

**SWANZEY PLANNING BOARD MINUTES
AUGUST 21, 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, Scott Self, June Fuerderer, Charles Beauregard, Sr., Victoria Barlow and alternate Jeanne Thieme. Thieme was seated for Steve Russell. 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 Fuerderer that no items on the agenda could reasonably be constructed as having the potential for regional impact. Seconded by Beauregard. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Home Occupation Application – Michael Duffin wishes to utilize the property situated at 272 Eaton Road for a home occupation as an education research consultant. The property is situated in the Residence and Rural/Agricultural Zoning Districts, shown at Tax Map 49, Lot 3. Duffin appeared before the Board. No abutters were present. Public hearing opened.

Duffin stated that the office would be located in the house. He does not plan to have a sign. Duffin is the only employee and clients will not be coming to the property.

Carbonneau noted that the Board of Selectmen approved the home occupation at its July 16, 2008 meeting, "provided that the use not exceed 300 square feet." Public hearing closed.

Motion by Self to approve the home occupation application, subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Fuerderer. Vote: All in favor.

2. Multi-Tenant & Sign (2) Applications - Barbara Hayden and Michael McConnel wish to use a portion of the premises situated at

121/125 Old Homestead Highway for a retail produce/grocery market. The property is shown at Tax Map 37, Lot 4 situated in the Business Zoning District. The property is owned by Shakour Diversified, Inc.

The Applicants also seek permission to install a 15 s.f. free-standing sign and a 24 s.f. attached sign. Hayden and McConnel appeared before the Board. No abutters were present. Public hearing opened.

Hayden provided the Board with revised sign designs. Hayden noted that the originally proposed free-standing sign (sandwich board type – temporary) has been replaced by a proposal for a permanent free-standing sign (also consisting of 15 s.f.). Board members noted that the street address must be installed on the free-standing sign or sign posts.

The applicants propose to operate a small retail produce/grocery market. Hours of operation will be 8 a.m. to 8 p.m., seven days per week. It is estimated that there will be one delivery per day (either by truck, van or pick-up). The business will employ 5 full-time employees and 5 part-time employees. Public hearing closed.

Motion by Barlow to grant the multi-tenant application, as well as both sign applications (noting that the street number must be installed on the free-standing sign or sign posts) and subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Self. Vote: All in favor.

3. Modification to Previously Approved Site Plan – George Leristis wishes to construct a 600 s.f. structure to house a tractor and other miscellaneous equipment for property maintenance. The property is situated at 920 West Swanzey Road and is shown at Tax Map 71, Lot 10 situated in the Business Zoning District. George Leristis appeared before the Board. Abutting property owners were present. Public hearing opened.

Board members reviewed the site plan, noting that the proposed garage is to be located 75 feet from the side property line and approximately 280 feet from the front property line. Leristis stated that he plans on storing his garden tractor and other property maintenance equipment in the garage. The construction of the garage would be similar to the existing pizzeria building. Public hearing closed.

Motion by Beauregard to grant the site plan review. Second by Thieme. Vote: All in favor.

4. Multi-Tenant & Sign (2) Applications - Scott MacPhail, on behalf of Ken's Tractor & Truck Sales, wishes to use a portion of the property situated at 679 West Swanzey Road for a business consisting of tractor sales and repair. The property is situated in the Business Zoning District, shown at Tax Map 73, Lot 13. The property is owned by Scott & Jay MacPhail.

The Applicant also seeks permission to install a 24 s.f. free-standing sign and a 24 s.f. attached sign. Scott MacPhail, Rob Calkins (realtor), Ed Hewey and Bruce Purinton (both from Ken's Tractor) appeared before the Board. No abutters were present.

Carbonneau informed the Board that the applicant received a special exception from the ZBA on August 18, 2008. It was noted at that time that the Applicant amended the application to also include Sunday hours from 8 a.m. to 2 p.m.

Hewey stated that there would be some outside storage of product, including tractors, mowers, snow blowers and attachments. Board members were clear that the display inventory must be located only on paved areas.

MacPhail stated that Ken's Tractor would occupy a 50' x 50' space on the south side of the building and would have ½ of the paved parking area allocated to its use. MacPhail stated that there would be no storage of product behind the building, as that is where the septic system is located.

Carbonneau informed the applicant that there are stringent regulations regarding the use of setback areas, noting that storage of product would be prohibited within the setback areas. The zoning ordinance sets forth, in detail, the amenities that may be located within the setback area.

The location of the dumpster was discussed, as it was not indicated on the site plan. It was suggested that it might be located on the southerly side of the building, but could not encroach on the 20 foot side setback.

Signage was reviewed, noting that the free-standing sign would replace the existing sign face. The attached sign would replace the existing (and larger) attached sign on the building. Public hearing closed.

Motion by Barlow to approve the multi-tenant application (as amended to include hours on Sunday from 8 a.m. to 2 p.m.) and both sign applications subject to the following:

1. outdoor display of product shall be located on paved areas only;
2. incoming created equipment shall not be stored in the front parking lot;
3. the dumpster shall be located on the south end of the building, but not within the 20 foot side setback area – the location of the dumpster shall be noted on the site plan;
4. the area dedicated to Ken's Tractor for parking and display area shall be noted on the site plan;
5. subject to review and approval by the Code Enforcement Officer and the Fire Inspector; and
6. subject to the street number being prominently displayed on the free-standing sign or the sign post.

Second by Beauregard. Vote: All in favor.

5. Request for Modification to Previously Approved Home

Occupation Application – Will & Mary Ryan seek to modify the hours of operation imposed by the ZBA on March 19, 2007 to include evening hours from 7 to 9 p.m. Monday through Friday and to be permitted to offer art classes. The property is located 129 Westport Village Road, shown at Tax Map 88, Lot 1 situated in the Residence Zoning District. Mary Ryan appeared before the Board. Neighbors were present. Thieme steps down from the table due to a possible conflict of interest. Public hearing opened.

Carbonneau noted that the ZBA voted on August 18, 2008 to grant the applicants' request to modify the hours of operation imposed by the ZBA on March 19, 2007 to now include evening hours from 7:00 p.m. to 9:00 p.m. Monday through Friday, and to permit the offering of art classes, with the condition that business parking be limited to 10 spaces.

Board members noted the letters of support from surrounding property owners and all of the abutting property owners. Public hearing closed.

Motion by Barlow to approve the modification to the previously approved home occupation, subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Fuerderer. Vote: All in favor. Thieme resumed her seat at the table.

6. Multi-Tenant & Sign Application - Workk Xpress wishes to use a portion of the premises situated at 67 California Street for a business consisting of used car sales. The property is shown at Tax Map 73, Lot 24 situated in the Commercial/Industrial Zoning District. The property is owned by Thomas Chabot.

The Applicant also seeks permission to install a 12 s.f. attached sign. Wayne Manning appeared before the Board. Board members noted that receipt of a letter from abutting property owner Sophie Goodnow received by the Town on August 18, 2008. No abutters were present. Public hearing opened.

Manning stated that he wishes to obtain a NH Dealer's license to permit him to purchase 6 or more vehicles during a year. Manning stated that his business also includes the towing of vehicles, which he sometimes ends up purchasing for resale. His business vehicles include a 3-car trailer and a flat bed trailer. Proposed hours of operation are Monday through Friday, 9 a.m. to 5 p.m., meeting the minimum number of hours required by the State. Manning also proposed an attached sign that meets the State's requirements. Manning stated that inspections and repair of vehicles would be performed by YBA Muffler, another business located on the site.

Board members reviewed the letter from abutting property owner Sophie Goodnow. Board members noted that the proposed use met the zoning requirements. Carbonneau stated that Mrs. Goodnow expressed

various issues in her letter and that the letter would be referred to the Board of Selectmen.

Board members felt that there should be a limitation as to the number of vehicles stored on site at any one time (in addition to the 3-car trailer and the flat bed trailer). Board members and the applicant jointly made the decision that 6 vehicles would be appropriate. These vehicles would be stored next to the building, together with the 3-car trailer. Manning stated that the flat bed trailer would be stored to the right of building (as seen from the road) near the existing EAI storage trailers. Public hearing closed.

Motion by Barlow to grant the multi-tenant and attached sign permit applications subject to the following conditions:

1. Subject to review and approval by the Code Enforcement Officer and the Fire Inspector;
2. Maximum number of vehicles to be stored on the premises associated with this business is 6 (not including the 3-car trailer or the flat bed trailer);
3. Business vehicles are to be located within 20 feet in front of the building; and
4. Flat bed trailer to be stored to the right of the building (as seen from the road) near the existing EAI storage trailers.

Seconded by Self. Vote: All in favor.

B. DISCUSSIONS/OTHER BUSINESS

1. Sign Applications – Gone Bananas wishes to install a 24 s.f. attached sign and a 32 s.f. free-standing sign on property situated at 140 Monadnock Highway, Tax Map 18, Lot 69 situated in the Business Zoning District. Board members reviewed the applications. It was noted that the street number must be installed on one of the existing sign standards.

Motion by Self to grant the sign applications subject to the condition that the street number must be installed on one of the existing sign standards. Seconded by Beauregard. Vote: All in favor.

2. Discussion with Scott Lambert re modification to site plan review approval. Lambert did not appear before the Board. However, the Board considered his request. Motion by Fuerderer that Lambert must submit a formal request to modify a previously approved site plan and that a public hearing will be scheduled on the request. Seconded by Self. Vote: All in favor.

3. Minutes from July 19, 2008 (site visit) and August 7, 2008 – Barlow stated that it was her recollection that Sevene was asked at the site visit on July 19, 2008 not only to provide a list of equipment, but also the footprint of each piece. Board members concurred. Motion by Barlow to approved the minutes from July 19, 2008 as amended and the minutes from August

7, 2008 as presented. Seconded by Fuerderer. Vote: All in favor with Beauregard and Self abstaining.

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

Submitted by,

Sara H. Carbonneau
Town Planner