



1 **Setback Encroachment portion**

2 1) Daniels Road has been represented as a two rod road and the town’s Road Agent has  
3 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  
5 allowed under the ordinance.

6  
7 Given the above the application is approved subject to the following conditions:

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

11  
12 2) Prior to occupancy, the project must obtain a certificate of occupancy from the town’s  
13 building inspector.

14  
15 **Case 18-02 John Tomlinson:** A request to establish a cottage business at #177 Ladieu  
16 Road, special exception #34 and or any other applicable section of the Plainfield zoning  
17 ordinance. The property consists of 56 acres and is zoned RR and RCII. The proposed  
18 business is the storage/rental of portable toilets. On site activities will include office  
19 functions, storage and general maintenance of unrented units. After a brief procedural  
20 discussion where the board determined that the application could at least move forward  
21 as a cottage business proposal, Chairman Colburn read the posted notice and turned to the  
22 applicant to present the materials. John Tomlinson explained that he has an interest in  
23 becoming involved in a service business and feels that the rental of portable toilets, which  
24 is done almost entirely off site, is reasonable for his property. The stored toilets are out of  
25 view and he is very sensitive to the impact this project might have on the Brozen family  
26 and pledged to do all that he could to minimize the impact. John explained that a ¾ ton  
27 truck with a tank and washer capable of holding two toilets as well as trailer that could  
28 hold eight units are the main equipment. The truck is licensed to contain and haul the  
29 waster to a waste water facility. Units are transported empty. Units brought back to the  
30 Ladieu property receive an interior cabin wash and exterior wash that requires about 2  
31 gallons of water, some dawn dish detergent and about a ¼ cup of bleach. The waste  
32 compartment is cleaned at the rental site as part of the pumping out process. John hopes  
33 to start with 33 units and if he reached 100 units he would move the business off site. He  
34 stated that the business would end at that site prior to his ever selling the home, in this  
35 way the business could not be continued without another hearing. He hopes to be at this  
36 site no longer than 3-5 years. In that time period he will learn whether the venture can be  
37 successful or not. John again stressed that he intends that this use not be a bother to his  
38 neighbors and that he will work very hard to address any unforeseen concerns that come  
39 up. Initially he plans to do the work; up to four employees are requested in the  
40 application. John estimates that a maximum of two trips in and out per day would be  
41 necessary at the 100 unit level.

42  
43 Chairman Colburn asked for abutter comments first. Andrea Brown/Brozen offered that  
44 while they have concerns about the use, the family does not wish to oppose the project  
45 and respects the applicant’s rights to use his property. The two homes share a driveway  
46 so every trip in and out is right past their home. John Houde concurred with this

1 statement noting that he has discussed the details of the project with John Tomlinson and  
2 based on that conversation the Houdes are not opposed to the use, but they too have  
3 concerns particularly about noise and odor.

4  
5 When asked if he owned abutting property to the project, Steve Halleran noted that he  
6 does and had no objections. He also noted that in his role as Town Zoning Administrator  
7 he has no vote on whether the application is approved. He serves as a clerk for the  
8 Zoning Board and is required to enforce any decision that comes from the board.

9  
10 Later in the meeting a letter from abutter Melvin Miller was read. Mr. Miller is opposed  
11 to the application on grounds of the residential nature of the neighborhood. He expressed  
12 concern about property values being reduced.

13  
14 The comments were opened to the general public. The following spoke in opposition to  
15 the proposal, Gretchen Cherington, Michael O’Leary, James Bonney, Scott Jaynes,  
16 Margaret Gibson, Virginia Beggs and Thomas Kardel. A letter from Steve Surgenor was  
17 also brought to the board’s attention and is part of the permanent file. Most of the verbal  
18 and written concerns expressed had to do with the character of the neighborhood and  
19 concerns about increased traffic on the roadway. Everyone agreed that the applicant was  
20 responsible and would likely be very responsive to concerns, but in general they did not  
21 feel the use was appropriate for any residential neighborhood but in particular one on a  
22 gravel road.

23  
24 For those that live on Colby Hill and Columbus Jordan Road John Tomlison noted that he  
25 has no plans to take the units out via Colby Hill and the covered bridge. In the event of  
26 road work on Ladieu or something like that it could happen, but not on a regular basis.

27  
28 The public comment period was closed and the Board determined that given the hour,  
29 (9:35pm) the meeting would be recessed until Thursday May 24<sup>th</sup> at 7pm here at the  
30 Meriden Town Hall.

31  
32 Halleran was asked to check with the NHDES on the regulations for cleaning the units  
33 and to speak with other rental companies on their practices.

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35 The meeting was recessed at 9:55pm.

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38 Stephen Halleran

Richard Colburn

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Board members began their review of the proposed use as it fits the various applicable section of the zoning ordinance. The appropriateness of the use in the neighborhood was a focal point of the discussion and whether or not the use could be done in a way did not adversely impact abutters. All agreed that the site was large and that the activity on the 55 acres was confined to a relatively small area away from neighbors. The traffic from the business, a maximum of two trips in and out each day, was not unlike much of the traffic on the road that is generated from lawn care contractors who use similarly sized vehicles and trailers when on the public road serving homes in the neighborhood.

Members Moynihan and Martin did express concern that the use was not like any other in the neighborhood and therefore was out of character and scale with its surroundings.

Others noted that the cottage business was the one method for most property owners in town to operate a business from their home. The town has a long history of approving small auto repair shops, site contractor yards and landscaping business on or adjacent to 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

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3 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
4 **June 11<sup>th</sup> 2018**  
5 **MERIDEN TOWN HALL**  
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7

8 Zoning Board

9 Members Present:

Richard Colburn, Chairman

Ted Moynihan

Peter Martin

Brad Atwater

Bill McGonigle

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11  
12  
13 The meeting opened at 7:00pm

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

19 **Case 2018-03: David and Lori Moore:** Chairman Colburn opened the public hearing.  
20 The applicant explained that a special exception is requested to construct accessory  
21 structures to support their existing seasonal camp (228-03) that is located at in the  
22 Conservation Zone accessed. Specifically a 20'x20' storage barn with a 10'x20' attached  
23 lean to and an 8'x10' shed are proposed. The camp has existed on the property since  
24 1982. Structures built in the Conservation zone require a special exception. The property  
25 is accessed from Slack Road, a discontinued highway. Member McGonigle felt that the  
26 hearing was unnecessary that the applicant should simply be able to obtain a building  
27 permit for accessory structures that support existing seasonal structures in the zone. After  
28 a full discussion the board decided to move forward with the hearing. No abutters or  
29 members of the public were in attendance to testify. The public hearing was closed.  
30 Zoning Administrator Halleran noted that the town's only concern with the application is  
31 insuring that the owner understands that as this is not available for a full time residential  
32 use. The applicants noted they were aware of the limitation at the time of purchase. Based  
33 on its deliberations the Zoning Board made the following findings:

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

41 A motion to approve the application was made, seconded and subsequently voted in the  
42 affirmative. Prior to releasing the decision and issuing a building permit for the project  
43 the file will be supplemented with an improved map that more clearly depicts the  
44 proposed location for the two new structures. This will help with the evaluation of future  
45 applications for the property.  
46

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  
3 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  
10 dormitory. Hearing no objection from his board, Chairman Colburn opened the public  
11 hearing. Abutter Lori Estey explained that she did not oppose the project, but continues to  
12 be concerned that further development on Main Street will adversely effect the existing  
13 drainage near her home. Hunter Ulf explained that no disturbance is planned for the  
14 existing drainage swale. The school has, on multiple occasions, notified the state that the  
15 culvert under Main Street is plugged. To date the state has been unwilling to address the  
16 issue. Hunter added that if necessary the house can be built in conformance with the set  
17 back the school would prefer to have the buildings in the same line. Lori Estey noted that  
18 she does not object to the setback encroachment. The public hearing was closed and the  
19 board began its deliberation making the following findings:

- 20 1) The proposed setback does not create a traffic hazard, parking and access will be  
21 from existing sites.
- 22 2) The proposal meets the requirements for a setback encroachment found in section  
23 3.11 and the requirements for a special exception found in section 5.6 of the  
24 Zoning Ordinance.

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

28  
29 **Other business:** Reacting to the discussions that have occurred at the last couple of  
30 Zoning Board meetings the board felt that a joint session with the Planning Board to  
31 discuss possible changes to the zoning ordinance would be valuable.

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33 The meeting adjourned at 8:55pm.

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36 Stephen Halleran

Richard Colburn

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2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **July 9<sup>th</sup> 2018**  
4 **MERIDEN TOWN HALL**  
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7 Zoning Board

8 Members Present: Richard Colburn, Chairman Bill McGonigle  
9 Peter Martin Brad Atwater

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11  
12 The meeting opened at 7:00pm

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14 The May 24<sup>th</sup> minutes were approved as amended.  
15

16 As requested last meeting, Halleran showed the board a map created by the Moores that  
17 will become part of their file for case 18-03.  
18

19 **Rehearing request case 18-02 John Tomlinson Cottage Business, #177 Ladieu Road:**

20 Chairman Colburn reviewed the rehearing request process. This meeting is not a public  
21 hearing but rather an opportunity for the board to review the request and determine if a  
22 second hearing of the case is warranted. The board should look for two issues: One, if  
23 new information, not previously available, has been brought forward that could impact  
24 the case or two did the board make a procedural error that needs correcting. Chairman  
25 Colburn reviewed the appeal request (copy attached) noting that the issue raised is  
26 whether or not the decision can be tied to the current owner or to a specific length of  
27 time. The Board discussed a conversation that Chair Colburn had with Town Counsel  
28 Barry Schuster as well as a passage from Peter Loughlin's treatise on NH Zoning. Copy  
29 attached. Both attorneys  
30 point to the same issue, that land use approvals go with the land not the owner. In this  
31 case, the owner has made an offering for the file that the business will not be continued at  
32 the site past his ownership. The board concluded that the owner can make that offer, but  
33 the town cannot compel him to do so. Their review of the project has to be blind to  
34 ownership.  
35

36 The board next reviewed its procedure in the case which included a public hearing, site  
37 visit and two meetings, determining that there were in, their view, no procedural errors.  
38

39 A motion to deny the request for a rehearing was made by Peter Martin, seconded by  
40 Brad Atwater and was voted in the affirmative 3 to 0, Chairman Colburn did not vote.  
41

42 The official business having been conducted, at the request of the applicant and appealing  
43 parties Chairman Colburn allowed all those that wished, to speak. Applicant John  
44 Tomlinson restated his intentions to make this business nearly invisible to his  
45 neighborhood and to move the business off site as quickly as financially possible. He also  
46 noted that his letter in the file to give up the approved business use prior to ever selling  
47 the property is in place and is part of his application.



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Abutters Jennifer Houde, Reed Brozen and Andrea Brown expressed frustration with the zoning process, noting that at times it was not clear in their mind the difference between abutters and neighbors. Being direct abutters has put them in a difficult position in their neighborhood, they do not wish to be at odds with either the applicant or their friends in the neighborhood. It has been a difficult and decisive time for them all. All in attendance agreed that the special exception process is not perfect and procedures can always be improved upon. Direct abutters are treated differently under zoning law; each receives a certified notice of the case and by their proximity to any application their input is highly valued.

The Zoning Board will be holding some meetings with the Planning Board later this summer to discuss the zoning ordinance and possible changes. All were encouraged to participate in those discussions.

The meeting adjourned at 8:10pm.

Stephen Halleran

Richard Coburn



1 A motion to approve the combination of three apartments, small scale agriculture and a  
2 small trucking company yard was made seconded and voted in the affirmative on a 4 to 0  
3 vote. The approval is subject to the following conditions:

- 4
- 5 1) Under this decision the trucking yard can store up to a maximum of ten trucking  
6 units. A truck is considered one unit, a trailer is also considered one unit.
- 7 2) The apartments must satisfy the town's building inspector for life safety code  
8 compliance.
- 9 3) The project must receive site plan review approval to include confirmation that  
10 the lot coverage, with the new access driveway, does not exceed twenty percent.
- 11 4) All development on the property must be done in conformation with the adopted  
12 Connecticut River Shoreland Conservation Protection District.
- 13 5) The application materials and representations made at the public hearing become  
14 part of this approval.
- 15

16 **Other Business:** The Board spent the remainder of the meeting discussing the town's  
17 zoning ordinance in anticipation of a joint meeting with the Planning Board next Monday  
18 where the town's zoning ordinance will be the focus. Workforce housing and options of  
19 business uses are expected to be the main topics.

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21 The meeting adjourned at 9:30pm

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25 Stephen Halleran

Richard Coburn

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**Meeting Monday August 20th 2018**  
**Planning Board/Zoning Board Joint Meeting**  
**Meriden Town Hall**

Planning Board Members Present: Jane Stephenson, Chair Elise Angelillo  
Mike Sutherland Jeff Allbright

Zoning Board Members Present Richard Colburn, Chair Brad Atwater  
Peter Martin

Public Present: Per Frost Michael O'Leary  
Gretchen Cherington Andre Brown

The meeting opened at 7:00pm

This workshop meeting was a way for the Planning Board and Zoning Board to discuss the town's zoning ordinance and based on their experiences discuss possible changes going forward.

**Public Comment:** Members of the public essentially asked the Zoning Board to consider tightening up the opportunities to operate businesses with employees in residential areas. The group felt that many businesses that would currently qualify for a Cottage Business Approval might not be compatible with residences and would in fact change the character. Plainfield zoning ordinance has no commercial zoning district. So, all significant business uses go through the special exception process. The town's zoning ordinance give the Zoning Board wide latitude to decide what is appropriate and what is not in a given location. All agreed that private landowners should have the right to use and enjoy their property, just not to the unreasonable detriment of others.

The two boards spent the rest of the meeting discussing the comments received and their own experience with the zoning ordinance. Generally, the boards felt that the ordinance works well at balancing the natural tension between the rights of abutters and rights of private landowners. The Board instructed Zoning Administrator Halleran to contact town attorney about a follow up meeting with an emphasis on improving the language under section 5.6 of the zoning ordinance and perhaps improving the definition of a Cottage Business.

The meeting adjourned at 9:00pm

Stephen Halleran

Jane Stephenson

Richard Colburn



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- 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.

Submitted,

Stephen Halleran

Richard Colburn, Chair

1 **PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**  
2 **Meeting Monday October 15th 2018**  
3 **Meriden Town Hall**

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5 PB Members Present: Jane Stephenson, Chair Jeff Allbright  
6 Mike Sutherland Ryan Boynton  
7 Judy Belyea Stephen Halleran, Alt

8  
9 ZBA Members Present: Richard Colburn Brad Atwater  
10 Bill McGonigle Peter Martin

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12 Barry Schuster Town Counsel

13  
14 The meeting opened at 7:00pm:

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16 This meeting was held in follow up to the August 20<sup>th</sup> joint meeting. The overall goal is to  
17 determine whether or not the Plainfield Zoning Ordinance as currently configured is working as  
18 designed. In general the group felt strongly that the Zoning Ordinance has been helpful to the  
19 orderly development of Plainfield. The ordinance also gives perspective buyers some idea of  
20 what they or their neighbors might be allowed to do with their land in the future. Both the  
21 Planning Board and Zoning Board strongly favor private landowner rights.

22  
23 **Topics discussed were as follows:**

24  
25 Clarifying the general requirements listed in the ordinance for special exceptions. Some seem  
26 redundant.

27  
28 Changing the Cottage Business description to make it clear that the types of businesses allowed  
29 are wide ranging and not all related to traditional home occupation uses.

30  
31 A land use review process to the zoning ordinance for large scale agricultural operations.  
32 Currently, like a single family home, agriculture is allowed throughout the town without  
33 restrictions.

34  
35 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  
39 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  
42 requirements for a special exception. Both Boards will continue to discuss the other more  
43 conceptual issues for possible amendments to the ordinance in future years.

44  
45 The meeting adjourned at 9:00pm

46  
47 Stephen Halleran

Jane Stephenson

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49  
50 Richard Colburn





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  
22 The Board voted to recess the application until December 10<sup>th</sup> 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<sup>rd</sup>.

25  
26 The meeting adjourned at 8:30pm

27  
28  
29 Stephen Halleran

Richard Colburn

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1 **draft**  
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **PLANNING BOARD**  
4 **December 10th 2018**  
5 **MERIDEN TOWN HALL**  
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8 Zoning Board

9 Members Present: Richard Colburn, Chairman Peter Martin  
10 Brad Atwater

11  
12 Planning Board

13 Members Present: Mike Sutherland Jeff Allbright  
14 Judy Belyea Elise Angelillo

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16  
17 Others Present:

Amy Franklin David Lillie  
18 Patricia Lillie Troy Hall  
19 Patricia Hall  
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21  
22 The meeting opened at 7:00pm  
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25 Chairman Colburn reopened case 18-07 a request by BART 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 Atwood addressed the board. He has recently been hired to  
29 represent the applicant and is very interested in learning about the concerns for the  
30 project.  
31

32 Those in attendance were again clear that the issue is operation of the facility outside the  
33 approved hours of operation which were established in the ZBA decision as 6am to 6pm.  
34 These hours were agreed to by the owner. It is true the facility has been largely  
35 constructed as represented during the hearings, landscaping has not occurred but is now  
36 to be completed by June 1<sup>st</sup> of 2019. Unfortunately, since opening the use has  
37 consistently exceeding the approved hours. The tenant, a salty snack distributor, noted  
38 that his first employee arrives at 3am and it is true that the time that the large bulk  
39 delivery arrives varies on a daily basis. Board members asked 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 restricted hours of operation.  
42

43 Attorney Atwood noted that they are here tonight to have a constructive dialogue about  
44 what could be done to the site, changes to screening and lighting, operations that would  
45 make some expansion of operational hours a possibility. Frustrations from neighbors  
46 again surfaced because the facility was allowed under a certain set of assumptions and  
47 now that it is built those assumptions do not seem valid.  
48

1 Chairman Colburn noted that the requested amendment to the hours 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