

**SWANZEY PLANNING BOARD MINUTES
FEBRUARY 2, 2006**

[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 presents: Glenn Page, Scott Self, June Fuerderer, Dick Lane, Scott Lambert, Selectmen's Representative Robert Beauregard and alternates Dave Osgood, Victoria Barlow and Steve Russell. Osgood was seated for Charles Beauregard, Sr. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

A. PUBLIC HEARINGS –

1. Site Plan Review Application – Larry Koch wishes to construct 72 units of multi-family housing on a parcel of land consisting of 24.08 acres (formerly part of Tax Map 79, Lot 6), located off of California Brook Road. The property is located in the Rural/Agricultural Zoning District. Larry Koch and John Doughty (surveyor) appeared before the Board. No abutters were present. Public hearing opened.

Doughty presented updated plans to the Board. Doughty stated that the revised plans included landscaping plans, road details, designated snow storage areas, dumpster location, mail box location, culvert details and school bus pickup area. Doughty stated that sidewalk construction details are provided on the plans; however, the plans do not indicate that the sidewalk area will be striped. Koch stated that the sidewalk will be striped.

Koch noted that at the last meeting questions were raised as to whether the condominium units should be sprinklered. Koch noted that there is no requirement that the units be sprinklered. In addition, Koch stated that "it is difficult to put sprinklers in modulars." Koch noted the Fire Chief is satisfied with two-hour fire walls. Koch stated that he does not know if the capacity of the water system would be sufficient to run a sprinkler system.

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Carbonneau noted that the revised plans presented this evening were not submitted earlier to the Town and have not been reviewed by Department heads.

Barlow inquired about various aspects of the landscaping plan. When asked if the snow storage between the buildings would interfere with fire protection or compromise the landscaping between the buildings, Koch stated that the snow storage between the buildings is overflow snow storage and that the snow will be stored primarily on the area designated “recreational area.”

Carbonneau asked what the “recreational area” is. Doughty stated that it would be an area where people could walk and hike. Doughty stated that he envisioned the “recreational area” as a meadow. It was later noted by Koch that the “recreational area,” in part, satisfied the landscape requirements contained in the site plan review regulations. Koch noted that some trees would be cut from the “recreational area,” but that he wanted to leave as many trees there as possible. Carbonneau noted that the landscape plans indicate that the “recreational area” designates that it is an “an area where existing trees shall be maintained.”

Carbonneau asked if there were details regarding the screening of the dumpsters. Koch stated that he was not asked to provide these details at the last meeting. Barlow noted that the Site Plan Review Regulations require that trash receptacles shall be screened.

Koch stated that it was more than likely that he will have a sign for the project. However, at the current time, he does not have a location or a design for the sign.

Koch stated that the units would be “high end,” with 2-1/2 baths, fireplaces and basements. Carbonneau stated that it was her understanding that there would be only a partial basement with no living space contained in the partial basement (only storage space) and a garage. Koch stated that was correct.

Board members discussed phasing of the project. Koch stated that the Town road will be built first, then the water system will be completed, connections to the sewer system will be made and that units 2 to 20 will be constructed first. Units will be constructed “in series” and that the parking area will be “striped as we go.”

Barlow asked if there will be a sales model/display. Koch stated that there would be.

Barlow asked if the condominium documents have been prepared. Koch stated that no other Boards ask to review condominium documents. Carbonneau noted that Swanzy has had three condominium projects in the past and that all three projects have

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required that condominium documents be submitted and approved by counsel as a condition of approval.

Barlow questioned why a draft agreement between Koch and California Brook Estates and conditions contained in the Zoning Board of Adjustment's approval dated December 9, 2006 appear to be at odds. Specifically, the conditions of approval state that "no additional sewer hook-ups above and beyond the 72 condominium units proposed will be permitted to be connected to the California Brook Estates and/or the proposed project's sewer system." The proposed agreement states that "should, in the future, further housing units be benefited by access to the existing sewer main on the California Brook property the cost sharing formula outlined above shall be re-calculated so that each property benefited shall bear its proportionate share of the above specified costs." Koch stated that the ZBA went through the agreement "line by line" and that the agreement "is correct." Carbonneau noted that the agreement was not signed, dated or recorded and that the conditions imposed by the ZBA are controlling. Carbonneau stated that she would obtain an opinion from Town counsel regarding this matter. Page stated that the conditions imposed by the ZBA could be modified at a future date and that the language in the agreement simply prepares for that future option.

Russell asked DPW Director Lee Dunham if he had concerns about California Brook Road and California Street regarding pedestrian and bicyclist usage. Dunham noted that the Town's engineering consultant did not consider recreational uses of the road in his report. Dunham noted that there is not much right of way in which to work on those roads. The majority of the roadway is 22 to 24 feet. However, there are some points that are narrower. Russell stated that this project will add 72 homes to the area and that provisions should be made at this time for bicycle and pedestrian facilities. Koch stated that there is no room to add more pavement to the roadways and that to do so would impose an "astronomical cost."

Koch noted that he has worked out bonding arrangements for the Town road with the Board of Selectmen. In addition, Koch stated that the review and approval of the condominium documents required by the State of New Hampshire would insure that the funds are available to complete the project. Carbonneau noted that the review by the Attorney General's office includes whether the declarant has the financial ability to complete a project, but does not guaranty that the improvements will be done. Barlow stated that she felt that bonding should be required for improvements including, but not limited to, landscaping, interior driveway/parking, water supply and sewer improvements (in addition to the bonding for the Town road).

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Board members began listing potential conditions to be imposed on any approval. Conditions listed at this time include:

1. Agreement vis-à-vis conditions imposed by the ZBA on 12/9/06 to be reviewed by Town counsel;
2. Agreement with Selectmen regarding bonding of the Town road;
3. Agreement with Selectmen regarding bonding of improvements including, but not limited to, landscaping, interior driveway/parking, water supply and sewer improvements;
4. Condominium documents to be reviewed and approved by Town counsel;
5. Striping of the interior roadway indicating the sidewalk area should either be shown on the plans or should be a condition of approval;
6. Sewer discharge permit must be obtained from NH-DES; and
7. Permit must be obtained from NH-DES for construction and operation of the community water supply system.

Russell stated that he would like to see Owen's Drive (the proposed new Town road) be striped for bicycle-pedestrian use. Dunham stated that it does not appear that there will be sufficient pavement width for this to occur.

Motion by Beauregard to continue this matter to February 16, 2006 at 7:00 p.m., without further notice, in order for department heads and others to have the opportunity to review the plans presented this evening and to provide an opportunity for Town counsel to review the agreement/ZBA conditions issue. Seconded by Lane. Vote: All in favor.

2. Subdivision Application – T. F. Moran, agent on behalf of Stephen & Joan Pappas, wishes to subdivide Tax Map 72, Lot 51 into 2 lots. The subject premises are located on Route 10 and situated in the Business Zoning District. The proposed lots will be 1.5150 acres and 5.9782 acres. Upon request by the Applicant, Osgood moved to continue this matter to February 16, 2006 at 7:00 p.m., without further notice. Seconded by Self. Vote: All in favor.

B. DISCUSSIONS –

1. Discussion with Chuck Beauregard and Marty Reyes re potential development of property on Talbot Hill owned by Mirle Cross (Tax Map 43, Lot 11). Present to discuss the project were Chuck Beauregard, Marty Reyes, Mirle Cross, Rob Hitchcock (from SVE Associates) and Attorney Tom Hanna.

Basic concept of development includes 25 lots utilizing the cluster development provisions on 214 acres. 30 to 40% of the lot will not be

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developed. A 30,000 gallon cistern will be constructed as part of the project, providing water supply for fire protection to the upper part of Talbot Hill Road.

Beauregard stated that he has spoken with the Open Space Committee and is committed to keeping some of the existing trails open for public use. Beauregard also noted that there are adjacent lands that are subject to conservation easements. Reyes stated that it is their plan to put the undeveloped portions of the project into conservation easements.

Beauregard stated that he had spoken with Swanzy Police Captain Tom DeAngelis who informed him that only one accident had occurred at the intersection of Route 32 and Talbot Hill Road within the last five years. Some board members noted that number does not include many “near misses.” Carbonneau asked if any consideration had been given to a second means of egress from the development, as over 2400 feet of road is proposed to be constructed. Hanna noted that there are many other roads in Town that are in excess of 2400 feet with no secondary outlet, including the Koch project.

Barlow suggested that it would be useful if the pathways and trails could be identified on plans, as well as showing how the proposed protected open space “connects” with adjacent parcels. In addition, Barlow stated that the plans should show the natural features of the property to be protected, especially if the property is to be developed utilizing the cluster development ordinance.

2. Discussion with David Bergeron and Robert Furlone re “Beaudelaire” property (Tax Map 36, Lot 5). Bergeron presented the Board with a conceptual development plan. Plans include the construction of 5 additional buildings (4 buildings being approximately 5000 - 7500 s.f. and 1 building being approximately 9000 s.f.). One of the 5000 - 7500 s.f. buildings will have access directly off of Route 32 and the remaining buildings will utilize the existing driveway access. Furlone stated that he plans on retaining ownership of all of the buildings. Construction plans include single story buildings with loading docks. Page noted that this parcel is located with the tax increment financing district. Board members indicated that they like the general concept of the development.

3. Emergency Management Director Bruce Bohannon was present to discuss the potential siting of an emergency siren on Mt. Caesar. Bohannon noted that additional research needs to be conducted (including a determination of the benefit of placing the siren on Mt.

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Caesar) versus at the Mt. Caesar Library. Board members had no initial concerns, other than the airport zoning overlay district.

4. Changes to approved site plan. Carbonneau provided the Board with an amended site plan for Cheshire Fair. Carbonneau stated that the sugar house was constructed on the southerly side of gate 5 (versus the northerly side of gate 5) due to the location of underground water lines. Motion by Beauregard to approve the revised site plan. Seconded by Fuerderer. Vote: All in favor.

5. January 19, 2006 Minutes – Motion by Fuerderer to approve the January 19, 2006 minutes, with the correction to Item B.1. on page 5 as follows: “The boundary line adjustment seeks to add 709 s.f. to the property upon which the West Swanzey Fire Station is located and ensures that a chain link fence that was erected **is** completely on the Town’s property.” Seconded by Osgood. Vote: All in favor

7. 2005 Planning Board Report – Board members approved the report as to content.

8. Ballot Questions – Board members reviewed the proposed zoning ballot questions as drafted by Carbonneau. Motion by Lane to approve the zoning ballot questions as presented. Seconded by Self. Vote: All in favor.

C. PUBLIC HEARINGS CONTINUED –

1. Subdivision Application – The Town of Swanzey wishes to subdivide Tax Map 72, Lot 29 into 2 lots. The subject premises are located on Main Street and situated in the Village Business and Residence Zoning Districts. The proposed lots will be 6.0 acres and 2.32 acres. Tax Map 72, Lot 29 is owned by Swanzey Township Housing Limited Partnership.

Boundary Line Adjustment Application between Tax Map 72, Lot 29 and Tax Map 72, Lot 30. Tax Map 72, Lot 29 is owned by Swanzey Township Housing Limited Partnership. Tax Map 72, Lot 30 is owned by the Town of Swanzey. The boundary line adjustment seeks to add a total of 709 s.f. to Tax Map 72, Lot 30. The property are situated on Main Street and situated in the Village Business and Residence Zoning Districts. Public hearing opened.

Board members reviewed the plan. Self stated that the water line easement is shown on the plan. Carbonneau noted that the conveyance

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to the Town will include the easement for the water line. Public hearing closed.

Motion by Self to grant the subdivision and boundary line adjustment. Seconded by Osgood. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Fuerderer. Vote: All in favor. Meeting adjourned at 9:40 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner