

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
JULY 31, 2006**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.]

1. Site Visit/Public Hearing (Special Exception Application). A site visit conducted by the Swanzev Zoning Board of Adjustment was held on Monday, July 31, 2006 at the Cheshire Fair Grounds in conjunction with a special exception application submitted by 5 Eagles Design, LLC. The meeting was called to order at 5:40 p.m. ZBA members present: Bill Hutwelker, Jenn Gregory, Keith Thibault, Charles Beauregard, Sr. and Bob DeRocher. DeRocher was seated for Bob Mitchell. Present on behalf of the applicant were: Vic St. Pierre, Nancy St. Pierre, Patrick St. Pierre and Rick Scott. Present on behalf of the Cheshire Fair Association: Bob Silk and Gary Davis. Also present: Mr. and Mrs. St. Pierre, Glenn Page, June Fuerderer, Victoria Barlow and Jake Berry from the Keene Sentinel. Town Planner Sara Carbonneau and Code Enforcement Officer Jim Weston were also present. Public hearing opened.

V. St. Pierre reviewed the site plan with the Board, noting the location of the proposed structure and parking area. Also noted on the site were the access roads, catch basins, drainage swale, existing well locations, proposed septic system location, fire lane (existing and proposed location) and access to the existing northerly and southerly gate locations.

V. St. Pierre stated that the land will be leased from the Cheshire Fair Association, whereas the building will be owned by 5 Eagles. V. St. Pierre stated that the building will be connected to the existing ice arena. However, there will not be access directly from the ice arena to the “connecting” building. V. St. Pierre noted that “thru access” from the connecting building to the ice arena would mean that the ice arena would need to be sprinklered – something that is not feasible at this time. V. St. Pierre stated that it appears that the sports arena will need to be sprinklered and that a booster pump and storage tank will need to be installed.

It was noted that the structure will be initially served by on-site water and septic. However, St. Pierre stated that they would eventually like to connect to public water and sewer, when it becomes available. The access roads, as well as the new parking lot will be finished with 4

inches of crushed recycled asphalt. V. St. Pierre noted that the State of New Hampshire has approved the driveway permit for the proposed use.

Page stated that the Tax Increment Financing Committee (TIF) met last week and recommended that the easterly end of Safford Drive be relocated (from what was originally proposed). Page stated that 5 Eagles should arrange to meet with Underwood Engineering who is designing the road.

V. St. Pierre stated that the proposed septic system design is based on water usage from similar facilities. It was noted that approval of the system from NH-DES is required. Site visit concluded at the fairgrounds at 6:20 p.m.

The public hearing recommenced at Town Hall at 6:45 p.m. Roll call at Town Hall: Bill Hutwelker, Jenn Gregory, Keith Thibault, Charles Beauregard, Sr. and Bob DeRocher. DeRocher was seated for Bob Mitchell. Present on behalf of the applicant were: Vic St. Pierre, Nancy St. Pierre, Patrick St. Pierre and Rick Scott.

V. St. Pierre noted that the proposed arena will be similar in size to the existing ice arena. In addition, if the arena was located in the Industrial Park District, it would be a use permitted of right.

V. St. Pierre stated that the roof would be green, in keeping with the newer buildings at the fairgrounds. The color of the siding will be determined by the Fair Association.

V. St. Pierre stated that the Swanzev Zoning Ordinance requires 57 parking spaces for the proposed structure. However, 5 Eagles proposes 98 regular parking space and 5 handicapped accessible spaces. 5 Eagles determined this number based on review the anticipated proposed use from similar facilities. Gregory inquired if buses are anticipated. Scott stated that buses are very unusual, but if they do come, they could utilize the parking spaces in the center of the proposed lot.

V. St. Pierre reviewed how he calculated the anticipated vehicle trips per day. In addition, he noted that this information was provided to NH-DOT. NH-DOT has issued the driveway permit and is not requiring any modifications to Route 12 at this time.

V. St. Pierre estimated that the total site impact would be approximately 60,000 s.f. and would not need a site specific permit.

V. St. Pierre stated that snow storage would be located at the northerly end of the proposed parking lot, near the existing grandstand area. It was noted that the snow storage area would be located outside of the leased area.

V. St. Pierre stated that 5 Eagles would maintain the access drive and the new parking lot. V. St. Pierre noted that test pits were dug on site and noted that some of the soil would need to be removed due to inadequate fill. However, he noted that Soils Engineering determined that the soil (after the inadequate fill is removed) can sustain the proposed building.

Scott stated that they are proposing a snack bar in the building to service those in attendance or utilizing the facility. In addition, Scott noted that they may offer some limited sports equipment for sale (such as shin guards for those who have forgotten to bring theirs), but does not plan a full scale athletic equipment shop.

V. St. Pierre stated that when the property is eventually connected to public sewer and water, they will install a total of 24 bathroom stalls. While they are connected to a septic system, the maximum number of bathroom stalls will be 12.

Scott stated that 5 Eagles proposes to use the building from November through April, with the building to be leased back to the Fair Association for the period May through October.

Board members inquired as to the proposed use of the building from May through October, when controlled by the Fair Association. Silk and Fair Association director Mike Trombly stated that the use would be similar to how the fairgrounds and the ice arena are currently utilized – i.e., flower show, home show, horse shows, liquidation sales, company picnics, etc. Board members felt that the specific uses needed to be set forth in detail, noting that some of the proposed uses were non-conforming uses in the Business District. In addition, it was noted that the fair, itself, is a non-conforming use. Board members felt that the Fair Association should submit a separate application to the ZBA, if it is seeking to expand its non-conforming use, or seeking a use that either requires a special exception or a variance. ZBA members did not feel that they could approve any use for the period of May through October without further information.

V. St. Pierre stated that 5 Eagles would be willing to modify its application to reflect that the proposed use as a sports arena would be limited to the period from November 1 through April 30; hours of operation would be limited to 6 a.m. through midnight, 7 days per week; and that the maximum seating capacity would be limited to 100 seats. Public hearing closed.

The criteria for granting a special exception were reviewed. It was noted that the use was similar to other uses in the district and that it was an appropriate location for the same. Board members also noted that it would not diminish surrounding property values. In addition, Board member stated that adequate and appropriate facilities were provided, including water, septic, parking and provisions for drainage. Motion by Gregory to grant the special exception subject to the following conditions:

a. the approval of the special exception is limited to the period running from November 1 through April 30th. Any use of the building from May 1 through October 31 may be subject to further Zoning Board review and approval and will be subject to site plan review before the Planning Board.

b. Hours of operation during the period running from November 1 through April 30th will be limited to 6 a.m. through midnight;

c. Maximum seating capacity during the period running from November 1 through April 30th will be limited to 100 seats.

Motion seconded by Thibault. Vote: All in favor.

2. Minutes from July 17, 2006. Motion by DeRocher to approve the minutes from July 17, 2006 as submitted. Seconded by Gregory. Vote: All in favor.

Motion by Thibault to adjourn. Seconded by Beauregard. Vote: All in favor. Meeting adjourned at 9:10 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner