

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

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6 Zoning Board

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

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:

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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.

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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

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1 The motion was seconded and voted in the affirmative.

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

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5

6 Stephen Halleran

Richard Colburn, Chair

MINUTES OF THE ZONING BOARD OF ADJUSTMENT
May 8th 2017
MERIDEN TOWN HALL

Zoning Board

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

Site Visits: As noticed, beginning at 6:30pm the Zoning Board visited two sites. The first for case 17-02 Patrick Lundrigan, #235 Route 120, proposed location for his lawn care and plowing business. The Second visit to #19 Bean Road Poor Tom's Tavern, to view the site for a proposed patio for outside seating. The applicants and interested members of the public attended the visits with the Zoning Board.

The meeting opened at 7pm at the Meriden Town Hall. The April 18th minutes were approved as amended.

Case 2017-02: Patrick Lundrigan: A request for special exception #35 Approved Business Project along with any other necessary approvals to locate a property maintenance and landscaping business on a vacant lot (226-10.1) 4.15 acres located at 235 Route 120. A 40'x60' steel building is proposed along with various concrete bunkers for landscaping and snow removal product storage. After opening the public hearing, listening to the applicant's proposal, and getting a determination from the Board that the application was sufficient to move forward, Chairman Colburn opened the hearing. Abutter Suzanne Spencer expressed support for the project encouraging the board to insure that bulk product storage was done in a manner that protects that environment. She also encouraged the board to look at screening options. Chairman Colburn noted that much of the details of the business operations gets worked out at site plan review with the Planning Board. There being no other abutters wishing to speak the board deliberating on the case resulting in the following:

Member Moynihan moved to approve the application. Development on the lot is to include a shop building, bin storage for landscaping and snow removal materials. As depicted the development will be focused on a 150'x150' area at least 200' from Route 120 and will not encroach to within 50' of a small stream to the rear of the lot.

In reviewing the application the Zoning Board made the following findings:

1. The proposed lot is conforming and generally appears suitable for the proposed use. There is good visibility at the access point to the state highway.
2. The proposed use meets the criteria for granting a special exception found in section 5.6II of the Zoning Ordinance.
3. The development on the lot is planned so as not to adversely impact abutters.

Approval Conditions:

1. Site Plan Review approval by the Planning Board with screening and outside lighting to be addressed.
2. At such time as the business becomes twice as large as depicted in the application, the Town's Zoning Administrator shall review the use to determine if an additional Zoning Board review is warranted.

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2 The motion was seconded and voted in the affirmative 4 to 0.
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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 insure 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 restaurants 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.

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

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6 The meeting adjourned at 9:30pm.

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9 Stephen Halleran

Richard Colburn, Chair

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