

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – August 13, 2020

CALL TO ORDER:

The meeting of the Swanzey Planning Board was called to order at 6:02 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, Richard Sainsbury, and Ruth Snyder at Whitcomb Hall and Jane Johnson, Michael York, Scott Self and Selectmen's Representative Kenneth P. Colby Jr. via Zoom.

Absent: Alternate Steve Malone

Others Present:

Chad Branon, Civil Engineer from Fieldstone Land Use Consultants, LLC was present via Zoom. David A. Mann was also present via Zoom and Resident Rick Spring of 74 Arrowcrest Drive 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 890 1295 0757. 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 Snyder with no further discussion. All were in favor by roll call. **Motion passed.**

MINUTES:

- The meeting Minutes of July 23, 2020 were considered. **Motion** was made by Sainsbury to approve the meeting Minutes of July 23, 2020. There was a second to the motion by Snyder and no further discussion. All were in favor by roll call except Self, York and Colby who all abstained. **Motion passed.**

APPLICATIONS and PUBLIC HEARINGS

Subdivision Application #20-004

Fieldstone Land Consultants, on behalf of Broadvest Corp, has submitted a Subdivision Application for 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. On July 20, 2020, the Town received revised plans from the applicant reducing the number of proposed lots from 20 to 12. The applicant is proposing to subdivide the property into 5 single-family lots and 7 two-family lots for a total of 19 units. The property is located at the end of Arrowcrest Drive and the subdivision would extend the road approximately 1,600 feet to provide access to the new lots. Public hearing continued from Planning Board hearing of July 23, 2020

Bachler said after review of the plans a question came up for lot #10 and lot #13 for size requirement which is calculated excluding wetlands to determine the size. He noted that the applicant has addressed this issue and the lots are now sized appropriately. Bachler said the hammer-head turnaround has been reviewed by the Public Works Director and the Fire Department and all found the plan acceptable. He said Fieldstone has addressed other staff concerns about road design and staff is comfortable with the Board continuing with the public hearing.

Branon said there was no concerns over Swanzey staff recommendations. Timing of construction would be spring 2021 for the road. He noted permits will be required from the State of New Hampshire for Alteration of Terrain and from New Hampshire Department of Environmental Services for storm water permits.

The Chair asked for comments from the members of the Board. Bachler asked Branon when work would be completed. Branon said the road would be completed in 2021. Bachler said the re-paving of Arrowcrest Drive is scheduled for 2022 and the Town does not want to repave and then have heavy construction traffic driving over the newly paved road. Page said the road is anticipated to be completed in 2021. Branon said the base would be completed in 2021 and would need topcoat in 2022 however there would be building construction on-going as lots are sold. Storm water management construction should be completed in 2021.

Bachler explained the opportunity for the public to speak or to ask questions via the Q&A function.

Bachler identified Rick Spring to speak. Spring spoke about his concerns. He said Arrowcrest Drive has deteriorated over the years. Bachler said the Town has a plan to repave Arrowcrest Drive in 2022. Spring asked about drainage. He said there is runoff that comes down the hill and fills the drainage ditches on the side of the road. Branon said storm water drainage swales are planned along the new portion of Arrowcrest Drive to capture run-off from all of the lots. He pointed to storm water management area in the drawings. Lot 16, 17 and 8 and 9 will be mitigated by those areas. Spring asked if the water will go under the road and not down the road. Branon said they will be improving the existing conditions. Spring said the drain under his driveway has been occluded from water from up the hill.

Spring asked about the proposed tie-in to Marcy Hill Road. Branon said that the connection was discussed at some length and cannot be obtained due to wetland issues. Spring said he read that it had been ruled out in the previous minutes of the meeting and Branon said that the Fire Department is comfortable with the hammerhead design and there is no need for the Marcy Hill Road connection. Bachler said the Fire Department said it would be nice to have, but because of uncertainty about the public right of way off Marcy Hill Road and the wetlands mentioned by Branon, the connection is not feasible at this time. Spring thanked the Board and had no further questions.

The Chair asked for questions from the Board. Bachler spoke about the conditions that staff is recommending in regard to any approval by the Board (stated below as bullet points). Self asked about one of the items saying that the item was really a ZBA issue and not the purview of the Planning Board and therefore could be removed. Bachler spoke about the ZBA approval and whether the applicant would have to go back to the ZBA as separate applications for each lot and he said he would try to make that as a single acceptance.

Public hearing closed at 6:31 pm

Motion was made by Snyder to grant the request of Fieldstone Lane Consultants on behalf of Broadvest Corp. for a subdivision property at 81 Arrowcrest Drive and shown at Tax Map 20, Lot 153 into 12 lots consisting of 5 single-family lots and 7 two-family lots for a total of 19 units subject to the bulleted items below. There was a second to the motion by Self and no further discussion. All were in favor by roll call except Colby who abstained. ***Motion passed.***

- Acceptance of the proposed extension of Arrowcrest Drive is subject to approval by the Board of Selectmen pursuant to RSA 674:40.
- A financial security in the amount of the estimated cost of the construction of the road, drainage facilities, and any other public improvements shall be approved by the Planning Board and Town counsel prior to the filing of the subdivision plan. The financial security shall also include a fee to cover the cost of construction observation by the Town's engineer. A percent of the guarantee may be retained by the Town for up to two years to insure the road and all drainage facilities are properly functioning.
- An as-built plan of the road and other improvements shall be provided to the Town prior to the Board of Selectmen considering acceptance of the road.
- A warranty deed for the road and any required easements shall be conveyed to the Town.
- A Town Driveway permit will be required for each lot subject to approval by the Public Works and Fire Departments.
- Applicant shall obtain all necessary subdivision approvals from the New Hampshire Department of Environmental Services prior to the plat being recorded.
- If required, applicant shall obtain an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services prior to the plat being recorded.

Branon thanked the Board and left the meeting.

Subdivision Application #20-005

David A. Mann, on behalf of Clinton Carl Yade, requests a 2-lot subdivision of the property located at 141 Cobble Hill Road and shown at Tax Map 81, Lot 1. The subject property is located in the Residence and Rural/Agricultural Districts. Upon a finding that the application meets the submission requirements of the Subdivision Regulations, the Board will vote to accept the application as complete. A public hearing on the merits of the proposal may follow immediately; if not, a public hearing will be scheduled for a time and date certain.

Proposed Lot 1 would retain the existing single-family dwelling and is 15.1 acres in size with 253.8 feet of frontage on Cobble Hill Road. Lot 1 would meet the minimum requirements for the Rural/Agricultural District. The existing dwelling on Lot 1 would meet the 20-foot side yard setback requirement from the new proposed property line between Lots 1 and 2.

Proposed Lot 2 would be 47.6 acres in size with 64.6 feet of road frontage. The lot is proposed to be developed under the rear lot provisions included in Section 3, Paragraph M of the Zoning Ordinance. Rear lots in the Rural/Agricultural District are required to be a minimum of 3 acres and have an average

width of at least 225 feet. Access must be provided from a public street with an owned access strip of at least 50 feet in width. Only one dwelling unit would be permitted on the proposed Lot 2. The proposed lot meets the rear lot provision requirements.

Discussion: Mann said Mr. Yade would like to sell the house and to keep the back land as a wood lot. He has no current plans to build on it. There is an existing driveway that leads up to the house and the remaining land will be a back lot with a 64-foot access; the existing driveway will be a common driveway. He has no plans for the driveway now but there is a driveway easement in the plan. In the future will use the same driveway cut onto Cobble Hill Road, a shared common drive. The house is an older house with existing septic system and well and Mann said he believes there is a potential buyer at this point.

Bachler said Jane Johnson is recusing herself from this application.

Sainsbury asked what is the purpose of the common driveway. Bachler said there is an existing driveway but to add a rear lot you need at least 50 feet of frontage and the only place that can be done is at the existing driveway.

Motion was made by Self that the application of David A. Mann, on behalf of Clinton Carl Yade, for a 2-lot subdivision on property located at 141 Cobble Hill Road and shown at Tax Map 81, Lot 1 is complete and ready to go to public hearing. There is a second to the motion by Snyder and no further discussion. All were in favor by roll call. Johnson has recused herself and did not vote.

Motion passed.

Public hearing opened at 6:39 pm

Discussion: The Chair asked for members of the public to speak about the application. Bachler repeated the information about the opportunity to speak. The Chair said the minimum frontage requirement for a rear lot is met by the shared driveway. Bachler said the common driveway agreement would need to be recorded at the Registry of Deeds.

Public hearing closed at 6:41 pm

Motion was made by Self to grant the application of David A. Mann, on behalf of Clinton Carl Yade, for a 2-lot subdivision on property located at 141 Cobble Hill Road and shown at Tax Map 81, Lot 1 subject to recording the shared driveway agreement at the Cheshire County Registry of Deeds. There was a second to the motion by Snyder and no further discussion. All were in favor by roll call. ***Motion passed.***

DISCUSSION/OTHER BUSINESS:

Conservation Easement Perpetuity

Conservation Subdivision Regulations

Bachler informed the Board that on July 15, 2020, Selectmen Hutwelker expressed concerns about the permanent restriction on future development that conservation land required to be set aside for

Conservation Residential Subdivisions be protected in perpetuity and asked the Planning Board to review this requirement.

Bachler said the regulation was meant to encourage development of smaller lots than permitted by the Zoning Ordinance in exchange for setting aside conserved lands. He said if you remove the requirement that land be conserved, you take away what the Town is supposed to receive in exchange for small lots. You might end up with higher density development than what you would want if that set aside land is developed in the future. Self said the Board should investigate this issue. He said it takes a lot of land off the books that could be built on.

Johnson said this subject should be referred to in the Master Plan revision process. Johnson said she read a letter from resident Jeanne Thieme about the benefits of having open space. She said this is not to be rushed into without careful consideration. She said both views need to be considered. Self suggested conserved lands be reviewed and renewed every ten years. Johnson said you would need to work with the Monadnock Conservancy and other conservation entities involved with the conserved land in Swanzey. Bachler said it is a large topic to undertake.

Zoning Ordinance Amendment Discussion

- **Multi-Family Residential Density Requirements**
The Planning Board considered adopting density standards for multi-family dwellings connected to public sewer. If there is support for this, Bachler said he would recommend allowing higher densities in the Business District, medium density in Village Business Districts I and II, and lower density in the Residence District. The Chair spoke about zoning for one acre with multiple dwellings is already density limited by the requirement to have two parking spaces per unit and setbacks. Snyder said if we adhere to Zoning requirements that would determine density. There was a discussion about senior housing not needing two parking spaces per unit. Self said he agrees with Page that the requirement for parking spaces and setbacks will limit density. Bachler said it is clearer to a developer when you state a density versus just using setbacks and parking spacing to limit density. Page noted the requirement for vegetation buffers and landscaping also uses land. The Board agreed to keep as now by consensus.
- **Drive-Thru Facility Regulations**
The Planning Board considered having a drive-thru facility be listed as a separate use allowed by Special Exception in the districts where restaurants and banks are permitted due to the traffic and circulation issues that can be associated with this type of facility. A minimum number of stacking spaces could also be specified as a criterion for Special Exception approval. Bachler noted it helps developers to plan for drive-thru facilities. The Board was supportive of researching this further.
- **Off-Street Parking Minimum Requirements**
The Zoning Ordinance includes off-street parking space requirements based on the type of use on a property. These requirements have not be updated for a number of years and the Planning Board may wish to consider reviewing them based on more current standards to ensure the Town is requiring sufficient parking, but also not requiring too much parking be provided.

Bachler said it might make sense to review these requirements. The Board was supportive of looking into this.

- **Minimum First Floor Building Area**

The Board considered Section III, Article O.1 of the Zoning Ordinance which includes a requirement that the minimum size for each dwelling house constructed shall be 540 square feet on the first floor. Bachler noted that the current Building Code does not include this minimum first floor area requirement and Bachler stated that he and the Code Enforcement Officer believe the provision should be removed from the Zoning Ordinance. There was no comment from the Board.

- **Accessory Dwelling Units Size Limit**

The Planning Board considered increasing the maximum square footage for ADUs to provide more flexibility for homeowners. Bachler informed the Board that the maximum square footage for an ADU is typically between 750 – 1,000 square feet, a percentage of the gross floor space of the primary dwelling, or a combination of the two. Bachler asked the Board to consider raising the limit, saying even 800 square feet would benefit property owners. Self said he agreed with that and it should be pursued.

- **Setback Definition**

The Board considered the recommendation of Bachler to change the definition for setback to specify what is permitted and what is not permitted applies to the first 30 feet of the front setback area only. Self agreed that it should be indicated that it is for the front setback only. Snyder said there was an assumption that nothing else would be considered but the front, but it would be good to clarify it.

Aquifer Protection Ordinance Discussion

Johnson said the Conservation Commission is eager to pursue an Aquifer Protection Ordinance and would like to see the Planning Board create a sub-committee to study the idea. Johnson said the need is to protect the aquifer since so many folks are on private water supply. She asked the Board to consider volunteering. Self asked how the current zoning fails the Town. Johnson said that is why we need a sub-committee to determine that. She added that members of the public as well be part of that committee. Bachler asked who would serve on the committee. Johnson said two members from the public, a couple of members of the Land Use Boards, Conservation Commission, and Selectmen, and a member from the business community. Page asked the members to consider serving. Self said he would to open to participating.

Public Meetings During COVID-19 Pandemic

Bachler spoke about the options available to the Chair for meetings during the State of Emergency.

- Option 1 – hold the entire meeting virtually using an application like Zoom
- Option 2 - hold a meeting with both in-person presence and virtual presence
- Option 3 – hold a meeting entirely in person with masks according to the CDC guidelines

The Board discussed the various options including the pros and cons of each. Bachler said he didn't have any complaints from the public about meeting with Zoom. Bachler said it is the Board's decision how

you prefer to meet. Page said he would prefer to continue to do as they are doing now. York suggested a hybrid system and Colby said that is what the Board is doing tonight since some members are present physically and others via Zoom. York said if there were to be in-person meetings by the Board it should continue to use Zoom for those who cannot be present.

Homestead Woolen Mill Move

Bachler noted NEA Environmental doing business out of Homestead Woolen Mill will be moving to a different location at the Mill.

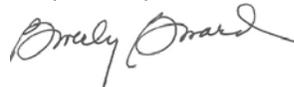
Motion was made by Self that NEA Environmental does not need to come back to the Planning Board to move his business location within the mill. There was a second by Snyder. All were in favor by roll call. **Motion passed.**

Next Meeting: August 27, 2020

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 7:22 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary