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
October 9, 2025
6:00 PM

A regular meeting of the Swanzey Planning Board will be held on **Thursday, October 9, 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 Facebook and YouTube pages. 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. September 25, 2025

3) Public Hearings

A. **None**

4) Discussions/Other Business

A. New Tenant: 135 Old Homestead Highway – Sarah Holmes

B. New Tenant: 42 Monadnock Highway – Mark Patten

C. Cordell Comments on Wetland Conservation District and Warrant Article

D. 2026 Zoning Amendment Calendar – SB2 March Town Meeting

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – **September 25, 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 pm 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, Richard Lane, Mark Scalera, 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.

Absent: Brandon Self

SEATING ALTERNATES:
The chair seated Stacey Goodale for Brandon Self.

Others Present:
Kai Kraemer with FACT TV, Pru Fraser, Charlie Harbeck,

MINUTES:
The meeting minutes of **September 11, 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. **Ordinance updates resulting from approved House Bills.**

The Board reviewed the Legislative Bulletin which lists the changes to *Zoning and Land Use* to identify areas that will affect our ordinances and/or our applications. One big change is that buildings will now be permitted on class VI roads. Overall, there isn't much that needs changing. Paquette said that we will need to update our ordinances to reflect the RSAs and will be on the ballot as a formality.

Chair Self asked if Paquette has consulted the attorney to see if the changes to the Wetland Conservation District Zoning amendments can be in one article on the ballot versus each section in separate articles. Paquette said he'd know by the next meeting and would report on it then.

Chair Self referred to Section H, #4 in the amendment and suggested revising the wording of '*90 days'* to be '*65 days*' to match the time limit the planning board has in which to approve the site plan.

He also suggested adding wording to the appeals procedure in Section H to read: *The planning board's decisions on applications for Conditional Use Permit may be appealed directly to the superior court.*

Section F, #1: change to read: *Disturbance or crossing of lands within the Wetlands Conservation District.*

Section F: Change the last sentence in the paragraph to read: *The following uses in the jurisdictional areas may be allowed through the issuance of a Conditional Use Permit.*

Ames will provide the changes to the Conservation Commission.

B. **Discussion on rezoning Tax Map 219 Lot 42 and surrounding parcels.**

Paquette reported that Town hall staff had a meeting with Chad Brennon from Fieldstone Land Consultants regarding rezoning a number of parcels surrounding Tax Map 219 Lot 42 to residence district. This is being requested due to a possible expansion of Marcy Hill with a connector to Route 32 and to also subdivide the land for housing. He provided a map for the Board to review. This is in the very early stages. Paquette will update the Board with the list of parcels which would be developed first.

C. **Other business as required.**

Chair Self gave an update on the Swanzey Governance Committee which met on Monday this week; the consensus is to go back to the Town Meeting format which would mean that those attending the meeting would be better informed on the issues when they vote. The Town will need to vote to return to this method. Ames asked whether it was discussed as to why the Town voting changed in the first place. She remembers how upsetting the meetings sometimes were and hopes the culture could be improved.

York reported that he attended the Capital Improvement committee meetings to discuss capital improvements needed within the Town. They will meet with all the Town departments. The public is welcome to attend these meetings.

Jane said the Swanzey Preservation Society raised between $2,000 and $3,000 at their motorcycle event.

Paquette said the meetings in October will be busy for the Board.

ADJOURNMENT

A motion to adjourn was made by Lane. There was a second to the motion by LaBelle with no further discussion. All were in favor and the m*otion passed.* Adjournment occurred at 7:03pm.

Next Meeting: October 9, 2025

Respectfully Submitted,

Susan Ells, Recording Secretary
Approved on

DRAFT

SWANZEY PLANNING BOARD
P. O. Box 10009
Swanzey, NH 03446
Email: planner@swanzeynh.gov

RECEIVED
OCT 0 6 2025
TOWN OF SWANZEY

NEW TENANT APPLICATION FORM

Date Received:_____ By:_____

Businesses moving into a building that has previously received Site Plan approval for the **same type of permitted use** may be allowed without a formal Site Plan Review.

Applications submitted by new tenants do not automatically require a public hearing. However, the Planning Board reserves the right to determine, based on the nature of the application, whether a Site Plan Review will be necessary. This process helps ensure that any proposed use aligns with local planning and zoning regulations.

Application Fee: $25.00

SELECT ONE OPTION BELOW:

☒ **New Tenant in a Multi-Tenant Building**

☐ **New Tenant in a Single-Tenant Building**

1. Name and address of owner(s) of record:
Kelly Dunton, Purple Ivy, LLC, The Hair Spa of Keene, LLC, 135 Old Homestead Hwy N. Swanzey NH
Preferred Telephone: 6034390000 Email: thehairspa@yahoo.com

2. Name and address of applicant (if different):
Sarah E. Holmes, 15 West St. Swanzey, NH 03446
Preferred Telephone: 530 739 9063 Email: lovesarahsparkles@gmail.com

3. Street Address of Proposed Project: 135 Old Homestead Hwy, N. Swanzey

4. Zoning District(s): Village business district 1 Tax Map# 104 Lot(s)# 1

5. Type of Business (describe briefly):
Boutique, New clothing, crystals, metaphysical items + jewelry. Fair + Direct trade. Handmade.

6. Location of Business on Property (site plan of property location shall be included):

7. Proposed Hours and Days of Operation: M 3-6, W 3-6, F 4-7, S 11-4 (14HRS/wk)

8. Estimated Customers Per Day: 1-5

9. Parking Spaces Planned: 2-6

10. Number of Full-Time Employees: Myself

11. Number of Part-Time Employees: Ø

12. Number of Pick-ups & Deliveries each day/week: Ø

13. Means of Pick-up & Delivery (large truck, van, personal vehicle, etc.):
N/A

14. Ourside Lighting (describe briefly):
noted on site plan

15. Special Licenses Required: N/A

16. Permits Required: N/A

17. Signs Required (describe briefly and attach a copy of completed sign permit application):
Secondary sign

The Applicant certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Swanzey in the final review process of this application shall be borne by the applicant and/or owner.

9/25/25 Sarah Holmes
Date **Applicant Signature**

The Owner certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Swanzey in the final review process of this application shall be borne by the applicant and/or owner.

9/25/25 Kelly Dunton
Date **Owner Signature**

FOR PLANNING BOARD USE ONLY

Comments:

The above application was:

☐ **APPROVED**

☐ **DENIED**

SWANZEY PLANNING BOARD
P. O. Box 10009
Swanzey, NH 03446
Email: planner@swanzeynh.gov

RECEIVED
OCT 07 2025
TOWN OF SWANZEY

NEW TENANT APPLICATION FORM

Date Received:_____ By:_____

Businesses moving into a building that has previously received Site Plan approval for the **same type of permitted use** may be allowed without a formal Site Plan Review.

Applications submitted by new tenants do not automatically require a public hearing. However, the Planning Board reserves the right to determine, based on the nature of the application, whether a Site Plan Review will be necessary. This process helps ensure that any proposed use aligns with local planning and zoning regulations.

Application Fee: $25.00

SELECT ONE OPTION BELOW:

- ☐ **New Tenant in a Multi-Tenant Building**
- ☑ **New Tenant in a Single-Tenant Building**

1. Name and address of owner(s) of record:
   James Devine - Current Property Owner
   _____
   Preferred Telephone: 603-847-9636 Email:_____

2. Name and address of applicant (if different):
   Mark Patten P O Box 968 Keene, NH 03431
   160 Emerald Street Keene, NH 03431
   Preferred Telephone: 603-352-7444 Email: mpatten146@gmail.com

3. Street Address of Proposed Project: 42 Monadnock Highway, Swanzey

4. Zoning District(s):_____ Tax Map#_____ Lot(s)#_____

5. Type of Business (describe briefly):
Home Heating Oil delivery - All business done off property

6. Location of Business on Property (site plan of property location shall be included):
42 Monadnock Highway

7. Proposed Hours and Days of Operation: M - F, 8am - 4pm

8. Estimated Customers Per Day: 0

9. Parking Spaces Planned: There are 2 existing spaces

10. Number of Full-Time Employees: 2

11. Number of Part-Time Employees: 0

12. Number of Pick-ups & Deliveries each day/week: 0

13. Means of Pick-up & Delivery (large truck, van, personal vehicle, etc.):
N/A

14. Outside Lighting (describe briefly):
Existing lighting on front and back porch

15. Special Licenses Required: No

16. Permits Required: No

17. Signs Required (describe briefly and attach a copy of completed sign permit application):
No

The Applicant certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Swanzey in the final review process of this application shall be borne by the applicant and/or owner.

10/6/2025 Mark Patten

Date **Applicant Signature**

The Owner certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Swanzey in the final review process of this application shall be borne by the applicant and/or owner.

7 OCT 2025

Date **Owner Signature**

FOR PLANNING BOARD USE ONLY

Comments:

The above application was:

☐ **APPROVED**

☐ **DENIED**

Cordell Comments on WCD

A. Purpose.

Minor language issue: At the beginning of paragraph f, I would insert "To" before "maintain," just to be consistent with the other paragraphs. **FIXED**

B. Definitions.

I suggest having an introductory sentence before the first definition, to make it clear that these definitions apply only within this section: "As used in this section VII, the following terms shall have the following definitions:" **FIXED**

In the definition of "Wetland," you have some extra characters in the statutory reference. It should be just RSA 482-A:2, X. **FIXED**

During our phone call, Cordell also mentioned that "Wetland Buffer" and "Wetland Setback" need to have defined areas. He specifically called out the Town of Stratham's Wetland Conservation District, citing these two sections:

11.2.3 No-disturbance buffer: There shall be a no-disturbance buffer within twenty-five (25) feet of the Wetlands Conservation District. This buffer will remain in its natural state. Prohibited activities include: grading, excavation, filling or any other activity associated with the

11.2.4 Wetlands setback: There shall be a setback area of fifty (50) feet beyond the 25-foot no disturbance buffer where all construction shall be subject to a Conditional Use Permit from the Planning Board as set forth in Section 11.6. (Adopted 3/25)

C. District Boundaries.

I think the first sentence is a problem: "The Wetlands Conservation District includes but is not limited to:" The words "but is not limited to" suggest that the district may include some areas other than those listed—but it doesn't say what those are. The ordinance can't be that ambiguous—applicants have to know whether their property is subject to the wetlands section. I think you need to delete the words "but is not limited to."

Once those words are deleted, I'm not sure the remaining language accomplishes what you want. In the current ordinance, the district includes, basically, all wetlands as defined in RSA 482-A. In the new draft, the district would include only:

"Wetlands of any size adjacent to surface water";

Vernal pools over 500 square feet; and

Freshwater wetlands over 1,000 square feet and surface waters and the land under them.

Wetlands that do not fall into one of those categories would not be included, nor would buffers around the wetlands be included in the district. Is that the intent?

PROPOSED CHANGE FROM CORDELL:

OLD:

1. The Wetlands Conservation District includes but is 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.

NEW:

1. The Wetlands Conservation District is defined as those areas of the town that contain wetlands as defined in RSA 482-A:2, X

D. General Provisions.

In paragraph 3, keep in mind that some things do not require planning board approval—specifically, a single-family house on a single lot. I don't know whether that matters.

E. Uses Permitted.

In 1.e and f, I'm not sure what it meant by "within 75 feet of wetlands." I am guessing the intent is that you can engage in forestry or agriculture up to (not within) 75 feet from a wetland. But this section is referring to uses that are "permitted in the Wetlands Conservation District," and by definition the district includes only the wetlands themselves.

If you're saying that forestry and agriculture can be practiced outside the wetland but only up to 75 feet from the wetland, it seems that should go in D., General Provisions, along with the other things that require a setback from the wetland. I also think you would need to define a buffer within which the "best management practices" would need to be followed—otherwise you would be requiring best practices everywhere in Swanzey. For example, you might say that forestry and agriculture are permitted within 75 feet of the wetland, and to

the extent they are between 500 feet and 75 feet from the wetland, they must comply with best management practices. **FIXED**

I have the same question/comment about paragraph j, structures no larger than 100 square feet with at least a 50-foot setback from a wetland. **FIXED**

PROPOSED CHANGE FROM CORDELL:

OLD:

e. Forest management and tree farming within 75 ft. of wetlands, including any associated access roads, using 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;

f. Agriculture within 75 ft. of wetlands, 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, New Hampshire Department of Agriculture;

NEW:

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.

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.

F. Conditional Uses.

In 2.a, I don't think you meant to cross out both "uses" and "structures." **FIXED**

In 2.b, I'm again confused because it seems to be referring to new structures that are outside the district. I think we may need to talk about this. **FIXED**

Comments on warrant article:

Context from 675:3 Method of Enactment in Certain Towns and Village Districts. EXAMPLE LANGUAGE ON PAGE 6.

I. Any town not operating under the town council form of government, or any village district which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a zoning ordinance, historic district ordinance, or building code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in paragraph VII. Any proposed zoning ordinance, as submitted by a planning board or any amendment to an existing zoning ordinance as proposed by a planning board, board of selectmen or village district commission shall be submitted to the voters of a town or village district in the manner prescribed in this section.

II. No zoning ordinance, historic district ordinance, or building code shall be established or amended at a town or village district meeting until after the planning board holds at least one public hearing on the proposed ordinance, code or amendment. Notice for the time and place of each public hearing shall be the same as that provided in RSA 675:7.

III. After the public hearing the planning board shall, by vote, determine the final form of the ordinance, amendment, or amendments to be presented to the town or village district, which ordinance or amendment may include editorial revisions and textual modifications resulting from the proceedings of that hearing.

IV. An additional public hearing shall be held if the proposal is substantively altered by the planning board after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in RSA 675:7.

V. Official copies of the final proposal to adopt or amend the zoning ordinance, historic district ordinance, or building code shall be placed on file and made available to the public at the town or village clerk's office not later than the fifth Tuesday prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

VI. Each village district must be specifically authorized to zone by the legislature.

VII. If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by having the town or village district clerk prepare an official ballot separate from the official ballot used to elect town or village district officers which shall include the

following question, or by including the following question on the official ballot as prepared by the town or village district clerk:

"**Are you in favor of the adoption of the zoning ordinance,** historic district ordinance, or building code (or amendment to the existing town (village district) zoning ordinance, historic district ordinance, or building code) **as proposed by the planning board?" In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ___ as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance or building code) as follows: (Here insert topical description of substance of amendment.)?"** If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot used to elect town or village district officers for the use of voters in voting on the question. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

VIII. If an amendment is submitted by the selectmen or village district commissioners, the ballot shall so indicate. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description.

IX. The method for amending a zoning ordinance, historic district ordinance or building code, as set forth in this section, may also be utilized to repeal such ordinance or code. The ballot question shall use the word "repeal" in place of the words "adoption" or "amendment."

EXAMPLE LANGUAGE:

Amendment No. 1 Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board, to amend the definition of the Wetlands Conservation District and prescribe new rules for permitted uses and procedure for conditional uses?

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

Wetlands Conservation District Zoning Amendments for March 2026 Town Vote

Current ordinance	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
A. PURPOSE	**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:	*March 2025, unchanged*	**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;	*March 2025, unchanged*	**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;	*March 2025, unchanged*	**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;~~	**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;	*March 2025, unchanged*	**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.	*March 2025, unchanged*	**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.~~	**f.** To maintain ecological balances and conservation corridors along rivers, streams, and drainage ways.
	Add section of Definitions	**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.

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
		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.
NEED TO DEFINE AREA IN FEET Inspiration: **11.2.3 No-disturbance buffer:** There shall be a no-disturbance buffer within twenty-five (25) feet of the Wetlands Conservation District. This buffer will remain in its natural state. Prohibited activities include: grading, excavation, filling or any other activity associated with the **11.2.4 Wetlands setback:** There shall be a setback area of fifty (50) feet beyond the 25-foot no disturbance buffer where all construction shall be subject to a Conditional Use Permit from the Planning Board as set forth in Section 11.6. (Adopted 3/25)		**Wetland buffer:** The protected area adjacent to wetlands and surface waters in the Wetlands Conservation District. This area is ideally 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**.**
B. DISTRICT BOUNDARIES	**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."	*[move definition of "wetlands" to new Definitions section]*	NEW from Cordell: 1. The Wetlands Conservation District is defined as those areas of the town that contain wetlands as defined in RSA 482-A:2, X. You could then follow it up with what's below, but it's not needed:
2. "Wetlands" include but are not limited to:	**2.** The Wetlands Conservation District includes but is not limited to	**1.** The Wetlands Conservation District includes but is not limited to:
	a. Wetlands of any size adjacent to surface water	**a.** Wetlands of any size adjacent to surface water
	b. Vernal pools over 500 square feet	**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.	**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
	[Consider deleting buffers.] [create better language]	

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
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).	*March 2025, unchanged*	**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).
	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. *[re-numbered]*	**3.** In determining the size of a wetland, any portion of a wetland on an adjacent parcel shall be included.
C. GENERAL PROVISIONS	**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.	*March 2025, unchanged*	**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. 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 by the Planning Board 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)).	*[certified wetland scientist now defined in Definitions]*	**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 (RSA 676:4,I (g)).

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
		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 and repaired.
D. USES PERMITTED	**D. USES PERMITTED**	**E. USES PERMITTED**
Uses permitted in the Wetlands Conservation District, provided that all required permits have been obtained, are as follows:	*March 2025, unchanged*	**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;	**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;	*March 2025, unchanged*	**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.	**3**. Conservation areas and footpaths, footbridges and boardwalks providing for pedestrian recreational uses such as fishing, hunting, hiking, birdwatching and nature study;	**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;	*March 2025, unchanged*	**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;	**5.** Forest management 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;	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;	**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;	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.

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
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.	*March 2025, unchanged*	**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;
	8. The removal of invasive species as identified by the USDA for the State of New Hampshire;	**h.** The removal of invasive species as identified by the USDA for the State of New Hampshire;
	9. Scientific research and educational activities;	**i.** Scientific research and educational activities;
	10. Construction of structures no larger than 150/200 square feet within buffer.	**j**. Construction of a structure no larger than 100 square feet with at least a 50' setback from a wetland.
	11. The uses listed above, provided that all required permits have been acquired, are presumed to be consistent with the protection of wetland functions and values 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 should not:	**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;	**a.** Obstruct or change the flow of water;
	b. Alter the natural contour of the surface configuration of the wetland;	**b**. Alter the natural contour or the surface configuration of the wetland;
	c. Involve filling, dredging, or draining of the wetland;	**c.** Involve filling, dredging, or draining of the wetland;
	d. result in the pollution of the wetland, surface water, or groundwater; involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with best management practices.	**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.
	E. CONDITIONAL USES	**F. CONDITIONAL USES**
	Any activity within the Wetlands Conservation District that is not listed as a Permitted Use in Section VII, Article D, is presumed to negatively impact the functions and values of the wetland, unless the applicant can demonstrate otherwise, as outlined below. The following activities may be allowed through the issuance of a Conditional Use Permit by the Planning Board:	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 uses in the jurisdictional areas may be allowed through the issuance of a Conditional Use Permit.

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
	~~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 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.~~	
	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:~~	
	~~**1.** Creation of new lots by subdivision that would require the disturbance of or crossing of lands within the Wetlands Conservation District~~ *[PB deemed an action, not a use; however, intro language refers to "activities"]*	**1**. Subdivisions that necessitate the disturbance or crossing of lands within the Wetlands Conservation District.
		2. Structures
	2. Construction of <u>new</u> structures or additions to <u>legally pre-existing structures</u> ~~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 that there is no encroachment closer to the wetland than what currently exists.	**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 the Wetland Conservation District 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 within and/or adjacent to the Wetland Conservation District.	**3.** Construction of streets, roads, and other access ways, including driveways, footpaths, sidewalks, and bridges.
	4. Impervious surfaces, and activities which result in soil compaction such as parking vehicles or heavy equipment.	**4.** Impervious surfaces, and activities which result in soil compaction, such as parking vehicles or heavy equipment.
	5. New or expanded utility systems, stormwater management systems, and rights-of-way or easements associated with the systems.	**5**. New or expanded utility systems, stormwater management systems, and rights-of-way or easements associated with the systems.

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
	6. Restoration of a previously disturbed area within the Wetlands Conservation District.	**6.** Restoration of a previously disturbed area within the Wetlands Conservation District.
	7. Man-made ponds as permitted by NH Department of Environmental Services, water impoundments, dry hydrants, and fire protection ponds.	**7.** Man-made ponds as permitted by New Hampshire Department of Environmental Services, water impoundments, dry hydrants, and fire protection ponds.
		8. Expansion or change of an existing non-conforming use, or renewal of the use after it has been discontinued for 12 months or more.
	F. CONDITONAL USE PERMIT CRITERIA	**G. CONDITIONAL USE PERMIT CRITERIA**
	A Conditional Use Permit may be granted for <u>conditional uses as listed in Section F.</u> ~~allowed uses~~ within the Wetlands Conservation District when all of the following criteria have been met. *[PB]*	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 proposed use and/or activity is only allowed if there is no ~~viable~~ <u>reasonable</u> alternative location which would avoid encroachment into the Wetlands Conservation District. *[PB]*	**1.** The land is reasonably suited to the use, activity, or alteration.
	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.	**2.** There is no reasonable alternative location which would avoid encroachment into the jurisdictional area.
	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.	**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.
	*[move to **E.** Permitted Uses, per PB]*	**4.** The proposal is the alternative with the least adverse impact to areas under the jurisdiction of this section.
	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.	**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. Where there has been disturbance or alteration of the Wetlands Conservation District during construction, revegetation may be required.	**6.** The proposed use shall not have any adverse impact on abutting properties.

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
		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.
	G. CONDITIONAL USE PERMIT APPLICATION PROCEDURE	**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.I(g)), the applicant is responsible for any associated costs.
		5. The Planning Board shall make a decision within 65 days of accepting the Conditional Use Permit Application as complete.
E. SPECIAL PROVISIONS		**I. SPECIAL PROVISIONS**

Current ordinance, incl March 2025 amendments	PB/SCC joint meeting proposed changes	**Final draft for presentation to Public Hearing - *approved by SCC 9/7/2025, incorporating 9/11/2025 PB/SCC joint meeting review***
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 designated wetland.
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.	*March 2025, unchanged*	**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.
F. AREAS EXEMPTED FROM THIS SECTION	**I. AREAS EXEMPTED FROM THIS SECTION**	**J. AREAS EXEMPTED**
Areas exempted from this section will include wetlands associated with currently functioning and maintained, man-made:	Areas exempted from this section will include wetlands associated with <u>4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District</u>, and currently functioning and maintained, man-made:	**1**. Wetlands associated with currently functioning and maintained, man-made:
1. Ditches and stormwater treatment swales	*March 2025, unchanged*	**a.** Ditches and stormwater treatment swales
2. Sedimentation and/or detention basins or ponds	*March 2025, unchanged*	**b.** Sedimentation and/or detention basins or ponds
3. Agricultural and irrigation ponds or swales	*March 2025, unchanged*	**c.** Agricultural and irrigation ponds or swales
4. Fire ponds, cisterns and related facilities	*March 2025, unchanged*	**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.	*March 2025, unchanged*	**2.** Wetlands associated with 4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District

BEA New Hampshire Department of BUSINESS AND ECONOMIC AFFAIRS

2026 Zoning Amendment Calendar
SB2 March Town Meeting

Please contact the NH Office of Planning and Development if you have questions. "Zoning Amendments" include adoption or amendment of the: zoning ordinance, historic district ordinance or building code. For other calendars containing important municipal dates, please see those published by the New Hampshire Municipal Association.

The 2026 zoning amendment calendars should continue to be used in non-charter towns who are considering delegating authority to make zoning changes from their local legislative body to their local governing body as authorized by RSA 674:18-a, which took effect July 1, 2024 until a majority of voters at a special or annual town meeting have voted to delegate this authority to the governing body.

November 2025		
Monday	November 10, 2025	First day to accept petitioned zoning amendments (675:4)
December 2025		
Wednesday	December 10, 2025	Last day to accept petitioned zoning amendments (675:4)
January 2026		
Thursday	January 1, 2026	Last day to post and publish notice for first public hearing on zoning amendments, if a second hearing is anticipated (675:3; 675:7)
Monday	January 12, 2026	Last day to hold first public hearing on zoning amendments, if a second hearing is anticipated (675:3)
Thursday	January 15, 2026	Last day to post and publish notice for zoning amendments for last hearing to be held on January 26, 2026 (675:7)
Monday	January 26, 2026*	Last day to hold final public hearing on proposed zoning amendments. Planning Board must determine final zoning amendment form that is to be posted and filed with the town clerk (675:3)
Saturday	January 31, 2026	Earliest date to hold First Session of annual meeting (40:13,III)
February 2026		
Tuesday	February 3, 2026	Last day to place on file with the town clerk the official copy of the proposed amendments (675:3,V)
Saturday	February 7, 2026	Last day to hold First Session of annual meeting (40:13, III)
March 2026		
Tuesday	March 3, 2026	Last day to submit zoning ordinance protest petition to require 2/3 vote at annual meeting (675:5; 40:13, VII)
Tuesday	March 10, 2026	Second session of annual meeting to elect officers, vote on all questions on official ballot, and vote on all warrant articles from First Session of annual meeting (40:13, VII)

It is strongly recommended the public hearings for zoning amendments are completed before this date.

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