

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – January 9, 2014

Note: Draft Minutes are subject to review, correction and approval 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 Swanzey Planning Board was called to order at 6:00 p.m. by Chair Glenn Page. Members present: Scott Self, June Fuerderer, Joe Smith, Jeff Goller, Gus Leraudeau, Alternate Don Skiba, and Selectmen’s Representative Ken Colby. The roll call and agenda for the meeting was read by Chair Page.

Absent: Alternate Jane Johnson

Others Present: Director of Planning and Community Development Sara Carbonneau, Craig Vickers, Robert Secord, Pat Fallon and members of the public.

Minutes: Minutes from December 12, 2013 were reviewed. **Motion** was made by Fuerderer to accept the minutes. The motion was seconded by Smith. All were in favor. **Motion passed.**

Regional Impact: Board members considered whether any items on the agenda could be construed as having the potential for regional impact. **Motion** made by Fuerderer that no items on the agenda could be reasonably construed as having the potential for regional impact. Second by Leraudeau, no further discussion, and all were in favor of the motion. **Motion passed.**

A. PUBLIC HEARINGS -

1. Multi-Tenant Application

Craig Vickers wishes to utilize the premises situated at 103 Monadnock Highway for an insurance business. The property is shown at Tax Map 18, Lot 133 situated in the Business District. The property is owned by Anthony & Carol Jackman. Public hearing opened.

Mr. Vickers stood and addressed the Board. He said is planning on a State Farm Insurance business on the property and he informed the Board that he has already received a Certificate of Occupancy (C.O.) for the building.

B. OTHER APPLICATIONS -

1. Free Standing Sign Permit Application

Craig Vickers wishes to install a free-standing sign (48 square feet) on property situated at 103 Monadnock Highway, Tax Map 18, Lot 133 situated in the Business District. The property is owned Anthony & Carol Jackman.

The Board went on to address the application by Vickers for a Free Standing sign. Vickers said he will be substituting a State Farm sign for one that was already there. Chair Page asked if abutters were present and there were none.

Page pointed out that the sign needs to include the street address on it so that the Fire Department can find the address in case of a fire. It also serves to inform customers. Public hearing closed.

Motion by Lerandeau to approve the use of the premises situated at 103 Monadnock Highway for an insurance business and to install a free-standing sign (48 square feet) on the property subject to the condition that the street number is included on the sign or sign posts, which is shown at Tax Map 18, Lot 133 situated in the Business District. Smith seconded the motion. All were in favor. **Motion passed.**

Vickers left the meeting at 6:05 p.m.

2. Free-Standing Sign Permit Application

Draeger Safety Diagnostics, Inc. wishes to install a free-standing sign (18.93 square feet) on property situated at 80 Old Homestead Highway, shown at Tax Map 18, Lot 213, situated in the Business District. The property is owned by GB Investment Holdings, Inc.

A brief discussion was held regarding businesses that formerly utilized the property. There were no abutters present.

Motion by Lerandeau to approve the installation of a free-standing sign (18.93 square feet) on property situated at 80 Old Homestead Highway, shown at Tax Map 18, Lot 213, situated in the Business District. The motion was seconded by Smith and there was no further discussion. All were in favor and the **motion passed.**

3. Request for Voluntary Merger

Brown Swanzey Lake Family, LLC wishes to merge properties shown at Tax Map 45, Lot 17 and Tax Map 45, Lot 18 situated off East Shore Road.

A discussion occurred regarding the size of the resulting property and it was estimated to be about six acres. Page asked if there was a structure on the property and Carbonneau responded that there was not a structure on Lot 17, but there is one on Lot 18. Carbonneau noted that if the lots are merged, the owners would need to return to the Planning Board in order to subdivide once again.

Motion by Smith to approve the merger of properties shown at Tax Map 45, Lot 17 and Tax Map 45, Lot 18 situated off East Shore Road. The motion was second by Lerandeau. Self asked about whether a survey was required. Carbonneau said no. All were in favor. **Motion passed.**

The following application was considered for completeness only. Comments were limited to completeness of the application only.

4. Site Plan Review Application

Robert Secord wishes to convert an existing structure to a 4 unit apartment. The property is situated at 935 West Swanzey Road and shown at Tax Map 87, Lot 3 situated in the Business District.

Mr. Secord joined the meeting at 6:08 p.m. to discuss his application for converting an existing structure into a total of four apartments. The property currently has 2 apartments (one being located within the existing house). Secord said the two current units currently have a septic system, and the plan is to replace that with a brand new septic system to service all 4 units.

Carbonneau noted that the approval from the Swanzey Zoning Board of Adjustment (ZBA) is conditional on installation of a new septic system. Also, the ZBA approval included the condition that the agreement for water supply be included in the deed. Secord noted that nothing will change on the exterior of the building except replacement of garage doors with windows and doors.

Page asked the board for questions and also asked the attendees if anyone had questions or comments regarding the completeness of the application. Pat Fallon, Treasurer of Pine Grove Homeowner's Association, noted that the agreement between Pine Grove and Secord has not been signed by either Pine Grove or Mr. Secord as yet. Page responded that any approval from the Planning Board would be contingent on the agreement being completed and signed and sealed and be in place at the registry. He also said that Secord would not be able to get a C.O. until all these requirements are fulfilled. There was a brief discussion regarding the Homeowner's Association not being willing to sign the document until Secord has a C.O., but Page noted that Secord cannot receive a C.O. until the document is signed by both parties, which makes it impossible to achieve. Page then suggested signing the document and getting it filed it with the registry. Fallon said that Secord refuses to sign. Secord responded "no", that wasn't the case, and that he would sign when he gets the permit from the Planning Board to move ahead. Secord also said that he knows that he has to come back to the Planning Board once again and that this session was only to determine if his application was complete. He said he is willing to sign after he receives approval from the Planning Board.

Motion by Lerandeau to accept the application as presented to convert an existing structure to a 4 unit apartment on property situated at 935 West Swanzey Road and shown at Tax Map 87, Lot 3 situated in the Business District as complete. The motion was seconded by Smith and all were in favor. **Motion passed.**

The application will go to Public Hearing on January 23, 2014.

Secord, Fallon, and other members of the public left the meeting at 6:25 p.m.

C. DISCUSSIONS/OTHER BUSINESS -

1. Correspondence from Charles Dupler (Nissan of Keene) dated December 23, 2013.

A discussion occurred regarding the issue of drainage plan which wasn't built according to the plan that was approved by the Board. Page stated that Nissan of Keene waited until ground froze before any attempt was made to build a fence at the property line with a neighboring private property to the south. It was noted that the drainage swale has not been cleaned out, which was supposed to have been completed before the end of 2013.

Chair Page said that he and Code Enforcement Officer Chet Greenwood visited the site when it was raining. Both noted that rainwater is not going where it was designed to go, there is a catch basin that isn't taking any water, and water on the south end of the property is flowing off the embankment in the vicinity of the retention pond, but is eroding the bank. Greenwood will not issue a building permit until their site plan conforms to the Planning Board requirements.

Page also noted that a new septic system was built with permit from the State of New Hampshire as close to the McGrath property (to the south) as possible. The discussion continued regarding snow being moved to the McGrath property line instead of to the rear of the Nissan property and McGrath's leach field could be flooded during snow melt.

Carbonneau opined that it is time to turn the situation over to Town Counsel and write a strong letter for compliance to the plan that was approved. She noted the drainage swale was to be cleaned out by the end of 2013 and it has not been done.

Lerandeau made a motion to move ahead with contacting Town Counsel for follow-up correspondence with Dupler. Discussion: Self asked what exactly is the Planning Board asking of Dupler? Self suggested a letter from the Planning Board reminding him the requirements of the Planning Board. Self's point was that not much site work can be done before spring. Carbonneau then suggested that the Planning Board could consider revoking the Nissan of Keene site plan approval.

Page agreed that revoking the site plan might be the best way to move ahead. Carbonneau suggested that the board invite Mr. Dupler and his agent to be present on January 23, 2014 to discuss ways to resolve this situation, and to also inform them that revocation of site plan approval is being considered. Original approval did not have a drop-dead date for the fence, but it did have a date for the drainage cleanout. The Board agreed to adopt Carbonneau's suggestion. The motion of Lerandeau fell to the floor without a second.

Carbonneau said she would email the statute to Board members ahead of time. She noted that Brickstone Land Use Consultants LLC and Greenwood both have stated that the water was not draining as it was supposed to be according to the site plan that was approved.

2. 2014 goals

Carbonneau discussed Master Plan Updates and said she did not get a lot of feedback from Department Heads. She said it would be helpful to create a committee who would help to move the process ahead. It could be a sub-committee of the Planning Board and have at least one member of the planning board on the committee to gather information. Discussion occurred

about the Capital Improvement Program (CIP) committee and about the Scully Engineering contract, and the need to include the Department of Public Works (DPW) facility in the analysis. Carbonneau said there are other sections that could be worked on and leave the facility section for last. Skiba asked about responsibility for strategic planning and Carbonneau said the Planning Board is responsible. Skiba asked about the responsibility to develop strategic plans for the Town. Page said that the Planning Board has that responsibility and the Master Plan has the goals and objectives for the community.

Self, Skiba, Page, Smith, and Goller all volunteered to serve on the sub-committee. If more than four Planning Board members attend any given sub-committee meeting, there will be a quorum and the public will be given notice of that meeting as both a meeting of the Master Plan Sub-Committee **and** the Planning Board. The sub-committee might want to recruit other members of the sub-committee as they go along. Sub-committee will meet on the First Thursday of the month at 5 p.m. February 6, 2014 is first meeting at 5p.m. at Town Hall.

3. Other business as may be required – Carbonneau reviewed the following with the Board:

- January 22 -31st is time frame for filing for public office
- Page and Fuerderer have terms that are up this year.
- Selectmen Carlson's term is up this year
- Budget Hearing is January 14, 2014 at 7:00 p.m.
- Deliberative session is Feb. 4th at the High School
- Voting is March 11, 2014.
- Noise Regulation will be on the Warrant – being developed by the Police Dept.
- Warrant Article to authorize TIF district funds on capital expenses
- Junky Property ordinance being considered by the Board of Selectmen and Health Officer working on it – under Health Office jurisdiction
- Update on General Dollar – closing is scheduled for end of January and construction will begin almost immediately – occupancy expected by May 1, 2014.
- Channel 8 Friday, January 10th – Lee Dunham will be on “In My Backyard” discussing the covered bridges
- Legislature started up again Wednesday January 8th, one mandate being considered is that Planning Boards be elected versus being appointed. Larger part of the bill is to abolish the regional planning commissions. Carbonneau will keep the Board informed regarding any bills that impact on planning. Municipal Association info can be passed along as well.
- Page mentioned a problem opening PDF files using the Town email addresses.

Motion to adjourn was made by Goller, seconded by Lerandeau, with all in favor. **Motion passed.**
Adjournment occurred at 7:03 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary