

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – October 27, 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, Don Skiba, Jane Johnson, Richard Sainsbury, Joe Smith, Selectmen's Representative Ken Colby and Alternate Liz Traynor. The Chair took the roll and read aloud the agenda for the meeting.

Absent: Alternate Jim McConnell

Others Present:

Director of Planning and Community Development Sara Carbonneau, Development Consultant with Brickstone Land Use Consultants LLC Dave Bergeron, Paul Thomas, Pam Wilder, Eric Olmstead, and Mike and Eunice Pappas.

Minutes:

- Minutes from September 22, 2016 were considered. There was a **motion** by Smith to approve the Minutes of September 22, 2016 and a second by Self. All were in favor. ***Motion passed.***

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

PUBLIC HEARING

Multi-Tenant Application – Silver Direct, Inc. - Public hearing opened at 6:04 pm

The applicant wishes to use a portion of the premises situated at 351 Monadnock Highway for a marketing, design and printing business. The property is shown at Tax Map 16, Lot 21 situated in the Business District. The property is owned by Paul Thomas.

Attached Sign Permit Application – Silver Direct, Inc. wishes to install a 19.53 s.f. attached sign on property situated at 351 Monadnock Highway.

Free-standing Sign Permit Application – Silver Direct, Inc. wishes to install a 24 s.f. free-standing sign on property situated at 351 Monadnock Highway.

Discussion: It was noted that the building is owned by Paul Thomas; the business will be located in the southerly end of the building. Carbonneau said that the Fire Inspector found no issues to be concerned about. Page asked if there were abutters present and there were none. Carbonneau said that the Conservation Commission was okay with the application, assuming solvents would not be used. Wilder said they do use solvents but they are recycled.

Public Hearing closed at 6:06 pm

Motion was made by Self to grant the application of Silver Direct, Inc. to use a portion of the premises situated at 351 Monadnock Highway for a marketing, design and printing business on property shown at Tax Map 16, Lot 21 situated in the Business District and owned by Paul Thomas. There was a second to the motion by Colby and no further discussion. All were in favor. ***Motion passed.***

Motion was made by Self to grant the application of Silver Direct, Inc. for a 19.53 s.f. attached sign on property situated at 351 Monadnock Highway and for a 24 s.f. free-standing sign on the same property. There was a second to the motion by Colby and no further discussion. All were in favor. ***Motion passed.***

OTHER APPLICATIONS – (The following applications were considered for completeness only. Comments were limited to the completeness of the applications.)

A. Site Plan Review Application – Brickstone Land Use Consultants, agent on behalf of SET Real Estate Holdings, LLC

The applicant wishes to construct a 3,375 s.f. addition to the existing building. The property is situated at 93 Monadnock Highway and is shown at Tax Map 18, Lot 134 situated in the Business District.

Presentation and Discussion: Dave Bergeron presented the plan for the site for Thomas Transportation. He said they are doing an expansion of the existing building. He pointed out the wetlands around the property and that Wilson Pond is to the rear of the property. He showed the proposed addition and parking on the site. He said the addition will be mostly on the existing parking area, and he noted he has received a variance from the Zoning Board of Adjustment (ZBA) and a Shoreland permit has been obtained. They are still waiting for the wetlands permit from DES to be issued. He said they are adding drainage so as to flow storm water to the existing retention pond. He noted that lighting has been reduced as compared to the original car dealership that was located there in the past. Bergeron asked for questions about the completeness of the application. Page asked if abutters were present and there were none.

Motion was made by Johnson that the application of Brickstone Land Use Consultants, agent on behalf of SET Real Estate Holdings, LLC is complete and ready for public hearing. There was a second to the motion by Smith and no further discussion. All were in favor. ***Motion passed.***

Public Hearing will be held on November 10, 2016

B. Site Plan Review Application – Brickstone Land Use Consultants, agent on behalf of Eunice Pappas

The applicant wishes to utilize the property situated at 6 South Road for construction equipment storage, and parking and office for a construction company and equestrian business. The property is shown at Tax Map 31, Lot 3 situated in the Business District.

Presentation: Bergeron presented the plan for the South Road project. He noted that the ZBA granted variances for the business. He said the acreage is about 25 acres. He noted existing house and horse barns on the site. He noted the business owners have received a variance for office space and there will be very little change to the site. He said the area adjacent to Route 32 will be turned into grass. Equipment parking location was shown and where equestrian business parking is located. He noted 30

stalls for horses on the site. He said the variance was required in order to operate a construction business on the site. He noted no new lights, and addressed the flood plain and said there is no impact on the flood plain. Area resident Eric Olmstead was present to ask about the amount of construction equipment that will be on site. Mike Pappas said there would be equipment needed for maintaining the barns and the horses, such as a lift, backhoe, and dump trucks. He said an excavator on site is used to turn the manure pile. Pappas said that without the equipment the business would not be successful. Bergeron spoke about the plan to extend the fence and there is a row of trees there as well.

Discussion: There was a discussion about where the construction equipment would be parked. Carbonneau spoke about the ZBA decision to allow parking on the property of construction equipment for use in the construction business, but did not permit stockpile of materials for construction, nor aggregate to be stored on the site. Pappas spoke about the abundance of manure that needs to be mixed with loam in order to recycle the manure and said he wants to continue to screen loam as an ongoing activity, but there will be no crushed rock. He also noted the loam and manure is not near the brook. Bergeron said in the past manure was pushed into the river and that will not be the case now. Johnson asked about a wall up against the barn and Bergeron said a wall will be built to protect the brook.

Motion was made by Smith that the application of Brickstone Land Use Consultants, agent on behalf of Eunice Pappas is complete and ready for public hearing. There was a second to the motion by Johnson and no further discussion. All were in favor. ***Motion passed.***

Public hearing will be November 10, 2016.

PUBLIC HEARING

Home Occupation Application – Public hearing opened at 6:27 pm

Eric Brosseau wishes to conduct a home occupation consisting of an electrical contracting business. The property is situated at 397 Massey Hill Road, shown at Tax Map 3, Lot 35-3. The property is situated in the Business District. The property is owned by Eric and Amanda Brosseau.

Discussion: Brosseau was not present. Carbonneau said the Mr. Brosseau received a variance for a garage on the site, the second floor to be used for the home occupation. Self said there is only one employee, Mr. Brosseau, and that he (Self) would not have a problem approving the request.

Public Hearing closed at 6:28 pm

Motion was made by Self to grant the application of Eric Brosseau to conduct a home occupation consisting of an electrical contracting business on property situated at 397 Massey Hill Road in the Business District, shown at Tax Map 3, Lot 35-3 and owned by Eric and Amanda Brosseau. There was a second to the motion by Sainsbury and no further discussion. All were in favor. ***Motion passed.***

DISCUSSIONS/OTHER BUSINESS

A. Review of proposed Accessory Dwelling Unit (ADU) Ordinance

Carbonneau spoke about the existing ordinance from Swanzey, which is barely in line with the new State of New Hampshire law with the exception of the s.f. allowance. She said that State law says a municipality cannot mandate that the ADU be less than 750 s.f. She also said that it is up to each town as to whether or not to allow detached ADUs. She noted that the draft proposed amendment would

permit detached ADUs by Special Exception only. She said it is up to the Planning Board as to how to proceed. The Board members reviewed a draft of the new ADU to propose to the voters. Carbonneau noted that ADUs needs sufficient parking. Skiba suggested a minor typographical change. Carbonneau said that the Town cannot mandate only one bedroom. She noted that the proposed ordinance limits to no more than two bedrooms and the ADU can be no greater than 750 s.f. She listed other requirements: adequate septic capacity, property must be under one owner, building permits are required. She noted that a public hearing is required before putting the proposed ordinance on the Warrant.

Page said he supports a detached unit only by Special Exception, which is stated in the draft. Johnson asked about sanitation and what might be included. Carbonneau said that Planning Board has no authority to regulate single family housing. She said that as a result of the public hearing, the Planning Board makes a recommendation as to whether or not to put the proposed ordinance on the Warrant. Carbonneau noted that any ADU needs to go before the ZBA for a Special Exception today. But with the new proposed ordinance, an attached ADU will not need to go to the ZBA. The Board could make all ADUs to be done by Special Exception if it so desires and is passed at Town meeting. Carbonneau said an attached ADU has fairly little impact on a piece of property so long as there is adequate septic for the number of bedrooms. A detached ADU will have more of an impact. Public hearing could be held on December 8, 2016. Carbonneau also suggested talking to Code Enforcement Officer Mike Jasmin for his thoughts.

Page entertained a motion to go to public hearing.

Skiba made a **motion** to send the proposed ADU ordinance with the small change suggested by Skiba to public hearing. There was a second by Smith. Discussion: Self noted that a property could have BOTH an attached ADU and another one detached. By consensus the Board decided that only one ADU be allowed, whether detached or attached and limited that one to two bedrooms. Carbonneau said she would make those changes to the document. The vote was called and all were in favor. **Motion passed.**

The proposed ADU ordinance will go to public hearing on December 8, 2016.

B. Short Term Rentals

Carbonneau said these are becoming a concern across the country. There is a legislative study committee, which is due to issue a report soon. She said there is a Swanzey property owner who would like approval for Airbnb rentals. She said that in the Residence District rooming and boarding houses and Bed and Breakfast facilities are allowed but this property owner is in the Business District. She suggested that the Board could add rooming and boarding houses to the Business District. She noted that regulation and review of homes is a concern in regard to code and safety requirements. She said the State of New Hampshire considers Airbnb a commercial enterprise. She noted this new business type does not fit well into existing zoning regulations. She asked the Board to consider the options and to talk about it at the next meeting. She pointed out that unless something is permitted by Zoning or Special Exception, then it isn't allowed. Right now an Airbnb is not allowed. Colby suggested holding up on discussion until the Legislative study report is issued and the group can consider all the options then. Carbonneau noted that the State will be taxing Airbnb rooms. Johnson agreed that we need more information. Self noted that nothing stops an ADU from being used as an Airbnb rental. ADUs must pass Code Enforcement and Self said perhaps Airbnbs should be subject to Code Enforcement as well.

C. Sign ordinance

There was a brief discussion about signs and how to address a Supreme Court ruling regarding signs. Carbonneau said that allowing every property to have a 10 s.f. sign is one way to address the Supreme Court ruling, but doesn't recommend that route. But towns cannot regulate the content.

ADJOURNMENT

Motion to adjourn was made by Johnson. There was a second to the motion by Skiba with all in favor. **Motion passed.** Adjournment occurred at 7:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary