

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
 2 **April 18th 2017**
 3 **MERIDEN TOWN HALL**
 4

5 Zoning Board

6 Members Present: Richard Colburn, Chairman Ted Moynihan
 7 Scott MacLeay Brad Atwater
 8

9
 10 The meeting opened at 7pm. These being the first meeting since December, the December 12th
 11 minutes were approved as amended.
 12

13 **Case 17-01: Brent Farnsworth:** Chairman Colburn opened the hearing by reading the posted
 14 notice and asking the applicant to present his case to the board. Mr. Farnsworth explained that he,
 15 some years ago now, purchased the former Glen McKinstry house at #245 Center of Town Road.
 16 The previous owner had developed the single family structure in such a way that his extended
 17 family could all live in the structure. While never sanctioned by the town, the home had
 18 effectively been developed with four units inside. After purchasing the property from a bank
 19 foreclosure, the Farnsworth's removed two of the kitchens and have for the past few years used
 20 the home as a single family structure. The purpose of this application is to allow the use of the
 21 building as a two family structure. The owner and his wife will live in one unit, his daughter and
 22 her family in the other. The applicant explained that he has had the town's building inspector visit
 23 the property and prescribe necessary changes to bring the building into code compliance. These
 24 include enlarging bedroom windows and adding smoke and CO2 detectors. A similar process was
 25 followed with the two existing septic systems, both state approved. Local designer Chis Rollins
 26 has reviewed them and certified to the board that a single replacement system is reasonably
 27 possible on the site.
 28

29 The Zoning Board discussed the necessary board action for the application. It was determined
 30 that approval of an area variance, 2.73 existing acres where 3.5 is needed, along with a special
 31 exception for the multifamily use would be required.
 32

33 Chairman Colburn opened the hearing up to abutters. Richard Dessert noted that he has lived
 34 adjacent to the property when it was owned by McKinstry. The proposed use is much less
 35 intensive and he has no objections. He noted that going forward he would prefer if the owner of
 36 the property was in one of the units. Mr. Fansworth noted that this was the plan and he had no
 37 objection to making that part of any approval.
 38

39 The board began its deliberations on the variance making the following findings:

- 40 1. The unusual layout of the existing structure lends itself to the proposed use
 41 without significant modifications. Approving the variance allows the owner a
 42 reasonable use of his property and is not contrary to the public interest.
 43 2. The board heard no testimony that the proposed use would adversely impact the
 44 character of the neighborhood. Adequate facilities for the proposed use exist on
 45 the lot. The septic system is adequate; no new development on the lot is required
 46 for the proposed use.
 47 3. The Plainfield ordinance promotes the establishment of multiple family
 48 residences in a number of sections and zones that are more intensive than the
 49 proposed use. By example, a two unit multi-family building can be constructed in
 50 the Village Residential Zone without public water or sewer on a one acre lot. The

1 subject property is 2.73 acres in a zone that requires 3.5 acres for the construction
2 of a new multifamily building.

3 4. The property owner is being afforded a reasonable amount of relief to allow for
4 the full use of his property with no evidence of any negative impacts on others.

5 5. No evidence was presented that suggests property values will be adversely
6 impacted.

7 6. The variance, as conditioned, represents the minimal amount of relief that is
8 needed to accomplish the owner's objective.

9

10 Member Moynihan moved to approve the area variance finding that the request meets the criteria
11 found in 5.6III subject to the following conditions:

12

13 1) The applicant has offered and the Zoning Board has made the approval of the variance
14 conditional upon the owner of the property being the occupant of one of the units.

15

16 2) Any significant change to the structures or use of the property, as determined by the
17 Zoning Administrator, will require a new hearing.

18

19 The motion was seconded and voted in the affirmative.

20

21 The Board moved on to deliberations for the multi family special exception making the following
22 findings:

23

24 1. The existing residential structure on the property is adequate, with minor
25 renovation, for the proposed use. The town's building inspector has testified to
26 this in his report to the board.

27 2. The structure is served by two state approved septic systems and a local septic
28 system designer has certified that in the event of a failure a single replacement
29 system could reasonably be designed for the site.

30 3. The development on the lot is located so as not to adversely impact abutters.

31 4. Given the size and layout of the structure the approval of a special exception will
32 bring the entire property more closely into compliance with the town's land use
33 regulations.

34

35 Member Moynihan moved to approve the special exception subject to the following two
36 conditions:

37

38 1. This special exception approval is contingent on the area variance approval,
39 specifically see condition #1.

40

41 2. Prior to occupancy of both units the town's building inspector must complete a
42 final health and safety code compliance inspection

43

44

1 The motion was seconded and voted in the affirmative.

2

3 There being no other business the meeting adjourned at 8:30pm

4

5

6 Stephen Halleran

Richard Colburn, Chair

1
2 The motion was seconded and voted in the affirmative 4 to 0.
3

4 **Case 2017-03 Thomas Lappin:** A request to modify the previous approval to operate a 48 seat
5 restaurant at #19 Bean Road case 2014-06. This application seeks to add 20 outdoor patio seats.
6 Included in the application is an expansion of the existing parking lot. The hearing was opened
7 and the applicant explained the details of the proposed 20'x27' patio area. Board members noted
8 that there was a deviation between the first approval and the number of seats in the restaurant.
9 After a full discussion on that issue and determining that the application was sufficient the
10 hearing was opened to the public. Jane Witzel spoke against the application, noting that while
11 very well done the restaurant as currently configured does have negative impacts on the
12 enjoyment of their property. Outside seating will only contribute more noise and more light.
13 Halleran noted that the only issue with the restaurant has been parking on Bean Road. Options for
14 reducing this were discussed. It was noted that as developed the parking lot is in conformance
15 with the town's zoning ordinance requirements. An additional six spaces are planned as part of
16 the patio project. Owner Tom Lappin agreed that parking does occur on Bean Road and that at
17 times patrons to the restaurant do not utilize the parking lot efficiently. Tom is working on
18 strategies to improve the lots use. Posting the west side of Bean Road, no parking was suggested
19 as a way to ensure an open lane for emergency vehicles.
20

21 After completing its review of the application Member Moynihan moved the following:
22

23 The patio application be approved. In approving the application the Board acknowledges that,
24 without further ZBA review, a relaxing of the town's lot coverage requirement for the
25 Village Residential zone and a decision by the applicant to include a sprinkler system for
26 the building resulted in the restaurant being developed with 68 seats and 30 parking spots
27 (25 customer, 5 employee). The original application called for 48 seats supported by 21
28 parking spaces (16 customers, 5 employees).
29

30 In reviewing the patio addition, the Zoning Board made the following findings:

- 31 1. The restaurant's development and the businesses summer seating (patio) to
32 include a maximum of 80 seats, winter seating (no patio) a maximum of 68
33 seats is reasonable for the size of the lot (1.02 acres, minimum lot size being .45
34 acres in the VR with water and sewer). While patrons due occasionally park on
35 Bean Road, the parking lot as developed and as proposed satisfies the minimum
36 zoning ordinance parking requirements. As part of the patio addition the
37 applicant has agreed to expand the parking area to include at least six (6)
38 additional spaces and to explore ways to get more efficient utilization of the
39 existing lot.
- 40 2. Based on abutter testimony the patio use and resulting noise and traffic has the
41 potential to impact abutters.
42

43 **Approval Conditions:**

- 44 1. Site Plan Review approval by the Planning Board with a focus on minimizing
45 the occurrences of on street parking and the abatement of noise and light from
46 the patio area.
- 47 2. In completing its Site Plan Review the Planning Board should review the entire
48 use for compliance with the original site plan for the project. Landscaping along

1 the property line fence may not be completed and is resulting in light and noise
2 spillover to neighbors.

3

4 The motion was seconded and voted in the affirmative on a vote of 4 to 0.

5

6 The meeting adjourned at 9:30pm.

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8

9 Stephen Halleran

Richard Colburn, Chair

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **June 12th 2017**
3 **MERIDEN TOWN HALL**

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6 Zoning Board

7 Members Present: Richard Colburn, Chairman Ted Moynihan
8 William McGonigle Brad Atwater

9
10 The Plainfield Planning Board was also in attendance.

11
12 **Site Visit:** The group, including members of the Plainfield Planning Board met at the elementary
13 school to view the proposed location for the 137kw ground mounted solar array. Facility Manager
14 Bill Knight and Terry Donahue walked the group through the proposal. Six rows of panels,
15 approximately 150' long are planned for the wooded area between the trail head access and the
16 waste water plan drive. The site was chosen as a compromise, the original proposal called for the
17 array to be in the portion of the field adjacent to the groomer shed and trail head kiosk.

18
19 Bill explained the planned tree removal and site grading that would be done. Several questions
20 arose about wetlands in the area. Tree removal should not significantly open up the view to the
21 waste water treatment plant. Currently, the treatment plant is not visible from the school access
22 drive.

23
24 The group moved up to the Meriden Town Hall.

25
26 **Case 2017-04:** Terry Donahue, Norwich Technologies, took the assembled group through the
27 entire proposal. The 137kW array will include six rows of panels, all wiring will be underground.
28 Development of the site will include tree removal, site grading, and assembly of the panels. A
29 visual analysis has been completed. The panels will likely be partially visible from three houses
30 and will be entirely visible from the PES driveway (School Street).

31
32 Terry explained that all wiring and equipment used UL approved and should not pose any
33 danger to the public. The contract with the school calls for a fence, but that could be waived. If a
34 fence is not used, wire-mesh scrim, will be used to keep people away from the electrical
35 components located on the back of the array panels. The useful life of the array is more than 20
36 years.

37
38 Kate Whybrow and Chris Foreman of the School Board explained the process that the school
39 board has followed in approving the use of the PES campus for this project. They held three
40 public hearings, sent a mailing to the entire town and based on input from staff about any safety
41 risks associated with the array decided to move forward with the project. Whether the town buys
42 the array in the future is a separate decision. The array produces approximately the same amount
43 of electricity as the school uses in a year.

44
45 There being no public or abutters wishing to be heard, the public hearing was closed and the
46 board found the application to be sufficient to move forward. Board deliberation centered on first
47 the clearing for the array, how much and where. Two, whether or not an array of this size is
48 compatible with the established elementary school use. The board relied heavily on the
49 acceptance of the proposal by our school board to determine the array did not pose a significant
50 safety threat.

51

1 As part of its review the board made the following findings:
2

3 1) This proposal is for a 137kW ground mounted solar array which will be approximately
4 150' x150' in size to be located just to the north of the access road to the water treatment plan
5 (see file). Individual array tables are to be approximately 11' in height at the tallest point. The
6 array to be located is in the Village Residential zone.
7

8 2) The School Board in considering and approving the array for the campus has held three
9 separate public hearings, including a final hearing in which a project brochure was mailed to all
10 property owners in the town. During this process, there was near universal support for the array
11 development from hearing attendees. There were location concerns which were addressed by the
12 school board in their review process.
13

14 3) In reaching its decision to move forward with the application, the school board considered the
15 safety of the students and determined the array would not pose a significant threat to the student
16 body or other users of the property.
17

18 4) The application satisfies the general standards for granting a special exception found in section
19 5.6II of the zoning ordinance.
20

21 5) The application satisfies the specific standards found in section 3.18 of the town's Zoning
22 Ordinance, 2015 edition.
23

24 6) The application specifies underground electrical conduit for the project.
25

26 A motion to approve the use was made, seconded and voted in the affirmative. The approval was
27 conditioned as follows:
28

29 1) Site Plan Review approval by the Planning Board with a focus on screening for abutters.
30

31 2) Prior to issuance of the building permit for the project, the town is to receive a project
32 acceptance letter from the receiving utility company and a letter from the School Administration
33 detailing the safety assessment that was conducted for the array.
34

35 3) Code compliance review by the Town's Building Inspector.
36

37 4) At a minimum a protective barrier, acceptable to the building inspector, must be provided to
38 keep the public away from the high voltage components of the array.
39

40 5) Any significant change to the array either in size or location, as determined by the Zoning
41 Administrator, will require a new hearing.
42

43 The meeting adjourned at 8:15pm.
44
45

46 Stephen Halleran

Richard Colburn, Chair

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **July 10th 2017**
3 **MERIDEN TOWN HALL**

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6 Zoning Board

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

10 The meeting was opened at 7:00pm.

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12 **Case 17-05 Claudine Spencer Approved Solar Energy System:** Chairman Colburn opened the
13 case. Winston Spencer explained that the proposal is for a single 4.7 kW solar array tracker style
14 unit to be located in a small field 58' from the applicant's northern boundary. The board
15 determined the application was sufficient to move forward. The hearing was open to abutters.
16 Mindy Taber spoke in favor of the application. Halleran noted that abutters Heather Stearns and
17 Patty Spencer contacted the town office to voice support for the application. The hearing was
18 closed. Board deliberations followed. A motion to approve was offered by member Moynihan,
19 seconded and voted in the affirmative.
20

21 **As part of its review of this application the board made the following findings:**

- 22 1) The lot is a relatively large Village Residential lot (3.7 acres) and the area for the array
23 contains sufficient open area to support the use.
- 24 2) The array is not expected to have a significant effect on neighbors. Testimony received was in
25 favor of the project.
- 26 3) The application satisfies the general standards for granting a special exception found in section
27 5.6II of the zoning ordinance and the specific criteria found in section 3.18 Solar Energy Systems.

28 **Approval Conditions:**

- 29 1) The existing vegetative buffer will be maintained along the northern property side.
- 30 2) Any significant change to the array as determined by the Zoning Administrator will require a
31 new hearing. The complete application becomes part of this approval; the array is to be as
32 depicted in the application attachments.
33

34 **Case 17-06 Mt. Valley Treatment Spencer:** Chairman Colburn opened the case. Attorney Brad
35 Atwood, Carl Lovejoy, and Jennifer Fullerton all took turns explaining the case. In summary, Mt.
36 Valley Treatment Center, is a not for profit organization in Pike NH located on the campus of the
37 Upper Valley Stewardship Center. Mt Valley is affiliated with an organization that operates
38 several adolescent treatment facilities. The program includes up to 24 enrollees, boys and girl
39 (13-20 years old) who spend 60-90 days at the treatment center working on their anxiety
40 disorders. The admissions process is stringent and does not accept those with either substance
41 abuse problems or a history of criminal activity. The organization is registered as an adolescent
42 health provider that is licensed by the state of New Hampshire. Approximately 30 employees
43 work at the facility. The application seeks to relocate the Mt. Valley operation from Pike to
44 Plainfield, utilizing the former Home Hill Inn property on River Road consisting of 25 acres.
45

46 Board members reviewed the application finding it to be sufficient to move forward. The hearing
47 was opened to the public. Generally comments received were in support of the proposed use.
48 There were concerns expressed about the possibility of substance abuse and of students leaving
49 the facility and ending up on private property. Police Chief Roberts received clarification about
50 the organizational structure. The center is located on a campus in conjunction with other
51 programs that serve adolescents. While there is always the potential for the unexpected, the Mt.

1 Valley Treatment Center through its applicant screening process and high staff to student ratio
2 has not resulted in any significant number of calls for service to the local police departments.
3 These are kids with anxiety issues that tend to be very introverted and rarely if ever act out. The
4 facility is fully accredited and licensed by the state. The organization has no plans to change its
5 mission or population served. Mr. Lovejoy noted that they are successful because of their very
6 limited scope. They specialize in helping a very specific child. Chairman Colburn noted that any
7 significant change in mission would result in a need for a new hearing.

8
9 The public hearing was closed. The board entered its deliberative phase at the end of which a
10 motion to approve the application was made, seconded and voted in the affirmative.

11
12 In reaching its decision the board made the following findings:

- 13 1) The application meets the general requirements of the ordinance.
- 14 2) The required state oversight and licensing will ensure that the facilities are adequate for the
15 use.
- 16 3) The 25 acres of property is sufficiently large to support the activities of the organization
17 including but not limited to parking, outdoor programs and adequate buffers from adjacent
18 properties.

19
20 **Approval Conditions:**

- 21 1) Site Plan Review with attention to “dark sky” compliant lighting suitable for the rural location.
- 22 2) To reduce the possibility that attendees leave the facility and wander onto adjacent private
23 lands future buildings for the use will be located so as to comply with the setbacks called out in
24 the Approved Business Project section of the ordinance.
- 25 3) Any significant change to the organization or deviation from this application (number of
26 students, mission, population served, staff levels etc) was determined by the Zoning
27 Administrator will require additional Zoning Board review.

28
29 **Other Business:** The May 8th and June 12th minutes were approved as amended.

30
31 The meeting adjourned at 9:30pm. The group meets next on August 14th.

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34 Stephen Halleran

Richard Colburn, Chair

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2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
3 **August 14th 2017**
4 **MERIDEN TOWN HALL**
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7 Zoning Board

8 Members Present:

Richard Colburn, Chairman

Ted Moynihan

William McGonigle

Brad Atwater

Peter Martin

Scott MacLeay-alt

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13 The meeting was opened at 7:00pm.

14
15 ZBA members welcomed back to the board Peter Martin of Grantham Mt. Road. Peter previously
16 served on the Zoning Board and upon request has agreed to return to the board.

17
18 The July 10th minutes were approved as amended.
19

20 **Case 17-07 Brite Lite Electric:** Chairman Colburn opened the public hearing. Applicant Matt
21 Smith explained that the request is for special exception #35 Approved Business Project to
22 establish their electrical contractor business at property located at #1214 Route 12A
23 (formerly G&S Trucking) tax map 256 lot 12 in Plainfield Village. The 2.5 acre property
24 is served by public water. Chair Colburn noted that the property is zoned Village
25 Residential (VR). The company employs eight (8) people including the owners on a year
26 round basis. During the summer an additional 2-4 part-time workers are employed. The
27 property will be used as a home base for the company which does nearly all of its work
28 out on job sites. Little, if any, retail or customer traffic is anticipated. Employees will
29 arrive in the morning, load vehicles and leave for the day, returning at night. Brite Lite
30 trucks are pick up truck sized vehicles. The company owns a small bucket truck and a ¾
31 ton truck. Hours of operation are Monday-Saturday 5am to 6pm. Once or twice per
32 week freight companies will make delivery to the yard. Initial plans are to clean up the
33 site of debris, do some maintenance to the building, and add a sign to the front. No new
34 buildings or uses are planned at this time.
35

36 Board members found the application to be sufficiently complete to move forward with
37 the hearing. Chairman Colburn asked for abutter comments. Cheryl Grabe, Helen
38 Koehler, and Chris Rollins all spoke in favor of the application noting the proposed use
39 seems less intensive than some of the previous uses the property has been put to.
40 Historically, the building has been used as a car sales business, heavy truck body
41 fabrications, dumpster sales and a headquarters for a small rubbish removal business. The
42 Gallagher Family has owned the property since the 1970's.
43

44 There being no further comments the public hearing was closed.
45

46 In reviewing the plans the board determined that parking was more than adequate, lot
47 coverage was not an issue, and that in general the building as currently configured was
48 well suited for the proposed use.

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A motion to approve the application was made,seconded and voted in the affirmative.

In approving the application the board made the following **findings**:

- 1) The property and the proposed use meet the requirements found in section 3.5 for an Approved Business Project.
 - he property is located in the VR zone with access and frontage on a state highway.
 - he proposed use is consistent with other uses in the neighborhood.
 - butters had no concerns about the proposed use
- 2) The use meets the requirements for all special exceptions found in section 5.6.
- 3) The 2.5 acre lot is relatively large for the VR zone. Consequently, there is sufficient area to accommodate necessary parking and to satisfy the zone’s maximum lot coverage of 40%.

Conditions:

- 1) If the use becomes significantly more intense or the number of employees doubles from the current eight, a zoning compliance review will be required.
- 2) Site Plan Review with the Planning Board.

The meeting adjourned at 8:20pm.

Stephen Halleran

Richard Colburn, Chair

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2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
3 **September 11th 2017**
4 **MERIDEN TOWN HALL**
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7 Zoning Board

8 Members Present:

Richard Colburn, Chairman

Ted Moynihan

William McGonigle

Brad Atwater

Peter Martin

Scott MacLeay-alt

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13 **Case 2017-08 Cynthia Patalano** request for special exception #24 Approved Solar
14 Energy System to establish a single ground mounted 4.3 kW solar array (sun tracker
15 type) on property described as #1127 Route 12A (map 108 lot 3). Chairman Colburn
16 opened the hearing reading the posting. Member Brad Atwater recused himself from the
17 case, he and his wife Laurie will soon own the property which was owned by Laurie's
18 now late father. Applicant Ralph Patalano explained that the project involves a single
19 pole mounted array approximately 20' wide, 12' high and will be mounted no higher than
20 16'. All cabling and supporting devices will be buried underground and/or located in his
21 residence. The location, 15' from the common line with Mac's Happy Acres was chosen
22 to give the greatest sun exposure to the device and still meet setbacks. Board members
23 felt that given the rotational nature of the array a setback encroachment was necessary as
24 well. At certain times of the day the unit moves into a full horizontal position and will
25 extend 6' into the setback area.

26 Having determined that the application was sufficient to move forward, Chairman
27 Colburn turned to public comments on the proposal. Abutter Laurie Atwater expressed
28 support for the project, but asked if screening or noise abatement became necessary that
29 corrective measures be put in place. The applicant expressed a strong desire to do
30 whatever was necessary to minimize the impact of the array on his neighbors. There
31 being no others wishing to speak the public hearing was closed. The board began its
32 deliberations, making the following findings:

33 1) The proposed location of the array is substantively separated from abutting residences.
34 2) For maximum possible sun exposure the array mounting pole is to be located 15' from
35 the side property line, resulting in the need for a 6' setback encroachment when the array
36 is in the horizontal position.
37 3) The application satisfies the general standards for granting a special exception found in
38 section 5.6II of the zoning ordinance and the specific criteria found in section 3.18 Solar
39 Energy Systems.

40
41 A motion to approve by Member Moynihan, was seconded and voted in the affirmative.
42 Approval subject to the following conditions:

43
44 1) The existing vegetative buffers along property boundary lines will be maintained.
45 Once constructed, should an abutter request additional boundary line screening, reflection
46 or noise abatement measures, the applicant has agreed to implement the measures as
47 deemed necessary by the Zoning Administrator.
48

1 2) Any significant change to the array, as determined by the Zoning Administrator, will
2 require a new hearing. The complete application becomes part of this approval; the array
3 is to be as depicted in the application attachments.
4

5 **Case 2017-09 James Lenz for special exception #37 Approved Detached Accessory**
6 **Dwelling Unit:** Chairman Colburn opened the hearing by reading the posting. Jennifer
7 Lenz explained that the 9 acre property located at 115 Main Street (tax map 102 lot 15)
8 was recently developed by her parents for a new single family home. Her hope is to bring
9 a 200 sq ft “tiny home” to the property as an ADU. The one story unit will be anchored to
10 the existing ledge, will have a potable water tank, hardwire electrical connection, and will
11 be connected to a state approved septic system (water holding tank=running water=need
12 for an approved waste water system). Zoning Administrator Halleran explained that he
13 and building inspector David Lersch have held several meetings with Jennifer in an
14 attempt to work out a variety of code and ordinance issues. Per the town’s zoning
15 ordinance people are not allowed to live in an RV for extended periods of time. Tiny
16 houses which often share characteristics with RV’s often have difficulties satisfying local
17 building codes. David has decided to evaluate this one as a manufacture home for life
18 safety code issues. The unit will have to be hardwired and anchored.

19 Having determined that the application was sufficient to move forward, Chairman
20 Colburn turned to public comments on the proposal. Abutter Greg Castell expressed
21 support for the project. There being no others wishing to speak the public hearing was
22 closed. The board began its deliberations, making the following findings:

- 23 1) The owner is the permanent resident on site.
- 24 2) The proposed unit is to be 200 sq feet; the main house is over 3,600 sq feet in size,
- 25 3) The 9.5 acre property is located in the Village Residential zone is conforming to the
26 zoning ordinance and the proposed ADU meets or exceeds all valid specific requirements
27 found in the ADU ordinance section 4.3C and newly adopted state law RSA 674:71-73.
- 28 4) The application satisfied the general performance standards for all special exceptions
29 as outlined in section 5.6 II
- 30 5) Parking for the proposed unit is adequate.

31
32 A motion to approve by Member Moynihan, was seconded and voted in the affirmative.
33 Approval subject to the following conditions:

- 34 1) Prior to occupancy, the required documentation certifying permanent residency must
35 be recorded at the Registry of Deeds (see ADU ordinance criteria #1)
- 36 2) Prior to occupancy, the project must obtain a certificate of occupancy from the town’s
37 building inspector.

1 **Case 2017-10 Bart Industries** for special exception #35 Approved Business Project to
2 build/operate a 3,500 sq ft dry food storage/distribution facility at #360 Route 12A (tax
3 map 218 lot 10). Chairman Colburn opened the public hearing by reading the posting.
4 The applicant Robert Baylon explained that Bart Industries is a small company in
5 Bellows Falls VT. The proposal is to develop a small warehouse on the property for the
6 storage and distribution of dry foods. No refrigeration is necessary so there are no
7 compressors or extensive mechanical systems running outside the building. These
8 facilities work in the following manner: One tractor trailer per day brings the bulk food
9 into the warehouse. Each morning 6-10 delivery trucks are loaded, leave for the day,
10 returning late in the afternoon. No employees work in the building during the day. There
11 is a small office for the district manager to do paperwork. The facility will have a well
12 and a septic system. The grounds will be landscaped and screened from neighbors; all
13 outside lighting will either be motion sensitive or dark sky compliant. Having
14 determined that the application was sufficient to move forward, Chairman Colburn turned
15 to public comments on the proposal. Zoning Administrator Halleran noted that he has
16 contacted the State of NH Department of Environmental Services and the proposed use is
17 in keeping with environmental restrictions on the property. The new owner will, of
18 course, be responsible for monitoring the existing wells.

19
20 Abutter Paul Franklin questioned the accuracy of the tax maps noting that at 3.5 acres the
21 lot is just conforming and a conforming lot is a requirement for the Approved Business
22 Project special exception. The tax map acreage appears to be calculated, not from a
23 survey. Further in his view the neighborhood is residential and this parcel no longer
24 enjoys any grandfathered status, the Berwick operation ended years ago. To be approved
25 the Board must find the use is compatible with its surroundings. Finally, Paul questioned
26 why the building is pushed to the north on the parcel, a centrally located building would
27 have less impact on their property. Board members determined that the tax maps were the
28 best data they had available and that data shows the lot to be conforming. Board
29 members agreed that there is no grandfathered use on the site, the new application must
30 meet the requirements of an approved business project. Robert Baylon indicated that
31 location of the building was determined to allow for sufficient turning radius for the bulk
32 trucks to side unload and leave the facility without having to back up.

33
34 Abutter Troy Hall asked that screening be added to the common line with his property.
35 He had no objection to the proposed use.

36
37 Karen Aldrich felt the use would be a safety hazard with large trucks leaving on such a
38 heavily travelled roadway.

39
40 David Lillie noted this property has been an eye sore for decades now and while he has
41 concerns about the proposed use, the property does need, to find a new use and get
42 cleaned up.

43
44 Amy Franklin requested that the applicant consider moving the building to reduce the
45 impact on her home. As planned, the new building is directly across the line from her

1 existing house. She also noted that the property receives a lot of night time visits from
2 cars. The property has a history of illegal activity, dumping, drug use etc.

3
4 There being no others wishing to speak, the public hearing was closed.

5
6 The board began its deliberations noting that as represented the proposed use would appear to be
7 no more intensive than any of the three large agricultural businesses in the neighborhood (Mac's,
8 RiverView and Edgewater Farms). As currently configured the town's zoning ordinance requires
9 commercial businesses be located on state highways.

10 The Board made the following findings:

11 1) As represented on the town's tax maps the parcel is 3.5 acres in size with 680' of road
12 frontage along Route 12A. The property is zoned Rural Residential. The neighborhood is
13 a mix of residential, agriculture, and a commercial automotive garage.

14 2) The scale of the proposed use is a once a day delivery of dry food by a tractor trailer
15 sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave
16 the facility returning at night. The process is then repeated six days per week generally
17 between the hours of 6am to 6pm.

18 3) Lot coverage for the proposed use has been represented at 19%.

19 4) The application satisfied the general performance standards for all special exceptions
20 as outlined in section 5.6 II of the 2016 zoning ordinance.

21 5) The application satisfies the specific standards for an Approved Business Project,
22 section 3.5 of the 2016 zoning ordinance.

23
24 A motion to approve by Member Moynihan was seconded and voted in the affirmative.
25 Approval subject to the following conditions:

26 1) Site Plan Review Approval by the Planning Board with an emphasis on screening the
27 proposed use from the residences to the northwest and southwest.

28 2) Prolonged idling of delivery trucks is not permitted.

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

31 4) The use to be monitored by the Town's Zoning Administrator. Any substantive
32 deviation from the application or increase in the scale of the use will require additional
33 town review.

34
35 The meeting adjourned at 9:40pm.

36
37
38 Stephen Halleran

Richard Colburn, Chair

39
40
41

MINUTES OF THE ZONING BOARD OF ADJUSTMENT
October 10th 2017
MERIDEN TOWN HALL

1
2
3
4 Zoning Board

5 Members Present: Richard Colburn, Chairman Peter Martin
6 William McGonigle Brad Atwater

7 The meeting was opened at 7:00pm.

8 **Case 2017-11 Meriden Solar One:** A special exception request to establish a 53 kW/AC
9 ground mounted solar field on property owned by the Meriden Village Water District.
10 Chairman Colburn opened the hearing by reading the posted notice. He asked for
11 clarification about Meriden Solar One. Terry Donoghue of Norwich Technology,
12 representing the LLC, noted that like Barrington Power at PES, a group of investors will
13 own the array for tax credits. There is a letter of agreement for the project between
14 Meriden One and the Meriden Village Water District.

15
16 Terry Donoghue went on to explain the project. The three rows of panels will cover
17 approximately 1/3 of an acre on the northern hillside of the Meriden Village Water
18 District property, see map. The array is close enough to the existing chain link fence that
19 surrounds the waste water plant that once the array is complete the fence will be relocated
20 as to include the array within its fenced area. It is anticipated that, like the plant, the array
21 will not be visible from any abutting residence. All wiring and connections to the electric
22 grid will be concealed in the array or underground. About five acres of MVWD forested
23 land will be cut, but not stumped, to provide full sunlight to the array.

24
25 Zoning Administrator Halleran asked if the water district had held any public hearings on
26 the proposal, Commissioner Jeff Allbright indicated that they had not.

27
28 Board members agreed that this case is less complex than the PES array which was larger
29 and highly visible from the school building. The application was found to be complete.
30 Halleran noted that there is a land ownership issue that is currently being corrected. It
31 appears that KUA, many years ago when deeding land to the water district for the sewer
32 plant made an error in the deed description that has resulted in a gore of land that
33 technically is still owned by KUA. The academy has been aware of the issue for
34 sometime and has promised to have the corrective deeds prepared by the water district
35 signed at an upcoming Trustees meeting. The array will be partially located on the land
36 in question. Halleran noted that a building permit for the array cannot be issued until the
37 correction or some other arrangement has been made.

38
39 The Board moved through its review of the general conditions for all special exceptions
40 and the specific criteria for ground mounted solar arrays. At the end of this review the
41 application was found to be complete and the project was approved on a unanimous vote.
42 The approval was conditioned upon the land issue being resolved, see ZBA decision for
43 more details.

44
45 The meeting adjourned at 8:20pm
46 Stephen Halleran

Richard Colburn, Chair