

**SWANZEY PLANNING BOARD MINUTES
JANUARY 18, 2007**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval generally takes place at the next regularly scheduled meeting of the Board.]

The January 18, 2007 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, Victoria Barlow, Charles Beaugard, Sr., Selectmen's Representative Deb Davis and alternates Jeanne Thieme and Steve Russell (arriving at 7:30 p.m.). Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following items were addressed:

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

A. PUBLIC HEARINGS –

1. Application for Boundary Line Adjustment between Tax Map 18, Lots 90 and 91. Tax Map 18, Lot 90 is owned by Margaret M. Liberge & Marcia L. Lehto. Tax Map 18, Lot 91 is owned by Avis C. & Seth W. Fisk, Jr., Trust. The boundary line adjustment seeks to add a total of 14,598 s.f. to Map 18, Lot 91. The properties are situated off Pasture Road and located in the Business and Residence Zoning Districts.

Carbonneau informed the Board that Liberge and Lehto have requested that the Board not consider the application, as their mortgage company is unwilling to grant a partial release of their mortgage. Carbonneau stated that Fisk has asked if the Board would consider continuing this matter to February 15th in order to see if an agreement could be reached with Liberge/Lehto's mortgage company. Motion by Barlow to continue to February 15, 2007 at 7:00 p.m. without further notice. Seconded by Fuerderer. Vote: All in favor.

2. Multi-Tenant Application – Carlisle Wide Plank Flooring, Inc. wishes to use a portion of the premises situated at 209 Flat Root Mill Road for a

business consisting of lumber manufacturing (including “distressing,” staining & pre-finishing). The property is shown at Tax Map 14, Lot 22 situated in the Business Zoning District. The property is owned by Carlyn C. Beede. Fuerderer steps down due to a conflict of interest (abutting property owner). Thieme is seated. Carlyn Beede and R. Casna from Carlisle appeared before the Board. Public hearing opened.

Casna noted that the application has been amended to reflect that the only use will be housing of lumber and light woodworking (this would include power hand tools, sanding machines and hand distressing of wood), noting that no staining and pre-finishing will be conducted on site.

Beede noted that no structural changes will be made to the building. Beede stated that no exterior dust collection is required. It was noted that Carlisle will be utilizing approximately 13,500 s.f. out of the 16,000 s.f. building. Casna stated that they will primarily operate Monday through Friday, but there may be occasional weekend hours.

Code Enforcement Officer Weston stated that he and Fire Chief Karasinski have reviewed the property. Weston stated that he sees no problem with Carlisle occupying the building. Public hearing closed.

Motion by Self to grant the multi-tenant application. Seconded by Beauregard. Vote: All in favor.

Fuerderer resumes her seat at the table. Charles Beauregard, Sr. steps down from the table due to a potential conflict of interest on the next item (Reyes subdivision application). Thieme is seated for Beauregard, Sr.

3. Subdivision Application – Marty Reyes wishes to subdivide Tax Map 43, Lot 11 into 25 lots. The subject premises are located off Talbot Hill Road and situated in the Rural/Agricultural Zoning District. Tax Map 43, Lot 11 currently consists of 213 acres. The property is owned by Mirle Cross. Continued from January 4, 2007. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the Applicants. Also present on behalf of the applicant were Marty Reyes and Charles Beauregard, Jr., as well as numerous abutters, interested citizens and Town Attorney Beth Fernald. Numerous abutters and interested citizens were present. Public hearing opened.

Board members reviewed correspondence from Underwood Engineers regarding the revised plans provided to the Town on January 10th. Hitchcock stated that only a few minor editing changes are needed and asked that the Board consider granting conditional approval. Carbonneau stated that she felt that there were many changes still needed on the plans and asked that the Board not consider granting conditional approval until a final plan set is submitted and reviewed by both Underwood and the Town. After much discussion, it was decided

that the Board will not consider granting conditional approval until final plans are submitted and reviewed by Underwood and the Town.

Carbonneau noted that Town Counsel Beth Fernald was present this evening to discuss the issue of Town ownership of the open space or the Town holding a conservation easement on the open space. Fernald noted that it appears that the Town is unable to take ownership of the open space due to the wording of the Town's cluster zoning ordinance. She also noted that there is no requirement in the Town's cluster zoning ordinance that the open space be put into a conservation easement. However, Fernald noted that under case law (Simpson v. Lebanon) and state statute (RSA 674:21-a and RSA 477:45), the open space "shall be deemed to create a conservation restriction as defined in RSA 477:45."

Reyes noted that draft language for the protection of the open space has been prepared to be included in any approval. The applicant's attorney has included this draft language in Article 11, Subsection 3 of the Declaration of Covenants and Restrictions (revised through 1/18/07). Barlow stated that Article 11.3.b. should probably be amended to include "trails," as well as "trail improvements."

Selectmen's Representative Deb Davis stated that the Board of Selectmen discussed the possibility of the Town taking ownership of the open space or holding a conservation easement on the open space. Davis noted that the Board of Selectmen was not in favor of either option. In addition, Davis stated that the Board of Selectmen was not in favor of the Town assuming responsibility for the maintenance of the cisterns. Davis noted that there are other cluster subdivisions in town that maintain their own cisterns and do not have town ownership or town-held conservation easements of the designated open space.

Reyes stated that the Declaration provides that the open space be open to the general public subject to reasonable rules and regulations. Attorney Fernald noted that the Planning Board cannot require that the open space be open to the public, but that the applicant can voluntarily do so.

[Steve Russell arrives at 7:30 p.m.]

Board members received correspondence from the Conservation Commission dated January 15, 2007 outlining its concerns. The status of the trail for Mt. Caesar was discussed and whether it would need to be relocated. There was some confusion as to where this trail enters Map 43, Lot 11. It was suggested that the applicant may want to speak with Bruce Bohannon regarding the location of this trail. Conservation Commission Chair Steve Stepenuck stated that the Commission would like to see the trail relocated, if necessary, to insure public access to Mt. Caesar and to Cat Hill.

Interested citizen Bob King from Keene stated that he often hunts in this area and that the development would disturb an established deer yard.

Hitchcock and the Board reviewed the annotations provided by Underwood Engineer's noted on Underwood's letter of November 6, 2006 8th and on the revised plans. Changes discussed will be incorporated into revised plans to be provided prior to the February 1st meeting.

The issue of bonding was raised by Barlow. Carbonneau noted that it is the Planning Board's responsibility (pursuant to state statute) to determine the amount of the bond. Reyes stated that he is in the process of obtaining 3 estimates for the work and will forward the same to the Town. Once received, Carbonneau will forward to Underwood Engineering for review and comment. Hitchcock stated that it is likely that ledge will be encountered in the last phase of the project.

Hitchcock noted that easements associated with the roadway and drainage would need to be prepared and conveyed to the Town. Hitchcock stated that he felt that this could be a condition of approval, as it is possible that minor changes may occur on the plans.

Interested citizen Grace Lilly inquired as to the status of DES's review of the Wetland's Permit Application. Carbonneau stated that she has yet to hear anything from DES regarding this permit.

Motion by Barlow to continue the public hearing on this matter to February 1, 2007 without further notice. Seconded by Fuerderer. Vote: All in favor.

Beauregard resumes his seat at the table. Thieme steps down.

B. OTHER BUSINESS/DISCUSSIONS –

1. Code Enforcement Officer Jim Weston briefly updated Board members regarding the status of commercial building projects.

2. Minutes from January 4, 2007. Motion by Barlow to approve the minutes from January 4, 2007 as submitted. Seconded by Self. Vote: All in favor with Beauregard abstaining.

Motion by Beauregard to adjourn. Seconded by Davis. Vote: All in favor. Meeting adjourned at 9:00 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner