

**SWANZEY PLANNING BOARD MINUTES
DECEMBER 9, 2010**

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 regular meeting of the Swanze Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, June Fuerderer, Jeanne Thieme, Selectmen's Representative Debbie Davis. Town Planner Sara Carbonneau and Code Enforcement Officer James Weston were also present. The agenda for the evening's meeting was read and the following matters were discussed:

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

A. PUBLIC HEARINGS –

1. Home Occupation Application - Melissa Diven wishes to utilize the property situated at 20 Rust Way for a home occupation consisting of in-home tutoring. The property is situated in the Residence and Business Districts, shown at Tax Map 18, Lot 57. Melissa Diven appeared before the Board. No abutters were present. Public hearing opened. Estimated 2-3 customers per day during after school hours with one full time employee. There will be no signs on property. Thieme asked Diven what the ages would be. Diven replied from Grade 2 to College. Public hearing closed. Motion by Self to grant the application for home occupation subject to review and approval by the Code Enforcement Officer. Seconded by Fuerderer. Vote: All in favor.

2. Proposed Zoning Amendments -

Proposed Amendment #1: Public hearing opened. No comments were made by the public. Creates a new district entitled "Village Business District II." This district encompasses the former Homestead Woolen Mills property located between South Winchester Street and the Ashuelot

River. This new district would allow more diverse commercial and business uses than is currently permitted in the existing Village Business District. Fuerderer asked if "Research and Testing Laboratories" was defined in the ordinance. Carbonneau stated that it was not. Self stated that he did not feel that a definition was needed. Public hearing closed. Motion by Self to place Proposed Amendment #1 on the Ballot for town meeting. Seconded by Thieme. Vote: All in favor.

Proposed Amendment #2: Public hearing opened. No comments were made by the public. Proposes to rezone 2 parcels located on the southerly side of Sawyers Crossing Road and easterly of Route 10 (currently in the Rural/Agricultural District) to Business District. These parcels are shown at Tax Map 56, Lots 3 and 4 and are owned by the Town of Swanzey and by Wyman/Henry. Public hearing closed. Motion by Fuerderer to place Proposed Amendment #2 on the Ballot for town meeting. Seconded by Self. Vote: All in favor.

Proposed Amendment #3: Public hearing opened. Jim Phippard from Brickstone Lane Use Consultants was present on behalf of the property owned SS Baker Realty, LLC. Numerous interested citizens were present. Proposes to rezone a parcel shown at Tax Map 18, Lot 185 (situated adjacent to Dunkin' Donuts on Park Street) from Residence to Business District. Abutter Cindy Ansaldo asked whether personal notice was required to be sent to abutting property owners. Carbonneau stated that personal notice was not required pursuant to the statute. Carbonneau noted that the required legal notice had been posted in three different locations, as well as on the Town's website, and was also published in the Keene Sentinel. Phippard stated that Lot #185 was purchased for expansion of the drive thru to alleviate public safety issues regarding cars backing up on Park Street. Phippard noted that half of the lot is zoned Business and the other half is zoned Residential. Phippard stated that if the whole lot is re-zoned for business use, that may allow the property owner, at some future time, to put an additional business on the lot. However, Phippard noted that it is unknown at this time how much additional land would be available for future use, once the reconfiguration of the drive-thru takes place and with consideration of the 50 foot buffer that is required under provision of Section V.B.4. of the zoning ordinance. Residents of Park Street, Mr. Buckley, Susan LaFountain, Donna Hartwell expressed their concern on not allowing "another" business on the street as there's too much traffic now. Page reminded the audience that this hearing is not about another business; rather the purpose of this public hearing is to determine whether or not the Planning Board will put the proposed amendment on the March Town Meeting Ballot. Thieme asked if this could be brought before the Zoning Board of Adjustment for a variance. Phippard explained that variances are very difficult to obtain. Davis felt there was no guarantee

that another business would be able to be located on the site due to setback requirements. Page closed Public Hearing. Board discussion. Motion by Self to place Amendment #3 on the Ballot for town meeting. Seconded by Fuerderer. Vote: All in favor.

DISCUSSIONS/OTHER BUSINESS -

1. Request for Rehearing - Discussion regarding Request for Rehearing submitted on November 24, 2010. Numerous interested citizens were present. Page informed the audience that the Board's discussion this evening is not a public hearing and that public comment will not be permitted. The Board reviewed request from several residents of Westport Village Road area seeking the Board's reconsideration of its decision to issue an Excavation Permit to Mitchell Sand & Gravel on November 11, 2010. Page stated that the Board's concern on November 11, 2010 was whether or not Mitchell Sand & Gravel was in compliance with the requirements of the existing permit and determined that it was. Page stated that based on that determination, the Board correctly voted to renew the excavation permit. Self explained that during the Site Plan review process, noise, hours of operation, etc. were taken into consideration, before the Excavation Permit was approved. Blasting is part of the site plan that Swanzezy approved approximately five years ago. Robert Snedeker, representative on behalf of Mitchell Sand & Gravel, stated the Maine Drilling & Blasting reports are available and that these should have been sent to Swanzezy Town Hall. Carbonneau stated that she had not yet received any of the blasting reports. Page asked the Board if it felt that there was any basis for reconsideration of the issuance of the Excavation Permit for the Mitchell Sand & Gravel pit. Self state he did not feel that reconsideration was required, as that was no additional information submitted. Motion by Self to deny the Request for Reconsideration. Seconded by Thieme. Vote: Page, Self, Thieme and Fuerderer in favor. Davis abstained. Motion carries.

2. Notice of Voluntary Merger - Gerald A. Bell & Carl E. Bell wish to merge properties shown at Tax map 33, Lot 77 and Tax Map 33, Lot 77-1. Carbonneau informed the Board that both lots are vacant. Motion by Self to authorize Chair to sign Notice of Voluntary Merger. Seconded by Fuerderer. Vote: All in favor.

3. Review of Minutes of October 28, 2010 meeting and November 11, 2010. Furderer stated that page 1-2 of the minutes of November 11, 2010 should be amended to reflect that Primus asked if the could expand the outdoor display area from a maximum of 8 feet from the building to a maximum of 10 feet from the building and that Tatro voted against such expansion. Carbonneau noted that page 2 of the minutes from November 11, 2010 should be amended to read "Shelf noted that the

permit does **not** put any limitations on blasting." Motion by Fuerderer to approve minutes of October 28, 2010 as submitted and the November 11, 2010 minutes as amended. Vote: Page, Self, Fuerderer and Thieme in favor. Davis abstains. Motion carries.

Carbonneau reminded the Board that tomorrow is the deadline to send feedback to the state regarding the proposed roundabout or traffic signal for the intersection of Route 12/Swanzey Factory Road/Lake Street.

Motion by Furderer to adjourn. Seconded by Thieme. Vote: All in favor. Meeting adjourned at 8:20 p.m.

Submitted by,

Donna Munson
Recording Secretary