

**SWANZEY PLANNING BOARD MINUTES
DECEMBER 7, 2006**

[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 December 7, 2006 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, Victoria Barlow, Charles Beauregard, Sr., Selectmen's Representative Deb Davis and alternates Jeanne Thieme and David Osgood. Osgood was seated for Richard Lane. 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 items on tonight's agenda could "reasonably be construed as having the potential for regional impact." Motion by Beauregard that no items on tonight's agenda could be reasonably construed as having the potential for regional impact. Seconded by Self. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Multi-Tenant Application – RDH Property Management, LLC wishes to use a portion of the premises situated at 704 West Swanzey Road for a retail flooring store. The property is shown at Tax Map 72, Lot 85, situated in the Business Zoning District. The property is owned by RDH Property Management, LLC. The Applicant also is requesting permission to install a **Free-Standing Sign** consisting of 32 s.f. Dawn Amer appeared before the Board on behalf of the Applicant. No abutters were present. Public hearing opened.

Amer stated that they would like to open a retail carpet store. Amer noted that the motorcycle shop (A&D Cycles) no longer occupies space in the building. Amer also stated that R&L Auto has been "downsized" to the northerly end of the building, noting that cars being sold by R&L will only be allowed to be parked in front of the section of the building being rented by R&L. Amer stated that the only occupants of the building at the present time are R&L Auto and the tenant who resides in the apartment.

Code Enforcement Officer Weston stated that he has reviewed the site and has no issues with the carpet business being located on the premises.

DPW Director Dunham expressed concern that a second curb cut on West Street is being utilized. This curb cut was re-opened after a tree was cut down near the corner of Route 10 and West Street a few months ago. Dunham stated that this curb cut is not authorized and must be closed off. Amer stated that it is their intention to close off this curb cut with a fence. (Dunham noted that there is a permitted curb cut on West Street, as well as another curb cut on Route 10.) Public hearing closed.

Motion by Self to grant the multi-tenant application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Davis. Vote: All in favor.

Board members then considered the **Free-Standing Sign Permit Application**. Board members noted that the sign met the square footage requirements and would be located where the former sign was located. It was noted that the sign would be illuminated. Motion by Beauregard to grant the free-standing sign permit application. Seconded by Fuerderer. Vote: All in favor.

2. Subdivision Application – Robyn Lane Romano wishes to subdivide Tax Map 13, Lot 7 into 2 lots. The subject premises are located on CL Lane and situated in the Rural/Agricultural Zoning District. Tax Map 13, Lot 8 currently consists of 10.91 acres. Romano appeared before the Board. No abutters were present. Public hearing opened.

Romano stated that the Zoning Board granted her variance request on November 20th allowing both the proposed rear lot and the original “front” lot to utilize a common access.

Self noted that the reference on the proposed subdivision plan to the “Potential Driveway” to serve Map 13, Lot 7 should be deleted. In addition, Romano noted that the plan will be revised to delete the reference to the “underground waterline” serving the house situated on Map 13, Lot 7-1. Carbonneau also noted that a reference to the ZBA’s granting of the variance on November 20th should be included on the plan. Public hearing closed.

Motion by Self to grant the subdivision application subject to the following revisions on the plan:

- a. delete the reference to the “Potential Driveway” to serve Map 13, Lot 7;
- b. delete the reference to the “underground waterline” serving the house situated on Map 13, Lot 7-1; and
- c. include a reference to the ZBA’s granting of the variance on November 20, 2006.

Seconded by Beauregard. Vote: All in favor.

3. Subdivision Application – Marty Reyes wishes to subdivide Tax Map 43, Lot 11 into 25 lots. The subject premises are located off Talbot Hill Road and situated in the Rural/Agricultural Zoning District. Tax Map 43, Lot 11 currently consists of 213 acres. The property is owned by Mirle Cross. Continued from November 16, 2006. Charles Beauregard, Sr. stepped down from the table due to a potential conflict of interest. Thieme was seated for Beauregard. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the Applicant. Also present on behalf of the applicant were Marty Reyes, Charles Beauregard, Jr. and attorney Barry Faulkner. Numerous abutters and interested citizens were present. Public hearing opened.

Hitchcock reviewed changes to the plans, including designing drainage to handle a 25-year storm. The revised plans also showed a proposed 50 foot access between lots 14 and 8 to be conveyed to the Town for future roadway connections. Hitchcock stated that the plans also include a tear drop cul-de-sac with a width of 20 feet, noting that the dimensions of the cul-de-sac will need to be approved by DPW Director Dunham. Hitchcock noted that the plans include proposed driveway locations, noting that there are six driveways for which additional detail has been provided.

Hitchcock stated that it was his understanding that DPW Director Dunham wanted 11 foot paved travel lanes, with 3 foot gravel shoulders. Hitchcock noted that at the last meeting, the Board appeared to be unsure as to whether it wanted any type of bicycle and/or pedestrian pathway.

Barlow stated that she would like to see a pathway for pedestrians located within the limits of the 50 foot right of way, but separated from the travel lanes. She noted that a pathway would provide a safe area for pedestrians, as well as promoting a sense of community. Hitchcock expressed his opinion that neither a pedestrian nor a bicycle pathway was needed in this development due to the projected low volume of traffic. Page stated that he felt that 22 feet of pavement and 3 foot shoulders provided a safe area for pedestrians and bicyclists, especially since the development would generate between 200 – 250 vehicle trips per day. Page suggested that a 3 foot gravel shoulder and a 5 foot gravel shoulder on the other side would provide more than adequate space and safety for bicyclists and pedestrians. Page, Fuerderer, Davis and Self stated that they supported the 3 foot and 5 foot shoulder option.

Hitchcock stated that a 15 foot wide access at the top of the cul-de-sac has been provided, providing access to the open space. Barlow stated that she would like to see two paved parking spaces provided within the cul-de-sac to provide for parking for public access to the open space. Hitchcock agreed that this would be included.

Hitchcock stated that licensed land surveyor Russ Huntley researched the issue of the Route 32 right of way width. Hitchcock submitted a letter dated December 7, 2006 from Huntley outlining his

research. Huntley noted in his letter that while the State maintains the position that the right of way is 4 rods wide (66 feet wide), Huntley was unable to find any record to support that position. However, assuming that the State is correct, the bushes located at 4 Talbot Hill Road (Tax Map 33, Lot 51) are located within the State's right of way. Board members requested that DPW Director Dunham speak with NH-DOT District IV to see if a resolution of the encroaching bushes issue can be reached.

Dunham was also asked if he would follow through on the change of speed sign locations on Route 32. Davis will also pursue this with the Board of Selectmen.

Hitchcock submitted a request for a "waiver from the Town's regulation which limits the maximum length of a block to 1,200', Section 9.6.a.," noting that this waiver was being submitted "in case the Board determines the regulation applies to the maximum length of a road ending in a cul de sac."

Barlow noted that the Open Space Committee spoke with the Monadnock Conservancy regarding this property. It was the Conservancy's position that it did not want to be a party to a conservation easement at the present time, notably for the reason that it typically does not deal with homeowners' associations. However, Barlow stated that the Conservancy was willing to reconsider this in a year or so. Beauregard, Jr. stated that the applicant did not have any issue with discussing a conservation easement with the Monadnock Conservancy in the future.

Interested citizen Grace Lilly inquired if the homeowner's association documents would be available for review. Carbonneau stated that once they are submitted to the Town, they will become part of the public record. Attorney Faulkner stated that the documents are in the process of being drafted. Faulkner reaffirmed that public access with reasonable limitations will be included. Faulkner also noted that they anticipate creating a "conservation" committee to set guidelines for the management and use of the open space. Page noted that the Board and Town counsel will need to review the homeowner's documents as part of the subdivision approval process.

Motion by Self to continue the public hearing to Thursday, December 21, 2006 at 7:00 p.m. without further notice. Seconded by Fuerderer. Vote: All in favor.

Thieme steps down. Beauregard resumes his seat at the table.

4. Public Hearing on Proposed Amendment to Swanzey Master Plan

– The proposed amendment is to the Swanzey Open Space Plan, adopted as part of the Master Plan on August 19, 2004 and is as follows:

Amend recommendation number 5 to read as follows: "The Selectmen should establish a standing Open Space Committee. Voting

members of this Committee should include one designee each from the Planning Board, the Conservation Commission, and the Selectboard and four 'at-large' members. Additional non-voting members should be appointed to assist with the work. This committee should work closely with all town boards, especially the Conservation Commission, but should report directly to the Selectboard." Public hearing opened.

Carbonneau noted that the intent was to increase the Open Space Committee from 5 members to 7 members, providing additional depth to the Committee. This would be accomplished by increasing the number of at-large members from 2 to 4. Public hearing closed.

Motion by Barlow to adopt the amendment as proposed. Seconded by Davis. Vote: All in favor.

B. OTHER APPLICATIONS – The following applications are being reviewed for completeness only. Comments will be limited to the completeness of the application only.

1. Site Plan Review Application – Tand, Inc. wishes to convert the existing structure situated at 116 Monadnock Highway to professional office space. The property is shown at Tax Map 18, Lot 65 situated in the Business Zoning District. Tom Hastings and Tom Forest (licensed septic designer) appeared before the Board.

Hastings presented an updated site plan to the Board, which included parking, septic location and landscaping. Board members noted that additional detail regarding the landscaping needs to be provided on the plan. Hastings noted that there are no changes proposed to the existing lighting. In addition, handicapped accessible parking also needs to be included. Page noted that a floor plan that accurately represents what Hastings is proposing for office space needs to be provided. Building elevations are not required, as these currently exist in the Town's records and that no addition are proposed at the present time. Page also noted that the applicant needs to obtain approval from NH-DOT District IV for the change in use.

Motion by Self to accept the application as complete subject to receipt of a detailed site plan (including landscaping details), floor plans and approval from NH-DOT District IV. Seconded by Osgood. Vote: All in favor.

2. Site Plan Review Application – Mian Swanzey Realty, LLC wishes to construct a hotel, gas station, convenience store and car wash on the premises situated at 163 Monadnock Highway and shown at Tax Map 19, Lot 68 situated in the Business Zoning District. Rob Hitchcock from SVE Associates and Nasir and Aamer Mian appeared before the Board on behalf of the applicant. Page stepped down from the table due to a potential conflict of interest. Self assumed the position of Chair. Thieme was seated for Page.

Hitchcock reviewed the plans, noting that the request for condominium units on the top floor of the hotel was being withdrawn. (Hitchcock submitted a letter dated December 7, 2006 documenting said withdrawal.) Hitchcock stated that the proposal calls for a hotel with valet parking, a convenience store, gas pumps, drive-thru window, propane filling station and a car wash. Hitchcock stated that public water and sewer will serve the premises, with line extensions being brought from Suburban Acres and then running down Route 12. Hitchcock noted that NH-DOT District IV has given its approval for the lines to be run along the roadway.

Carbonneau noted that the Zoning Board of Adjustment granted a special exception for the gas pumps and the car wash on May 15, 2006. Carbonneau stated that when the ZBA considered the special exception request, it was clear that this was part of a larger project that would include a convenience store and a hotel.

Carbonneau stated that department heads have reviewed the plans submitted and noted that additional information is needed. Code Enforcement Officer Weston provided copies of his notes to the applicant, outlining some of the more obvious information missing on the plans. Carbonneau noted that detailed drainage information has not been provided on the plans. Carbonneau recommended to the Board that drainage plans (when provided), as well as the general site plan be sent to Underwood Engineering for review and comment.

Carbonneau stated that department heads were especially concerned about the traffic flow on site. In addition, department heads were very concerned about the drive-thru window and the potential negative impact on traffic, both on site and on Route 12. Police Chief Busick was present and expressed concern about the intensity of the proposed uses on the property. Carbonneau noted that Fire Chief Karasinski needed to know if the applicant was planning on a fire suppression system for the canopy. N. Mian stated that the canopy would have a fire suppression system installed.

Barlow suggested that the board may want to see if the applicant would be willing to table consideration of the pending application and to utilize the "Design Review Phase" process as set forth in the Site Plan Review Regulations. The applicant agreed to do so. Motion by Barlow to table the pending site plan review application and to utilize the "Design Review Phase" process. Seconded by Beauregard. Vote: All in favor.

Carbonneau noted that this process includes "non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application," and that "statements made by Board members during Design Review Phase shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application."

Barlow stated that she would like the Board to conduct a site visit. A site visit was scheduled for Monday, December 18, 2006 at 1:00 p.m. It was requested that building locations be staked out for the site visit.

Parking was discussed and Chief Busick expressed concerns about the limited parking around the convenience store. Busick noted that convenience stores and gas stations generate a lot of activity which often results in increased service calls by the PD. Busick felt that the proposed uses on site, as well as the traffic flow, were very intensive. Carbonneau noted that the department heads expressed concern about the drive-thru window and stated that it was their preference that this use be deleted.

Board members noted potential questions and concerns regarding the following areas and requested that additional information be provided: delivery trucks (laundry, food service, convenience store); snow storage/removal; height of the hotel building; trip generation rates for each use on site; landscaping plan needs to be reviewed to ensure that it complies with the Site Plan Review Regulations; drainage details; parking calculations including additional details regarding the convenience store to determine if parking meeting the Zoning regulations are met.

Board members as well as department heads noted concern about the intensity of the use of the premises. Self noted that the applicant may want to rethink the uses proposed for the property, especially the drive-thru window.

This matter was continued without further notice to the site visit on Monday, December 18, 2006 at 11:00 a.m.; subsequent to the site visit consideration of this matter will be continued to the Planning Board's regular meeting schedule for Thursday, December 21, 2006 at 7:00 p.m.

Page resumed his seat at the table as chair. Thieme is unseated.

C. DISCUSSIONS –

1. Ashuelot River Corridor Management Plan – Barbara Skuly and Steve Stepenuck were present to discuss the 2006 update to the plan. Skuly briefly reviewed the changes to the Ashuelot River Corridor Management Plan (2006 Update). It was noted that the intent of the plan basically remains the same; however, the plan and the appendices have been updated. Of particular note was the information regarding the result of the water quality monitoring. It was noted that the plan is available on DES's website, as well as in the Land Use Office at Town Hall.

Motion by Barlow to proceed to public hearing on Thursday, December 21, 2006 to consider the incorporation of the Ashuelot River Corridor Management Plan (2006 Update) as an appendix to the Town's Master Plan. Seconded by Fuerderer. Vote: All in favor.

2. Minutes from November 16, 2006 – Beauregard noted that the minutes should be amended to reflect that Charles Beauregard, Sr. (not Jr.) was present as a Board member. Motion by Beauregard to approve the minutes from November 16, 2006 as amended. Seconded by Osgood. Vote: All in favor with Fuerderer and Self abstaining.

Motion by Beauregard to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 10:25 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner