TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

Phone: 603-352-7411 ext. 108
Email: planner@swanzeynh.gov
Web: www.swanzeynh.gov
Address: 620 Old Homestead Hwy

Swanzey Planning Board Agenda
December 4, 2025
6:00 PM

A regular meeting of the Swanzey Planning Board will be held on **Thursday, December 4, 2025, at 6:00 p.m. The meeting is upstairs at Whitcomb Hall (17 Main Street, Swanzey).** The meeting will also be live streamed on the Town of Swanzey's YouTube page. More information on public access to the meeting is available on the Town's website at: www.swanzeynh.gov.

1) Call to Order

2) Approval of Minutes

A. November 20, 2025

3) Public Hearings

A. Amendment No. 1

B. Amendment No. 2 through No. 8

4) Discussions/Other Business

A. Excavation Permit Renewal for Mitchell Materials, LLC

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – **November 20, 2025**
Whitcomb Hall, Main Street, Swanzey, NH

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.

CALL TO ORDER:
The meeting of the Swanzey Planning Board was called to order at 6pm by Chair Scott Self. The meeting was held at Whitcomb Hall and online for the public. Other members present: Vice Chair Michael York, Victoria Ames, Richard Lane, Mark Scalera, Brandon Self, Alternates Stacey Goodale, Jane Johnson, and Selectman's Representative Mark LaBelle. Also present was Town Planner Adam Paquette and Recording Secretary Susan Ells.

The Chair called the roll and read the agenda for the evening. A quorum was present.

Others Present:
Kai Kraemer with FACT TV, Charlie Hareck, Sharee Howard, Chad Branon, Roger and Linda Gouslin,

MINUTES:
The meeting minutes of **November 6, 2025** were considered. A motion was made by Lane to approve the meeting minutes as presented. There was a second by Ames**.** All were in favor. With no further discussion, the motion passed.

Discussions and Other Business:
A. Chad Branon – Rezone Proposal
Chad Branon is a Civil Engineer and Principal Owner with Fieldstone Land Consultants. He is representing his client in a proposed rezoning along Route 32. The client is 234 Old Homestead Highway Realty LLC, who owns tax map parcels 210-12, 219-41, 219-42 and 219-46 which consist of about 113 acres. The rezoning would change the property from Rural Ag to Residential. He worked with Town Staff who is also suggesting the Town rezone the rest of the undeveloped Rural Ag land extending to Sycamore Hill Road to provide consistent zoning at the same time because the areas on either side are already Residential. This rezoning would be a benefit to the community and would provide opportunities for a diversity of housing; the area already has municipal water and sewer. Rural Ag has a 3-acre requirement of 225-foot frontage density; Residential has a requirement of 1-acre and 150-foot frontage density. This would provide an additional incentive to extend the municipal services while providing strong planning and development for the community. They are trying to work collaboratively with the Town staff as to what makes sense in this area. Branon welcomed questions from the board.

Scalera asked Branon how many acres were involved in total; that number is 266 acres. Ames asked if he's talked with Farwell yet; Branon said it is not at that step yet. First is the request for a public hearing. York asked how many lots this would create; Branon answered that conceptual step would come after the rezoning. York asked if there would be wetland issues and Branon answered that there are very little wetlands; the land is ideal for building, that it is mostly high and dry. Ames asked if he could calculate how many lots would be created but Chair Self reminded the board that this meeting doesn't concern hat

question which would be addressed at a site plan. Branon reiterated that the lots along Route 32 are already zoned Residential and this would provide continuity. Lane expressed concern that they have not discussed this zoning request with the abutting landowners. Chair Self explained that notifying the abutters would occur once the Public Hearing is scheduled. The purpose of this meeting is to decide whether the concept makes sense and whether it has the support of the Planning Board to schedule a public hearing.

Chair Self asked for the members' opinions; Scalera, Goodale, B Self, Lane, York, LaBelle and Chair Self felt it was a good idea; Johnson expressed concern about adding too much housing. Ames said according to the Town master plan, we have exceeded the goal already to provide housing and feels it is premature to add more.

Paquette reminded the board that the land is currently vacant and unable to be developed as it is; Ames said we are having trouble staffing the police and fire and feels it would be irresponsible to add more housing. Paquette said this development would likely be over a 10-year period and expressed that the Town feels it is a good opportunity with a good developer and good landowners.

The consensus of the Board was to move ahead to schedule a public hearing.

York made a motion to schedule a public hearing to put the rezoning request on a warrant article. B Self seconded. The board discussed and agreed it should include all the recommended lots. All were in favor and the motion passed.

The board set the date of December 18 for the public hearing.

A motion was made by B Self to schedule a public hearing on December 18 to add Amendment #9 to the warrant. Scalera seconded, adding the additional lots to the Amendment. All were in favor and the motion passed.

B. Wetlands Conservation District – Set Public Hearing for Amendment #1
Chair Self read Amendment No. 1; Ames made the motion to bring Amendment #1 to public hearing on December 4. Lane seconded. Chair Self read the change he is recommending. Ames made the motion to approve the changes to be added in to the amendment. All in favor. The motion passed.

C. Warrant Article Discussion – Set Public Hearing for Amendments #2 through #8 – December 4
York made motion to bring Amendments #2 through #8 to a public hearing on December 4; Ames seconded; All in favor. The motion passed.

D. Petitioned Zoning Amendment – Set Public Hearing for Base Hill Road Rezone
Ames made a motion to bring the Petition Zoning Amendment to a public hearing on December 18th. B Self seconded. All in favor. The motion passed.

E. Planning Priorities – Strategic Discussion on Ordinance Revisions
Lane suggested that the board read through the ordinance over the next few weeks. Scalera asked at what point is screening/fencing is required. Chair Self said it is determined on a case-by-case basis depending on what else is in the area.

ADJOURNMENT
A motion to adjourn was made by Lane. There was a second to the motion by B. Self. Chair Self discussed the plan to replace Christian Hill Bridge which has been closed for 10 years. He questions the need to replace the bridge even though there is a grant to pay the cost. He also reported that the Governance committee will be making their recommendation to the Selectboard on December 10. With no further discussion. All were in favor and the m*otion passed.* Adjournment occurred at 6:59pm.

