

**SWANZEY PLANNING BOARD MINUTES
JULY 26, 2012**

[Note: 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.]

The regular meeting of the Swanzeay Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, June Fuerderer, Joe Smith, Selectmen's Representative Nancy Carlson and alternates Paula Miller and Jane Johnson. Miller was seated for Jeff Goller; Johnson was seated for Gus Lerandeau. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

Regional Impact: Board members considered whether any items on the agenda could "reasonably be construed as having the potential for regional impact." Motion by Fuerderer that no items on the agenda could reasonably be construed as having the potential for regional impact. Seconded by Smith. Vote: All in favor.

A. PUBLIC HEARINGS -

1. Subdivision Application - Stephen & Joan Pappas propose to subdivide Tax Map 72, Lot 51 into 2 lots. The subject premises are located off W. Swanzeay Rd., Cobble Hill Rd. & S. Winchester St., situated in the Business District. Tax Map 72, Lot 51 currently consists of 6.474 acres. The proposed lots will be 1.637 acres and 4.837 acres. *See Item #2 below.*

2. Site Plan Review Application - Zaremba Program Development, LLC, wishes to construct a 9,100 s.f. building to be used for retail sales. The property is owned by Stephen & Joan Pappas and is situated off W. Swanzeay Rd. & Cobble Hill Rd. and shown as proposed Lot 51-2 on Tax Map 72, situated in the Business District. *Note: Items #1 and #2 were combined for public hearing purposes.*

Jeff Merritt, P.E. from Keach-Nordstrom, Heather Monticup from Greenman-Pedersen, Inc. and Attorney Richard Fernald were present on behalf of the applicant. Public hearing opened.

Page read for the record the letter from Theresa DiLuzio received on July 26, 2012 and the email correspondence from Christine Elliott received on June 13, 2012. In response to Elliott's correspondence, Carlson noted that safety of the site is of utmost importance to her, stating that automotive traffic on Route 10 and Cobble Hill Road is only part of her concern when considering the safety of the proposed project. Carlson noted that the proposed driveway does not meet DOT's "desired" 200 foot setback from Cobble Hill Road/Route 10 4-way intersection.

Merritt discussed the results of the flow test conducted on July 17, 2012. Board members were also provided with a copy of Fire Chief Norman Skantze's email to Town Planner Carbonneau dated July 25, 2012, as well as a copy of correspondence provided by the Applicant from Sarah Brown (President of the West Swanzey Water Company) dated May 8, 2012. This letter was provided by the applicant to the Town on July 25, 2015 at the request of the Town Planner. Merritt confirmed the applicant's intent to sprinkler the building and reported that he had conversations with the Fire Chief who, according to Merritt, was satisfied with the proposed plan.

Interested citizen Kathy Habiby was present and asked about long term planning for the Town. Board members briefly described the planning process, including the master plan, zoning ordinance and site plan and subdivision regulations. Habiby stated that the visual impact of some properties was less than desirable. Board members stated that some of the properties were grandfathered. In addition, it was noted that some properties may be in violation of the terms and conditions of their approval and that enforcement of the Board's decision was vested in the Board of Selectmen.

Gomarlo inquired about deliveries to the site. He noted that as a local businessman who operates a small grocery store he has approximately 60 to 80 deliveries per week coming in on both large and small delivery trucks. He stated that he felt that the number of deliveries represented by the applicant (1 tractor trailer delivery per week," as well as small delivery trucks) was not realistic. Gomarlo expressed his concern regarding the safety of the access drive, noting that this was the only access to the property and it is to be used by both patrons and delivery vehicles which, in his opinion, create a safety hazard. In addition, Gomarlo stated that he felt that the proposed driveway was located too close to the Cobble Hill Road intersection.

Kevin Dandrade from TEC was present to discuss the results of the peer review of the GPI Traffic Impact and Access Study. (TEC was selected by the Town to conduct the peer review.) Board members received a copy of Dandrade's report dated July 25, 2012. Dandrade noted that he prepared the final report after receipt of revised plans from Keach-Nordstrom on July 25, 2012. Dandrade reviewed his report, answering questions from the Board and the public. Dandrade stated that the accommodations that the applicant has made were good

improvements to the project (i.e., removal of trees on Faulkner's property, construction of the cross walk, removal of vegetation and reduction of the slope at the northeasterly corner of the Knotty Pine property, and constructing a sidewalk on the westerly side of the proposed site). Dandrade also recommended that the applicant extend the sidewalk along the easterly side of Route 10 from Haley Park south across Willard's and Faulkner's property to connect with the existing sidewalk on Cobble Hill Road.

Dandrade discussed his recommendation that the Board consider as a condition of approval (see Item 4 of Dandrade's July 25, 2012 letter) to require "the Applicant to reevaluate the driveway operations as part of the development of the remainder of the Pappas property. With the understanding that there will be a permanent cross-access easement, we suggest the Owner/Applicant petition NHDOT for an alternate full-access driveway location approximately 100-125 feet south of the currently proposed location when a site plan is prepared for the new southerly parcel." Merritt stated that Dollar General requires direct access to their sites.

Self inquired about the delivery schedules and expressed concern that deliveries could be problematic if the parking lot was filled with patrons. Dandrade agreed that it could pose a problem and suggested that the applicant could be required to review delivery schedules after 6 months of operation and make a determination if the deliveries conflicted with use by the patrons.

Page stated that he felt that the applicant has met all of the Planning Board's requirements and that the Board was obligated to render a decision as the 65 day time clock for rendering a decision was approaching. Page further stated that he did not want the Planning Board to end up in the same situation it did when it rendered its decision in the Lane Construction matter. Carlson stated that it was important that the Board carefully consider the project and to do everything it can to make the project safe for both the traveling public, as well as for pedestrians, bicyclists, etc., in addition to practicing good planning. Johnson stated that she agreed with Carlson.

The cross-easement (for the proposed access) was discussed. It was suggested that the cross-easement be extended to the full length of the southerly line of the proposed lot, allowing for additional options for access in the event that the remainder of Pappas's property is developed.

Merritt reviewed the changes to the plans generated as a result of the July 12, 2012 meeting. Merritt brought to the Board's attention that any sidewalks constructed within the State's right of way will need to be maintained by the Town. Carlson noted that the Town is currently maintaining the sidewalks in the area and is aware that the Town will need to enter into an agreement with the State.

Johnson stated that she remains concerned with the maintenance of the drainage facilities, stating that she would like the Board to require

twice-yearly inspections of the drainage facilities and written reports of said inspections being submitted to the Town.

Carlson questioned the applicant regarding the design of the building, as a generic design was included on the sign applications. Merritt stated that the building that was to be constructed is as shown on the architectural drawings and assured the Board that this was the building that would be constructed on the site.

In response to Page's statement regarding the position that the Planning Board found itself in after rendering a decision in the Lane Construction matter that was eventually overturned by the Superior Court, Carlson noted that the Board has been provided expert testimony in the pending matter by the Police Chief, the Fire Chief and the DPW Director regarding their concerns relating to the location of the proposed driveway as granted by the State, as well as their concerns regarding the Cobble Hill Road intersection. Carlson noted that the expert testimony of these Town officials corroborated the observations of the citizens who testified previously about their concerns regarding the safety or lack thereof in this area.

Self inquired about water supply and fire protection. Merritt again stated that he had spoken with the Fire Chief and stated that the Fire Chief was satisfied that sufficient water supply from the West Swanzey Water Company was available to sprinkler the building. Self stated that he was very familiar with the West Swanzey Water Company system and did not feel that it was a reliable source of water for fire protection. Board members also noted that the letter dated May 8, 2012 from the President of the water company, Sarah Brown, states "through it does not appear to be an issue, please bear in mind that this system does not have the capacity necessary for fire protection if it is required." Abutter M. Gomarlo stated that he also had a conversation with Sarah Brown who indicated that the West Swanzey Water Company could not and would not be providing water for fire protection purposes. Smith stated that as principal of Cutler School, he is aware of the limitations of the West Swanzey Water Company which provides water to the school, noting that there is occasionally insufficient water pressure to adequately flush the toilets at the school. Page stated that the applicant will need to provide evidence of its capability to satisfy the requirements of the Fire Chief in order to obtain a building permit. Self stated that based on the correspondence from S. Brown, as well as his personal knowledge of the water system, it was his opinion that the applicant needs to design a water supply for fire suppression that does not rely on the West Swanzey Water Company. Self stated that it was his opinion that the West Swanzey Water Company cannot supply the water needed for the fire suppression system. Page stated that the Board could impose a condition that the project cannot rely on the West Swanzey Water Company for water supply for fire suppression. Self stated that he wanted the water supply for the fire suppression system shown on the

plan and that this should be from a source other than the West Swanzey Water Company. Self further stated that he wanted written assurances that the source of the water supply meets the Fire Chief's requirements.

Interested citizen Robert Secord expressed the opinion that the Board was "beating this guy [the applicant] to death," and that the applicant "has done everything the Board has asked of it."

Self stated that in conjunction with the deliveries to the property, he was requesting that the applicant provide an accurate count of actual deliveries by tractor trailers and smaller delivery trucks to other locations.

Carbonneau noted that while the 65 day deadline was approaching (July 28th), there were options to extend the deadline for rendering a decision. Board members asked Merritt if the changes discussed this evening could be included on a revised plan in time for the August 9th meeting. Specific changes are as follows:

1. The applicant is to extend the sidewalk from Haley Park south to Cobble Hill Road;
2. Water supply for fire suppression system is to be shown on the plans; the water supply for fire suppression system is not to be provided by West Swanzey Water Company; and written approval of the water supply for the fire suppression system is to be obtained from the fire chief; and
3. Extend the cross-access easement along the entire southerly border of the proposed 1.637 acre lot.

In addition to the above-described changes to the plans, Board members also requested an analysis of deliveries to other Dollar General stores (i.e., number and types of truck) be provided at the August 9, 2012 meeting. Merritt stated that he felt that he could meet this time schedule, but needed to contact his client. A recess was taken while Merritt contacted his client. Merritt returned to the Board and informed them that Zaremba has agreed to an extension to the August 9, 2012 meeting of the Planning Board. Board members requested that written confirmation of the mutually agreed-upon extension be provided to Carbonneau. Motion by Self to continue the public hearing on the subdivision application and site plan review application with the agreement of the applicant and without further notice to August 9, 2012. Seconded by Smith. Vote: All in favor.

3. Multi-Tenant Application - Glenn Powers wishes to use a portion of the premises situated at 919 to 931 West Swanzey Road for a retail sales business. The property is shown at Tax Map 71, Lot 11 situated in the Business District. The property is owned by Robert & Shelley Secord. Robert Secord appeared before the Board. No abutters were present. Public hearing opened.

Secord stated that the Code Enforcement Officer and the Fire Department conducted a walk-through of the premises. Modifications to

the premises, including closing of extra doorways "so that they will not be confused or misconstrued as an exit," as well as removing or covering the exit signs above these doorways needs to be accomplished prior to occupancy.

Secord stated that some outdoor display of goods for sale may occur. Secord noted that the goods would be placed under the eaves of the building and would be there only during business hours.

Signage was discussed, with Secord noting that the existing signs would be utilized and that the sign faces would be changed. Public hearing closed.

Motion by Self to grant the application subject to the changes required by the Fire Department in its review dated July 24, 2012. Seconded by Miller. Vote: All in favor.

4. Site Plan Review Application & Excavation Permit Pursuant to RSA 155-E - Patrick Putnam Realty Group, LLC wishes to utilize property situated off Route 10 for the excavation of sand, gravel and other materials, subject to the minimum standards established pursuant to RSA 155-E. The property is shown at Tax Map 71, Lot 13-2 situated in the Business and Rural/Agricultural Districts. Richard Fraser from One Source Properties & Permitting and Patrick Putnam appeared before the Board. No abutters were present. Interested citizen Mike Gomarlo was present.

Fraser reviewed the plans and application booklet with the Board. Essentially the proposal consists of excavation of approximately 11 acres out of a 21.4 acre parcel. The intention is a topographic adjustment so that the excavated area more closely resembles the remainder of the lot. Eventually, the property owner hopes to be able to utilize the premises for business and commercial uses.

Fraser stated that the property has already received an Alteration of Terrain Permit from NH DES, as well as a curb cut from NH DOT. Fraser also noted that the proposed project has also been reviewed by the Swanzey Conservation Commission and the Ashuelot River Local Advisory Committee.

In response to a question from M. Gomarlo, Fraser stated that the stumps would be buried on site at the toe of the slope.

In response to a question regarding the length of time of the operation, Fraser responded that it is primarily market driven. Fraser stated that 3 to 5 years would be the shortest period of time during which the pit would operate.

Fraser described the process of excavation, noting that the majority of excavation would take place within a "bowl" shaped area. This helps to reduce the visual and audio impact on abutting properties. Fraser also stated that the tree line will remain intact, further buffering the site.

Carlson asked about the control of invasive species, in the event that any are found on site. Fraser stated that he did not know the answer to the question.

Hours of operation were discussed. It was noted that the Zoning Board of Adjustment approved the hours of Monday through Friday from 6 a.m. to 6 p.m. and on Saturday from 8 a.m. to noon. However, Carbonneau noted that the Town recently adopted a noise ordinance which restricts certain activity from taking place before 7 a.m. Putnam stated that he would be willing to modify the hours to comply with the newly adopted ordinance.

Carbonneau noted that there had been discussion at the Zoning Board as to how to accommodate families using the birthing center adjacent to the proposed site - specifically, reducing noise, dust and other impacts - but nothing definite was decided at that meeting. Putnam stated that he would be managing the excavation on this property and would accommodate the needs of the birthing center as much as possible. He asked that he be provided 24 hours notice in order to modify the excavation schedule to accommodate the birthing center.

Board members discussed the reclamation bond and agreed that \$40,000.00 was an appropriate amount. It was agreed that the bond could be reduced if sections of the site have already been reclaimed. Public hearing closed.

Motion by Carlson to approve the site plan review application and the Excavation Permit subject to the following:

1. Reclamation bond to be set at \$40,000.00, with the bond being able to be reduced in the event of partial reclamation.
2. Hours of operation to be Monday through Friday 7 a.m. to 6 p.m. and on Saturday from 8 a.m. to noon.
3. Upon 24 hours notice to Patrick Putnam by the birthing center, activity at the pit will be reduced and/or cease to accommodate the needs of the families utilizing the birthing center.

Seconded by Smith. Vote: All in favor.

B. DISCUSSIONS/OTHER BUSINESS -

1. PlanNH Charrette - Carbonneau informed the Board that the Town's application to PlanNH had been selected for a charrette. The charrette will be held on November 9-10, 2012. Smith volunteered to serve on the steering committee.

2. Discussion with principals of Homestead Woolen Mills, Inc. This matter was tabled from the July 12th meeting, as no one appeared before the Board. Carbonneau stated that she had called and emailed Bruce Treat and did not have any response. Board members agreed that this could be removed from the Board's agenda at this time.

3. Minutes from July 12, 2012. Motion by Fuerderer to approve the minutes as submitted. Seconded by Carlson. Vote: Page, Fuerderer, Carlson, Johnson and Miller in favor. Remaining members abstained as they were not present at the meeting. Motion passes.

Motion by Smith to adjourn. Seconded by Johnson. Vote: All in favor. Meeting adjourned at 9:45 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner