

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – November 8, 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, Jeff Goller and Ken Colby, Jr., Board of Selectmen representative, as well as alternate Jane Johnson. Johnson was seated for Lerandeanu.

Absent: Bob Audette, Gus Lerandeanu, Joe Smith, and Paula Miller.

Others Present: Town Planner Sara Carbonneau, as were a number of residents. The agenda was read by Page and no changes were suggested by the Board.

Regional Impact: Board members concluded that there were no items on the agenda that would require a determination of potential regional impact. **Motion** by Fuerderer, seconded by Self, no discussion. **Motion passed.**

• **PUBLIC HEARINGS**

- **Multi-Tenant Application** – Joe Goodrich wishes to use a portion of the premises situated at 968 West Swanzey Road for a business consisting of the sale of ammunition and military supplies. The property is shown at Tax Map 70, Lot 34 situated in the Business District. The property is owned by Shri Ganesh Corp. Public hearing opened. The Planning Board has a signed application. Page asked if there were any abutters present. No one responded. Goodrich stated that the Town of Swanzey Police Department has no issues regarding ammunition being stored on the site. Self asked about number of employees. Goodrich responded that there will be one full-time employee. Public hearing closed. **Motion** by Self to approve the application with revision showing one full-time employee. Seconded by Colby. No further discussion. All in favor. **Motion passed.**
- **Sign Application** – Joe Goodrich wishes to mount a 4 ft by 5 ft sign at the premises situated at 968 West Swanzey Road for his business consisting of the sale of ammunition and military supplies. Goodrich stated that the sign might be smaller than 4 ft by 5 ft. Page asked if there were any further questions and there were none. Self **moved** to approve the sign application, Fuerderer seconded. All in favor. **Motion passed.**
- **RSA 674:54 (Governmental Use)** – Public hearing was held for testimony regarding the proposed modifications to Town owned property (ball fields on South Road) as proposed by the Swanzey Cal Ripken organization as outlined in a request dated October 24, 2012. Public hearing opened. Jonathan Hoden represented Cal Ripken association. Hoden presented the conceptual site plan completed by Fieldstone Land Consultants. He noted

that modifications to the site include tree removal and leveling of hillside along eastern driveway, two new batting cages; a new storage building (20' by 60'), existing storage building remodeled into a new cook shack, existing batting cage relocated, and existing cook shack might be remodeled into ADA bathrooms. Page asked where on the plan the modifications were relative to South Road. Mill Lane on left of the plan (west), South Rd. at bottom of the plan (south). Resident reported a problem with lack of parking. Drivers park on both sides of Mill Lane. Reported to be impossible to get a fire truck up Mill Lane on some occasions. Hoden stated there would be 20 more spaces for cars. Abutting property owner, Sean Flemming, had numerous concerns. PJD Septic has deeded right of way. Flemming's wife Kristen Flemming reported that folks park on their land and they get blocked. Resident pointed out that with parking spaces now, with six ball parks, you have minimum of 150 people, if others come, you could have 200 cars. Parking is a problem; it is atrocious reported the resident. Hoden stated that the organization doesn't want to add more cars, just increase activity for the kids. Flemming asked about whether an environmental study was done. They are going to be cutting down trees. Chad Brannon, representing Fieldstone Land Consultants stated the land impact is 16,000 sq feet. Right now is a sand bank, wooded with pines. He stated that he sees no impact from drainage stand point. Everything is self contained. Run-off will remain within the site. He stated that this is a low impact proposal. This is a parking improvement project; they are adding additional parking, as there are only 15 - 20 spaces there now. Flemming asked about parking on east side of the site where some users of the park are parking on Flemming property. Hoden stated that Cal Ripken organization is willing to put up parking signs. They will also outline the parking spaces. Hoden will work with residents to address parking problems. They will put somebody to patrol the road. Resident Robert King reported that parking is an issue all the time, not just on two weekends when tournaments are taking place. Kids are playing ball, run out into the road, parents are not paying attention to other cars on the road. He stated that the residents in the area are in favor of improving the site but Cal Ripken organization needs to address some additional parking, and put together a plan to address the parking issue. Hoden stated that he had not been aware of the parking situation. Deb Crowder asked about the contour of the cut on the Northeast side of property and whether or not there would be erosion issues. Cal Ripken organization is proposing a silt fence and 4-1 slope (25%) that is able to be maintained without erosion. Everything drains to the southwest. There are small diversion areas, shallow depressions to divert the water. Flemming stated that puddles form in the south area of the property. Brannon was asked how many trees to be cut, and he responded that they had not yet done an analysis. Flemming has lived in the area 19 years and that another challenge is the amount of trash that blows from the ball field onto his property. He picks up trash every day; wants to see a fence put up so that the trash stays on the ball field and not come onto their land. Hoden stated that they can work on a plan for trash. Another resident reported jackets, gloves, etc are being left behind. Policing of the site isn't being done regularly. Flemming expressed a concern about liability. She asked, "Who is responsible?" Hoden will

try to address the trash problem. Hoden stated that Cal Ripken can get land surveyed and find where pins are, and they will delineate the property. Goal is to be a good neighbor, to make the facility better. Flemming felt that his wife's question wasn't answered. Who is responsible to fix problems? Hoden stated it is Cal Ripken's organization that is to be responsible. Flemming stated that a contractor dug a big hole in their property and although promised to repair it, it hasn't been filled in or re-seeded. Flemming asked about enclosing the batting cages. Hoden responded that there will be a net around the batting cages. Flemming asked about lights for night play. Hoden stated there will be no lights. Page was asked to explain the process for approving the governmental use. He said that if the Board of Selectmen (BOS) declares that Cal Ripken is a lease holder, then the plan would be subject to site plan review. The access to PJD Septic is owned by Town, not owned by PJD Septic. Swanzey didn't have the funding to fix some problems in the past. Flemming stated there is a lack of clarity about ownership of Flemming property; the former sand pit is their land, not PJD Septic's. He stated that markers have been removed, so the property needs to be surveyed. Brannon said that they did find one pin. Hoden said that they can prohibit parking on the east side of the property (adjacent to Flemming property). Regarding liability for injuries, Hoden stated that Cal Ripken has a \$2,000,000 insurance rider for injuries. Sara Carbonneau, Town Planner, asked Page to read email from PJD Septic regarding the proposed modifications of the site. Page read the email to the audience. PJD Septic has no concerns, so long as their deeded right of way is not impacted. Resident Bob King stated that he thinks what Cal Ripken does is great. If they will work with the neighbors to address issues, and inform the parents at meetings, they will have support of the neighbors. Hoden stated they will work with Lee Dunham, Department of Public Works Director to see about getting trees trimmed along Mill Lane. Hoden stated they will work with Flemmings to better contain the trash, and will address both east and west sides of parking. Hoden said bathrooms will need to be ADA compliant, if they are constructed. Flemming proposed a fence be built because he doesn't like to see people urinating on his property. Colby suggested that the hearing tonight shows a lack of communication. The system is working because it got people talking. He wants to see neighbors concerns addressed. Page stated that the main focus for the public hearing was to address the concerns of the abutters. Bob King stated that his field is used for sliding during the winter. A snow fence was put up and that made sliding on the hill more dangerous. Hoden stated that the fence was taken down and that scoreboards will be taken down for the winter and stored. Kristin Flemming asked what the next step would be. Page responded that the BOS has to decide if this is a governmental use, then the Planning Board is done. If the BOS determine that it isn't a governmental project, then Cal Ripken would have to have a site plan review. Colby will talk to Shane O'Keefe, Town Administrator, about it on Friday (November 9th). Flemming stated he is supportive of Cal Ripken's goals, but need communication to improve. Carbonneau stated that the Town hasn't had formal agreements with organizations using Town property in the past. The Town Administrator will put together an agreement for who is responsible for what. Crowder asked about dumpsters on the property. Hoden stated there aren't

dumpsters any longer, and trash cans around the field that are emptied regularly. Page asked for any new comments. None except the statement that progress on communication between residents and Cal Ripken organization has been made. Public hearing closed. Board members had no specific recommendations, but encouraged Hoden and Swanzey Cal Ripken to take the comments from the abutters under serious consideration.

- **OTHER APPLICATIONS** – The following application was reviewed for completeness only. Comments will be limited to the completeness of the application only.
 - **Site Plan Review Application** – Fast Friends Training & Greyhound Adoption Center wishes to construct a two-story addition consisting of approximately 9,900 square feet. The property is situated at 14 West Swanzey Road and shown at Tax Map 38, Lot 18 situated in the Commercial/Industrial District. The property is owned by Baxter Johnson LLC. Dave Bergeron from Land Use Consultants presented the plan. The new addition will be to the back of the building. It won't be visible from the front. He stated that even though it is two stories, it is below grade in back. Drainage slopes down in back of property. Existing Retention Pond is considered to be large enough to accommodate the addition. Utilities come into back; sewer lines will be relocated and tied into new bathrooms in the addition. Plan showed grading, stairway from upper to lower levels. They will tie into basement level sewer line. Shed roof for addition in back. Same color as existing building. About 4000 sq feet on first level, and 3700 sq feet in basement level, for a total of a little under 8000 sq feet. This will help the day care side of business, providing more indoor space for dogs in winter. Page asked if there were abutters present. No one responded. Self asked if they were changing the parking. Bergeron stated that parking is not a problem. Page asked if there were to be any changes to the landscaping. Bergeron responded that everything is staying the same - all changes are in back. Customers don't see the back of the building. No further questions. Page asked if the application was complete. **Motion** from Fuerderer to accept application as complete. Seconded by Johnson. All in favor. **Motion passed.** Page stated that the Application is complete and will go to public hearing on Nov. 29th (next meeting).
- **DISCUSSION/OTHER BUSINESS**
 - **2013 Zoning. Primary structure setback along Wilson Pond.** The Board is considering whether or not it is in support of changes in setback requirements for primary structures along Wilson Pond for 2013. Setback requirement is now 125 feet in Swanzey; the state requires 50 feet. Page stated that information has been provided from the Conservation Commission and other interested citizens and that the Planning Board needs to decide what direction it wants to take. Self stated that The State owns the pond, 50 foot is sufficient for the State, and is inconvenient for property owners who can't enjoy their property like rest of residents. Majority of the cottages are within 50 feet already. Page can attest to the fact that it is cleaner now than it was in the past. Only a few people have state of the art septic systems, now nearly all of the rest of the properties are tied into the sewer. Sewage is not an issue any more. Question by a resident Tom Bouffard about the status of the properties that border the eastern side of Route 12 regarding whether those houses were tied to the

sewer. Page responded that they are not. Bouffard stated that some of those houses are close to the stream that feeds into Wilson Pond. The status of those properties is a concern to the residents of the pond. Page stated that Sam's retail store has a chambered system under their parking lot and that Thomas Transportation has new state-of-the-art approved system. Colby said that there are 8 or 9 houses that may be affecting the pond, close to the stream. Self mentioned that run-off from Route 32 is an issue. Residents are not contributing to that. Discussion occurred around who was able to speak. Page pointed out that the current topic was under a Planning Board discussion and not a Public Hearing. He stated that should the Board wish to move forward and consider putting this on the warrant, the Planning Board would need to conduct a public hearing. Self **moved** to reduce the setback to 50 feet in a zoning amendment. Seconded by Goller. Further discussion: Johnson asked: how does this work? Page explained that there will be a public hearing, and then the Planning Board will decide to put the issue on the warrant or not. If it comes in by petition it is on the ballot no matter what. Johnson pointed out if the houses are already so close to the pond, why would you want to build? Page responded that with 125 foot setback, residents can't put a handicap ramp without getting a variance and the New Hampshire state legislature has changed the law such that it is now more difficult to get a variance. Johnson stated that she should abstain from voting since she serves on the Conservation Commission and on Planning Board and has mixed feelings about the issue. Fuerderer stated that if the request comes in by petition, the Planning Board has the option to endorse, not endorse or not take a position. Carbonneau stated that after the public hearing, the Planning Board can decide whether or not to put the issue on the warrant or not. All in favor, except Johnson who abstained. **Motion passed.** Carbonneau stated the public hearing on proposal to reduce the wetlands setback requirement to 50 feet will likely be held Dec 13th and it will be posted on the town's website and in the Keene Sentinel. A resident asked a procedural question: shouldn't the decision have been made by now? Page responded that the Planning Board has to follow process to make an amendment happen. He stated that this has been a Planning Board discussion, not a public hearing. Page stated that the Planning Board has enough information from both sides. The language will be put together, there will be a public hearing, then the Planning Board will vote to as to whether or not to put the issue on the warrant. If a petition from citizens has a sufficient number of signatures, then it must go on the ballot. If the Planning Board proposes something, it is required to have a public hearing. Nothing done tonight says that residents can't make a petition. Carbonneau said that if residents have questions, she will help with resources about petitions.

- **Minutes:** Minutes for Oct. 25 – It was unanimously decided to defer the minutes until the next meeting so Colby can research an error he saw while reading the minutes online and which could not be found immediately in the printed version.
- **Carbonneau reminder everyone about Plan NH Charrette**

Motion to adjourn by Goller, seconded by Fuerderer. All in favor. Motion passed.

Adjournment at 8:55 p.m.

Respectfully Submitted
Beverly Bernard, Recording Secretary