Next Meeting: December 4, 2025

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

DRAFT

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OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

Phone: 603-352-7411 ext. 108
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Memorandum – Office of Planning & Economic Development

TO: Planning Board

FROM: Adam Paquette, Town Planner

DATE: December 4, 2025

RE: Rationale Behind Amendments 4 through 7

This year's proposed Amendments 4 through 7 would allow two-family homes in the Residence and Rural/Agricultural districts by right. This represents a modest but meaningful step toward reducing regulatory barriers to diverse housing options. It directly supports Objective #2 on page 97 of the Master Plan, adopted by this Board on June 9, 2022, which states:

> Objective #2: Ensure the supply of diverse housing types that meets the needs of multiple generations and a range of income levels.
> - Action 1: Conduct a housing assessment to better understand the community's future housing needs.
> - Action 2: Review land use regulations and identify barriers for housing development.
> - Action 3: Explore opportunities for regulations that allow smaller lot sizes and appropriately scaled multi-family residential uses in areas with public sewer or appropriate soils for on-site septic systems.
> - Action 4: Determine appropriate locations for higher density multi-family residential projects and develop appropriate zoning to support these uses.

Action 1 will be underway in 2026 through an ordinance review and planned roundtable sessions. Action 2 ties directly to the proposed changes in the 2026 warrant article. Allowing two-family housing is a small but necessary step toward eliminating the outdated, heavy-handed regulations that restrict anything other than single-family homes. Opening the door to two-family homes in the Residence and Rural/Agricultural districts gives developers more workable options on Swanzey's already large lots, while still maintaining the community's "rural character."

The Planning Board adopted the Master Plan with the intent to actively pursue its short, medium, and long-term goals, not just acknowledge them on paper. Following through on these commitments is critical to building and maintaining public trust in the planning process. A Master Plan reflects years of research and community input, and it cannot just be set aside once adopted.

Finally, achieving specific goals should never be seen as the finish line. Milestones should drive continued progress, not signal that the work is complete. Cheshire County has a well-documented and urgent housing need, as shown by studies from the City of Keene, Southwestern Community Services, New Hampshire Housing, and others. As long as that need persists, we have a responsibility to keep

advancing solutions. Checking a box is not enough, and these amendments barely touch the demand for diverse housing types. In the years ahead, we must engage seriously in discussions on in-fill development and adaptive reuse as part of a comprehensive, long-term strategy.

Article 2 To vote by ballot on the following amendments proposed by the Swanzey Planning Board to the Town of Swanzey Zoning Ordinance (new text in *italics*, deleted text in ~~strikethrough~~):

Amendment No. 1 Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board to replace Section VII of the Town of Swanzey Zoning Ordinance with a new Section VII, in order to amend the definition of the Wetlands Conservation District, establish revised provisions for permitted uses, and adopt a procedure for conditional uses?

The full language of this amendment is available for inspection at the Town Clerk's office.

Amendment No. 2 Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section III-AA, Article A.3 and A.6 to read as follows:

> **A. Attached** accessory dwelling units (AADU) shall be permitted as an accessory use in all zoning districts that permit single-family dwellings. One attached accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an attached accessory dwelling unit.
>
> ~~3. An interior door shall be provided between the principal dwelling unit and the attached accessory dwelling unit. A second means of egress from the AADU shall be provided.~~
>
> 6. Adequate off-street parking shall be provided to serve the combined needs of the principal dwelling unit and the AADU. The principal dwelling unit shall provide two parking spaces; the AADU shall provide one parking space. ~~for each bedroom contained in the AADU.~~
>
> **Required by HB 577. If this fails, we need to insert technical note into ordinance.**

Amendment No. 3 Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section III-AA, Article B and B.6 to read as follows:

> **B. Detached** Accessory Dwelling Units (DADU) shall be permitted ~~by Special Exception only~~ in all zoning districts that permit single-family dwellings. Only one DADU shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without a ~~detached accessory dwelling unit~~ *DADU.*
>
> ~~Requirements/Limitations~~
> ~~In granting a Special Exception for a DADU, the Zoning Board of Adjustment must find that:~~
> 6. Adequate off-street parking shall be provided to serve the combined needs of the principal dwelling unit and the DADU. The principal dwelling unit shall provide two parking spaces; the DADU shall provide one parking space. ~~for each bedroom contained in the DADU.~~
>
> **Required by HB 577. If this fails, we need to insert technical note into ordinance.**

Amendment No. 4 Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section IV, Article A.1.b to read as follows:

1. ~~PERMITTED USES~~ USES PERMITTED. In the Rural/Agricultural District, no buildings or premises shall be erected, altered or used and no land shall be used for any purposes except:

> b. ~~(Item moved to Section IV.A.2.j. Amended March 10, 1998)~~ *Two-family dwelling;*

Amendment No. 5 Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section IV, Article A.2.g to read as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment:

> ~~g. Two-family dwelling. The Density requirement for a two-family dwelling shall be three and one-half (3-1/2) acres, unless connected to public sewer;~~

Amendment No. 6 Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section IV, Article B.1.b and h to read as follows:

1. USES PERMITTED. In the Residence District, no building or premises shall be erected, altered or used and no land shall be used for any purpose except:

b. ~~Customary agricultural uses including gardens, nurseries and greenhouses~~ *Two-family dwelling. The density requirement for a two-family dwelling in the Residence District shall be one and one half (1 – 1/2) acres, unless connected to public sewer;*

h. Customary agricultural uses including gardens, nurseries and greenhouses.

Amendment No.7 Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section IV, Article B.2.b to read as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment:

~~b. Two-family dwelling. The density requirement for a two-family dwelling shall be one and one half (1-1/2) acres, unless connected to public sewer;~~

Amendment No. 8 Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance as follows:

Amend Section III, Article Q.1 to read as follows:

1. Off-street parking shall be provided as shown in the following table:

One-family dwelling & two-family dwelling	~~2 spaces per unit~~ *1 space per unit*
Multi-family dwelling	~~1.5 spaces for 1st bedroom plus 0.5 spaces for each additional bedroom~~ *1 space per unit*

Required by SB 284. If this fails, we need to insert technical note into ordinance.

PLACEHOLDER TEXT BELOW... IGNORE THIS PAGE

Amendment No. 9 Are you in favor of the adoption of Amendment No. 9 as proposed by the Planning Board, to amend the Swanzey Zoning Map as follows:

Rezone the following parcels to Residence District:

Map 210, Lots 12, 13, 14.

Map 219, Lots 38, 39, 40, 41, 42, 43, 44, 46, 50, 51, 58, 59, 61, 62, 63.

Map 220, Lots 56, 57, 64, 118, 121.

Wetlands Conservation District Zoning Amendments for March 2026 Town Vote

Current ordinance, incl March 2025 amendments	**Final draft for presentation to Public Hearing - *Reviewed and approved by SCC 10/6/2025. Incorporating Town counsel comments. Reviewed 10/9 by PB***
A. PURPOSE	**A. PURPOSE**
1. By the authority granted in NH RSA 674:16-17 and 20 and in the interest of public health, safety and general welfare, the Swanzey Wetlands Conservation District is hereby enacted to regulate the uses on those lands defined as wetlands:	**1.** By the authority granted in NH RSA 674:16-17 and 20 and in the interest of public health, safety and general welfare, the Swanzey Wetlands Conservation District is hereby enacted to regulate the uses on those lands defined as wetlands:
a. To prevent the development of structures and land uses on wetlands which would contribute to the pollution of surface and groundwater;	**a.** To prevent the development of structures and land uses on wetlands which would contribute to the pollution of surface and groundwater;
b. To prevent the destruction of natural wetlands which provide flood protection, groundwater recharge, pollution abatement, the augmentation of stream flow during dry periods, and valuable wildlife habitats;	**b.** To prevent the destruction of natural wetlands which provide flood protection, groundwater recharge, pollution abatement, the augmentation of stream flow during dry periods, and valuable wildlife habitats;
c. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities;	**c.** To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities which might be required as a result of abuse or inharmonious use of wetlands.
d. To encourage those uses that can be appropriately and safely located in wetlands areas;	**d.** To encourage those uses that can be appropriately and safely located in wetlands areas;
e. To preserve and enhance those aesthetic values associated with the wetlands of this Town.	**e.** To preserve and enhance those aesthetic values associated with the wetlands of this Town.
	f. To maintain ecological balances and conservation corridors along rivers, streams, and drainage ways.
	B. DEFINITIONS
	As used in this Section VII, the following terms shall have the following definitions:
	Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of New Hampshire, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions.
	Certified Wetland Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.
	Encroachment: The advancement of property development beyond a set boundary.
	Peatland: A bog, fen or peat swamp, distinguished by peat deposits, waterlogged conditions, acidic soil and water, and dominated by sphagnum mosses. These are rare communities that tend to be biodiversity hotspots, hosting carnivorous plants and other unusual and rare species.
	Vernal Pool: A naturally occurring or mitigation-created seasonal wetland that supports breeding by specialized amphibians and invertebrates. It is not formed by routine human activities, typically occurs in a shallow depression, has no permanent outlet or fish, holds water for at least two months after spring ice-out, and contains recognized indicator species. *Identification and Documentation of Vernal Pools in New Hampshire*, rev 2004.
	Vernal pool indicator species: Includes but not limited to fairy shrimp, wood frogs, spotted salamanders, or Jefferson-blue spotted salamander complex. These species depend not only on the pools for breeding sites, but upon surrounding upland habitat for other life requirements.

	Wetland: Pursuant to RSA 482 A:2.X, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
	Wetland buffer: The protected area adjacent to wetlands and surface waters in the Wetlands Conservation District (see Section D.2). This area is naturally vegetated, maintains a diversity of native vegetation, and remains unaltered by development at the time of construction and thereafter (excepting any area designated for permitted uses or subject to a Conditional Use Permit). The purpose of this area is to prevent erosion and sedimentation, filter runoff, reduce non-point source pollution, support flood storage, minimize downstream flooding, and protect wildlife habitat.
	Wetland setback: The distance between a wetland and the nearest point to which any building or structure, parking lot, driveway, or other use can be built (see Section D.2)**.**
B. DISTRICT BOUNDARIES	**C. DISTRICT BOUNDARIES**
1. The Swanzey Wetlands Conservation District is defined as those areas of the town that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The Wetlands Conservation District is sometimes referred to herein as "wetlands" or "wetland areas."	
2. "Wetlands" include but are not limited to:	The Wetlands Conservation District is defined as those areas of the town that contain the following:
	a. Wetlands of any size adjacent to surface water
	b. Vernal pools over 500 square feet
a. Any freshwater wetland, which includes marshes, swamps, bogs, vernal pools and wooded bottomlands, and any surface waters, including rivers, streams and intermittent streams, and the land under said waters (excepting 4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District.	**c.** Any freshwater wetland over 1000 square feet, which includes marshes, swamps, bogs, and wooded bottomlands, and any surface waters, including rivers, streams and intermittent streams, and the land under said waters
Determinations of the boundaries between "wetlands" and "uplands" shall be made in accordance with methods outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual Y-87-1 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0 or as amended).	**2.** Determinations of the boundaries between "wetlands" and "uplands" shall be made in accordance with methods outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual Y-87-1 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0 or as amended).
	3. In determining the size of a wetland, any portion of a wetland on an adjacent parcel shall be included.
C. GENERAL PROVISIONS	**D. GENERAL PROVISIONS**
1. In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Swanzey, that district whose regulations are more restrictive shall apply.	**1.** In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Swanzey, or is less restrictive than state law governing wetlands (including, but not limited to, RSA 482-A:2.X.), those regulations that are more restrictive shall apply.

	2. For all wetlands over 10,000 square feet, peatlands over 1,000 square feet, vernal pools over 500 square feet, and wetlands of any size adjacent to open water the following shall apply:
	All uses not permitted in the Wetlands Conservation District shall have either a specified setback from the wetland, or be placed outside of a naturally vegetated buffer—choice to be made by the applicant. Where such buffer exists in a naturally wooded condition at the time of development, it shall remain as such.
	a. In the Rural/Agricultural, Residence, Business, and Commercial/Industrial Districts, uses not permitted in the Wetlands Conservation District shall have a 75' setback from the wetland, or be placed outside of a 50' naturally vegetated buffer.
	b. In the Industrial Park, Village Business District I and Village Business District II, uses not permitted in the Wetlands Conservation District shall have a 50' setback from the wetland, or be placed outside of a 20' naturally vegetated buffer.
	3. Buffers or setbacks of greater width may be required when a wetland abuts a slope of 10% or more.
2. In the event that the Selectmen, Conservation Commission, Planning Board, Zoning Board of Adjustment, Code Enforcement Officer or the Health Inspector, showing just cause, question the accuracy of a wetland area on a specific parcel of land, the accuracy of the boundaries shall be determined by a certified wetland scientist (as defined by RSA 310-A:76, II-a), with associated costs to be the responsibility of the Applicant (RSA 676:4,I (g)).	**4.** In the event that the Selectmen, Conservation Commission, Planning Board, Zoning Board of Adjustment, Code Enforcement Officer or the Health Inspector, showing just cause, question the accuracy of a wetland area on a specific parcel of land, the accuracy of the boundaries shall be determined by a certified wetland scientist, with associated costs to be the responsibility of the Applicant.
	5. Any lawful use of buildings, structures, premises, land (including mowing), or parts thereof existing at the effective date of this section or amendments thereto and not in conformance with the provisions of this section shall be considered to be a nonconforming use. Any nonconforming use may continue and may be maintained or repaired.
D. USES PERMITTED	**E. USES PERMITTED**
Uses permitted in the Wetlands Conservation District, provided that all required permits have been obtained, are as follows:	**1**. Provided that all required permits have been obtained, the following uses are permitted in the Wetlands Conservation District without a Conditional Use permit. The Wetland Conservation District shall be maintained in a natural state to the maximum extent possible.
1. Construction of wells for water supply, or man-made ponds as permitted by NH Dept. of Environmental Services;	**a.** Construction of wells for water supply;
2. Wildlife habitat development and management;	**b.** Wildlife habitat development and management;
3. Conservation areas and footpaths, footbridges and boardwalks providing for pedestrian recreational uses such as fishing, hunting, hiking, birdwatching and nature study, provided: a. Said structures are constructed so as to permit the unobstructed flow of water and; b. the natural contour of the wetlands is preserved.	**c.** Conservation areas and footpaths, footbridges and boardwalks providing for pedestrian recreational uses such as fishing, hunting, hiking, birdwatching and nature study;
4. Open spaces as permitted by subdivision regulations and other sections of the Ordinance;	**d.** Open spaces as permitted by subdivision regulations and other sections of the Ordinance;

5. Forest management and tree farming within 75 ft. of wetlands, consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension;	**e.** Forest management and tree farming, including any associated access roads.-Within 75 feet of any wetland, these uses shall employ techniques as set forth in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, New Hampshire Department of Resources and Economic Development, 2004, as it may be amended;
6. Agriculture within 75' of wetlands, where it does not impair the function and values in the adjacent wetlands, consistent with best management practices published by the NH Department of Agriculture, Markets and Food;	**f.** Agriculture, including grazing, as defined by RSA 21:34-a. Within 75 feet of any wetland, agriculture shall follow recognized soil and water conservation practices, including the protection of wetlands and groundwater from pollution caused by fertilizers, manure storage, pesticides and herbicides as set forth in Best Management Wetland Practices for Agriculture, New Hampshire Department of Agriculture;
7. Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and access ways provided that the work conforms to the general standards in this section.	**g.** Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and access ways provided that the work conforms to the general standards in this section;
	h. The removal of invasive species as identified by the USDA for the State of New Hampshire;
	i. Scientific research and educational activities;
	j. Construction of a structure no larger than 100 square feet with at least a 50' setback from the wetland.
	2. Permitted uses are presumed to be consistent with the protection of wetland functions and values, when in accord with the following prohibitions. Permitted uses should not:
	a. Obstruct or change the flow of water;
	b. Alter the natural contour or the surface configuration of the wetland;
	c. Involve filling, dredging, or draining of the wetland;
	d. Result in the pollution of the wetland, surface water, or groundwater;
	e. Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with best management practices.
	F. CONDITIONAL USES
	Any activity within the areas under jurisdiction of this ordinance (including any designated buffers or setbacks) that is not listed as a Permitted Use in Section VII, Article E, is presumed to negatively impact the functions and values of the wetland, unless the applicant can demonstrate otherwise. The following may be allowed in the Wetland Conservation District or any adjacent designated buffer or setback through the issuance of a Conditional Use Permit by the Planning Board:
	1. Structures
	a. New structures on lots where there are no previously existing non-conforming structures.
	b. New structures on lots with non-conforming structures, or additions to legally pre-existing structures, provided that there is no encroachment closer to a wetland.
	2. Streets, roads, and other access ways, including driveways,-sidewalks, and bridges.
	3. Impervious surfaces, and activities which result in soil compaction, such as parking vehicles or heavy equipment.
	4. New or expanded utility systems, stormwater management systems, and rights-of-way or easements associated with the systems.
	5. Restoration of a previously disturbed area within the Wetlands Conservation District.

	6. Man-made ponds as permitted by New Hampshire Department of Environmental Services, water impoundments, dry hydrants, and fire protection ponds.
	7. Expansion or change of an existing non-conforming use, or renewal of the use after it has been discontinued for 12 months or more.
	8. Removal of trees, stumps, and root systems.
	G. CONDITIONAL USE PERMIT CRITERIA
	A Conditional Use Permit may be granted for conditional uses as listed in Section F. in the Wetland Conservation District or any adjacent designated buffer or setback when all of the following criteria have been met.
	1. The land is reasonably suited to the use, activity, or alteration.
	2. There is no reasonable alternative location which would avoid encroachment into the jurisdictional area.
	3. Encroachment into the jurisdictional area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.
	4. The proposal is the alternative with the least adverse impact to areas under the jurisdiction of this section.
	5. The nature, design, siting, and scale of the proposed use and the characteristics of the site including but not limited to topography, soils, vegetation, and habitat are such that, when taken as a whole, will avoid the potential for adverse impacts to the wetland resource.
	6. The proposed use shall not have any adverse impact on abutting properties.
	7. The Wetland Conservation District and any designated buffer is maintained in a natural state to the maximum extent possible. While unsafe or diseased trees may be removed, stumps and root systems must be left intact in the ground. Where there has been disturbance or alteration during construction, re-vegetation with native species may be required by the Planning Board.
	8. In determining whether or not a Conditional Use permit will be granted, the Planning Board shall consider the following to determine whether allowing the proposed encroachment will result in an adverse impact on the area.
	a. The size, character, and quality of the jurisdictional area being encroached upon.
	b. The location and connectivity of said area in relation to other wetlands in the surrounding watershed.
	c. The nature of the ecological and hydrological functions served by said area.
	d. The nature of the topography, slopes, soils, and vegetation that encompass said area.
	e. The role of said area in mitigating soil erosion, sediment and nutrient transport, groundwater recharge, flood storage, and flow dispersion.
	f. The extent to which said area serves as wildlife habitat or travel corridor.
	H. CONDITIONAL USE PERMIT APPLICATION PROCEDURE
	1. The applicant is required to provide a detailed plan to the Planning Board showing the proposed encroachment into the Wetlands Conservation District (and any designated setback or buffer), and any information necessary to demonstrate that the proposed encroachment will not cause adverse impacts to the wetland system, or design details that demonstrate that proposed mitigation will prevent adverse impacts to the Wetland Conservation District.
	2. Upon receipt of an application for a conditional use permit under this section of the ordinance, the Planning Department must forward the application to the Conservation Commission at least five (5) business days before the Commission's next regularly scheduled meeting.

	3. After receiving an application for a Conditional Use permit from the Planning Department, the Conservation Commission will review the application and submit advisory comments to the Planning Board at least five (5) business days before the Planning Board's next regularly scheduled meeting. This review will be based on the Conditional Use permit criteria outlined in this article.
	4. If, after reviewing and commenting on the application, the Conservation Commission identifies the need for additional details regarding the scope of work, the Planning Board may, at its discretion, require a review by a qualified professional (such as a certified soil scientist or engineer). In accordance with RSA 676:4-b, the applicant is responsible for any associated costs.
	5. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days (+30 days for developments of regional impact) of acceptance except as otherwise provided in Site Plan Review Regulations. Approval or disapproval shall be by affirmative vote of the majority of members present.
	6. Planning Board decisions on Conditional Use Permits may be appealed directly to the Superior Court (RSA 676:5(III)).
E. SPECIAL PROVISIONS	**I. SPECIAL PROVISIONS**
1. No leach field or dry well may be located closer than one hundred twenty five (125) feet to any designated wetland. In instances of septic failure, certified to by the Town of Swanzey Health Officer, the one hundred twenty five (125) foot requirement is waived if a licensed septic designer certifies to the Health Officer that a one hundred twenty five (125) foot setback is not possible; in that event, the system can be replaced to State specifications.	**1.** No leach field or dry well may be located closer than seventy-five (75) feet to any wetland as defined in Section B. of this ordinance.
2. Wetland areas will not be used to satisfy minimum lot area and setback requirements and may not be used when applying a residential density factor.	**2.** Wetlands, as defined in Section B. of this ordinance, will not be used to satisfy minimum lot area and setback requirements and may not be used when applying a residential density factor.
F. AREAS EXEMPTED FROM THIS SECTION	**J. AREAS EXEMPTED**
Areas exempted from this section will include wetlands associated with currently functioning and maintained, man-made:	**1**. Wetlands associated with currently functioning and maintained, man-made:
1. Ditches and stormwater treatment swales	**a.** Ditches and stormwater treatment swales
2. Sedimentation and/or detention basins or ponds	**b.** Sedimentation and/or detention basins or ponds
3. Agricultural and irrigation ponds or swales	**c.** Agricultural and irrigation ponds or swales
4. Fire ponds, cisterns and related facilities	**d.** Fire ponds, cisterns and related facilities
	To be exempted, such features may not have been constructed as part of compensatory mitigation or created in what were previously jurisdictional wetlands.
To be exempted, such features may not have been constructed as part of compensatory mitigation or created in what were previously jurisdictional wetlands.	**2.** Wetlands associated with 4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District

Mitchell Materials, LLC
All States Materials Group®

20 Payne Road
Winchester, NH 03470
603-357-0881
www.asmg.com

November 10, 2025



Town of Swanzey, NH
Mr. Adam Paquette, Planner
Planning & Economic Development
620 Old Homestead Highway
PO Box 10009
Swanzey, NH 03446-0009

RE: Excavation Permit Renewal – Planning Board

Dear Mr. Paquette:

The Excavation Permit for Mitchell Materials, LLC is due to expire on December 31, 2025. As such, Mitchell Materials is requesting to be placed on the Planning Board Agenda for its regular meeting on December 4, 2025, for purposes of renewal of said Permit. Company personnel, as well as our engineering consultants from Verdantas, will be available to answer any questions and present the Existing Conditions and Proposed Grading Plans.

Enclosed please find the following:
*Request Summary
*Copy of current Excavation Permit
*Bond Continuation Certificate
*Copy of email dated 9/30/25 from NH DES, Bethann McCarthy, PE
*Seven (7) 11x17 color copies of plans titled Mitchell Materials, LLC, Route 10 Excavation Plan, Winchester and Swanzey, NH-Existing Conditions and Proposed Grading, prepared by Verdantas and dated July 24, 2025.

If you have any questions, please let me know.

Thank you,

Chris Marden
General Manager

Mitchell Materials, LLC
All States Materials Group®

20 Payne Road
Winchester, NH 03470
603-357-0881
www.asmg.com

Request Summary

Owner: Mitchell Materials, LLC

Property Details: Route 10
Map 244, Lot 4 (formerly Map 86 Lot 1)
Total acreage: 14.15
Excavation Permitted Acreage: 10
Reclaimed Acreage: 0

The Excavation Permit for Mitchell Materials, LLC expires on December 31, 2025.

Mitchell Materials, LLC is seeking renewal of the Excavation Permit for a term of (5) five years.

No changes are being requested and permit conditions have been adhered to.

The Reclamation Bond in the amount of $20,000 is in full force and effect. The Continuation Certificate effective through October 9, 2026, was delivered to Christine Smith on October 2, 2025.

The Town of Winchester approved Mitchell Materials, LLC Earth Excavation Permit on October 20, 2025.

Mitchell Materials, LLC is in compliance with the required 5-year Progress Plan under the NH DES Alteration of Terrain Permit issued October 2015. The 5-year Progress Plan was due October 2025 and was submitted on August 1, 2025. Excavation is proceeding according to the permit and the next update is due August 2030.

Plans titled Mitchell Materials, LLC, Route 10 Excavation Plan, Winchester and Swanzey, NH-Existing Conditions and Proposed Grading, have been prepared by Verdantas and dated July 24, 2025. These plans are consistent with all conditions and restrictions with plan approval from the New Hampshire Department of Environmental Services, Alteration of Terrain #WPS-6975C dated October 9, 2015.

EXCAVATION PERMIT

Mitchell Materials, LLC, its successors and/or assigns, is hereby authorized to excavate material from Lot 1 on Map 86 on the Swanzey Tax Maps, and as shown on plans entitled "Mitchell Sand and Gravel, LLC, Route 10 Winchester and Swanzey, NH – Existing Conditions Plan and Proposed Grading Plan," prepared by GeoInsight, Inc., dated August 27, 2020. This permit expires on the 31st day of December, 2025. This permit may be renewed if all conditions of the permit have been adhered to. It is granted subject to all conditions and restrictions that are listed in the site specific plan approval from the NH Department of Environmental Services #WPS-6975C dated October 9, 2015, except as amended by NH DES.

The permit is also subject to the following conditions and restrictions:

1. No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1.

2. No excavation shall be permitted within 50 feet of the boundary of any disapproving abutter or within 150 feet from any dwelling which either existed or for which a building permit has been issued at the time the excavation is commenced.

3. Vegetation shall be maintained or provided within the peripheral areas described in paragraphs 1 and 2 above.

4. Drainage shall be maintained so as to prevent the accumulation of free-standing water for long periods. Excavation shall not result in siltation of streams or degradation of any water supplies.

5. No fuels, lubricants or other toxic or polluting materials shall be stored on site unless in compliance with state laws or rules pertaining to such materials.

6. Where temporary slopes will exceed 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the site.

7. Applicant shall post a $20,000.00 corporate surety bond for the cost of restoration.

8. Any excavated area, which either is depleted of commercial earth materials, excluding bedrock, or from which no earth materials have been removed for a two-year period, shall be reclaimed in accordance with RSA 155-E:5, within twelve months following such depletion or two-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership.

9. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case, covered by soil capable of sustaining vegetation and shall be planted with seedlings or grass suitable to prevent erosion.

10. Areas visible from a public way, from which trees have been removed, shall be planted with tree seedlings, set out in accordance with acceptable horticultural practices.

11. Excavation and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

12. All slopes, except exposed ledge, shall be graded to natural repose for the type of soil of which they are composed, but should not in any case be left with a slope of more than 2:1. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

13. The topography of the land shall be left so that water draining from the site leaves the property at the original natural drainage points and in the natural portions of the flow.

14. Within twelve months of the expiration date of the permit or the completion of any excavation whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the conditions spelled out in this permit.

15. Excavation shall only occur in accordance with the terms of this permit and shall be limited to the areas and depths as shown on the excavation plan.

16. The site shall be inspected twice yearly, by the Swanzey Code Enforcement Officer, for compliance with the terms and conditions of this permit.

17. Map 86, Lot 1 is to be accessed only via Route 10.

18. Hours of operation are Monday through Friday 7 a.m. to 5 p.m. and 7 a.m. to noon on Saturday.

Violation of any condition of this permit may result in revocation of the permit by the Regulator. Notice of revocation shall be effective when delivered to the foreman operating the pit or the applicant at the following address:

C/O Mitchell Materials, LLC, 20 Payne Road, Winchester, NH, 03470

Approved by the Swanzey Planning Board on December 10, 2020.

Regulator/Chair of Swanzey
Planning Board

Liberty Mutual SURETY

Syracuse
P.O. Box 5550
Syracuse, New York 13220
+1 (888) 443-1910 Fax: +1 (866) 548-7564

Continuation Certificate

To be attached to and form a part of surety bond number 837076684 (the "Bond"), for Excavation at Lot 4 on Map 244 on the Swanzey Tax Maps, Route 10 in Swanzey, NH dated the 9th day of October, 2019, in the penal sum of 20,000 USD issued by Liberty Mutual Insurance Company as surety (the "Surety"), on behalf of Mitchell Materials, LLC as principal (the "Principal"), in favor of Town of Swanzey, as obligee (the "Obligee").

The Surety hereby certifies that this Bond is continued in full force and effect until the 9th day of October, 2026, subject to all covenants and conditions of said Bond.

Said Bond has been continued in force upon the express condition that the full extent of the Surety's liability under said Bond, and this and all continuations thereof, for any loss or series of losses occurring during the entire time the Surety remains on said Bond, shall in no event, either individually or in the aggregate, exceed the penal sum of the Bond.

IN WITNESS WHEREOF, the Surety has set its hand and seal this 11th day of July, 2025.

Liberty Mutual Insurance Company
(Surety)

By: Timothy A. Mikolajewski
Timothy A. Mikolajewski, Assistant Secretary

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS

Outlook

Fw: Status Update, WPS-6975D

From Mike Barrett
Date Tue 9/30/2025 3:37 PM
To Jacqui Beaman Adam Feldman

Hi Jacqui,

See email below.

Thanks,
Mike

Michael W. Barrett
ASMG

From: McCarthy, Bethann <Bethann.M.McCarthy@des.nh.gov>
Sent: Tuesday, September 30, 2025 2:55 PM
To: Mike Barrett
Cc: mcpenney@verdantis.com <mcpenney@verdantis.com>; lvigeant@verdantas.com <lvigeant@verdantas.com>
Subject: Status Update, WPS-6975D

Re: Tax Map: 15(W)/244(S), Lot No. 51(W)/4(S) in Winchester
(Permitted as Tax Map/Lot No: 15/51 in Winchester and 86/1 in Swanzey, P&H Gravel LLC, Payne Property)

Mr. Barrett:

On August 1, 2025, the Department of Environmental Services (DES) received a 5-year Progress Plan for this site. The plan, required by Env-Wq 1503.28(a), included an update of the current on-site conditions. Thank you for this submittal.

The next Progress Plan is due: August 2030.

If you have any questions, please do not hesitate to contact me at the contact information below.

Bethann M. McCarthy, PE
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03301-0095
Tel. (603) 271-3133
Land Development | NH Department of Environmental Services

NHDES would greatly appreciate your feedback and wants to hear from you. Please take a moment to fill out our short (5-question) NHDES Customer Service Satisfaction Survey.

--- This Email originated OUTSIDE of the ASMG Organization. ---

[244-3]
LAWRENCE REALTY, LLC
PO BOX 113
KEENE, NH 03431

[243-51]
HOUSING & URBAN DEVELOPMENT
451 7TH STREET, SOUTHWEST
WASHINGTON, DC 02410

50' (MIN) PROPERTY LINE SETBACK

[SWANZEY]
[244-2]
SOUTH BRANCH GROUP
42 ROUTE 12A
SURRY, NH 03413

[WINCHESTER]
[15-20]
SOUTH BRANCH GROUP
42 ROUTE 12A
SURRY, NH 03413

MAINTAIN 50' BUFFER FROM OLD SWANZEY ROAD & KEMPTON ROAD

APPROXIMATE LOCATION OF TOWN LINE

5/8" REBAR FOUND, UP 0.5', IN STONE PILE WITNESS-2 3" PVC PIPE, UP 3' 33.86' ± TO RIGHT OF WAY LINE

[15-18]
SOUTH BRANCH GROUP
42 ROUTE 12A
SURRY, NH 03413

OLD SWANZEY ROAD

[244-6]
MICHTCHEL MATERIALS LLC
20 PAYNE ROAD
WINCHESTER, NH 03470

[244-4]
MITCHEL MATERIALS LLC
20 PAYNE ROAD
WINCHESTER, NH 03470
14.15 ACRES±

CURRENT CRUSHING AND STOCKPILING AREA

TOWN OF SWANZEY
TOWN OF WINCHESTER

[15-51]
MITCHEL MATERIALS LLC
20 PAYNE ROAD
WINCHESTER, NH 03470
61.21 ACRES±

LIMITS OF UPDATED SURVEY (JULY 2025)

[244-5]
ARTHUR E. BECKMAN, JR.
1095 WEST SWANZEY ROAD
SWANZEY, NH 03446

APPROXIMATE LOCATION OF PROPOSED FUTURE CRUSHING AND STOCKPILING AREA

[15-21]
JOHN T. & PENNY S. STEPHENS
85 OLD SWANZEY ROAD
WINCHESTER, NH 03470

EXIST. ASPHALT PLANT

S71°03'31"E
1142.01'±

[243-38]
ANNETTE & STEVEN NAECK
1097 W. SWANZEY ROAD
SWANZEY, NH 03446

[246-81]
JAMES J. & CORRINNE L. WILL
1111 W. SWANZEY RD.
SWANZEY, NH 03446

[15-22] & [15-22-1]
PETER W. & TINA M. CONNOR
61 & 65 OLD SWANZEY RD.
WINCHESTER, NH 03470

MONITOR WELL

30" OAK TREE

25' BERM

250' SHORELAND PROTECTION SETBACK

BUILDING SETBACK (TYP.)

EXIST. POND

[246-80]
JULIE KROUPA
1115 WEST SWANZEY ROAD
SWANZEY, NH 03446

EXIST. PAVED ACCESS DRIVE

COMPRESSED NATURAL GAS

SUPPLY WELL

CURRENT STOCKPILING AREA

ACCESS EASEMENT

[15-51-1]
SUR CONSTRUCTION WEST INC.
51 PAYNE ROAD
WINCHESTER, NH 03470

EXIST. BIT. CONC. PAVEMENT

R/W

ACCESS GATE AT ENTRANCE.

PROPOSED FUTURE STORMWATER MANAGEMENT INFILTRATION AREA

ROUTE 10 CURB CUT TO REMAIN. ALL TRUCK TRAFFIC WILL BE RESTRICTED TO THIS ACCESS POINT. SIGNAGE ALONG ROUTE 10 INDICATING TRUCK TRAFFIC AHEAD WILL ALSO REMAIN.

ROUTE 10

250' PROTECTED SHORELAND SETBACK

RELOCATED ROUTE 10 ROW, APPROXIMATE ONLY

ORIGINAL ROUTE 10 ROW

[246-79]
LORETTA GROVER
P.O. BOX 520
1124 WEST SWANZEY ROAD
SWANZEY, NH 03470

ASHUELOT RIVER

50' PROPERTY LINE BUFFER AS REQUIRED BY RSA 155-E:2 (TYP). ALL VEGETATION WITHIN BUFFER TO REMAIN UNDISTURBED.

APPROX. LOCATION OF ZONING LINE

AGRICULTURE
HIGHWAY COMMERCIAL

[15-52]
BRUCE A. WILLARD & THERESA HEBERT
P.O. BOX 351
WEST SWANZEY, NH 03469

ACCESS GATE AT ENTRANCE.

0 50 100 200 Feet

LEGEND:

- EXISTING MONITORING WELL
- EXISTING SUPPLY WELL
- EXISTING SEWER MANHOLE
- EXISTING UTILITY POLE
- PROPERTY BOUNDARY
- ABUTTER PROPERTY LINE
- 25' BUILDING SETBACK
- 50' EXCAVATION SETBACK
- 250' SHORELAND PROTECTION SETBACK
- LIMITS OF UPDATED SURVEY (JULY 2025)

GENERAL NOTES:

1. THIS PLAN IS BASED ON PLANS APPROVED BY NHDES ALTERATION OF TERRAIN, DATED OCTOBER 2, 2015, PREPARED BY ECOINSIGHT INC.
2. UPDATED TOPOGRAPHY WASW OBTAINED BY MITCHELL MATERIALS, LLC ON JULY 8, 2025
3. THIS PLAN HAS BEEN PREPARED FOR THE 2025 ALTERATION OF TERRAIN STATUS REPORT. THE NEXT STATUS REPORT WILL BE IN THE YEAR 2030.
4. HISTORICAL B-SERIES MONITORING WELLS SHOWN ON PREVIOUS PLANS HAVE BEEN DECOMMISSIONED AND REMOVED FROM THIS PLAN.

verdantas

WINCHESTER AND SWANZEY
NEW, HAMPSHIRE

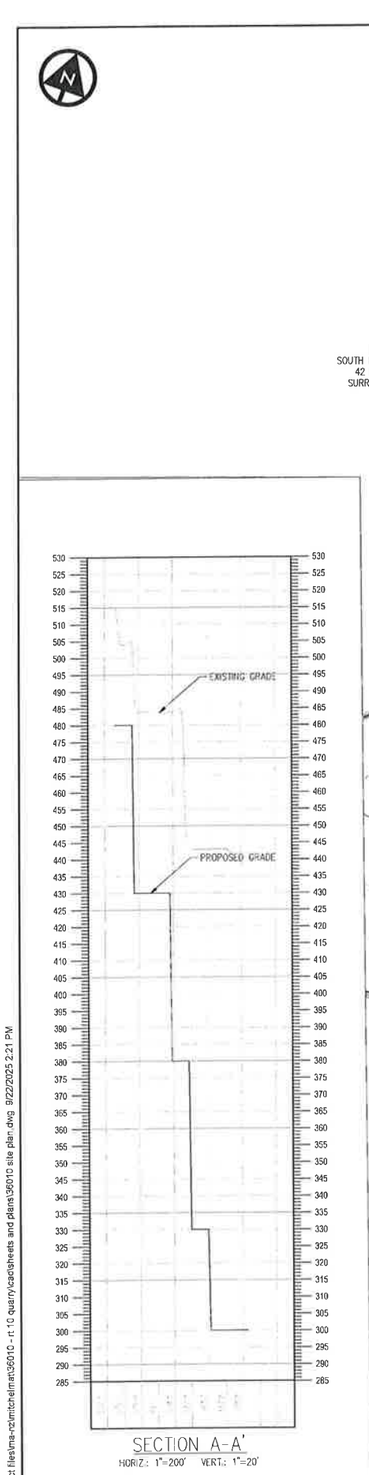
EXISTING CONDITIONS PLAN

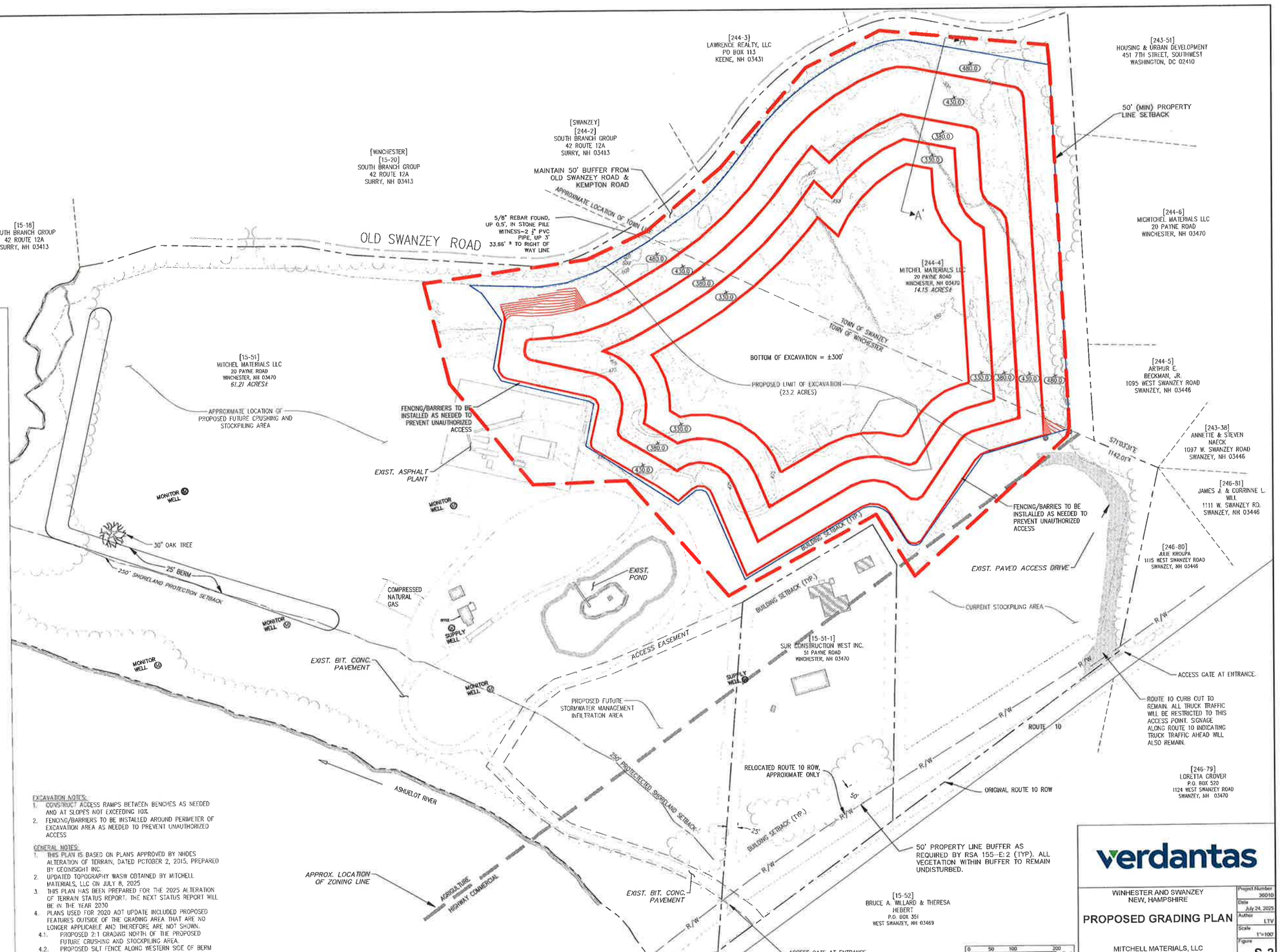
MITCHELL MATERIALS, LLC
ROUTE 10 EXCAVATION PLAN

Project Number	30010
Date	July 24, 2025
Author	LTV
Scale	1"=100'
Figure	S-1

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Produced Using Autodesk's Civil 3D Software





EXCAVATION NOTES:
1. CONSTRUCT ACCESS RAMPS BETWEEN BENCHES AS NEEDED AND AT SLOPES NOT EXCEEDING 10%
2. FENCING/BARRIERS TO BE INSTALLED AROUND PERIMETER OF EXCAVATION AREA AS NEEDED TO PREVENT UNAUTHORIZED ACCESS

GENERAL NOTES:
1. THIS PLAN IS BASED ON PLANS APPROVED BY NHDES ALTERATION OF TERRAIN, DATED OCTOBER 2, 2015, PREPARED BY GEOINSIGHT INC.
2. UPDATED TOPOGRAPHY WASW OBTAINED BY MITCHELL MATERIALS, LLC ON JULY 8, 2025
3. THIS PLAN HAS BEEN PREPARED FOR THE 2025 ALTERATION OF TERRAIN STATUS REPORT. THE NEXT STATUS REPORT WILL BE IN THE YEAR 2030
4. PLANS USED FOR 2020 AOT UPDATE INCLUDED PROPOSED FEATURES OUTSIDE OF THE GRADING AREA THAT ARE NO LONGER APPLICABLE AND THEREFORE ARE NOT SHOWN.
   - 4.1. PROPOSED 2:1 GRADING NORTH OF THE PROPOSED FUTURE CRUSHING AND STOCKPILING AREA.
   - 4.2. PROPOSED SILT FENCE ALONG WESTERN SIDE OF BERM (SLOPES HAVE STABILIZED)

verdantas

WINCHESTER AND SWANZEY
NEW, HAMPSHIRE

PROPOSED GRADING PLAN

MITCHELL MATERIALS, LLC
ROUTE 10 EXCAVATION PLAN

Project Number	36010
Date	July 24, 2025
Author	LTV
Scale	1"=100'
Figure	S-2

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