

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – February 11, 2016

Note: Draft Minutes are subject to review, correction and approval 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 6:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, Jane Johnson, Don Skiba, Alternate Jim McConnell and Selectmen's Representative Deborah J. Davis.

Absent: June Fuerderer and Joe Smith.

The Chair took the roll and read aloud the agenda for the meeting. Page seated McConnell for Fuerderer.

Others Present: Director of Planning and Community Development Sara Carbonneau, Open Space Committee (OSC) Chair Victoria Ames, Stacey Gambrel from the Monadnock Conservancy, Residents Robert Secord, Richard Sainsbury, and Stephen Bedaw.

Minutes:

- Minutes from January 14, 2016 were considered. There was a **motion** by Skiba to approve the Minutes of January 14, 2016. There was a second by McConnell and no further discussion. All were in favor. **Motion passed.**

Regional Impact: Board members considered whether any items on the agenda could be construed as having the potential for regional impact. **Motion** was made by Skiba that there is no item on the agenda which can be construed to have potential for regional impact. There was a second by Self. All were in favor. **Motion passed.**

A. PUBLIC HEARINGS

Multi-Tenant Application

Terry Bolster wishes to use a portion of the premises situated at 919-931 West Swanzey Road for an antiques and collectibles business. The property is shown at Tax Map 71, Lot 11 situated in the Business District. The property is owned by Robert & Shelley Secord.

Public hearing opened at 6:03 p.m.

Mr. Secord was present to speak about the request. He said nothing is changing since the business will be the same as has been on the site. He said his exit signs need to be taken care of, but other than that the Fire Department has no issues. He said he would be making the necessary repairs for the exit signs to be lit. Johnson asked Secord that objects from the business not be placed at the roadside. Secord affirmed that objects from the business will be placed near the building, not by the road.

Public hearing closed at 6:05 p.m.

Motion was made by Self to approve the application of Terry Bolster to use a portion of the premises situated at 919-931 West Swanzey Road for an antiques and collectibles business on property shown at Tax Map 71, Lot 11, situated in the Business District and owned by Robert & Shelley Secord. There was a second by Johnson. All were in favor. **Motion passed.**

B. DISCUSSIONS/OTHER BUSINESS

Excavation Permit

Review and authorization to sign excavation permit for property situated at Map 86, Lot 1 on Property owned by Mitchell Sand & Gravel, LLC. Page noted that the site plan was approved. Carbonneau said it is the same as the excavation permit that has been in place, with the exception of the last paragraph of the permit that was added regarding the monitoring wells, which was part of the approval for the site plan. The additional paragraph reads as follows: "19. Monitoring wells at SUR, Mitchell and Willard shall be monitored in accordance with the monitoring plan dated October 2, 2015 and approved by NH DES." She said the proposed permit expires in 2021, which coincides with the 5-year term of the Alteration of Terrain Permit.

Motion by Skiba to authorize the Chair to sign the excavation permit for property situated at Map 86, Lot 1 on Property and owned by Mitchell Sand & Gravel, LLC. There was a second by Self, and no further discussion. All were in favor. **Motion passed.**

Excavation Permit

Review and authorization to sign excavation permit for property situated at Map 86, Lot 2 on property owned by South Branch Group on Kempton Road. Carbonneau noted a letter provided by Jeffrey Blecharczyk, Compliance Inspector with the DES Land Resources Management Program, questioning expansion of the gravel pit operation and an email from Blecharczyk accepting the explanation by the permit holders of why soil was removed from property at Map 86, Lot 3. Carbonneau also said NH DES has approved the Alteration of Terrain permit.

Motion was made by McConnell to authorize the Chair to sign the excavation permit for property situated at Map 86, Lot 2 on property owned by South Branch Group on Kempton Road. Self seconded the motion and there was no further discussion. All were in favor. **Motion passed.**

Excavation Permit

Review and authorization to sign excavation permit for property situated at Map 24, Lot 58 on property owned by South Branch Group on South Road. Mr. Bedaw said they are hoping to be done this year with re-seeding the property. He said that the land may possibly be donated to the Town once they are finished.

Motion was made by McConnell to authorize the Chair to sign the excavation permit for property situated at Map 24, Lot 58 on property owned by South Branch Group on South Road. There was a second to motion by Skiba and no further discussion. All were in favor. **Motion passed.**

Request for Feedback Pursuant to RSA 41:14-a

Discussion was held regarding proposed acquisition of back-up conservation easement on Ballou property – Matthews Road. OSC Chair Ames was present to speak about the proposed conservation easement. She reviewed the OSC process when there is a request for Town funding for a conservation easement. She asked for input from the Planning Board. She introduced Stacey Gambrel from the Monadnock Conservancy who is heading up the project. Gambrel passed out an aerial photo of the Ballou Property and explained why the Conservancy is excited about the project and the conservation values of the property. She spoke about the land

being adjacent to the Ashuelot River. The lower field will be re-planted with trees, and the rest of the property will be used for haying. She spoke about the location related to other conserved lands and she referred to the Master Plan of the Town which speaks to open land conservation. Page asked if this land is within the 100-year floodplain. Gambrel said the land does flood and went on to say that funding is coming from the Aquatic Resources Mitigation Fund (ARM Fund) for restoring floodplain habitat. Ames pointed out the Land Acquisition Fund account has been in existence for about 20 years. Gambrel said the total budget is about \$300,000 and they have secured \$270,000 of the need.

McConnell asked how the Monadnock Conservancy arrived at the \$17,900 figure – Gambrel said the transaction costs were involved in establishing that amount. Ames said that the property owner was approached by the Conservancy. McConnell asked who would be farming the upper land and Gambrel said that the property is leased out for farming. She said the Conservancy does not dictate who farms the land. Carbonneau noted the town will take a secondary interest in the easement.

Johnson asked about the benefits to the public and whether the land will be open to visitors to experience the river. Gambrel said that the land is not posted currently, but the discussion about public access has not been firmly established with the property owner. She said that ARM Fund does not require public access. Discussion continued about public access to the river.

There was a brief discussion about the Silvio Conte project and how it might impact on the area. Gambrel said that the government will only be working with willing buyers. McConnell said that some folks are concerned about the possibility of their land being taken by eminent domain. He spoke about RSA 121-6.

Carbonneau said that the OSC and Conservancy are requesting that the Planning Board agrees with the expenditure and to provide feedback to the Selectmen pursuant to RSA 41:14-a.

McConnell **moved** to support the Ballou project and request for \$17,900 in funding from the Town of Swanzey Land Acquisition Fund.

There was discussion: Self asked what happens if the town does not approve funding for the project. Gambrel said they would find the money somewhere else. Johnson mentioned that acquisition of the easement will help with the flow of water downstream. Johnson said she was concerned about limited public access. Johnson said that someone noted that the property owner is a very private person and she could close off the property. Gambrel said the easement has not been written so the terms have not been established yet. She stressed that the easement only restricts development of the land. It was noted that the land is not posted at the moment. The Town could take over role of monitoring the land and enforce the easement provisions if it was felt that the easement was not being upheld properly by the Conservancy. Ames pointed out that citizens are encouraged to help with monitoring the property. McConnell suggested that maybe the funds shouldn't be approved until the easement is actually written. Skiba asked about the reference to Recreation that Stacey referred to as wording that would go into the easement. Skiba tried to establish that the Conservancy would not hold up the easement if public access was not granted.

Carbonneau said that the Planning Board can make recommendations but ultimately it is the authority of the Board of Selectmen for the decision to fund the project, or not. She spoke to the importance of the land because of the restoration of the floodplain habitat.

The motion was seconded by Johnson.

Johnson said she seconded the motion because she felt that natural processes could ruin the land and it was important that nothing be built on the property. McConnell pointed out the location of the land within the boundaries of Swanzey. There was a discussion about possible conversations with the landowner about public access. Gambrel mentioned that some landowners post their property around a home, but leave the rest of their land unposted for public access.

Chair called for a vote, and all were in favor. **Motion passed.**

Spring Planning & Zoning Conference Workshop on April 23, 2016

Carbonneau said that the Town does have some funds for those who might be interested in attending. Davis said she has attended one of these in the past and it was worthwhile.

Discussion on Right-to-Know Law

Skiba spoke about Right-to-Know Law and asked how you can conduct business without using email. There was a clarification about what is entailed for doing "business". Page said that there if there is no voting nor decision-making going on then it's not business. Carbonneau said that it is okay to do administrative work via email. Skiba asked for clarification for what is acceptable and what is not acceptable. There was further discussion about not using Reply All in email communications. Self noted that engaging with folks outside of meetings is also not acceptable. Carbonneau stressed that folks with questions should be directed to Carbonneau or the Town Administrator.

Signs without Permits

Chair asked about improper signs that are currently on town streets and in particular a sign on property owned by the Fenton family. Carbonneau said the individuals with non-permitted signs have until the first Monday in March to apply for a permit for the signs.

Bond Open House

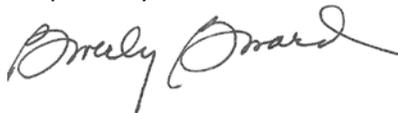
Carbonneau confirmed an Open house for Feb. 20th from ten to noon at Town Hall. She said if someone wants to visit the other facilities, they are to leave their names for follow-up.

Adjournment

Motion to adjourn was made by McConnell, seconded by Skiba, with all in favor. **Motion passed.**

Adjournment occurred at 7:01 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary