

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – October 25, 2012

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 Chairman Glen Page. Members present: Glenn Page, Scott Self, June Fuerderer, Gus Lerandeau, Joseph Smith, Jeff Goller and Ken Colby, Jr., Board of Selectmen representative, as well as alternates Paula Miller and Jane Johnson. Bob Audette was absent. Town Planner Sara Carbonneau was also present as were a number of residents. The agenda was read by Page and no changes were suggested by the Board. Smith had to leave at 7:45 and Miller was seated for him at that time. Goller had to leave at 8:30 and Johnson was seated for him at that time.

Regional Impact: Board members concluded that there were no items on the agenda that would require a determination of potential regional impact. Motion made by Fuerderer, seconded by Smith, no discussion was necessary; all were in favor. ***Motion passed.***

A. PUBLIC HEARINGS

- a. **Site Plan Review Application** - Francis Macri wishes to modify access and add parking to the property shown at Tax Map 53, Lot 2-1 (as to be modified by a proposed boundary line adjustment). The property is situated at 197 West Swanzey Road and is situated in the Commercial/Industrial District.
 - i. Jim Phippard from Brickstone Land Use Consultants appeared before the Board on behalf of the applicant to ask for approval of the site plan. No abutters were present. Public hearing opened. Mr. Phippard presented the site plan. The property today is a non-conforming lot, which has no frontage. The boundary line adjustment will bring the parcel in conformance with 60 feet of frontage and 4.7 acres providing a second means of access to the property. The area is relatively flat and will provide 25 parking spaces. There will be more centralized parking and safer access in and out of the property. The retail building will be reconfigured. The rear access road will continue to be used by trucks delivering supplies. Loam, mulch, etc will be stored on the remainder of the parcel shown as Map 51, Lot 1-3 off Whittemore Farm Road. An existing pond will be used for run-off storage, with a 25-year storm design. Expansion of Maple Hill Nursery property will create up to 90 trips per day. No significant impact on traffic. Whittemore Farm Road use makes the access safer overall. Not proposing any additional lighting. Most business is during the daylight hours. Handicapped parking space will be identified closest to the entrance. Some questions were asked from the Board members Lerandeau and Smith regarding gravel being used on the road and code enforcement. Chairman Page asked for other

questions and there were none. Public hearing closed. Smith made a motion to approve the Site Plan Application, seconded by Lerandean. All were in favor.

Motion passed.

- b. **New Tenant Application** - Robert Yantiss wishes to use a portion of the premises situated at 487 West Swanzy Road for a furniture repair business. The property is shown at Tax Map 55, Lot 5 situated in the Commercial/Industrial District. The property is owned by GB Investment Holdings.
- c. **New Tenant Application** - S&S Painting, Inc. wishes to use a portion of the premises situated at 487 West Swanzy Road for a painting contractor business. The property is shown at Tax Map 55, Lot 5 situated in the Commercial/Industrial District. The property is owned by GB Investment Holdings.
 - i. Ken Greatbatch stood in for **Robert Yantiss and S&S Painting** since Greatbatch is the property owner, formerly the old Humane Society property. Public hearing opened. No abutters were present. Both businesses are moving in from West Swanzy. Application documentation provided by Carbonneau. Page asked about addition to existing building. Greatbatch stated that the addition was done when a former tenant was in there. Page asked if S&S will store paint on site. Greatbatch responded that there will be mostly latex paint, but also some oil paint. Page asked if any abutters were present to review the plan. No response from public in attendance. Self pointed out that one modification in the application for Yantiss was required for # of employees since it currently reads "0". Greatbatch responded that the number of employees for Yantiss's business would be 1 full-time and perhaps 1 part-time. Question from Fuerderer regarding oil based paint. Greatbatch responded that the building is cement block. Asked about modifications to the building – they are remodeling the bathroom and putting up an outside entrance. Greatbatch understood that remodeling will require a building permit and that he would be in contact with Chet Greenwood, Town Code Enforcement officer. No further discussion or questions from the audience. Public hearing closed. Motion made by Self to approve the new tenant applications for both Robert Yantiss and S&S Painting, seconded by Colby. All in favor. ***Motion passed.***

B. OTHER APPLICATIONS

- a. **Sign Permit Application** - Modification to existing free-standing sign to reflect new tenants (Yantiss and S&S Painting) at 487 West Swanzy Road, Tax Map 55, Lot 5.
 - i. The Board reviewed photo of existing sign. Sign would be modified to reflect new tenants. Motion to approve sign permit application by Self, second by Colby. All in favor. ***Motion passed.***
- b. **Request for Extension of Site Plan Review Approval** - DSM Realty seeks a one year extension of its site plan approval granted on October 27, 2011 to modify the Retail Development at the Market Basket site in Swanzy.
 - i. Jeff Kevan, represented the supermarket, Market Basket. He provided a drawing and site plan of the modifications approved on October 27, 2011.

Building is 19,200 sq feet and 5780 sq feet to be added. In addition, two other free-standing buildings were approved at that time. Market Basket has not signed tenants at this point, but is actively looking. They need the extension in order to obtain a tenant. There were no questions from the audience. Lerandeau moved to approve the extension, seconded by Colby. One year will run from October 27, 2012 date. All in favor. **Motion passed.**

C. DISCUSSION/OTHER BUSINESS

- a. **Request from Paul Thomas to place an office trailer on property situated at 2 Arrowcrest Drive** - similar request was approved by the Board less than 2 years ago in October 2008. No abutters were present. Motion by Self to approve office trailer on lot, seconded by Lerandeau. All in favor. **Motion passed.**
- b. **Notification Pursuant to RSA 674:54.** The Swanzey Cal Ripken baseball group requests permission from the Town of Swanzey (Board of Selectmen) to construct two new batting cages, a new storage building and remodel the current storage building into a cook shack on property owned by the Town situated off South Road. Carbonneau suggested that the Board needs to determine if the proposed use was a substantial change in use and a substantially new use. If the answer is yes, a public hearing may be scheduled. Self suggested it was the same use. Proposal includes new storage building of 20 ft by 50 ft. Deb Crowder asked about erosion control. Self suggested while it is the same use, it appeared that there was a substantial increase in the use and that there were enough additional questions such that it warrants a public hearing. Self made a motion to have a public hearing, seconded by Fuerderer, all in favor. **Motion passed.** Public hearing for modification for the ball-field will be held on November 29, 2012.
- c. **2013 Zoning. Primary structure setback along Wilson Pond.**
 - i. The Board is considering whether or not it is in support of changes in setback requirements along Wilson Pond for 2013. Setback requirement is now 125 feet for the Town of Swanzey; the state requires 50 feet.
 1. Paul Daniello read a letter to the Board which he had written and subsequently delivered to the Recording Secretary in support of maintaining the 125 foot setback requirement. Daniello lives on South Road. He opposes reducing the buffer zone that protects Wilson Pond. He is an environmental chemist. He served as a member of Conservation Commission. He states that the existing by-law protects the pond helping to filter out pollutants before they can reach the pond. He believes the reduction will have a negative effect on water quality.
 2. Deb Crowder, as chair of Conservation Commission, defended the setback for wetlands. Her view is that ponds and lakes are public resources, not just private playgrounds. The lakes and ponds of Swanzey are a collective resource that is owned by the town and state, not just by the owners of homes around the pond. Water quality retains home value. She hopes that the board will not approve a

change. Town approved the setback in the 90's for good reasons. She stated that voters have spoken clearly.

3. Tom Bouffard addressed the Board stating that in the 1990's residents of Wilson Pond wanted to continue to monitor the water quality in order to preserve the quality of the water. The Wilson Pond association is a voluntary organization with no dues, but they do ask for contributions. They spend \$300 on average which goes to testing the water, 3 times a year, in June, July, and August. The New Hampshire Department of Environmental Services (DES) charges \$100 for each test. DES provides an annual report; in 2010 report they remark on the fact that Wilson Pond is different from other ponds in the area in the amount of sodium chloride in the water. Suspect it is result of development on Route 32, and Route 9 (sic) 12 which has culvert that tends to run into Wilson Pond. Wilson Pond residents are not all for expanding existing structures to a point where the pond would be endangered. Page asked for a copy of DES reports. Bouffard said he would bring them to Town Hall and Carbonneau said she would make copies.
4. Andrew Bosworth spoke against maintaining the 125 foot setback requirement. He stated that the residents were already using fertilizers. He believes that the amount of run-off will not change even if they extended a building.
5. Ron Parent spoke in favor of reducing the 125 foot setback requirement to the state's 50 foot requirement. He has house on Wilson Pond. If he wanted to add a couple of steps, he couldn't. Can't add a deck. 90% of the houses already in place are less than 125 feet from the water. The setback requirement ties the hands of owners to any improvements. They want a fair shake to make some changes. They are happy with the state guidelines to 50 feet.
6. Rebecca Madrigal also spoke in favor of reducing the setback requirement.
7. Barbara Skuly, Spring St. presented graphs of water quality of the Ashuelot River. She coordinates water quality monitoring program. The graphs showed hard data for years 2001 to 2011 for monitoring run-off in areas of both riverside development and rural areas. Dissolved oxygen was represented in first graph. The graph showed a reduction in dissolved oxygen where the river runs in developed areas in Keene. Another graph showed PH parameters, which measures hydrogen iron content in water. The graph shows that going into Keene the lines for PH goes up. Self asked what is raising the PH? Scully responded that it could be detergents, anything coming off the street. Granite doesn't raise the PH. It is not a good thing that it is approaching the state

standard. Johnson asked how the state standard is arrived at. Colby asked: can't pollution can be both high or low PH? We know that chemicals can buffer the PH levels. NH has a problem with acid rain. Higher PH is more compatible to aquatic life, but its bringing in other substances. 3rd graph shows specific conductance which measures iron content. 100 specific conductance is "good". It starts at 50 in rural areas and rises above 100 as approaches developed areas. Development close to the river has an impact on the water quality. One can make parallel assumptions about lakes and ponds.

8. Resident asked how long has there been an improvement due to sewer system and enhanced buffer zone and who pays for the sewer. Page pointed out that the cost of sewer was paid for by the town and the north owners. Bond is split between taxpayers of the whole town and the rest is charged to the users.
9. Nathan Jacobs, Wilson Pond Rd. Jacobs owns property on the pond and wants the pond to stay clean. Problem as he sees it is that the tax revenues have been reduced over time as homes have deteriorated. Owners have barriers to jump over to make changes. There will be more renters in that neighborhood. Neighborhood is attracting renters, and renters don't care about the pond as owners do. In order to increase the home values over time, to keep homeowners, there has to be ease up on restrictions. Benefits the town as homeowners improve their properties and taxes will increase. The Board isn't helping increase taxes needed by the town.
10. Tim Foster, 21 Lake Shore, just recently moved in. He believes that the state setback of 50 feet is common sense. Fertilizers are already being used no closer than 25 feet. If you go to 50 feet, you can use slow-acting chemicals. After that you can't use any fertilizers. A lot of houses are less than 40 feet from the water. 125 foot setback isn't "worth a damn". 50 foot setback is reasonable. He wants to be able to fix the house up. 125 foot setback won't provide an initiative. Page said that there isn't anything in the ordinance that prohibits upkeep of a house. Owners can do that today with the 125 foot setback requirement in place. Foster also wanted to say something about pollution of the water. The water level varies, the oxygen level changes. He is a maritime captain and knows a little about water quality. He sees ducks and doesn't see oxygen depletion. He says 50 ft is fine, 125 doesn't make sense.
11. Bouffard stated the PH and conductivity are tested 3 times a year with DES analysis. You can see report, don't have to believe him. PH is a bit better, but conductivity is associated with sodium chloride, related to town's decision to put in Homestead Highway. We have no control over

that. Most NH waters are acidic and therefore can support fertilizers which balance the acidic level. Since Wilson Pond is small and shallow, it is more vulnerable than deeper lakes.

12. Abbott Fletcher: if this were a body of water in pristine area 125 foot would make sense. He thinks it is crazy. The Pond has been developed for a long time. But some of the renters are "bad".
13. Crowder - when she was a kid she would not swim in the pond, the pond was disgusting. The sewer lines have helped to improve water quality, but more long term improvements have to do with making setback 125 feet in 1990. If everyone built to 50 foot buffer, we don't know how badly the pond would be impacted. Her point is that the water quality that is good now may be because of the setback slowing building construction. The reason the setback was implemented was because they felt the state standard was insufficient. The Swanzey Conservation Commission does assist the homeowners with water quality costs for monitoring. If they request assistance, the Conservation Commission will be happy to help.
14. Page stated that he swam in the pond when a kid, but there was a backwater that never froze. Sewer commission looked at citations for pollution, and a lot of open pipe to the pond got fixed; pond homeowners did a lot before the sewer showed up.
15. Jacobs stated that if someone wanted to combine properties and build a home, the regulations would be stifling some of that construction.
16. Skuly stated that 125 foot setback is meant to protect the resource. Everyone who lives there benefits from the water quality. Maybe the 125 ft setback helped the water become healthy, relatively weed free, with fish. If we changed the setback to 50, what would happen to the water quality and everybody built that close to the pond, would the water quality be the same? She doesn't see this as taking away folks rights to keep the property up. It is protecting the resource for people who live there.
17. Foster asked: what improved the water quality?
18. Page said no question in his mind that it was the sewer going in. A few folks with special septic systems got a waiver to keep them until they failed. But all septics will fail eventually. Whether or not the Planning Board will propose changing the setback will be decided after much review. Carbonneau pointed out that the Board did not support the petition article last year.
19. Fletcher expressed the view that some of the owners think that the benefits in water quality don't equate to the loss of being able to improve the properties.

20. Bosworth expressed an opinion about the graphs. Rt 32 runs along Wilson Pond, you are going to get run-off. This is not an undeveloped area.
21. Meg Capurro asked if there is some sort of method to prevent the run-off from entering the water.
22. Lerandeau commented that section of 101 in Dublin, has infiltration system. DES has options on website for reducing run-off.
23. Page says, yes, it is do-able but it isn't cheap. Goller had to leave, Johnson was seated for him. DES law RSA 483-B:9 states that no more than 30% of a lot shall be impervious surfaces unless a storm water system by professional engineer is implemented. Johnson moved that the Board table the discussion until we get more input to review. Seconded by Lerandeau. No further discussion. All in favor. **Motion passed.** Anyone interested in providing information for the Board may submit it to Carbonneau prior to November 8th meeting. Public Hearing ended. Brief recess allowed public to leave.

d. **Construction Details & Construction Procedures Manual.**

- i. Lee Dunham - joined the Board to discuss the Construction Details & Construction Procedures Manual. Question arose around provision that 50% of the lots be developed in a subdivision before town accepts the road. Dunham stated that construction equipment (trucks) is detrimental to the road. We can't control the economy. Some roads are built and nobody comes. Woodland Heights is an example. The Town has bonds for such construction. The road base is constructed, then a year goes by before road is topped, and then once the Town has accepted the road, we have the bond for an additional year. Once that year is done, the bond is released. Road is good for 20 years if there is no truck traffic. Self asked if there were two different standards for truck versus development road. Roads will last longer if built to the standard required. Dunham wants to use the 50% guideline, which means 50% of the construction has been done. Others on the Board argued that if you have a taxpayer on the road, and a Certificate of Occupancy (CO), he will expect that the Town has responsibility for the road. Long discussion on providing town services to a few homeowners when development hasn't been built out. Carbonneau suggested bringing Underwood to Town in order to provide clarification for manual. She suggested that the Planning Board consider approving limited road footage in phases. Self stated the idea is to provide assurance we get good roads. We could specify that they have to develop in phases, whether they want to or not. Dunham says that the problem is that trucks can destroy the road after the road has been topped off. Lerandeau asked if the Town can hold a bond for two years? Carbonneau replied that the Town can hold the money. If the contractor hasn't performed under the terms of the bond, the town can go and do the work if the work has not been done or if the standards were not met.

The town is obligated to the property owners. The bond can be held for more than a year - however, it needs to be spelled out in the bond and in the development agreement. If the developer doesn't perform, then it is the obligation of the town to take the money and do the work (hire a contractor to do the work). Lerandeau suggested that the Town use the state of NH DOT book - so that we are out of the fray - the spec book is what to follow, we don't get into a fight with developer. Self had other comments on the design drawings: S1 - #3 sand blanket, where is the spec for it? Also we usually use only crushed stone, not screened gravel so need to cross screened gravel out of the drawing. S-2, manholes and inverts. Should be hard brick for inverts, not soft brick. S-3 - wants to change "PVC bell removed" to clean horizontal line. Should say it is removable. S-4 A note 3: clean out shall be installed, change to "may" be installed. S-4 B showing lateral to the house, clean out: shows a branch T, instead should be a Y for the plan. W-3 took out continuous lengths of copper.

e. **Meeting Time Survey**

- i. **Long meeting survey** - 6pm or 7pm, two said 6:30, one said 6 or 7 depending on the season. One person refused to answer. Nine people thought 6pm would be best. Selectman Ms. Davis cannot make meetings before 7 p.m. because of her work schedule. The favorite time was 6 p.m.. Motion by Johnson to move meetings to 6 p.m. Seconded by Miller. Further discussion. To be implemented at the first of the year. All in favor. ***Motion passed.***

f. **Meetings in November**

- i. November 29th is meeting after Nov. 8 since the Board will not meet on Thanksgiving Thursday. For Nov. 29th, Underwood to be invited for clarification of Construction Details & Construction Procedures Manual.

- g. **Minutes:** Sept. 27th Minutes - Page asked for any changes. Fuerderer pointed out that Johnson was seated for Fuerderer and since Johnson made a motion, it should have been mentioned in the minutes. Correction will be noted. Motion by Self to approve Minutes with changes, seconded by Lerandeau. All in favor. Page asked if there were any changes to the Oct. 11th Minutes. There were none. Self made a motion to accept the Oct. 11th Minutes, seconded by Gus. All in favor. ***Motion passed.***

Motion to adjourn by Lerandeau , seconded by Colby , all in favor. Motion passed. Adjourned 9:20 p.m.

Respectfully Submitted
Beverly Bernard, Recording Secretary