1 2	MINUTES OF THE ZONING BOARD OF ADJUSTMENT February 11 <sup>th</sup> 2019		
3		MERIDEN TOWN HALL	
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5 6			
7	Zoning Board		
8	Members Present:	Richard Colburn, Chairman	Peter Martin
9		Brad Atwater	Bill McGonigle
10		Scott MacLeay, Alt	C
11	Planning Board	-	
12	Members Present:	Mike Sutherland	Ryan Boynton
13		Judy Belyea	Steve Halleran, Alt
14			
15			
16	Others Present:	Amy Franklin	David Lillie
17		Patricia Lillie	Troy Hall
18		Patricia Hall	Paul Franklin
19 20		Nancy Franklin	
20 21			
21	The meeting opened at 7:00pm		
22	The meeting opened at 7.00pm		
23	Chairman Colburn opened c	ase 19-01 a request by BART	Industries to modify the hours
25	Chairman Colburn opened case 19-01 a request by BART Industries to modify the hours of operation for the new warehouse at 360 Rte 12A. The Planning Board was also in		
26	attendance this evening to address any planned changes to their approved site plan for the		
20 27	project.	dicess any planned changes to	then approved site plan for the
28	project.		
28 29	Attorney Brad Atwood repre	evented the applicant Mr Atu	and explained that the new
29 30	Attorney Brad Atwood represented the applicant. Mr. Atwood explained that the new		
31	request is for six days per week, Monday through Saturday 4am to 4pm for the delivery trucks with bulk truck deliveries between the hours of 4am to 9pm Sunday through		
32	Friday.	Thes between the hours of 4am	to spin Sunday unough
32 33	Thuay.		
33 34	Attorney Atwood explained	that changes to the site that ha	ve been made to minimize
35	these proposed new hours ar	0	ve been made to minimize
36	these proposed new nours at	e as follows.	
30 37	Most outside lights are now	on motion consitive switches:	the dumpsters have been
38	Most outside lights are now on motion sensitive switches; the dumpsters have been relevanted for a residential		
38 39	relocated away from any property line and have been designated for a residential collection route, not a commercial one. Enhanced vegetative screening is planned and		
39 40		<b>U</b>	0 1
	will include a 2' berm along the Franklin property line with trees to be planted on the top. Employee parking along the Franklin property line has been moved to the interior of the		
41 42	lot.	rankin property file has bee	in moved to the interior of the
42 43	101.		
43 44	The owner is proposing to re	educe the number of delivery tr	ucks allowed from 10 to 8
44 45	The owner is proposing to re	duce the number of derivery th	
+J			

## 1 **Public Comment:**

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Amy Franklin discussed some work she did graphing the delivery times to the site as provided by the applicant. A significant number of them occur outside of the approved hours and even outside the now proposed hours. Amy acknowledged the reduction in outside lighting and relocation of the dumpster as two things that have helped mitigate the effects of the business use to her property.

8

9 David and Patricia Lillie: Expressed concern about the activity at the site, noting that
10 the Zoning Board might have reached a different conclusion if the current hours had been
11 revealed when the application was originally made.

12

Owner Robert Boylan apologized to those in attendance, indicating that he was unaware of the changes to the delivery schedules when he obtained his initial approvals and built the facility. He and his business partner continue to believe that they can operate the warehouse in a manner that does not harm neighbors.

17

Paul Franklin: Noted that while the board is rightfully trying to work with the applicant to find middle ground, at the end of the day their job is to judge the appropriateness of the use at that site in that neighborhood. In his view, the neighborhood is residential and agricultural.

22

**Troy and Patricia Hall:** Neither has any problem with the use as currently configured.

24 What does concern them is the uncertainty of what the use might become. It was

25 represented in one manner and has been developed in a different manner. What they

- would like is certainty going forward as to the size and scale of the use.
- 27

Board members began their deliberations. It became clear that the board did not feel that 28 29 the proposed hours of operation were a useful way of bounding the operation. Regardless of what hours are set, deviation from those hours seems likely. Evaluating the use as a 24 30 hour per day, seven day a week, low intensity operation seemed a more reasonable 31 approach. The issue then being does the relatively low intensity of use offset the fact that 32 the site might have some traffic any day of the week or time of the day. Members noted 33 that state roads are the only places in town where these types of commercial uses are 34 allowed. 35

36

The Frito Lay warehouse manager testified that the site is not able to support more than 8 37 small delivery trucks and no more than 2 bulk deliveries of product per day. That would 38 39 be the maximum that is possible at the site. He reminded the group that most of the activity at the site is early in the day when the trucks leave and later in the afternoon 40 when they return. Many hours of each day there is no activity at the site. He conceded 41 that while often the bulk trucks arrive during the daylight hours, but at times those trucks 42 do arrive late into the night or very early in the morning. The bulk trucking work is all 43 done on a bid process at the regional level. 44

45

At this time Attorney Atwood asked that the Zoning Board consider a recess of this 1 meeting to give the applicant one final opportunity to continue to discuss with abutters 2 about ways to further enhance the site plan for the lot to minimize the impact of the 3 4 activity on site. As the applicant continues to learn more about neighbors concerns they remain confident that solutions exist. 5 6 The Board noted that a decision on this case must come very soon, but given the hour a 7 motion to recess the case until Thursday March 14<sup>th</sup> at 7pm was made, seconded and 8 voted in the affirmative. Any further action required by the Planning Board will be done 9 10 at another time not yet determined. 11 12 13 The meeting adjourned at 9:40pm. 14 15 Stephen Halleran Richard Colburn 16

1	MINUTES O	F THE ZONING BOARD OF	ADJUSTMENT
2	March 14 <sup>th</sup> 2019		
3		MERIDEN TOWN HALL	
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6	Zaning Doord		
7 8	Zoning Board Members Present:	Richard Colburn, Chairman	Peter Martin
8 9	Members Flesent.	Brad Atwater	Bill McGonigle
10		Diad Atwater	Din Medoligie
11	Others Present:	Amy Franklin	David Lillie
12		Patricia Lillie	Paul Franklin
13		Nancy Franklin	Patrick Boylan
14		Brad Atwood, Esq.	
15			
16	The meeting opened at 7:00pm.		
17			
18	The December 10 <sup>th</sup> 2018 and	February 11th 2018 minutes	were approved as amended.
19			
20	Chairman Colburn reopened case 19-01, a request by B-A-R-T Industries to modify its		
21	existing approval to allow fo	r an expansion of approved ho	urs of operation for the
22	facility. See February 11 <sup>th</sup> fo	r background.	
23			
24	Attorney Atwood, representing the owner, reviewed the findings of an RSG report		
25	commissioned by the applicant to study the noise generated by the facility and, where		
26	indicated, to offer mitigation recommendations. See file.		
27			
28	Attorney Atwood pointed ou	t that much of the applicant's a	activity generates sound very
29	much in line with traffic noise from Route 12A. An exception is the bulk delivery truck		
30	when it enters the property, d	locks, and leaves. To mitigate	the noise from these trucks a
31	sound barrier is recommende	d for construction along the F	ranklin line. The applicant is
32	willing to build this barrier.	The applicant has not been suc	cessful in getting the tenant
33	Frito Lay to modify the delive	ery times to the warehouse.	
34			
35	The Board reviewed all the d	etails of the proposal and dete	rmined that the application
36	was sufficient to move forward. Essentially, as the board understands it, this case is		
37	requesting that retail delivery trucks using the property be capped at 8 (6 in use now, 10		
38	allowed by the previous application) and that their hours will be from 4am to 5pm seven		
39	days per week. Bulk deliveries of product arriving on tractor trailers will be limited to no		
40	more than two per day, but n	nay arrive anytime during a 24	hour period six days per week
41		y per day is the most common	
42	arrives between 8am and 6pr	n, but significant variations du	le occur.
43			
44	Chairman Colburn opened th	e hearing to abutters:	

1	
2	Abutters:
3	
4	Paul Franklin questioned the accuracy of the information; the operation has a history of
5	acting outside its representation. He pointed out the building was to be located 70' from
6	their property line, it was built 42' from the line. He further noted that the permitted uses
7	in the zone are primarily daylight operations and that in all cases there is an uninterrupted
8	period of quiet during the normal sleeping hours. The 24 hour nature of this use means
9	that abutters cannot count on a continuous quiet period during any portion of a day.
10	
11	Mr. Franklin went on to say this is not about the abutters, in his view it is about whether
12	this type of use is permitted under our existing zoning ordinance. Chair Colburn
13	responded that such a use would likely be permitted if the applicant can mitigate the
14	noise and lights.
15	
16	Amy Franklin added, that as an abutter, she is fine with activity at the site from early in
17	the morning to into the evening; it's the late night activity, including back up beepers,
18	that are troublesome.
19	
20	David Lillie pointed out that, from the beginning, this use has operated outside of its
21	approved hours and its time for this to stop. Board members reviewed the data provided
22	regarding deliver times to the warehouse. More than 25% of the activity has occurred
23	outside the approved 6am to 6pm hours.
24	
25	Board members reviewed in detail the provided sound study. From it the Board could
26	not, in its judgment, adequately determine that the proposed wall would successfully
27	mitigate the late night noise generated by delivery trucks.
28	At this time, member A twater moved that the application he denied based on the
29 20	At this time, member Atwater moved that the application be denied based on the following:
30 21	lonowing.
31 32	The proposed noise abatement measures have not adequately demonstrated that they
32 33	mitigate the impact of late hour deliveries. In absence of necessary mitigation, the use as
34	proposed is determined to be detrimental to the neighbors expected enjoyment of their
35	property.
36	proporty.
37	The motion was seconded and voted in the affirmative 3 to 0.
38	The motion was been ded and voted in the arminutive 5 to 0.
39	The meeting adjourned at 9:30pm.
40	
41	

42 Stephen Halleran

Richard Colburn

1 2 3	MINUTE	ES OF THE ZONING BOARD OF July 8 <sup>th</sup> 2019 MERIDEN TOWN HALL	-
3 4		MERIDEN IOWN HALL	
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7	Zoning Board		
8	Members Present:	Richard Colburn, Chairman	Peter Martin
9		Brad Atwater	Bill McGonigle
10		Scott MacLeay	
11		<b>D</b> 111 1 DI	
12	Others Present:	David Lersch BI	
13 14			
14	The meeting started at $6.44$	Spm with a site visit to #12 Bean Roa	ad a single family home with
16		sed for conversion to a four resident	
17		se, and three apartments will be esta	· · ·
18	6 ,	l l	L
19	7:00pm		
20			
21	The group moved to the Meriden Town Hall		
22	This being the first meeting	g since March, the March minutes w	ere approved.
23 24	Mambar Datar Martin room	sed himself from case 19-02.	
24 25	Member Feter Martin fecu	sed minsen nom case 19-02.	
26	Case 19-02 Joshua Clor	ud and Megan Tenney: Request	for Special Exception #20
27			
28	Multiple Family Dwelling(s) and any other application section of the Plainfield Zoning Ordinance to convert the existing single family residence and barn located on 3.7 acres at		
29	#12 Bean Road to four (4) dwelling units. Chairman Colburn called the hearing to order:		
30	the applicant explained the proposal in detail. A small section of the barn closest to the		
31		eaving the SFH as a separate unit	
32		will be a single bedroom unit) to	
33		oth water and sewer services see 1	
34		ht are required) and lot coverage	1 0
35		vork within 50' of Great Brook.	
36		has asked the applicant to utilize	•
37		nce with the three unit structure.	e
38		will be completed prior to applyin	11
39	project.		
40	1 0		
41	Finding the application t	o be complete, the public hearing	was opened. No public or
42	abutters were in attendar	nce, the hearing was closed. Next	the Zoning Board started its
43	formal review of the pro-	ject. The board determined that tw	wo special exceptions are
44	needed, one for the mult	i family building, the other for an	Approved Combination of
45	Related uses to combine	a single family house and an apa	rtment building on the same
46	parcel. See section 4.3 H	3 and section 5.6 II.	
47			
48	Given the nature of the n	heighborhood, the past use of the	property as a pottery shop, the

49 size of the lot, and the availability of public water and sewer the Zoning Board quickly

- 1 determined that the proposed use satisfies the applicable sections of the zoning ordinance.
- 2 Any additional buildings or units will be considered a substantive change requiring
- 3 additional town review.
- 4
- 5 The application was approved as presented with no conditions on a vote of 3-0, Chairman 6 Colburn did not vote as there were three other members present.
- 78 The case will now move on to Site Plan Review followed by the building permit process.
- 9
- 10 The meeting was adjourned at 8:15pm.

11

12

14

13 Stephen Halleran

Richard Colburn, Chair

1	MINUTES OF	THE ZONING BOARD OF	ADJUSTMENT	
2	September 23 <sup>rd</sup> 2019			
3	MERIDEN TOWN HALL			
4				
5 6				
7	Zoning Board			
8	0	Richard Colburn, Chairman	Peter Martin	
9		Brad Atwater	Bill McGonigle	
10	:	Scott MacLeay	-	
11				
12	Others present as listed on sign	n up sheet:		
13	Pat Lillie Princess	5	ll Hathoot	
14	Zane Robbins Matthew Snyde	-		
15	Amy Franklin Adam Hubbard	Patrick Boylan Kim	McGrath	
16	David Boylan			
17		the		
18	The meeting opened at 7:00pn	n: The board's July 8 <sup>th</sup> minut	tes were approved as amended.	
19				
20	Case 19-03: BART industries		-	
21	•	· · · ·	s per week and have the ability	
22	to accept up to two tractor trai		pplicant was provided an	
23	opportunity to explain the requ	lested amendments.		
24	Drive to beginning its deliberat	ions on this matter the Zoni	na Decard considered the	
25 26	Prior to beginning its deliberat			
26			he made that in his opinion the	
27 28	case is different enough. Paul Franklin, while not given all the opportunity he requested, falt strongly that this area is not sufficiently different. In 10.01 the Board, through its			
28 29	felt strongly that this case is not sufficiently different. In 19-01 the Board, through its deliberations, determined that the case amounted to a request to operate twenty four hours			
30		-		
31		a day. The appeal was denied, in part, based on the residential nature of the neighborhood that the warehouse is located. Case 19-03 has the warehouse quiet from 10pm to 5am		
32	each day. The ZBA after deliberations determined in its view that the proposed			
33	amendment was sufficiently different in material circumstances from Case 19-01 to			
34	warrant a new hearing.			
35	e			
36	Next, the public was provided	an opportunity to comment	on the proposed amendment.	
37	Paul Franklin noted that he fee			
38	case should not be heard. Amy	Franklin noted that based o	on BART's past track record of	
39	operating the facility outside o			
40	will be adhered to either. Furth			
41	residential area. Paul Franklin	noted that while many agrie	culture uses have extended	
42	hours, they typically have sign	ificant land buffers which m	nitigate impacts on neighbors.	
43	•	1 0	with the town's Master Plan or	
44	the Connecticut River corridor		-	
45	ownership noted that the comp			
46			l (case 17-10) and certainly did	
47	not share the decision details v	vith their tenant. Consequen	tly, the facility has operated	

town, is a family owned business. They have removed that manager and the team here 2 tonight is committed to working with their tenant and the town to bring the facility into 3 4 full compliance with what they hope can be an amended approval. Members of the Frito Lay team (tenant) present reviewed the operational needs of their 5 facilities. Typically, they expect 24 hour per day access, in this case they have 6 determined that the hours as proposed tonight would more likely than not allow them to 7 8 remain in the facility, as 95% of their dispatched trucks are owned by Frito Lay. 9 The public hearing was closed and the Board began its deliberations. A review of hours 10 of operations of other business along the Route 12A and Route 120 corridor found that 11 while there are variations mainly approved hours of ranged from 5am to 8pm, with 6am 12 to 7pm being quite common. Board members furthered noted that all businesses are 13 different and each case is reviewed based on its merits. There are no standard hours of 14 operation, however, an expectation of quiet for an extended period of time each day is 15 customary in residential areas. 16 17 In general the board felt that 10pm is too late and that much of the activity on the site is 18 confined to before 6pm. This being the case Member Peter Martin moved to amend the 19 approved hours of operation in case 17-10 as stated in the attached decision which will 20 allow hours of operations to 5am to 8pm for all business activity seven days per week. 21 Up to two tractor trailer deliveries to be permitted each day, however no more than one is 22 allowed after 6pm. Further the activity of the small trucks is limited to 5am to 6pm seven 23 days per week. The motion was seconded and subsequently voted in the affirmative 4 to 24 25 0. 26 The meeting was adjourned at 9:45pm. 27 28 29 30 Stephen Halleran Richard Colburn, Chair 31 32 33

outside of its hours. She noted that BART, like many of the agricultural operations in

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1	MINUTES OI	F THE ZONING BOARD OF A	ADJUSTMENT
2 3		November 14th 2019 MERIDEN TOWN HALL	
3 4		MERIDEN TOWN HALL	
5			
6			
7	Zoning Board		
8	Members Present:	Richard Colburn, Chairman	
9		Brad Atwater	Bill McGonigle
10		Scott MacLeay	
11			
12			rd
13		at 7pm. The minutes of the Sep	tember 23 <sup>rd</sup> meeting were
14	approved as amended.		
15 16	Case 10 04 Deinhart Sonnahu	<b>rg:</b> A request for special exception	on #24 Approved Solar Energy
10		ion of a single dual axis PV track	
18		ential. Chairman Colburn opened	
19		1. The unit will be located in the	6, 6
20		d to satisfy all setbacks and will	
21		vn's zoning ordinance section 3.1	
22	A	school softball diamond as show	
23	approximately 220' from home	plate. A small deviation might o	occur with final site work, but any
24	change would be within a foot of	or two of what is shown on the pl	an. The school has been notified
25	of the hearing. Mr. Sonneburg noted that he is not concerned with balls hitting		
26	the unit. No abutters were in att	tendance to comment, the public	hearing was closed.
27			
28			
29		in good order and complete. A	motion to approve the unit as
30	presented was made seconded a	nd voted in the affirmative.	
31 32	The meeting was adjourned a	t 7:35pm	
	The meeting was aujourned a	a 7.55pm.	
33			
34 25	Stanhan Hallaran		Richard Colburn, Chair
35	Stephen Halleran		Kicharu Colburn, Chair
36			