

**SWANZEY PLANNING BOARD MINUTES
DECEMBER 21, 2006**

[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 December 21, 2006 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, Victoria Barlow, Charles Beauregard, Sr., Selectmen's Representative Deb Davis (arriving at 7:18 p.m.) and alternates Jeanne Thieme and Steve Russell. Russell was seated for Richard Lane. 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 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 Fuerderer. Vote: All in favor. Carbonneau clarified for the public that this statement only refers to pending applications and does not relate to the proposed amendment to the Swanzey Master Plan.

A. PUBLIC HEARINGS –

1. Public Hearing on Proposed Amendment to Swanzey Master Plan –

The proposed amendment is to adopt the 2006 Update of the Ashuelot River Corridor Management Plan as an appendix to the Master Plan. Steve Stepenuck from the Ashuelot River Local Advisory Committee was present. Public hearing opened.

Stepenuck stated that the Town has a copy of the 2006 update, both in hardcopy and electronic format. Stepenuck noted that the 2006 update primarily reflects changes in the status of development plans, community plans and dam removals. He also stated that an important addition contained in the update is a synopsis of the LAC's ongoing Volunteer Water Quality Monitoring Programs, as well as including references to the "Land Conservation Plan for the Ashuelot River Watershed" published by The Nature Conservancy. There were no comments from Board members or interested citizens. Public hearing closed.

Motion by Beauregard to adopt the 2006 Update to the Ashuelot River Corridor Management Plan as an appendix to the Swanzey Master Plan. Seconded by Russell. Vote: All in favor.

2. Application for Boundary Line Adjustment between Tax Map 30, Lots 23 and 25. Tax Map 30, Lot 23 is owned by Carolyn A. Stone. Tax Map 30, Lot 25 is owned by George R. and June F. Griffin. The boundary line adjustment seeks to add a total of 0.95 acres to Map 30, Lot 25. The properties are situated off Lewis Road and located in the Rural/Agricultural Zoning District. Richard Drew, LLS appeared before the Board on behalf of the Applicant. George and June Griffin and Carolyn Stone were also present. No abutters were present. Public hearing opened.

Drew reviewed the plan noting that the boundary line adjustment concerns a .95 acre parcel. A variance needed to be obtained from the ZBA as Stone's lot (after the boundary line adjustment) would be non-conforming as to acreage. Drew stated the property to be conveyed by Stone is located across the street from Stone's home and abuts Griffins' property; Drew noted that Lewis Road is a private drive.

Carbonneau requested that the Board consider placing the following condition on any approval:

"The boundary line adjustment approval will not be final until the signed deed conveying the property to George R. & June F. Griffin has been conveyed to the Town for recording, together with the appropriate recording fees for recording the deed. This deed must include language that the parcel conveyed will become part of Tax Map 30, Lot 25." Carbonneau stated that the Town has experienced situations where boundary line adjustment plats are approved and recorded by the Board, but that the deeds effectuating the conveyance have never been recorded. This causes a disconnect between the tax maps and the assessing information. Public hearing closed.

Motion by Beauregard to grant the boundary line adjustment subject to the following condition: "The boundary line adjustment approval will not be final until the signed deed conveying the property to George R. & June F. Griffin has been conveyed to the Town for recording, together with the appropriate recording fees for recording the deed. This deed must include language that the parcel conveyed will become part of Tax Map 30, Lot 25." Seconded by Self. Vote: All in favor.

Davis arrives at 7:18 p.m.

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 December 7, 2006. Charles Beauregard, Sr. stepped down from the table due to a potential conflict of interest. Thieme was seated for Beauregard. Rob Hitchcock from SVE Associates appeared before the Board on behalf of the Applicant. Also present on behalf of the applicant were Marty Reyes and Attorney Barry Faulkner. Numerous abutters and interested citizens were present. Public hearing opened.

Page inquired about the memorandum from Fish and Game to DES. Carbonneau stated that this memorandum was forwarded to her on

12/20/06 by Mike Morrison, a Swanze Conservation Commission Member. Carbonneau stated that she had spoken with Kim Tuttle (the author of the memorandum) who stated that Fish and Game provided these comments in response to the wetlands application submitted by the Applicants. Per Carbonneau, Tuttle also provided the following information:

1. the endangered species of concern would not be named at this time;

2. the field survey would need to be completed between May and October and would probably entail the entire period of time; and

3. the cost of the field survey is the responsibility of the applicant. It is possible that the wetland's permit (if issued) would not be acted upon until after October 2007.

Attorney Faulkner stated that while satisfaction of the wetland's application would be required for final approval, he believed that the Planning Board could issue conditional approval with final approval being contingent upon receipt of the wetlands permit. Russell stated that he felt that this memorandum should be seen as a "red flag" by the Planning Board and that the Board should take its time in considering this matter, as well as the potential implications of having a possible endangered species on site.

Abutter Craig Lougee stated that the Board should carefully consider the impacts on the environment, noting that he has seen evidence of bobcats in the area.

Board members reviewed a listing of questions prepared by Barlow regarding the declaration and by-laws. Attorney Faulkner had previously been provided a copy of this memorandum and provided written responses to the same.

It was noted that equestrian access will be provided and that parking spaces will be provided in the cul-de-sac for public access (however, Faulkner did not feel that needed to be included in the declaration). Lougee questioned who would be responsible for monitoring snowmobile use, as he stated that the Police Department has not been willing to enforce snowmobile violations.

Faulkner stated that the Conservation Committee established in the Declaration would not and should not have decision making powers. This is a committee that would report to the Board of Directors for the homeowners' association and the Board of Directors would have the decision making authority.

Interested citizen Grace Lilly stated that she had many questions, including many regarding the homeowners' association documents. Lilly stated that she had over 100 questions; Page requested that she put her questions in writing and submit them to the Town Planner prior to the next meeting.

Conservation Commission members were present. Commission members Mike Morrison and Steve Stepenuck stated that they would prefer that the property be placed under a conservation easement. Barlow stated that recent conversations with the Monadnock Conservancy revealed that the Conservancy would like to revisit the option of a holding a conservation

easement on the property after a year or so. Barlow noted that the Conservancy generally does not like to deal with homeowners' associations.

Motion by Fuerderer to continue this matter to the January 4, 2007 meeting without further notice, noting that the applicant has agreed to waive the 65 day decision period as required by statute; seconded by Barlow. Vote: All in favor.

Beauregard resumes his seat at the table. Thieme is unseated.

4. Site Plan Review Application – Tand, Inc. wishes to convert the existing structure situated at 166 Monadnock Highway to professional office space. The property is shown at Tax Max 18, Lot 65 situated in the Business Zoning District. Tom Hastings and Tom Forest appeared before the Board on behalf of the Applicant. No abutters were present. Public hearing opened.

Hastings provided a letter from NH-DOT District IV dated December 15, 2006 stating that no changes would be required for the curb cuts. Forest noted that NH-DES has granted approval for construction for the new septic system. Revised site plans were provided showing handicapped accessible parking and landscaping. It was noted that there are no changes proposed for the exterior lighting at the present time. In addition, revised floor plans were provided showing the proposed layout. At the current time, Hastings stated that there are no plans for the lower level.

Board members noted that the dumpster will need to be screened. Forest stated that snow storage will take place at the northerly and southerly ends of the parking area. Hastings stated that the lot will be re-striped. Public hearing closed.

Motion by Self to approve the site plan review application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Russell. Vote: All in favor.

5. Design Review Phase – Mian Swanzey Realty, LLC wishes to construct a hotel, gas station, convenience store and car wash on the premises situated at 163 Monadnock Highway and shown at Tax Map 19, Lot 68 situated in the Business Zoning District. The Board received a request to continue this matter without further notice to January 4, 2007. Motion by Self to continue consideration of this matter to January 4, 2007 without further notice. Seconded by Beauregard. Vote: All in favor.

B. DISCUSSIONS –

1. Updates on current commercial building projects. Code Enforcement Officer Weston updated the Board on Rymes, Kia, Cheshire Horse and Furlone.

2. Resolution – Motion by Beauregard that the Board sign a resolution honoring Richard Lane for his years of service to the Town. Seconded by Davis. Vote: All in favor.

3. Romano (Tax Map 13, Lot 8) – Carbonneau stated that Robyn Romano has requested that the condition imposed by the Planning Board on December 7, 2006, regarding the water line easement being removed from the plan, be deleted. Carbonneau stated that while Romano requested the condition, Romano learned after the meeting that the easement needs to be shown on the plan as it is still in place. Motion by Beauregard to amend the decision rendered on December 7, 2006 to delete condition “b.” Seconded by Self. Vote: All in favor.

4. Croteau/Johnson (Tax Map 40) – Carbonneau stated that it was discovered that the Map and Lot numbering on the Croteau/Johnson subdivision off Eaton Road was incorrect. A document has been prepared for recording to correct the map and lot numbers. Motion by Self to authorize the Planning Board Chair to execute a document correcting the map and lot numbers. Seconded by Beauregard. Vote: All in favor.

5. Minutes from December 7, 2006 and December 18, 2006 – Motion by Beauregard to approve the minutes from December 7, 2006 and December 18, 2006, noting that the results from the Ashuelot River water quality monitoring program should be incorporated into the minutes. Seconded by Fuerderer. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 9:20 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner