TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

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Joint Meeting Agenda
Swanzey Planning Board & Conservation Commission
June 26, 2025
6:00 PM

A joint meeting of the Swanzey Planning Board and Conservation Commission will be held on **Thursday, June 26, 2025, at 6:00 p.m. The meeting is upstairs at Whitcomb Hall (17 Main Street, Swanzey).** The public may access the meeting via Zoom by going to www.zoom.us, using the Zoom App, or by calling (929) 205-6099 and entering Meeting ID number 235 370 4380. 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. June 12, 2025

3) Public Hearings

A. **None**

4) Discussions/Other Business

A. Wetlands Conservation District – Draft Ordinance Revisions

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – **June 12, 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 6:00pm. by Chair Scott Self. The meeting was held at Whitcomb Hall and via Zoom software for the public. Other members present: Vice Chair Michael York, Victoria Ames, Mark Scalera, Alternates Stacey Goodale, Jane Johnson, Kristen Reynolds and Selectman's Representative Mark LaBelle (until 6:25 – replaced by James Tempesta). 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.

Absent: Richard Lane, Brandon Self

SEATING ALTERNATES:
The chair seated Reynolds for Lane, Johnson for B. Self

Others Present:
Liam Mallan with FACT TV, John Noonan from Fieldstone, Mike Burke (Deputy Chief Fire Department), Michael Wilson, Ashley Wilson, Jed Paquin, Bill Hutwelker (Selectman), James Tempesta, Selectman

REGIONAL IMPACT:
York made a motion that there was no regional impact. There was a second by Scalera**.** All were in favor. With no further discussion, ***Motion passed***.

MINUTES:

- The meeting Minutes of **May 22, 2025,** were considered. **Motion** was made by Scalera to approve the meeting minutes of **May 22, 2025**. There was a second by Ames**.** All were in favor. With no further discussion, ***Motion passed***.

APPLICATIONS AND PUBLIC HEARING(S):

- **PB 25-008: Subdivision** – Paquin Land Surveying has submitted a 2-lot subdivision application on behalf of Michael Wilson for the property located at 999 Old Homestead Highway and shown at Tax Map 240, Lot 80. The subject property is in the Residence District.
    - The minimum lot size within the Residence District is 1 acre and the minimum frontage is 150 feet. For all zones, the minimum lot size requirement excludes land classified as wetlands or having steep slopes of 25 percent or greater. Each lot will meet the lot size requirement. They will also meet frontage requirements. The proposed lot 80-2 already has state driveway approval under State Permit # DOT-DRI-002680. State subdivision approval is pending. No

concerns have been provided by Department Heads at this time. Based on its review, staff believes the Subdivision application is complete.

- Jed Paquin reviewed the checklist with the board.
- Chair Self asked if there were any questions. Being none, a **motion** was made by York that the application is complete. Johnson seconded. With no discussion, the **motion passed**.
- Paquin explained the reason for the subdivision was so that the landowners' daughter could build a home; he answered questions from the board.
- Chair Self asked for questions from the public. There were none.
- The Public Hearing was closed.
- The board discussed; Scalera made the **motion** to approve the subdivision. There was a second by Ames**.** All were in favor. With no further discussion, ***Motion passed***.

- **PB 25-009: Site Plan Review** – Fieldstone Land Consultants have submitted a site plan review application on behalf of the Town of Swanzey for construction of a 6,400 square foot fire station. The subject property is located at Tax Map 219, Lot 36 in the Business District.
  - The subject property is approximately 4.3 acres in size and is located on the west side of Old Homestead Highway. The subject property has approximately 525 feet of frontage on Old Homestead Highway. Two curb cuts are proposed and will be constructed in accordance with the State Department of Transportation requirements. Permits on both are pending. FAA approval is pending. The proposed 2-story development would have a footprint of 6,400± square feet and will be connected to public sewer and water. The number of parking spaces required is 13, but 36 are being proposed.
  - The Site Plan Review Regulations require the Planning Board evaluate a proposed development from several perspectives, including parking and loading, access and traffic flow, lighting, landscaping/screening, storm water management, utilities, and architectural design. Staff have reviewed the submitted plans and noted the following deficiencies.
    - Landscaping and Screening – Landscaped buffers between different uses of land. Staff Comment: The development will need screening on the north side of the property. The type of screening can be discussed at the Planning Board hearing.
    - The development will need screening on the north side of the property due to residential use on Tax Map 219 Lot 37.
    - All local, State, and Federal permits must be acquired prior to building permit.
- John Noonan from Fieldstone Land Consultants on behalf of the Town of Swanzey reviewed the checklist with the board.
- Chair Self asked if there were any questions. Being none, a motion was made by Scalera that the site plan review application is complete. Reynolds seconded. With no discussion**, the motion passed.**

- Noonan explained the reason for the site plan review and answered questions from the board. A suggestion was made to use the existing well for purposes such as washing the fire trucks and irrigation for landscaping; this would reduce the cost of Town water and sewer. The subject of a fence was discussed to separate residential from commercial use.
- Chair Self asked for questions from the public. Burke stated that there had been a discussion at an earlier meeting to keep using the well and the opinion at that time that it might be too expensive to

make it useable. The board reiterated that the water would not be for potable use. Hutwelker stated that it had been hoped to use the well, but after further investigation it was unfortunately determined the well was not in the right place because the building would cover it.

- The Public Hearing was closed.
- York made the **motion** to accept the application with the recommendation that there be a fence installed on the northern line of the property to separate the two properties and to provide privacy. There was a second by **Scalera.** All were in favor. With no further discussion, ***Motion passed***.
- Hutwelker asked for guidance on the recommendation of a fence. The board suggested a 220 foot fence be installed on the northern end, 6 foot high, to provide privacy and lights not shining into the homes next door.

Discussions and Other Business:

A) New Tenant & Multi-Tenant Application Discussion

i) Chair Self reminded the board that at the last meeting the board removed the requirement for Planning board site plan in New Tenant and Multi-Tenant Application process.
ii) Paquette created a form that can be used – he can get it active on the website tomorrow.
iii) The board approved the form.
iv) Paquette is in the process of reviewing these types of forms and redesigning them to make it easier for the applicant to understand and complete. Ames asked if this would be a good time to increase the fees. Paquette said this is being considered at this time.

Paquette reminded the board that the next meeting will be a combined meeting with the Conservation Committee. It is likely to be long, so please be prepared.

ADJOURNMENT

Motion to adjourn was made by Scalera**.** There was a second to the motion by Johnson with no further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 7:14 pm.

Next Meeting: June 26, 2025

Respectfully Submitted,
Susan Ells, Recording Secretary

Approved on

DRAFT

Existing Ordinance Approved March 2025

SECTION VII
WETLANDS CONSERVATION DISTRICT
(Amended March 8, 2005; Amended March 11, 2025)

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:

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.

c. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities;

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.

Revisions by Conservation Commission

SECTION VII
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c. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities;

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.

f. Maintain ecological balances and conservation corridors along rivers, streams, and drainage ways.

B. 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:

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). 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).

B. 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:

a. Wetlands of any size adjacent to surface water.

b. Vernal pools over 500 square feet.

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 (excepting 4th order streams and designated rivers, lakes and ponds covered by Section VII Shoreland Protection District) 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).

d. In determining the size of a wetland, any portion of a wetland on an adjacent parcel or in an adjacent municipality shall be included.

Possible addition to Site Plan Review:

Steep Slope Adjustments. If the buffer contains an area that has a slope of 10% or more for more than 10 linear feet in a direction perpendicular to the edge of the wetlands, the property owner may be required to increase the amount of buffer area, as shown below. In no case shall there be any net loss in shoreline or bank stabilization due to disturbance, erosion, or loss of vegetation of the land bordering the wetland, watercourse, lake, or pond. In addition, steps shall be taken to repair existing point erosion or lack of vegetation within the impact area of the project upon the resource area's shoreline or bank. In making the determination, the Board will take into consideration opportunities to mitigate or minimize the impact of the slope.

Side Slope (%)	Additional Buffer Distance
10 - 19.9%	10% increase
20 - 29.9%	15% increase
30 - 39.9%	20% increase
40% or steeper	25% increase

3. Buffers.

A protective naturally-vegetated buffer that maintains a diversity of vegetation (which does not mean "lawn"), and remains unaltered by development at the time of construction and thereafter shall be required as outlined below. Buffers are considered to be part of the Wetland Conservation District.

a. A 75-foot-wide buffer shall be established around peat lands over 1000 square feet, vernal pools over 500 square feet, wetlands of any size adjacent to open water, and all wetlands over 10,000 square feet in size.
b. The wetland buffer area is considered to be an inviolate buffer that is to remain naturally-vegetated (excepting any area designated for permitted uses).

???? Additional buffer for slopes?

Additional buffer may be required by the Planning Board when a wetland abuts a slope of 10% or more.

C. 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.

2. Boundary Appeals. In the event that the Selectmen, Conservation Commission, Planning Board, Zoning Board of Adjustment, Code Enforcement Officer or the Health Inspector, showing just cause, questions the accuracy of the boundaries 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)).

C. GENERAL PROVISIONS

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D. USES PERMITTED
Uses permitted in the Wetlands Conservation District, provided that all required permits have been obtained, are as follows:

1. Construction of wells for water supply, or man-made ponds as permitted by NH Dept. of Environmental Services;

2. 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.

4. 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;

D. USES PERMITTED
The uses listed below, provided that all required permits have been acquired, are presumed to be consistent with the protection of wetland functions and value when in accord with the following prohibitions and so are allowed in the Wetland Conservation District (including buffers) without a Conditional Use Permit. These uses shall not:

- Obstruct or change the flow of water;
- alter the natural contour of the surface configuration of the wetland;
- involve filling, dredging, or draining of the wetland;
- result in the pollution of the wetlands, surface water, or groundwater; involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with best management practices.

1. Construction of wells for water supply, water impoundments, dry hydrants, and fire protection ponds or man-made ponds as permitted by NH Dept. of Environmental Services.

2. 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**;**

4. Open spaces as permitted by subdivision regulations and other sections of the Ordinance;

5. Forestry and tree farming within buffers, including any associated access roads, using techniques as set forth in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, NH Department of Resources and Economic Development, 2004, as it may be amended;

6. Agriculture within 75 ft. 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;

7. Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and accessways provided that the work conforms to the general standards adopted in this section.

6. Agriculture within buffers, including grazing, as defined by RSA 21:34-a, according to 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, NH Department of Agriculture;

7. Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and accessways provided that the work conforms to the general standards adopted in this section.

8. The removal of invasive species as identified by the USDA for the State of New Hampshire.

9. Scientific Research and educational activities.

10. Construction of structures no larger than 150 square feet in the buffer.

E. PROHIBITED USES

The following uses may not be established or expanded within the Wetlands Conservation District:

a. Salt storage;
b. Junkyards;
c. Solid or hazardous waste facilities;
d. Bulk storage or handling of chemicals, petroleum products or hazardous materials;
e. Sand and gravel excavations;
f. Dumping of fill or debris.
g. Processing of excavated materials;
h. Underground tanks.

F. CONDITIONAL USES.
Subject to the provisions of RSA 674:21, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses which are not permitted under section D of this ordinance. In the granting of any Permit, the Planning Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of the ordinance.

A conditional use permit shall not be required for impacts to areas within the district that are under the jurisdiction of the New Hampshire Department of Environmental Services when a State Wetlands permit or when a state Shoreland Water Quality Protection Act permit has been issued. However, when the state has issued a wetlands permit, a conditional use permit may also be required for proposed disturbance to those land areas within the Wetlands Conservation district that are not under the jurisdiction of the state, including, but not limited to, buffer zones, and vernal pools.

1. Creation of new lots by subdivision that would require the disturbance of or crossing of lands within the Wetlands Conservation District.
2. Construction of structures or additions to buildings associated with and/or additions to legally pre-existing multi-family or non-residential primary structures as of the effective date of this ordinance (March 10, 2026), provided there is no encroachment closer to the wetland than what currently exists.

3. The construction, repair or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, if essential to the productive use of land adjacent to the Wetland Conservation District. These uses shall be located and constructed in such a way as to minimize and avoid, to the maximum extent practicable, any detrimental impact of such uses upon the Wetland Conservation District.

4. Impervious surfaces, and activities which result in soil compaction such as parking vehicles or heavy equipment**.**

5. New or expanded stormwater management systems shall be located and constructed so as to avoid siting within the WCD or shall be minimized in accordance with the Conditional Use Permit process and standards as required in the Site Plan Regulations (as it may be amended). When a Conditional Use Permit has been granted for such a system, any future access, repair, maintenance, or replacement of the system shall be permitted in kind and location without further approval.

6. New or expanded utility systems, including any rights-of-way or easements associated with the systems, shall be located and constructed so as to avoid siting within the WCD or shall be minimized in accordance with the Conditional Use Permit process and standards as required in the Swanzey Site Plan Regulations (as it may be amended). When a Conditional Use Permit has been granted for such a system, any future access, repair, maintenance or replacement of the system shall be permitted in kind and location without further approval.

7. Restoration of a previously disturbed area within the Wetland Conservation District. Restoration activities may include but are not limited to:

a. Restoring and revegetating disturbed, degraded, or eroded areas in the buffer area with native materials and appropriate native plant species in accordance with a plan prepared by a NH Certified Wetland Scientist, NH Certified Soil Scientist, Wetland Ecologist, NRCS District Conservationist or other qualified individual.

b. Wetland restoration in accordance with a plan prepared by a NH Certified Wetland Scientist, or NH Certified Soil Scientist, and approved by NH DES. Note Applicants shall obtain and provide a copy of any wetlands permits require by the State of NH for the activities proposed.

8. Disposal in the buffer of snow and ice collected from roadways and parking areas.

CONDITIONAL USE PERMIT CRITERIA.

A conditional use permit shall be granted for allowed uses within the Wetlands Conservation District when all of the following criteria have been met.

1. The proposed use and/or activity is only allowed if there is no viable alternative location which would avoid encroachment into the Wetlands Conservation District.
2. Encroachment into the Wetlands Conservation District has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.

3. 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.
4. The Wetlands Conservation District shall be maintained in a natural state to the maximum extent possible. In granting a conditional use permit, the planning board may establish conditions of approval regarding the preservation of the buffer including the extent to which trees, saplings and ground cover shall be preserved.
   a) Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or ground cover may be removed.
   b) Stumps and their root systems shall be left intact in the ground, unless removal is specifically approved in conjunction with a Conditional Use Permit granted by the Planning Board.
   c) Where there has been disturbance or alteration of Wetlands Conservation District during construction, excavation, or grading, re-vegetation with native species may be required by the planning board.

5 The proposed use shall not have any adverse impact on abutting properties.

6. In determining whether or not a conditional use permit should be granted, the Planning Board shall consider the following to determine whether allowing the proposed encroachment will result in an adverse impact on the wetland resource:

a) The size, character, and quality of the wetland and the buffer being encroached upon.
b) The location and connectivity of the wetland in relation to other wetlands in the surrounding watershed.
c) The nature of the ecological and hydrological functions served by the wetland.
d) The nature of the topography, slopes, soils, and vegetation in the buffer that encompasses the wetland.
e) The role of the buffer in mitigating soil erosion, sediment and nutrient transport, groundwater recharge, flood storage, and flow dispersion.
f) The extent to which the buffer serves as wildlife habitat or travel corridor.
g) The rate, timing and volume of stormwater runoff and its potential to influence water quality associated with the affected wetland or any associated downstream wetlands.
h) The sensitivity of the wetland and the buffer to disruption from changes in the grade or plant and animal habitat in the buffer zone.

CONDITIONAL USE PERMIT APPLICATION PROCEDURE.

1. Submission requirements: All applications for a conditional use permit under this section of the article shall be made to the planning board following the submission requirements and procedures set forth in the planning board site plan regulations, as they may be amended. The applicant is required to provide a detailed plan of work from a certified wetland scientist to the Planning Board and Conservation Commission, at the applicant's expense. Submission requirements shall include the location of the buffer area, details showing the proposed encroachment into the overlay district, and any information necessary to demonstrate that the proposed encroachment will not cause adverse impacts to the wetland, or design details that demonstrate that proposed mitigation will prevent adverse impacts to the wetland resource.
2. Referral to the conservation commission: Upon receipt by the planning department, all applications for a conditional use permit, under this section of the ordinance, shall be forwarded by the planning department to the conservation commission a minimum of five business days prior to the commission's next regularly scheduled meeting.
3. Upon receipt of a referral from the planning department, the conservation commission will evaluate the application and provide advisory comments to the planning board. Such evaluation shall be based on the conditional use permit criteria set forth in this article.

F. 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.

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.

G. SPECIAL PROVISIONS

1. No leach field or dry well may be located closer than seventy-five (75) feet to any designated wetland. In instances of septic failure, certified to by the Town of Swanzey Health Officer, the seventy-five (75) foot requirement is waived if a licensed septic designer certifies to the Health Officer that a seventy-five (75) foot setback is not possible; in that event, the system can be replaced to State specifications

2. In areas not served by municipal water and sewer, 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.

G. AREAS EXEMPTED FROM THIS SECTION

Areas exempted from this section will include wetlands associated with currently functioning and maintained, man-made:

1. Ditches and stormwater treatment swales
2. Sedimentation and/or detention basins or ponds
3. Agricultural and irrigation ponds or swales
4. 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.

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To be exempted, such features may not have been constructed as part of compensatory mitigation or created in what were previously jurisdictional wetlands.