

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – June 25, 2020

CALL TO ORDER:

The meeting of the Swanzey Planning Board was called to order at 6:00 p.m. by Chair Glenn Page. The meeting was held at Whitcomb Hall and via Zoom software for electronic conferencing due to the COVID-19 health emergency in the State of New Hampshire. Emergency meeting pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3. Members present: Chair Glenn Page and Richard Sainsbury, and Ruth Snyder at Whitcomb Hall and Scott Self, Michael York, Jane Johnson and Selectmen's Representative W. William Hutwelker via Zoom.

Absent: Alternate Steve Malone

Others Present:

Lisa Murphy, Senior Planner, of Southwest Region Planning Commission (SWRPC) was also present via Zoom. Ben Olson was also present via Zoom.

PUBLIC ACCESS: The public access to the meeting online via www.zoom.us, using the Zoom App on a cell phone or tablet or laptop, or using a landline by calling (929) 205-6099 and entering Meeting ID number 892 7148 7801. If there is difficulty accessing the meeting, please call (603) 352-7411 ext. 108.

Regional Impact: Board members considered whether any items on the agenda could be construed as having potential for regional impact. **Motion** was made by Self that there is no item on the agenda which can be construed to have potential for regional impact. There was a second by Johnson with no further discussion. All were in favor by roll call. **Motion passed.**

MINUTES:

- The meeting Minutes of May 28, 2020 were considered. **Motion** was made by Sainsbury to approve the meeting Minutes of May 28, 2020. There was a second to the motion by Snyder and no further discussion. All were in favor by roll call. **Motion passed.**

APPLICATIONS:

Subdivision Application

Fieldstone Land Consultants, on behalf of Broadvest Corporation submitted a Subdivision Application for a 20-lot subdivision of the property located at 81 Arrowcrest Drive and shown at Tax Map 20, Lot 153. The existing property is approximately 32.5 acres in size. The applicant is proposing to subdivide the property into 11 single-family lots and 9 two-family lots for a total of 29 units. There is an existing single-family home on the property that will remain on the proposed Lot 1. This property is located at the end of the existing Arrowcrest Drive and the subdivision would include extending the road approximately 2,280 linear feet to provide access to the new lots. Bachler stated that the applicant has asked for his application to be reviewed at a later date.

Motion was made by Snyder to continue the review of the subdivision application of Broadvest Corporation to July 9, 2020 by request of the applicant. There was a second by Sainsbury. All were in favor by roll call. **Motion passed.**

DISCUSSION/OTHER BUSINESS:

Intent to Excavate and Site Plan Review

Bachler informed the Board that the Town received an “Intent to Excavate” permit from Asher Construction, LLC for the property located at 1415 Old Homestead Highway (Map 27, Lot 5-2). The subject property is located in the Rural/Agricultural District. Earth excavation activities are permitted in the district after the issuance of a Special Exception by the Zoning Board of Adjustment. The Planning Board is the regulator of excavation permits and a Site Plan Review application is required for the Board to issue an excavation permit. The Town follows the New Hampshire regulations for land excavations, which are found in RSA 155-E. State law includes a provision that exempts certain activities from the permitting requirements (RSA 155-E:2-a). This includes excavations that are **incidental to the construction of a building on the portion of the premises where the removal occurs**. Asher Construction is the owner of the property and intends to construct a single-family dwelling. They have requested that the Planning Board determine as to whether the proposed excavation is incidental to the construction of the home on the property.

Discussion: Page described the lot at 1415 Old Homestead Highway, near the town line with Richmond, New Hampshire. He noted excavations are permitted by Special Exception in the Rural/Agricultural District. 18,000 cubic yards of sand will be removed as well as loam. Bachler said a building permit has been issued for the site. He provided a site plan for the building. He also had site plans for similar single-family homes that were constructed without need of an excavation permit. He said staff believes that the proposed excavation is not needed for the construction of the home. Bachler said he is concerned about setting a precedent in this case and said that he sees no reason to grant the waiver.

Ben Olson was on the call via Zoom. Page asked if the excavation has already started. Olson said the excavation has begun and he said they received an “intent to excavate” permit in 2019. Bachler said the applicant should have come to the Planning Board last year before the permit was issued so that was an error on the part of the Town.

Olson said the other lots built on nearby needed fill. He said there is a 5-year old house to the right of the subject lot and the subject lot is elevated higher so if a single family home is constructed there, you would have dirt up to the roof line. He said he wants to excavate to make a more level lot. He said it will not devalue the neighborhood. He said he intends to build a new home on the lot.

Snyder said she visited the lot and noted the rear of the lot goes quite high. She asked if he is trying to level off that rear portion of the lot and Olson agreed that is what he wants to do.

Self asked if there is any other spot on the property where the house might be placed. Olson said there would be a steep slope from the house to the septic if he moved the house closer to the street. Olson said they would be removing the earth from the lot. Bachler argued that there is space for the home closer to State Route 32. Olson said if you pull the house forward, the bank would be at the roof and there would be no back yard.

Page said that if you want to do excavation work, there is a process to go through. That would require obtaining a Special Exception from the Zoning Board of Adjustment (ZBA) and then come to the Planning Board for an excavation permit. Olson asked if this excavation is incidental to the construction. Page repeated that Olson needs to get a Special Exception and bring the request for site plan review with the Planning Board. Olson said that will take more time and delay his schedule. It was suggested that he go to the ZBA on July 20th, and following that go to the Planning Board review which would be on August 13th. Olson said that would work for him.

Bachler said the property is in the Rural/Architectural District and excavations are allowed by Special Exception. Olson said he would work toward that goal and he thanked the Board and left the meeting.

Master Plan Update

Lisa Murphy, Senior Planner, of SWRPC was present to review the drafts of the Transportation, Population & Housing, and Implementation chapters and request additional direction from the Board. Page said he reviewed the drafts of the chapters. Bachler asked the Board about the timeline for updating the Master Plan. Bachler noted the plan for holding meetings was put on hold due to Coronavirus. He said focus groups should be done via Zoom so as not to have a large gathering of people. Page said that the first order of business is to give the Board a chance to review the drafts more thoroughly between now and the next meeting. He noted a list of projects in the document and didn't notice the reconstruction of Pine Street in the list. Bachler said that should be on there. Johnson said she didn't see a mention of Cobble Hill Road on the list either.

Bachler displayed his screen with the Transportation Chapter draft. The list was displayed and both Pine Street and Cobble Hill Road were on the list but the dates were incorrect. Some roads were planned to be repaved that did not happen. Bachler said the work done in 2020 will be updated in the final draft of the plan showing work to be done on Pine Street and Cobble Hill Road. Page said the information is useful but he said the final version should be up-to-date. Page referred to adding a culvert beneath the bike path which is planned for Pine Street.

Murphy spoke about updating the document in the future and Snyder said it is important to keep the document updated.

Self referred to page 12 and public transportation. He noted there is no information about West Swanzey as a possible secondary route for bus transportation. Implementation chapter would be ideal for this sort of thing said Murphy. She said that is good input. She said there could be a meeting that just looks at the Implementation Chapter and requires a good deal of input from the Planning Board. Murphy said the virus has caused disruption in the normal way she would be gathering input. Sainsbury said he would like a hard copy so that he can mark it up. Bachler said he could provide that.

Self asked if we could schedule focus group meetings. Page said a Zoom meeting makes it difficult to have interaction within a focus group. Bachler said that if we wait to have in-person meetings that will delay moving forward.

Hutwelker asked about the Implementation Plan. He said he won't be able to be at the July 9th meeting. He encouraged the group to consider Economic Development and to transition away from a focus on rural character. He said there is little industrial property in town and the goal should be to focus on State Routes 10 and 12 and 32. Rural character should not be the overarching view, he said. We need to encourage development to keep the tax rate down. He referred to a residential development that was recently turned down and rural character came up during the review. He said it is important that we are increasing business development in town. Page said that was a 76-unit proposal and a lot of neighbors made noise against the development. Page said development there should be encouraged. He referred to Water View apartments in the area and he said the ZBA was responding to the vocal minority. Bachler said given there is a pending lawsuit there should be no further discussion regarding this matter.

Johnson said that we need to look at business development and housing isn't the same as business. A business on that lot would not have gotten the flack that a four-story residential complex did that was proposed for the property. She said the focus should be on businesses, not residential projects. Residential development leads to more children in schools, more recreational use, etc. Bachler said these issues can be addressed during the update for the Land Use Chapter and Economic Development Chapter.

Hutwelker said Page 5 of the Implementation Chapter should add State Route 32 to the State routes noted on that page.

Self said Swanzezy can attract business because the Town does not over-regulate. Hutwelker said a local planner commented that Swanzezy is the most welcoming town to new development and to new business. Hutwelker said we need to continue to trumpet that.

Page asked the members to read the chapters and consider changes, deletions, additions and revisit at next meeting. July 23, 2020 is the date to review the comments from the Board with Murphy. Murphy said hopefully they can conclude these chapters without going into the fall. Page said the public hearing could be scheduled after the July 23rd meeting. Bachler said the public hearings could be done for separate chapters or the plan as a whole. He noted that the focus groups could work on chapters that are not included in the chapters already done. He noted that the contract is coming to an end soon. Page said the work needs to get done before the end of the contract. He asked for Bachler and Murphy to lay out a schedule to accommodate the contract dates.

Map 18 Lot 138 – Feedback Required Pursuant to RSA 41:14-a

The Board discussed the offer of donation for the property identified as Map 18 Lot 138 which is at the southwest corner of the State Route 12 roundabout and which acreage is now 0.37 acres due to the construction of the roundabout. Staff has proposed a pocket park for the land. Bachler asked the Board for its recommendation to the Selectmen. Bachler shared his screen to display the land under discussion. It is shown as a parcel opposite Sam's retail store on State Route 12 and adjacent to Lake Street. Bachler said the park could have benches. Page said there is also sewer access to that land.

Motion was made by Snyder to support the acquisition of property identified as Map 18 Lot 138 by donation. There was a second by Sainsbury and no further discussion. All were in favor by roll call except Hutwelker who abstained. ***Motion passed.***

Bachler said Keith Bell has received a wetlands permit from New Hampshire Department of Environmental Services (NH DES) for his subdivision on Whitcomb Road.

Next Meeting: July 9, 2020 - Scott Self said he would not be in attendance for the next two meetings in July

ADJOURNMENT

Motion to adjourn was made by Sainsbury. There was a second to the motion by Johnson with no further discussion. All were in favor by roll call. **Motion passed.** Adjournment occurred at 7:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary