TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

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Swanzey Planning Board Agenda
July 23, 2026
6:00 PM

A regular meeting of the Swanzey Planning Board will be held on **Thursday, July 23, 2026, 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 & 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. July 9, 2026

3) Public Hearings

A. **Site Plan Review Regulation Changes:** The Board will consider amending Section VII, Article 6.d of the Site Plan Review Regulations to clarify that a plat must be signed by a registered engineer or surveyor only if one was used to create it.

4) Discussions/Other Business

A. Home-Based Childcare Zoning: Discussion on SWRPC Memo

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – **July 9, 2026**
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 Victoria Ames. The meeting was held at Whitcomb Hall and online for the public. Other members present: Vice Chair Scott Self, Michael York, Richard Lane, Mark Scalera, Alternates Stacey Goodale, Charlie Harbeck, and Selectman's Representative Alan Gross. 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: Jane Johnson, Brandon Self

SEATING ALTERNATES:
The chair seated Charlie Harbeck for Brandon Self

Others Present:
Kai Kraemer with FACT TV, Thoris Lewis, Terry Lewis, Shane Lampinen, Brice Raynor

MINUTES:
The meeting minutes of June 25, 2026 were considered. A motion was made by Mark Scalera to approve the meeting minutes as presented. There was a second by Scott Self**.** Chair Ames suggested 2 edits. Mark Scalara made a motion to approve the amended minutes; Scott Self seconded the motion; Alan Gross abstained. With no further discussion, the motion passed as amended.

REGIONAL IMPACT
A Motion was made by Richard Lane that there was no regional impact. There was a second by Scott Self. All were in favor. With no further discussion, the motion passed.

APPLICATIONS AND PUBLIC HEARING(S):
A. PB 26-009: Site Plan Review (CONTINUED FROM 6/25) – Terry Lewis has submitted a site plan review application for the property located at 69 James Road to use an existing 1,600 square foot detached accessory dwelling unit as an event space and to hold activities such as healing circles, yoga, meditation, retreats, and herbal classes. The property is at Tax Map 209 Lot 11 in the Business District.

The subject property currently accommodates two single-family dwellings, a detached garage, and a greenhouse. The property also features a Detached Accessory Dwelling Unit (DADU) located on the upper level of a multi-use structure, which is the designated location for the proposed classes. In 2021, the Swanzey Zoning Board granted two special exceptions for this development: first, to legally permit

the DADU, and second, to authorize the structure to exceed dimensional limitations by surpassing a height of 25 feet and a total footprint of 1,000 square feet.

Adam Paquette read the outstanding items and concerns being addressed in this meeting; he also read the memo from the Conservation Commission who had no concerns about the project but did question whether it would trigger a Conditional Use permit to which Adam commented that since there is not an expansion it wouldn't require a Conditional Use permit.

The Chair asked for comments from the public and there were none.

Adam mentioned the concern about the maneuverability of cars in the parking lot and the requirement for providing paper copies; Ms. Lewis provided the copies. Adam advised her that she should obtain permits when holding events with greater than 15 people.

Chair Ames closed the public hearing at 6:19pm.

A motion was made by Scott Self to approve the site plan; Michael York seconded the motion. With no further discussion, the motion carried.

B. PB 26-010: Site Plan Review – Baylev Holdings LLC, represented by Brice Raynor, has submitted a site plan review application for the property located at 126 Monadnock Highway. The applicant proposes to expand outside storage by excavating the bank on the eastern side of the building, installing a small retaining wall, and paving the area. Additionally, the applicant proposes utilizing the excavated fill to level the northwestern and southwestern sides of the building to create more flat storage space. The property is at Tax Map 103 Lot 84 in the Business District.

The subject property currently accommodates a roughly 12,000 square foot structure which houses EZ-Crete, along with outside storage of materials on the north, east, and south sides of the building.

The applicant provided two proposed plans – Plan A does not conform with the Wetlands Conservation District therefore a conditional use permit would be required.

Mr. Raynor asked what would be involved in getting a conditional use permit if he decides on Plan A. Adam explained the process and requirements. Mr. Raynor chose to move forward with Plan B. The Board reviewed the checklist and the requested waivers #13 and #16. Chair Ames explained the items Mr. Raynor should include on the site plan.

A motion was made by Scott Self to grant the request for the waivers because they are consistent with the site plan regulations; Richard Lane seconded the motion; all were in favor and the motion carried.

Scott provided an option to delay until the next meeting to allow Mr. Raynor enough time to make the required changes to the plans; Chair Ames requested a site visit at 12:30pm on 7/10/26.

A motion was made by Scott Self to accept the application as complete with enough information to go to public hearing. The motion was seconded by Mark Scalera. With no further discussion, the motion carried.

Chair Ames opened public hearing at 7:09pm.

Chair Ames invited Mr. Raynor to present his plan. He explained that he would like to create more flat space to store products; they plan to dig into a bank on one side and use the resulting fill on the low spots on other areas on the property to create that space. They will create a tiered retaining wall. Chair Ames asked how much commercial traffic there would be and he replied there is no traffic by customers. Richard Lane asked about the drainage at the retaining wall and asked whether there is any piping; Scott stated if a pipe is planned, that it should show on the plan; Chair Ames reminded him that no additional drainage should go off his property. Mark Scalera asked what surface is planned and Mr. Raynor replied that they will pave with asphalt and the existing space already is asphalt. Chair Ames asked him to delineate the paving on the plan. There was more discussion regarding drainage. He will be removing some trees and Chair Ames asked him to mark this on the plan as well.

Chair asked for public comments; Shane Lampinen suggested an engineered site plan.

A motion was made by Scott Self to continue the public hearing to the July 23 meeting; the motion was seconded by Michael York; after some discussion, a motion was made by Scott Self to rescind the original motion. The motion was seconded by Michael York.

A motion was then made by Scott Self to continue to August 13; Michael York seconded the motion. With no further discussion, the motion carried.

Discussions and Other Business:

A. Shane Lampinen – Arrowcrest Drive Extension

This subdivision project was approved in 2020; Mr. Lampinen is requesting a one-year extension to finalize the bond before building the road.

He has been working with the DPW Director and is getting a security bond from his insurance company; the Selectboard will receive the document to review and approve, and then the Planning Board will be asked to approve.

Scott informed him that some of the zoning ordinances have changed and recommended he review the changes before he starts his building projects. If he needs to change the subdivision, he will need to return to the Planning Board for approval.

A motion was made by Scott Self to grant a one-year extension to obtain the bond and receive approval; Mark Scalera seconded the motion. All were in favor and the motion passed.

B. Home-Based Childcare Zoning: SWRPC Memo

Adam requested the Board read the memo before the next meeting when Sarah Bollinger will be in attendance. Legislation has been signed and the Town's ordinance will need to align with the State RSA. These changes need to go onto the warrant in March.

Adam let the Board know that progress is being made on the zoning ordinance audit and there should be a draft by end of month

ADJOURNMENT
A motion to adjourn was made by Richard. There was a second to the motion by Mark with no further discussion. All were in favor and the motion passed. Adjournment occurred at 7:43pm.

Next Meeting: Date

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

DRAFT

6. Approval

New language in *italic*

d. No certificate of occupancy shall be issued until two (2) copies of the Site Plan are signed by the Chair of the Planning Board. No Site Plan shall be signed until all conditions related to the approval are placed on the plan, the Board receives final unconditional approval from the Swanzey Fire Department, and the plan is signed by a registered engineer or surveyor *(if applicable)*.

SWRPC | Southwest Region Planning Commission

37 Ashuelot Street
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(603) 357-0557
www.swrpc.org

DATE: June 29, 2026

TO: Town of Swanzey Planning Board

FROM: Southwest Region Planning Commission

SUBJECT: Home-Based Child Care Zoning Language and Related Selectboard Follow-Up

Background

In 2024, HB 1567[1] amended RSA 674:16 by adding a new paragraph VI as follows:

> *In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places shall, as described in RSA 672:1, V-a, allow home-based care (family care and group family care) by right or pursuant to a conditional use permit as long as all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review in any zone where a primary residential use is permitted. If all requirements of the department of health and human services are met, but an application for a conditional use permit is pending with the municipality in which the home-based child care facility is located, an applicant may begin operation during such time until the permit is granted or denied.*

The practical effect of this is to make it easier for qualified providers to operate licensed home-based child care programs. Licensed child care providers are subject to state health, safety, staffing, space, and operational standards through the New Hampshire Department of Health and Human Services[2]. Licensed or legally license-exempt providers may accept New Hampshire Child Care Scholarship payments[3], which can make child care more accessible for eligible working families. DHHS licensing rules require applicants to obtain applicable local approvals, including zoning approval. As a result, unnecessary local zoning barriers can unintentionally limit child care availability within communities.

Pending legislation, HB 1195[4], will further amend RSA 674:16, VI to update terminology and require family day care homes and group family day care homes to be allowed by right on lots

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[1] New Hampshire-2024-HB1567-Amended (https://legiscan.com/NH/text/HB1567/id/2999035)
[2] he-c-4002-formatted.pdf (https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/he-c-4002-formatted.pdf)
[3] Child Care Scholarship Provider Enrollment and Web Billing | New Hampshire Department of Health and Human Services (https://www.dhhs.nh.gov/programs-services/childcare-parenting-childbirth/child-development-and-head-start/child-care)
[4] bill.pdf (https://gc.nh.gov/bill_Status/pdf.aspx?id=32569&q=billVersion)

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where residential use is permitted in the primary dwelling or within an existing accessory structure. HB 1195 is also expected to create RSA 674:81, which would require municipalities to allow child care centers by right on commercially zoned land. RSA 674:81 will also disallow site plan review for child care centers with fewer than 30 children.

To support municipal compliance with these statutory changes, the Community Development Finance Authority (CDFA), with support from the Couch Family Foundation, is funding technical assistance through Regional Planning Commissions to help selected New Hampshire communities update local zoning ordinances to reduce barriers to child care. The project focuses on municipal zoning barriers affecting family-based child care providers and is intended to help communities comply with recent state legislation, remove unintended regulatory obstacles, and support expanded child care availability. SWRPC was selected as a participating RPC and identified Swanzey as a strong candidate through a screening process that considered zoning compliance, youth population, existing child care availability, and potential local impact. Swanzey was also identified by Monadnock Economic Development Corporation as a candidate for this work, and the project fits well with the Town's broader zoning audit. While the zoning audit is focused on identifying areas for improvement and pointing to available model language where appropriate, this child care zoning project is supported by a separate external grant and includes assistance with fully developing proposed amendment language for Planning Board consideration.

Existing Zoning Structure

Swanzey's current zoning ordinance addresses child care-related uses, but not consistently and not in a way that clearly distinguishes home-based family child care from center-based child care uses. The ordinance includes references to "daycare facility," "daycare or kindergarten facility," and "child care facility" in different zoning districts, but it does not define those terms.

The ordinance regulates home occupations and home-based businesses in Section III.U. Because family day care homes and group family day care homes are conducted from a residence, it may initially seem logical to address them within those provisions. However, Section III.U is not a seamless fit. Home occupations are subject to local criteria, and home-based businesses require site plan review by the Planning Board. For that reason, SWRPC does not recommend regulating family day care homes or group family day care homes under the home occupation or home-based business provisions. Instead, they should be addressed as a separate category of accessory residential use.

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Recommended Amendment Approach

Because Swanzey is also reviewing the structure of its zoning ordinance through a broader zoning audit, the home-based child care amendment should be drafted so it can work under either the current ordinance structure or a future reorganized structure.

Under the current ordinance, the most appropriate location to include home-based child care is **Section III: General Provisions Applicable to All Districts**. Placing the operative language within a new subsection under Section III would create one cross-district rule that applies where primary residential use is permitted. This approach would avoid regulating family day care homes and group family day care homes as ordinary home occupations or home-based businesses.

If the broader zoning reorganization is adopted, SWRPC recommends placing this provision in a new **Accessory Use** subsection of the General Zoning Provisions. The same substantive language could be used in either location.

Proposed language:

> ***Family Day Care Homes and Group Family Day Care Homes***
>
> *Family day care homes and group family day care homes, as defined in [Section XIII], shall be permitted by right as accessory uses on any lot where primary residential use, is permitted, provided that the program complies with all applicable requirements of the New Hampshire Department of Health and Human Services under He-C 4002.*
>
> *Family day care homes and group family day care homes may be conducted within the primary dwelling or within an existing accessory structure located on the same lot as the primary residential use.*
>
> *Family day care homes and group family day care homes shall not require a special exception and shall not be subject to local site plan review. They shall not be regulated as home occupations or home-based businesses under [Section III.U].*
>
> *Nothing in this section shall exempt the use from applicable state licensing, building, fire, health, life safety, water supply, or sewage disposal requirements.*
>
> *Nothing in this section shall be construed to override any private covenant, including homeowners' association covenants.*

Suggested definitions for **Section XIII: Definitions**:

> ***Family Day Care Home:*** *A family day care home as defined in RSA 170-E:2, IV(a); child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for up to 6 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 6 children, up to 3 children*

attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.

Group Family Day Care Home: *A group family day care home as defined in RSA 170-E:2, IV(b), as amended. Child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for 7 to 12 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and any local ordinance.*

Anticipated July 2026 Change: Child Care Centers

HB 1195, which was passed by the state legislature and is currently awaiting the governor's signature, is expected to create RSA 674:81, addressing child care centers on commercially zoned land. This issue is separate from family day care homes and group family day care homes. Swanzey's ordinance currently uses several terms for center-based child care uses, including "daycare facility," "daycare or kindergarten facility," and "child care facility," and those uses are not treated consistently across commercial districts.

As anticipated, RSA 674:81 will require municipalities to allow child care centers by right on commercially zoned land, provided applicable DHHS licensing requirements are met. It would also allow an existing building within a commercial district, or portion of a building therein, to be converted to a child care center if the exterior dimensions do not change. Local site plan review may still apply if the licensed capacity will exceed 30 children, and the statute would preserve enforcement of applicable state fire, building, water supply, and sewage disposal requirements.

In Village Business District I and the Business District, daycare facilities are allowed only by special exception. In Village Business District II, child care centers are not listed as a use. In the Commercial/Industrial District, child care centers are not listed as a use. In the Industrial Park District, "child care facility" is listed as a permitted use.

If HB 1195 is signed into law, SWRPC recommends that Swanzey update its ordinance to use a consistent term, such as "child care center," and allow that use by right in the Village Business I, Village Business II, and Business Districts. The Planning Board should review the Commercial/Industrial District and Industrial Park District separately because HB 1195 preserves municipal authority to restrict child care centers in zones where industrial and

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manufacturing uses are permitted if the child care center use is incompatible with existing industrial or manufacturing activity.

Under the current ordinance structure, allowances for child care centers should be included in the district specific sections. Village Business I, Village Business II, and Business districts could incorporate the following language within their permitted uses lists:

> ***[x]. Child care centers**, as defined in Section XIII and subject to RSA 674:81; child care centers shall be permitted by right on commercially zoned land, provided applicable State licensing requirements are met. A child care center may be subject to site plan review if its licensed capacity will exceed 30 children. See Section [III.X] for limitations related to existing industrial or manufacturing uses.*
>
> ***III. [x] Child Care Center Industrial or Manufacturing Use Compatibility***
>
> *A child care center shall not be permitted on a lot containing an existing industrial or manufacturing use, or adjacent to an existing industrial or manufacturing use, unless the child care center is intended exclusively for the children of employees of the industrial or manufacturing use.*

Terminology should be updated within the Rural / Agricultural and Residence Districts for consistency. The Planning Board should also discuss if child care centers as defined in this memo align with the intent of the similar listed uses within the Rural / Agricultural and Residence Districts. Proposed RSA 674:81 does not require child care centers in non-commercial zoning districts.

Define child care center:

> ***Child Care Center:** A child day care agency, other than a family day care home or group family day care home, that provides child day care outside of a residence through one or more of the following program types: group child day care center, infant and toddler program, night care program, preschool program, school-age program, small group child day care center, or any combination thereof, as defined in RSA 170-E:2, IV(c), IV(d), IV(e), IV(f), IV(g), and IV(i), and regulated by the New Hampshire Department of Health and Human Services. This term is intended to correspond with "child care center" as defined in RSA 674:81, as amended.*

If the broader zoning reorganization is adopted, SWRPC recommends placing the following provision in the proposed **Specific Use Standards** section and incorporating child care centers in the proposed use table.

> ***Child Care Centers***
>
> 1. *Child care centers, as defined in Section [X], shall be allowed by right within [specific district names], provided the requirements of RSA 170-E and rules adopted*

thereunder by the New Hampshire Department of Health and Human Services regarding licensure and operation of child day care are met.

2. *An existing building, or portion thereof, may be converted to a child care center, within the zoning districts identified in subparagraph 1 of this section, provided that the exterior dimensions of the building do not change.*
3. *A child care center may be subject to local site plan review regulations if the licensed capacity of the child care center will exceed 30 children.*
4. *A child care center shall not be permitted on a lot containing an existing industrial or manufacturing use, or on a lot adjacent to an existing industrial or manufacturing use, unless the child care center is intended exclusively for the children of employees of the industrial or manufacturing use.*
5. *Nothing in this section shall prohibit enforcement of applicable state fire, building, water supply, or sewage disposal requirements*
6. *This section shall not apply to family day care homes or group family day care homes, which are regulated separately as accessory residential uses.*

Selectboard Follow-Up

In addition to the zoning correction, the Planning Board may wish to recommend that the Selectboard consider non-regulatory steps to support home-based child care. Monadnock Economic Development Corporation's (MEDC) materials (attached) describe child care as economic infrastructure and identify home-based child care as one of the faster ways to add licensed slots in rural communities.

Suggested Selectboard actions include:

1. Share MEDC's Bring It Home materials through the Town website, newsletter, or public handouts.
2. Refer interested residents to MEDC for licensing navigation, business readiness support, project planning, and possible home rehabilitation or safety improvement grants.
3. Encourage better coordination among planning, fire, health, and code/building officials so residents receive clear and consistent guidance. MEDC identifies these local officials as helpful coordination partners.

Next Steps

The child care amendments recommended in this memo are intended to work whether Swanzey retains the current ordinance structure or adopts a reorganized ordinance.

The Planning Board should:

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- Confirm alignment with SWRPC's recommended approach for family day care homes and group family day care homes, or whether it would like to review additional options.
- Confirm alignment with SWRPC's recommended approach for child care centers on commercially zoned land.
- Decide whether child care centers, as defined in the proposed amendment, should be allowed in the Rural / Agricultural District and Residence District, and if so, whether the existing approval pathways should change. The current ordinance allows daycare-type uses by right in the Rural/Agricultural District and by special exception in the Residence District.
- Determine whether any existing or anticipated industrial or manufacturing uses in the Commercial/Industrial District or Industrial Park District would make nearby child care centers inappropriate or incompatible.

Based on the Planning Board's direction, SWRPC will revise the proposed amendment language, and work with staff to prepare draft warrant language.