

**SWANZEY PLANNING BOARD MINUTES  
APRIL 16, 2009**

**[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.]**

The regularly scheduled meeting of the Swanzey Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, June Fuerderer, Victoria Barlow, Jeff Goller, Steve Russell, Selectmen's Representative Nancy Carlson and alternates Jeanne Thieme and Jerry Mazza. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

**Regional Impact:** Board members considered whether any items on the agenda could "reasonably be construed as having the potential for regional impact." Motion by Fuerderer that no items on the agenda could reasonably be construed as having the potential for regional impact. Seconded by Self. Vote: All in favor.

Page noted that the Sevene application acceptance will be considered prior to continuing the DSM public hearing.

**A. PUBLIC HEARINGS –**

**1. Multi-Tenant Application** – Ronald Johnson wishes to use a portion of the premises situated at 67 California Street for an auto repair and state inspection business. The property is shown at Tax Map 73, Lot 24 situated in the Commercial/Industrial District. The property is owned by Thomas Chabot. Ronald Johnson appeared before the Board. No abutters were present. Public hearing opened.

Page reviewed the application. Carbonneau noted that Johnson plans on sharing space with Works Express, which is located next to YBA. Johnson has applied for a State Inspection Station. Waste oil will be supplied to YBA for its waste oil furnace. The waste oil is stored in 55 gallon drums, until it is picked up by YBA.

Johnson stated that there will be no parts vehicles kept on the premises. 10 parking spaces are planned; five in front and five to the side of the building. Public hearing closed.

Motion by Self to grant the multi-tenant application subject to review and approval by the Code Enforcement Office and the Fire Department. Seconded by Goller. Vote: All in favor.

*Page steps down from consideration of Item #2 (Hutchins), as he is an abutter. Self assumes the position of chair.*

**2. Multi-Tenant Application** – Elizabeth Hutchins wishes to use a portion of the premises situated at 209 Monadnock Highway for a business consisting of the sale of antiques. The property is shown at Tax Map 19, Lot 65 situated in the Business District. The property is owned by John & Lisa St. Peter. E. Hutchins appeared before the Board. Page was the only abutter present. Public hearing opened.

Self reviewed the application. It was noted that Hutchins would be occupying the space formerly used for chair restoration. Hutchins stated that she would not be refinishing furniture. Hutchins stated that she will be utilizing the existing sign and will simply change the sign face. Page stated that he had no objection to the application. Public hearing closed.

Motion by Russell to grant the multi-tenant application subject to review and approval by the Code Enforcement Officer and the Fire Department. Seconded by Fuerderer. Vote: All in favor.

*Page resumes his position as chair.*

## **B. OTHER APPLICATIONS –**

[The following application is being reviewed for completeness only. Comments will be limited to the completeness of the application only.]

**1. Site Plan Review Application** – Jeffrey Sevene wishes to utilize a portion of the premises and an existing garage for an excavation and construction service business. The property is located at 140 Pine Street and shown at Tax Map 57, Lot 118 situated in the Business Zoning District. The property is owned by Jeffrey Cournoyer.

Attorney Thomas Hanna was present on behalf of his clients Annette Studebacker, Mark Manougian and Ashuelot River Campground. Hanna provided the Board with a 5-page letter dated April 16, 2009 detailing his clients' position.

Hanna stated that it was his position that the application was prematurely before the Board, as the use proposed by Sevene required approval by the Zoning Board of Adjustment.

In addition, Hanna argued that the existing house on the premises was a non-conforming use and that any change in, or expansion of, the non-conforming use would require Zoning Board approval. Hanna also stated that the Swanzey Zoning Ordinance precludes two principal uses

from occurring on one lot. Hanna noted that the garage encroaches into the front setback and never complied with setback requirements.

Finally, Hanna set forth reasons why he felt that the site plan review application was incomplete.

Attorney Michael Bentley, representing the applicant, was present and responded to Attorney Hanna's concerns. Bentley stated that this matter was before the Board pursuant to an Assented-To Motion for Remand entered into by the Town and Sevene dated November 3, 2008. Bentley stated that the remand involved a Site Plan Review Application submitted by Sevene in 2008 for the same use. Bentley stated that the application submitted by Sevene in 2008 was accepted by the Board as being complete on July 3, 2008 and that the Board did not raise the question as to whether or not ZBA approval was required. In addition, Bentley stated that this question was not raised by any abutters in July 2008.

Bentley also noted that Town Planner Carbonneau was aware of the potential zoning question and advised Bentley that the Planning Board had not raised this issue in 2008. In addition, Bentley stated that Carbonneau had advised him that similar applications had been submitted in the past to the Planning Board and this issue had not been raised. Carbonneau had also informed Bentley that these other applications had been withdrawn prior to final public hearing.

Bentley stated that his client has operated from the site for approximately 8 to 9 years. Bentley noted that the majority of Sevene's equipment is not located on the site. Finally, Bentley noted that the information provided in the pending application was the information requested by the Planning Board in 2008.

Motion by Carlson to refer this matter to legal counsel to respond to Hanna's letter and Bentley's responses thereto and to table this matter until the May 7, 2009 meeting of the Planning Board without further notice. Seconded by Goller. Vote: All in favor.

## **A. PUBLIC HEARINGS (CONTINUED) –**

**3. Site Plan Review Application & Waiver Request** – DSM Realty wishes to construct 109,039 square feet of retail space on property situated off West Swanzey Road. The property is shown at Tax Map 38, Lots 1 and 1-2 situated in the Commercial/Industrial District. A portion of the property is also situated in Keene, shown at Tax Map 85, Lot 1-20. The property is owned by Demoulas Super Markets, Inc. DSM Realty also seeks a waiver from Section VIII(e)3(iii)1. Jeff Kevan from TF Moran, Kevin Dandrade from TEC and Jim Lamp from J&Co. appeared before the Board on behalf of the applicant. Numerous abutters and interested parties were present. Public hearing opened.

Kevan reviewed the site plan, providing an overview of the entire project. Kevan provided the Board with revised landscaping plans,

incorporation changes suggested by Planning Board member Goller and Keene's Planning Director Rhett Lamb.

Abutting Keene resident Margaret Locher expressed concern that a dry well that serves her property may be located on the property. Kevan stated that he would speak further with her and try to determine the location of the dry well. Board member Mazza expressed concern that the septic system that had served the former Bardwell farm homestead was not shown on the property. Kevan stated that he would conduct research so that they could identify the general location of the system.

Kevan stated that at the present time there is not a potential tenant for the pharmacy; at such time when a potential tenant is found, Kevan stated that they would come back to the Board with details regarding the detached building.

Kevan stated that applications for the NH-DOT Driveway Permit, the Alteration of Terrain (Site Specific) Permit and the Wetlands Permit have been submitted.

Kevan noted that the North Swanzey Water & Fire Precinct and the Swanzey Sewer Commission have submitted letters to the City of Keene requesting that the City allow hook-ups to its utilities. No decision has yet been made to the requests by the City of Keene.

Kevan stated that the applicant has submitted a proposal to the City of Keene regarding highway improvements to the Matthews Road/Route 10 area. Kevan noted that this proposal was made at the suggestion of Keene's Public Works Director Blomquist and after numerous meetings between the applicant and the City. Kevan acknowledged that an agreement between the City and the applicant had not been finalized.

Kevan stated that he had met with Swanzey DPW Director Lee Dunham who had expressed concerns with Ash Hill Road and some potential changes that he would like to see, including the cutting of trees and removal of ledge. Kevan stated that the applicant was not willing to do the work itself, but would prefer contributing monies to allow the Town to perform the work.

Kevan addressed comments made by Southwest Region Planning Commission in its letter dated April 16, 2009. Kevan stated that the recommendation to include a cross-walk between the two buildings will be incorporated into the plans. In addition, Kevan noted that there is adequate space for pick-ups/drop-offs for regional transportation systems, such as the City Express. With reference to the recommendation to install a sidewalk along Route 10, Kevan felt that this request was premature, noting that the City of Keene has not provided a sidewalk system north of the proposed project and south of the roundabout.

The traffic study was reviewed by Dandrade. Dandrade stated that the scope of the study was presented to NH-DOT in December 2008. Due to weather conditions, the Town and SWRPC were unable to attend

the scoping meeting. Dandrade later met with Town Planner Carbonneau and SWRPC to review the scope of the study. Dandrade also stated that there have been meetings with the City of Keene (notably DPW Director Blomquist) regarding this project to seek feedback from the City. Dandrade stated that he had received a copy of SWRPC's comments dated April 16<sup>th</sup> and acknowledged that the assumption that Dublin residents would approach from the south was in error. However, Dandrade noted that this would account for only 2% of the traffic impact. SWRPC Planner JB Mack stated that he felt that the traffic study should have evaluated potential impacts northerly of Matthews Road; Kevan noted that both SWRPC and the City of Keene have been aware of the scope of the traffic study for months and did not previously express concern about the scope of the study, either in writing or orally.

Dandrade stated that meetings with Keene DPW Director Blomquist led to the applicant proposing a \$50,000. payment to the City to be dedicated to roadway improvements in the Matthews Road/Route 10 vicinity (which is more than three times the fair-share value of the total estimated construction cost).

Dandrade reviewed the proposed modifications to Route 10, noting that provisions will be made for traffic signals, should they be deemed necessary in the future. Lamp stated that NH-DOT has indicated that it does not wish to see traffic lights installed at the present time.

Self stated that he felt that more than 30% of the traffic may be approaching from the northerly direction. Self stated that if this is, in fact, the case, he suggested that it may be beneficial to eliminate the southerly right turn lane from the most northerly curb cut (as this may alleviate traffic congestion with the center driveway). Dandrade stated that the applicant would be willing to monitor the northerly driveway (right turn south) for a year to see how it is functioning. In the event that there is a problem, modifications could be made at that time.

Residents along Base Hill Road, Keene, questioned the potential impact on that road, noting that a substantial increase in traffic has occurred since the construction of the Monadnock Market Place. Board member Steve Russell expressed concern about the number of accidents that occur along Base Hill Road, stating that road work and repairs need to take place. Keene Planning Director Rhett Lamb acknowledged that the road was unsafe; however, he noted that the City has no current plans to upgrade the road.

G. Johnson expressed his opinion that signalization was needed at the center driveway. Johnson also suggested that the Board obtain its own consultant to review the traffic study. Johnson expressed concern about the additional traffic impacts on Ash Hill Road and noted that while he understands the need to cut trees and/or widen Ash Hill Road, he was not particularly enthralled with the idea.

Lamb presented the Board with a 4-page report dated April 16, 2009 regarding detailing his concerns about the traffic study, the

proposed mitigation and potential agreement with the City of Keene and the lack of “demonstrated access to an adequate water supply.” Lamb also provided the Board with a copy of a plan dated January 1999 showing proposed roadway improvements prepared by NH-DOT (NHS-STP-T-F-011-1(4) [Figure 3.3.6-03C]. Lamb stated that it was his opinion that the plan clearly indicates that the State felt that substantial roadways improvements were needed to Route 10 as far back as 1999.

Lamb also noted that a portion of the proposed development is located within the City limits. Improvements on the portion of land situated in Keene include the construction of a berm and installation of landscaping. Lamb stated that these improvements require approval under Keene’s Site Plan Review Regulation’s and “an informal discussion of the project” has been scheduled before Keene’s Planning Board on April 27, 2009.

Numerous interested citizens spoke in favor of the project, stating that the project provided employment opportunities for senior citizens and teenagers; that it would increase the Town’s tax base; and that it would provide opportunities for more competitive grocery prices. Other citizens expressed concern about the potential increase in traffic, noting that existing roadway conditions in Keene (notably on Base Hill Road and lower Winchester Street) were extremely poor already. Some residents stated that the applicant should not be held responsible for Keene’s “lack of attention to its streets.”

Other interested citizens expressed concern about the potential loss of Swanzey’s rural character and the potential negative impacts that could occur by the filling of wetland areas. A concern was also raised about the viability of another grocery store in the area. Board member Self noted that economic viability of the proposal was not something that the Board could consider.

Residents on the corner of Lucinda Terrace/Route 10 stated that they would like Board and the applicant to consider whether landscaping or fencing could be constructed (by the applicant) on their property to screen them from noise and traffic. Lamp stated that he would speak with them to determine the potential options available. However, Dandrade stated that structures and landscaping could not occur within the limits of the State’s right-of-way.

Barlow asked which architectural details distinguished the proposed building as being particular to the rural character of Swanzey, as had been encourage by Town staff during preliminary application review. She asked that the project architects revisit this request. Swanzey resident Jane Johnson agreed, stating that over 400 lineal feet of building façade with a flat roof does not do justice to the Town. Suggestions were made that a weathervane and other modifications to the proposed building be made to reflect the Town’s rural character. Lamp suggested that concrete recommendations be provided to the applicant and they will consider the same. Greg Johnson suggested that

a berm be constructed along Route 10 to screen the project from the road. Board member Barlow stated that plants, especially large trees, often do not thrive on narrow berms. Barlow asked that trees be planted in the area shown as grass in the area directly east of the freestanding structure, matching the species used at the edge of the parking area adjacent to Route 10.

Motion by Self to continue the public hearing without further notice until the May 7, 2009 meeting of the Board. Seconded by Fuerderer. Vote: All in favor.

**B. OTHER APPLICATIONS (Continued)**

**2. Sign Application** submitted by Mt. Caesar Library. Board members considered the sign application submitted by Mt. Caesar Library for a free-standing sign. Motion by Barlow to grant the sign application. Seconded by Fuerderer. Vote: All in favor.

**C. OTHER BUSINESS –**

**1. Minutes from April 2, 2009.** Motion by Barlow to approve the minutes from April 2, 2009 as submitted. Seconded by Self. Vote: All in favor.

Motion by Russell to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 10:30 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner