



TOWN OF SWANZEY

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SWANZEY ZONING BOARD OF ADJUSTMENT REGULAR MEETING MINUTES MARCH 19, 2012

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, Charles Beauregard, Sr., Jerry Walker. Alternates Sarah Tatro, Charles R. Beauregard, Jr. Town Planner Sara Carbonneau also was present.

MINUTES

Motion by Beauregard, Jr. to approve the minutes of the November 21, 2011 meeting. Second by Beauregard, Sr. All in favor.

1. Special Exceptions (Public Hearing)

Applicant: Patrick Putnam Realty Group, LLC

Property owner: Patrick Putnam Realty Group, LLC

Property location: off West Swanze Rd Map 71, Lot 13-2

Zoning District(s): Business District and Rural/Agricultural District

Request: Special exceptions from Sections V.B.2.d. and IV.A.2.d. to permit the removal of commercial-quality sand and gravel

Members seated: Hutwelker, Thibault, Beauregard, Sr., Walker. Tatro was seated for Mitchell.

Hutwelker advised those present that the applicant has requested a continuance to May 21, 2012.

Motion by Beauregard, Sr. to continue the application to the May 21, 2012 regular meeting of the Board. Second by Walker. All in favor.

2. Variance and Special Exception (Public Hearings)

Applicant: Gemica Properties, LLC

Property owner: James Kendall

Property location: off Monadnock Highway Map 2, Lot 1

Zoning District(s): Business District and Wetlands Conservation Overlay Zoning District

Request: A variance from Section VII.D.10 and a special exception pursuant to Section V.B.2.a.

Members seated: Hutwelker, Thibault, Beauregard, Sr., Walker. Tatro was seated for Mitchell.

Representing the application: Jim Phippard, Brickstone Land Use Consultants

Abutters present: Michael McGrath, Robert Jones, Sandra Jones, Peg Antosiewicz, Joseph Antosiewicz

Hutwelker opened the public hearing at 7:06.

Carbonneau said that the applicant wishes to purchase a 2.22+/- acre parcel from James Kendall in order to permit the expansion of the existing motor vehicle dealership on adjacent property owned by Gemica. A variance is required as wetlands will be impacted; a special exception is required as the parcel will be used for a motor vehicle dealership. Carbonneau reviewed meeting notice posting dates and locations, and stated that the solid waste manager had responded with no concerns to her request for feedback; no other heads of Town departments had provided feedback regarding the application.

Phippard presented the subject land area relative to site layout, stating that Kendall's 46-acre lot wraps around the Gemica dealership, and has frontage on Route 12 in three locations. Phippard stated that the applicant proposes a lot line adjustment to transfer the 2.2 acres.

Phippard addressed the special exception, presenting a site plan showing an addition to the existing building that would expand the service areas and include a car wash (for use by the dealership only). Phippard said that the gravel parking area would be expanded, as would the motor vehicle display area. Phippard reviewed features of the proposed stormwater collection and treatment system.

Phippard reviewed his client's responses to the criteria for special exception as presented in the application.

Hutwelker asked for questions from abutters. McGrath described drainage issues that appear to have resulted from the installation of an island located in the entranceway to the dealership. J. Antosiewicz said that stormwater currently is directed to the south side of the island and into the highway. Phippard said that this issue would be addressed. Phippard said the proposed expansion will intercept in a retention pond (to be discussed in greater detail at the Planning Board) the drainage water that gets trapped on top of ledge at the rear of the property. Phippard said that the proposed stormwater system would reduce the amount of water that currently passes over the McGrath property. Jones said that the NH DOT's efforts to correct drainage problems in the area have been unsuccessful. Jones said that traffic making left turns into the nearby Fenton dealership creates hazards, and results in frequent rear-ender accidents. Jones said that the highway department needs to upgrade the portion of Route 12 in the vicinity of the proposed expansion.

In response to a question from P. Antosiewicz, Phippard said that there are no plans for a new curb cut. P. Antosiewicz said that abutters had been promised in 1996 that vehicles would never be unloaded on Route 12; when abutters complain, P. Antosiewicz said, they are told that the dealership has no control over the actions of independent truckers. J. Antosiewicz said that truckers were motivated to unload on Route 12 because the dealership has a tendency to park vehicles around the entrance, blocking it; in fact, J. Antosiewicz said, P. Antosiewicz had been rear-ended when a delivery truck was blocking the road. P. Antosiewicz noted that residential uses had existed in the vicinity for years prior to the re-zoning of the area to the Business District, and prior to approval of the subject use. In response to a question about grade,

Phippard said that the final grade of the south side of the property would be approximately 3' higher than the McGrath's property.

S. Jones said that delivery truck drivers sleep overnight on site in their trucks with engines running, and should not be allowed to park on south side of the building.

Phippard said that he would investigate the installation of a gate to prevent trucks from entering the site after dark, stating that this would also help prevent vandalism, so that the display lot lights could be dimmed. Phippard said that he would try to get dealership salesmen to stop parking cars in the entrance area.

Thibault asked about the rationale for the expansion. Phippard said that maintaining 300 vehicle spaces on the property is a requirement for a franchise class that gives the dealership its choice of new vehicles. Phippard described some of the proposed changes to the dealership, including six new service spaces (two being reconditioning bays), and 20 new service parking spaces. Four additional employees would be hired, Phippard said.

Given the project's proximity to residences and wetlands, Thibault proposed a site walk. Other board members concurred, and agreed to conduct the site walk on April 16 at 6:00.

Motion by Beauregard, Sr to continue the public hearing on the special exception request to 6:00 p.m. on April 16 (site visit). Second by Tatro. All in favor.

Hutwelker closed the public hearing at 8:12.

At 8:12, Hutwelker opened public hearing on the requested variance from Section VII.D.10. Phippard presented an overview of the proposed merger, describing the locations of existing wetlands and proposed alterations to wetlands, including the construction of a detention pond. Phippard said that the wetlands proposed to be affected are not rare or unusual habitats; due to shallow soil depth to ledge, trees in the area are not thriving. Phippard reviewed his client's responses to the criteria for variance as presented in the application. Phippard said that the likely contribution to the ARM fund would be on the order of \$20,000 to \$30,000. Phippard said that he expected it to take approximately 75 days to obtain a wetlands permit, and said he hoped to have all approvals in place so that the project could begin in late summer.

Members of the public had no further questions.

Motion by Thibault to continue the public hearing on the variance request to April 16. After the site visit on April 16 at 6:00 p.m., the ZBA will reconvene at Town Hall to further consider the special exception and variance requests. Second by Beauregard, Sr. All in favor.

Discussion of this item concluded at 8:36.

3. Election of alternate members

Rudgers, who was present, expressed his interest in continuing to serve. Carbonneau said that she will re-post the second vacancy.

Motion by Beauregard, Jr. to nominate Rudgers for the position of alternate. Second by Walker. All in favor.

4. Election of officers

Motion by Beauregard, Jr. to nominate Hutwelker for the position of chair, and Thibault for the position of vice chair. Second by Rudgers. All in favor.

5. Other matters as may be required

ZBA rules of procedure, adopted by the Board in November, were signed by members for presentation to the Town Clerk.

Carbonneau announced that Town Administrator Fox has accepted the position of finance director with the City of Keene. Carbonneau said that Fox had worked for the Town of Swanzev since October 1987.

Carbonneau announced a free NH Municipal Association-sponsored program on right to know law to take place on March 22 in Richmond.

ADJOURNMENT

Motion by Beauregard Sr to adjourn. Second by Tatro. All in favor. The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Victoria Reck Barlow

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Recording Secretary