

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES  
JUNE 26, 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 June 26, 2006 meeting of the Swanzey Zoning Board of Adjustment was called to order at 7:05 p.m. by Chair William Hutwelker. Members present: William Hutwelker, Keith Thibault, Jenn Gregory and alternates Marty Geheran and Bob DeRocher. Geheran was seated for Bob Mitchell; DeRocher was stead 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:

**1. Minutes from June 12, 2006.** Motion by Thibault to approve the minutes from June 12, 2006 as submitted. Seconded by Gregory. Vote: All in favor.

**2. Public Hearing (Special Exception Application).** SVE Associates, agent on behalf of Mirle Cross, requests a special exception from Section III.P.2.e. to permit the development of a cluster subdivision, consisting of 23 house lots. The property is located off Talbot Hill Road, shown at Tax Map 43, Lot 11, situated in the Rural/Agricultural Zoning District. Numerous abutters and interested parties were present. Appearing on behalf of the applicant were: Charles Beauregard, Jr., Marty Reyes, Attorney Thomas Hanna and from SVE Associates Rob Hitchcock and Russ Huntley. Public hearing opened.

Hitchcock reviewed the plans before the Board. It was noted that the number of house lots has increased by one since the submission of the application. The total number of house lots now proposed is 24.

Hitchcock noted that 4 detention basins have been proposed to handle drainage on site. Hitchcock stated that the applicant will need to obtain site specific approval from NH-DES.

In addition, Hitchcock noted that test pits have been dug and it appears from that each lot would be able to support an on-site septic system and well, meeting all State and Town requirements. Hitchcock stated that the project would need to obtain State Subdivision Approval from NH-DES.

The project will also have on-site water storage (in the amount of 30,000 gallons) for fire protection. Hitchcock noted that was included at the request of the Fire Chief. In addition, the cistern(s) will, in all likelihood, be located at the beginning of the proposed subdivision, benefiting much of the Talbot Hill Road area with water supply for fire fighting.

Hitchcock stated that the grade of the proposed new road does not exceed 8%. The length of the proposed new road is 3,750 feet +/- . The width of the proposed roadway to be conveyed to the Town is 50 feet. Hitchcock noted that the site distance at the proposed curb cut meets regulations.

Huntley reviewed the calculations for determining density pursuant to Section III.P.2.e. The calculations (rounded) were as follows:

Total Acreage	213 acres
Acreage not "wet" & not "steep - 25% slopes or greater"	99 acres
Area of proposed new road	4 acres

This leaves 110 acres available for development, divided by the 3 acre density requirement resulting in a maximum of 36+ lots available. Huntley noted that the proposed 24 house lots and roadway encompass approximately 59 acres. The roadway (approximately 4 acres) + house lots (approximately 55 acres, with each lot having in excess of one "dry" and "flat" acre) + open space (approximately 154 acres) = 213 acres approximately. Huntley noted that the steep slopes and wetland areas were determined by both aerial and ground review.

Hitchcock reviewed the submitted application for special exception, noting the applicant's responses to each of the criteria. Hitchcock stated that he felt that applicant clearly met the criteria for granting the special exception.

Carbonneau noted that copies of the plans being presented this evening have not yet been provided to the Town. Huntley stated that full sets of the plans would be provided. Huntley noted that the plans changed from those originally submitted, to include rights of way, as well as adding the 24<sup>th</sup> house lot.

Hitchcock noted that it is approximately 2900 feet from Hackler Drive to the top of Talbot Hill. In that distance there are approximately 25 houses.

Hanna spoke regarding the homeowners association and control of the common land. Hanna suggested that the homeowners association may consider creating a conservation committee to develop policies regarding the use of the common land. Hanna also stated that the applicant has spoken with the Monadnock Conservancy regarding the possibility of entering into a conservation easement on the property. Carbonneau noted that pursuant to the cluster development ordinance (Section III.P.2.), the open space could not be developed in the future.

Beauregard stated that he has spoken with many committees and boards in town regarding this project in order to solicit input as to the best way to develop this property. Beauregard stated that positive feedback was received regarding the cluster development concept. In addition, recommendations were received regarding roadway width, maintaining the existing trail system and water supply for fire protection.

Abutting property owners and interested citizens spoke regarding the project. Harold Kontrovitz expressed concerns regarding the effectiveness of a homeowners association, as the association that he is a member of “does nothing.” Hanna noted that restrictions in the deeds will restrict development on the open space.

Grace Lilly stated that there are currently drainage problems towards the bottom of Talbot Hill Road. Hanna stated that development of the property cannot increase off site flow. Hitchcock noted that the project will need “site specific” approval from NH-DES regarding drainage. Hitchcock stated that the application for the site specific permit will need a pre and post development drainage analysis. Hitchcock stated that he has preliminary drainage plans prepared and will bring additional information to the next meeting.

It was noted that there are many existing trails on the property. Beauregard stated that it was hoped that many of the trails would be maintained by the association. Beauregard stated that no additional trails are anticipated. Beauregard stated the details regarding the maintenance and use of the trails has not been developed. Also, use and maintenance of the trails may also be subject to terms and conditions of any conservation easement, if one is established. Craig Lougee expressed concern as to where people who use the trails would park, as people currently park in front of his property blocking his access. Hitchcock stated that the intent is to allow those who currently use the trails to be able to continue to do so and not to promote the trails, thereby increasing use.

Lougee questioned the distance from the proposed town road to his driveway, feeling it was approximately 25 feet. Hitchcock stated that the proposed distance was closer to 75 feet.

David Cairns stated that he felt that the intersection of Route 32 and Talbot Hill Road was problematic and requested that the Board carefully consider the safety of this intersection. Carbonneau stated that she had received a telephone message from Police Chief Busick regarding the visibility at the intersection, noting that he had provided a recent police report concerning impediments to site distance at the intersection. Carbonneau noted that Busick also relayed that his main concern regarding the proposed development was the intersection with Route 32. Grace Lilly stated that there have been many “close calls” with vehicles entering Route 32 from Talbot Hill Road.

Carbonneau noted for the record that a memorandum dated June 26, 2006 was submitted by Joan Hagar detailing concerns regarding the

impact on Talbot Hill Road, the intersection of Route 32 and Talbot Hill Road, runoff and providing information regarding standards for dead end streets. Hagar's memorandum requested that the ZBA deny the applicant's request for special exception. Craig Lougee stated that dead-end streets/cul-de-sacs are currently discouraged in the "planning world." In addition, Lougee stated that cul-de-sacs do not provide a secondary means of egress.

G. Lilly expressed her concerns regarding water supply, noting that some lots on Talbot Hill Road needed hydro fraction in order to obtain water. Tammy Bischof stated that obtaining water supply on her property was also difficult.

Abutting property owner Craig Lougee stated his concern that his ability to hunt on his land would be diminished, as state law prohibits discharging firearms within 300 feet of a residence. Lougee also stated that the Police Chief has the authority to restrict hunting in the area altogether. Board members requested that Lougee provide written documentation of these restrictions.

Sylva Small questioned whether a cluster subdivision was in keeping with the Town's master plan and the Town's desire to maintain its "rural character." Hanna stated that a cluster subdivision provides many benefits which promote rural character, including the preservation of open space.

Residents along Talbot Hill Road expressed concern regarding the quality of the existing Talbot Hill Road surface. T. Bischof noted that during the recent house construction on the road, the road has taken a "significant beating." Bischof stated that it was her understanding that Talbot Hill Road was not built according to specifications. Board members noted that Towns now typically bond roadway improvements to ensure that they are constructed to specifications.

Concerns regarding the school bus pickup location on Talbot Hill Road were raised. It was noted that parents drive their children to a pickup location lower on the hill and wait for the bus, causing safety concerns along the road.

G. Lilly stated that the costs to a community for single family housing is outweighed by the tax dollars.

Board members stated that they would like to take a site visit. In addition, Board members expressed a desire for additional information regarding potential traffic impact on Talbot Hill Road and the Route 32 intersection. The Board also stated that they wanted additional information regarding drainage, specifically documentation that there would be no increase in off-site runoff.

It was decided to conduct a site walk on Saturday, July 15, 2006 at 1:00 p.m. After the site walk, the public hearing will recommence on Wednesday, July 26, 2006 at 7:00 p.m. at Town Hall. Motion by Thibault to continue the public hearing the site visit to be held on

Saturday, July 15, 2006 at 1:00 p.m. Seconded by DeRocher. Vote: All in favor.

Motion by Thibault to adjourn. Seconded by DeRocher. Vote: All in favor. Meeting adjourned at 10:00 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner