

1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **SITE VISIT JANUARY 9TH 2010**
3 **58 Freeman Road “The Oaks”**

4
5 Zoning Board

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

9
10 Also in attendance: Mary Cassedy Margaret Cassedy
11 Thomas Flynn Kristine Flynn
12 Sameul Mintz Emma McGonigle

13
14 Board members met at The Oaks at 9:00am. Chairman Colburn reminded the group that per the
15 board’s rules of procedures the site visit is just that, a visit, not the continuation of the public
16 hearing. All comments and discussions relevant to the case should be confined to seeking
17 clarification on site issues, not about the merits of the case. Next, Zoning Board members and the
18 public in attendance walked the grounds for the proposed museum. The tour was led by Peter and
19 Alma Smith included a viewing of the proposed parking spaces and an inside tour of the
20 basement space proposed for the museum gallery. Art will be displayed in three rooms with a
21 separate entrance at basement level on the west side of the main house. An emergency egress is
22 possible by exiting up a set of stairs through the Gilberts’ residence and outside on the first floor
23 level.

24
25 Abutter Sameul Mintz walked the group around his property, including the interiors of various
26 buildings so that the board could assess the visual impact the proposed use would have on his
27 property. When fully occupied three households are possible on the various lots owned by Mr.
28 Mintz. One lot contains the former Parrish workshop which has a main residence and an
29 accessory apartment, the second lot has a single residence in the former gallery and a third lot is
30 undeveloped.

31
32 The site visit ended at 10:15am with a walk down to the end of the driveway so that board
33 members could better understand how the access to the Oaks impacts the Flynn.

34
35 The board will next take up this matter on Monday the 11th at 7pm.

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37 Submitted,

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39 Stephen Halleran
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4 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
5 **MEETING JANUARY 11TH 2010**
6 **MERIDEN TOWN HALL**

7 Zoning Board

8 Members Present: Richard Colburn, Chairman Ted Moynihan
9 Steve Sheehan Brad Atwater
10 William McGonigle

11
12 Also in attendance: Thomas Flynn Kristine Flynn
13 Sameul Mintz Emma McGonigle
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15
16 The meeting opened at 7:00pm

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18 The December 14th minutes were approved as amended.
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20
21 **Continuation of case 2009-06:** Board members discussed their impressions of the site visit,
22 noting that as described in various documents the four lots function very much like a compound
23 rather than a typical subdivision. All agreed that the property is very unique.
24

25 Chairman Colburn and member McGonigle reported on their discussions with Attorney Schuster
26 concerning the private covenants on the property. It is town counsel's view that the board should
27 not get involved with interpreting covenants, but rather should confine its review to the proposed
28 use and how well the parcel is suited for the use. If parts of the proposed use are in conflict with
29 private covenants its up to the affected parties to work those issues out.
30

31 Before beginning its deliberations the Zoning Board provided all in attendance final opportunities
32 to speak.
33

34 Abutter Samuel Mints offered the following four points: 1) The Oaks is a unique property and in
35 his view not well suited for the proposed use, 2) As proposed the parking is not sufficient for the
36 use or allowed by the private covenants. The proposed parking is on his land, 3) The museum will
37 receive visitors both with and without appointments, even now each summer tourists visit the
38 Oaks uninvited 4) Denial the application is not precedent setting. The use may be perfectly
39 acceptable on other properties, but not on this one as configured.
40

41 Applicant Peter Smith offered the following: 1) A museum will enhance the value of the
42 properties and should not be viewed as negative use, 2) Mr. Mintz has a commercial use on his
43 property the rental of an apartment, the proposed museum is no different, 3) The proposed
44 parking is owned, via an easement by the Smiths, and is theirs to use.
45

46 Abutter Thomas Flynn: Noted that is main concern is what will likely be unrestricted growth and
47 expansion of this use over its life. The applicant's goal will be more visitors, which means more
48 parking, more traffic.
49

1 On inquiry Alma Smith noted that the Windsor museum received about 3,000 visitors a year. As
2 proposed the current museum could receive about 1,000 visitors per year. Again, she noted that
3 all visitors would be accompanied by staff and the walk-in visitors would not be accepted.
4

5 There being no one else wishing to speak, Chairman Colburn accepted a motion to close the
6 public hearing. The motion was seconded and voted in the affirmative. Board deliberations
7 commenced immediately after the closing of the public hearing.
8

9 In general board members seemed to feel that the use on a lot of this size, 12 acres, at the scale
10 that is proposed is reasonable. However, there are unique features of the property such as the
11 close proximity of buildings, the sharing of the access point, the sharing of utilities that raise
12 concerns about the impacts any use that generates visitors will have on those living in the
13 “compound.”
14

15 Zoning Administrator Halleran noted that his two visits to the site continue to raise concerns
16 about life safety code issues and compliance, if necessary, with the Americans with Disability
17 Act. Prior to any final approvals to open, a life safety code review seems a necessary step.
18

19 A discussion followed about the number of parking spaces that are required by the zoning
20 ordinance. Depending on interpretation a range of four to fourteen seems reasonable. Board
21 members felt that given the by appointment status that four for patrons, two for the applicants and
22 two for staff or overflow was a reasonable number. Therefore the Zoning Board continued its
23 review with the idea that seven spaces would be needed to support the use. Regardless of the
24 covenants, there is not space for seven spots as proposed. The applicant has indicated that they
25 and staff could park near an existing tool shed away from the residential center of the property.
26 This notion led to a discussion about moving all the parking for use down to this area with the
27 development of a path to the access door of the museum, thereby reducing the impacts on
28 abutters.
29
30

31 **Sara Pushee:** At this time the board took a five-minute recess so that Sarah Pushee could discuss
32 informally with the board her plans to establish a single chair hair salon at the Meriden Deli. The
33 salon would be located in the space currently occupied by the “Budget Biker.” The zoning board
34 reviewed the existing land use approval for the deli, which stated that as uses come and go from
35 this space ZBA review should occur. Board members voted to review the proposal at their next
36 meeting, but noted that at the size that is proposed for the salon a formal hearing would not
37 necessarily be triggered. The entire property, including this space is already covered by a land
38 use approval and this use does not seem to be more intensive than those previously using the
39 space.
40

41 **Continuation of case 2009-06:** Board members continued their discussion about the proposed
42 use and what if any modifications to the application could be made to mediate abutter concerns.
43 The board provided the applicant an opportunity to recess or withdraw the application for thirty
44 days to work with abutters on amendments. The applicant refused this suggestion and asked that
45 the board vote on the application as presented.
46

47 This being the case the board continued refining its discussion about the propose use with
48 member Atwater making the following motion: Moved that although the board finds that the
49 application generally meets the requirements of the ordinance, specifically the application with
50 the close proximity of the access and parking to the abutters living space, as proposed, would be
51 detrimental to the character and enjoyment of the neighborhood, violating section 5.6 II b-1.

1 Additionally, the number of proposed parking spaces is insufficient for the use, violating section
2 5.6 IIa-3. Therefore, the applicant is denied. The motion was seconded and voted in the
3 affirmative on a vote of 3 to 1.

4

5 There being no other business the meeting was adjourned at 10:15pm.

6

7

8 Submitted,

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10 Stephen Halleran

Richard Colburn, Chair

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1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING FEBRUARY 22ND 2010**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle

7
8 Also in attendance: Sameul Mintz Dale Rook
9 Margaret Cassedy Mary Cassedy

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12 The meeting opened at 7:00pm

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14 The January 9th and January 11th minutes were approved as amended. Note: This meeting was
15 moved by the Zoning Board from February 8th to the 22nd to accommodate both the applicants
16 and abutters travel plans in case 2010-01.

17
18 **Case 2010-01 Alma Gilbert:** Chairman Colburn opened the hearing by instructing board
19 members that the first decision the board must make is whether or not this application is
20 sufficiently different enough to warrant a new hearing. Applicant Alma Gilbert-Smith was given
21 an opportunity to discuss the changes from the first case to the current proposal. Mrs. Gilbert-
22 Smith noted that the parking has been moved down the driveway some 60' to 100' from the
23 original application making it now about 250' from abutter Si Mintz's residential property. A
24 path from the parking lot to the museum entrance will be constructed in compliance with ADA
25 requirements. All museum activity will be away and out of the sight of abutters. As a result of
26 the first hearing, she has also had the town's building inspector review the property and she and
27 Peter are in the process of having the required changes made.

28
29 Board members reviewed the new application and determined that in their view the application
30 has tried to address the concerns that lead to denial of the first application. A motion to move
31 forward with the case was made, seconded and unanimously voted in the affirmative.

32
33 Turning to the details of the new case, surveyor Chris Rollins discussed the revised parking plan,
34 noting that the 40'x62' parking lot is sufficient for six cars and if a small bus was used to bring
35 visitors the parking lot should be empty allowing ample room to maneuver the bus around. All
36 visitations to the museum are by appointment only.

37
38 Abutter Mary Cassedy asked for clarification of the exact location of the new parking lot. Her
39 concern being that her family keeps horses and she wants to make sure that her horse pasture will
40 be sufficiently buffered from the parking lot so as not to spook the horses. Alma Gilbert-Smith
41 explained that the new parking lot will be set well away from the Cassedy property and should
42 not cause any problem for the horses.

43
44 Abutter Si Mintz stated that despite the board's encouragement and a letter from him requesting
45 it, a joint meeting between himself and the applicants has not happened. Mr. Mintz noted that he
46 feels real progress could be made on his concerns if he could just meet with Alma and Peter. He
47 asked that the hearing not go forward without this meeting having first taken place.

48
49 When queried about specifics by Chairman Colburn, Abutter Mintz suggested that moving all the
50 parking back even further to just off Freeman Road with a walking path from the lot to the

1 Museum entrance would address his concerns. He does not want visitors on his private driveway
2 that is shared with the Smiths. Alma Gilbert indicated that this was not acceptable to her as many
3 of her guests would not be comfortable with walking that distance. In an effort to mediate the
4 obvious disputes between the applicants and Mr. Mintz Board members tried to work through a
5 variety of driveway parking lot configurations that might address each parties concerns, but little
6 progress could be made leaving the board the option of once again ruling on the application as
7 presented.

8
9 There being no other abutters or interested parties wishing to comment the board closed the
10 public hearing and moved forward with their deliberations.

11
12 Focusing on the reasons that the previous case was denied board members while certain that there
13 were other parking and patron access configurations that would even further reduce the impacts
14 on abutters, confined their review to whether or not the current proposal has sufficiently
15 addressed the objections that lead to the denial of case 2009-06.

16
17 The board determined that the new parking plan appears to be adequate in terms of the number of
18 spaces and the location which has been moved entirely onto the applicants property at a lower
19 elevation with some existing vegetative screening therefore mitigating the initial concerns about
20 the close proximity of parking to abutters residences.

21
22 There remained some concern that the museum use as proposed may impact abutters. However,
23 the board determined that these concerns could be satisfactorily addressed with the following
24 conditions:

- 25
26 1. The Planning Board shall review the final design details of the new parking lot
27 intersection with the common driveway during the site plan review process to ensure
28 that museum visitors do not proceed beyond the parking lot area into the abutters
29 yard.
- 30
31 2. No vehicles larger than 24 passenger mini buses shall be permitted to deliver patrons
32 to the museum.
- 33
34 3. The town's zoning administrator shall organize a follow up review of the use after
35 the first season of operation so that the town's land use board's can access the effect
36 of these conditions and make any necessary modifications.

37
38
39 As a result of these deliberations member Moynihan moved to approve case 2010-01 a request for
40 an Approved Cottage Business special exception to establish a house museum at #58 Freeman
41 Road. Finding that with the conditions outlined above the new application generally meets the
42 requirements for special exceptions found in section 5.7 of the zoning ordinance and specifically
43 section 5.6 Ila-3 and section 3.6 both of which had been cited as reasons for the initial denial. The
44 motion was seconded and voted in the affirmative.

45
46 **Meriden Deli Property:** Following up from last months meeting the Board reviewed additional
47 language to be added to the comprehensive decision in case 2000-09, which addressed the
48 proposed hair salon use. Specifically, the following is to be added:

49
50 **February 2010 Update:** In accordance with conditions B) #2 above, at its January 11th meeting
51 the Zoning Board of Adjustment reviewed and consented to the space formerly used as a

1 commercial laundry being converted to a single chair hair salon. As this use involves no
2 significant physical changes to the space and is less intensive than several of the past uses of this
3 space (an earlier hair salon, video rental store, laundry, and a motorcycle parts store) and none of
4 these uses has resulted in complaints or zoning related concerns the Zoning Board has determined
5 that no formal review is necessary for this change to take place.

6
7 A motion to approve the new language was made by member McGonigle, seconded and voted in
8 the affirmative.

9
10 The February 22nd meeting was adjourned at 9:50pm.

11 Submitted,

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14 Stephen Halleran

Richard Colburn, Chair

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1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING APRIL 12TH 2010**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle
7 Stephen Sheehan

8 Also in attendance: Samuel Mintz Alma Gilbert Peter Smith
9

10 The meeting opened at 7:00pm
11 The February 22nd minutes were approved as amended.
12

13 Following up on the January and February meeting Chairman Colburn signed an amended
14 Meriden Deli decision that updates the permitted uses on the property. The board has determined
15 that a single chair hair salon in the space formerly used as a coin laundry and most recently as a
16 motorcycle parts store is within the permissions already granted for the property for case 2009-
17 04.
18

19 **Si Mintz motion for rehearing case 2010-01 Alma Gilbert Smith:** Chairman Colburn took the
20 board through the process of reviewing a motion for rehearing as outlined in RSA 677:2.
21 Specifically, the board is looking for either new information that was not available or could not
22 have been available at the time the decision was rendered or a material legal defect in the board's
23 process or decision that needs correction.
24

25 The board began its review of the motion going through all 11 sections. From this review
26 sections 1, 2, 5,6,7,8,9,10,11 were found not to require further board discussion and each was
27 determined not to be cause for a rehearing.
28

29 The board then held a more detailed discussion about sections 3 and 4 of the motion, which are
30 concerned with the board's handling of the parking requirements for the museum as outlined in
31 the town's zoning ordinance. Addressing #3 first,, the board noted that it has interpreted a house
32 museum with showings by appointment only; to be a more controlled use than a gallery (#10
33 section 3.6) that is open to all visitors during specified hours. See #19 section 3.6 of the zoning
34 ordinance. Addressing #4 of the rehearing request, the board noted that the 12-acre parcel is
35 sufficiently large enough to accommodate a lot of 14 or more spaces should a lot of this size be
36 determined as necessary by the Planning Board during Site Plan Review.
37

38 At the conclusion of the discussion the board determined that, in its view, the process followed
39 during the application was in accordance with state law and that the motion for rehearing
40 contained no new information that was not available at the time of the initial hearing for case
41 2010-01 and there was no legal error in the process or decision. Therefore, a motion to deny the
42 request for a rehearing was made, seconded and voted in the affirmative on a unanimous vote of
43 the board.
44

45 The April meeting adjourned at 8:50pm.
46

47 Submitted,
48

49 Stephen Halleran

Richard Colburn, Chair

1 draft
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
3 &
4 **PLANNING BOARD**
5 **JOINT MEETING MONDAY AUGUST 30TH 2010**
6 **MERIDEN TOWN HALL**

7 Zoning Board

8 Members Present: Richard Colburn, Chairman Ted Moynihan
9 Brad Atwater William McGonigle
10 Stephen Sheehan

11
12 Planning Board

13 Members Present: Mike Sutherland, Chair Judy Belyea
14 Des Hudson Allan Ferguson
15 Mary Barnes Jeff Albright

16
17 Others:

18 Fire Chief David Best
19 Police Chief Paul Roberts
20 Abutter Lori Estey
21 Resident David Chellis
22 Project Eng. Pat Buccellato Pathways Consulting
23 KUA COO Jim Gray

24 **Kimball Union Academy Field House Project 2010-02:**

25
26 The meeting opened at 6:30pm with a site visit to the proposed KUA Field House to be located
27 adjacent to the tennis courts and hockey rink, accessed from Campus Center Drive.

28
29 Starting in the northwest corner of the proposed building Jim Gray and Pat Buccellato walked the
30 group in a counter clockwise direction around the proposed perimeter. The facility will be 160'
31 wide 220' long and will house an artificial turf field. The building will go from about 15' from
32 the tennis court fence to just over the existing bank that falls away to the Chellis Pond wetland
33 area. KUA is proposing to replace parking being lost by the construction of the facility by
34 building a small 34 car lot on the north side of the Tennis Courts. Unrelated to this project a new
35 parking area has also been constructed adjacent to the field hockey field on Chellis Road. KUA
36 will be removing 31 student vehicles that have been using some of the 204 spaces required for the
37 Art Center and Hockey Rink. These cars will be dispersed around the campus. Therefore, the
38 approval of an alternative parking plan from the ZBA is necessary. That plan basically relies on
39 redistributing vehicles so that the existing parking lot will support the art center, hockey rink, turf
40 field and the new field house.

41
42 Pat Buccellato provided a basic review of the proposed drainage system for the new building.
43 Runoff from the facility and surrounding grounds will be collected and treated on site using drip
44 strips and scour holes before discharging in a controlled manner into the wetland area. No state
45 wetland permit is necessary for the project, but KUA does need permission from the ZBA to
46 disturb earth within the 50' buffer zone for the wetland.

47
48 Campus Center Drive (private 18' lane) that will now serve as the primary access for three large
49 structures was an area of concern. An emergency lane does exist from the parking lot area to
50 Chellis Road. By previous agreement this road is not used as a primary access to the parking

1 area. Its only use is for service vehicles and emergency vehicles. The board completed its walk
2 around the site by looking at the new field hockey field parking area and how it related to the
3 proposed 34 car lot to be built adjacent to the tennis courts.
4

5 **The site visit ended at 7:15pm and the group moved up to the Meriden Town Hall for the**
6 **public hearing.**
7

8 Zoning Board Chairman Richard Colburn ran the meeting. Public notice for the hearings were
9 read and KUA COO Jim Gray along with Pathways Consulting and ORW Landscape Architects
10 walked the group through the details of the project.:

11
12 The facility will be 160' wide 220' long and will house an artificial turf field. Building height will
13 be 35' or less. The building will be used as a practice facility for various sports. No fixed seating
14 and no organized sporting events will take place in the building. A 20' x 30' entry building will
15 be located on the west side of the facility to house changing rooms. The expectations are that the
16 facility will be used by no more than 25 people at any one time, hours of operation are proposed
17 at 9:00am to 10:00pm during weekdays. The building will be available for rentals by outside
18 clubs. While not yet finalized a fabric hooped type structure is currently envisioned that will be
19 green in color with a white strip along the top to allow sunlight in during the day. Inside lights
20 will be directed downward onto the playing service. The building will go from about 15' from
21 the tennis court fence to just over the existing bank that falls away to the wetland area. KUA is
22 proposing to replace parking being lost by the construction of the facility by building a small 34
23 car lot on the north side of the Tennis Courts, but is not proposing any significant increase in
24 spaces over the 204 that are currently required by the Planning Board to serve the Hockey Rink
25 and Arts Center. KUA will be removing 31 student vehicles that have been using some of the
26 204 spaces. These cars will be dispersed around the campus.
27

28 Pat provided a detailed review of the proposed drainage system for the new building. Runoff
29 from the facility will be collected and treated on site using drip edges and scour hole structures
30 before discharging in a controlled manner into the wetland area. No state wetland permit is
31 necessary for the project, but KUA does need permission from the ZBA to disturb earth within
32 the 50' buffer zone for the wetland. Understanding that to be granted permission to work within
33 the 50' wetland buffer the drainage system for the new structure has been designed to handle
34 flows from a 25 year storm; the regulations only require a design for a 10 year storm. Board
35 members noted that if either the building were narrowed or the tennis courts relocated the need
36 for the wetland buffer encroachment would be eliminated.
37

38 Turning to the renderings of the building, the large structure will be most visible from Chellis
39 Road. Plantings of various trees and shrubs are proposed to landscape the facility and
40 replacement parking area. Jim Gray noted that of the three locations considered for the facility
41 (this one, Route 120 and up a level on Chellis Road), KUA feels this one provides the least visual
42 impact to the community and the best access to the facility from the campus for students.
43

44 Both Fire Chief Best and Police Chief Roberts feel that Campus Center Drive is very narrow and
45 alone might not be adequate for the intensity of use that is dependent on it. Chief Best indicated
46 that a complete review from a Fire Protection Engineer will be necessary prior to construction.
47 Jim Gray noted that KUA has narrowed the roadway with pedestrian safety in mind; the drive is
48 still wide enough to accommodate two way traffic. The Chellis road access provides additional
49 access in the event of an emergency.
50

1 Abutter Lori Estey expressed concerns about student activity in and around the building late at
2 night and also concerns about noise from the mechanical systems for the building. Ventilation
3 blowers will be necessary and in the future the facility may be warmed from the heat produced by
4 the compressors for the hockey rink.

5
6 Summary of the major issues from the hearing:

7
8 A full review of the proposed drainage system for the new building and how well it will function
9 both in summer and winter conditions is needed.

10
11 A better understanding of the existing wetland area and how the existing and proposed facilities
12 will impact it is necessary.

13
14 More details on the way the parking lots and Campus Center Drive will function during
15 simultaneous events at both facilities.

16
17 More details are needed on where the five or six storage boxes currently on the site will be
18 located along with the proposed locations for parking the displaced cars around campus. On
19 street parking is not a long-term option.

20
21 Complete details on the proposed building both from a code compliance, but also from an
22 aesthetic perspective are necessary. In addition, as well as a better understanding of what the
23 structure will look like at night and will it sound like during operations?

24
25 To address many of these concerns both the Planning Board and the Zoning Board agreed that the
26 involvement of Town Engineer Lou Caron would be beneficial. Caron Engineering was very
27 helpful during the construction of the outdoor lighted turf field. Town Administrator Halleran
28 was tasked with organizing this review, which will be done on behalf of the town, but at the
29 applicant's expense.

30
31 The joint hearing was closed at 9:20pm. While many of these issues are related to each other and
32 both boards will now move forward with their own review of the project. The ZBA focused on
33 the wetland buffer special exception request and the alternative parking plan. The Planning board
34 with its Site Plan Review powers will try to better understand the public safety, operational, and
35 aesthetic issues surrounding the project.

36
37 The next meeting on the proposal will likely be September 20th, September 27th and possibly
38 October 4th.

39
40 The joint meeting adjourned at 9:45pm.

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42 Submitted,

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44 Stephen Halleran

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46 Richard Colburn, ZBA Chair

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49 Mike Sutherland PB Chair
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1 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**
2 **MEETING SEPTEMBER 20TH 2010**
3 **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present: Richard Colburn, Chairman Ted Moynihan
6 Brad Atwater William McGonigle
7 Stephen Sheehan

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11 The meeting opened at 6:30pm at the site of the proposed KUA field house. Town
12 Engineer Lou Caron and town hired Wetland specialist Bruce Gilday took a few minutes
13 to discuss their findings. In short, with some modifications the proposed drainage system
14 for the field house will act as a modest improvement over runoff from the existing long-
15 term parking lot now reaching the wetland area without the benefit of any treatment. Lou
16 noted that if the main hockey rink/art center parking area were ever to be paved the use of
17 a porous pavement should be considered to minimize additional surface runoff. Bruce
18 Gilday noted that he finds the wetland area to be healthy and functioning well. He does
19 not feel that the proposed encroachment into the wetland buffer will have any adverse
20 impact. He concurs with Pathways that the development of the site will not require a
21 wetland permit.

22
23 The group moved up to the Meriden Town Hall.

24
25 KUA CEO Jim Gray made two amendments to the plan. The first was that the building is
26 actually 30' longer than shown on the original plans. The building will be 50 yards wide
27 by 80 yards. The second is that the building design calls for a ridgeline of 42', rather
28 than the 35' or less that was originally discussed. Since the first meeting proposals have
29 come in for the structure, all are for a steel framed/covered building.

30
31 Lou Caron and Bruce Gilday reviewed their written reports with the Zoning Board. See
32 attached. From a general engineering perspective the site is workable, but quite complex
33 given that an Art Center, Hockey Rink and now a proposed field house all to be accessed
34 from a common drive (Campus Center Way) and served by a main parking lot. Many
35 EMS, vehicular traffic and pedestrian flow issues need to be considered. Lou noted that
36 he has not had a chance to review the new plans showing the still larger building.

37
38 Chairman Colburn focused the board on the three issues before the Zoning Board noting
39 that many other issues remain, but are Planning Board site plan issues. Specifically, the
40 Zoning Board must act on: 1) Wetland buffer zone encroachment, 2) the building height
41 issue, and finally 3) the approved parking plan request.

42
43 Taking up the parking issue first, the board felt that first they must determined that the 44
44 spaces being lost to the new building are made available somewhere else on the lot. This
45 is accomplished by the new parking areas located uphill from the tennis courts as well as
46 some reconfiguration of the existing main lot. The second issue is to determine how
47 many onsite spaces are realistically necessary for the new structure. Based on testimony

1 from the applicant the board determined that at full usage the new building might have 40
2 people using it with as many as 25 additional cars on the site. This being the case the
3 board determined that an approved parking plan that resulted in a net gain of at least 25
4 new spaces would be acceptable for this site. Zoning Board members made it clear that
5 there are significant vehicle, pedestrian traffic flow issues on this site that must be
6 mitigated through the site plan review process. A lack of sidewalks, paths and adequate
7 width of the driveway to the new parking lots are among these concerns.

8
9 Turning to the height of the building, based on testimony at the first hearing from the Fire
10 Chief and the lack of any concern about the size and scale of the building from abutters
11 the Zoning Board determined that granting a special exception to allow for an additional
12 7' of height for the building was not unreasonable. It was further noted that since there is
13 no human occupancy in the building above the ground level, it could be argued that no
14 additional approval was necessary.

15
16 Wetland encroachment, based on testimony and the written comments from Bruce
17 Gilday, wetland specialist, the Zoning Board determined that the wetland encroachment
18 does not represent a detriment to the adjacent Chellis Pond wetland. This being the first
19 of these requests the involvement of a wetland specialist to make a recommendation to
20 the board effectively has become a leading indicator of how these cases will be handed in
21 the future.

22
23 Chair Colburn moved the Zoning Board through the review of section 5.6II conditions
24 for granting special exceptions.

25
26 Once this review was complete, member Moynihan made the following statement: Based
27 on the Zoning Board's two site walks, two meetings, and now the testimony of the town's
28 hired engineer and wetland specialist the ZBA makes the following findings with regard
29 to case 2010-02 concerning a proposed field house for Kimball Union Academy to be
30 located adjacent to the ice hockey rink:

- 31
32 1) The capacity of the existing overflow parking area that will be eliminated by the new
33 field house is 55 spaces. The new field house will generate a need for 25 new spaces.
34
35 2) As currently proposed, the new parking as proposed is further away and lacks adequate
36 and safe access for pedestrian and two way traffic. However, the board feels that given
37 the features of the overall site these safety concerns can be addressed during site plan
38 review with the Planning Board.
39
40 3) The proposal infringes on the town established 50' wetland buffer. However, based on
41 the town's engineer and wetland specialist reports the board finds that the proposed
42 encroachment will not have a detrimental impact on the adjacent wetlands and may even
43 have beneficial impacts by treating the run off that reaches the wetland area.
44
45 4) The 42' height of the new building exceeds the ordinance established limit of 35'.
46 However, as the board finds that there are no highly flammable materials and the location

1 is far from abutters the height deviation is acceptable and qualifies for the ordinance
2 allowed special exception relief.

3
4 Given the findings, member Moynihan next moved that as case 2010-02 generally meets
5 the requirements of section 5.6 II the application be approved, granting the following
6 three special exceptions:

- 7
- 8 1. An approved parking plan.
- 9 2. An approved wetland buffer encroachment
- 10 3. Building height allowance to 42'.

11
12 The approval subject to the following conditions:

- 13
- 14 1) The Conservation Commission provide an affirmative statement to the project
15 file, see page 8 of the 2010 Zoning Ordinance.
- 16
- 17 2) Whereas the zoning board finds that the increased intensity of use of this parcel
18 and the location of the proposed parking may create hazards for traffic and
19 pedestrians this board requires that the following items be emphasized at site plan
20 review: a) two way traffic to the upper lots, b)pedestrian access to the new
21 parking and pedestrian flow through the existing parking lot, c) vehicular traffic
22 via Campus Center Drive including buses, trucks and emergency vehicles,
23 d)snow removal.

24
25 The motion was seconded and voted unanimously in the affirmative.

26
27 The September Zoning Board meeting adjourned at 9:30pm.

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30 Submitted,

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32 Stephen Halleran

Richard Colburn, Chair

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