

**SWANZEY PLANNING BOARD MEETING  
DECEMBER 6, 2007**

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

The December 6, 2007 meeting of the Swanzey Planning Board was called to order at 7:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Steve Russell, June Fuerderer, Scott Self, Charles Beauregard, Sr. (arriving at 7:05 p.m.), Victoria Barlow, Selectmen's Representative Deb Davis and alternates Jeanne Thieme and David Belletete. Thieme was seated for Beauregard. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

**Modification to Agenda:** Motion by Self to consider acceptance of the Butler application prior to the public hearing on the proposed zoning ordinances. Seconded by Russell. Vote: All in favor.

Beauregard arrives. Thieme steps down; Beauregard is seated.

**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 Fuerderer that no items on tonight's agenda could be reasonably construed as having the potential for regional impact. Seconded by Russell. Vote: All in favor.

**A. PUBLIC HEARINGS –**

**1. Site Plan Review Application** – The Village Church wishes to construct a 320 s.f. woodshed on property situated at 121 Cobble Hill Road, shown at Tax Map 81, Lot 2 situated in the Residence and Rural/Agricultural Zoning Districts. Paul Haynes appeared before the Board on behalf of the applicant. No abutters were present. Public hearing opened.

Haynes stated that there have been no changes to the plan since the acceptance of the application. Public hearing closed.

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

**2. Multi-Tenant Application** – Tobey Bigelow wishes to use a portion of the premises situated at 140 Monadnock Highway for a martial arts school. The property is shown at Tax Map 18, Lot 69 situated in the Business Zoning District. The property is owned by Kenneth Bergeron. Bigelow appeared before the Board. No abutters were present. Public hearing opened.

Bigelow stated that he will be operating his business in a portion of the building formerly occupied by Wes' Discount, occupying a portion of the first and second floors.

Code Enforcement Officer Weston stated that he has reviewed the premises and does not have any concerns regarding this business being located within the space. Fire Inspector Fontaine stated that he has been through the building before, but wishes to conduct a final inspection. Public hearing closed

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

**3. Modification to Previously Approved Site Plan** – Dave Bergeron, agent on behalf of SSW Carlisle Properties, LLC, wishes to construct two additions to the previously approved 7500 s.f. building – one addition will be 120 s.f., the other addition will be 200 s.f. The property is situated at 41 Safford Drive and is shown at Tax Map 19, Lot 94-4 situated in the Industrial Park Zoning District. Bergeron appeared before the Board on behalf of the Applicant. No abutters were present. Public hearing opened.

Bergeron stated Carlisle wished to construct small sheds or “bump-outs” onto the recently approved 7,500 s.f. building. The 120 s.f. addition is being constructed to house mechanical operations – boiler, water, sewer, etc. The 200 s.f. addition will likely house the dust collection system for the finishing system. However, that has yet to be finalized. Bergeron stated that the alternate use of the 200 s.f. addition may be for the storage of the finishes.

Bergeron stated that the plans being presented this evening have also been modified to reflect the location of the water and sewer lines. Public hearing closed.

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

**4. Boundary Line Adjustment Application** between Tax Map 41, Lots 9 and 10. Tax Map 41, Lot 9 is owned by Jeanette Rondeau Revocable

Living Trust. Tax Map 41, Lot 10 is owned by Ronald and Donna Robbins. The boundary line adjustment seeks to add a total of 0.01 acres to Tax Map 41, Lot 9. The properties are situated off Eaton Road and located in the Residence Zoning District. Jeannette Rondeau, Ronald Robbin, Donna Robbins and Attorney Kelly Dowd (representing Rondeau) appeared before the Board. No abutters were present. Public hearing opened.

Dowd presented the application to the Board. Dowd noted that the boundary line adjustment would allow the existing driveway serving Rondeau's property to be entirely located on her property (currently, it encroaches on Robbins' property). Public hearing closed.

Motion by Self to grant the boundary line adjustment application subject to the condition that that the approval will not be final until the signed deed conveying the property to Jeannette Rondeau Revocable Living Trust 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 41, Lot 9. Seconded by Russell. Vote: All in favor.

**5. Multi-Tenant Application** – Leslie L. Laird wishes to use a portion of the premises situated at 639 West Swanzey Road for an automotive repair business. The property is shown at Tax Map 73, Lot 26-1 situated in the Business Zoning District. The property is owned by Dream4Ever, LLC. Laird appeared before the Board. No abutters were present. Public hearing opened.

Laird stated that he would be occupying a portion of the building that was formerly occupied by a crafts shop. Laird stated that he does not plan on obtaining an inspection station license, nor does he anticipate obtaining any other licenses from the State of NH (such as a dealer's license, etc.)

Laird stated that he may have deliveries to the property 3 to 4 times per day from auto parts retailers. These parts are usually delivered in small trucks.

Laird noted that the waste oil is utilized by other businesses for use as heating fuel in waste oil furnaces. Russell reminded Laird that he should obtain receipts for the waste oil in case he is ever questioned regarding the disposition of the waste oil.

Board members discussed the proposed hours of operation. The application was amended to reflect that the hours of operation would be Monday thru Friday from 8 a.m. to 6 p.m. and Saturday hours would be 8 a.m. to 4 p.m. (deleting the reference to "occasional" Saturday hours). Public hearing closed.

Motion to grant the multi-tenant application subject to review and approval by the Code Enforcement Officer and the Fire Inspector. Seconded by Russell. 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 (Condominium)** – Bruce and Tracy Butler wish to convert the property situated at 120 Base Hill Road to the condominium form of ownership pursuant to RSA 356-B:5. The subject premises are located in the Business Zoning District and shown at Tax Map 52, Lot 12. Bruce and Tracy Butler appeared before the Board. No abutters were present.

T. Butler stated that the proposal does not result in any physical changes to the property. The only impact of the proposal would be to allow the existing duplex units to be converted to condominium units.

Carbonneau stated that the proposed Declaration of Condominium, as well as the proposed By-Laws, has been reviewed by Town counsel. Carbonneau noted that Board members have been provided a letter from Town counsel noting changes that are being requested to the documents/site plan. These changes are in the process of being completed per T. Butler.

Motion by Self to accept the application as complete subject to receipt of the changes requested by Town counsel. Seconded by Russell. Vote: All in favor.

**C. PUBLIC HEARINGS CONTINUED –**

**6. Proposed 2008 Zoning Amendments** – Public hearing opened. Four interested citizens were also present.

Amendment 1 (Flood Plain Amendment) – Page noted that this language was in accordance with language dictated by the NH Office of Energy and Planning. The adoption of this language is required in order to continue participation in the National Flood Insurance Program. Board members concurred that they would support this amendment as proposed.

Amendment 2 (Building Code Amendment) – Page stated that this amendment simplifies existing Section III-A (Swanzey Building Regulations), as a result of the State of New Hampshire's adoption of a State Building Code. In addition, this amendment seeks to incorporate regulations regarding swimming pools and deletes existing section III.R. Board members concurred that they would support this amendment as proposed.

Amendment 3 (Certificate of Occupancy Amendment) – This amendment incorporates the requirement for a Certificate of Occupancy within Section III-A (Swanzey Building Regulations). Board members concurred that they would support this amendment as proposed.

Amendment 4 (50 Foot “Dry” & “Flat” Road Frontage Amendment) – Page stated that he opposes this proposed amendment as written, as he felt that the proposed amendment was vague and that it could limit commercial development. He noted that there are areas in the Industrial Park that have useable land, but the entire frontage of the parcels could be wetlands. Barlow noted that if this is the case, the applicant could apply for a variance and present their case why the ordinance should not apply to their particular parcel. Page stated that if the Town wished to remain business-friendly that it should not be establishing hurdles to make it more difficult to develop property.

Page stated that, while he felt the amendment as proposed would hamper commercial or industrial development and increase sprawl, he was comfortable with the amendment applying to parcels used for residential purposes. Selectman Carlson, who was in the audience, concurred that residential development is the core problem, stating that houses should not be built on lots unless the lots have usable frontage. Self stated that the important issue is to prove each lot has potential access, should a problem develop with shared access.

Members discussed the alternative of amending the subdivision regulations to stipulate that all proposals for subdivision must demonstrate the ability to construct on each lot a driveway that meets town driveway standards.

Carbonneau stated that the proposed 50 feet of “dry” and “flat” land is a relatively small distance that would ensure that adequate access could be ensured for each new lot created. Carbonneau reminded the Board of a recent subdivision where the only road frontage was a substantial wetlands area and that the access to the lot is through another parcel that has only recently entered into a maintenance agreement, noting that often maintenance agreements “go south.” Page felt that this was a situation of “buyer-beware.” Carbonneau stated that she disagreed, noting that lots with inadequate access can cause problems for fire, police and other town services.

Russell stated that he felt that there is a great deal of “good” developable land in Town that has yet to be developed and that the amendment would demonstrate the Town’s priority to develop the most suitable land. Selectman Carlson agreed.

Davis stated that she felt that the Board should not be proposing this amendment at this time, as it appears that there is disagreement amongst Board members. Dave Bergeron from Brickstone Masons stated that he felt that the proposed amendment was more complicated than was required. Code Enforcement Officer Weston was asked his opinion of the proposed amendment. He stated that he has not experienced frontage “problems” in the past and did not feel that the proposed amendment was needed.

Interested citizen Matthew Tarr inquired if the passage of this amendment would restrict his ability to construct future buildings on his property as he believed that the purpose of the amendment was to require road frontage on a town maintained road. Carbonneau noted that the Town already requires frontage on a town maintained road – she further noted that Tarr’s property had been granted a variance recently to construct a single family residence on the property and that accessory buildings that met the setback requirements would be allowed.

Motion by Barlow for the Planning Board to support proposed amendment 4 as submitted. Seconded by Russell. Vote in favor: Barlow, Russell and Fuerderer. Opposed: Page, Davis, Self and Beauregard. Motion fails.

Amendment 5 (Setback Ordinance) – The proposed ordinance amends the definition of setback, setting forth what amenities can be located within a setback area and what items are specifically prohibited. Self proposed some minor changes to the proposed ordinance in order to provide clarification. The proposed changes are as follows:

Paragraph 1 (*new language is underlined*): “The only amenities that may be located within the first 30 feet of a setback area are as follows:”

Paragraph 1 (*new language is underlined*): “Items specifically not permitted to be located within the first 30 feet of a setback area are as follows:”

Paragraph 6 (*re-write the paragraph as follows*): “**6. Amend** Section VI.1.e.1. to read as follows: All buildings or structures within this zone shall be located (a) at least seventy five (75) feet from the right-of-way of Route 10; (b) at least fifty (50) feet from the boundary line of any abutting residential dwelling; (c) at least seventy five (75) feet from any feeder road; and (d) at least twenty (20) feet from any other boundary.” (Amended March 11, 2008)

Board members concurred that they would support this amendment as amended and that the amendments were not of a substantive matter.

The Board also discussed the use of the word “setback” as a noun and as a verb, suggesting that the word “setback” be used exclusively as a noun. In the future, when talking about “set back” (as a verb) the Board will try to use language similar to the following: “all buildings shall be located (versus “set back”) at least seventy-five feet...”

Amendment 6 (Accessory Building Ordinance) – This amendment would require a special exception for accessory buildings having a footprint of 1000 s.f. or greater or 25 feet or more in height in the Residence, Rural/Agricultural or Village Business District. Self stated that he continued to be opposed to this amendment being applied in the

Rural/Agricultural District. However, the remaining Board members concurred that they would support this amendment as proposed.

Amendment 7 (Conservation Residential Subdivision Ordinance) – The amendment replaces the existing Cluster Housing and Cluster Development provisions with a Conservation Residential Subdivision pursuant to RSA 674:21. Minor amendments proposed were as follows:

Paragraph 3: Amend the last sentence to read as follows: “A CRS must have a minimum of 50 feet of frontage on a State or Town maintained road.”

Paragraphs 4.h. and 4.i. Delete the sentence “In subdivisions consisting of less than 50 acres the buffer land (exclusive of wetlands and steep slopes) may be considered developable land for density calculations.” and replace with the following sentence: “The buffer land (exclusive of wetlands and steep slopes) may be considered developable land for density calculations.”

Board members concurred that they would support this amendment as amended and that the amendments were not of a substantive matter.

Amendment 8 (Two-family Density Requirement) – Sets forth that the density requirement for a two-family dwelling in the Rural/Agricultural District shall be three and one-half (3-1/2) acres, unless connected to public sewer.

Board members concurred that they would support this amendment as proposed.

Amendment 9 (Street/Road Definition) – Amends the definition of “street” to also mean “road.”

Board members concurred that they would support this amendment as proposed.

Motion by Barlow that amendments 1, 2, 3, 6, 8 and 9 as submitted and amendments 5 and 7 as amended be placed on the March 11, 2008 ballot stating that these are the amendments proposed by the Swanzey Planning Board. Seconded by Beauregard. Vote: All in favor.

#### **D. DISCUSSIONS/OTHER BUSINESS –**

**1. Minutes from November 15, 2007** – Motion by Russell to approve the November 15, 2007 minutes as submitted. Seconded by Fuerderer. Vote: All in favor, with Beauregard abstaining.

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