

**SWANZEY PLANNING BOARD MINUTES**  
**February 5, 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 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, Charles Beauregard, Sr., Victoria Barlow, Selectmen's Representative Deb Davis and alternates Jeanne Thieme, David Osgood and David Belletete. 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 Beauregard. Vote: All in favor.

**A. PUBLIC HEARINGS –**

**1. Site Plan Review Application** - David Bergeron, agent for William Fenton, wishes to construct additional parking (77 new spaces) for the existing business situated at 591 Monadnock Highway and shown at Tax Map 3, Lot 44 situated in the Business Zoning District. David Bergeron from Brickstone Masons and Bill Fenton appeared before the Board. No abutters present. Public hearing opened.

Bergeron reviewed the plans before the Board, including existing conditions; grading, utility and erosion control plans; details plans; and lighting plan. Bergeron stated that the property would provide 77 new parking spaces for the Toyota Volvo dealership. Bergeron noted that drainage will be handled by a catch basin and culvert system. Bergeron stated that plans include paving the parking area.

Osgood expressed concerns about the lighting levels, stating that the existing levels of lighting along Route 12 are very intense. Bergeron reviewed the lighting plans, noting that the intensity of the lighting planned in this area is minimal and is needed to provide security on site. Bergeron stated that the lighting is centered in the parking area and the

fixtures will be shoebox-full cutoff. In addition, maintaining a tree-line will help reduce the impact of the lights on the abutting properties.

Bergeron provided updated plans showing the tree line on the applicant's property that would be retained after construction of the parking lot is completed. Bergeron stated that the existing tree line is larger than is shown on the plan; however, it is anticipated that some of the trees will need to be removed during the construction of the parking lot. Bergeron showed a 10 foot treed buffer remaining. Bergeron stated that there are approximately 22 trees that would remain – mostly pines. Bergeron noted that there may be some gaps that could be filled with other trees from the site.

Bergeron stated that the fence between the house lot fronting on Massey Hill Road (Tax Map 3, Lot 42) and the parking lot would consist of 6 foot high stockade fencing with a lattice-work top. Bergeron stated that this fencing would be continued along the common boundary between the parking lot and the Freihofer property (Tax Map 3, Lot 43). Public hearing closed.

Motion by Self to approve the site plan review application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Beauregard. Vote: All in favor.

**2. Subdivision Application** - Broadvest Properties, Inc. wishes to subdivide Tax Map 20, Lot 153 into 2 lots. The subject premises are located at 80 Arrowcrest Drive and situated in the Business Zoning District. Tax Map 20, Lot 153 currently consists of 33.647 acres. The proposed lots will be 1.002 acres and 32.542 acres; a 0.103 acre parcel will be conveyed to the Town to become part of Arrowcrest Drive. Attorney David Tower and Shane Lampinen of Broadvest Properties, Inc. appeared before the Board. Public hearing opened.

Tower briefly reviewed the proposed subdivision plan. In addition, Tower stated that proposed easements and warranty deeds have been tendered to the Town. Carbonneau stated that the deeds have yet to be forwarded to Town counsel for review, but requested that the snow removal easement deed be renamed to a snow storage easement deed.

Tower confirmed that the 1.03 acre lot remaining (upon which the existing house is situated) does not have any wetlands on it (see note #12 on the subdivision plat). Tower also noted that State Subdivision Approval has been received. Public hearing closed.

Motion by Self to grant the subdivision application subject to review and approval by Town Counsel of the easements and warranty deed. Seconded by Fuerderer. Vote: All in favor.

**3. Subdivision Application** - Richard Drew, LLS, agent on behalf of Charles R. and Rita-Ann Beauregard, wishes to subdivide Tax Map 12, Lot 21 into 7 lots. The subject premises are located on Taft Road and Flat Roof Mill Road and situated in the Residence Zoning District. Tax

Map 12, Lot 21 currently consists of 13.99 acres. The proposed lots will be 1.01, 1.11, 1.02, 1.05, 1.00, 2.65 and 6.08 acres. The property is currently owned by Charles R. Beauregard, Sr. and Rita-Ann Beauregard. Beauregard stepped away from the table. Belletete was seated for Beauregard. Drew appeared before the Board on behalf of the Applicants. Numerous abutters were present.

Drew reviewed the plans before the Board, noting that it was a 7 lot subdivision, (6 lots plus a 1.01 acre lot that includes the existing house). The lots would range from approximately 1 to 6 acres. Drew stated that each lot meets the minimum frontage and "dry" acreage requirements. Drew stated that there would be 2 new curb cuts off Taft Road; these driveway permit applications, as well as those for the driveways off of Flat Roof Mill Road, have been submitted to the Town. Drew also noted that driveway permit applications that were submitted to NH-DOT have been granted. Drew reminded the Board that an existing driveway serving the house, as well as an existing smaller access near the former borrow pit (both located off of Flat Roof Mill Road) will be closed off. Drew also stated that State Subdivision Approval has been granted.

Certified Wetlands Scientist Jonathan Sisson was present and discussed his wetlands delineation of the property. Sisson reviewed the three basic criteria that the State of NH utilizes to determine wetlands.

Abutting property owner Bob Ziman expressed his concern that the proposed subdivision was not in keeping with the Town's master plan goals – specifically regarding the preservation of open space, Swanzey's rural character and the Town's natural features. Page noted that the Town has taken actions to attempt to meet those goals set forth in the Town's master plan (such as excluding wetlands and steep slopes from the minimum acreage lot requirements), but that those stated goals do not preclude subdivisions that meet all requirements.

Ziman requested that Page read the January 13, 2009 letter submitted by the Conservation Commission (provided to Board members at the previous meeting). Page read the letter for the benefit of the abutting property owners. Abutters expressed concern about the driveway situated next to Michelle Fontaine's property. Page noted that any driveway to be constructed on proposed lot #7 would need to meet all State and local regulations, including setbacks from property lines and avoidance of wetlands. Page stated that it appears that there is adequate room to meet setbacks and avoid wetlands. Page also addressed leach field setback requirements, noting that the Town reviews septic system designs prior to submission to ensure that the 125 foot setback from leach field to wetlands is met.

Abutter Chris Lane expressed concern about the amount of water that runs off from this property, crosses the road via a culvert and negatively impacts his property. Lane was advised that he should contact Doug Graham at NH-DOT District IV and DPW Director Lee

Dunham to determine if there may be a way to alleviate this problem. Many abutters expressed concern about the amount of water in the area, including the need to have sump pumps running “all of the time for 5 months out of the year.” Sisson stated that the water table is high in the area, but that construction of six additional single family homes could take place without a significant increase in water flowing off site. Abutter Michelle Fontaine stated that she felt that the wetlands delineation was not correct and that additional areas should have been delineated as wetlands. Sisson stated that he delineated the wetlands in November, which is a “pretty good time to delineate wetlands.”

Abutters Chuck Fontaine, Karen Herbert and Michelle Fontaine expressed concern about the potential impact of the subdivision on their dug wells, noting that there is substantial sedimentation in the water supply already.

Abutter Janet Parsons stated that it was her opinion that the proposed subdivision would negatively impact her property values. Parsons also stated that the additional driveways onto Taft Road would constitute a safety hazard. Abutter M. Fontaine inquired what type of houses would be constructed. Page responded that is not within the purview of the Board. Lynn Ziman stated that she is bothered by the small lot sizes. Page noted that each of the lots meets the minimum dry/flat acreage requirements set forth in the zoning ordinance. Abutter Ed Morenz stated that he felt that the applicant had a right to subdivide his property. However, Morenz stated that he would prefer seeing less lots and “nicer” homes.

Ziman stated that he felt that the board should have conducted its site visit when the property was not snow-covered. M. Fontaine stated that she was unaware of the site visit and that she felt that she should have received notice of the same. Carbonneau advised the audience that the notice of the site visit was posted and that oral notice of the site visit was given at the January 15, 2009 meeting of the board in accordance with State law.

Photographs of the site were provided by Lynn Ziman, Denise Simond and Chuck Fontaine and entered into the record. Some of the photographs provided by Chuck Fontaine (these were copies of the photographs that he presented to the board at the February 1<sup>st</sup> site visit) showed a variety of debris (including appliances and tires) dumped in a wetland. Code Enforcement Officer Jim Weston expressed his disappointment that this situation was not reported to him earlier.

Fuerderer expressed concern that Flat Roof Mill Road was “extremely busy” and wanted to know if the Police Chief has weighed in. Carbonneau stated that the Police Chief received a copy of the application, as well as the notice of the public hearing. Carbonneau noted that the Police Chief did not provide any feedback regarding the application. Davis stated that she had concerns about the maintenance of the shared driveway. Carbonneau informed the board that Town

counsel advised that it was within the board's authority to require that a maintenance agreement be provided. Carbonneau reminded the board that Dunham had requested that the vegetation on the corner of Taft/Webber Hill Roads and Webber Hill/Flat Roof Mill Road be removed and that easements be granted to the Town allowing it to cut vegetation and slopes as required to maintain sight distance. Carbonneau also stated that Dunham requested that the easement also preclude the property owners from constructing structures, planting vegetation, etc. that would impede sight distance.

Carbonneau also noted that Dunham was unable to be present this evening, but relayed that he did not have concerns regarding two additional driveways on Taft Road. Dunham also informed Carbonneau that existing vegetation on the corners of Taft Road/Webber Hill Road and Webber Hill Road/Flat Roof Mill Road should be removed to ensure adequate site distance. Public hearing closed.

Board members discussed the amount of water on the site, as well as the drainage issues along Taft Road and Flat Roof Mill Road. The board felt that the Board of Selectmen should direct DPW Director Dunham to investigate the road drainage issues and determine what actions could be taken to reduce the problem. Board members felt that while there was already a water problem in the area, testimony from Sisson indicated that the impact from an additional 6 houses would be insignificant.

The disposition of the dilapidated barn was raised. It was noted that the barn would need to be removed as a condition of subdivision approval since it encroaches on one of the proposed lot lines.

Board members noted that State Subdivision Approval, as well as driveway permits from the State has already been received. Also, based on information provided by DPW Director Lee Dunham, it was anticipated that there would not be any issues in granting the driveway permit applications required by the Town.

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

1. Receipt of driveway permits from the Town for the driveways situated on Taft Road and Flat Roof Mill Road;
2. Map 12, Lots 21-4 and 21-5 shall be subject to a maintenance agreement for the shared driveway on Flat Roof Mill Road, said maintenance agreement to be recorded at the Cheshire County Registry of Deeds contemporaneously with the recording of the subdivision plat;
3. Subject to a sight easement granted to the Town of Swanzey encumbering Map 12, Lot 21 (specific area to be shown on the recorded subdivision plan), allowing the Town to cut vegetation and embankments as required to achieve enhanced site distance. The easement will also restrict the property owner of Map 12, Lot 21 from erecting structures, fences, vegetation, etc. that would hinder sight distance within the specified easement area.

4. Demolition and removal of demolition debris from the barn straddling the lot line between Map 12, Lot 21-3 and Map 12, Lot 21 shall occur prior to the recording of the subdivision plan.

5. Location of well serving Map 12, Lot 22 shall be shown on the recorded subdivision plan.

Motion seconded by Page. Vote: All in favor.

Beauregard resumes his seat at the table. Belletete steps down.

**4. Multi-Tenant Application** – Richard LaCroix wishes to use a portion of the premises situated at 386 Massey Hill Road for an auto repair business. The property is shown at Tax Map 3, Lot 36 situated in the Business Zoning District. The property is owned by Timothy R. Cloutier. LaCroix and Cloutier appeared before the Board. No abutters were present. Public hearing opened.

Carbonneau noted that this property had already received a special exception for automotive service and repair. In addition, the property previously underwent site plan review.

Code Enforcement Officer J. Weston stated that he had inspected the building on February 4, 2009 and noted that the space required only minor electrical service modification. Weston also stated that the second floor was not to be used at any time as an apartment. The applicant confirmed that the only use of the second floor was for office space and limited storage.

LaCroix stated that the business, at the present time, is on a part-time basis only. LaCroix will be seeking a NH State Inspection License. Parking and storage of vehicles on site was discussed. Weston stated that there is adequate space to the north and south of the building. Limited space for vehicle storage on the east side of the building was noted, due to the location of the driveway. LaCroix stated that he anticipated having 3 to 8 vehicles on the property at any one time. LaCroix stated that there would be no sale of vehicles on the property.

Carbonneau informed LaCroix that off-premises signs are not permitted in Swanzey. In the event that he sought an off-premise sign, he would need to seek a variance from the ZBA. Barlow share that obtaining a variance is not often a successful venture. Public hearing closed.

Motion by Self to grant the multi-tenant application subject to the following:

1. Review and approval by the Code Enforcement Officer and the Fire Inspector; and
2. Subject to the condition that a maximum of 8 vehicles associated with the business can be stored outside.

Motion seconded by Beauregard. Vote: All in favor.

**B. OTHER APPLICATIONS** – The following applications are being reviewed for completeness only. Comments will be limited to the completeness of the applications only.

**1. Subdivision Application** – Keith Monroe wishes to subdivide Tax Map 3, Lot 1 into 2 lots. The subject premises are located on Monadnock Highway and Forbush Lane and situated in the Business Zoning District. Tax Map 3, Lot 1 currently consists of 7.054 acres. The proposed lots will be 3.886 acres and 3.168 acres. Paul Grasewicz appeared before the Board on behalf of the Applicant.

Grasewicz reviewed the plan, noting that both of the proposed lots already have construction approval from NH DES Subsurface Systems Bureau. In addition, Grasewicz stated that an Application for State Subdivision has been submitted.

Board members noted that a shared driveway was proposed and requested that a proposed maintenance agreement be provided to the Board at its next meeting.

Motion by Self to accept the application as complete. Seconded by Fuerderer. Vote: All in favor.

**2. Site Plan Review Application** – Francis Macri wishes to construct an 864 s.f. building for storage on property situated at 197 West Swanzey Road. The property is shown at Tax Map 53, Lot 2-1 situated in the Commercial/Industrial Zoning District. No one appeared before the Board on behalf of the Applicant. Board members briefly reviewed the application and felt that the site plan clearly did not meet the board's regulations. Motion by Self to table the application to the February 19, 2009 meeting with the recommendation to the applicant that a site plan meeting the board's regulations is provided at that time. Seconded by Fuerderer. Vote: All in favor.

## **C. DISCUSSIONS/OTHER BUSINESS**

**1. Discussion re Jeff Sevene** – Carbonneau provided board members with a copy of Sevene's letter dated January 21, 2009 and her response to Sevene dated January 23, 2009. Board members felt that Carbonneau's response needed no modification at all.

Carbonneau also discussed with the board the statement in the Assented to Motion for Remand stating that Sevene would "agree to submit the survey and other requested information by a reasonable deadline set by the Planning Board." Carbonneau stated that it was her recollection that Sevene was going to submit within a month or so from the date of the remand. However, since this has yet to occur and that Assented to Motion for Remand stated that the board was to set a reasonable deadline, she asked that the board do so this evening. Motion by Fuerderer to set April 1,

2009 as the deadline for Sevene to submit a completed site plan review application to the Board. Seconded by Beauregard. Vote: All in favor.

**2. Minutes from January 15, 2009 and February 1, 2009.** Motion by Fuerderer to approve the minutes from January 19, 2009 and February 1, 2009 as submitted. Seconded by Thieme. Vote: All in favor.

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

Submitted by,

Sara H. Carbonneau  
Town Planner