Zoning Board

Members Present:

Richard Colburn, Chairman  Ted Moynihan
Steve Sheehan  Brad Atwater
William McGonigle

Also in attendance:

Mary Cassedy  Margaret Cassedy
Thomas Flynn  Kristine Flynn
Sameul Mintz  Emma McGonigle

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

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

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

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

Submitted,

Stephen Halleran
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING JANUARY 11TH 2010
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Steve Sheehan Brad Atwater
William McGonigle

Also in attendance: Thomas Flynn Kristine Flynn
Sameul Mintz Emma McGonigle

The meeting opened at 7:00pm

The December 14th minutes were approved as amended.

Continuation of case 2009-06: Board members discussed their impressions of the site visit,
noting that as described in various documents the four lots function very much like a compound
rather than a typical subdivision. All agreed that the property is very unique.

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

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

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

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

Abutter Thomas Flynn: Noted that is main concern is what will likely be unrestricted growth and
expansion of this use over its life. The applicant’s goal will be more visitors, which means more
parking, more traffic.
On inquiry Alma Smith noted that the Windsor museum received about 3,000 visitors a year. As proposed the current museum could receive about 1,000 visitors per year. Again, she noted that all visitors would be accompanied by staff and the walk-in visitors would not be accepted.

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

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

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

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

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

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

This being the case the board continued refining its discussion about the propose use with member Atwater making the following motion: Moved that although the board finds that the application generally meets the requirements of the ordinance, specifically the application with the close proximity of the access and parking to the abutters living space, as proposed, would be detrimental to the character and enjoyment of the neighborhood, violating section 5.6 II b-1.
Additionally, the number of proposed parking spaces is insufficient for the use, violating section 5.6 IIa-3. Therefore, the applicant is denied. The motion was seconded and voted in the affirmative on a vote of 3 to 1.

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

Submitted,

Stephen Halleran Richard Colburn, Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING FEBRUARY 22ND 2010
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Brad Atwater William McGonigle

Also in attendance: Sameul Mintz Dale Rook
Margaret Cassedy Mary Cassedy

The meeting opened at 7:00pm

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

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

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

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

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

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

When queried about specifics by Chairman Colburn, Abutter Mintz suggested that moving all the
parking back even further to just off Freeman Road with a walking path from the lot to the
Museum entrance would address his concerns. He does not want visitors on his private driveway that is shared with the Smiths. Alma Gilbert indicated that this was not acceptable to her as many of her guests would not be comfortable with walking that distance. In an effort to mediate the obvious disputes between the applicants and Mr. Mintz Board members tried to work through a variety of driveway parking lot configurations that might address each parties concerns, but little progress could be made leaving the board the option of once again ruling on the application as presented.

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

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

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

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

1. The Planning Board shall review the final design details of the new parking lot intersection with the common driveway during the site plan review process to ensure that museum visitors do not proceed beyond the parking lot area into the abutters yard.

2. No vehicles larger than 24 passenger mini buses shall be permitted to deliver patrons to the museum.

3. The town’s zoning administrator shall organize a follow up review of the use after the first season of operation so that the town’s land use board’s can access the effect of these conditions and make any necessary modifications.

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

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

February 2010 Update: In accordance with conditions B) #2 above, at its January 11th meeting the Zoning Board of Adjustment reviewed and consented to the space formerly used as a
commercial laundry being converted to a single chair hair salon. As this use involves no
significant physical changes to the space and is less intensive than several of the past uses of this
space (an earlier hair salon, video rental store, laundry, and a motorcycle parts store) and none of
these uses has resulted in complaints or zoning related concerns the Zoning Board has determined
that no formal review is necessary for this change to take place.

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

The February 22\textsuperscript{nd} meeting was adjourned at 9:50pm.

Submitted,

Stephen Halleran

Richard Colburn, Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
MEETING APRIL 12TH 2010
MERIDEN TOWN HALL

Zoning Board
Members Present: Richard Colburn, Chairman Ted Moynihan
Brad Atwater William McGonigle
Stephen Sheehan

Also in attendance: Samuel Mintz Alma Gilbert Peter Smith

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

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

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

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

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

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

The April meeting adjourned at 8:50pm.

Submitted,

Stephen Halleran Richard Colburn, Chair
MINUTES OF THE ZONING BOARD OF ADJUSTMENT
&
PLANNING BOARD
JOINT MEETING MONDAY AUGUST 30TH  2010
MERIDEN TOWN HALL

Zoning Board
Members Present:  Richard Colburn, Chairman    Ted Moynihan
                Brad Atwater                         William McGonigle
                Stephen Sheehan

Planning Board
Members Present:  Mike Sutherland, Chair      Judy Belyea
                 Des Hudson                         Allan Ferguson
                 Mary Barnes                         Jeff Albright

Others:    Fire Chief  David Best
           Police Chief  Paul Roberts
           Abutter     Lori Estey
           Resident   David Chellis
           Project Eng.  Pat Buccellato Pathways Consulting
           KUA COO     Jim Gray

Kimball Union Academy Field House Project 2010-02:

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

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

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

Campus Center Drive (private 18’ lane) that will now serve as the primary access for three large
structures was an area of concern. An emergency lane does exist from the parking lot area to
Chellis Road. By previous agreement this road is not used as a primary access to the parking
area. Its only use is for service vehicles and emergency vehicles. The board completed its walk around the site by looking at the new field hockey field parking area and how it related to the proposed 34 car lot to be built adjacent to the tennis courts.

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

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

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

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

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

Both Fire Chief Best and Police Chief Roberts feel that Campus Center Drive is very narrow and alone might not be adequate for the intensity of use that is dependent on it. Chief Best indicated that a complete review from a Fire Protection Engineer will be necessary prior to construction. Jim Gray noted that KUA has narrowed the roadway with pedestrian safety in mind; the drive is still wide enough to accommodate two way traffic. The Chellis road access provides additional access in the event of an emergency.
Abutter Lori Estey expressed concerns about student activity in and around the building late at night and also concerns about noise from the mechanical systems for the building. Ventilation blowers will be necessary and in the future the facility may be warmed from the heat produced by the compressors for the hockey rink.

Summary of the major issues from the hearing:

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

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

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

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

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

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

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

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

The joint meeting adjourned at 9:45pm.

Submitted,

Stephen Halleran

Richard Colburn, ZBA Chair

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

The group moved up to the Meriden Town Hall.

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

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

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

Taking up the parking issue first, the board felt that first they must determined that the 44 spaces being lost to the new building are made available somewhere else on the lot. This is accomplished by the new parking areas located uphill from the tennis courts as well as some reconfiguration of the existing main lot. The second issue is to determine how many onsite spaces are realistically necessary for the new structure. Based on testimony
from the applicant the board determined that at full usage the new building might have 40
people using it with as many as 25 additional cars on the site. This being the case the
board determined that an approved parking plan that resulted in a net gain of at least 25
new spaces would be acceptable for this site. Zoning Board members made it clear that
there are significant vehicle, pedestrian traffic flow issues on this site that must be
mitigated through the site plan review process. A lack of sidewalks, paths and adequate
width of the driveway to the new parking lots are among these concerns.

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

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

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

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

1) The capacity of the existing overflow parking area that will be eliminated by the new
field house is 55 spaces. The new field house will generate a need for 25 new spaces.

2) As currently proposed, the new parking as proposed is further away and lacks adequate
and safe access for pedestrian and two way traffic. However, the board feels that given
the features of the overall site these safety concerns can be addressed during site plan
review with the Planning Board.

3) The proposal infringes on the town established 50’ wetland buffer. However, based on
the town’s engineer and wetland specialist reports the board finds that the proposed
encroachment will not have a detrimental impact on the adjacent wetlands and may even
have beneficial impacts by treating the run off that reaches the wetland area.

4) The 42’ height of the new building exceeds the ordinance established limit of 35’.
However, as the board finds that there are no highly flammable materials and the location
is far from abutters the height deviation is acceptable and qualifies for the ordinance allowed special exception relief.

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

1. An approved parking plan.
2. An approved wetland buffer encroachment
3. Building height allowance to 42’.

The approval subject to the following conditions:

1) The Conservation Commission provide an affirmative statement to the project file, see page 8 of the 2010 Zoning Ordinance.

2) Whereas the zoning board finds that the increased intensity of use of this parcel and the location of the proposed parking may create hazards for traffic and pedestrians this board requires that the following items be emphasized at site plan review: a) two way traffic to the upper lots, b) pedestrian access to the new parking and pedestrian flow through the existing parking lot, c) vehicular traffic via Campus Center Drive including buses, trucks and emergency vehicles, d) snow removal.

The motion was seconded and voted unanimously in the affirmative.

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

Submitted,

Stephen Halleran Richard Colburn, Chair