

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – November 29, 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 Glenn B. Page.

Members present: Glenn Page, Scott Self, June Fuerderer, Jeff Goller, Gus Lerandean, Ken Colby, Jr., Board of Selectmen representative, as well as alternates Jane Johnson and Paula Miller. Miller was seated for Smith.

Absent: Bob Audette, Joe Smith

Others Present: Sara Carbonneau, Town Planner, Sharron Thomas, Director of Fast Friends, Dave Bergeron, Brickstone Land Use Consultants, LLC . The agenda was read by Page and no changes were suggested by the Board.

Regional Impact: Board members concluded by unanimous roll call that there were no items on the agenda that would require a determination of potential regional impact.

MINUTES- Motion by Colby, seconded by Miller to accept the Minutes from October 25, 2012 with a change to remove the word “can” from the second sentence on page 5. All in favor.

Motion passed. Motion by Lerandean, seconded by Fuerderer, to accept the Minutes from November 8, 2012. All in favor. **Motion passed.**

A. PUBLIC HEARINGS -

1. 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. - Public hearing opened. Dave Bergeron representing Brickstone Land Use Consultants, LLC, discussed the addition which will be added to an existing building. The addition is in back of the current building with a large open area in back as well. Bergeron showed the Planning Board a site plan for the existing structure and parking area including the addition, which is a two story structure having a roof line matching the front building roofline. Bergeron stated that the application has an error in stating the square footage of the addition. He further stated that 9,800 Square Feet

is total correct square footage. The addition will use existing utilities, and water service which comes in from Matthews Road. The sewer will be relocated and redirected to bring it into the basement. Currently the sewer line has a 7% pitch. This will be brought down to a 1.5% pitch to service the bathroom in the basement without having to put in a pump. As for drainage - there is an existing retention pond on the rear of the property. The grade for the property is down in the direction of the retention pond. He stated that there are existing catch basins and a swale to bring drainage from the front of the building to the existing retention pond. The pond was originally designed with expansion in mind. Runoff is not increased. Traffic pattern will continue to be the same. Parking will remain the same. The addition allows for reconfiguration of services already provided, giving Fast Friends more ability to use the interior of the building during the winter. There is no planned increase in staffing. There is no change to site usage except that activity that was done outside will be able to be done inside once the addition is built. A letter from Satellite Agency Network (SAN), representing the owners of the office building directly abutting the proposed project along the rear property line was received by the Planning Board, signed by Brian Murphy, General Counsel. Bergeron had a copy of the letter and passed it out. In the letter, SAN requests "the approval of this project be conditioned upon the addition of further shrubs and trees to completely screen the dog walk area from the rear property line". The letter also stated that SAN's preference would be an evergreen hedgerow to "reduce sound". Bergeron reported that landscaping will be added to the rear property line as requested, consisting of ten (10) arborvitae shrubs. More dogs will be moved into the building than used to be outside which should reduce sound. Bergeron stated that he believed the abutter was satisfied with the screening of evergreens. Bergeron also discussed the architecture of the addition. The colors will match the existing building. Bergeron passed our photos of the front of the building to show the colors, beige and green with white trim. The colors of the addition will match the rear portion of the building. He stated that no wetlands are impacted.

Page asked for questions from the board. Self asked about outside lighting for the back, which may impact the abutter. Bergeron responded that there will be lights at doors and where there are kennels. Thomas interjected that there is one floodlight currently on the property, which will be taken off the building. **Motion** to close the public meeting made by Lerandeanu, seconded by Colby. No further discussion. All in favor. **Motion passed.** **Motion** by Lerandeanu to grant the site plan application as modified to include the planting of 10 arborvitae shrubs along the easterly property line, seconded by Colby. All in favor. **Motion passed.** Bergeron and Thomas left the meeting at 7:18 p.m.

B. DISCUSSION/OTHER BUSINESS -

1. Review of Construction Procedures Manual with Engineering Firm - Lee Dunham, Department of Public Works Director, Sly Karasinski, Chair of the North Swanzey Water & Fire Precinct, and Ben Dreyer, representing Underwood Engineers joined the meeting at 7:19 p.m. A

discussion was held regarding construction details, the Construction Procedures Manual, and policy for the acceptance of roads. Page said that Self came up with some changes for the sewer details. The proposed changes had been forwarded to Dreyer via the Minutes from October 25, 2012. The discussion began with the Drawings from the Construction Procedures Manual. Starting with Drawing D4; Self said the question was for the Road Agent. The drawing shows the drain in the street, but drains could be in the curb. Self mentioned that the City of Keene has used a curb kind of drain. The discussion continued on which might be best to use for the Town of Swanzey roads. Self next pointed to Drawing S1: he noted that the gravity sewer trench notes include the use of screened gravel "or" crushed stone and a sand blanket. Self said that the document should specify "crushed stone". He stated that a sand blanket isn't used; the Town uses stone all around. Dreyer made notes for changes to the document. Self next pointed to Drawing S2: he wants to specify in the Drawing and in any place the inverts and shelves in manholes are referenced that they be made of hard brick. The next Drawing discussed was S3: the PVC bell should state "removable" versus "remove." The next Drawing discussed was S4A : #3 item addressing cleanouts states that they "shall be installed". Self pointed out that the Town does not require them and therefore the document should read "may be required". Dreyer said that Underwood Engineers would recommend that the Town should require this. But Self pointed out that the Town wants to make the construction documentation consistent with the current regulations, which do not require it. Self also said that in the same drawing, the drawing needs to specify 3/4" crushed stone. Next up for discussion was Drawing S4B: For cleanout, the Town uses a Y pipe, not a branch T pipe. Next Drawing was for Water Service W3: Self said that the Town doesn't use continuous lengths of copper. He wants to specify plastic there.

Next discussion involved the road building specifications. Page asked if the group wanted to talk about the Road acceptance policy. The following discussion had to do with the current requirement for completion of 50% of lots before the Town will accept a road. The discussion included the length of time the road is exposed with its top layer and potentially resulting truck damage while construction is going on. Dunham said many development projects don't get finished. Some are built out with one or two houses and a road that is not topped out, so there isn't 50% completion. Page noted there won't be a rebate on taxes if road is not maintained and that owners of the houses in question would expect municipal plow service. Dreyer said the developer is supposed to maintain the road if the development isn't complete, but sometimes the developer goes bankrupt and doesn't finish; at that point the Town has a bond it can fall back on to complete the road. Dreyer suggested the Town ask for an extra \$2,000(or \$5,000) per lot that isn't built such that it becomes an extra retainer. The Town can accept the roads, but retain the dollars on the lots that aren't yet developed. Dreyer said some language used for phased projects sets limits on how much road should be built, how many houses, and what time frame. Discussion was held about the Town taking the initial bond and putting the top coat on the roads, and then what happens to the vacant lots that get developed later regarding posting a new bond. Page said no bond is required once the road is accepted. Lerandeau said

that Town needs to be up front about construction requirements and give the developer a copy of the document. Self suggested it may be the best thing to do is limit the footage of the road initially, so if the developer defaults, the Town only has to deal with a short stretch of road. Self suggested that the Town come up with a length for a road that has to be put in before any houses go on. He suggested perhaps 1,000 feet is a reasonable minimum. Dreyer suggested doing it by lots. Self suggested that the Town write into the document that if Certificates of Occupancy haven't been issued for 50% of the lots, then \$2,000 (or \$5,000) will be retained per lot. Self asked Dreyer if he sees much damage on the roads by truck traffic. He answered that it has more to do with using it as not intended. Self said the document should stipulate if development isn't at 50% occupancy then the Town will retain dollars per lot on undeveloped lots. Dreyer asked how long the Town should wait to accept a road. Self said the time for the developer to finish the road in acceptable condition is before any houses are built. Lerandeau suggested changing the requirement for paving to 2.5 and 1.5 inches and hold a bond. Carbonneau said the issue is when the road is accepted and top coat hasn't been done; then bond could be used to finish the top coat. Allow the homes to be built while just a base coat is on, no top off. Self asked who plows the road. Colby asked what is the life expectancy of base road? Optimum is to let a base road to season for a winter and then top it off. Dreyer said that five (5) years is the longest time for putting the top coat. Self said it's in the Town's best interest to do it within one year, but after the base has had the opportunity to "winter over." Page said we laid out options; now the Board needs to pick one. Lerandeau suggested a sub-committee to make the decision, which would bring it back to the full Board. Self suggested that the Board think about the options raised this night and discuss at next Board meeting and make a decision. Lerandeau **moved** to have the Board think about the options raised at this meeting and discuss at next Board meeting to make a decision. Seconded by Goller. All in favor. **Motion passed.**

Self raised the issue of Procedures: Selectmen administer the funds coming in from the bonds. Self said the Construction Procedures Manual reads like contract documents. He referred to page 2 of 20 in the document, and stated that when the Planning Board approves something, it can't be changed. Dreyer said the Construction Procedures Manual brings the design engineering into the process. Pre-construction meeting doesn't set up changes to the process; it discusses what is expected, and what the schedules are. Self said that the way the Planning Board approves a plan, it can only have minor changes, and that has to be in the document. Self pointed out that the Planning Board is bound by RSA statutes. Self said that the document needs to be clear on this issue. A Temporary Certificate of Performance pertains to the road or right of way: the Town needs a definition of the Temporary Certificate of Performance, what it is and when it is issued. Dreyer said it is on Section 20 as part of the project closeout and Section 4: Independent Plan Review. Self pointed out that's not how it's done with the Planning Board. Self said he is trying to point out that the document language works like a contract versus the way the Planning Board works. Dreyer suggested that Self redline the document to make it more in keeping with the way the Planning Board works so as to make it consistent.

Page suggested that Self fax Dreyer his notes and then discusses them on the phone with Dreyer. Self and Dreyer agreed to do so.

2. Review of Proposed Amendments to the Shoreland Protection District, The Town of Swanzey Shoreland Protection District, and Primary Building Line/Setback – A public hearing will be held at the Swanzey Town Hall at 620 Old Homestead Highway, Swanzey, NH on December 13, 2012 at 7:00 p.m. on the following proposed amendments to the Swanzey Zoning Ordinance as proposed by the Planning Board:

Proposed Amendment #1 –

Delete Section VIII.A. and VIII.B. and replace with the following:

A. SHORELAND PROTECTION DISTRICT – The Shoreland Protection District is hereby established as an overlay district which is superimposed over the conventional existing zoning. The uses permitted in the underlying districts shall be allowed only if they meet the minimum standard promulgated by the State of New Hampshire Shoreland Water Quality Protection Act, RSA 483;B (as amended). Pursuant to authority granted by RSA 674:14, this Shoreland Protection District is adopted by the Town of Swanzey to further protect the public waters of the Town.

B. TOWN OF SWANZEY SHORELAND PROTECTION DISTRICT - includes all those lands defined as “Protected shoreland in RSA 483-B:4, XV and as many be amended and any related administrative rules or regulations. As of April 18, 2012 the New Hampshire Department of Environmental Services “Consolidated List of Waterbodies Subject to RSA 483-B, the Shoreland Water Quality Protection Act” included the following:

a. 4th order streams and designated rivers:

Ashuelot River – *Designated Segment*;

Ashuelot River – 4th Order;

South Branch Ashuelot River;

Ash Swamp Brook;

Martin Brook;

b. Lakes and Ponds

Ashuelot River Dam

Swanzey Lake

Wilson Pond

Proposed Amendment #2 –

Delete Section VII.C. and replace with the following:

C. PRIMARY BUILDING LINE/SETBACK:

a. With the exception of Wilson Pond, no primary structure shall be built, placed or erected within one hundred twenty-five feet of the reference line

- of the Streams, Rivers, Lakes and Ponds listed in Paragraph B, above.
- b. Wilson Pond Primary Structure Setback: With respect to Wilson Pond, no primary structure shall be built, placed or erected within 50 feet of the reference line.

Proposed Amendment #3 –

Add the following new section VII.D:

- D. DEFINITIONS:** the definitions set forth in RSA 483-B shall apply to the terms used through Section VIII, Shoreland Protection District.

Individuals having special needs covered by the Americans with Disabilities Act should notify the Planning Board's Office at least seven days prior.

Self made a **motion** to approve the proposed language of the zoning amendment for the public hearing as described above. Seconded by Lerandean. All in favor. ***Motion passed.***
Motion to adjourn by Fuerderer, seconded by Goller. All in favor. ***Motion passed.***

Adjournment at 8:35 p.m.

Respectfully Submitted,
Beverly Bernard, Recording Secretary