

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
MAY 15, 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 May 15, 2006 meeting of the Swanzey Zoning Board of Adjustment was called to order at 7:00 p.m. by Chair William Hutwelker. Members present: William Hutwelker, Charles Beauregard, Sr., Keith Thibault, Bob Mitchell and alternate Bob DeRocher. DeRocher was seated for Jenn Gregory. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

1. Minutes from April 17, 2006. Motion by Beauregard to approve the minutes from April 17, 2006 as submitted. Seconded by Mitchell. Vote: All in favor.

2. Rescheduling of ZBA meetings. Motion by Hutwelker to move the June meeting to June 12, 2006 and the August meeting to August 14, 2006. Seconded by DeRocher. Vote: All in favor.

3. Public Hearing (Variance Application). Kenneth & Joyce St. Lawrence request a variance from Section V.B. to permit an existing building situated on property located at 51 Pine Street to be used as a residence. There currently is an existing residential use on the property. The property is shown at Tax Map 57, Lot 128 situated in the Business Zoning District. Kenneth & Joyce St. Lawrence appeared before the Board. No abutters were present. Public hearing opened.

J. St. Lawrence stated that there are two buildings on the property. Their son lives in one building (with one bedroom) and they would like to renovate and live in the second building. The second building would also have one bedroom. J. St. Lawrence stated that the building currently unoccupied was once used as a home. She did not know when it was last occupied. J. St. Lawrence noted that there are kitchen cabinets in the structure, as well as the lines leaving the structure for plumbing. However, she did not know the status of the septic system (if any). J. St. Lawrence stated that the property once consisted of three separate

parcels that were merged in the late 1990s. J. St. Lawrence stated that there are two separate driveways on the property.

J. St. Lawrence stated that if the variance is granted, she will be purchasing a small parcel of land from Karen Fortunato upon which to locate a septic system. The Board members were provided a letter from Mike Faulkner, licensed septic designer, stating that a septic system that meets all Town and State requirements could be constructed on the parcel to be conveyed by Fortunato. DeRocher stated that it was his understanding that State regulations only allowed one septic system per parcel. Carbonneau stated that she did not think that this was correct and noted that there have been a couple of parcels in Town where the State has granted a second septic system. Board members noted that a letter should be provided by Fortunatos' mortgage holder stating that it would have no objection to the Fortunatos conveying a portion of their property.

J. St. Lawrence stated that the structure that they would like to renovate has 400 s.f. on the first floor. The applicants were informed that they would need 540 s.f. on the first floor in order to occupy it as a dwelling unit. If the variance is granted, the St. Lawrences stated that they would construct a 140 s.f. addition to the structure.

Board members stated that they would like resolution to a few outstanding questions prior to deliberating on this matter. Those questions are:

- Confirmation from Fortunatos' mortgage company that it would not object to a boundary line adjustment between Fortunatos and St. Lawrences.
- Confirmation from NH-DES that (conceptually) two septic systems can be installed on the premises.

Motion by Mitchell to continue the public hearing to June 12, 2006.
Seconded by Beauregard. Vote: All in favor.

4. Public Hearing (Special Exception Application). Mian Swanzey Realty, LLC requests a special exception from Section V.B.2.a. to permit the construction of a gasoline station and a vehicle wash facility on property situated at 163 Monadnock Highway. The property is shown at Tax Map 19, Lot 68, situated in the Business Zoning District. Nasir Mian and Rob Hitchcock from SVE Associates appeared before the Board. Abutting property owner Glenn Page was present. Also present was Laurie Rauseo, P.E., traffic engineering consultant retained by the Applicant. Public hearing opened.

Carbonneau noted that the Board received copies the following letters this evening:

- May 3, 2006 letter from NH-DOT (Jim Mitchell, Utilities Coordinator) stated that utilities could be provided in the right of way;
- May 4, 2006 letter from the Swanzey Sewer Commission;

May 15, 2006 letter from the North Swanzey Water and Fire Precinct; and

Traffic Study dated May 15, 2006 from Laurie M. Rauseo, P.E., PTOE.

Rauseo reviewed the results of the traffic study with the Board. Rauseo pointed out that the traffic study considered the impact of the proposed hotel project, in addition to the gas station, car wash and convenience store. In addition, Rauseo stated that the traffic figures that she used were conservative numbers. In summary, Rauseo stated that based on her findings, a right turn lane on Route 12 southbound at the proposed northern site driveway be considered, noting that the finding assumes construction of the proposed hotel as well as the gas station/convenience store.

Board members questioned if there was adequate turning radius for the fueling trucks to enter the property. Hitchcock stated that there was adequate turning radius, both in the northbound and southbound directions.

Public hearing closed

The criteria for granting the special exception were reviewed. It was noted that the use is similar to others in the district; issues regarding traffic have been addressed with the southbound right turn lane; appropriate utilities, including water, sewer and parking, are being provided; there would be no reduction in property values, nor would the use be injurious or offensive. The Board found that the Applicant met all of the criteria for granting the special exception. Motion by Thibault to grant the special exception subject to the condition that the right turn lane in the southbound direction is installed, noting that the Applicant met all of the criteria for granting the special exception. Seconded by Mitchell. Vote: All in favor.

5. Request for Re-hearing. Lawrence Realty, LLC requests a re-hearing on a decision rendered by the Zoning Board of Adjustment at its March 20, 2006 meeting in re: Edward F. Thomas and Sharron A. Thomas; Property off Route 10; Tax Map 38, Lot 18. Hutwelker noted that the Board's consideration of the request for rehearing is not a public hearing. Hutwelker noted that the Board is in receipt of the request of rehearing dated April 18, 2006 and the Thomas' response thereto dated May 11, 2006.

Hutwelker stated that the voting on the request for rehearing would be limited to those members present and voting on March 20, 2006 (Hutwelker, Mitchell, Beauregard and Thibault). However, DeRocher could participate in the discussions.

Hutwelker noted that Town Counsel Beth Fernald advised Carbonneau that deficiencies in the minutes and the notice of decision could be corrected administratively by the Board. Motion by Mitchell to correct the minutes of March 20, 2006 to reflect that Board members

reviewed each criteria for granting an area variance and that the Board found favorably on each criteria. Seconded by Beauregard. Vote: All in favor.

Board members reviewed the request for rehearing item by item. Motion by Beauregard to deny the request for rehearing. Seconded by Mitchell. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Hutwelker. Vote: All in favor. Meeting adjourned at 8:45 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner