

**SWANZEY PLANNING BOARD MINUTES  
AUGUST 2, 2007**

**[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 August 2, 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, Steve Russell, Selectmen's Representative Bruce Tatro and alternates Jeanne Thieme and David Belletete. Thieme was seated for Scott Self and Belletete was seated for Charles Beauregard, Sr. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following items 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 Fuerderer that no items on tonight's agenda could be reasonably construed as having the potential for regional impact." Seconded by Russell. Vote: All in favor.

**A. PUBLIC HEARINGS –**

**1. Multi-Tenant Application** – Erika LaBarre wishes to use a portion of the premises situated at 117 Monadnock Highway for a business consisting of consignment sales of clothes, furniture, toys and accessories. The property is shown at Tax Map 18, Lot 87 situated in the Business Zoning District. The property is owned by Faham Effendi. Erika LaBarre appeared before the Board. No abutters were present. Public hearing opened.

LaBarre stated that she is planning on occupying the space formerly occupied by Studio H Salon. Proposed hours would be Monday through Friday 9 a.m. to 6 p.m. and from 10 a.m. to 5 p.m. on Saturday. There would be only one full-time employee. LaBarre stated that there is adequate parking for the proposed use.

LaBarre also stated that she would like to replace the existing sign with a sign for her business. LaBarre noted that the sign would be replaced with her business name ("Li'l Treasures"). Public hearing closed.

Motion by Russell to grant the multi-tenant application and to approve the replacement of the sign. Seconded by Thieme. Vote: All in favor.

**2. Site Plan Review Application** – David Roy & Janet Roy wish to utilize the property for a logging business (home office; location to perform routine maintenance on his equipment; storage of trucks; future garage; and storage and processing of wood). The property is situated at 49 Spring Street and shown at Tax Map 57, Lot 72 situated in the Residence and Business Zoning Districts. David Roy appeared before the Board. Abutting property owners Mark Desilets and Gail Davis were present, represented by Attorney Silas Little. Public hearing opened.

Page read a letter from Spring Street resident Barbara Skuly who expressed concern about noise and traffic generated by the business. Roy stated that he does not have a “cordwood business” as stated in Skuly’s letter.

Roy stated that he no longer has a saw mill on the property and that he is not in the “firewood business.” Roy stated that on occasion he may have a load of logs that get “cut up and sold to friends” and estimated that he may have cut up 12 cord of wood over the past year. Roy also stated that sometimes a load of logs may be brought to the property, where they will stay for a while – then, if someone wants them, he will load them up (log length) and deliver. It is anticipated that the difference between the two options is minimal, at best.

In addition, Roy stated that he and his family have been operating his logging business from this property since the late 1970s. Roy noted that there is no other way to access his property other than via Spring Street. Roy stated that much of the noise generated in the area comes from Keene Tree Service and Port-O-Lite, which are businesses in the vicinity. Roy stated that he has support for his application from most of the property owners in the area. Carbonneau noted that the letters of support are part of the ZBA’s record.

Russell stated that he has concerns regarding logging trucks traveling down Spring Street. Page stated that he does not see that as an issue, as garbage trucks, fuel delivery trucks, etc. travel the street. Belletete noted that an oil company located at the end of the road uses Spring Street on a daily basis.

Little stated that Roy has not complied with the conditions imposed by the ZBA, stating that Roy continues to park his vehicles in the residence district and that he has not installed the landscaping required by the Board. In addition, Little stated that it almost 9 months following the ZBA’s approval before Roy filed his application for Site Plan Review. Little stated that Roy was a “scofflaw” and that Roy has “shown blatant disregard of the Town’s regulations.”

Little provided photographs which he felt provided evidence that Roy was not currently operating within the parameters that Roy had set

forth in his Site Plan Review Application. Little described the photographs as showing Roy leaving his property at 3:30 in the morning; another photograph provided evidence that Roy had not installed the required landscaping; and another showing vehicles parked in the residence district portion of the lot.

Little stated the site plan presented does not represent what is really happening on the premises, noting that box trailers located on the property are not shown on the plan. Little stated that he understood the box trailers contained woodchips. Roy stated that this was incorrect and that he used them to store miscellaneous items, as he does not have a garage.

Little inquired as to how vehicle maintenance activities would be conducted, as the application does not set forth any details as to fluid containment, disposal, etc.

Little also stated that while the applicant has shown wetlands area on the site plan, there is no certification of delineation by a wetlands scientist.

Abutting property owner Mark Desilets stated that trucks leave at 3:30 a.m.; that Roy has a skidder and a loader in addition to his log truck; and that vehicles are not parked where the Zoning Board said they should be.

Board members stated that they wish to conduct a site visit. Board members also requested that the line delineating the business/residence district be flagged by a licensed land surveyor.

Motion by Fuerderer to continue this matter without further notice to August 16, 2007 at 7:00 pm. Seconded by Thieme. 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** – Lisa Mango wishes to utilize the existing structure situated at 718 Old Homestead Highway for a daycare center. The property is shown at Tax Map 33, Lot 10 situated in the Residence Zoning District. Mango appeared before the Board. No abutters were present.

Mango noted that she has received a special exception from the ZBA to operate a day care center. The ZBA's approval was subject to the condition that there be no more than 15 children in the daycare program.

Mango stated that the State had required that a paved apron be installed for the driveway access. Mango stated that this has been completed.

Mango noted that she is currently undergoing licensing review and approval from the State of NH. She has already had the Fire Inspector review the site and stated that the Health Officer will be going through

the property soon. Page reminded Mango that the Code Enforcement Officer will also need to review the property. It was noted that information regarding the septic system design should be obtained for the next meeting.

Motion by Russell to accept that application as complete. Seconded by Fuerderer. Vote: All in favor.

**2. Site Plan Review Application – Monadnock Birth Center c/o Mary Lawlor** wishes to utilize the existing structure situated at 907 West Swanzey Road for an out-patient health care facility (birth center). The property is shown at Tax Map 71, Lot 12 situated in the Business Zoning District. The property is owned by Steven R. Budzik. Ted Crombie, designer, and Mary Lawlor appeared before the Board. No abutters present.

Crombie stated that there are minimal exterior changes proposed to the property; there will be interior modifications requiring building permits. Crombie stated that the proposed use will require State inspections and licensing.

Tatro inquired if the Fire Department has expressed any concerns about the proposal. Carbonneau stated that the Department has had a copy of the application for about a week and has not had any feedback about the proposal. Lawlor stated that they do not anticipate more than 10 births a month. In addition, Lawlor stated that all clients are screened and that only low-risk patients are accepted.

Carbonneau noted that construction approval has been received for a new septic system. Crombie stated that it was his understanding that the existing system could continue to be used; in the event of failure, the new system as designed would be installed.

Board members questioned the disposal of bio-hazards. Lawlor stated that she would have a contract with a company to dispose of these materials.

Motion by Russell to accept the application as complete. Seconded by Thieme. Vote: All in favor.

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

**1.** Request by Don Blake to site a hot dog stand on property owned by RDH Property Management, LLC located at 704 West Swanzey Road (Tax Map 72, Lot 85). Blake stated that he would like operate a portable hot dog cart. The cart is able to be towed behind a vehicle.

Blake stated that he is planning on storing the unit in one of the garage units on site. Tatro questioned whether the propane tank should be stored in the garage. Blake was instructed to speak with Code Enforcement Officer Jim Weston regarding this issue.

Blake noted that there would be a canopy on site. He was not planning on having any picnic tables. Proposed hours and days of operation would be Monday through Saturday 8 a.m. to 4 p.m.

Blake stated that he wants to have a free standing, a-frame sign to put out only when he is open. Blake stated that the sign is 24" x 36".

Motion by Russell to approve the siting of the hot dog cart, subject to the condition that the disposition of the propane tank be resolved with the Code Enforcement Office. Seconded by Belletete. Vote: All in favor. Motion by Russell to approve the sign application. Seconded by Fuerderer. Vote: All in favor.

**2. Notice of Voluntary Merger.** William Felton seeks to merge Map 40, Lot 2 with Map 40, Lot 3. Motion by Russell to approve the voluntary merger. Seconded by Fuerderer. Vote: All in favor.

**3. Minutes of July 19, 2007.** Carbonneau noted that the minutes of July 19, 2007 should be corrected to read as follows:

Page 4, re Motion on Rymes. Delete existing Motion and replace to read as follows:

“Motion by Osgood to permit the applicant to decrease the number of tanks to 3 and to increase the total product to 120,000 gallons of product stored, subject to the condition that the applicant work with the Fire Department to come up with a fire suppression system for the loading rack area. Seconded by Self. Vote: All in favor.”

Motion by Russell to approve the minutes of July 19, 2007 as amended. Seconded by Belletete. Vote: All in favor, with Fuerderer, Thieme and Tatro abstaining.

Motion by Tatro to adjourn. Seconded by Russell. Vote: All in favor. Meeting adjourned at 8:15 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner