

**SWANZEY PLANNING BOARD MINUTES  
JULY 2, 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 regularly scheduled 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, Steve Russell, Jeff Goller, Victoria Barlow, Selectmen's Representative Nancy Carlson and alternates Jeanne Thieme and Jerry Mazza. 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 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. Seconded by Barlow. Vote: All in favor.

**A. PUBLIC HEARINGS –**

**1. Multi-Tenant Application** – Dale Paquette (Paquette & Sons Firewood) wishes to use a portion of the premises situated at 67 California Street for a business consisting of firewood processing. The property is shown at Tax Map 73, Lot 24 situated in the Commercial/Industrial District. The property is owned by Thomas Chabot. Dale Paquette, Dale Paquette, Jr. and \_\_\_\_\_ Paquette were present. Paquette, Jr. presented the application to the Board. No abutters (who spoke) were present. Barlow informed the Board that she purchases firewood from Paquette – Board members did not consider this to be a conflict of interest. Public hearing opened.

Paquette explained the operation of the business and the equipment they would be utilizing. The business would operate year round – however, winter hours are more limited (the busiest time is the period from July thru September). They propose to operate Monday through Friday 7 a.m. to 5 p.m. and on Saturday from 7 a.m. to noon. There would be no operation on holidays. Paquette stated that the processor will be set on a concrete slab. They also intend to erect a

portable storage unit. While not yet determined, electricity may be run to the site. Paquette noted that the processor uses a 4 cylinder diesel engine; a 250 gallon skid tank would be on site.

Code Enforcement Officer Jim Weston stated that he felt that the application lacked a great deal of information and that he had many questions regarding the operation. Weston's questions were as follows:

a. Location of 250 gallon skid tank – Paquette will indicate the location on the plan.

b. Storage of sawdust. Paquette stated that sawdust would be stored in a trailer. Weston stated that he wanted the location of trailer shown on the plan and the distance from Bailey Brook indicated – Paquette stated that he will do so. Paquette stated that the sawdust will be sold to Jeff Hurt for processing into pellets – what Hurt does not use will be sold to a pellet mill in Jaffrey.

c. Weston stated that he wants a silt fence installed by Bailey Brook – Paquette will indicate location on the plan.

d. Weston asked if there would be any lighting (it was Weston's opinion they would need lighting if they were operating past 4 p.m. in the winter months) – Paquette stated that they would not need lights, as winter hours are limited and work would not occur after dark.

e. Snow removal (Weston was concerned that snow may be plowed into Bailey Brook) – Paquette stated that snow removal would occur as it had in the past, but it would not be plowed into the brook under any circumstance.

f. Bathroom facilities – Paquette stated that no bathroom facilities would be necessary, noting that they are often on the road.

g. The location of wood storage (noting that Bailey Brook may flood).

h. Weston asked if the applicants were aware of DES's regulations regarding sawdust storage. He advised them that they should check into these regulations.

i. Weston informed the applicant that they must obtain a building permit if the storage structure is greater than 100 s.f. Paquette stated that they would do so.

j. Weston asked what the applicants' plans were for cleaning up the "mess" on the site. Paquette stated that they would clean up the existing mess in the area.

k. Weston inquired about noise levels. Paquette stated that decibel readings were 90 dB immediately at the site; Paquette stated that 100 feet away, one could not hear the processor.

l. Weston stated that he wanted the exact location of the processor to be located on the plan.

Public hearing closed.

Motion by Self to grant the multi-tenant application subject to the following items being shown on the site plan: skid tank, sawdust trailer,

silt fence, wood storage area and processor. Seconded by Goller. Vote: All in favor.

**2. Site Plan Review Application** – Jeffrey Sevene wishes to utilize a portion of the premises and an existing garage for an excavation and construction service business. The property is situated at 140 Pine Street and shown at Tax Map 57, Lot 118 situated in the Business Zoning District. The property is owned by Jeffrey Cournoyer. Attorney Michael Bentley was present on behalf of Jeffrey Sevene. Also present was Jeffrey Sevene. Numerous abutters and interested citizens were present. Continued from June 27, 2009 site visit public hearing. Page announced that Annette Studebaker would be recording the meeting. Public hearing opened.

Bentley presented and reviewed an updated site plan to the Board, including those items specifically noted by the Board at the June 27, 2009 site visit. The changes included were as follows: “Adjust storage & parking, add shed & fuel storage.”

Attorney Thomas Hanna was present on behalf of abutters Annette Studebaker and Mark Manougian. Hanna presented that Board with a list of proposed conditions dated July 2, 2009. In addition, Hanna provided the Board with copies of photographs taken in the Spring of 2008.

Barlow stated that she would prefer that the wood fence be located immediately adjacent to the equipment storage area versus on the westerly boundary line. Board members, the applicant and abutting property owner Annette Studebaker (though her attorney) concurred. It was decided that the fence would be an 8 foot high solid wood fence and would be located on the northerly and westerly line of the equipment area. (The site plan will need revision to reflect this change.) It was noted that no trees or vegetation will be removed outside of the fenced-in area. Mazza expressed his opinion that an 8 foot high fence was unnecessary and would be a singleton.

Board members discussed the number of pieces of equipment that could be stored within the equipment storage area. It was suggested that a limit on the number of pieces not be established – rather the condition would be that any and all equipment would need to be located within the equipment storage area.

Goller stated that black spruce and white pine would be more appropriate landscaping than the proposed arborvitae. Goller stated that 10 trees (5 of each kind), 8 foot high at time of planting, would provide adequate screening in front of the building (to the north side). It was suggested that the type of vegetative screening on the easterly side (partly on the property owned by Dennis & Carol Fish) would be more

appropriately determined in consultation with the Fishs. Bentley stated this was acceptable. Page stated that he wants bonding in place for all of the landscaping (both on the north and the east) and the fence. Applicant will provide bonding estimates in time for the next meeting.

The location of the dumpster was discussed. It was finally determined that the dumpster would be located immediately adjacent to the south side of the building. As such, it would not be visible from the road and would not need to be screened.

Hours of operation were discussed. Board members felt that 7:30 a.m. to 7:00 p.m. Monday through Friday was appropriate (noting that equipment could be moved off site after 7:00 a.m., including the starting of engines) and that Saturday and Sunday hours would be 8 a.m. to 2 p.m. (again noting that equipment could be moved off site after 7:00 a.m., including the starting of engines). It was also determined that at any other time, Sevene and/or his employee could work in the garage but would not operate any equipment.

Board members discussed recording of the site plan at the Cheshire County Registry of Deeds and felt that it was a good idea to do so. Hanna requested that any conditions of approval be listed on the site plan. Bentley objected due to the cost of this additional work required of Richard Drew, LLS. It was suggested that the Notice of Decision, which would include all conditions of any approval, could be recorded together with the site plan. All concurred.

Board members discussed idling. Russell stated that DES Regulations Env-A 1101.05 & Env-A 1101.06 set forth idling requirements for diesel vehicles and exceptions to the regulations. Board members felt that since idling was regulated by the State of New Hampshire that no conditions needed to be imposed on the applicant regarding the same.

Hanna stated that the zoning issues and other concerns he raised in his letter of April 16, 2009 to the Board remain and he stated, for the record, that he wishes to preserve his rights to any or all of those issues upon any appeal.

Russell stated that he was concerned about the pile of tires on site. Russell stated that it was important that these be stored appropriately and under cover to prevent the pooling of water which could lead to mosquito breeding habitat. Russell stated that the tires should be covered appropriately to prevent the pooling of water. Russell also provided the applicant with best management practices from NH DES regarding fluid pollution prevention.

Numerous interested citizens expressed their support for the applicant, noting that he has been in business at that location for many years. Other residents noted that one would need to pass the "dump" and the "highway barn" in order to get to this property. Hanna noted that the end of Pine Street in which the property is situated is primarily

residential in nature. Weston reminded the Board that this property is located in the Business district.

Public hearing closed.

Motion by Self to grant the waivers requested by the Applicant on June 18, 2009. Seconded by Goller. Vote: All in favor.

Motion by Self to approve the site plan review application subject to the following conditions:

1. No exterior lighting.

2. A simple wood fence will be erected on the north and west sides of the equipment storage area as shown on the site plan. The fence will be 8 feet high and shall either be painted or stained in an earth-tone color or shall be left to weather naturally. The side of the fence facing the street and the side of the fence facing the property owned by Studebacker/Manougian will be left blank. No signs of any kinds shall be allowed on the outside of the fence.

3. A bond shall be provided running in favor of the Town to ensure the planting of the 10 trees on the north side of the building, the 13 trees on the east side of the property and the construction of the wooden fence on the north and west side of the equipment storage area. The trees shall be planted and the fence constructed no later than December 1, 2009. In the event these deadlines are not met, the Town shall have the right to call the bond and construct the same. It is a condition of this approval that the Town has the right to access the property in the event that the bond is called. The amount of the bond for the 23 trees shall be held for 24 months to ensure the viability of the trees. The amount of the bond shall be determined by the Planning Board and shall be in a form satisfactory to the Board of Selectmen and town counsel. The applicant shall provide estimates of the costs of the plantings and the fence construction.

4. The site plan shall be revised to indicate the fence along the north and west sides of the equipment storage area, delete the fence along the west property line, show the dumpster location, change arborvitae to black spruce and white pine and set forth the type of planting on the Fish/Cournoyer boundary line (if changed from arborvitae).

5. The site plan shall be recorded at the Cheshire County Registry of Deeds.

6. The Notice of Decision including all of the conditions of approval shall be recorded at the Cheshire County Registry of Deeds.

7. All of the existing vegetation and trees located outside of the equipment storage area shall remain untouched.

8. No equipment, trucks or trailers shall be anywhere on the property except in the designated equipment storage area as shown on the site plan.

9. No loading or unloading of equipment shall be allowed in the Town's right of way.

10. Hours of operation shall be 7:30 a.m. to 7:00 p.m. Monday through Friday (equipment can be moved off site after 7:00 a.m., including the starting of engines) and Saturday and Sunday hours shall be 8 a.m. to 2 p.m. (equipment can be moved off site after 7:00 a.m., including the starting of engines). Also, Sevene and/or his employee may work in the garage at any other time, but would not operate equipment outside other than during the designated hours.

11. The dumpster is to be located immediately adjacent to the south side of the building and shall not be visible from the street.

12. Sevene and his employee have access to the residence of Jeffrey Cournoyer to use the bathroom facilities. There shall be no urinating outdoors.

13. Air horns and other horns shall not be operated except in an emergency.

Seconded by Russell. 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** – Camp Squanto wishes to demolish the existing dining hall, construct a new structure on Map 46, Lot 6 (to be utilized as a dining hall with associated kitchen facilities, office space, storage, housing and common meeting room) and demolish an existing 1,040 s.f. cabin. The property is situated on West Shore Road and shown at Tax Map 46, Lots 6 & 16 situated in the Rural/Agricultural and Shoreland Protection Districts. The property is owned by the East Coast Conference of the Evangelical Covenant Church of America, Inc. Rob Hitchcock from SVE Associates, Dave Cairns (Executive Director) and Michael Bentley (attorney) were present on behalf of the applicant. Also present were William and Nancy McGhee.

Hitchcock reviewed the plans before the Board. Hitchcock stated that the existing dining facility is approximately 16 feet off of the lake. The proposed dining hall would be set back 39 feet from the shoreline. Hitchcock noted that they would have preferred staying in the existing footprint and “fill-in” the front corner towards the lake, as this would minimize site disturbance. However, after a preliminary meeting with NH-DES Shoreland Protection division, it was made clear that they could not expand at all toward the shoreline.

Hitchcock stated that the proposal also includes the demolition of a 1,040 s.f. cabin that is located at the southerly end of the property and is located very close to the water. Hitchcock stated that the s.f. of the cottage and the existing dining all would be the same as the s.f. of the proposed building. Hitchcock noted that the cubic volume of the new building would be greater; stating that the roof line would be higher than the old building. Hitchcock stated that the new structure itself is

approximately 5 feet higher than the existing structure; however, since it will need to be built at a higher elevation (in order to move it away from the water), the resulting roof line will be 13 feet higher. Hitchcock noted that some Planning Board members had attended the ZBA's site visit on June 22<sup>nd</sup> where a yellow balloon was floated at the maximum height of the new building.

Cairns noted that the proposal is currently before the ZBA, seeking both an area variance and a use variance. Cairns stated that it is hoped that approvals will be granted by the ZBA prior to the July 16, 2009 meeting of the Planning Board. Cairns noted that the proposed year round use would serve only youth. Cairns stated that the use during the school year would primarily be on vacations and weekends. However, he did note that use during the week by youth groups may also take place. Cairns noted that traffic generated during the retreat season (i.e., the school year) would be minimal as many of the youth groups would typically arrive by van or by carpool.

Hitchcock stated that the primary changes to the site would include modifications to the existing septic system, relocation of the access drive, construction of retaining walls and improvements to drainage. Hitchcock stated that the access drive would be utilized solely for deliveries and that it would not be used for parking.

Mazza inquired about the type of heating system and the storage of fuel. Hitchcock stated that it has yet to be determined, but anticipated that it would probably be propane (with tanks being buried).

Motion by Self to accept the application as complete, subject to obtaining required approvals from the ZBA and subject to the application setting forth existing and anticipated traffic volumes and the number of projected employees. Seconded by Fuerderer. Vote: All in favor.

**2. Minutes** from June 18, 2009 and June 27, 2009. Carbonneau noted that she had received an e-mail from Bill Hutwelker who asked that the minutes from June 18, 2009 be clarified as follows: Hutwelker was interested in the sub-committee's work simply as a resident and as a member of the Economic Development Advisory Committee. Hutwelker noted that he did not want to take any part in any proposed changes to the zoning ordinance as it could compromise his ability to sit on any appeals to the ZBA. Motion by Fuerderer to approve the minutes of June 18, 2009 as amended and the minutes from June 27, 2009 as submitted. Seconded by Self. Vote: All in favor, with Carlson abstaining.

Motion by Russell to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 9:05 p.m.

Submitted by,  
Sara H. Carbonneau  
Town Planner