

SELECT BOARD MEETING AGENDA

DATE: Wednesday, July 27, 2016 at 2:00 pm

HELD: Public Safety Complex (2nd Floor Meeting Room) 20 George Bennett Rd, Lee

The Select Board reserves the right to make changes as deemed necessary during the meeting. Public Comment limited to 3 minutes.

1. Call meeting to Order –2:00 pm
2. Motion to enter into Non-Public Session – NH RSA 91-A:3 II (a) Personnel – Roll Call Vote
Chairman Bugbee _____ Selectman LaCourse _____ Selectman Brown _____
3. Motion to seal the Non-Public Minutes (if necessary.) Roll call Vote required:
Chairman Bugbee _____ Selectman LaCourse _____ Selectman Brown _____
4. Chief Dronsfield
 - a. Permission to house 15 members of the Cumberland County Regional Tactical Team at the Public Safety Complex for two nights Aug 1-3
 - b. Review request by Lee USA Speedway to approve “Authorization for Service to Another Area” to extend area for service of alcohol at “Boots and Bulls” rodeo event on July 30, 2106.
5. Miscellaneous
6. Adjournment

Posted: Town Hall, Public Safety Complex, Public Library and on leenh.org on July 26, 2016

Individuals needing assistance or auxiliary communication equipment due to sensory impairment or other disabilities should contact the Town Office at 659-5414. Please notify the town six days prior to any meeting so we are able to meet your needs.



TOWN of LEE
7 MAST RD, LEE, NH 03861
(603) 659-5414

Office Use Only

Meeting Date: July 27, 2016

Agenda Item No. 4a

BOARD OF SELECTMEN
MEETING AGENDA REQUEST
7/27/2016

Agenda Item Title: Request to Use Public Safety Complex

Requested By: Tom Dronsfield, Police Chief

Date: 7/26/2016

Contact Information: 603-659-5866

Presented By: Chief Tom Dronsfield

Description: Request permission for the Cumberland County Regional Tactical Team to utilize the Public Safety Complex for overnight accommodations for 15 of their members from August 1st until August 3rd.

Financial Details: n/a

Legal Authority: NH RSA 41:11-a; Meeting Room Policy

REQUESTED ACTION OR RECOMMENDATIONS:

Move to grant 15 members of the Cumberland County Regional Tactical Team permission to utilize the Lee Public Safety Complex for overnight accommodations from August 1st until August 3rd.



TOWN of LEE
7 MAST RD, LEE, NH 03861
(603) 659-5414

Office Use Only

Meeting Date: July 27, 2016

Agenda Item No. 4b

BOARD OF SELECTMEN
MEETING AGENDA REQUEST
7/27/2016

Agenda Item Title: Request Approval to Serve Alcohol in Extended Area

Requested By: Bill Callen, Lee USA Speedway Manager **Date: 7/26/2016**

Contact Information: billcallen@myfairpoint.net

Presented By: Bill Callen

Description: Review and take action on the ‘Authorization for Service to Another Area’ being presented to the NH State Liquor Commission for service of alcohol to an extended area at the “Boots and Bulls” Rodeo Event being held on July 30, 2016 at the USA Speedway.

Financial Details: n/a

Legal Authority: NH RSA 31:41-a; RSA 178:24; Liq. 404.05

REQUESTED ACTION OR RECOMMENDATIONS:

Move to approve the “Authorization for Service to Another Area” requested by the Lee USA Speedway to the NH State Liquor Commission for service of alcohol to an extended area at the “Boots and Bulls” Rodeo Event being held at the USA Speedway on July 30, 2016.



TOWN OF LEE
Office of the Select Board
7 Mast Road
Lee, New Hampshire 03861
(603) 659-5414

July 27, 2016

New Hampshire State Liquor Commission
PO Box 1795
Concord NH 03302-1795

RE: Authorization for Service to Another Area

The Lee USA Speedway in conjunction with Town Square Media will be holding an event ("Boots and Bulls") on July 30, 2016 from 12pm-7pm. The Speedway has applied for a permit from the NH Liquor Commission ("Authorization for Service to Another Area") to extend the area in which alcoholic beverages (beer) can be served. The designated area will be the bleachers directly to the right (facing) of the Lee USA Checkered Flag Pub, which is currently licensed by the Commission.

The designated area has been inspected by the Police and Fire Chiefs. There will be a police detail assigned to this area as well.

The Town of Lee Select Board, after reviewing the Speedway's request and speaking with the Fire and Police Chiefs, have no objection to extend the alcohol serving area as designated. This request is for July 30, 2016 only.

Authorized by the Lee Select Board at a public meeting held on July 27, 2016.

Scott Bugbee, Chairman

John LaCourse

Cary Brown

Cc: Lee USA Speedway

TO New Hampshire
Liquor Commission
Department of Enforcement

From: Bill Callen
General Manager
Lee USA Speedway

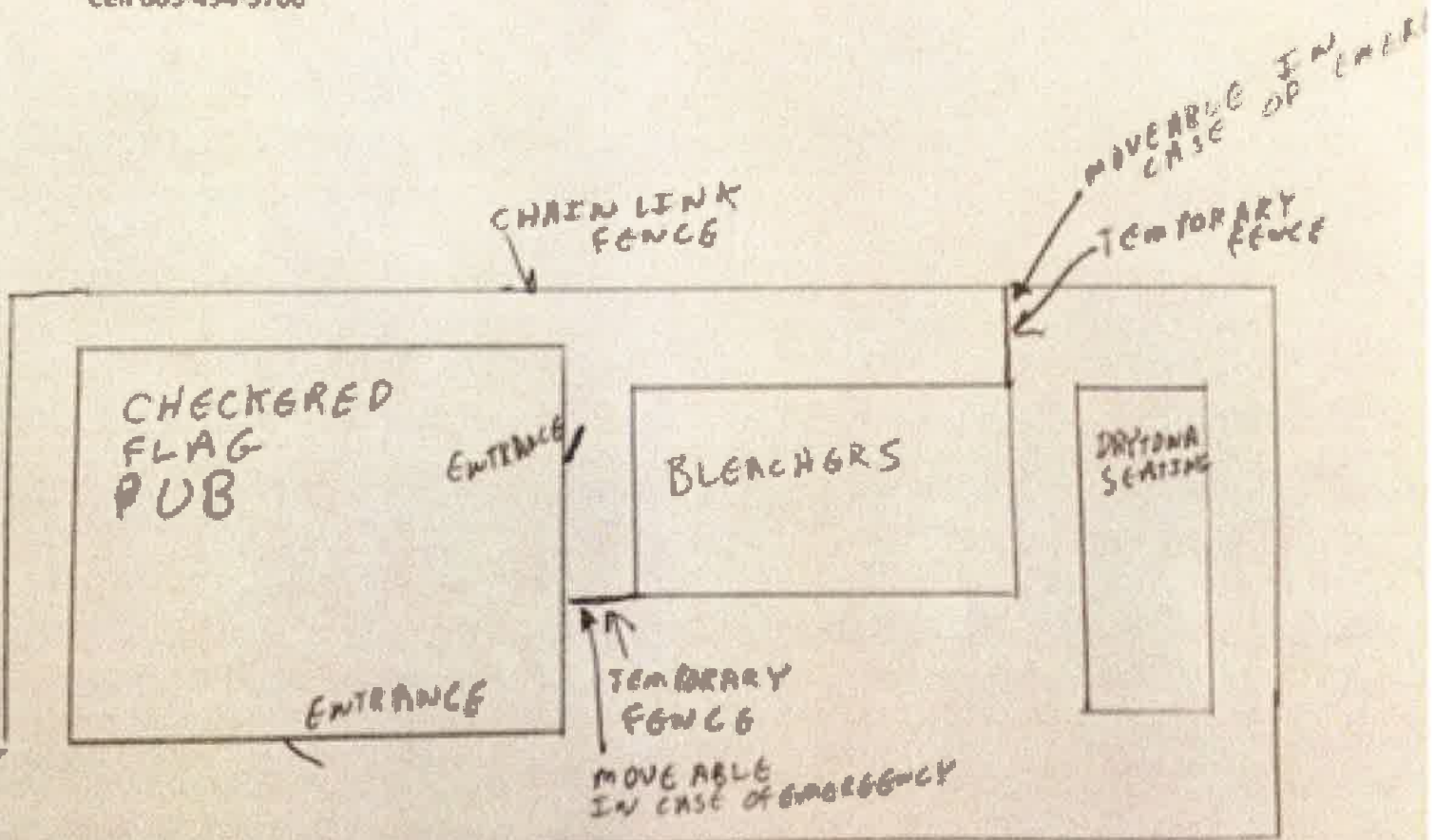
Subject Request for service to another area

The area we are requesting service for is the bleachers next to the Checkered Flag Pub which is currently licensed by the commission. This request is for July 30th 2016 for the hours of 10AM - 10 - 7:PM.

Best Regards

Bill Callen

General Manager
Lee USA Speedway
Cell 603-494-3706



Authorization for Service to Another Area

If you would like to request permission to have service in another area of your establishment or in an outside area of your premises you will need to submit the following documents:

1. Letter from licensee requesting service to another area, if the area is only going to be for certain dates, those dates and times need to be indicated in letter. Also indicate where the other area is, IE: outside deck, etc.
2. Diagram of area being requested.
3. Permit of assembly from fire department showing seating for area being requested.
4. Letter from city/town stating they have no objections to service in that area.

Send the above paperwork to:

New Hampshire State Liquor Commission
PO Box 1795
Concord NH 03302-1795
(603) 271-3758 (fax)

Once received an investigator will be sent to your establishment to inspect the area. Once viewed, your request will be included on the next Commission Agenda for approval.

NH Liquor Commission, Division of Enforcement
57 Regional Drive | Suite 8 | Concord, NH 03301
(603) 271-3521

TITLE XIII

ALCOHOLIC BEVERAGES

CHAPTER 178

LIQUOR LICENSES AND FEES

Section 178:24

178:24 Authorization for Other Areas. – The commission may grant to on-premises licensees operating from permanent, immovable premises permission to extend service for beverages and liquor to any clearly defined area, including but not limited to, rooms, patios, or swimming pool areas located on the premises or to an outside cafe-style area where licensed by ordinance and with written approval of local officials.

Source. 2003, 231:13, eff. July 1, 2003.

Liq 404.05 Authorization For Other Areas Licensing Criteria.

(a) Holders of on-sale licenses, other than vessel, dining car or rail car licenses, may extend service of beverage and liquor to clearly defined areas provided:

(1) Service is extended to rooms on the contiguous premises as defined by RSA 175:1, LIV, patio areas which are clearly defined, swimming pools with clearly defined areas, other clearly defined areas which the licensee may designate for alcoholic beverage service;

(2) They have petitioned in writing pursuant to Liq 205.10 to the commission for approval of alcoholic beverage service to these areas; and

(3) They have received permission pursuant to Liq 205.10 from the commission in writing granting permission for such service.

(b) Clearly defined areas for the purpose of this rule shall be so constructed as to place physical barriers to indicate to patrons exactly which locations are authorized for the service of alcoholic beverages. The physical barriers shall be ropes, shrubbery which is tall enough to be a physical barrier so as to be construed to be a fence, fences, railings, gazebos, tents with side walls, tents or gazebos with a physical barrier set around them or other similarly clearly defined area.

(c) The holder of a bed and breakfast, restaurant, full service restaurant or convention center license may extend service of beverage and liquor to an outside cafe style area provided they meet the following criteria:

(1) The area is contiguous to the licensed premises and clearly defined as defined in Liq 404.05(a) and (b);

(2) The area proposed for service of alcoholic beverages has been approved by the appropriate agency of the town or city it is located in, or the town or city supplies the licensee a letter indicating they have no objection to the proposed cafe style area;

(3) They have petitioned pursuant to Liq 205.10 in writing to the commission for approval of alcoholic beverage service to these areas; and

(4) They have received permission pursuant to Liq 205.10(a)(1)b. from the commission in writing granting permission for such service.

(d) The holder of a golf course license may extend service of liquor or beverage to the leased, rented or owned premises of a golf facility's fairways provided a service plan is submitted and approved.

(e) "Service plan" for the purposes of Liq 404.05(c) means a written proposal, offered by a golf facility licensee, outlining the method and manner of service of alcoholic beverages on property owned, leased or rented by the licensee.

(f) Approval of a service plan shall be based upon the requirements of Liq 509.01 for mobile service bars and shall include consideration of communication from a local community objecting or not objecting to the plan.

Source. #5289, eff 1-1-92; ss and moved by #6391, eff 11-28-96 (from Liq 404.06); amd by #7779, eff 10-18-02; ss by #8243, eff 12-31-04, EXPIRED: 12-31-12

New. #10322, INTERIM, eff 4-25-13, EXPIRED: 10-22-13

New. #10643, eff 7-18-14

RACETRACK ORDINANCE

In accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapter 31, Section 41-a, as originally adopted at the Town Meeting assembled on March 10, 1977 and, as amended at the Town Meeting assembled on March 15, 1989, as amended at the Town Meeting assembled on March 11, 1992, as amended at the Town Meeting assembled on March 11, 1998 and as amended at the Town Meeting assembled on March 15, 2006, and as amended by Warrant Article 7 of the March 13, 2012 Election the following regulations are adopted with respect to regulation of motor vehicle racetracks within the Town of Lee.

Section 1: Definitions:

Motor Vehicle: For the purpose of these regulations, a motor vehicle shall be defined as any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks.

Event: A racing contest to be contained within a calendar day, to include, but not limited to practice, heat races and feature races.

Rain Date: An event shall be considered complete, when five (5) heat races or feature races have been completed, whichever comes first.

Section 2: Motor vehicle racetracks may be open and may operate from April 1 through October 31 each year for automobile, go-cart and motorcycle racing only. Vehicular racing shall be limited in total operating hours per race date, including warm-up, to eight (8) hours inclusive. At no time shall said operating and warm-up time begin before 12:00 PM. No racing may be started after 11:30 PM and all racing is to stop by 12:00 midnight.

Section 3: Not later than sixty (60) days prior to opening of the racetrack each year, said racetrack owners and/or operators shall submit to the Selectmen, in writing, an application for a license on a form prescribed by the Selectmen, together with a proposed operation schedule for the ensuing year. Said schedule shall list the form of the vehicular racing to be scheduled on each date listed. The Selectmen may, consistent with the provisions of these regulations and the interest of public safety, health and welfare, alter the racing schedule in connection with the issuance of any license.

Section 4: Upon receipt of the license application, the Selectmen shall schedule a Public Hearing on the request for a license. In so doing, the Selectmen shall give notice to abutters and to the public, at the applicants expense, in the same manner as provided for a hearing conducted by the Zoning Board of Adjustment. At said hearing, which shall be conducted where practicable no more than thirty (30) days after receipt of the license application, the applicant shall have the burden of establishing that operation of the racetrack for the ensuing year will be in conformance with all provisions of any other Federal, State or local statute, ordinance or regulations applicable to the racetrack. Abutters and other interested parties shall be afforded an opportunity to address the Selectmen during this hearing on the subject of license issuance. A license shall

be issued to the applicant if he or she satisfies, by a preponderance of the evidence, the burden of proof as specified in this section. Said license shall be valid for not more than one (1) year and shall set forth the scheduled events, not to exceed twenty three (23), plus twenty three (23) rain dates per license period, stating the date, time and a brief description of each event. A notation on the license shall indicate that such rain dates are subject to change upon written approval of the Selectmen for good cause shown.

Section 5: A license fee in the amount of one hundred dollars (\$100.00) per annum shall be assessed for each racetrack operation in the Town. This fee is to be paid upon application for license.

Section 6: No vehicular racetrack shall be operated within the Town of Lee unless the owner and/or operators shall have, upon written application to the Board of Selectmen, obtained a license to operate such vehicular racetrack contingent upon proof that said owners and/or operators can and will comply with the provisions of the Town of Lee Racetrack Ordinance.

Section 7: Only malt beverages, and no other alcoholic beverages, may be sold and consumed in restricted areas on racetrack property while the racetrack is open to the public for the purpose of viewing vehicular racing. No other alcoholic beverages shall be sold, consumed or allowed during such period of public viewing of vehicular racing. No malt beverages shall be sold to anyone under the age of twenty-one years, and proper age identification shall be required prior to sale. The racetrack owner and/or operator, whoever is in direct charge of the race, shall post signs advising the public of this section at visible locations within the seating areas and at each entrance gate; said signs shall also state the penalty for violation of this section. Failure of the racetrack owner and/or operator to comply with this section shall be grounds for the revocation of the license. Any person in possession of alcoholic beverages outside the restricted area in violation of this section shall be guilty of a violation. The alcoholic beverage shall be seized and disposed of in compliance with State statutes, local law or regulations. Prior to each racing season, the Board of Selectmen or their designee shall inspect to insure signs are properly posted.

Section 8: Authorized agents or representatives of the Town may enter, with or without notice or consent, the premises of any racetrack which holds or has applied for a license at any reasonable time and inspect and report on the conditions found as to compliance with the provisions of the regulations. It shall be the duty of the owner and/or operator of the racetrack to cooperate with such agents or representatives and permit access to any portions of said premises at their request. Failure to comply with these provisions shall be grounds for revocation or suspension of the license.

Section 9: The racetrack owners and/or operators shall provide, at their own expense, such Police and Fire protection as is deemed necessary by the Police Chief and Fire Chief of the Town of Lee, New Hampshire pursuant to written standards promulgated by the said Police Chief and Fire Chief to insure public safety. Said written standards shall be made available upon request and satisfactory compliance with all safety standards referred to hereinafter shall be made in writing to the respective Police Chief and Fire Chief prior to any and all scheduled racing events. A copy of these standards shall be attached to the operating license when issued.

Section 10: Racetrack owners and/or operators shall provide, at their expense, suitable and sufficient sanitary facilities including toilets with adequate lavatories. Restroom facilities shall be available for use by patrons at all times the racetrack is open to the public. All sanitary and washing facilities shall at all times be maintained in good working order and be in compliance with New Hampshire Health, Water Supply and Pollution Control laws and regulations and with all applicable State laws, local ordinances, regulations and/or by-laws.

Section 11: Racetrack owners and/or operators shall provide, during all times they are open to the public and/or operating, at their own expense, an adequate ambulance service properly licensed under the laws of the State of New Hampshire sufficient to provide for whatever emergency their activities might cause. At no time shall the racetrack be open to the public without one (1) properly manned ambulance at the racetrack.

Section 12: All litter shall be cleaned up within thirty six (36) hours from the end of each racing event. This section shall be monitored by the local Health Officer during the racing season.

Section 13: Overnight camping shall be permitted on site in accordance with the following standards:

- A. Overnight camping shall be permitted in recreational vehicles with self-contained sanitary facilities.
- B. Such vehicles shall reside at the site only twenty four (24) hours prior to a scheduled event and no longer than twenty four (24) hours following completion of that event.
- C. A specific section of the back parking area shall be designated for this use and shall be posted on site accordingly.
- D. Camping vehicles shall not be permitted within the Shoreline Conservation District.
- E. "Gray Water" may only be discharged into approved septic facilities.

Section 14: Owners and/or operators of racetracks shall be responsible for any and all violations of these regulations and their license to operate such vehicular racetrack shall be contingent upon full compliance with these regulations with total cooperation and good faith. The violation of any section of these regulations shall be grounds for revocation or suspension of said license at the discretion of the Board of Selectmen.

Section 15: Prior to the opening of any racing season, the owners and/or operators shall post a cash bond with sufficient sureties in the amount specified by the Board of Selectmen of the Town of Lee; said bond shall be applied in the event expenses are incurred by the Town of Lee as a result of any authorized event under these regulations.

Section 16: No license shall be issued, and any license issued, shall be revoked or suspended at the determination of the Selectmen, unless the license shall take out and maintain in effect at the expense of the licensee a policy or policies of liability insurance in a company or companies approved by the Selectmen with limits not less than two million dollars (2,000,000.00) protecting and insuring the licensee and Town and all agents, servants and representatives of each as named insured from liability for personal injuries and property damage resulting from the ownership, use or operation of the racetrack and/or track premises. The licensee, by application for and/or acceptance of any license, shall be conclusively deemed to have agreed to indemnify the Town and its agents, servants and representatives from all liability including personal injuries and property damage coming out of the existence, use, ownership or operation of the racetrack and/or track premises and such indemnity agreement shall be expressly covered in said policy or policies.

Section 17:

A. No use other than vehicular racing, race car education/safety testing and automotive-related flea markets shall be scheduled or sponsored at any vehicular racetrack within the Town of Lee without written approval of the Board of Selectmen of the Town of Lee, New Hampshire.

B. The racetrack shall be kept secure from unauthorized entry when not in use.

C. Automotive related flea markets may be scheduled on the third Sunday of May, June, July and August in addition to the traditional year-end Flea Market scheduled for the first weekend in November. It is understood that no race engines will be permitted to start during these Flea Markets; all activities will take place within the confines of the track/pit areas and only automotive-related vendors will be allowed to participate.

Section 18: No motorcycle event of any nature or kind will be permitted on any vehicular racetrack within the Town of Lee when said date conflicts or falls upon the same weekend as a National or regional motorcycle race of any nature or kind.

Section 19: The invalidity of any other section of these regulations does not affect the validity of any other section of these regulations.

Section 20: The Selectmen may waive or alter the provisions of these regulations for due cause shown.

Section 21:

A. No vehicle, as defined in Section 1 of this ordinance, shall be operated on the racetrack unless equipped with a muffler that meets or exceeds manufacturers specifications to reduce noise below the 97 db level. Sound levels resulting from any activities at the racetrack operation shall not exceed the established level using the A scale (dBA) and Fast Response setting. Sound levels shall be measured at any racetrack property line. Measurements shall be taken using a properly calibrated sound meter which is mounted 36 inches above the ground on a tripod and pointed directly towards the racing track surface. Any sound measurement that exceeds the established level, regardless of the duration, shall be a violation.

B. Any person operating a motor vehicle racetrack shall allow Town officials, or their designated representatives, to conduct from time to time, at said persons expense, such noise level test or readings that may be deemed appropriate and necessary by the Town of Lee Board of Selectmen or their authorized agents.

Section 22: Any violation of this ordinance shall be punishable as set forth in New Hampshire Revised Statutes Annotated 651 and as amended. Upon the Selectmen of the Town of Lee, or their designated representative, shall rest the responsibilities of enforcement of the regulations.

Dated: _____

John R. LaCourse, Chairman

W. James Griswold

David Cedarholm

**Town of Lee
Board of Selectmen**

Board members present: Chairwoman Dennis, Selectman Bugbee and Selectman LaCourse

Others present: Larry Kindberg, Chuck Cox, Ron and Cheryl Pitkin, David Meeker, Pat Barbour, Kevin and Jane Crawford, Caren Rossi, Cary Brown, John Tappan, Bill Callen, Deborah Schanda, Tom Seubert, Paul and Annie Gasowski, Sarge and Rachel Legard, Katrinka Pellicchia, Roger Rice, Peg Dolan Chief Dronsfield, Town Secretary Denise Duval and Town Administrator Julie Glover.

1. Chairwoman Dennis calls the meeting to order at 6:00 pm and asks if the Select Board accepts the Agenda as presented. It does.
2. Chairwoman Dennis opens the meeting up to general public comment.

John Tappan, Stepping Stones Road, comments on Article 18 of the proposed 2016 Town Warrant as presented at the deliberative session. He addresses the characterization of the article to discontinue Tibbetts Road. He refers to a letter dated 8/24/2015, from the UNH representative to the Town Administrator, which states that the 1975 warrant article was said to create an ambiguity but does not believe from his interpretation of his research that there is any ambiguity. Mr. Tappan does not believe it was anyone's intention to discontinue Tibbetts Road (in 1975) nor does he believe that there is any unfinished business. Therefore, Article 18 would be new business.

3. Chairwoman Dennis informs the audience that Mr. Macdonald was on the agenda but will not be present this evening. He has dropped off literature that may be viewed at Town Hall.
4. Mr. Callen, Lee Speedway Manager, would like to amend the agreement that was accepted by the Zoning Board of Adjustment on 9/19/12 to reflect a change in Hours of Operation from 8am – 6pm to 10am – 8pm. Selectman LaCourse asks if there will loud speakers. Mr. Callen states that these events will be kept at a low level. Chairwoman Dennis moves to accept the Lee USA Speedway's request to amend the ZBA agreement dated 9/19/2012 to reflect a change in Hours of Operation for Spring & Fall Outdoor Shows & Auctions from 8am – 6pm to 10am – 8pm. Selectman LaCourse, seconds. All in favor. **Motion Carries.**
5. Chairwoman Dennis asks if there is anyone in the audience that would like to discuss the Town Center Committee results.

Carey Brown, Thornton Lane, states that based on the overview that the TA gave a few weeks ago, a few members felt that there were some more items that needed to be brought up relative to that conversation. First, they really didn't settle on putting a building on the Steven's property as their recommendation for a new town hall. It was one of the options that were covered, but there were others options to be considered. They feel that there is more to be done as a committee. They do not feel like they have provided a final product. They would like to continue as a committee and try to make a recommendation for the Town Center. There was discussion about moving the hobo shed and building behind the old town hall. There was discussion about buying land from the church and building over on the Annex side.

Ron Pitkin, Wadleigh Falls, states that the committee was unaware that Selectman LaCourse would not entertain renovation of the old town hall. That was not in the charge.

MINUTES OF THE BOARD OF SELECTMEN
Meeting

November 13, 2012

PAGE 1

Board members present: Chairman LaCourse, Selectman Griswold and Selectman Cedarholm.

Others present: Phil Stetson, Jane Sanders, Bob Watson, Joe Hannon, Larry Kindberg, Andy Lelio, Sharon Taylor, Robert, Smith, Sarge Legard, Hannah Legard, Rachel Legard, Belinda Gleason, Richard Gleason, Lynn Hersom, Richard Hersom, Carol Evans, Cynthia Giguere-Urein, Bill Humm, Paul Gasowski, AnnaMarie Gasowski, Katrinka Pellecchia, Linda Kahn, Peg Dolan, Dawn Genes, Brian Penley, Mike Flemming, Town Administrator Julie Glover and town Secretary Dawn Hayes.

1. Chairman LaCourse calls the meeting to order at 6:00 pm.
2. Selectman Cedarholm motions to accept the Minutes of October 29, 2012. Selectman Griswold, seconds. **Motion Carries.**
3. Chairman LaCourse opens the floor for Public Comment.

Resident Belinda Gleason advises the Board of a recent noise issue regarding shooting coming from a nearby property. Ms. Gleason states she had contacted the Police and reporting the shooting, which lasted from 1:30 pm until 4:00 pm. Ms. Gleason states her rights of peace and quiet are not being protected as the Lee noise ordinance does not address this. Ms Gleason explains the State noise regulation does address this. Ms. Gleason further states, she was told by the Police – if she continued to call the Police she would be arrested for harassment.

Lynn Hersom advises the Board that she was visiting in Lee and heard loud gun shooting; thinks it was a semi automatic weapon, not target practice. Ms. Hersom states the Police would not do anything for Ms. Gleason. Ms. Hersom states the noise was coming from the Accu Cut property on Mitchell Rd.

Resident Jane Sanders agrees that the rapid-fire gun noise was excessive and lasted all afternoon.

The Board agrees to look into the matter of the ordinance and will request the Chief of Police (not present) look into it as well and report back to the Board.

4. Bob Watson of Lee USA Speedway provides the Board with the documentation supporting the recent ZBA decision to allow outdoor sports shows, auctions and a driving school. Mr. Watson states the driving school would operate during the week, one or two times per month during June, July and August; the class would take place in the morning with the driving in the afternoon from 1:00 pm – 4:30 pm. Mr. Watson states the training car is a full bodied race car that accommodates a student and trainer, is highly muffled, has rev limiters, equipped with a kill switch for the engine and has all the safety gear.

MINUTES OF THE BOARD OF SELECTMEN

Meeting

November 13, 2012

PAGE 2

Mr. Watson describes the outdoor sports shows: there would be a spring show geared towards boats/trailers/campers/motorcycles; a show in the fall geared towards winter sports such as ice fishing/snowmobiling/campers. Mr. Watson states there would be no noise generated from the shows (just some background music or some light PA system use), as there would be no course set up – just a show that would run over a Saturday and Sunday.

Mr. Watson states they have been approached by a company in Bow that auctions heavy equipment and construction equipment – they were interested in having an auction at the speedway. Mr. Watson advises it would be a one day event with a day to set up and take down; there would be use of a megaphone.

Town Administrator Julie Glover states the ZBA has authority over the use of the track in general as it is already a non conforming use; if proposed uses are non conforming they need to go to the ZBA. The Board of Selectman has different authority under the Race Track Ordinance; if there is a proposal for any other use than those currently spelled out in section 17 of the ordinance, the Selectmen control those uses. Ms. Glover asks what the difference is between the driving school and the race car education and safety testing that had previously been approved. Ms. Glover states in March 2006 there was a warrant article that removed the ‘automotive’ and left it as ‘flea market’. Additionally in Sept 2006 the ZBA granted the exception to allow flea markets – not restricted to automotive flea markets.

Selectman Cedarholm asks why wouldn't it be put to the voter's in a warrant article? Selectman Griswold states, it is part of their business plan and disagreed with putting the matter to voters; the auctions and outdoor shows are fine but the driving school should be looked at more carefully. Chairman LaCourse agrees the auctions and outdoor shows present an opportunity for the track to do something other than racing. Chairman LaCourse questions the difference between an education school and a testing school vs. an open track teaching drivers to drive better. Selectman Griswold asks if the school is to learn how to become a good race car driver. Mr. Watson, agrees and explains that the training is very controlled. Selectman Griswold suggests operating a driver safety school for the average citizen. Selectman Cedarholm states that the issue of traffic should be considered when planning these events.

Chairman LaCourse motions to approve only the following uses at this time: an outdoor sports show and auctions as depicted in the ZBA's documentation. Selectman Cedarholm, seconds. **Motion Carries.**

Chairman LaCourse tables the consideration of the testing and safety school until further review.

**TOWN OF LEE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Case No. Z1112-16

You are hereby notified that the request by First Strafford Realty Trust for a Variance to the terms of Article XXIII Section 3, Non Conforming Uses of the 2012 Town of Lee Zoning Ordinance has been GRANTED for the reasons given in the following resolution passed by a majority of the appointed members of the Zoning Board of Adjustment:

RESOLVED

Whereas there **will not** be a diminution in value of the surrounding properties as a result of the granting of this variance and;

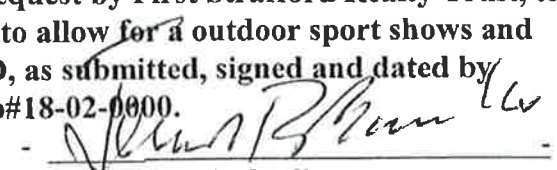
Whereas the granting of this variance **will** be of benefit to the public interest and;

Whereas the denial of the request **will** result in unnecessary hardship to the owner seeking it. Hardship in this connection does not mean the personal financial hardship to the owner, but means the land, building or structure if required to be constructed or used literally in accordance with the provisions of the ordinance produces an unnecessary hardship to the owner, whoever he/she might be and;

Whereas by granting this variance substantial justice **will** be done and;

Whereas the use contemplated by petitioner as a result of obtaining this variance **will not** be contrary to the spirit of the ordinance and;

Therefore be it resolved that the application request by First Strafford Realty Trust, to Article XXIII, Section #3 -Non Conforming Uses to allow for a outdoor sport shows and auctions to be held on the property be GRANTED, as submitted, signed and dated by secretary. The property is known as Lee Tax Map#18-02-0000.


Chairman, Board of Adjustment

Date: 17 Oct 12

NOTE: Application for rehearing on the above determination may be taken within 30 days of said determination by any party to the action or person affected thereby according to NH RSA, Chapter 677:4

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
September 19, 2012**

MEMBERS PRESENT: Jim Banks, Chairman; John A. Hutton, III; Tobin Farwell; and Philip Sanborn; and Frank Reinhold, Alternate.

OTHERS PRESENT: Caren Rossi; Peter Hoyt; Judy McDonald; Peter Watson and John (Red) McDonald; and Gerry Collins.

(Z1112-16)

A continued application for Variance of the 2012 Lee Zoning Ordinance from First Strafford Realty Trust, Jennifer MacDonald Trustee (Lee USA Speedway) Property is located at 380 Calef Highway, and is known as Lee Tax Map #18-02-0000. The following variance requests are each a separate request.

A Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for fairs, circus and or carnivals to be held on the property.

A Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for outdoor sport shows and auctions to be held on the property.

A Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for a driving school to be held on the property.

Jerry Collins abutter asked if he would be allowed to speak.

Jim Banks, Chairman replied that the floor was closed at the last meeting, if the Board had a question for him, they would ask, other than that, no.

Peter Watson provided the Board with a handout explaining in detail the driving school and its proposed use. (In file) He explained that all of the cars will be muffled, no public address system will be used, he is unsure of the DB levels of them but he stated they were no louder than a truck going down Rt. 125. A full field of race cars is 24 cars, there will not this many cars or as much noise as 24 cars. There will be 2 paraplegic cars as well for the vets.

Bob Watson provided information to the Board on the application for Fairs, Circus and Carnivals. (In file) He explained that they will have a one ring circus, youth is targeted, 2 shows daily that are 90 minutes each. 2 days per time. Low noise, not much traffic, good for the town, mid week possibly.

Jim Banks asked what powered the circus.

Bob Watson replied that they have their own generators.

Frank Reinhold spoke with concerns of light pollutions, noisy, kids screaming, and significant impact to the neighborhood.

Jim Banks if a limitation where said "no generators" brought on site. Can have craft fairs etc. Inherit eliminating the "Big Stuff".

Frank Reinhold not comfortable with this application.

Red McDonald stated were looking for is the small carnival they went to. Held in a big top tent generator, didn't make much noise. Circus one tent, big top, would need a generator. The fair part, would be a Lee Country Fair type, and also a simple craft fair. Possibly a carnival in conjunction with the fire department like an old fashion fire mans muster. One weekend a year, an activity for the town. Small type to see how it works. Possibly in conjunction with a race. Won't upset the neighborhood. No noise outside the tent.

Tobin Farwell agrees with Frank Reinhold, late hours, bright lights, noise, split our fairs and then he would be better.

Phil Sanborn big difference between craft fair and the Rochester Fair. Limiting hours, deter carnival or a possibly a one shot deal to try it. To see how it works, limit the number of shows and the times.

Red & Judy McDonald stated that they wished to withdraw their request.

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has all** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on _____.

FINDINGS AND RULINGS

After reviewing the petition, hearing all of the evidence, and by taking into consideration the personal knowledge of the property in question, the Board of Adjustment for the Town of Lee has determined the following findings of fact:

- 3) The variance **will not be (all)** contrary to the public interest because: not increasing noise, or other areas of concern to the neighbors.
- 4) Special conditions **do (all)** exist such that the literal enforcement of the ordinance results in unnecessary hardship. In deciding this criteria, you must decide whether:
 - b) The zoning restriction as applied to the property **interferes (all)** with the reasonable use of the property, considering the unique setting of the property and its environment because: not allowing them to make upgrades which will improve the watershed.
 - c) There **is no (majority) fair** and substantial relationship between the general purposes of the zoning ordinance and the specific restriction on the property because: open area, access to Rt. 125, low noise events.
 - 3.) The variance **is (majority)** consistent with the spirit of the ordinance because: low impact, not increasing noise, will not affect the neighbors.
 - 4) By granting the variance, substantial justice **will (majority)** be done because: owners can use their property and advance to the selectmen to hear their case.
- 5) The value of surrounding properties **will not (majority)** be diminished because: its low noise, during the day and the facility is already there.

