

**SWANZEY PLANNING BOARD MINUTES  
MAY 21, 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, Jeff Goller, Victoria Barlow, Selectmen's Representative Nancy Carlson and alternate Jeanne Thieme. Thieme was seated for 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 new items on the agenda could "reasonably be construed as having the potential for regional impact." Motion by Fuerderer that no new items on the agenda could reasonably be construed as having the potential for regional impact. Seconded by Barlow. Vote: All in favor.

Annette Studebaker informed the Board that she would be audio taping tonight's proceedings. Page informed the audience of the same.

**A. PUBLIC HEARINGS –**

**1. Subdivision Application –** SVE Associates, agent on behalf of Larry Koch, wishes to subdivide Tax Map 79, Lot 6-3 into 2 lots. The subject premises are located off California Brook Road and Owens Drive and situated in the Rural/Agricultural District. Tax Map 79, Lot 6-3 currently consists of approximately 60 acres. The proposed lots will be 18.89 acres and 41 +/- acres. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the applicant. Public hearing opened.

Hitchcock reviewed the plan before the board, noting that the 18.89 acre lot would be a rear lot. Hitchcock acknowledged that he understood that DPW Director Dunham expressed concern about the road frontage of the proposed rear lot, as it is at the terminus of Owen's Drive and access to this rear lot off of its frontage would interfere with road maintenance, plowing, etc. Hitchcock stated that he is proposing a shared driveway that would come off of Owen's Drive well before the end of the road. Hitchcock stated that he understood that the Board would require, at the very least, a maintenance agreement for the shared driveway. Hitchcock stated that he realized that Dunham was on vacation and was unable to provide comment regarding the proposed shared driveway. Board members acknowledged that shared driveways were permitted, but wished to defer a decision until feedback could be obtained from the

Dunham. Barlow stated that she may have other concerns about the project and that she would like the option to explore these concerns at the next meeting.

Motion by Fuerderer to continue the public hearing to June 4, 2009 at 7:00 p.m. without further notice. Seconded by Self. Vote: All in favor.

**2. Boundary Line Adjustment Application** – between Tax Map 25, Lot 30-12 and 30-16. Tax Map 25, Lot 30-12 is owned by David & Karen Fenuccio; Tax Map 25, Lot 30-16 is owned by Robert & Lianne Therrien. The boundary line adjustment seeks to add a total of 1.76 acres to Map 25, Lot 30-16 (taken from Map 25, Lot 30-12). The properties are situated off Meadow Lane and located in the Residence Zoning District. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the applicant. Public hearing opened.

Hitchcock reviewed the plans before the Board, noting that the boundary line adjustment is being requested as Therrien desires additional property. Both lots after the boundary line adjustment meet the zoning requirements. Hitchcock noted that they have received subdivision approval from the State. Public hearing closed.

Motion by Barlow to grant the boundary line adjustment application subject to the condition that the boundary line adjustment approval will not be final until the signed deed conveying the property to the Therriens has been conveyed to the Town for recording, together with the appropriate recording fees for recording the deed.

## **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 situated 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. Tabled from May 7, 2009. Attorney Michael Bentley was present on behalf of Jeffrey Sevene. Also present: Jeffrey Sevene, Kenneth & Janice Sevene, Annette Studebaker and Robert and Lorraine Goodell.

In response to a legal opinion rendered at the request of the Board by Attorney Beth Fernald dated May 7, 2009, Bentley stated that Patnode Oil used to rent that garage for many years when the property was owned by Tetreault. Bentley stated that Tetreault resided on the property and the garage was rented to Patnode Oil. Bentley stated that once Cournoyer purchased the property, Cournoyer resided on the property and the garage was rented to Sevene.

Bentley stated that it was his opinion that the garage was not built as a horse barn, noting that the concrete block structure, high ceilings and large overhead doors were not typical construction for a horse barn.

R. Goodell stated that Tetreault did, in fact, have at least one or two horses on the property. R. Goodell stated that he has resided at 135 Pine Street since 1975 and never observed Patnode Oil utilizing the garage. Studebaker provided the Board with a copy of an affidavit of Robert Goodell that describes the use on Cournoyers property that he has observed since 1975.

Board members discussed Fernald's opinion that if the "garage has been used separately from the house for business only by Mr. Sevene, then a variance would be required to allow two principal uses on one lot." Self felt that the Board has consistently allowed two principal uses on one lot. Board members noted that an example of two principal uses on one lot included the abutting property (Ashuelot River Campground). However, Board members also acknowledged that the ordinance does state that only one primary use per lot is permitted under the ordinance (see definition of lot).

Board members also considered Fernald's response to the question "is the equipment storage use permitted?" Self stated that the Board has historically considered the proposed use of storage and repair of construction equipment as a "service," and that, as such, it was permitted by the ordinance. Board members generally concurred.

Bentley addressed Item 4 of Fernald's May 7, 2009 letter, stating that the processing of fire wood for sale to others is not occurring on site and is not part of the site plan application. Bentley stated that Sevene processes fire wood on site only to heat the garage. Studebaker disagreed stating that she has seen truckloads of wood come onto and off of the property.

Studebaker stated that she did not believe that equipment storage and repair was a permitted use in the business district and that relief from the ZBA was required; that a variance would be required to permit two principal uses on one lot; that the site plan was incomplete as it did not even show the proposed driveway location; that wood processing continued up until at least April 2009 on the site; and that provisions for a septic system should be required as the applicant uses the woods near their house as bathroom facilities. Studebaker requested that the Board determine that the application is not complete.

Bentley requested that the Board continue this matter until June 4, 2009 so that he could attempt to contact the prior property owner (Tetreault) to obtain further information about the prior use of the property. Motion by Self to table consideration of this matter to June 4, 2009. Seconded by Fuerderer. Vote: All in favor.

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

**1. Discussion** re architectural modifications to proposed Market Basket. Jim Lamp from J & Co. and Eric Brown from PCA Architects appeared before the Board. Brown presented modifications to the original design. Brown noted that while Market Basket does not have pattern stores, it does have a brand/image that it wishes to maintain. Brown noted that the newest plans have notably modified the canopy, trellis and "tower." Board members suggested that the "tower" be changed to a barn red color with split block "supports" to resemble granite. In addition, it was suggested that the weathervane be made larger and moved to the center of the "tower." While some Board members wished that additional modifications could be made to the design, they acknowledged that the proposed modifications were an improvement over the original plan. Lamp and Brown will come back on June 4, 2009 with additional modifications and incorporating comments made by the Board this evening.

Lamp noted that the Site Specific permit has been issued by the State and requested permission to be able to commence site work as set forth in the Site Specific permit, with the exception of work involving wetlands. Motion by Self to grant a waiver from Section III of the Site Plan Review Regulations granting the applicant permission to commence site work as set forth in the Site Specific permit, with the exception of work involving wetlands. Seconded by Goller. Vote: All in favor.

**2. Request** by Larry Holmes to operate a hot dog stand at property situated at 679 West Swanzey Road. Board members noted that this request was to operate under the same terms and conditions as approved by the Board on June 8, 2008, issued to Don Blake. Motion by Self to approve the assumption by Larry Holmes of the operation of the hot dog stand subject to the same terms and conditions as set forth on June 8, 2008. Seconded by Goller. Vote: All in favor.

**3. Minutes** from May 7, 2009. Motion by Fuerderer to approve the minutes from May 7, 2009 as submitted. Seconded by Self. Vote: All in favor.

Motion by Fuerderer to adjourn. Seconded by Self. Vote: All in favor. Meeting adjourned at 8:20 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner