

**SWANZEY ZONING BOARD OF ADJUSTMENT MEETING  
MARCH 21, 2011**

*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.*

**ATTENDANCE** William Hutwelker, Chair; Keith Thibault, Vice Chair; Bob Beauregard, Sr., Bob Mitchell, Jerry Walker; alternates John Arnone, Charles Beauregard, Jr. (arrived at 7:14 p.m.). Town Planner Sara Carbonneau also was present.

Chairman Hutwelker called the meeting to order at 7:00 p.m..

**MINUTES** *Motion* by Mitchell to approve the minutes of the February 14, 2011 meeting. Second by Walker. Hutwelker, Thibault, Mitchell in favor; Beauregard, Sr. and Arnone (who were absent from the February 14, 2011 meeting) abstaining. Motion passes.

**1. Election of Alternate Members** (3 positions available - 1 nominee as of the meeting [Chuck Beauregard]). *Motion* by Mitchell to postpone consideration of Agenda items 1 and 2 until after the Lane Construction Corp. public hearing. Second by Thibault. All in favor. At 8:00, *motion* by Mitchell to nominate Charles Beauregard, Jr. to fill an alternate position - term to expire at Town Meeting 2014. Second by Thibault. All in favor, with Beauregard, Sr. abstaining. Motion passes.

**2. Election of Officers**

Carbonneau stated that Rudgers had contacted her with his support for nominating the existing slate of officers. Serving as chairman *pro tem*, *motion* by Mitchell to nominate William Hutwelker as chair and Keith Thibault as vice chair. Second by Beauregard, Sr. All in favor.

**3. Public Hearing (Special Exception)**

Applicant: Lane Construction Corp. d/b/a Cold River Materials

Property owner: Lane Construction Corporation

Property location: Tax Map 5, Lots 3&4

Zoning District(s): Rural/Agricultural

Request: Special exception pursuant to Section IV.A.2.d. to conduct sand and gravel operations pursuant to RSA 155-E.

Members seated: Hutwelker, Thibault, Mitchell, Walker, Beauregard, Sr.

Representing the application: Dick Fraser, of One Source Properties and Permitting; Gary Hatch of Lane Construction Corp.

Abutters present: Dan Lane

Hutwelker called the public hearing to order at 7:05.

**DISCUSSION** Fraser presented the submitted application materials. Fraser said that the proposed excavation site occupies 12.3 acres of Lane Construction's 17 +/- contiguous parcels off Flat Roof Mill Road. Other excavation sites are in the area, Fraser said, with some operations on-going for over 50 years. A PSNH right-of-way bisects the site, Fraser said, and one set of poles would be affected; grading will be adjusted to accommodate the poles.

Fraser reviewed the project location and its proximity to other excavation activities in the area. He reviewed a January 7, 2011 Alteration of Terrain Permit (AoT-0208), noting that the permittee must provide NH-DES with a written update and revised plans every five years. Fraser said that soil scientist J. Sisson has flagged one wetland on the excavation site, and found no wetlands on the proposed haul road.

Fraser discussed access to the site. All trucks will use established, decades-old haul roads on company-owned property, Fraser said. Fraser said that an access road from the Lane site that exits onto Flat Roof Mill Road (near the former Keene Motorsports), if used, will require widening by five feet on either side of 6,200 linear ft to accommodate 2-way traffic of haul trucks. Alternatively, Fraser said that haul trucks could use the Jennings pit entrance onto Flat Roof Mill Road, requiring 1,800' of improvements. Presenting the existing conditions plan sheet, Fraser noted that all properties had been flown in 2006. Fraser identified test pit locations on the map, and said that benches located every 20' on the grading plan, along with two infiltration/sediment basins, would accommodate storm water. Fraser said contractors would follow best management practices and the USDA-NRCS manual for grass seed selection and seeding.

Fraser said that Lane Construction would use one crew to work one site at a time within the company's holdings, so the number of operating haul trucks would remain unchanged. Excavation would take place from May through November. Fraser said that the proposal would not cause a nuisance to vehicles or pedestrians. In response to a question from Mitchell, Hatch estimated that there would be a maximum of 100 vehicle trips, and a maximum crew size of fifteen, during an eight-hour work day. Hatch said that some circumstances might require the fleet to be split between two sites, but the total daily crew size would not exceed 15 and the maximum number of daily vehicle trips would not exceed 100.

Hearing no further comments or questions, Hutwelker closed the public hearing at 7:56.

Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specific conditions present under which the exception may be granted?

a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Based on the testimony presented, members agreed in the affirmative.

b. Will such approval reduce the value of any property within the District, or otherwise be injurious, obnoxious or offensive to the neighborhood?

Based on information as presented and considering past performance of the company, members agreed that approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive.

c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that there would be no nuisance or hazard to vehicles or pedestrians.

d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed that adequate and appropriate facilities would be provided.

**Motion** by Mitchell to approve as presented the special exception to Section IV.A.2.d. to conduct sand and gravel operations pursuant to RSA 155-E. Second by Beauregard, Sr. All in favor.

#### **4. Other matters as may be required**

Ex parte communication Thibault advised members that the ZBA is a quasi judicial entity, obligating all members to make sure that each member hears the same information regarding any case before the Board. Members should discourage citizens who wish to discuss cases outside of meetings, Thibault said, and should instead invite them to bring their information and opinions to a meeting. If a conversation is unavoidable, Carbonneau said, members should be forthright with the Board and, at the next meeting, report on the conversation so that the information is available to all.

#### **ADJOURNMENT**

**Motion** by Mitchell to adjourn. Second by Beauregard, Sr. All in favor. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Victoria Reck Barlow  
Recording Secretary