

Town of Swanzey, New Hampshire  
**Swanzey Planning Board**  
Meeting Minutes – December 10, 2015

*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, Jane Johnson, Don Skiba, and Alternate Jim McConnell.

**Absent:** June Fuerderer, Joe Smith, and Selectmen’s Representative Deborah J. Davis. Page seated McConnell for Fuerderer.

The Chair took the roll and read aloud the agenda for the meeting.

**Others Present:** Director of Planning and Community Development Sara Carbonneau, Ryan Kottke, Jeani Eismont, Attorney Silas Little, Ashuelot River Local Advisory Committee Chair Barbara Skuly and several members of the community as well as Keene State College students from the Geography Department.

**Minutes:**

- Minutes from November 12, 2015 were considered. There was a **motion** by Skiba to approve the Minutes of November 12, 2015. There was a second by Johnson and no further discussion. All were in favor. **Motion passed.**

**Regional Impact:** Board members considered whether any items on the agenda could be construed as having the potential for regional impact. **Motion** was made by Skiba that there is an item on the agenda, which is the application of Mitchell Sand and Gravel LLC for Modification to Existing Excavation Permit, which can be construed to have potential for regional impact, acknowledging the fact that the Town of Winchester has already approved the application of the applicant. There was a second by McConnell. All were in favor. Carbonneau said that once the Planning Board has determined potential regional impact, then the Southwest Region Planning Commission will need to be notified. **Motion passed.**

**DISCUSSION/OTHER BUSINESS**

Presentation by KSC students re “Where the Sidewalk Ends and the Trail Begins” which provided results from surveys and the study they conducted for sidewalk and trail evaluations in Swanzey. They spoke about resident’s perceptions and use of trails and sidewalks in town. They presented ratings for existing sidewalks and maps of the trails in town with rankings for the trails. They made some conclusions and recommendations – overall the trails are in good condition, but they do need better signage at trail heads and for parking. They also had safety concerns for trail intersections with roads. For sidewalks, accessibility is good, but there is room for improvement. And they recommended more sidewalks near schools. There was a discussion about the possibility of flashing lights or more signs at intersections of roads with trails. Morrison asked about adding level of difficulty to trail maps and this can be done. There was a question about the potential for mapping trails in Yale Forest and Johnson mentioned that Yale Forest representatives will be present in town in August of 2016 and the students could join the members of the Conservation Commission for the walk that is expected to occur.

## **PUBLIC HEARINGS**

1. **Multi-Tenant Application** - Ryan Kottke wishes to use a portion of the premises situated at 386 Massey Hill Road for an automotive coatings business. The property is shown at Tax Map 3, Lot 36 situated in the Business District. The property is owned by Timothy Cloutier.

### **Public Hearing opened at 6:32 p.m.**

Ryan Kottke was present to speak to the Board. He spoke about the powder coating used on automotive wheels and other car parts. He said it is sprayed on and there are no hazardous materials used. He said Code Enforcement Officer Mike Jasmin did an investigation as to the nature of the coating and learned that no hazardous materials are being used. He said there are three bays where he does automotive work. Kottke referred to a small portion of the building that is used for powder coating. He said the coating is filtered so no powder is released into the outside air. Carbonneau said Eric Mattson, Swanzey Fire Inspector, provided commentary, as did Jasmin, who said he did not have any concerns/comments. Page asked whether a variance for off-site sign has been applied for, and Kottke said that he has not done so. Kottke said he did not understand about the "grandfathering" law in regard to the sign and Carbonneau explained the ordinance. Kottke asked about the possibility of a large sign for multiple businesses. There was a discussion about how customers find his business. He said he wants to be able to use signs to get more traffic into his business. He asked again why his sign is not being allowed. Carbonneau explained that off-site signs are not allowed by Town of Swanzey ordinance. There were no additional comments from attendees.

### **Public Hearing closed at 6:44 p.m.**

Skiba **moved** to approve use of a portion of the premises situated at 386 Massey Hill Road for an automotive coatings business on property shown at Tax Map 3, Lot 36 situated in the Business District and owned by Timothy Cloutier. There was a second by McConnell. Self asked about heat source, and Kottke said that it is like a big cooking oven. Page asked for a vote. All were in favor.

**Motion passed.**

2. **Multi-Tenant Application** - Eismont Design wishes to use a portion of the premises situated at 50 Monadnock Highway for a retail sales business (artwork, antiques, etc.). The property is shown at Tax Map 18, Lot 277 situated in the Business District. The property is owned by Jered, LLC.

### **Public Hearing opened at 6:45 p.m.**

Jeani Eismont and Rostislav Eismont were present to discuss their application with the Board. Eismont said there is plenty of parking at the site. It was noted that neither Code Enforcement nor Fire Inspection saw any reason why the desired occupancy shouldn't be able to start immediately. There were no questions from the Board. It was noted that the business has already been in operation for some time and they now wish to use the front part of the building for retail. There were no additional comments from attendees.

### **Public Hearing closed at 6:48 p.m.**

**Motion** was made by McConnell to approve the multi-tenant application of Eismont Design to use a portion of the premises situated at 50 Monadnock Highway for a retail sales business (artwork, antiques, etc.) on property shown at Tax Map 18, Lot 277 situated in the business district, and owned by Jered, LLC with stipulation that the applicants comply with Code

Enforcement and Fire Inspector directives. There was a second to the motion by Skiba and no further discussion. All were in favor. ***Motion passed.***

**OTHER APPLICATIONS** (The following application was considered for completeness only. Comments were limited to the completeness of the application.)

1. **Site Plan Review** and Request for Modification to Existing Excavation Permit pursuant to RSA 155-E - Geolnsight, agent on behalf of Mitchell Sand and Gravel, LLC, wishes to modify the existing site plan to remove rock for use as construction aggregate to an elevation of 300 feet, as well as other changes that “reduce the potential environmental impacts such as noise and aesthetics to Swanzey residents.” The property is situated off West Swanzey Road and is shown at Tax Map 86, Lot 1 situated in the Business District.

Attorney Silas Little was present as was Mr. Mitchell. Little said that the applicant is proposing to excavate deeper than what had been approved in the past. Little had a set of plans from aerial photography with project notes and details. It also conveyed information regarding existing conditions at the pit, and forward-looking conditions should the application be approved. He said the last pages had information provided by the blasting agent, and concepts for when the site is exhausted, which would be many years from now. He noted that excavation on the site is a grandfathered use. He said the site is clean and cared for. He said the State of New Hampshire has said that the present operation meets all state requirements. This application will extend the life of the pit by going down further. Page asked about the current elevation and what it is relative to the requested level to 300 feet, and the response was that the excavation would be going down 160 feet deeper. Conditions now are that the floor of the pit is at an elevation of 484 feet (above sea level). The bottom of the pit would then be at elevation of 300 feet. He briefly explained the discrepancy of 24 feet.

Page stressed the aim of tonight’s review by the Planning Board is to determine if the application is complete before it can go to a public hearing. It was noted that the public hearing was scheduled for next week, but that date would not allow for 14 days for notification of regional agencies. To provide enough time for proper notification, the Planning Board could meet on January 7, 2016 to hold the public hearing. Little addressed the regional impact assuming the regional impact noted by the Board has to do with impact on the Town of Winchester. He noted that the Town of Winchester has already approved the application. The crushing operation is being moved further back toward Winchester. He proposed that regional impact is not there and since Winchester has already approved the application, the statute for regional impact doesn’t apply. The rationale is that there is no regional impact because nothing new is happening at the site. Little said that the operation is an existing one and the applicant is not proposing to increase the area, but merely lower the bottom of the pit, with no increase in traffic.

McConnell said his question relates to noise created by blasting and whether Mitchell has ways to notify neighbors when blasting will occur. Little said that there is a phone call made if a neighbor has asked to be called ahead of time. Little said that the Town of Winchester is notified. Mitchell said that they call Swanzey as well. McConnell suggested that some folks are falling through the cracks and not being informed.

Johnson noted concerns of the Swanzey Conservation Commission regarding potential impact on the aquifer and the river. Little said he does not have personal knowledge about water in the area but he said Geolnsight has a hydrologist who says that the rock is dense without fissures, and there have been

no problems with water from the ground, only rain water. He said the aquifer is gravel, and the pit is in a dome of impervious rock. Little said the likelihood of water coming through fault lines is minimal. Little said a permit has been obtained from the State of New Hampshire for Alteration of Terrain (AOT) regarding there being no water problem at the site.

Skuly noted that AOT does not disallow going through the water table. She asked about seeing a map for where the gravel aquifer begins versus where the dome of rock begins. Skuly mentioned that the old maps showed aquifer information – and she asked that current aquifer information should be part of the application. She asked for aquifer information to be included in the application. Skuly also suggested that data from the monitoring wells on the site should be included in the application. Little said that that information would be included in the application.

The Town of Winchester approval was discussed as to whether the approval was for existing operation or for deeper blasting. Little spoke about the Winchester approval and read the document to the gathering. He read that what was approved by the Town of Winchester was the amended application, relocation of the crusher and elevation to 300 feet, with the conditions that nearby resident wells will be monitored, there be no discharge of water into the river, and monitoring wells to continue. Little said the flow of water is from Swanzey to Winchester so the wells are placed in Winchester and not in Swanzey. Clyde Keene, a Village of Westport resident, said they have been notified in the past. They have deeded water rights. He said Mr. Mitchell has been honest about what he was willing to do.

McConnell asked Carbonneau whether the documentation is complete, and Carbonneau said that some materials are missing. Page said that the application can be accepted with the caveat that they have that material at the public hearing. Carbonneau said that she is hoping that the Board will meet on January 7, 2016. Self said that this application does have regional impact and waiting a few more weeks shouldn't matter.

**Motion** was made by Self that the application of Request for Modification to Existing Excavation Permit pursuant to RSA 155-E by GeoInsight, agent on behalf of Mitchell Sand and Gravel, LLC, to modify the existing site plan to remove rock for use as construction aggregate to an elevation of 300 feet, on property situated off West Swanzey Road and shown at Tax Map 86, Lot 1 situated in the Business District is complete contingent upon the Director of Planning and Community Development receiving up-to-date aquifer mapping and data from monitoring wells on the site (geological report and well data) prior to the Public Hearing scheduled for January 7, 2016. There was a second to the motion by Johnson. Little said he could get the reports to Carbonneau electronically. All were in favor. **Motion passed.**

All attendees left the meeting except for Carbonneau.

2. **Free-standing Sign Application** – Terry Mark/Clearwater Pool & Spa wishes to relocate its existing free-standing sign. The property is situated at 233 Monadnock Highway, situated in the Business District. Carbonneau said the applicant wants to put his sign on the corner of Safford Drive and State Route 12 with setback 18 feet and not 20. She noted that 20 feet would be in compliance with the Swanzey zoning ordinance. Self asked about setback from edge of road versus edge of the right-of-way. It was noted that the applicant could be referred to the Zoning Board of Adjustment (ZBA) for a variance since his request does not comply with the ordinance.

**Motion** was made by Self to continue the application until the first meeting in February, February 11, 2016, without further notice so that Code Enforcement can confirm the property line/right-of-way for the sign and determine that the application either conform to the ordinance or submit to the ZBA for a variance. Motion was seconded by McConnell. All were in favor. **Motion passed.**

#### **DISCUSSIONS/OTHER BUSINESS –**

1. **Proposed Zoning Amendments 2016.** Carbonneau discussed the Village Business District II zoning amendment pertinent to definitions of hotel or inn. Carbonneau suggested the change in the language of the proposed amendment to the Board as follows with new verbiage in italics:

*“Hotel or Inn: A building, or a portion thereof, where lodging is offered to transient guests for compensation and by which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment. The accommodations shall constitute the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere. A hotel or inn may also include customarily accessory facilities, services, and activities, such as outdoor and indoor facilities for dining, relaxation, or recreation for guests and the general public.”*

Carbonneau said a public hearing will need to be held for zoning amendments. January 7, 2016 would be for the public hearing. There was a discussion about substantive changes that could be imposed by the commentary from the public hearing.

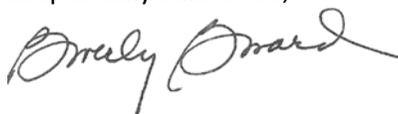
**Motion** was made by McConnell to accept the language as provided above in its entirety, including the new verbiage, for a proposed zoning amendment and to take the proposed amendment to public hearing. There was a second by Skiba, and all were in favor. **Motion passed.**

2. Carbonneau said that there is an application for January 14, 2016. The Board agreed to have two meetings in January, one on January 7, 2016 and the other on January 14, 2016. Carbonneau said that on the 7<sup>th</sup>, the Planning Board will need to vote to place the amendment on the Warrant. The Warrant needs to be posted on the 24<sup>th</sup> of January.

#### **Adjournment**

**Motion** to adjourn was made by Skiba, seconded by Johnson, with all in favor. **Motion passed.**  
Adjournment occurred at 7:43 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary