

**SWANZEY PLANNING BOARD MINUTES  
AUGUST 9, 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 Swanzey 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 Lerandeanu. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

**Regional Impact:** Page noted that there were no new items on the agenda that would require a determination of regional impact.

**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. Swanzey 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. Swanzey 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, Attorney Silas Little, Matt Casey from Zaremba Program Development and Michael Joanis, P.E. from Covenant Fire Protection were present on behalf of the applicant. Professional Court Reporter Debra Mekula was also present at the request of the Applicant. Prior to the opening of the public hearing, Merritt provided Carbonneau with a copy of the revised plans that were

presented during the public hearing on July 26, 2012. Public hearing opened.

Attorney Little began by stating that the Applicant has met all of the Planning Board's requirements required for subdivision and site plan review. He further stated that NH-DOT issued a driveway permit that has met all State and AASHTO requirements. Little stated that the Applicant's agent (GPI) performed a traffic study (the scope of which was determined by NH DOT) and that this traffic study was subject to a peer review conducted by TEC (requested by the Planning Board). Little stated that it was his opinion that TEC concurred with the fundamental findings of the GPI traffic study.

Little noted that the Applicant has agreed to fund the following at no cost to the Town: tree clearing/shrub relocation at the northeast corner of the Route 10/Cobble Hill Road intersection [Faulkner property]; berm reduction and shrub removal at the southwest corner of the Route 10/Cobble Hill Road intersection [Knotty Pine property]; construction of cross walk on east side of Route 10 at Cobble Hill Road; and construction of asphalt sidewalk on the west side of the proposed lot to a distance slightly north of the access drive, even though these improvements were not necessitated by the proposed project.

Applicant provided information regarding the number and types of deliveries that occur during the week (correspondence dated both March 26, 2012 and 8/7/12), as well as a turning radius template for a 30 foot single unit truck.

Little stated that in response to the Board's request that the shared access easement be extended along the entire southerly boundary of the proposed lot (as requested by the Board at the July 26, 2012 meeting), the Applicant did not modify plans to include this request, as it felt that was "unnecessary" and "diminishes the value" of the proposed lot.

Fire protection and water supply was discussed. Little provided the Board with information from the Public Utilities Commission, pointing out on the Rate Schedule (signed by the President of the West Swanzey Water Company) states that "Private Fire Protection is available within the franchise area." Little also stated that in addition to the documents filed with the PUC, tests indicate that there is adequate service to supply water for a sprinkler system for the building. Little provided the Board with a letter dated August 7, 2012 from Michael J. Joanis, P.E. from Covenant Fire Protection. Joanis was present and reviewed the information contained in the letter. Little stated that the Planning Board supported the provision of water supply for fire protection to the Haley Park residential development and stated that the Board cannot discriminate against an applicant.

Carbonneau provided the Board with email correspondence dated August 6, 2012 from Mark Naylor, Director of the Gas & Water Division at the PUC, as well as email correspondence from Carbonneau to Michael

Sisto at the PUC. Little argued that Naylor's statements were not applicable in this situation, as the Applicant was not requesting an extension of the water system. Self stated that the provision of water by the West Swanzey Water Company for fire protection purposes was questionable and stated that it appeared to be headed for a determination by the PUC and was unresolved at the present time.

Smith stated that the documents filed with the PUC state that "service pipe connections will be made only in the street which is the legal address of the premises served." Smith noted that the proposed water supply to this project is coming from South Winchester Street, which will not be the "legal address of the premises served." Smith also stated that the documents filed with the PUC state that "the Company in no way guarantees to furnish property quantities of water through any fire service, nor does it undertake to guarantee anything relative to that service, but it will endeavor to maintain reasonable service." Board members reminded the Applicant that they had specifically requested at the July 26, 2012 meeting that the Applicant show a water supply for the fire suppression system on the plans and that the water supply for the fire suppression system was not to be provided by the West Swanzey Water Company.

Little stated that the Applicant had reached out to the West Swanzey Water Company to try to schedule a meeting with their respective engineers, but that representatives from the Water Company would not return phone calls.

Abutting property owner Michael Gomarlo stated that he had conversations with the owner of the Water Company (Sarah aka Sally Brown), who reportedly informed him that the company did not have the capacity to provide water supply for fire protection purposes without potentially compromising the entire system. Gomarlo stated that the age of the pumps, limited storage capacity, as well as the fact that the Water Company has been unable to obtain financing for improvements were of concern to the Water Company. Little expressed that he felt that this was hearsay and that Gomarlo was friends with S. Brown.

Little stated that the Applicant was willing to extend the sidewalk on the proposed lot down to the southerly boundary of the proposed lot, but under no circumstances would the Applicant agree to install sidewalk along property owned by Faulkner and Willard, north of the Route 10 and Cobble Hill Road intersection as requested at the July 26, 2012 meeting. Little argued that any need for the extension of the sidewalk along Faulkner and Willard's property was entirely a pre-existing need and that the Applicant had no obligation to construct additional sidewalk along Faulkner and Willard's property.

Carbonneau asked about the width of the proposed sidewalk along the westerly side of the proposed lot, as she did not have the plans that were presented at the July 26, 2012 meeting until tonight's meeting. Merritt stated that it was 4 feet. Carbonneau informed the Board that

while a Board member had asked Merritt for an estimated cost for a 4 foot wide asphalt sidewalk, the other sidewalks in the area were 5 feet wide.

Little submitted a proposed decision to the Board entitled "Notice of Planning Board Approval."

Carlson stated that she remained concerned about the location of the proposed access onto the premises and concerned regarding water supply for fire protection, including maintenance and necessary upgrades to the West Swanzey Water Company, and the diminished flow in the Ashuelot River after the removal of the dam. Carlson also noted that she felt that the extension of the sidewalk over Faulkner and Willard's property was recommended by TEC. Self concurred with the need for the sidewalk extension over Faulkner and Willard's property. Board members stated that the extension of the sidewalk over Faulkner and Willard's property was specifically requested at the July 26, 2012 meeting.

Little stated that Carlson pre-judged the matter, as the access was discussed at an earlier meeting of the Board of Selectmen and that the Selectmen had indicated their opposition to the location of the proposed access.

Johnson stated that the distance of the access from the Route 10/Cobble Hill Road intersection was not in accordance with the 200 feet recommended by NH DOT. Page stated that he had met with the Police Chief Thomas DeAngelis regarding safety at the Route 10/Cobble Hill Road intersection. A letter from Chief DeAngelis dated August 2, 2012 was provided to the Board. Page related that according to DeAngelis 3 out of the 10 reported accidents concerned the Cobble Hill Road approach to the intersection from the east side of Route 10. Merritt responded to Johnson's concerns, stating the NH DOT policy allows the District Engineer to allow less than the desired 200 feet, if it is appropriate within the District Engineer's judgment.

M. Gomarlo stated that the information provided regarding the number and types of deliveries did not seem accurate. Gomarlo also stated that he did not feel that the traffic pattern on site was safe when deliveries would be taking place.

Public hearing closed.

The Board first considered the Site Plan Review Application. Motion by Self to deny the application as the Applicant did not provide a guaranteed source of water for the sprinkler system as requested at the July 26, 2012 meeting, noting that the Board did not have a letter from the West Swanzey Water Company stating that they would provide water for fire protection purposes. Seconded by Johnson. Vote in favor of the motion: Self, Fuerderer, Smith, Carlson, Johnson and Miller. Opposed to the motion: Page. Motion passes and the Site Plan Review Application was denied.

The Board then considered the Subdivision Application. Motion by Self to approve the subdivision application. Seconded by Smith. Vote in favor of the motion: Page, Self, Fuerderer, Smith, Johnson and Miller. Carlson abstained from voting. When asked by Little why she abstained, Carlson stated that she did so as Little had previously alleged that she may have pre-judged the matter as the Board of Selectmen (through interim Town Administrator Richard Busick) had issued a letter to NH DOT expressing concerns about the proposed access and that it was her opinion that an issue with the proposed subdivision included the proposed access.

**3. Modification to Previously Approved Site Plan - Rountree Real Estate, LLC,** wishes to modify the lighting plan approved by the Planning Board on November 10, 2011. The property is situated at 117 Monadnock Highway and is shown at Tax Map 18, Lot 87 situated in the Business District. Robert Rountree, Mrs. Robert Rountree, Mark Rountree and Chad Branon from Fieldstone Land Consultants appeared before the Board on behalf of the Applicant. Abutting property owner Joshua Tenney and his father (Russell Tenney) were also present. At the request of R. Rountree, the Board acknowledged that the Applicant was recording the meeting. Public hearing opened.

Branon stated that the applicant was proposing 4 additional light fixtures in addition to those approved in November 2011. Branon noted that the location of the fixtures, as well as the types of some of the figures, were being modified. Branon described the shields that would be used, as well as the impact of the lights across property lines.

R. Tenney stated that the parking lot (Map 18, Lot 87) was a separate lot from the dealership (Map 18, Lot 87-2) and that no light should spill over that property line. Carbonneau stated that while the plan approved in November 2011 included light spilling over onto Map 18, Lot 87-2, it was her opinion that the Board should have required the lots to be merged at that time. R. Rountree stated that he could not merge the lots, as the financing would not have been approved had the lots been merged.

Both Tenneys stated that with the cutting of vegetation along the drainage swale, the view from J. Tenney's home was that of the dealership and the dumpsters. They also stated that the proposed light fixture at the southwest corner of Map 18, Lot 87 would be obnoxious without appropriate screening being put in place. The Tenneys suggested that the fencing that was recently installed be continued so as to screen the dealership and proposed light at the southwest corner from sight. R. Rountree stated that there was absolutely no way he would consent to extending the fence further.

R. Tenney stated that he understood from the plans that vegetation would remain on the northerly side of the drainage device running to Pasture Road. Branon explained that the darker line on the plan was the

limit of the cutting that would be required when the drainage device was installed.

R. Rountree stated that he was initially agreeable to planting trees on the Tenney property and provided photographs of the property that were photo-shopped showing trees on the Tenney property. R. Rountree later withdrew the offer to plant trees.

R. Rountree stated that the light at the southwest corner of Map 18, Lot 87 was needed to illuminate to dumpsters located on the dealership property (Map 18, Lot 87-2). R. Rountree stated that they have tried locking the dumpsters to prevent unauthorized dumping, but the locks have been cut off.

A discussion took place as to whether or not snow would be plowed into the drainage device running to Pasture Road. Carbonneau informed the applicant that plowing snow into the drainage device could compromise its utility.

Public hearing closed.

Motion by Self to approve the modified lighting plan subject to the condition that the proposed fixture at the southwest corner of Map 18, Lot 87 is removed, including the base that is currently in place. Seconded by Smith. Vote: All in favor.

## **B. DISCUSSIONS/OTHER BUSINESS -**

### **1. Request for Modification to Previously Approved Site Plan -**

Request from Forest View Estates to modify site plan. Board members considered a request from Jonah Ketola dated August 7, 2012 to be able to screen in the deck or patio of the units at Forest View Estates at the request of the property owner. Carbonneau stated that each deck/patio is 96 s.f. Ketola's letter represented that the space would not be insulated/heated and no other electricity or plumbing would be installed. Motion by Self to grant the requested modification without need for public hearing. Seconded by Smith. Vote: All in favor.

**2. Minutes** from July 26, 2012. Motion by Fuerderer to approve the minutes as submitted. Seconded by Johnson. Vote: All in favor.

Motion by Fuerderer to adjourn. Seconded by Smith. Vote: All in favor. Meeting adjourned at 9:50 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner