

**SWANZEY PLANNING BOARD MINUTES
AUGUST 7, 2008**

[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, Victoria Barlow, June Fuerderer, Steve Russell, Selectmen's Representative Bruce Tatro and alternates Jeanne Thieme and David Belletete. Thieme was seated for Charles Beauregard, Sr. and Belletete was seated for Scott Self. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

A. PUBLIC HEARINGS –

1. Site Plan Review Application – Jeffrey Sevene wishes to utilize a portion of the premises and an existing garage situated at 138 Pine Street for an excavation and construction service business. The property is shown at Tax Map 57, Lot 118 situated in the Business Zoning District. The property is owned by Jeffrey Cournoyer. Jeff Sevene appeared before the Board. Numerous abutters and interested citizens were present. Public hearing opened.

Sevene provided a letter to the Board dated August 7, 2008 stating that he obtained Richard P. Drew, LLC to survey the property. Board members also received a copy of an e-mail from Drew confirming that he is performing a boundary survey for the applicant. Carbonneau stated that Drew and his staff have been at Town Hall on at least two occasions researching this property. Sevene requested that the Board continue the public hearing on this matter, so that he could finalize the survey that was requested by the Board at the July 19, 2008 site visit.

Abutting property owner Annette Studebaker stated that she was opposed to the Board granting an extension, stating that Sevene's business is a problem in the neighborhood. Studebaker stated that Sevene has blocked the road at least 4 or 5 times during the past month when loading and unloading equipment. Studebaker stated that if the road is blocked even once during the year, it is a problem for them if emergency vehicles cannot access their property. Studebaker stated that

she had put her insurance company on notice as to the road being blocked on occasion, noting that the Town may have some responsibility if something happens.

Studebaker stated that she believes that the impact of the trucks and construction equipment on the road has also negatively impacted the integrity of the road. Carbonneau stated that she had received a call from DPW Director Lee Dunham (who was unable to be present this evening due to roads being washed out and blocked due to the severe weather) and noted that he would be the appropriate person to discuss the potential impacts on the road.

Studebaker also stated that she is concerned about the “hazardous waste” on the property. Again, Studebaker stated that she had put her insurance company on notice about the “hazardous waste” on Sevene’s property. Studebaker stated that a number of 55 gallon drums were placed on the property after the site visit. Tatro inquired what was in the drums. Sevene stated that nothing is in the drums. Tatro stated that if nothing was in the drums, why were slings and equipment needed to move them. Sevene stated that there had been gasoline in some of the drums, but they are now empty, as he has used the fuel. Abutting property owner Goodell expressed concern about the quality of his well water and concerns that the “hazardous waste” on the site might be contaminating his well. Goodell noted that he has not had his well water tested. Carbonneau stated that she understood that concerns regarding the property had been expressed to NH-DES by an abutting property owner.

Belletete stated that Sevene has not done what the Board requested him to do, as he has not yet provided the inventory of equipment that the Board requested on July 17, 2008. Sevene stated that he would provide this list, together with the completed site plan upon completion of the survey work requested by the Board on July 19th. Studebaker stated that she has a list of Sevene’s equipment and did not see any reason why Sevene has not yet produced the list.

Barlow inquired where Sevene’s equipment is currently located. Sevene stated that it was all located either on a job site or at the Pine Street property.

[During the public hearing, the tape in the recording device needed to be changed. At that time, Carbonneau stated that she had been informed that July 17, 2008 meeting had been recorded by at least one member of the public without the knowledge of many in the room. Carbonneau noted there is no prohibition against the public recording the meeting. However, Carbonneau noted that if any one was taping the meeting, they need to announce that they are doing so. No one this evening announced that they were taping the meeting.]

Tatro stated that none of the 55 gallon drums or other tanks on the site are identified. Tatro stated that if there was an emergency on site, he would hesitate sending emergency personnel in, as they would

not know what they were getting into. Tatro felt that the condition of the property posed an immediate danger to the public.

Studebaker and Goodell both expressed their desire that the Board of Selectmen issue an immediate cease and desist order against Sevene's business. Studebaker stated that after Sevene received a notice from the Town that he was operating his business in violation of the Town's regulations, Sevene took trees down along the property line and has done other things "just out of spite."

Page stated that it would be his recommendation that the Site Plan Review Application be denied and recommended that the Board of Selectmen issue a cease and desist order. Carbonneau noted that Sevene is doing what the Planning Board requested of him at the July 17th meeting and what the Code Enforcement Officer requested him to do (apply to the Planning Board for permission to operate a business). Barlow stated that she would like to see an opportunity for this matter to be resolved in a manner that has a positive outcome for all involved. Barlow suggested that the Board should clearly advise Sevene what information it needs and to allow him to provide that information. Public hearing closed.

Motion by Russell to deny the site plan review application. Seconded by Tatro. In favor of the motion: Russell, Tatro, Page, Belletete and Fuerderer. Opposed to the motion: Thieme. Abstaining: Barlow, noting that she was not yet ready to vote as she wanted to explore the ramifications of other various actions that could be taken by the Board. Motion passes.

2. Subdivision Application – Lawrence & Karen Elliott wish to subdivide Tax Map 31, Lot 14 into 3 lots. The subject premises are located off South Road and Goodell Avenue and situated in the Residence and Shoreland Protection Zoning District. Tax Map 31, Lot 14 currently consists of 13.39 acres. The proposed lots will be 7.88 acres +/-, 1.96 acres and 3.55 acres. Lawrence and Karen Elliott appeared before the Board. An interested citizen was also present. Public hearing opened.

L. Elliott provided the Board with plans stamped by the surveyor, wetlands scientist and septic designer. Page stated that the plans submitted meet the requirements of the zoning ordinance as to acreage and frontage. Page stated that it was his opinion that the 2 lots proposed on South Road had adequate area for a houses and septic systems.

Barlow inquired as to what was currently located on the Goodell Road property. L. Elliott stated that there was a house and garage. Carbonneau noted that the Town's assessing card lists 2 residences on this property and stated that there were never any permits issued for the 2nd residence. L. Elliott stated that they have rented the apartment over the garage for some time, but the tenant was moving out soon. Carbonneau stated that if the Elliotts wish to continue to rent the

apartment, they must first come to the Zoning Board of Adjustment and seek a variance.

Thieme expressed concern about the impact that the river may have on these properties. Thieme stated that, from personal experience, the location of the river can change substantially. Thieme stated that she felt that the proposed usable area of each lot was limited and that any substantial change in the river course could negatively effect the properties. Barlow stated that she felt that one lot along South Road would be appropriate, but felt that two lots may be a “stretch” due to site conditions, including the floodplain and wetlands.

Carbonneau noted that the applicant will need to receive State subdivision approval. Public hearing closed.

Motion by Russell to grant the subdivision application subject to receipt of State subdivision approval. Seconded by Belletete. Vote: All in favor with the exception of Thieme who opposed the motion.

3. Site Plan Review Application – Ed Thomas dba Thomas Transportation wishes to utilize the property situated at 93 Monadnock Highway for offices and maintenance facility for Thomas Transportation. In addition, the applicant seeks permission to construct an 1800 s.f. addition to the existing structure. The property is shown at Tax Map 18, Lot 134 situated in the Business Zoning District. Dave Bergeron from Brickstone Masons and Ed Thomas appeared before the Board on behalf of the applicant. Public hearing opened.

Bergeron stated that the applicant would like to modify the plans slightly, requesting that he be allowed to erect a temporary storage building consisting of 288 s.f. Bergeron stated that the storage building would be located to the rear of the existing building and would not be easily seen from the road. In addition, Bergeron stated that he wanted to make it clear that they were also seeking approval for the 1800 s.f. addition at this time. Building elevations of the proposed addition were provided to the Board. Bergeron noted that the construction style and materials were similar to the existing building. Bergeron stated that the construction of the addition would not negatively impact drainage on the site, as the area where the addition would be built is already paved.

Barlow questioned where vehicles would be parked, as Thomas had indicated that he may have some parallel parking in an area along the front of the property that was not striped for parking. Upon further discussion the applicant agreed that the parking would occur in accordance with the submitted site plan. Barlow asked about the parking space striping. Bergeron noted that the lines are faded. It was suggested that the applicant be permitted to operate for 90 days and “get a feel” for the property and parking configuration. At the end of the 90 days, if the proposed parking configuration works the striping will be done in accordance with the plan. If the applicant finds that the parking

configuration needs to be modified, he will return to the Board for permission to modify the site plan. Public hearing closed.

Motion by Barlow to grant the site plan approval subject to the condition that the applicant stripe the parking spaces within 90 days or return to the Planning Board for a modification to the site plan with a revised parking configuration; and that the temporary storage building will be removed from the property within 30 days of the issuance of a certificate of occupancy for the 1800 s.f. addition. Seconded by Tatro. Vote: All in favor.

4. Sign Applications – Ed Thomas seeks to install 2 free-standing signs (total square footage equals 81.87 s.f.) on property situated at 93 Monadnock Highway, shown at Tax Map 18, Lot 134 situated in the Business Zoning District. Carbonneau noted that a variance was granted on June 21, 2004 to allow 2 signs, with a total square footage of 84 s.f. It was noted that the internally lighted street sign will have the street on it. The lit sign will remain on during all evening (dark) hours, as the business operates 24 hours per day.

Motion by Russell to approve both free-standing sign applications. Seconded by Belletete. Vote: All in favor.

5. Sign Applications –Alan Lehtola seeks to install a free-standing sign consisting of 24 s.f. and an attached sign consisting of 22 s.f. on property situated at 85 Monadnock Highway, Tax Map 18, Lot 135 situated in the Business Zoning Districts. Board members reviewed the sign applications and determined that each sign met the requirements of the zoning ordinance.

Motion by Barlow to approve both the free-standing and the attached sign applications. Seconded by Russell. Vote: All in favor.

B. DISCUSSIONS/OTHER BUSINESS –

1. South Branch Group – Renewal of Excavation Permit for South Road Borrow Pit – Update regarding disposition of demolition debris from the Mt. Caesar School Playground. Steve Bedaw was present and presented copies of receipts from the City of Keene indicating that the City of Keene landfill accepted 4 loads of materials (brought in by SUR) at the end of July totaling approximately 120,000 pounds. Carbonneau reported that Code Enforcement Officer Weston had inspected the property where the debris had been located and noted that it had been removed. Board members determined that the applicant had met the conditions for the issuance of the excavation permit and would issue the permit.

2. Minutes from July 17, 2008. Carbonneau noted that the minutes should be corrected on page 2 as follows: Item #2 should read Tax Map

19, Lots 97-2 and 97-3. Motion by Barlow to approve the minutes as amended. Seconded by Fuerderer. Vote: All in favor.

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

Submitted by,

Sara H. Carbonneau
Town Planner