

Town of Swanzey, New Hampshire  
**Swanzey Planning Board**  
Meeting Minutes – May 8, 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, Alternate Don Skiba, Alternate Jim McConnell, Alternate Jane Johnson, Joe Smith, Gus Lerandeanu, and Representative from the Board of Selectmen Bill Hutwelker. The roll call and agenda for the meeting was read by Chair Page. Page seated Skiba for Goller.

**Absent:** Jeff Goller

**Others Present:** Director of Planning and Community Development Sara Carbonneau, Jim Phippard from Brickstone Land Use Consultants, LLC, Residents Mr. & Mrs. Michael McGrath, Peg and Joseph Antosiewicz, Mark Clark, electrician with F. H. Hamblet Inc., and Superintendent for the North Swanzey Water & Fire Precinct Sylvester Karasinski.

**Minutes:** Minutes from April 24, 2014 were reviewed. **Motion** was made by Fuerderer to accept the minutes. The motion was seconded by Lerandeanu. All were in favor except Smith who abstained.

**Motion passed.**

**A. PUBLIC HEARINGS –**

1. **Public Hearing – Continuation of Public Hearing to Consider Revocation of a Previously Approved Site Plan/Compliance Hearing regarding 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. Continued from March 13, 2014. Public hearing opened.

Jim Phippard representing Nissan of Keene spoke to the Board regarding follow up on fencing of the property line as stipulated in the site modification plan. Intent of the Board was a six foot high fence along the edge of the pavement. Fence has been ordered and received and the fencing should be in place at the end of next week. Phippard also reported that in regard to the lighting, some progress has been made. Electrician came up after dark to adjust the lights. There is one remaining fixture to be added to the lights to cut back on glare on the McGrath property. Motion sensors have been set for least sensitive setting so that the problem has been addressed. Cleaning of the drainage ditch is planned and the company hired to do so is waiting for the conditions to dry up to complete the work.

Chairman Page referred Phippard to the fact that no more than 25% of the lights can be on after closing. It was noted that currently all the lights are on motion sensors and when they are tripped all the lights will go on after hours. Page said that the requirement that 75% of the lights need to be off after hours has not changed whether there are motion sensors or not. Phippard said he had been unaware of that stipulation.

Joseph Antosiewicz said he is satisfied that the lighting situation has improved. But the problem with the sensors has not been resolved. Every time a truck goes by, the lights will go on and stay on until very late. Very unsettling to have all the yard and windows lit off and on. Wind and pressure can cause the sensors to go off. Peg Antosiewicz spoke about the lights getting triggered often by trucks passing by especially in the night. She said that she is grateful for what has been done thus far, but the sensors are definitely a problem. Michael McGrath said the problem has not been solved from his perspective. The lights come on at 4:00 or 5:00 a.m. in the morning.

Phippard introduced Mark Clark representing electrical contractor F.H. Hamblet, Inc. Clark said he has addressed the lights as best he can as told to do. He said he put up reflectors on the lights and also twice re-aimed the lights away from the neighbors. McGrath said there are three more reflectors that are needed on the lights.

Page asked if the circuitry allows cutting the lighting to 25%. Clark said he wasn't aware of the need to reduce the lights after hours by 75%. Clark said that the motion sensors that they started with did not work. They got rid of them and put in a better unit that doesn't pick that up truck motion. Motion sensors do not discriminate – branches, a squirrel could set it off. They have the lights pointed down and Clark said that he thinks that they are working better now.

Page agreed that the motion sensors will pick up anything that moves such as deer. He suggested that the electricians kill the outside row of lights and provide only 25% of the lights after 9:00 p.m. Page suggested elimination of the motion sensors, and provide only 25% of the lights after hours for security purposes and that will solve the light problem. Phippard said he would deliver the message to Mr. Dupler who is the owner of the Nissan of Keene. Page noted that the 25/75 requirement was part of the November 2013 approval.

Skiba asked how long it would take to fix the situation and Clark said it might take a week to do the job. Page made it clear that if Mr. Dupler does not comply with the direction of the Planning Board his site plan approval will be revoked and there will be a cease and desist order on his new tank and new construction will be prohibited.

A photo showing erosion of the bank along the property line with the McGrath property was passed out to the Board by McGrath and discussion followed regarding the erosion.

According to Phippard the fence is planned to be worked on next week. Public hearing closed.

**Motion** by Smith that the issues are resolved by the next meeting or the Planning Board will take action on May 22, 2014 to vote to revoke the approval of the site modification plan for Nissan of Keene.

Skiba seconded the motion.

Discussion followed:

Hutwelker observed that it appears that the owner is waiting until the last possible minute to follow through and it appears that the owner is not taking the directives of the Board seriously enough.

Clark interjected that he has been adjusting the lights for several months. McGrath asked about the length of the fence, and how the erosion will be addressed. Fence will go all the way to the retaining wall. McGrath asked that it go past the retaining wall. Page said that the original decision was for the fence to go to the retaining wall.

Page asked for a vote on the motion – All were in favor and none were opposed.  
**Motion passed.**

Jim Phippard and Mark Clark left the meeting at 6:29 p.m.

## **B. OTHER APPLICATIONS –**

### **1. Hot Dog Truck**

Michael Piermarini, Sr., wishes to operate a mobile food cart at property situated at 880 West Swanzey Road. The property is owned by Nickate Property LLC, and is shown at Tax Map 71, Lot 7, situated in the Business District. Mr. Piermarini, Sr. was present to explain what he wishes to do with the food cart. It will be situated at the north end of the property for about six months a year. Application said 9:00 a.m. to 5:00 p.m. but was modified to read 9:00 a.m. to 7:00 p.m. for 7 days a week by Piermarini who initialed the change on the application.

**Motion** was made by Lerandeau to approve the request with a time change on the application to read the business operation from 9:00 a.m. to 7:00 p.m. Second by Smith, and all were in favor. **Motion passed.**

## **C. DISCUSSIONS/OTHER BUSINESS –**

### **1. Discussion re West Swanzey Water Company and consider request by the Planning Board to reconvene the study group.**

Page asked the Planning Board members if they would recommend re-instituting the study group for the West Swanzey Water Company. Skiba said it was discussed at the

Master Plan that it was a dual opportunity – first is avoidance of a potential problem and second is the potential for financial profitability. Skiba said the water situation is such that a problem will occur; it is only a matter of when.

McConnell spoke about financing the operation over time. Skiba said he examined the 48 pages of the 2012 Annual Report for the West Swanzey Water Company as submitted to the the New Hampshire Public Utilities Commission. He noted that the report shows approximately \$150,000 in debt. If \$250,000 is the value of the water company and the assessed value of the land on the books and if you deduct the debt, the value is only \$100,000. Skiba said is in favor of re-visiting the study group.

Lerandeau pointed out that the Selectmen would be making the decision, and to convince them you need a water engineer. Skiba said you have to make a business case with figures to convince the Selectmen. Hutwelker said he fully supports what Skiba is talking about and a business case is the way to go giving the Selectmen the information they need to make the decision about the water company. Lerandeau said that the Selectmen could ignore a business case. Hutwelker noted that from the Swanzey Zoning Board of Adjustment (ZBA) point of view, there is concern about the lack of record keeping by the water company. Page noted there are 87 meters, but several of the meters represent a number of apartments.

Self made a **motion** to ask the Selectmen to appoint a committee to explore the possibility of purchasing the West Swanzey Water Company and determine whether or not purchasing the company makes good business sense. The motion was seconded by Smith, and all were in favor. ***Motion passed.***

Discussion continued regarding pending expenses that the Selectmen have to contend with. Carbonneau pointed out the limitations to Town development given a private water company. Page, Self, Skiba, and Sylvester Karasinski offered to serve on the committee. Hutwelker suggested Steve Bittel be invited to be a part of the committee. This will be a numbers report, not an engineering report. Johnson opined that the Brown family would be happy to see the water company sold. Page said that the Selectmen turned down a similar committee report in the past, but Hutwelker said that after refining the approach, the Planning Board should not get discouraged and persist.

Carbonneau said that she would get the request for a new West Swanzey Water Company study committee on the agenda for the May 20, 2014 Selectmen meeting.

## **2. General Discussion regarding Utility Section in updated Master Plan.**

Carbonneau said that she provided a section from the 2013 update to use as a reference point for the current update that needs general goals refreshed. The discussion centered on the possibility of combining the various utility departments, which are currently managed independently, into one unit under the Department of Public Works (DPW). Page pointed out that the communication is poor between the various departments and the Selectmen might not be aware of work activity that is going on.

Page commented that as the Town grows larger it makes sense to combine the utilities under the DPW. Skiba suggested that a consolidated utilities department makes sense for flow of information and focus for planning. Karasinski said it wouldn't be an easy thing to do, since there is a separate billing process. Karasinski also mentioned that in the City of Keene, the city is large enough that their utilities work independent from each other.

Page asked what the committee wants to do Carbonneau asked if the Planning Board would recommend the Town incorporate all the utilities under DPW. Karasinski noted that the water company is financially healthy, and Self said the sewer department is self-sufficient also. It was agreed that this issue will be discussed once again at the June 5, 2014 meeting of the Planning Board.

3. **Other business as may be required.**

**Cameron's Winery Request**

The owners of the winery have asked to add vegetables and fruit to their food offerings sold on the premises. They will be using an existing half shed on the premises to sell vegetables and fruits on weekends. Carbonneau said they request a modification of the site plan to include fruits and vegetables being sold in a shed.

**Motion** by Self to approve the site plan modification for Cameron's Winery to allow them to sell vegetables and fruits from an existing half shed during regular business hours throughout the week, second by Skiba, and all were in favor.

***Motion passed.***

**Dollar General Sidewalk**

Carbonneau reported that the sidewalk at the Dollar General property is getting installed. She noted that they will not be issued a Certificate of Occupancy until all the site requirements are completed including the sidewalk.

**New Code Enforcement Officer**

Carbonneau informed the Board that Mike Jasmin, the new Code Enforcement Officer, will be visiting the Planning Board at the next meeting. While Carbonneau is on vacation next week, Jasmin will be around to help with any land issues that might arise.

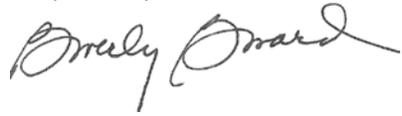
**New Hampshire Department of Environmental Services Newsletter (DES)**

Johnson mentioned a newsletter from the DES about water supplies and global warming that might be of interest to the Planning Board members. Carbonneau pointed out that there are a number of newsletters available from the DES that folks can sign up for.

Next meeting is scheduled for May 22, 2014

**Motion** to adjourn was made by Lerandeau, seconded by Smith, with all in favor. ***Motion passed.***  
Adjournment occurred at 7:12 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Beverly Bernard". The signature is fluid and cursive, with the first name "Beverly" and the last name "Bernard" clearly distinguishable.

Beverly Bernard, Recording Secretary