

**SWANZEY PLANNING BOARD MINUTES
NOVEMBER 20, 2008**

[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 (arrived at 7:20 p.m.), Charles Beauregard, Sr., Steve Russell, Victoria Barlow, Selectmen's Representative Bruce Tatro and alternate David Belletete. Belletete was seated for Fuerderer until her arrival. 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 Beauregard that no items on the agenda could reasonably be construed as having the potential for regional impact. Seconded by Russell. Vote: All in favor.

A. PUBLIC HEARINGS –

1. Multi-Tenant Application - Hana's Handbag Boutique wishes to use a portion of the premises situated at 115 Monadnock Highway for a retail business selling "handbags, leathers, accessories, perfume, etc." The property is shown at Tax Map 18, Lot 87 situated in the Business Zoning District. The property is owned by Faham B. Effendi. Faham Effendi appeared before the Board. No abutters were present. Public hearing opened.

Effendi stated that the store would be located in the space formerly occupied by a children's clothing store. Effendi stated that the existing signs will be utilized; only the sign face will be changed.

Board members noted that there is sufficient parking on site and that the use is similar to the prior use. Public hearing closed.

Motion by Russell to grant the multi-tenant application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Self. Vote: All in favor.

B. OTHER APPLICATIONS – The following application is being reviewed for completeness only. Comments will be limited to the completeness of the application only.

1. Subdivision Application (and Boundary Line Adjustment) -

Wayne P. Rogers wishes to subdivide Tax Map 31, Lot 8-1 into 2 lots. The subject premises are located on South Road and situated in the Residence Zoning District. Tax Map 31, Lot 8-1 will consist of 5.3 acres (after a proposed boundary line adjustment with Map 31, Lot 9). The proposed lots will be 1.73 acres and 3.57 acres.

Wayne P. Rogers has also submitted an application for boundary line adjustment between Tax Map 31, Lots 8-1 and 9. Tax Map 31, Lot 8-1 is owned by Wayne P. Rogers. Tax Map 31, Lot 9 is owned by Marlene A. Morse, Trustee. The boundary line adjustment seeks to add a total of 0.01 acres to Map 31, Lot 8-1. The properties are situated off South Road and located in the Residence Zoning District. The public hearing on the boundary line adjustment is also scheduled for December 4, 2008 (when the public hearing on the subdivision application will be held). Tom Forest appeared before the Board on behalf of the Applicant.

Board members reviewed the plan. It was noted that the boundary line adjustment will need to be approved in order to effectuate the subdivision. Forest noted that State subdivision approval will be required, but has not yet been received. Forest stated that NH-DOT will require a shared driveway.

Carbonneau asked Forest to make sure that the surveyor corrects the map/lot numbering on the final plan.

Motion by Beauregard to accept the application as complete. Seconded by Self. Vote: All in favor.

C. DISCUSSIONS/OTHER BUSINESS

1. Notice of Voluntary Merger - Thelma Cummings wishes to merge properties shown at Tax Map 25, Lots 33, 34 and 35. The properties are situated off Blake Road. Board members reviewed the documentation provided (assessing cards, tax map). Motion by Beauregard authorizing Page to sign the Notice of Voluntary Merger on behalf of the Planning Board. Seconded by Belletete. Vote: All in favor.

Fuerderer arrives at 7:20 p.m. and assumes her seat at the table.

2. Request by Adventure Limousine – Carbonneau informed the Board that a request was submitted by Adventure Limousine to modify the previously approved site plan. Specifically, Adventure Limousine wishes to increase the width of the deck from 4 feet to 8 feet. Motion by Russell to approve the requested modification to the site plan. Seconded by Self. Vote: All in favor.

3. Continued discussion regarding proposed zoning amendments.

Board members reviewed proposed amendments (version 7 – see attached). Upon separate consideration and vote, Board members affirmatively voted to bring each of the proposed 11 amendments to public hearing, with a minor change to amendment #3. Board members also reviewed the proposed notice to the Keene Sentinel and had no changes regarding the same.

4. January 2009 Meetings – Board members noted that there would be no meeting on January 1, 2009. The regular meeting of the Planning Board will be held on January 15, 2009. Board members felt that there was no need to have a second meeting in January, unless something that was “time-sensitive” was submitted.

5. Minutes from November 6, 2008. Motion by Beauregard to approve the minutes from November 6, 2008 as submitted. Seconded by Fuerderer. Vote: All in favor.

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

Submitted by,

Sara H. Carbonneau
Town Planner

2009 Zoning Amendments (Version 7)

PROPOSED AMENDMENT #1. Amend Section II.A. and X-A.A. to include as follows: Amend the zoning map of the Town of Swanzey dated September 1, 1947, as amended, to show the portions of the properties currently shown as Tax Map 19, Lots 97, 97-2, 98, 99, 100, 101 and 102 that are currently located in the Business Zoning District as being in the Industrial Park District and amend the description of the Industrial Park District to include the same.

PROPOSED AMENDMENT #2. Amend Section II.A. and X-A.A. to include as follows: Amend the zoning map of the Town of Swanzey dated September 1, 1947, as amended, to show the portion of the property currently shown as Tax Map 19, Lot 97-5 that is currently located in the Residence Zoning District as being in the Industrial Park District and amend the description of the Industrial Park District to include the same.

PROPOSED AMENDMENT #3. Amend Section V.B.1. (uses permitted in the Business District) to include the following:

Function halls

and **add** the following definition to Section XIII (Definitions)

“Function Hall: A building or part thereof used primarily for conducting activities such as suppers, banquets, receptions, meetings and other functions attended by large groups of people for a single event and may or may not include kitchen facilities.”

PROPOSED AMENDMENT #4. Amend Section V.B.1. (uses permitted in the Business District) to include the following:

Indoor auctions.

PROPOSED AMENDMENT #5. Delete Section VIII Shorelands Protection District in its entirety and **replace it with the following:**

“A. SHORELAND PROTECTION DISTRICT

The Shoreland Protection District is hereby established as an overlay district which is superimposed over the conventional existing zoning. The uses permitted in the underlying districts shall be allowed only if they meet the minimum standards promulgated by the State of New Hampshire Comprehensive Shoreland Protection Act, RSA 483-B (as

amended). Pursuant to authority granted by RSA 674:14, this Shoreland Protection District is adopted by the Town of Swanzey to further protect the public waters of the Town.

B. TOWN OF SWANZEY SHORELAND PROTECTION DISTRICT

includes all those lands defined as “Protected shoreland” in RSA 483-B, XV and as may be amended and any related administrative rules or regulations. As of July 1, 2008 the New Hampshire Department of Environmental Services “Consolidated List of Water Bodies Subject to RSA 483-B, the Comprehensive Shoreland Protection Act” included the following:

4th order streams and designated rivers:

Ashuelot River – *Designated Segment*;
Ashuelot River – 4th Order;
South Branch Ashuelot River;
Ash Swamp Brook;
Martin Brook;

Lakes & Ponds:

Ashuelot River Dam;
California Brook;
Swanzey Lake;
Upper Wilson Pond; and
Wilson Pond.

C. PRIMARY BUILDING LINE/SETBACK: No primary structure as defined by RSA 483-B, shall be built, placed or erected within one hundred twenty-five feet from the reference line as defined by RSA 483-B:4,XVII as may be amended.”

And **delete** existing Section II.A.6. and replace with:

“6. Shoreland Protection District. The Shoreland Protection District is hereby established as an overlay district which is superimposed over the conventional existing zoning. The uses permitted in the underlying districts shall be allowed only if they meet the minimum standards promulgated by the State of New Hampshire Comprehensive Shoreland Protection Act, RSA 483-B (as amended). Pursuant to authority granted by RSA 674:14, this Shoreland Protection District is adopted by the Town of Swanzey to further protect the public waters of the Town.

PROPOSED AMENDMENT #6. Delete Section III.P. in its entirety.

PROPOSED AMENDMENT #7. Delete Sections III.A.2. and III.A.3. in their entirety.

PROPOSED AMENDMENT #8. Amend Section III.A.4. to read as follows: No more than one “one-family dwelling” may be permitted on a lot.

PROPOSED AMENDMENT #9. Amend Section III. To include new section III.AA. Accessory Dwelling Unit

“III.AA. ACCESSORY DWELLING UNIT ORDINANCE

Purpose

For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner occupied, one family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood. Accessory Dwelling Units (ADU) shall be permitted by Special Exception granted by the Zoning Board of Adjustment in the Residence, Rural/Agricultural, and Village Business Districts.

Requirements/Limitations

1. ADUs shall be secondary and accessory to a one family dwelling unit.
2. In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a one family residence.
3. Only one ADU shall be allowed per lot.
4. An ADU shall only be permitted in a principal dwelling unit in which the owner of record of the dwelling personally resides: except for bona fide temporary absences.
5. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
6. Attached ADUs shall be designed to allow for possible reincorporating into the principal dwelling unit.
7. At least one (1) common, interior access between the principal dwelling structure and the ADU shall be maintained. A second means of egress from the ADU shall be provided.
8. The gross living area of an ADU shall not be less than 300 square feet or be greater than 25% of the total floor area of the principal dwelling and ADU.
9. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all life safety and building codes.
10. Adequate off-street parking shall be provided to serve the combined needs of the principal dwelling unit and the ADU, minimum three (3) parking spaces to serve both the one family dwelling and the ADU.

11. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.

12. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and principal dwelling unit in accordance with New Hampshire RSA 485-A:38.

Accessory Dwelling Unit Certificate of Occupancy

If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.

Procedural Requirements

An application for Special Exception approval under the auspices of this Section shall require that all plans submitted with any application for an ADU building permit denote, describe and/or identify the intended ADU area within the principal dwelling unit as such.

PROPOSED AMENDMENT #10. Delete Section XI.B. Non-conforming Building/Non-conforming Structure in its entirety and replace with the following:

“B. Non-conforming Building/Non-conforming Structure: A non-conforming building or non-conforming structure may be continued indefinitely and may be repaired or remodeled subject to the following limitations:

1. Restoration, reconstruction, alteration and/or replacement of nonconforming buildings/structures are allowed, provided that the cubic contents and the footprint of the original building/structure stays the same or smaller; any nonconforming buildings/structures that have been destroyed in whole or in part by fire, by other natural disaster, or by voluntary demolition may be replaced within one year of the damage or demolition in the same or smaller footprint and with the same or smaller cubic contents.

2. The relocation on a lot of a structure that does not comply with the setback provisions is allowed provided the new location complies with the setback provisions.

PROPOSED AMENDMENT #11. Amend Section III.U.6. Home Occupations to read as follows:

“6. Home Occupations may occur within the dwelling unit and/or within an accessory structure subject to the condition that the home occupation does not result in the use of any area greater than 300 square feet.”