

Town of Swanzey, New Hampshire  
**Swanzey Planning Board**  
Meeting Minutes – April 25, 2013

*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 6:00 p.m. by Chair Glenn Page. Members present: Scott Self, June Fuerderer, Joe Smith, Jeff Goller, Gus Lerandeau, Selectmen's Representative Nancy Carlson, and Alternate Don Skiba. The roll call and agenda for the meeting was read by Chair Page.

**Absent:** Bob Audette, Jane Johnson

**Others Present:** Town Planner Sara Carbonneau

**Minutes:** Minutes from April 11, 2013 were reviewed. **Motion** was made by Fuerderer to accept the minutes with edit showing that she had rejoined the meeting. The motion was seconded by Goller, with all in favor. Smith abstained since he was not present. **Motion passed.**

**Regional Impact:** Board members considered whether any items on the agenda could be construed as having the potential for regional impact. **Motion** made by Fuerderer that no items on the agenda could be reasonably construed as having the potential for regional impact. Second by Smith, no further discussion, and all were in favor of the motion. **Motion passed.**

## **PUBLIC HEARINGS**

### **Public Hearing Boundary Line Adjustment Application – between Tax Map 2, Lots 4 & 5.**

Tax Map 2, Lot 4 is owned by James Kendall; Tax Map 2, Lot 5 is owned by Gemica Propoerties, LLC. The boundary line adjustment seeks to add a total of 0.12 acres to Map 2, Lot 5. The properties are situated off Monadnock Highway and located in the Business District.

Chair Page opened the public hearing at 6:01 p.m. to review the application submitted by Gemica Properties, LLC and James Kendall.

Dave Bergeron from Brickstone reviewed the site plan showing the boundary adjustment. He stated that there had been a dispute about the boundary lines, and to clarify the situation the adjustment is needed. No abutters were present. Carbonneau noted that the deed and plan should get recorded at the same time. Public hearing closed at 6:05 p.m.

**Motion** made by Lerandeau to approve the line adjustment subject to the deed and plan being recorded contemporaneously at the Cheshire County Registry of Deeds, second by Smith. All were in favor.

**Motion passed.**

## **DISCUSSIONS/OTHER BUSINESS**

### **Discussion re S. Stepenuck notes regarding boat launches on Ashuelot River**

Page asked for comments on the documentation provide by Stepenuck. Skiba said Stepenuck had done a nice job. Lerandeau said it should be added to the record. Carbonneau said the evaluation of the West Swanzey Athletic Association (WSAA) property is valuable for future development of the property.

**Motion** made by Lerandeau to add Stepenuck comments to the record, seconded by Smith, all in favor.  
***Motion passed.***

### **Update re litigation**

Carbonneau said that the Town needs to file a response to Zaremba's response to the judge's decision recently issued. Attorney Gary Kinyon will be filing a response to Zaremba. Carbonneau asked that if anyone has any comments or questions, to provide them to her. Carlson pointed out that Zaremba's response focused on just the water issue and did not take into account the other factors involved in the suit. She said that she wanted to make sure that the Town's response shows that there was more than just the water issue involved.

Dunkin Donuts matter - Carbonneau said the article in the Keene Sentinel did a good job summarizing the decision. The State issued a driveway permit but that can be challenged. Application was denied based on traffic concerns.

Construction Procedures Manual and Road Acceptance Policy review is deferred to May 9th.

Trail dedication is to be held on Monday, April 29, 2013 at 1:00 p.m.

### **Home Occupation concerns**

Page raised the issue of how the Planning Board responds when there is a home occupation application in hand and neighbors make a noisy fuss about the idea at a public hearing. Page suggested that the language regulating home occupations be changed to better reflect the kinds of situations the Board is dealing with so that the Board isn't simply responding to neighborhood outrage and treating the applicant fairly.

Carbonneau said some people come to Town Hall looking to apply for a Home Occupation permit who have a business where there is no indication there is business going on, with no customers, no deliveries, and no noise being generated. Self said that if a home occupation doesn't disrupt the neighborhood, then the Planning Board shouldn't be involved. Carbonneau said that some Towns have multiple tiers for Home Occupation. One level might be customers arriving. Another might be how the business impacts the outside of the home. There was a brief discussion about trucks with signage in a residential neighborhood. Carbonneau will pull some research about how other Towns handle it. Town doesn't have an ordinance about the size of the vehicle you can drive back and forth to work. Office of

Energy and Planning has a research library, and Board members can check Home Occupations for more information. Skiba said that the language should be as fair as it can be. Some people bring dump trucks home. Noise can be intrusive.

#### **Farm Animal Regulations**

Carbonneau reported that some residents want to know if they can have horses or cows in their yards. Carbonneau says that the Town needs guidelines for farm animals. While the State of New Hampshire has a right-to-farm statute, Carbonneau says that Towns can regulate them. She said that it is becoming a continuous issue that is arising in Town.

**Motion** by Goller to adjourn, seconded by Lerandeau, with all in favor. ***Motion passed.***

Adjournment at 6:33 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Beverly Bernard", written in a cursive style.

Beverly Bernard, Recording Secretary