

**SWANZEY PLANNING BOARD MINUTES  
SEPTEMBER 17, 2009**

The regular meeting of the Swanzeay Planning Board was called to order by Vice Chair Scott Self at 7:10 p.m. The following members were present: Scott Self, June Fuerderer, Jeff Goller, Jeanne Thieme and Selectmen's representative Bruce Tatro. Town Planner Sara Carbonneau was also present. The agenda for the evening was read by the Vice Chair 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. Second by Thieme. Vote: All in favor.

**A. PUBLIC HEARINGS -**

**1. Subdivision Application** - Richard P. Drew, agent on behalf of Johnson Family Trust, wishes to subdivide Tax Map 12, Lot 5 into 3 lots. The subject premises are located on Old Richmond Road and Cory Pond Road and situated in the Residence and Rural/Agricultural Districts. Tax Map 12, Lot 5 currently consists of 120 acres +/- . The proposed lots will be 1.05 acres, 1.12 acres and 118 acres +/- . The property is owned by Johnson Family Trust. Richard Drew, licensed land surveyor and Ryan Owens, Executive Director of the Monadnock Conservancy were present. Abutting property owners Lawrence and Ruth Spencer were also present. Public hearing opened.

Drew presented the Board with a revised second sheet to the plan set. The revisions showed two drainage easement areas as requested by DPW Director Lee Dunham. Carbonneau noted that Dunham had requested that the Town be conveyed a drainage easement for the two areas. Carbonneau stated that any approval should be contingent upon the tending and acceptance by the Town of the drainage easement.

The Spencers reviewed the plan. After clarification regarding the location of the proposed lots, Spencers stated that they had no objection to the subdivision. Public hearing closed.

Motion by Thieme to grant the subdivision application subject to review and acceptance of the drainage easement by the Town. Seconded by Fuerderer. Vote: All in favor.

**2. Site Plan Review Application** - David Bergeron, agent on behalf of William Fenton, wishes to construct 3 additions to the existing building situated at 591 Monadnock Highway, expanding the existing building by 5,300 s.f. The property is shown at Tax Map 3, Lot 44 situated in the Business Zoning District. David Bergeron and William Fenton appeared before the Board. No abutters were present. Public hearing opened.

Bergeron reviewed the plans before the Board, explaining the purpose of each addition. Bergeron stated that the changes also resulted in the need for relocation of a driveway. Carbonneau noted that the driveway permit has been received by the Town. Bergeron stated that there were internal changes to the building that would require a building permit.

Bergeron noted that there would be minor grade changes. He also stated that the proposed additions would be constructed on areas that were already paved and would not affect drainage. Public hearing closed.

Motion by Tatro to grant the Site Plan Review Application.  
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** - Kenneth Greatbatch/GB Investment wishes to utilize the existing structure situated at 623-627 West Swanzey Road for a retail painting service. The property is shown at Tax Map 73, Lot 28, situated in the Business District. Greatbatch was present.

Self reviewed the application. It was noted that the property address is 625 West Swanzey Road, as two other formerly numbered buildings have been removed. Greatbatch noted that the business would operate from 7 a.m. to 5 p.m. Monday through Friday and occasionally on Saturday. No members of the public would be coming to the site.

Feedback from Code Enforcement Officer Weston noted a concern about the lack of bathroom facilities. Weston stated that this is no longer an issue, since Greatbatch owns the abutting property where a bathroom is located and that parties would have access to the same. This bathroom is less than 500 feet away.

Greatbatch stated that materials and supplies (such as ladders and drop cloths) are located in a box trailer to the north side of the property. Carbonneau noted that this trailer should be shown on the site plan. In addition, Board members requested that the 10 parking spaces (as set forth in the application) are shown on the site plan.

Motion by Goller to accept the application as complete with the condition that the applicant provides amended plans showing the location of the box trailer and the 10 parking spaces. Seconded by Thieme. Vote: All in favor.

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

**1. Sevene** - Updates required to site plan; establish bonding amount for fence and landscaping. Jeff Sevene and Attorney Michael Bentley were present. Abutting property owner Annette Studebaker was also present.

Bentley stated that the changes to the site plan regarding the fencing have been made by the surveyor. However, the changes regarding the vegetative screening have not yet been made on the site plan. Bentley stated that the Board had voted that the vegetative screening was to have been black spruce and white pine. At the request of Sevene, the Board agreed to change the screening to blue spruce and white pine. Sevene stated that the abutting property owners (Fish) approved of the screening. Bentley stated that the fencing and the vegetative screening would be installed by October 1, 2009.

Bentley stated that the Board had conditioned its approval, in part, on the bonding of the landscaping and the fencing. Bentley noted that there would be no need for a bond for the fence if it was already installed. Bentley agreed that they would provide a bond to ensure the viability of the landscaping and would supply an estimate at the October 1 meeting of the Board.

Bentley asked that they be allowed to meet with the Board on October 1, 2009. At such time, they will bring the amended site plan, an estimate for the bond and written confirmation from the Fishes that they are satisfied with the vegetative buffer. Bentley also requested that CEO Weston inspect the site on or before October 1, 2009 to verify that the required improvements have been made. Sevene is to contact Weston upon completion of the improvements in order to schedule the inspection.

Motion by Fuerderer to continue consideration of this matter to the October 1, 2009 meeting of the Board. Seconded by Tatro. Vote: All in favor.

**2. Market Basket** – Bonding for landscaping; status of conditional approval and waiver request. Jeff Kevan from TF Moran and Jim Lamp from J & Co. appeared before the Board on behalf of the applicant.

Kevan reviewed the minor amendments to the Site Plan provided to the Board. Changes included modifications to curb cuts (requested by NH DOT), a 2 foot reduction in the emergency travel lane immediately in front of the building and the designation of an area for the placement of an emergency generator. Kevan stated that the emergency travel lane was reduced to 28 feet wide, which meets the requirements for fire and emergency vehicle access.

Board members also reviewed the waiver request dated September 16, 2009, requesting that the applicant be allowed to obtain a building permit for the foundation and the building, itself. The conditions of the Board's May 7, 2009 approval were reviewed, with Board members

noting that the only outstanding items being the issuance of NH DOT's final driveway permit and the issuance of the driveway permit from the Town of Swanzey.

Board members acknowledged receipt of a September 17, 2009 letter from NH DOT stating that it did not have any objection to site work and building construction at the owner's risk, "as this work is currently allowed under the temporary driveway permit issued on August 17, 2009." The letter also stated that NH DOT did not foresee any major issues that would cause the withholding of the final driveway permit.

Motion by Goller to grant the September 16, 2009 waiver request subject to the condition that any work done on site by the owner and/or its agents is done solely at the owner and/or its agents' risk and the Town of Swanzey assumes no liability for damages in the event that the final conditions of the site plan cannot be met. Seconded by Fuerderer. Vote: All in favor.

**3. Proposed Amendments to the Swanzey Planning Board's Rules of Procedure.** Carbonneau provided Board members with proposed amendments to its Rules of Procedure. Carbonneau noted that the proposed changes are:

- a. the way the Board is able to amend its Rules;
- b. the days the Board holds its regular meetings; and
- c. the way the Board appoints alternate and replacement members.

Carbonneau stated that other modifications to the Rules of Procedure are necessary, but noted that the proposed changes presented this evening were the only changes she was able to have ready at this time.

Self read the entire text of the proposed changes (attached to these minutes). It was noted that the entire text would also need to be read on October 1 and October 15 (in accordance with the Board's current Rules of Procedure), prior to the Board's vote on October 15, 2009.

Motion by Tatro that the text of the proposed changes be read again on October 1, 2009. Seconded by Thieme. Vote: All in favor.

**4. Arnone** - John Arnone appeared before the Board to discuss proposed changes to his site plan. Tatro recused himself from discussion on this matter.

Arnone stated that he wishes to serve breakfast and lunch at the property located at 417 Old Homestead Highway (Map 34, Lot 32). Arnone stated he would be expanding hours of operation (Weston stated that the business is currently permitted to operate from 10 a.m. to 10 p.m.) Arnone further stated that he has been serving food since the business opened and did not feel that it was a change of use. Arnone also noted that there has always been a dining area upstairs. When asked about the radio controlled cars operating upstairs, Arnone stated

that they have "gone away" and that the use reverted to what it had been before.

Self stated that Arnone needs to submit a written request for modification and that the board would conduct a public hearing regarding the same.

Tatro resumes his seat at the table.

**5.** Minutes of Meeting of September 3, 2009 were approved as written on motion of Fuerderer, seconded by Tatro. Vote: All in favor.

Self suggested that Carbonneau provide only one copy of the completed Department Head Review forms, in order to save paper. Self stated that the forms could be reviewed by the Chair at the meeting.

Meeting adjourned at 8:40 p.m. on motion of Tatro, seconded by Fuerderer. Vote: All in favor.

Submitted by,

Sara H. Carbonneau  
Town Planner