

**SWANZEY PLANNING BOARD MINUTES
JUNE 4, 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, Jeff Goller, Victoria Barlow and alternate Jerry Mazza. Mazza was seated for 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 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 Self. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Subdivision Application – SVE Associates, agent on behalf of Larry Koch, wishes to subdivide Tax Map 79, Lot 6-3 into 2 lots. The subject premises are located off California Brook Road and Owens Drive and situated in the Rural/Agricultural District. Tax Map 79, Lot 6-3 currently consists of approximately 60 acres. The proposed lots will be 18.89 acres and 41 +/- acres. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the applicant. Public hearing opened. Continued from May 21, 2009.

Board members were provided a copy of an e-mail from DPW Director Dunham dated June 4, 2009 stating that he had no opposition to the use of a shared driveway subject to 4 conditions. Hitchcock stated that he and his client had no objection to the conditions set forth by Dunham. Board members felt that conditions 1, 3 and 4 should be included on the plan and condition 2 should be included in the deed.

Alex Urquhart was present on behalf of abutting property owner New England Wooden Ware. Urquhart inquired if Koch was abandoning his right of access to California Brook Road. Hitchcock stated that the access to the property will be off of Owen's Drive, but that the applicant

is not relinquishing any rights to access the Class VI portion of California Brook Road. Urquhart stated that New England Wooden Ware did not object to the subdivision if the condition that each lot will be utilized for a single family residence is imposed. Public hearing closed.

Motion by Self to grant the subdivision application subject to the following conditions:

1. each lot is to be utilized for a single family residence only;
2. the shared portion of the driveway is to be at least 18 feet in width;
3. that signage be erected at the intersection of the driveway and Owen's Drive and at the intersection where the separate driveways intersect with the shared driveway in order to adequately direct emergency vehicles.

Conditions 1, 2 and 3 are to be included on the recorded plan; and

4. A maintenance agreement similar to that approved by the Board for the Beauregard Subdivision (Map 12, Lot 21) shall be recorded.
- Seconded by Goller. Vote: All in favor.

B. DISCUSSION –

1. Proposed Amendment to Site Plan - Rob Hitchcock from SVE Associates stated that Moore Nanotechnology (Tax Map 19, Lot 97-2) is considering relocating the truck driveway entrance and presented conceptual drawings. Hitchcock noted that a final decision has yet to be made by the property owner. Hitchcock stated that the proposed driveway relocation will result in the truck driveway entrance being directly across from the entrance to Carlisle Wideplank Floors; with the existing approved truck driveway entrance being deleted. Hitchcock stated that the location of the existing approved truck driveway will be graded, loamed and seeded.

Motion by Barlow to permit amendment to the site plan review approval in the event that the applicant determines that it wishes to relocate the truck driveway entrance, subject to receipt of a driveway permit. Seconded by Fuerderer. Vote: All in favor.

C. OTHER APPLICATIONS –

The following applications are being reviewed for completeness only. Comments will be limited to the completeness of the applications only.

Annette Studebaker informed the Board that she would be audio taping tonight's proceedings regarding the Sevene matter. Page informed the audience of the same.

1. 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. Tabled from May 21, 2009. Attorney Michael Bentley was present on behalf of Jeffrey Sevene. Also present: Jeffrey Sevene, Kenneth & Janice Sevene, Annette Studebaker and Robert Goodell.

Attorney Bentley provided the Board with copies of affidavits regarding the prior use of the property. These affidavits were from: Jeffrey Sevene, Michael Tetreault and Robert Patnode. Bentley stated that the Affidavits reflect that the garage has been utilized for separate business purposes (by someone other than the property owner/resident of the house) for many years, essentially since the garage was constructed. Bentley also noted that he had spoken with Norman Vaine (who used to own the abutting property) who indicated that he had used the garage during 2000 – 2001 for repair of his equipment). Bentley stated that the affidavits support the applicant's contention that the property has been a mixed-use parcel for many years.

Page stated that it was his opinion that the site plan presented was an adequate representation of existing conditions, but did not address the proposed use of the property. Page noted that screening, travel patterns, loading/unloading of equipment and a potential new driveway were not reflected on the plan. Page stated that it appears that all of Sevene's equipment (as detailed in the inventory of equipment) could fit on the lot – however, Page stated that the plan needs to indicate where the equipment would be located. Bentley stated that it has never been the applicant's intention to have all of his equipment on the lot at the same time (as various pieces of equipment are on various worksites at various times). Bentley noted that the applicant would be willing to have the Planning Board establish a cap on the number of pieces of equipment that could be stored on site.

Bentley stated that the applicant provided the additional information requested in 2008 by the Board, notably the survey of the property and the inventory of equipment. Board members felt that the pending application was a new application and that the statements and requests made by the Board in 2008 did not pertain to the pending application. Bentley disagreed, stating that it was his opinion that the pending application is, essentially, a continuation of the 2008 application as the matter had been "remanded by agreement."

Self stated that he felt that the application was complete enough to go to public hearing. Self stated that there were additional items that should be shown on the plan, but he felt that these items could be provided by the public hearing. Self stated that it was his understanding that the permit for the new driveway location has yet to be issued. Self felt that until such time as the driveway issue was resolved, it should not be shown on the plan.

Studebaker stated that wood continues to be processed on the lot, noting that wood processing is not included in the pending application. Studebaker and Goodell noted that the applicant continues to operate his construction business on the lot in violation of a cease and desist order issued by the Town. Page stated that the issue of whether or not Sevene is in violation of a cease and desist order is not something that the Planning Board can consider, noting that enforcement of code violations is within the purview of the Board of Selectmen.

Motion by Goller to accept the application as complete subject to the condition that the applicant provides additional information on the plan for the public hearing , including but not limited to buffers/ screening, designated area where equipment will be stored, vehicle movement patterns, and the new driveway location if approved by the DPW Director, as well as other required items set forth in the Town's Site Plan Review Regulations. Seconded by Self. Voting in favor of the Motion: Self, Goller & Mazza. Opposed: Fuerderer, Barlow and Page. Motion failed.

After a brief discussion, Self moved to accept the application as complete subject to the condition that the applicant provides additional information on the plan for the public hearing, including but not limited to buffers/screening, designated area where equipment will be stored, vehicle movement patterns, and the new driveway location if approved by the DPW Director, as well as other required items set forth in the Town's Site Plan Review Regulations. Seconded by Goller. Voting in favor of the Motion: Self, Goller, Mazza & Barlow. Opposed: Fuerderer and Page. Motion passes.

2. Site Plan Review Application – John & Nicole Willette wish to convert the existing structure situated at 87 Old Homestead Highway to a multi-family dwelling (3 dwelling units). The property is shown at Tax Map 37, Lot 13 situated in the Business Zoning District. John & Nicole Willette appeared before the Board. No abutters were present.

J. Willette provided the Board with a revised site plan, showing the location of the potential driveway access off of Sylvan Way to serve the 3rd unit. J. Willette noted that he has submitted the driveway permit application.

J. Willette stated that no exterior work is anticipated, other than the construction of the new driveway, modifications to the existing driveway and parking area and minor site “clean up.” J. Willette noted that some diseased and/or dying vegetation has already been removed.

N. Willette provided photographs of the site to the Board, including photographs showing the proposed location of the Sylvan Way driveway, as well as the proposed expansion of the parking area off of Route 32.

J. Willette stated that modifications will need to be made to the interior of the building. Code Enforcement Officer Weston stated that he

has already been through the building. In addition, Weston noted that the Fire Chief has been through the building.

Motion by Self to accept the application as complete. Seconded by Barlow. Vote: All in favor.

3. Boundary Line Adjustment & Subdivision Application – Thomas W. Flavin, Jr., agent on behalf of South Branch Group, wishes to subdivide Tax Map 24, Lot 58 into 2 lots. After a proposed boundary line adjustment described below and after the proposed subdivision, the lots will be 6.91 acres and 19.25 acres. Tax Map 24, Lot 58 is owned by South Branch Group. In addition, an application for boundary line adjustment between Tax Map 24, Lot 58 & 58-1 is sought. Tax Map 24, Lot 58-1 is owned by John A. & Janeth L. Blake. The subject premises are located on South Road and situated in the Residence District. Tom Flavin (licensed land surveyor), Tom Forest (licensed septic designer) and Steve Bedard appeared before the Board. No abutters were present.

Flavin reviewed the proposed plans. Carbonneau noted that South Branch Group's property currently has no road frontage - only a right of way over other property which is not the subject of the pending application. Forest stated that State Subdivision Approval has been received, noting that the 19.25 acre lot is not a building lot, as noted on the approved State Subdivision plan. Forest stated that septic designs for both the 6.91 acre lot, as well as the re-configured Blake lot have been prepared and will be submitted to the State for review and approval.

Motion by Barlow to accept the application as complete. Seconded by Mazza. Vote: All in favor.

D. DISCUSSIONS/OTHER BUSINESS –

1. Discussion re architectural modifications to proposed Market Basket. Eric Brown from PCA Architects appeared before the Board. Brown presented modifications to the design, noting the owners did not like the idea of a red tower/cupola. With the reconfigured tower/cupola, the owners felt that red color made it look as if a bridge has been placed on top of the building. Planning Board members concurred. Brown presented the architectural concept that the owners had approved. Board members voiced their approval for the concept, noting that the selected colors were "timeless." Motion by Barlow to approve the architectural concept. Seconded by Self. Vote: All in favor.

Board members also reviewed a Waiver Request dated June 2, 2009 from DSM to commence site work prior to receiving final approval (i.e., meeting all conditions set forth in the May 7, 2009 conditional approval). This request was slightly modified from waiver request presented to the Board on May 21, 2009, as it now states that "work would not be authorized to being prior to the issuance of the Wetlands Permit, and the

proper placement of the approved storm water/sedimentation control measures.” Motion by Barlow to approve the June 4, 2009 waiver request. Seconded by Self. Vote: All in favor.

2. Minutes from May 21, 2009. Fuerderer stated that the minutes should be amended to reflect that Fuerderer seconded the motion to grant the Fennucio/Therrien boundary line adjustment plan. Motion by Fuerderer to approve the minutes from May 21, 2009 as amended. Seconded by Goller. Vote: All in favor.

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

Submitted by,

Sara H. Carbonneau
Town Planner