

SWANZEY PLANNING BOARD MINUTES
February 19, 2009

[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 Swanzeay Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, June Fuerderer, Steve Russell, Charles Beauregard, Sr., Victoria Barlow, Selectmen's Representative Deb Davis and alternate Jeanne Thieme. 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 the agenda could "reasonably be construed as having the potential for regional impact." Motion by Beauregard that no items on the agenda could reasonably be construed as having the potential for regional impact. Seconded by Russell. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Subdivision Application- Keith Monroe wishes to subdivide Tax Map 3, Lot 1 into 2 lots. The subject premises are located on Monadnock Highway and Forbush Lane and situated in the Business Zoning District. Tax Map 3, Lot 1 currently consists of 7.054 acres. The proposed lots will be 3.886 acres and 3.168 acres. Paul Grasewicz, LLS appeared before the Board on behalf of the applicant. No abutters were present. Public hearing opened.

Grasewicz provided the Board with revised plans. Revisions include correction of the Map/Lot # and inclusion of Note #11 referencing an access easement to be recorded at the Cheshire County Registry of Deeds. In addition, Grasewicz provided the Board with a draft "Declaration of Restrictive Covenants and Common Driveway."

Grasewicz noted that State Subdivision Approval has been received (SA2009008978). In addition, two septic system designs were previously approved in 2008 (CA2008094463 and CA2008094615). These designs were for the house and the former garage (that burned in 2007).

Carbonneau noted that the property is situated in the Business District. In the event that the undeveloped lot is to be used for residential use, relief would need to be obtained from the Zoning Board of Adjustment.

Board members indicated that they wanted Town Counsel to review the draft Declaration of Restrictive Covenants. Questions were raised whether a new driveway serving the undeveloped lot could meet the Town's driveway regulations. Grasewicz noted that the driveway serving the existing house has approximately a 10% grade and the existing "rough" driveway leading to the undeveloped lot is less steep. Grasewicz reviewed note #10 on the plan stating that "final driveway grade shall be less than 15% per Swanzey Driveway Regulations." Public hearing closed.

Motion by Barlow to approve the subdivision application noting that the approval is issued in reliance on all statements and representations made by the applicant and/or agent(s), and is limited to the project described in the application and shown on the plans. The approval may be withdrawn or revoked if any such statement or representations are materially incorrect. The approval is subject to the following condition:

1. Review and approval by Town Counsel of the "Declaration of Restrictive Covenants and Common Driveway."

Motion seconded by Beaugard. Vote: All in favor.

2. Home Occupation – Donna E. Aron wishes to utilize the property for an interior plant care business. The property is situated at 27 West Street, situated in the Business Zoning District, shown at Tax Map 57, Lot 6. The property is owned by Bradley R. Howe. Aron and Howe appeared before the Board. No abutters were present. Public hearing opened.

Board members reviewed the home occupation application, noting that the use had been approved by the Board of Selectmen on February 4, 2009. It was noted that the business has two part-time employees. Typically, one delivery per week is made via a UPS (or similar) box truck. Aron stated that there is no outside storage of materials. Public hearing closed.

Motion by Fuerderer to approve the home occupation subject to the following conditions:

1. Review and approval by the Code Enforcement Officer and the Fire Inspector; and 2. Outdoor storage is prohibited.

Seconded by Self. 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 applications only.

- 1. Site Plan Review Application** – Francis Macri wishes to construct an 864 s.f. building for storage on property situated at 197 West Swanzey Road. The property is shown at Tax Map 53, Lot 2-1 situated in the Commercial/Industrial Zoning District. Macri appeared before the Board. No abutters were present.

Macri presented updated plans to the Board, showing the location of the storage building, existing buildings and travelways. Macri noted that the storage building will be setback 21 feet from the side property line. Macri stated that the storage building will either have a gravel or shur-pac floor. Macri stated that the building will be used to store vehicles and equipment. However, Macri noted that there would be no oil changes or similar types of maintenance occurring in the building.

Motion by Self to accept the application as complete. Seconded by Russell. Vote: All in favor. The public hearing will be held on Thursday, March 5th at 7 p.m.

C. DISCUSSIONS/OTHER BUSINESS

1. Discussion with Richard Drew, LLS re clarification of conditions of approval regarding subdivision of Beauregard property (Tax Map 12, Lot 21). Beauregard steps down from the table. Thieme is seated for Beauregard. Richard Drew and Jonah Ketola (potential purchaser/developer of the property) were present.

Drew stated that he located the well situated on abutting Map 12, Lot 22 (the location of the well had been determined in the field by the property owner, Mr. Ziman). Drew noted that the majority of the 75 foot protective well radius is located on the Ziman's property. However, a very small portion of the protective radius encroaches on proposed Map 12, Lot 21-2; Drew noted that the encroachment was close to the property line and that the septic system for Map 12, Lot 21-2 would not be located within that area pursuant to Subsurface Bureau rules.

Drew provided the Board with a proposed Driveway Maintenance Agreement. Board members indicated that they would like Town Counsel to review the proposed agreement.

Board members also discussed the vegetation and embankments on the southeast and southwest corners of proposed Map 12, Lot 21. It was determined that Ketola, Drew and DPW Director Lee Dunham should get together on site and determine exactly what vegetation and area of embankment should be removed and define the area of the easements. Drew will define the areas on the subdivision plan, once Drew and Dunham agree on the location.

Russell stated that he felt that it should be the applicant/developer's responsibility and cost to remove the vegetation and embankments, if it is needed for insuring adequate site distance. Board members felt that Dunham should decide if the applicant/developer will be required to do the initial work or if the Town will do so.

Drew asked that he be permitted to come to the March 5, 2009 meeting of the Board to update the Board as to the status of the conditions imposed.

2. Free-standing Sign Application – S.W. Cole Engineering wishes to install a 14 s.f. sign on property situated at 140 Monadnock Highway, Tax

Map 18, Lot 69. Board members reviewed the application. Motion by Russell to approve the sign permit application. Seconded by Self. Vote: All in favor.

3. Request for Modification – John Arnone seeks to modify site plan approval granted by the Planning Board on July 1, 2004 “to turn a former office into a hot dog stand,” and to be able to operate “radio controlled miniature cars” outside. Board members reviewed Arnone’s letter dated February 16, 2009 detailing the modifications he was seeking to the previously approved site plan. Board members felt that the cooking and sale of hot dogs (and associated food goods) was not a substantial change in the site plan and did not require public hearing. Motion by Russell to permit the former office to be utilized for the sale of hot dogs and related foods, subject to review and approval by the Code Enforcement Officer and Fire Inspector, as well as requiring a food license from the State of NH.. Seconded by Thieme. Vote: All in favor.

With reference to Arnone’s request to operation “radio controlled miniature cars” outside, Board members decided to defer a decision on this until such time as they could hear one of the cars operating. Board members asked that Arnone attend the March 5, 2009 meeting of the Board to demonstrate the operation and noise levels of the cars. The Board also requested that a letter be provided by the Airport Manager stating that the operation of radio control cars would not negatively impact aviation use at the airport.

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

4. Presentation/Discussion – OSC member Dan Zeh presented a snapshot of the Mt. Caesar – Swanzey Lake area, specifically focusing on information included within the WAP, together with information from the Town’s Open Space Plan.

Zeh also discussed his upcoming work tracking wood turtles in Swanzey and Richmond.

5. Minutes from February 5, 2009. Motion by Fuerderer to approve the minutes from February 5, 2009 as submitted. Seconded by Davis. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 8:30 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner