

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:

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

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44

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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6 Stephen Halleran

Richard Colburn, Chair

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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

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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.

32
33
34 Stephen Halleran

Richard Colburn, Chair

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1 **draft**
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
3 **August 14th 2017**
4 **MERIDEN TOWN HALL**
5

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7 Zoning Board

8 Members Present: Richard Colburn, Chairman Ted Moynihan
9 William McGonigle Brad Atwater
10 Peter Martin Scott MacLeay-alt
11

12
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 Mat
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 employees eight (8) people including the owners on a
26 year round basis. During the summer an additional 2-4 part-time workers are employed.
27 The property will be used as a home base for the company which does nearly all of its
28 work 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 on 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 head quarters for a small rubbish removal business.
42 The 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.

*The property is located in the VR zone with access and frontage on a state highway.

*The proposed use is consistent with other uses in the neighborhood.

*Abutters 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