

**SWANZEY PLANNING BOARD MINUTES
APRIL 20, 2006**

[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 April 20, 2006 meeting of the Swanzeay Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, June Fuerderer, Richard Lane, Charles Beauregard, Sr., Victoria Barlow, Selectmen's Representative Bruce Barlow and alternate Steve Russell. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

A. Discussion regarding determination of regional impact – Carbonneau provided Board members with a memorandum regarding RSA 36:54 et. seq. Town counsel recommends that the Board make an active determination (i.e., motion, second & vote) as to whether or not a proposed project has regional impact.

B. PUBLIC HEARINGS –

1. Site Plan Review Application - Rymes Propane & Oils, Inc. wishes to construct a 6,344 s.f. building for bulk storage, "covered fill and load station" and "covered truck parking." The property is situated off Route 10 and Sawyer's Crossing Road and shown at Tax Map 55, Lots 2-1 and 2-2 situated in the Commercial/Industrial Zoning District. John St. Pierre from SFC Engineering, James Rymes, Jr. and James Rymes, Sr. appeared before the Board. Abutters were present. Public hearing opened.

Board members considered whether this project could "reasonably be construed as having the potential for regional impact." Motion by Self that this project could not be reasonably construed as having the potential for regional impact. Seconded by Beauregard. Vote: All in favor.

Carbonneau noted that revised plans were received via e-mail earlier in the week and were forwarded to department heads for review and comment. Hard copies of the plans were provided to the Planning Board this evening. St. Pierre reviewed the changes made to the plans since the April 13, 2006 meeting. St. Pierre also stated that a permit for the new driveway location has been submitted to NH-DOT.

St. Pierre noted that the proposed berm on the easterly side of the property had been removed, as it encroached on the existing right of way held by Yale University. The revised plans show a row of 44 arborvitae, generally running along the easterly side of the proposed new driveway. St. Pierre stated that the northeasterly corner of the lot has been left open to provide access to the adjacent property situated to the north (Tax Map 55, Lot 1, which is not included in this project). The revised plans also show 3 poplar trees to the northerly side of the proposed new building and 8 poplar trees to be planted on the southerly property line. Barlow expressed concern about the proposed landscaping, stating that it was not adequate and did not provide sufficient screening. Barlow stated that the landscaping should have some depth to it, versus single lines of trees, shrubs, etc. In addition, Barlow stated that the existing landscaping is not shown on the plans. Beauregard noted that there are areas on the property that cannot have trees or other types of landscaping near them, in order to provide access for fire and other emergency vehicles.

Building details were discussed. Rymes, Sr. stated that there have been no definite decisions about construction materials, but assumed that many of the decisions about the construction materials would be left up to the insurance underwriters.

Carbonneau inquired about the vehicle storage. Rymes, Sr. stated that there could be 2 trucks in the “proposed covered truck parking” area and 1 in the fill and load station. Rymes, Sr. stated that there would be no repairs or maintenance to the trucks conducted on site, with the exception of minor repairs (such as replacing lights). Rymes, Sr. noted that prior to the trucks leaving for the day, the trucks are required to undergo a brief inspection.

Rymes, Sr. described the fueling process, noting that the doors to the fueling building would be opened at all times during the fueling process. Carbonneau noted that was different from what Rymes, Jr. reported at the last meeting. Rymes, Sr. stated that the fueling process would be conducted in accordance with insurance company regulations.

Abutting property owner Michael Murphy expressed concerns about how the completion of the project could be insured. He stated that he would hate to see the building constructed and the landscaping remain undone. Page stated that a performance bond could be required.

Greg Johnson stated that he did not feel that the Planning Board has jurisdiction over this matter, as it was his opinion that the applicant was not in compliance with the previously approved site plan. Johnson stated that the building originally proposed was never constructed; the sign that was originally approved was never constructed – rather a sign that required variance was permitted to be installed on one of the tanks; Johnson felt that Sawyer’s Crossing Road was never intended to be a feeder road; he questioned if the 50 foot buffer shown on the previously approved site plan was a requirement of the ordinance; he stated that it is not clear if the conditions imposed by the original driveway permit issued by DOT were met; and that items were being stored on the property that were never included on the original approval. Page asked if Johnson would submit his concerns

in writing. The Board felt that Johnson's concerns should be conveyed to Town Counsel for his review.

Motion by Barlow to continue the public hearing on this matter without further notice to the Board's next meeting scheduled for May 4, 2006 at 7:00 p.m. Seconded by Beaugard. Vote: All in favor.

2. Site Plan Review Application – Larry & Linda Cutter wish to construct a 1,152 s.f. building for an auto repair, inspection, service and sales business. The property is situated in the Business and Commercial/Industrial Zoning Districts and shown at Tax Map 73, Lot 25. The property is located at 657 West Swanzey Road and is owned by Theresa M. Kellogg. Larry Cutter appeared before the Board. Abutters were present. Public hearing opened.

Board members considered whether this project could "reasonably be construed as having the potential for regional impact." Motion by Self that this project could not be reasonably construed as having the potential for regional impact. Seconded by Beaugard. Vote: All in favor.

Cutter reviewed revised site plans showing additional landscaping and the existing tree line. Cutter stated that he had spoken with the abutting property owner who expressed concern about potential landscaping (trees) along Route 10. The Board received a letter dated April 20, 2006 from Robert and Dorothy Patnode who expressed concern that a tree-line along Route 10 "could distract drivers vision and security reasons for the store..." Cutter also stated that he had planned on having a sign on his garage, versus a free-standing sign. If that is the case, Cutter stated that a tree-line along Route 10 may prevent customers from being able to see his sign on the garage.

Barlow stated that she would like some sort of physical barrier to be installed between the display car parking and the grassed area towards Route 10. Cutter stated that he would do so. Public hearing closed.

Motion by Barlow to approve the site plan review application subject to the installation of a physical barrier to be installed between the display car parking and the grassed area towards Route 10 (easterly side of property). Seconded by Self. Vote: All in favor.

3. Subdivision Application and Boundary Line Adjustment – Larry Koch, Sr. wishes to subdivide Tax Map 79, Lot 6-2 into 2 lots and to adjust the boundary between Tax Map 79, Lot 6-2 and Lot 6-3. The subject premises are located off California Brook Road and situated in the Rural/Agricultural Zoning District. Lot 6-2 and 6-4 will each be 5.06 acres; lot 6-3 will remain in excess of 60 +/- acres. Larry Koch appeared before the Board. Public hearing opened.

Koch stated that he would like to subdivide Tax Map 79, Lot 6-2 into 2 lots. In order to keep both lots over 5 acres, Koch stated that an boundary line adjustment with Tax Map 79, Lot 6-3 was necessary. Koch stated that the new lots meet both frontage and acreage requirements. Koch noted that the "drive" would be re-labeled "private drive" on the final plat.

Carbonneau stated that she reviewed the record and that the plans submitted for the condominium project indicate that the “private drive,” as shown on the proposed subdivision plat is labeled “emergency access” on the condominium plans. Koch stated that it was always his intent to be able to access Tax Map 79, Lot 6-2 from either California Brook Estates or Owens Drive. Carbonneau noted that the Town should require an easement to pass and repass over these lots, if the “drive” or “emergency access” is to be used as a secondary means of access in case of emergency. Koch stated that if the easement had not yet been granted to the Town, he would have no objection to doing so. Public hearing closed.

Motion by Lane to grant the subdivision and boundary line adjustment application subject to the condition that the Town be granted an easement to pass and repass over the “private drive/emergency access,” in the event that such right has not already been conveyed to the Town. Seconded by Fuerderer. Vote: All in favor.

4. Multi-Tenant Application – Dunnell Construction wishes to use a portion of the premises situated at 386 Massey Hill Road for a business consisting of construction equipment storage; woodworking shop; associated office; and customer showroom. The property is shown at Tax Map 3, Lot 36 situated in the Business Zoning District. The property is owned by Timothy Cloutier. Jason Dunnell and Timothy Cloutier appeared before the Board. Abutting property owner Karen Miller was present. Public hearing opened.

Dunnell stated that he would like to use part of the building for storage of construction materials for his carpentry business, as well as having a woodworking shop, showroom and office.

Miller stated that since the original multi-tenant approvals for this property a number of months ago, the vehicular activity on the property has been heavy. In addition, Miller stated that some of the activity takes place outside of the hours of operation established for the other businesses, including as late as 11:30 p.m. to midnight. Dunnell noted that he has been spending a lot of time on the property, “getting the space ready.” Miller also expressed concerns about loose dogs and was told that she should contact the Police Department regarding this matter.

Miller stated that the driveways serving the two properties are “right next to each other” and noted that they were in the process of installing a fence to separate the two driveways.

Carbonneau stated that she had received two separate reports of an apartment being located in the building, and stated that any approval should be contingent upon access to the entire building and inspection by the Code Enforcement Officer. Cloutier stated that he had no objection to doing so.

Motion by Beauregard to continue this matter without further notice to May 4, 2006 at 7:00 p.m. to allow Code Enforcement to inspect the premises. Seconded by Fuerderer. Vote: All in favor.

5. Home Occupation Application – Diana Dumond wishes to utilize property situated at 11 West Street for a home occupation consisting of a hairdressing salon. The property is situated in the Residence Zoning District, shown at Tax Map 57, Lot 10. The property is currently owned by Anna Tilton. Carbonneau stated that Dumond has requested (in writing) that the Board consider her application in her absence. Public hearing opened.

Board members considered whether this project could “reasonably be construed as having the potential for regional impact.” Motion by Self that this project could not be reasonably construed as having the potential for regional impact. Seconded by Fuerderer. Vote: All in favor.

Board members also considered the Free-Standing Sign Permit Application at the same time. (**Free-Standing Sign Permit Application** – Diana Dumond wishes to install a free-standing sign consisting of 4 s.f. on property situated at 11 West Street, Tax Map 57, Lot 10, situated in the Residence Zoning District.)

Page reviewed the home occupation application, noting that Dumond plans to operate as a sole proprietor. The property will be connected to both water and sewer. The sign proposed is 4 s.f. and meets the regulations of the zoning ordinance. Public hearing closed.

Motion by Barlow to grant both the home occupation application and the sign application, subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Fuerderer. Vote: All in favor.

C. OTHER APPLICATIONS –

1. Permission to Operate Mobile Food Wagon – Chris Frazier seeks permission to operate a mobile food wagon at property situated at 74 Monadnock Highway, Tax Map 18, Lot 52 (Sam’s Outdoor Outfitters). Board members reviewed the request. It was noted that Frazier operated from the property last year. However, Carbonneau noted that she could not find a record of any approval for the same.

Motion by Beauregard to approve the operation of the mobile food wagon subject to inspections and approval by the State of New Hampshire. Seconded by Lane. Vote: All in favor.

2. Free-Standing and Attached Sign Permit Applications – Pierce This 2 wishes to install a free-standing (secondary) sign and an attached sign on property situated at 140 Monadnock Highway, Tax Map 18, Lot 69 situated in the Business Zoning District. Carbonneau noted that the signs meet all zoning regulations. Board members stated that want the property owner to install street numbers on the free-standing sign standards. Motion by Barlow to approve the free-standing and attached sign application, subject to the condition that the property owner install street numbers on the free-standing sign standards. Seconded by Self. Vote: All in favor.

The following applications are being reviewed for completeness only. Comments will be limited to the completeness of the applications only.

3. Site Plan Review Application – Metro Treatment of New Hampshire, LP wishes to utilize the existing building situated at 1076 West Swanzey Road for professional offices and services – specifically, a private outpatient substance abuse treatment clinic. The property is shown at Tax Map 88, Lot 38-1 situated in the Business Zoning District. The property is owned by Eastwood Properties, LLC. Ryan and David Gale, property owners, and Donna Higgins from Colonial Management Group (Metro Treatment) appeared before the Board.

R. Gale reviewed the site plan before the Board. It was noted that Metro Treatment would be leasing the entire building (warehouse & house), but only utilizing a portion of the structure, initially. D. Gale stated that he would like to eventually construct a post and beam barn on the property to be utilized for retail space. However, these plans are still in the initial stages.

Board members noted that the proposed use is permitted in the district. Parking requirements have been met. The applicant will use the existing sign standards.

Carbonneau reported the NH-DOT has reviewed the proposal and is not requiring any changes to the curb cut at this time. D. Gale reported that the property has a State-approved septic system. In addition, the property is served by a drilled well.

Higgins stated that the facility would be for out-patient treatment only. Higgins stated that they have recently received approval to operate in Concord, NH across from the Everett Arena. They are also currently operating a clinic in Manchester, NH at 5A Driving Park Road. Carbonneau noted that Chief Busick has spoken with Higgins about the operation and will be attending the next meeting.

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

Board members considered whether this project could “reasonably be construed as having the potential for regional impact.” Motion by Barlow that this project could not be reasonably construed as having the potential for regional impact. Seconded by Self. Vote: All in favor, with the exception of Beaugard who felt it had regional impact.

4. Subdivision Application – Douglas Croteau & William Johnson wish to subdivide Tax Map 40, Lot 3 into 6 lots. The subject premises are located off Eaton Road and situated in the Residence & Shorelands Protection Zoning Districts. Tax Map 40, Lot 3 currently consists of 11.23 acres. The proposed lots will 3.23, 1.38, 1.03, 1.13, 1.01 and 2.97 acres. Russell Huntley from SVE Associates and William Johnson appeared before the Board. Abutting property owner Joyce St. Laurent was also present.

Huntley stated that the subdivision plan had been revised in accordance with feedback received from the Planning Board in December 2005. Huntley stated that each proposed lot meets frontage and acreage

requirements. Carbonneau informed the applicant that the Town has recently contracted with Underwood Engineering to review plans and subsequent construction of subdivisions requiring new Town roads. Carbonneau stated that she hoped to have a copy of Underwood Engineering's report prior to the next meeting.

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

Board members considered whether this project could "reasonably be construed as having the potential for regional impact." Motion by Self that this project could not be reasonably construed as having the potential for regional impact. Seconded by Barlow. Vote: All in favor.

D. DISCUSSIONS -

1. Election of officers and appointment of alternate members.

Carbonneau informed the Board that Greg Johnson had withdrawn his name from consideration.

Nominees for alternate positions: Laurie Jewett, David Osgood and Jeanne Thieme. By secret ballot Osgood was elected to the 3-year alternate position and Thieme was elected to the 1-year alternate position.

Upon motion by Lane, Page was nominated as chair and Self was nominated as vice-chair. Motion seconded by Tatro. Barlow stated that she would like to see the Chair position rotate between Self and Page, as it has done in past years. Vote: Lane, Tatro, Page, Self and Beauregard. Opposed: Fuerderer, Russell and Barlow.

2. Review of updated plans provided by Larry Koch in reference to site plan review application; Tax Map 79, Lot 6.

Carbonneau stated that she and Code Enforcement Officer Weston had reviewed the revised plans submitted by Koch in reference to the site plan review application for the condominium project. Carbonneau stated that it appears that conditions 1a., 1b., 1c., 1d., and 1e. as set forth in the decision rendered on March 6, 2006 have been met. Motion by Self to note that conditions 1a., 1b., 1c., 1d., and 1.e. as set forth in the decision rendered on March 26, 2006 have been met. Seconded by Beauregard. Vote: All in favor. Carbonneau noted that the remaining conditions set forth on March 26, 2006 have yet to be met.

Koch inquired if the Board was going to require recording of the Site Plan. Carbonneau informed Koch that the recording of the Site Plan was a requirement pursuant to the State's condominium statute.

3. Arrowcrest Plan Review –

Carbonneau provided Board members with a copy of Underwood Engineering's report dated April 18, 2006. Carbonneau recommended that the Board review the report and then come to the May 4th meeting with comments/concerns. Carbonneau stated that a copy of the report has been provided to Shane Lampinen (Broadvest Properties) and to his engineer. Lampinen will be present at the May 4th meeting.

4. Minutes – It was noted that Scott Self was not present at the April 13, 2006 meeting. Motion by Beauregard to approve the minutes of April 13, 2006 as corrected. Seconded by Tatro. Vote: All in favor with Fuerderer, Tatro and Self abstaining.

Motion to Beauregard to adjourn. Seconded by Tatro. Vote: All in favor. Meeting adjourned at 9:30 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner