

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – July 9, 2015

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: Glenn Page, June Fuerderer, Joe Smith, Jane Johnson, Jeff Goller, Alternate Don Skiba, and Alternate Jim McConnell.

Absent: Scott Self and Selectmen’s Representative W. William Hutwelker III.

The Chair took the roll and read aloud the agenda for the meeting. The Chair seated McConnell for Self.

Others Present: Director of Planning and Community Development Sara Carbonneau, Resident Jeanette Cook, Resident Wally Smith, Attorney Silas Little, Rob Hitchcock, P.E., Attorney Kevin Parsons, Resident Stephen Stepenuck.

Minutes:

- Minutes from June 25, 2015 were considered. There was a **motion** by Fuerderer to approve the Minutes of June 25, 2015. There was a second by Goller. There was no further discussion. All were in favor except Smith who abstained and Johnson who abstained. **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 McConnell to table the Mitchell Sand and Gravel request to renew its Excavation Permit until such time as to notify surrounding towns of the request. There was a second by Fuerderer. All were in favor. **Motion passed.**

Attorney Parsons said that the Town of Winchester made a determination that the request of Mitchell Sand & Gravel to renew its Excavation Permit had no regional impact because it was a continuation of an existing permit. Attorney Little confirmed Attorney Parsons’ statement.

Motion was made by McConnell to rescind the previous motion to table the Mitchell Sand and Gravel request. There was a second by Fuerderer. All were in favor except Johnson who voted “no”. **Motion passed.**

A. PUBLIC HEARINGS -

1. **Subdivision Application** - Jeanette M. Cook, Trustee of the Jeanette M. Cook 2014 Revocable Trust, wishes to subdivide Tax Map 80, Lot 3 into 2 lots. The subject premises are located on Old Leonard Farm Road and situated in the Rural/Agricultural District. The proposed lots will be 9.94 acres and 5.02 acres per subdivision plan submitted on June 22, 2015.

Public Hearing opened at 6:07 p.m.

Page asked for comments from those present and Carbonneau responded that there were no comments from Department Heads; the Conservation Commission responded that it had no objections to the subdivision proposal. There were no other comments from the floor.

Public Hearing closed at 6:08 p.m.

Motion was made by McConnell to approve the subdivision application of Jeannette M. Cook, Trustee of the Jeanette M. Cook 2014 Revocable Trust to subdivide Tax Map 80, Lot 3 into 2 lots on property located on Old Leonard Farm Road and situated in the Rural/Agricultural District with the proposed lots to be 9.94 and 5.02 acres per subdivision plan as submitted on June 22, 2015. There was a second to the motion by Smith and no further discussion. All were in favor. **Motion passed.**

B. OTHER APPLICATIONS –

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

1. **Subdivision Application** – Edward Grant and Geri Grant wish to subdivide Tax Map 21, Lot 7 into 2 lots. The subject premises are located on Oliver Hill Road and situated in the Residence and Rural/Agricultural Districts. The proposed lots will be 2.5 acres and 2.2 acres. John Bridges was present to speak about the land survey of the project. He noted that the State of New Hampshire subdivision application had not yet been submitted. Page said that any acceptance of the application is contingent on State subdivision approval.

Motion was made by Goller that the application of Edward Grant and Geri grant to subdivide Tax Map 21, Lot 7 into 2 lots on property located on Oliver Hill Road situated in the Residence and Rural/Agricultural Districts into two proposed lots of 2.5 and 2.2 acres as complete, contingent on subdivision approval by the State of New Hampshire. There was a second to the motion by McConnell and no further discussion. All were in favor. **Motion passed.**

C. OTHER APPLICATION –

1. **Free-Standing Sign Application** – Theresa O'Brien (Ruff to Ready Pet Spa) wishes to install a free-standing sign on property situated at 140 Monadnock Highway, shown at Tax Map 18, Lot 69 situated in the Business District. The Board reviewed the application and noted the new sign is replacing an existing sign. The street address is already on the existing sign.

Motion was made by Smith to approve the free-standing sign application of Theresa O'Brien (Ruff to Ready Pet Spa) to install a free-standing sign on property situated at 140 Monadnock Highway, shown at Tax Map 18, Lot 69 situated in the Business District. There was a second to the motion by Johnson and no further discussion. All were in favor. **Motion passed.**

D. DISCUSSIONS/OTHER BUSINESS –

1. **Request to Renew Excavation Permit** – Mitchell Sand & Gravel wishes to renew its Excavation Permit (currently set to expire on November 1, 2015). The property is situated off Route 10 and is shown at Tax Map 86, Lot 1 situated in the Business District.

Rob Hitchcock, PE. , provided a drawing of the gravel business. He spoke about the conditions for renewal of a permit and noted the operation is not an expansion of use. Hitchcock reviewed the

individual conditions, noting compliance with each. Among the references made to each of the conditions, Hitchcock noted toxic materials are in registered containers, tree seedlings have been planted, and a rock wall is shielding the operation. He spoke about water drainage from the operation, excavation and blasting limits, and hours of operation.

McConnell asked if there is required notice for blasting – Hitchcock said there is one day notice in advance for those who have asked to be contacted. McConnell also asked about the swamp to the north of the operation and asked about any contamination there. Hitchcock said that there is no known contamination there. Carbonneau said that she has not been inside the pit and Code Enforcement Officer Mike Jasmin will plan to visit. She suggested any approval of the request be contingent on Jasmin visiting the site and his approval.

Johnson asked if there was a danger/warning sign on the fence. Hitchcock said there is not a sign on the fence. Johnson asked about the water supplies in the local area and said that some folks have complained about a negative impact on their wells. Hitchcock said there is a Winchester resident who has complained about the operation stating that the business has had a negative impact on his property.

Smith pointed out insurance usually excludes pollution coverage, which has to be purchased separately and he strongly urged the business to purchase liability insurance to protect the residents of the Town. He said that if pollution eventually comes from that property, and there isn't insurance, the Town would be held liable. Attorney Silas said that government has immunity from lawsuits. Little went on to address the question of liability when individual families have been wronged and noted that such claims have been unsuccessful at proving liability. There was a discussion regarding insurance required by the City of Keene for various projects. Page said that Mitchell utilizes Maine Drilling and Blasting and assumes that it should have adequate liability insurance. Smith asked for a copy of blasting insurance to be provided to the Code Enforcement officer.

Steve Stepenuck asked if this is the same subject and request as previously addressed at an earlier meeting of the Planning Board this year. Hitchcock said, no, there is no request being made at this time to extend the operation beyond what it already does. He said this is simply for renewal of the permit.

Motion was made by McConnell to approve the request of Mitchell Sand & Gravel to renew its Excavation Permit (currently set to expire on November 1, 2015) for property situated off Route 10 and shown at Tax Map 86, Lot 1 situated in the Business District, subject to review by Code Enforcement Officer, and providing to Code Enforcement a copy of the certificate of insurance, with limits, and including blasting coverage. There was a second by Goller. Discussion: Attorney Parsons said he would be happy to provide whatever the board is asking for. All were in favor. **Motion passed.**

Permit is renewed to extend 5 years from November 1, 2015 or until November 1, 2020.

Johnson noted that operation is looking better than she had expected.

2. **No record of approvals for WM Auto Sales and Bill's Trading Post**

Carbonneau said that while reviewing an application for a Retail Dealers License for auto sales on Route 10, she realized there was no record of approval for WM Auto Sales or Bill's Trading Post. They were registered with the State of New Hampshire in 1992 and 1993 and have been operating for a long time.

She asked for any recollection from the members of the Board of these businesses applying for approval. Page said WW Tire did come in and got approval but that business never materialized. Page said there has never been an application for Bill's Trading Post to do anything. Carbonneau suggested that Code Enforcement should visit the business and ask if there is an approval to be operating. Carbonneau said she would respond to the State that the Town has no approval on record for operation of these businesses.

3. Continuation of discussion regarding Mitchell Sand & Gravel

Page urged members to visit Mitchell Sand & Gravel and he said there is a lot of noise produced on the site, but in other locations there is a marked reduction in the noise level. Noise level can depend on when the wind is blowing and from which direction.

McConnell said that he thought the neighbors' complaints are mostly about blasting. He said that if the neighbors could receive notice more than 24 hours in advance, they might be more content with the situation. McConnell suggested notification five days ahead. Page said Mitchell has improved their blasting technique; he said they did a lot of blasting early on in order to square up the face of the pit, but since that time they have reduced the frequency of blasting. McConnell said he would pass along to the neighbors the information that anyone who wants to be notified when blasting is going to occur can contact the business to ask to be notified.

Smith asked about any danger to the aquifer. Page said right now it is high and dry, but if they want to go down 80 feet, they may be into the water table. Test wells will need to be dug.

There was a brief discussion about the presence of beavers creating higher levels of water than would be otherwise.

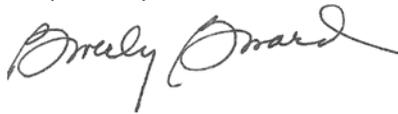
Johnson mentioned that Mitchell did offer a site walk to her in the past, but she was unable to plan a visit.

Adjournment

Motion to adjourn was made by Goller, seconded by Fuerderer, with all in favor. ***Motion passed.***

Adjournment occurred at 6:47 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary