

Approved by ZBA on 3/2/17.

TOWN OF PLAINFIELD

Zoning Board of Appeals

Meeting Minutes

Thursday, February 8, 2017 at 6:00 PM

at the Plainfield Town Hall

Members Present: Members Peg Keller, Laurie Israel, Joan Wattman, and Alternate Ann Irvine.

PVPC Technical Assistance consultant Larry Smith also attended.

Call to Order: The meeting commenced at 7:00 p.m.

Reviewed and Approved Minutes: Member Joan Wattman made a motion to approve the minutes of the January 25, 2017 meeting, seconded by Member Peg Keller. The vote in favor was unanimous.

PVPC Technical Assistance Session with Larry Smith. Larry Smith described some town's use of "use variances", disfavored, and handed out a process sheet describing the Zoning Board of Appeals Variance Process. Process is similar, but the time frames/schedules/deadlines are different than those of Special Permits. Larry said that a SP application permit should be logged in when submitted, so that the time starts running, even if it has an error or deficiency. And even if the SP is incomplete, you must have a public hearing. You can require the completion at the public hearing and continue the public hearing. Larry indicated that a site plan is the most important condition for SP, is do it like what the site plan is. If there needs to be a change, make sure the site plan is changed/amended; don't do it by a written "condition" which can be interpreted in many ways. The SP must have the use approved, and also the site plan approved.

Time frame of variances is shorter than that of special permits. SP time frame for decision is 90 days after public hearing. Public hearing is no later than 65 days after filing. Variance decision is due within 100 days after the filing of the application. SP decision has to be written and filed before 90 days period expires. Decisions on variance must be made by the 100th day, but then within 14 days file the decision with Town Clerk and ZBA and mailed to parties of interest.

Variance requirements – criteria. (1) A physical condition unique to that lot that prohibits use of land that doesn't affect other lots. Such as a granite outcropping in your lot, not other lots;

(2) Literal enforcement would create a hardship, financial or otherwise, that prevents meeting condition. The hardship must not be self-created; and (3) it doesn't derogate from the intent and purpose of the by-law and doesn't negatively affect the neighborhood.

Larry distributed a sample "Variance Approval" document. An aggrieved landowner or interested party could appeal to the court. The appeal process is different if the Building Inspector/Zoning Enforcement Officer denies building permit based of Zoning By-Laws, then it is appealed to the ZBA. We discussed what to do about applications for SP which are really applications for Variance, and the process/procedure that some other towns have adopted to address this issue.

Pre-existing Non-Conforming Use: Larry explained this part of the law to us. Applies when the use or where the structure is placed on the lot was legal at first, then zoning changed and it would become illegal. It's grandfathered in. But if they want to do something else on the land, first there needs to be a finding from ZBA that it's not substantially more detrimental than the existing non-conforming use to the neighborhood. Then a written finding needs to be issued by the ZBA. Larry handed us out a form entitled says "Change, Extension or Alteration of Pre-Existing Nonconforming Use or Structure Approval." He promises to provide word document templates for the 3 sample decision orders he shared with us.

Discussion New Solar Bylaws and Generic Application: We have contracted with Larry Smith to consult with us for the present ZBA SP application by Plainfield Solar, LLC on the former Bishop Land. Larry will contact the Consulting Engineer

The ZBA has engaged Larry Smith and PVPC as a consult for us to shepherd the application through the procedure process. We have decided to engage Dan Delaney of Fuss & O'Neill as our consulting engineer to conduct the peer review. Larry will contact Dan and his firm to provide contract specifications, and get a proposal. The ZBA will meet to sign the contract when it is ready, which may be as soon as within the next week. SVE Associates filed the ZBA SP application on 1/26/17, and paid a filing fee of \$75. A Notice of Intent was filed at Plainfield Town Hall 2/8/17. The Conservation Committee is aware of the filing.

Larry will obtain the SP application and maps by digital form and some additional paper copies. Gerry Garner has a copy of the plans and application. Larry will meet with Fire, Highway, Police, Building inspector, Electrical Inspector for a joint meeting to review the SP plans.

We discussed the Bonding/Reclamation issue and the time frame when that would be decided, and also monitoring the construction as it proceeds to completion.

Future Meetings: Our next scheduled meetings 7 pm on the following dates: Thursday, March 16 (Public Hearing on ZBA SP application by Plainfield Solar, LLC); Thursday, April 20 and Thursday, May 18, Thursday, June 15, and Thursday, July 20, Thursday, August 17. Alternate Anne Irvine will notify the Plainfield Post and town office personnel and post notices at Town Hall and Town Hall Offices within the prescribed time for the meeting notice. Member Laurie Israel will post approved minutes on the Town website. The Public Hearing on the Special Permit Application by Plainfield Solar, LLC will be held on Thursday, March 16, 2017. We expect to have a short meeting in about a week which will be noticed with the sole purpose to sign the contract with the consulting engineer who will do the peer review for the ZBA on the Plainfield Solar, LLC project.

Adjournment: There being no further business to discuss, the meeting concluded 9:20 p.m. with a motion to adjourn by Laurie Israel, which was seconded by Joan Wattman, and unanimously approved.

Respectfully submitted,

Laurie Israel, Clerk