly that the Zoning Ordinance has been helpful to the orderly development of Plainfield. The ordinance also gives perspective buyers some idea of what they or their neighbors might be allowed to do with their land in the future. Both the Planning Board and Zoning Board strongly favor private landowner rights. Topics discussed were as follows: Clarifying the general requirements listed in the ordinance for special exceptions. Some seem redundant. Changing the Cottage Business description to make it clear that the types of businesses allowed
PB Members Present: Mike Sutherland Pudy Belyea Stephen Halleran, Alt Peter Martin Barry Schuster Town Counsel This meeting opened at 7:00pm: This meeting was held in follow up to the August 20 th joint meeting. The overall goal is to determine whether or not the Plainfield Zoning Ordinance as currently configured is working as designed. In general the group felt strongly that the Zoning Ordinance has been helpful to the orderly development of Plainfield. The ordinance also gives perspective buyers some idea of what they or their neighbors might be allowed to do with their land in the future. Both the Planning Board and Zoning Board strongly favor private landowner rights. Topics discussed were as follows: Clarifying the general requirements listed in the ordinance for special exceptions. Some seem redundant.
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26 redundant. 27
27
20 Changing the Cottage Dusiness describition to make it clear that the types of businesses anower
are wide ranging and not all related to traditional home occupation uses.
30
A land use review process to the zoning ordinance for large scale agricultural operations.
Currently, like a single family home, agriculture is allowed throughout the town without
33 restrictions.
Is it appropriate to only allow Approved Business Projects on State Highways?
36 37 Does the zoning ordinance have ample opportunity for multifamily residential projects?
38
Relaxing the ground mounted solar permitting requirements for all zones except the VR.
40
41 Attorney Schuster will work on a proposed amendment to the Zoning Ordinance to clarify the
requirements for a special exception. Both Boards will continue to discuss the other more
conceptual issues for possible amendments to the ordinance in future years.
45 The meeting adjourned at 0,000mm
The meeting adjourned at 9:00pm 46
47 Stephen Halleran Jane Stephenson
48
49
50 Richard Colburn

1 MINUTES OF THE ZONING BOARD OF ADJUSTMENT 2 November 13th 2018 3 MERIDEN TOWN HALL 4 5 **Zoning Board** 6 7 Members Present: Richard Colburn, Chairman Peter Martin **Brad Atwater** Scott MacLeav 8 9 Others Present: 10 Amy Franklin David Lillie Patricia Littie Troy Hall 11 12 13 The meeting opened at 7:00pm 14 15 The October 9th and October 15th minutes were approved as amended. 16 17 Case 18-07 Bart Industries, proposed Amendment to Case 2017-10: The applicant is 18 requesting to modify the existing Zoning Board decision which effectively restricts 19 trucking activity to between the hours of 6am and 6pm. The applicant proposes to be 20 allowed to accept one delivery per day outside these hours. The current decision allows 21 22 for one bulk truck delivery per day to the warehouse. 23 Chairman Colburn opened the case by asking the applicant to explain the reasons for the 24 request. Robert Boylan explained that when he applied last year for the new warehouse 25 his experience with the tenant was that their "salty snack" business operated as follows: 26 A tractor trailer sized truck arrives at mid day, leaves the product. The six route drivers 27 are out making deliveries to retail stores. They return mid afternoon load the trucks for 28 the next day and go home. The next morning they arrive at 6am and head out for more 29 deliveries and the routine repeats itself. 30 31 32 Based on comments from abutters and the town Mr. Boylan has become aware that the tenant is not operating this way, the bulk truck arrives at various hours and often these 33 results in the smaller delivery trucks needing to be loaded in the morning, around 5am. 34 35 The tenant is unable to modify this new schedule, therefore Mr. Boylan is asking for some flexibility in the approved hours. 36 37 During the public comment period Mr. Lillie expressed frustration that this type of 38 change would lead to the further commercialization of their neighborhood. The use was 39 found to be reasonable based on a set of assumptions that are no longer valid. He felt 40 41 strongly that the requested hour expansion should not be granted.

Amy Franklin agreed, noting that it was her communication with Mr. Boylan and the

felt she could accept the warehouse as proposed, but this pattern of deviating from the approval and not doing things in a timely manner have made her question the acceptance.

town that forced the issue, the applicant did not come forward on his own. Initially, she

45 46 47

42 43

1	Amy read a letter from Paul Franklin, who is out of town, urging the board not to approve
2	the request. See file.
3	•
4	Troy Hall noted that while some aspects of the warehouse are more impactful to him than
5	he thought they would be, in general the use has been an improvement. He is not
6	interested in preventing the warehouse from operating, but he would be concerned about
7	continued expansion of hours beyond the current request.
8	
9	At the end of the public comment period the Board held a discussion that made it clear
10	that there was little support for the proposed modification. The approved hours were a
11	key part in the compatibility of the use with the neighborhood. Board members felt
12	strongly that any change to hours of operation must be time specific and leave a
13	significant portion of the night free of trucking activity. Plainfield does not have a
14	commercial zone, so all uses must be found to be reasonable in a residential environment.
15	There are five residences located within 1,000' of the warehouse.
16	
17	Mr. Boylan was encouraged to go back to his tenant and find out more details about their
18	schedule and to see if some minor modifications to the 6am to 6pm hours could be
19	acceptable to the tenant and to neighbors. Mr. Boylan stated a willingness to make
20	modifications to the site, less night time lighting, more screening if that would help.
21	The state of the s
22	The Board voted to recess the application until December 10 th at 7pm here at the Meriden
23	Town Hall. Any new information for the board to consider should be delivered to the
24	town office by 4pm on December 3 rd .
25	The
26	The meeting adjourned at 8:30pm
27	
28	Stephen Halleran Richard Colburn
29	Stephen Halleran Richard Colburn
30	

1 2 3 4 5 6	MINUTES C	draft OF THE ZONING BOARD OF PLANNING BOARD December 10th 2018 MERIDEN TOWN HALL	
7			
8 9	Zoning Board Members Present:	Dishard Calbum Chairman	Peter Martin
10	Members Fresent.	Richard Colburn, Chairman Brad Atwater	reter Martin
11		21401141141	
12	Planning Board		
13	Members Present:	Mike Sutherland	Jeff Allbright
14		Judy Belyea	Elise Angelillo
15 16			
17	Others Present:	Amy Franklin	David Lillie
18		Patricia Lillie	Troy Hall
19		Patricia Hall	·
20			
21 22	The meeting enemed at 7:00nm		
23	The meeting opened at 7:00pm	I	
24			
25	Chairman Colburn reopened	case 18-07 a request by BAR	T Industries to modify the
26	hours of operation for the new warehouse at 360 Rte 12A. The applicant is asking to be		
27	allowed to have one bulk delivery to the site per day outside the approved hours of 6am		
28	to 6pm. Attorney Brad Atwo	ood addressed the board. He ha	as recently been hired to
29	represent the applicant and is very interested in learning about the concerns for the		
30	project.		
31			
32		·	ation of the facility outside the
33			e ZBA decision as 6am to 6pm.
34 35	_	by the owner. It is true the facuring the hearings, landscapin	
36		of 2019. Unfortunately, since	_
37		pproved hours. The tenant, a	
38	-	es at 3am and it is true that the	=
39			sked if the tenant had received
40	a copy of their decision from the owner, the answer was no. The lease for the building		
41	does not include any restrict	ed hours of operation.	_
42			
43	•	they are here tonight to have	2
44		te, changes to screening and li	
45		erational hours a possibility. I	
46 47	_	acility was allowed under a ce	ertain set of assumptions and
47 48	now that it is built those assi	umpuons do not seem vand.	

1	Chairman Colburn noted that the requested amendment to the nours would seem to be
2	inadequate since it does not change in anyway the small delivery truck hours and it yet it
3	seems those trucks are routinely being loaded very early in the morning, prior to 6am.
4	
5	Attorney Atwood agreed and on behalf of the applicant withdrew case 18-07. He will
6	take time to meet with his client and neighbors and work on resubmission of a more
7	detailed request to amend the facilities operational approval.
8	
9	Zoning Administrator Steve Halleran noted that to avoid enforcement action by the town
10	the applicant must operate the facility within the approved hours until they are amended.
11	There is a clear record of several months of noncompliance and that can't continue to
12	occur without action by the town.
13	
14	The meeting adjourned at 8:40pm.
15	
16	
17	Stephen Halleran Richard Colburn
18	