

**SWANZEY PLANNING BOARD MINUTES  
APRIL 17, 2008**

**[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 regular meeting of the Swanze 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, Selectmen's Representative Nancy Carlson and alternate Jeanne Thieme. Thieme was seated for Steve Russell. 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 Thieme. Vote: All in favor.

**A. PUBLIC HEARINGS –**

**1. Multi-Tenant Application –** Dale R. Goodale wishes to use a portion of the premises situated at 115C Monadnock Highway for a business consisting of retail sales of uniforms and related apparel. The property is shown at Tax Map 18, Lot 87 situated in the Business Zoning District. The property is owned by Faham B. Effendi. Dale R. Goodale appeared before the Board. No abutters were present. Public hearing opened.

Page stated that Effendi has taken care of the "live" septic tank, noting that the Sewer Commission signed off on this matter.

Goodale stated that the property would be utilized for retail use, operating 7 days per week. Goodale stated that he wished to utilize the existing sign standards. Board members noted that he would need to submit a sign permit application. Public hearing closed.

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

**2. Multi-Tenant Application** – Meredith Hurt wishes to use a portion of the premises situated at 67 California Street for a business consisting of the commercial processing of sawdust. The property is shown at Tax Map 73, Lot 24 situated in the Commercial/Industrial and Rural/Agricultural Zoning Districts. The property is owned by Thomas Chabot. This application seeks to modify the previously approved multi-tenant application by permitting hours of operation from 8 a.m. to 5:30 p.m. Monday thru Friday. Attorney Joseph Hoppock (representing Meredith Hurt) and Meredith Hurt appeared before the Board. Abutters Michael Pratt and Ruthellen Davison and their attorney, Steve Bonnette, appeared before the Board. Public hearing opened.

Hoppock provided the Board with a history of the applications before the Planning Board regarding the proposed use. Hoppock stated that the application being submitted this evening is materially different than prior applications as it seeks to extend operating hours to 5:30 p.m. without the requirement of having an abutting property owner approve.

Hoppock stated that the proposed use is permitted in the district. However, Hoppock noted that uses that generate “excessive noise” are prohibited and that it is up to the Board to determine whether the proposed use creates “excessive noise” and not leave that determination to a third party.

Hoppock stated that the Board’s March 6, 2008 decision was erroneous, as it allowed one abutting property owner (Mike Pratt) to “unilaterally make the determination as to whether the business would be able to operate.”

Hoppock reviewed information regarding sound readings conducted on the property. Hoppock stated that the readings were taken by the Hurts. Hoppock stated that the sound levels generated by the sawdust processing machine are similar to a hair dryer. Hoppock acknowledged that the decibel reader may not be “perfectly calibrated.”

Hoppock stated that in September 2003, the ZBA granted a special exception for a single family residence to be located in the Business District. Hoppock noted that part of the consideration for that approval was that Pratt was considering a commercial venture on the site at some future point.

Page stated that he had listened to the machine operate at various locations and did not find the noise levels to be objectionable. Page stated that he felt that noise in the business or commercial zone was to be anticipated. Barlow stated that she also listened to the machine operate, but did not listen to the machine at Pratt’s property. Barlow also stated that she did not feel that the Board should be making a decision without conducting a site visit to determine if the noise levels were objectionable.

Attorney Steve Bonnette stated that his clients (Pratt and Davison) do not object to the business operating if some accommodations can be

made to reduce the noise levels. Bonnette noted that his clients can hear the machine operating in their basement.

Bonnette also stated that he felt that there were procedural issues, noting that Hurt “keeps re-applying to the Board in order to obtain the approval that she wants.” Bonnette stated that he did not feel that the 2<sup>nd</sup> and 3<sup>rd</sup> applications submitted to the Board were substantively different from the 1<sup>st</sup> application. Bonnette stated that the appropriate relief after the first application was for Hurt to ask the Board to reconsider its decision and then, if needed, appeal the decision to the Superior Court.

Hoppock stated that the Board needed to make a determination as to whether the machine generated excessive noise. Board members decided that a site visit would be conducted on Saturday, April 19, 2008 at 7:30 a.m., beginning at the machine site on California Street and then moving to the Pratt’s property.

Motion by Self to continue this matter to a site visit to be conducted on Saturday, April 19, 2008 at 7:30 a.m., beginning at the machine site on California Street and then moving to the Pratt’s property. Seconded by Fuerderer. Vote: All in favor. Board members noted that the public hearing would remain open thru the next meeting to be held on May 1, 2008.

Bruce Tatro stated that the Board of Selectmen has discussed the need for the Town to encourage economic development to expand the tax base. Tatro felt that this use would expand the tax base. Tatro also stated that the machine is located within the Commercial Zoning District. Tatro stated that he has heard the machine operate and does not feel that it is objectionable.

Page stepped down from the table due to a potential conflict of interest regarding the application submitted by Southwestern Community Services. Self assumes the position of Chair.

**3. Applications for Site Plan Review and Subdivision** – Southwestern Community Services (SCS) wishes to construct multi-family housing (38 dwelling units contained within 1 building) on a parcel of land situated off 183 Monadnock Highway. The proposed lot consists of 6.37 acres (as amended – the lot was originally proposed as 6.82 acres) and is a portion of a 15.98 acre parcel shown at Tax Map 19, Lot 66, currently owned by Sandra Page. The property is situated in the Business Zoning District. Rob Hitchcock from SVE Associates and Keith Thibault from SCS appeared before the Board. Frank Underwood, on behalf of family members that are abutters, was present. Public hearing opened.

Thibault noted that the CDBG application was approved allowing for the expansion of water and sewer to the site.

Hitchcock stated that the changes requested by the Board at its last meeting have been included on the plans provided this evening,

including the walking path around the building and modification to the landscape plans.

Hitchcock stated that no sidewalk has been included along Route 12, noting that he spoke with NH-DOT who stated that any sidewalk would need to be located outside of the State's right of way and would not be maintained by the State.

Hitchcock stated that any approval issued by the Board would need to be contingent upon receipt of the following permits: site specific, wetlands and curb cut permit.

F. Underwood stated that he requested that a hydro geologist be retained as the soils in the area are excessively drained. Hitchcock reminded the Board that a site specific permit would need to be obtained from the State that would address drainage issues.

Underwood also stated that he was concerned that his ability to obtain a curb cut from NH DOT on the 30 foot strip his heirs own may be compromised by the project. Hitchcock stated that due to the topography of the 30 foot strip, he did not foresee anyone being able to utilize the strip for access. Public hearing closed.

Motion by Thieme to grant the site plan review application subject to the following conditions:

1. Receipt of curb cut permit from NH-DOT;
2. Review and approval of the sewer design by NH-DES;
3. Correct lot numbering to reflect that the 6.37 acre lot is Tax Map 19, Lot 66-2;
4. Receipt of site specific approval from NH-DES, with a full copy of plans being provided to the Town by the applicant;
5. Receipt of wetlands permit from NH-DES; and
6. Notation on the plan including the deed reference to the 30 foot strip of land owned by Underwood heirs (Book 619, Page 73).

Seconded by Carlson. Vote: All in favor.

Motion by Barlow to grant the subdivision application, subject to the condition that the 6.37 acre lot is labeled at Map 19, Lot 66-2.

Seconded by Fuerderer. Vote: All in favor.

Page returned to the table and assumed his position as Chair.

#### **4. Application to Modify a Previously Approved Subdivision**

submitted by Broadvest Properties, Inc. The applicant wishes to reduce the number of lots in the approved subdivision from 18 lots to 7 lots. The property is located off Arrowcrest Drive and shown at Tax Map 20, Lot 153 situated in the Business Zoning District. Randy Bragdon from Souhegan Valley Engineering and Shane Lampinen appeared before the Board on behalf of the applicant. Numerous abutters were present. Public hearing opened.

The Board considered the Underwood Engineers review letters and addressed the following items that were unresolved as of the April 17,

2008 review. The Board decided that the following modifications would be required:

1. Geotextile will extend across the entire subgrade (not just paved areas).
2. Final road cross section shall be provided at 50 foot intervals.
3. Roadway curvature information will be provided, but will not be included on the plan that is recorded at the Cheshire County Registry of Deeds.
4. Monument locations will be shown on the plans. In addition 2 benchmarks will be set.
5. Iron pins/pipes to be set on all lot corners – this will also need to be included on the subdivision plan to be recorded.
6. Riprap will be extend up fore and back slopes 2 feet (to match flow depth).
7. Construction layout information including benchmarks and horizontal control shall be provided for construction observation services.
8. No construction vehicles (for the construction of Arrowcrest Drive Ext. or Pleasant Road) shall access the area via Marcy Hill, Hutch Street or Morningside Lane without prior permission from the DPW Director.
9. If roadway construction specifications are not shown on the plan, minimum NH-DOT standards shall apply.

Board members discussed drainage and erosion control. It was noted that the applicant has received approval for the plans from both the Wetlands Bureau, as well as Site Specific and that the terms and conditions established by NH-DES apply.

The Board discussed whether fencing would be needed around the perimeter of the fire pond. It was determined that a safety fence would not be required.

Underwood recommended that underdrains should be provided in all cut sections which outlet to daylight. DPW Director Dunham stated that there are only 2 small cut sections proposed and he does not feel that underdrains are necessary at this time. However, Dunham stated that any information found in the field that is different than is represented on the plans and that will necessitate a change in construction will need his review and approval.

Board members felt that additional detail regarding the demolition and restoration of the existing hammerhead at STA 11+00 was not necessary.

Abutting property owners expressed concern about Pleasant Road and the potential impact that this road could have on the residents of Morningside Lane and Arrowcrest Drive. A letter containing the signatures of 34 residents was presented to the Board, expressing their opposition to the construction of Pleasant Road. Margaret Field expressed concern about the amount and speed of the existing traffic. Field stated that the situation would only get worse in the event Pleasant

Road is constructed. Resident Susan Spring stated that the increased traffic would have a negative effect on their property values.

Page asked Fire Inspector Fontaine for his opinion on the proposed construction of Pleasant Road. Fontaine stated that he was unaware of this proposal until this evening and has not had an opportunity to review this matter. Page stated that feedback is needed from the Fire Department and that the Fire Department should be prepared to provide feedback at the next meeting of the Board (May 1<sup>st</sup>).

DPW Director Dunham raised the issue of easements for the sheet flow on those lots to the north of the proposed Arrowcrest Drive Extension. It was suggested that easement language, as well as a notation on the plans to be recorded, be drafted that would prevent the construction of any structures or the modification to the land that would alter the runoff patterns.

Motion by Carlson to continue the public hearing on this matter to May 1, 2008 without further notice. Seconded by Fuerderer. Vote: All in favor.

**5. Subdivision Application** submitted by David Bergeron, agent on behalf of John R. Coughlin, Jr. The applicant wishes to subdivide Tax Map 49, Lot 1 into 5 lots. The subject premises are located off Eaton Road and situated in the Residence and Rural/Agricultural Zoning Districts. Tax Map 49, Lot 1 currently consists of 37.87 acres. The proposed lots will be 22.98 acres, 2.63 acres, 2.81 acres, 6.00 acres and 3.45 acres. The property is owned by Mary Beth and John R. Coughlin, Jr. John Coughlin and David Bergeron from Brickstone Masons appeared before the Board. Numerous abutters were present. Public hearing opened.

Bergeron reviewed the plans before the Board. He noted that since application acceptance he corrected the lot numbering, as requested. Bergeron also provided information regarding the acreage of upland soils on each lot, as well the maximum slope on each lot.

Bergeron stated that the wetlands issues from the prior property owner(s) have been resolved with NH-DES. Board members were provided a copy of the April 2, 2008 letter from NH-DES.

Bergeron stated that Coughlin has no immediate plans to develop the property. Bergeron noted that the property is currently under "current use taxation status."

Bergeron noted that he had met with DPW Director Lee Dunham on the site. According to Bergeron, Dunham was satisfied with the locations of the proposed curb cuts. It was noted that there would be 4 driveways to serve the 5 lots. (2 lots would share the existing curb cut.)

Dunham stated that Eaton Road is a major east/west route in Town, averaging over 3000 vehicle trips per day during the school year. Dunham also noted that the section of Eaton Road abutting Coughlin's

property is the “worst part of the road” and noted that it is difficult property to develop.

Bergeron noted that a concern of Dunham’s, as well as of abutting property owners, is the amount of water already coming off of the property onto and across Eaton Road. Bergeron provided the Board with pre- and post- development runoff calculations (making the assumption that each lot would have a house, attached garage, detached barn, paved driveway and lawn area), in addition to clearing approximately 1.5 acres for lawn. Bergeron noted that with the proposed development, runoff would increase off the property.

Bergeron stated that small detention ponds (or some other means of reducing runoff and increasing infiltration) could be required on the lots to bring post-development runoff amounts to the pre-development runoff levels. Bergeron proposed that each lot be subject to the condition that “no building permit shall be issued for the development of a lot until a drainage study performed by a registered professional engineer is submitted documenting that the development of that lot will not increase the intensity of the runoff from the lot.” Bergeron stated that condition could be noted on the plan. Carbonneau recommended that in addition to the notation on the plan, a document entitled “Notice of Decision” be separately recorded at the Cheshire County Registry of Deeds.

Carbonneau stated that a separate document would be less likely to be overlooked than a marginal note on the plan.

Abutting property owner Brian and Nancy Coleman expressed concern about the potential for pollution from runoff. Self noted that the applicant would need to abide by state regulations designed to protect wetlands. Bergeron also noted that proper erosion control measures would need to be in place during construction.

Abutter Katherine Feist and David Krisch expressed concern about light pollution from cars exiting the premises. Bergeron stated that the proposed driveway entrance across from their property is somewhat off-set from their house.

Abutting property owner Brian Simonds (who resides at 49 Foxglove Lane) stated that the deeds to properties located in Rolling Wood Park used to be subject to a protective covenant that a 50 foot buffer remain. These protective covenants have since expired.

Simonds asked if the applicant would agree to a 50 foot buffer (the condition would read that this property would be left in its natural state) on those lots that abut land located within Rolling Wood Park. Coughlin stated that he would do so. Public hearing closed.

Motion by Self to grant the subdivision application subject to the following conditions:

1. No building permit shall be issued for the development of a lot until a drainage study performed by a registered professional engineer is submitted documenting that the development of that lot will not increase

the intensity of the runoff from the lot. This condition shall be included in a marginal notation on the recorded plan.

2. Those lots abutting properties situated in Rolling Wood Park (notably proposed lots Map 49, Lot 1, Map 49, Lot 1-2 and Map 49, Lot 1-5) shall maintain a 50 foot natural buffer along the common boundary with those lots situated in Rolling Wood Park. This condition shall be included in a marginal notation on the recorded plan.

3. Conditions 1 and 2 shall be included in a written Notice of Decision filed at the Cheshire County Registry of Deeds.

4. Subject to receipt of State Subdivision approval.  
Motion seconded by Thieme. Vote: In favor: Page, Self and Thieme.  
Opposed: Barlow and Fuerderer. Carlson abstained from voting.  
Barlow stated that her opposition was based on her opinion that the intensity of the proposed development was too intense when considering the conditions of the property. Motion passes.

**6. Public Hearing on Proposed Amendment to the Swanzey Subdivision Regulations.** The proposed amendment sets forth a new section entitled "Conservation Residential Subdivision (CRS)" and includes the following subsections: Background and Context; Purpose; Goals & Public Benefits; Completed CRS Application; CRS Design Process; Minimum Design Standards; and Conservation Land. Public hearing opened.

Carbonneau stated that following the April 3<sup>rd</sup> meeting, copies of the revised CRS regulations were widely distributed via e-mail. Carbonneau heard no further comments or questions regarding the proposed regulations after the 4/3/08 meeting. Public hearing closed.

Motion by Barlow to adopt the Conservation Residential Subdivision Regulations as presented. Seconded by Carlson. Vote: All in favor.

**7. Minutes from April 3, 2008** – Motion by Fuerderer to approve the Minutes from April 3, 2008 as submitted. Seconded by Self. Vote: All in favor.

Motion by Fuerderer to adjourn. Seconded by Carlson. Vote: All in favor. Meeting adjourned at 9:50 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner