

**SWANZEY PLANNING BOARD MINUTES
NOVEMBER 1, 2007**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval generally takes place at the next regularly scheduled meeting of the Board.]

The November 1, 2007 meeting of the Swanzey Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, June Fuerderer, Scott Self, Charles Beauregard, Sr., Steve Russell, Victoria Barlow, Selectmen's Representative Bruce Tatro and alternates David Osgood and Jeanne Thieme. The agenda for the evening's meeting was read, with Page noting that the multi-tenant application submitted by Nicholas Gladke has been withdrawn, and the following matters were addressed:

Regional Impact – Board members considered whether any items on tonight's agenda could "reasonably be construed as having the potential for regional impact." Motion by Russell that no items on tonight's agenda could be reasonably construed as having the potential for regional impact. Seconded by Beauregard. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Home Occupation Application – Karen A. Crowe wishes to utilize the property situated at 790 Old Homestead Highway for a home occupation consisting of providing consultation services in general business, non-profits and assisted living. The property is situated in the Residence Zoning District, shown at Tax Map 33, Lot 27. Karen Crowe appeared before the Board. No abutters were present. Public hearing opened.

Crowe stated that the proposed business consists of the "administrative side" of her consulting business. Crowe stated that no clients would be coming to the site and no sign was being requested. Public hearing closed.

Motion by Self to grant the home occupation application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Russell. Vote: All in favor.

2. Home Occupation Application – Hana Lowe wishes to utilize the property situated at 30 Highland Circle for a home occupation consisting of the assessment and referral of Department of Transportation clients who fail drug and alcohol testing. The property is situated in the Residence Zoning District, shown at Tax Map 32, Lot 19-19. Hana Lowe appeared before the Board. Numerous abutters and interested citizens were present. Public hearing opened.

Lowe stated she would be the only employee of the business. The business would be operated from the finished basement in her home.

Lowe stated that clients would come to her home for assessment and referral services after having failed random drug and alcohol testing by their employers. Lowe stated that she would see each client twice, once at the beginning for assessment and referral and then a second time after the client has completed the recommended program.

Abutting property owners and interested citizens voiced concern about having “drug addicts and alcoholics” driving through their neighborhood. Bill Gallaresi provided the Board with a letter and supporting information expressing his objection to the granting of this application. Gallaresi stated that he felt that bringing “these types of people” into the neighborhood may increase the probability of break-ins and other crimes. Others expressed concern that this type of use was incompatible with a daycare center in the area. Public hearing closed.

Russell directed additional questions to Lowe. Lowe stated that she would see 2 clients per week at the most. Lowe stated that she has been performing similar work at her prior residence in Indiana for approximately 3 years. Lowe noted that the clients typically pay her fees themselves, versus having their employers pay her fees.

Self stated that he did not see this home occupation as a problem, noting that it was different than a methadone clinic. Self stated that the clients are people who have employment that depends upon their having a CDL license and that they are motivated in getting their license restored.

Fuerderer stated that it she did not feel that this was an appropriate location for such a home occupation. Motion by Fuerderer to deny the home occupation application as it is not an appropriate location for this type of activity. Seconded by Russell. Vote: Fuerderer, Barlow, Beauregard, Page and Russell. Opposed: Self and Tatro. Motion carries.

3. Boundary Line Adjustment Application between Tax Map 33, Lot 68-9 and Tax Map 43, Lot 11. Tax Map 33, Lot 68-9 is owned by Michael L. Davis, Sr. and Tammie E. Davis. Tax Map 43, Lot 11 is owned by Gustavo Martin Reyes. The boundary line adjustment seeks to add a total of 5.57 acres to Map 33, Lot 68-9. The properties are situated off Talbot Hill Road and located in the Residence and Rural/Agricultural Zoning Districts. Robin Freiman from SVE Associates appeared before the Board on behalf of the applicants. Public hearing opened.

Freiman stated that the boundary line adjustment would add a total of 5.57 acres to Davis' property. Freiman noted that the property is primarily wetlands. Freiman stated that with the property being wetlands, the use of the parcel would not change and would remain undevelopable land.

Carbonneau noted that this proposed boundary line adjustment had been contemplated from the beginning of the Canyon Springs Estates project. Carbonneau also stated that even assuming that the entire 5.57 acre parcel consists of wetlands (which it does not), the density requirement for Canyon Springs Estates would not be effected.

Abutting property owner Grace Lilly was present and questioned whether this effects the Planning or Zoning Boards' prior approval of Canyon Springs Estates. Page stated that it does affect it, as it is transferring 5.57 acres to the Davises; however, Page added that it does not effect the density requirements or otherwise change the number of housing units permitted. Public hearing closed.

Motion by Self 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 Michael L. Davis, Sr. and Tammie E. Davis has been conveyed to the Town for recording, together with the appropriate recording fees for recording the deed. This deed must include language that the parcel conveyed will become part of Tax Map 33, Lot 68-9. Motion seconded by Russell. Vote: All in favor.

4. Multi-Tenant Application & Sign Applications – What's Up With It Pool Service, LLC wishes to use a portion of the premises situated at 125 Old Homestead Highway for a business consisting of the sale of spas and swimming pools and accessories, service and maintenance. The property is shown at Tax Map 37, Lot 4 situated in the Business Zoning District. The property is owned by Shakour Diversified, Inc. No abutters were present. Charles Stevens appeared before the Board on behalf of the applicants. Public hearing opened.

Stevens stated that they plan on occupying the portion of the building that is located to the left and includes the garage space. There will be no outside storage. Stevens stated that the only other tenant in the building (once What's Up With It moves in) will be storage space for Mo Wilber's construction business.

Stevens noted that Code Enforcement Officer Weston has reviewed the space and some minor modifications and improvements will be required. Fire Inspector Fontaine stated that he needs to review the premises and will need MSDS sheets for the products used.

The applicant also submitted two sign applications that meet all zoning regulations. Stevens stated that the street number will be placed on the free-standing sign. Public hearing closed.

Motion by Beauregard to grant the two sign applications and the multi-tenant application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Russell. Vote: All in favor.

5. Multi-Tenant Application – Norva, LLC, d/b/a Norman & Mary Jo Vaine, wishes to use a portion of the premises situated at 386 Massey Hill Road for a business consisting of the manufacture (including metal fabrication) of static gravel screening attachments. The property is shown at Tax Map 3, Lot 36 situated in the Business Zoning District. The property is owned by Timothy R. Cloutier. David Bergeron from Brickstone Masons appeared before the Board on behalf of the Applicants. Also present were: Cloutier, M. Vaine and abutting property owners Scott and Denise Tacy. Public hearing opened.

Bergeron stated that the applicants wish to use the property to manufacture the “Gravelizer.” Bergeron stated that this primarily consists of metal fabrication, welding, grinding and hand painting (no spray booth). It was noted that the steel will arrive via flat body truck approximately once a week. Cloutier stated that there is adequate room for the flat body truck to turn around on the property, as the property crosses the road. Bergeron stated that a forklift would likely be used to move the steel into the shop. M. Vaine stated that there would be no outside storage of materials. In addition, no work would be conducted outside with the exception of loading/unloading materials and product.

S. Tacy stated that he was concerned about potential noise and traffic generated by this business. S. Tacy stated that the area is primarily residential in nature, even though it is located within the Business Zoning District. M. Vaine agreed that grinding would be limited to the hours of 7 a.m. to 5 p.m., Monday through Friday and from 7 a.m. to noon on Saturday.

M. Vaine stated that they would limit the number of employees to 5, including the applicants.

Fuerderer stated that the revised parameters of operation should be noted on the application and signed by the applicant. Bergeron stated that they would submit a revised application reflecting the agreed upon number of employees and limits on hours of operation viz-a-viz grinding. Public hearing closed.

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

- a. grinding is limited to the hours of 7 a.m. to 5 p.m., Monday through Friday and from 7 a.m. to noon on Saturday;
- b. the number of employees would be limited to 5, including the applicants’
- c. there is to be no outside storage or materials and no work is to be conducted outside; and

d. subject to review and approval by the Fire Inspector and Code Enforcement Officer.
Seconded by Russell. Vote: All in favor.

B. DISCUSSIONS/OTHER BUSINESS –

1. Discussion re 2008 zoning amendments.

Flood Plain Ordinance: NH-OEP has provided language for amendments to the Flood Plain Ordinance. These changes are required in order to continue to participate in the NFIP.

Building Code: Jim Weston is preparing changes to this section to reflect recent changes to the New Hampshire State Building Code.

Certificate of Occupancy: The purpose of this proposed amendment is to include it within the building code section.

Frontage Requirements: Carbonneau proposed that minimum frontage must “flat and dry.” Otherwise stated, land that is wetlands or has 25% slopes or greater cannot be used to meet the minimum frontage requirements.

Page did not agree with this proposal, as he felt that the primary purpose of frontage is to regulate density. He stated that if a lot that has all wetlands frontage could use a shared driveway or some other form of access other than the frontage, why shouldn't the lot be approved.

Board members discussed requiring at least 50 feet of continuous frontage that is not wet or steep.

Setbacks: Board members felt that swimming pools should be required to meet setback requirements. Also, Board members felt that the current regulation permitting swimming pools to be located at least 10 feet from the property line should be deleted and that the standard setback for each district be utilized.

Board members discussed setbacks in the business district. It was suggested that the front setback be 30 feet from the front property line and that buildings and structures be setback at least 75 feet from the front property line.

Accessory Buildings: Carbonneau suggested that the Board set a maximum square footage and height for accessory buildings, unless a special exception is obtained. After much discussion, Board members felt that if a building has a footprint of 1000 s.f. or greater or a height of 25 feet or greater, it should require a special exception from the ZBA. This requirement would only apply to such structures in the residence, rural/agricultural and village business district.

Signs: Board members briefly discussed what is and is not considered a sign and what signs should be permitted without a permit. Due to the time constraints for public hearing on zoning amendments, this may be deferred to another year.

Cluster Subdivision/Conservation Subdivision: Carbonneau will be working on the language required to enable the Planning Board to adopt conservation subdivision regulations pursuant to RSA 674:21.

Dead-end Streets: The Board briefly discussed dead-end streets – noting that this is a subdivision regulation issue versus a zoning issue. DPW Director Dunham and Fire Inspector Fontaine stated that some concerns regarding dead-end streets include plowing, utility extension and fire safety (including length of hose and access). It was suggested that the Board look at regulations established by other communities.

Carbonneau will put together draft language for the zoning amendments and will distribute to Board members prior to the November 15, 2007 meeting. In the event that two public hearings are necessary, it will be necessary for legal notices to be posted no later than December 1st. (Anticipating public hearings on December 20th and January 3rd.)

2. Minutes from October 18, 2007. Motion by Beauregard to approved the minutes from October 18, 2007 as amended. Seconded by Russell. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Russell. Vote: All in favor. Meeting adjourned at 9:45 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner