

**SWANZEY PLANNING BOARD MEETING  
MINUTES OF JANUARY 14, 2010**

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, Jeanne Thieme, Selectmen's Representative Deb Davis and alternate Dave Osgood. Osgood was seated for Jeff Goller. New alternate member Bob Audette 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:

**Alternate Member Vacancy:** The Board reviewed the Application from Bob Audette to serve as an alternate member on the Planning Board. Self made motion to accept the application of Audette to serve as alternate on the Board, term to expire at Town Meeting 2011. Seconded by Thieme. Davis swore Audette in. Audette was seated at the table for Steve Russell.

**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.

**A. PUBLIC HEARINGS –**

**1. Multi-Tenant Application** - Hana Lowe wishes to use a portion of the premises situated at 217 Old Homestead Highway for a counseling business. The property is shown at Tax Map 36, Lot 8 situated in the Business District. The property is owned by Adrian Pinney. Hana Lowe appeared before the Board. No abutters were present. Public Hearing opened.

Board reviewed Multi-Tenant Application. Page asked Code Enforcement Officer Weston if everything was in order. Weston confirmed that it was. Public hearing closed. Davis made motion to grant the Multi-Tenant

Application from Hana Lowe to use a portion of the premises for a counseling business. Seconded by Self. Vote: All in Favor.

**2. Multi-Tenant Application** - Peter Scott wishes to use a portion of the premises situated at 679 West Swanzey Road for a business consisting of motorcycle, ATV and snowmobile repair, parts and used sales. The property is shown at Tax Map 73, Lot 13 situated in the Business District. The property is owned by Scott & Jay MacPhail.

**a. Free-Standing Sign Application** - Peter Scott wishes to install a free-standing sign consisting of 11.78 square feet. Peter Scott appeared before the Board. No abutters were present. Public hearing opened. The Board considered both the Multi-tenant application and the sign application together.

Board reviewed Multi-Tenant Application. Weston stated that he had been to premises and if application is approved, he will let Scott know what they need to do regarding firewalls. Public hearing closed. Motion by Self to approve Multi-Tenant Application from Scott to conduct business consisting of motorcycle, ATV and snowmobile repair, parts and used sales, as well as approval of free standing sign. Seconded by Fuerderer. Vote: All in Favor.

**3. Multi-Tenant Application** - Mike Primus wishes to use a portion of the premises situated at 679 West Swanzey Road for a business consisting of a flea market and used furniture sales. The property is shown at Tax Map 73, Lot 13 situated in the Business District. The property is owned by Scott & Jay MacPhail. The Board also considered an attached sign application submitted by Primus. Mike Primus appeared before the Board. No abutters were present. Public hearing opened.

Board reviewed Multi-Tenant Application from Primus to operate a business consisting of a flea market and used furniture sales. Primus added that in good weather he would like to place 4 tables out front for product display. Self asked the size of the tables. Primus stated they would only be card table size. Osgood asked Primus if he thought he would want to have more later and if so ask now. Primus said he would like to have about 6. Carbonneau stated since there are other uses on the property, she felt that 4 should be the maximum number of tables permitted. The Board also considered the attached sign application, said sign to consist of 17.18 s.f. Public hearing closed. Motion by Self to approve the Multi-Tenant Application for Primus to conduct a flea market and used furniture sales with a limit of 4 tables outside for product display and to grant the attached sign application. Seconded by Osgood. Vote: All in Favor.

**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** - Titan Propane, LLC wishes to utilize the property situated at 583 Sawyer's Crossing Road for a propane gas storage/distribution business and associated office and retail space. The property is shown at Tax Map 55, Lot 3 situated in the Commercial/Industrial District. Present on behalf of the applicant: Henry Kunhardt (engineer), Tim Ball (Keene Gas/Titan Propane), Peter Flynn (Flynn Construction) and Phil LaPierre (Propane Systems Consulting, Inc.). Abutting property owners Terry Koski and Martha Henry were also present; Rodney Johnson was present on behalf of abutting property owner James Rymes.

Kunhardt gave presentation regarding Titan's plans for the storage facility of four 30,000 gallon propane storage tanks, offices in the existing home and the construction of a non-heated barn for storage.

Flynn presented an illustration of the intentions for the existing house, changing it to a light pastel color in keeping with its historical value. The new storage building would be barn red with a silver/grey roof and they intend to increase the roof pitch for a more traditional appearance.

Fire Chief Norm Skantze discussed safety issues. Titan agreed to use sprinklers to cool tanks and they also agreed to cisterns on site. Self expressed concerned about the cisterns freezing if they are only 2ft. beneath the ground surface, asking if the could freeze and cause a blockage? Flynn stated that there would be foam insulation used to prevent freezing. Skantze informed the Board that it is difficult location for water supply. Carbonneau stated that there is a Fire Safety Analysis available at Town Hall; copies will be available for the next meeting.

Carbonneau noted that the driveway permit has been issued by the State. Osgood asked what the hours of operation would be. Ball said the trucks would typically be filled at the end of the day. They don't fill at night, unless there is an emergency. Audette asked if an in/out counted as one vehicle count or two. Ball informed the Board it would be counted as 2 with an estimated total of 48 per day.

Board members considered the waiver from the landscaping regulations requested by the applicant. Kunhardt proposed that the screening on the easterly property line would consist of the existing trees and they would add just under 20 additional trees. Site plan showed 2 red maples, 10 arborvitaes and 4 dogwood to supplement the existing screening.

Kunhardt stated that there is also vegetation on the abutting property that adds to the screening.

Kunhardt stated that they will be removing some of the pavement on the existing driveway to the east side of the property, but would leave the gravel base. A thin layer of loam would be placed atop of the gravel base and seeded. The gravel base would allow emergency vehicles to pull off of the road. Osgood questioned moving the snow storage so fire trucks could have access around the building.

Johnson stated Rymes built the access to the river as part of its Site Plan Approval. Johnson also stated that this access was for the benefit of Rymes' business. In addition, Johnson stated that Rymes had many concerns about the adequacy of fire protection in the area in the event that this project is approved.

Audette asked if there should be a site visit. The Board felt it wasn't necessary. Motion by Self to accept the application as complete and go to public hearing on January 28<sup>th</sup>. Seconded by Osgood. Vote: All in favor.

**2. Notice of Voluntary Merger** – Henry M. R. Gokey (a/k/a Henry M. Godey) and Jeanette Y. Gokey wish to merge Tax Map 52, Lots 2-1 and 3.

Board reviewed Notice of Voluntary Merger for municipal regulation purposes and for taxation purposes beginning April 1, 2010. Motion by Thieme to authorize Page to sign Notice of Voluntary Merger. Seconded by Davis. Vote: All in Favor.

**3. Notice of Voluntary Merger** – John Stevens Warner and Douglas Dexter Warner wish to merge Tax Map 46, Lots 11 and 12.

Board reviewed Notice of Voluntary Merger for municipal regulation purposes and for taxation purposes beginning April 1, 2010. Motion by Self to authorize Page to sign Notice of Voluntary Merger. Seconded by Fuerderer. Vote: All in Favor.

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

**1. Roy** - Request for Rehearing. Self stepped down, as he is an abutter to the Roys property. Davis stated that she was reluctantly stepping down, noting that she did not feel that she had a conflict.

Carbonneau stated that the Court held in Cox v. Nashua that "municipal boards, like courts, have the power to reverse themselves at any time prior

to final decision if the interest of justice so require." Since the PB statutory appeal period is 30 days from the date of the decision and the 30 days have passed, Carbonneau stated that she felt that the Planning Board has no authority to reconsider its decision.

Page stated based on the fact that appeal period has expired, there was no need to act on this. Motion by Thieme that the Planning Board has no authority to act on the Request for Rehearing as the appeal period has expired. Seconded by Fuerderer. All in favor. Vote.

Self and Davis resume their seats at the table.

**3. Other business as may be required.**

Carbonneau informed the Board that there are some terms of office coming up. There are two - 3 year terms available and one - 2 year term. The filing period opens on Wednesday, January 20th and closed on Friday, January 29th.

Board reviewed minutes of the December 10, 2009 meeting. Motion by Self to approve the minutes as written. Seconded by Thieme. Vote: All in favor.

Carbonneau informed the Board that she had met with Bill Fenton and noted that he had commended the Board for the ease and attention in the planning process.

Market Basket has a projected opening date of May 1, 2010.

Moore Nanotechnology moved to their new location on December 15, 2009.

Motion by Osgood to adjourn. Seconded by Fuerderer. Vote: All in favor.

Meeting adjourned at 8:10 p.m.

Submitted by,

Donna Munson  
Recording Secretary