Tobin Farwell made a motion to Grant the request for a Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for outdoor sport shows and auctions to be held on the property as submitted, signed by the secretary and dated September 19, 2012.

Frank Reinhold second.

Vote: majority, motion carried (John Hutton, no)

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

5) The value of surrounding properties **will not (all)** be diminished because: it's an existing facility, hours are during the weekdays ending at 5 pm, traffic noise is muted; no building anything, using what is there.

Tobin Farwell made a motion to grant the request for a Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for a driving school to be held on the property as submitted on September 19, 2012 and signed by the secretary. Subject to the following condition.

1.) Public Address System is not used.

Philip Sanborn second.

Vote: all, motion carried.

The Board discussed the application for the outdoor sport shows and auctions.

Bob Watson provided the Board with packets on these activities. (In file) Auctions would be midweek and the events would be spring/fall. It would be logistically difficult to have them when race season is occurring. They would not use a pa system here either; it would be a mega phone type system.

John Hutton felt it would be a logistical nightmare, he isn't comfortable with it.

Phil Sanborn felt the opposite, very low impact, short lived, no one would even know it was going on unless you attended it. Low impact usage, no noise issues. For a facility on Rt. 125 with this much parking, they can handle it easily, can put on restrictions.

Tobin Farwell felt it was a low impact use as well.

Jim Banks commented that if this is approved, it will enable them to go to the selectmen.

Frank Reinhold commented that he feels it is not a high impact use at all. Egress is good, police will be there. He feels having attended these types of events; they are low impact and a reasonable use of the property.

Jim Banks commented that Sonny's restaurant has started a car show to enhance business and that hasn't affected the neighborhood at all.

The Board determined the following findings of fact:

PRELIMINARY FINDING

Frank Reinhold made a motion to act on the requests individually.
Philip Sanborn second.
Vote: all

Jim Banks, Chairman wanted to clarify for all that this Board is not giving full permission to the applicant, they still need to go to the selectmen and seek approval there, this if granted, will just allow them to proceed to the next step.

The Board determined the following findings of fact:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has all** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on _____.

FINDINGS AND RULINGS

After reviewing the petition, hearing all of the evidence, and by taking into consideration the personal knowledge of the property in question, the Board of Adjustment for the Town of Lee has determined the following findings of fact:

- 1) The variance **will not be (all)** contrary to the public interest because: not increasing noise, no affects to the neighbors or area around it.
- 2) Special conditions **do (all)** exist such that the literal enforcement of the ordinance results in unnecessary hardship. In deciding this criteria, you must decide whether:
 - a) The zoning restriction as applied to the property **interferes (all)** with the reasonable use of the property, considering the unique setting of the property and its environment because: not allowing them to make upgrades which will improve the watershed.
 - b) There **is no (all) fair** and substantial relationship between the general purposes of the zoning ordinance and the specific restriction on the property because: the history of the facility, with restrictions place on property and the history of restrictions on the property. The facility is set up for vehicles
- 3.) The variance **is (all)** consistent with the spirit of the ordinance because: noise, muffled race cars, fewer, much less noise off site, during the day, low traffic and no pa system. This will enable them to proceed to the selectmen
- 4) By granting the variance, substantial justice **will (all)** be done because: they deserve the right to go to the selectmen to hear their case.

LEE USA SPEEDWAY

SPRING & FALL OUTDOOR SHOWS & AUCTIONS

Days of Operation: Monday thru Sunday

Hours of Operation: 8AM to 6PM

How often: Possibility January thru December

Location on property: See attached property map.

NOTES: _____

MINUTES TRANSCRIBED BY:


Caren Rossi, Secretary

MINUTES APPROVED BY:


Jim Banks, Chairman


John A. Hutton, III


Philip Sanborn


Frank W. Reinhold Jr.


Peter Foyt, Alternate

9/19/2017

LEE USA SPEEDWAY

OUTDOOR SPORT SHOWS & AUCTIONS

Days of Operation: Monday thru Sunday

Hours of Operation: 8AM to 6PM

How often: Possibility January thru December

Location on property: See attached property map.

NOTES: _____

SPRING SHOWS

- **BOATS**
- **CAMPERS**
- **JET SKIS**
- **CAMPING EQUIPMENT**
- **CAMP GROUND VENDORS**
- **MOTORCYCLES**

FALL SHOWS

- **SNOW MOBILES**
- **SKIING EQUIPMENT**
- **ICE FISHING EQUIPMENT**
- **FOUR WHEELERS**
- **SNOW BLOWERS**

AUCTIONS

Heavy Equipment Such as:

**Front End Loaders, Backhoes,
Construction Equipment, Trucks, Air
Tools, Air Compressors, Jack Hammers,
Lawn Landscape Tools, Forklifts,
Compactors, Concrete and Masonry
Tools, Pumps, Ladders, Scaffolding and
Platform Equipment,**

LOCATIONS

- (A) **Campers, Motor Homes, Camp
Ground Vendors, Jet Skis with Wind
Surfing Boards.**
- (B) **Boats Larger Motor Homes, Larger
Campers, Motorcycles, Mountain
Bikes.**
- (C) **Customer/Vendor Parking**
- (D) **Portable Toilets**
- (E) **Restrooms**
- (F) **Concession Stands**