

**Swanzy Planning Board Meeting Minutes  
March 13, 2014 - Swanzy Town Hall**

*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 Swanzy Planning Board was called to order at 6 p.m. by Chair Glenn Page. Members present: Glenn Page, June Fuerderer, Gus Lerandean, Scott Self, Joe Smith, Jeff Goller, alternate Jim McConnell and alternate Jane Johnson. Director of Planning & Community Development Sara Carbonneau was also present (also serving as recording secretary for the evening).

The agenda for the evening's meeting was read and the following items addressed.

**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. Seconded by Self, no further discussion, and all were in favor of the motion.

**PUBLIC HEARINGS -**

1. **New Tenant Application** - Richard Davis wishes to use the premises and garage situated at 331 Flat Roof Mill Road for the repair and maintenance of trucks associated with his business (subcontractor to railroad companies). The property is shown at Tax Map 3, Lot 22 situated in the Business District. The property is owned by Robinson & Johnson Partnership. Public hearing opened. Mr. Davis appeared before the Board. No abutters present.

This is the building formerly occupied by BDM on Flat Roof Mill Road. The use is essentially the same as when utilized by BDM – i.e., housing equipment for repair and maintenance. Public hearing closed. Motion by Lerandean to approve the application subject to review and approval by the Fire Chief and Code Enforcement Officer. Seconded by Smith. Vote: All in favor.

2. **Public Hearing to Consider Revocation of a Previously Approved Site Plan** – The Planning Board seeks to revoke the modified site plan for Nissan of Keene, approved on November 14, 2013. The property is owned by Gemica Properties, LLC and is located at 544 Monadnock Highway, Tax Map 2, Lot 5, situated in the Business District. Reasons for revocation are as follows:

The Board determined on January 23, 2014 that there were deficiencies in the execution of the approved site plan as follows:

- a. Parking area was not constructed in accordance with the approved plans;
- b. Fence was not installed in accordance with the approved plans and in the time frame required;
- c. Direction and timing of the lights were not being operated in accordance with the approved plans; and
- d. Drainage clearing was not completed in accordance with the approved plans and in the time frame required.

At the January 23, 2014 meeting of the Planning Board, the Board recommended actions to be taken to temporarily remedy the deficiencies in the execution of the site plan. These items were as follows:

- i. Move snow pile to the north end of the lot – to be done immediately;
- ii. Temporary installation of concrete curb stops and hay bales – to be done immediately;
- iii. Lights to be put on timer and to operate in accordance with the approved site plan – to be done immediately;
- iv. Ditch dredging to be completed in Spring 2014; and
- v. Fencing to be installed in Spring 2014.

Jim Phippard from Brickstone Land Use Consultants and Attorney Michael Bentley, both representing the property and business owner, and abutters Michael and Carol McGrath and Joe and Peg Antosiewicz were present. Public hearing opened.

Page noted that primary issues are snow removal operations and lighting. Phippard stated that he went to site on March 7th and took photographs. Phippard also stated that he and Dave Bergeron (from Brickstone) shot parking lot grades on the same day. Phippard presented the Board with a plan of the southerly portion of the property showing the proposed grades and the actual grades (in bold numbers). The bold numbers on the plan are the grades as they exist today. Storm water is being directed to storm water pond in accordance with the design. Phippard noted that the site is graded properly. The existing snow pile extends from the southeast corner to the 612.95 elevation.

Page stated that snow storage was not supposed to be in the southeast corner of the property. Page stated that when Bergeron previously appeared before the Board, Bergeron represented that there was enough space for snow storage behind the building. Phippard stated that it is proper and preferable to store snow adjacent to the storm water pond, so when the snow melts it flows into the pond.

Phippard described the photographs submitted to the Board. He noted that there is a cut into the snow pile to promote drainage. Phippard stated that the snow is not being stored in the retention pond. Phippard stated that the drainage was built and is operating properly. Phippard stated that in his professional opinion, there is no reason to move the snow pile. Page stated that where the snow is being store is not the approved location. Phippard stated that the current snow storage location is not a threat to the neighbors and is being done correctly. Phippard further stated that there is no reason to move the existing snow pile and sees no justification for the expense. In addition, Phippard stated that he did not recommend installing the hay bales and the concrete curb stops, as they would not be of any use.

Board members noted that there had been problems with drainage in the past, as evidenced by the washout/undercutting of the slope at the south side of the property. Phippard stated that this was a result of seeding that had not yet been established before a rain event. Phippard noted that the pavement has been replaced since it was undermined by the washout.

Re Lighting - Page feels that the light at the southwest corner is unnecessary and causes a hazard for people driving down Route 12. Phippard noted that the light heads are all adjustable. He also noted that some shields have been added (12 inch shields have been installed, 8 inch

shields are the norm, per Phippard). Phippard stated that he has not been out with a light meter yet. He was waiting to take the light levels once the fence was installed.

Phippard proposed that all the lights in the parking area go off at 9 p.m., as the business closes at 8 p.m. and time is needed for the customers and staff to make it to their vehicles. In addition, there are 5 motion sensors that are installed, which will trigger the parking lot lights to come on for 12 minutes. Abutter P. Antosiewicz stated that it appears that the motion sensors are not working correctly and the lights have been coming on too often after 9 p.m. In addition, P. Antosiewicz stated that the lights are very bright and shine into the highway. Phippard noted that wind and snow can activate the motion sensors and that the sensors need to be adjusted. Phippard stated that he would go to the site to determine what the problem is.

Options were discussed regarding the lighting. Phippard noted that the controls for the older lights are underground and cannot easily be adjusted at this time. Discussions also included manually shutting off some of the circuits from the control panel inside.

Attorney Bentley stated that the intent of the motion sensor was to make the lighting more user friendly to the neighbors. Bentley stated that the need to fine tune the system. Purpose of the lights is for security purposes only.

Bentley discussed the 2/20/14 minutes and the paragraph in the minutes where it was stated that no written report was received from Phippard. Page noted that the minutes were incorrect in this respect and that the Board did receive a copy of Phippard's 2/10/14 letter at its last meeting. These minutes will be corrected.

Phippard again stated that his professional opinion is that the drainage will work in accordance with the plan. Bentley feels that moving the snow pile is unnecessary. Bentley also noted that workers will need to go onto McGrath's property to clean ditch and will need written permission from him to do so. M. McGrath indicated that he would be willing to grant permission.

Phippard stated that the required fencing will be installed "first thing" in the Spring by the fence company. Phippard suggested moving the fence about 4 feet off of the pavement, so that it would not get damaged by snow removal operations. Self stated that the reason that the Board wanted the fence to be installed right at the end of the pavement (immediately adjacent to the pavement) was to prevent snow from being pushed over the bank towards McGrath's property.

Bentley stated that he was not opposed to including a note on the plan prohibiting snow storage from taking place on the area immediately adjacent to McGrath's property. Self stated that he wants the area where the snow is to be stored to be included in the plan. Self wants a revised site plan showing snow storage area.

Upon Motion by Lerandau, the Board determined that a compliance hearing will take place on May 8, 2014 at 6 p.m. at Town Hall, in order to consider whether the drainage is working according to the approved plan and in order to determine if the lighting adjustments are adequate. Seconded by Self. Vote: All in favor.

#### **OTHER APPLICATIONS –**

1. **Free-Standing Sign Permit Application** – William Lauer wishes to install a 4 s.f. free-standing sign for his home occupation situated at 694 Old Homestead Highway, Tax Map 33, Lot 7. The property is in the Residence District. This is the old Barrett property. It was noted that Lauer needs his street # on the sign or the sign post. Ownership is to the center of the road. Motion by Lerandeau to approve the sign permit application. Seconded by Goller. Vote: All in favor.

#### **DISCUSSION AND OTHER BUSINESS –**

1. **PB Representative to the Open Space Committee** - Jeanne Thieme has indicated her willingness to serve as the Planning Board's representative to the Open Space Committee. Motion by Fuerderer to appoint Thieme for a 1 year term to serve as the PB representative on the OSC. Seconded by Smith. Vote: All in favor.
2. **Cameron's Winery:** Outdoor wine tastings. Leslie Cameron is present. Liquor Commission needs to review. The Fire Inspector needs to submit letter to the business owner to submit to the Liquor Comm. Motion by Smith to approve the request, subject to review and approval by the Code Enforcement Officer and the Fire Department. Seconded by Goller. Vote: All in favor.
3. **Other Business:** Jim McConnell new alternate member. Bill Hutwelker new Selectman. Noise ordinance passed. Enforcement of the noise ordinance is by the Police Department.
4. **Minutes from February 20, 2014** – It was noted that the minutes from February 20, 2014 need to be amended to reflect that the Board did, in fact, receive a copy of Jim Phippard's letter dated February 10, 2014 at the February 20, 2014 meeting. Motion by Goller to approve the minutes as amended. Seconded by Self. Vote all in favor with Smith abstaining.

Motion by Lerandeau to adjourn. Seconded by Johnson. Vote: All in favor. Meeting adjourned at 7:22 p.m.

Submitted by,

Sara H. Carbonneau, Director  
Planning & Community Development