Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – August 12, 2021
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 6:00 p.m. by Vice Chair (VC) Scott Self. The meeting was held at Whitcomb Hall and via Zoom software for the public. Members present: VC Scott Self, Richard Sainsbury, Selectmen's Representative Ken Colby, Jane Johnson, Michael York, Brandon Self, Alternate Steve Malone, Alternate Richard Lane and Recording Secretary Beverly Bernard. Director of Planning and Economic Development Director Matthew Bachler was present via Zoom. The Vice Chair called the roll and read the agenda for the evening.
Lane was seated for Page.

Absent:
Chair Glenn Page

Others Present:
Town Administrator Michael Branley, Code Enforcement Officer Mike Jasmin, Dan Weeks and Steve Dzubak with Revision Energy, members of Board of Directors for Eastfield Crossing, Kathy Hart and Susan Menees, Donna Arseneault, Susan Armstrong, Barbara Skuly, Conservation Commission member Cheri Domina, Tony Triano, Taylor Shulda Landscape Architect Designer with Stevens Associates, PC

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 853 7509 5907.

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

MINUTES:

- The meeting Minutes of July 22, 2021 were considered. **Motion** was made by Sainsbury to approve the meeting Minutes of July 22, 2021. There was a second to the motion by York. All were in favor except Johnson and Colby who abstained. ***Motion passed.***

APPLICATIONS AND PUBLIC HEARINGS:
Planning Board #21-017 – Site Plan Review Application – Revision Energy – Keene Wastewater Treatment Plant (Continued from meeting of July 22, 2021)
Horizons Engineering, on behalf of their client, Revision Energy, and the property owner, the City of Keene, has submitted a Site Plan Review application to develop a ground-mounted solar array adjacent to the

Keene Wastewater Treatment Plant located at the end of Airport Road. The subject property is located at Tax Map 37, Lot 36 and is located in the Business District.

Discussion: The public hearing was closed at the meeting of July 22, 2021 and Johnson asked if the public hearing could be reopened. VC Self said his view is you cannot reopen the public hearing since the public would not be informed appropriately. Johnson said she missed the July meeting and Bachler is not present tonight and she felt more information was needed and Bachler might have that. She also noted there are wetlands in the area, and she noted trees will be removed.

Johnson **moved** to delay the meeting until there is a more thorough study of the site. She said the rain storms occurring recently may have an impact on the area because of the removal of the trees. VC Self said he didn't think it was fair to the applicant to reopen the public hearing. Johnson said there are other environmental reasons to further study before making a decision.

Bachler replied that he was present via Zoom. He said this project will require an Alteration of Terrain (AoT) from the New Hampshire Department of Environmental Services (NH DES) and the Town would not issue a building permit until the AoT is approved. He said part of that permit is looking at the impact of alteration of terrain on the floodplain and land. VC Self asked what Bachler thought about reopening of the public hearing. Bachler said he thought that would be okay if the Board voted to do that. Dan Weeks with Revision Energy spoke. He said he did come prepared to make a presentation on the environmental impacts. Weeks said the preference is not to reopen the public hearing based on due process. He added there is a difficult decision point coming due to the approaching autumn and if this application was to be extended it would significantly impact on the engineering timeline. VC Self explained that without opening the public hearing, Weeks cannot do his presentation. Weeks said he was not proposing an additional presentation. Lane asked why the additional information was not provided ahead of time. VC Self said the Planning Board had questions at the last meeting about how decommissioning of the project would occur and Bachler said that information is provided in the packet the members received for the meeting, on page 8.

Johnson withdrew the first motion to delay and Johnson **moved** to reopen the public hearing that was closed at last meeting. The motion was seconded by Sainsbury. York, Johnson, Sainsbury were in favor of reopening. VC Scott Self, Brandon Self, Lane, and Colby opposed. The ***motion failed*** four votes "no" to three votes yes.

Deliberation continued. Vice Chair Self read aloud the "Removal of System at Expiration" paragraph provided in the packet by the City of Keene. Bachler said this is standard contract language and covers some reference to removing solar panels from roofs which is not relevant here. Bachler said Town Counsel said the language was adequate for the situation. He noted that if the City purchased the array from the private developer they would then become responsible for any future removal. Weeks said the terms have been agreed to. The language was produced by the national Department of Energy and used for thousands of projects around the country. VC Self asked about AoT permit and Steve Dzubak from Revision Energy spoke about the permit including a hydrological analysis and that analysis is verified.

Barbara Skuly spoke about the definition of AoT; this deals with run-off. She said the AoT may not deal with the other environmental issues. Lane said the power lines will be underground yet the seller is not responsible for removing underground conduits. He said if the array is being decommissioned, that would

have to be removed as well. Weeks said standard practice is to remove all the actual wiring, but leaving the PVC piping; to remove the piping would be to disrupt the surface area. And it is considered Best Practice to leave the pipe in the ground. Johnson asked which below-grade structures would be removed. Weeks said for some arrays located in a brown field site, they use concrete ballast. On this site it will be steel I-beams which would be pulled up from the ground.

Vice Chair Self said if the applicant has addressed concerns, a motion is in order.

> **Motion** was made by York to approve the Site Plan Review Application from Horizons Engineering, on behalf of their client, Revision Energy, and the property owner, the City of Keene, to develop a ground-mounted array adjacent to the Keene Wastewater Treatment Plant located at the end of Airport Road with the following conditions: required Federal Aviation Administration (FAA) approval, AoT permit obtained, Building permit obtained, permit to cut trees from the Town of Swanzey obtained. There was a second to the motion by Lane and no further discussion. All were in favor except Johnson and Sainsbury who both abstained. ***Motion passed.***

Planning Board #21-018 - Home-Based Business Application – 65 Old Richmond Rd
Donna Arseneault has submitted a home-based business application for the property located at 65 Old Richmond Road for property shown at Tax Map 24, Lot 40 and located in the Residence District. The existing principal use of the property is for a single-family residential dwelling. The proposed business is a gift shop with country and primitive décor items. The business would be located in an existing 160 square foot shed on the property that is setback approximately 100 feet from Old Richmond Road.

The business would not have any employees other than the property owner. Hours of operation are proposed to be Monday – Friday, 2:00 to 5:00 p.m. and Saturdays and Sundays, 12:00 to 5:00 p.m. The applicant has noted that on any given day they would expect at most six customers. Three parking stalls are shown on the site plan in front of the proposed gift shop. A small sign conforming with the Town's standards for signage would be located at the driveway entrance. The owner has noted they will apply for a sign permit if the home-based business is approved.

Public hearing opened at 6:38 p.m.

Discussion: Arseneault said there would be seasonal items like Christmas items, some kitchen items, and soaps and it will be open year round. She said she does have a part-time job and this will occupy her spare time. She said she would apply for a sign permit. Bachler noted there were no comments from other Town departments.

Kathy Hart, member of the Board of Directors for Eastfield Crossing said Eastfield Crossing is an abutter. There is a field to entrance to community. She asked about the level of parking. Arseneault said they have three parking spaces next to the shed. Hart asked if the district remains residential and was told it would remain residential. Susan Menees also on Board of Eastfield Crossing was present via Zoom and she said the concern was the amount of traffic coming through for the business. Arseneault said the parking is off the road and completely on site.

Public hearing closed at 6:42 p.m.

Motion was made by York to approve the Site Plan Review Application of Donna Arseneault for a home-based business for property located at 65 Old Richmond Road, shown at Tax Map 24, Lot 40 and located in the Residence District. There was a second to the motion by Brandon Self and no further discussion. All were in favor. ***Motion passed.***

Planning Board #21-019 – Subdivision Application – 125 East Shore Road
Susan Armstrong submitted a 2-lot subdivision application for the property located at 125 East Shore Road and shown at Tax Map 45, Lot 22. The subject property is located in the Rural/Agricultural District. The property is approximately 14.36 acres in size and includes an existing single-family dwelling that would remain on one of the two proposed lots. The second lot is intended to be developed for a new single-family dwelling.

Discussion: VC Self pointed to the maps provided by the applicant. The Board members reviewed the maps identifying the well and the well radius.

Motion was made by York that the Site Plan Review Application from Susan Armstrong for a 2-lot subdivision application for the property located at 125 East Shore Road, shown at Tax Map 45, Lot 22 and located in the Rural/Agricultural District was complete and ready for public hearing. There was a second to the motion by Colby and no further discussion. All were in favor. ***Motion passed.***

Public hearing opened at 6:47 p.m.

Discussion: Susan Armstrong was present to say she wants to subdivide to sell the second lot to her son and build a new home on the other lot. Vice Chair Self noted the Conservation Commission requested a shared driveway. Armstrong said the land contour does not lend itself to a shared driveway. She said she wants to keep it as a separate property and not be tied to the other lot. VC Self noted one lot is a rear lot. Bachler said the frontage is sufficient for a rear lot. Cheri Domina with the Conservation Commission said she raised the concern about additional driveways near to the lake; there could be more damage to the road and potentially damage to the lake when there are more driveways. She asked the Town to consider an ordinance that would require a shared driveway whenever the land allows for it.

Tony Triano said he is a neighbor of Armstrong's property and there has been cutting of trees. He asked for a map showing where the new house would be located. A plan was passed to Triano so he could see where the building will be located. He said he would also prefer a shared driveway since his house is close by.

Public hearing closed at 6:53 p.m.

Motion was made by York to approve the Site Plan Review Application of Susan Armstrong for a 2-lot subdivision application for the property located at 125 East Shore Road, shown at Tax Map 45, Lot 22 and located in the Rural/Agricultural District. There was a second to the motion by Colby and no further discussion. All were in favor. ***Motion passed.***

Planning Board #21-020 – Site Plan Review Application - Patriot Holdings, LLC – 304 Monadnock Highway
Fieldstone Land Consultants, on behalf of Patriot Holdings, LLC, submitted a Site Plan Review application for the redevelopment of the former auto repair business at 304 Monadnock Highway for a self-storage facility.

On August 4, 2021, the Town received an email correspondence from Fieldstone Land Consultants requesting that the Site Plan Review application be continued.

The applicant requested a continuance for this application to August 26, 2021.

> **Motion** was made by York to continue the application of Fieldstone Land Consultants, on behalf of Patriot Holdings, LLC, for the redevelopment of the former auto repair business at 304 Monadnock Highway for a self-storage facility to August 26, 2021 as requested by the applicant. There was a second to the motion by Lane and no further discussion. All were in favor. ***Motion passed.***

Planning Board #20-021 – Site Plan Review Application – Riverbend Apartments – 836 West Swanzey Road

Stevens & Associates, on behalf of Keene Housing, submitted a Site Plan Review application for the construction of a 480 square foot maintenance staff office building at the Riverbend Apartments property located at 836 West Swanzey Road. The subject property is shown at Tax Map 71, Lot 4-1 and is located in the Business District.

Discussion: The Board reviewed the materials provided by the applicant. Sainsbury asked if the building is close to the street and VC Self said it was.

> **Motion** was made by Johnson that the Site Plan Review Application from Stevens & Associates, on behalf of Keene Housing, for the construction of a 480 square foot maintenance staff office building at the Riverbend Apartments property located at 836 West Swanzey Road, shown at Tax Map 71, Lot 4-1 and located in the Business District was complete and ready for public hearing. There was a second to the motion by Sainsbury and no further discussion. All were in favor. ***Motion passed.***

Public hearing opened at 7:01 p.m.

Discussion: Taylor Shulda with Stevens Associates, PC said the building is actually close to the access road, not the main road. They want a garage to work on vehicles and store building maintenance equipment. He said the intent is to match the siding on the existing buildings and to tie into underground utilities for water and sewerage already in place. The building will be set back and not dominate the area. It will be just to the left as you come into the site. It will be replacing an old playground that is falling apart. Johnson said there is an existing tree line and Shulda said that will remain but trimmed back. All storm-water will be treated on site. Shulda said there will be new catch basins. Shulda said this was the only place to locate the building and have it not dominate the site.

VC Self asked for questions from the Board and public. There were no further comments.

Public hearing closed at 7:07 p.m.

> **Motion** was made by York to approve the Site Plan Review Application of Stevens & Associates, on behalf of Keene Housing, for the construction of a 480 square foot maintenance staff office building at the Riverbend Apartments property located at 836 West Swanzey Road, shown at Tax Map 71, Lot 4-1 and located in the Business District. There was a second to the motion by Brandon Self and no further discussion. All were in favor. ***Motion passed.***

DISCUSSION/OTHER BUSINESS

Commendation for Old Home Day Committee

Bachler said he had nothing further to add. VC Self asked for other business. Sainsbury asked for a commendation for the folks who planned Old Home Day since they did a fine job of planning for the day.

> **Motion** was made by Sainsbury to send a Letter of Commendation to the Old Home Day Committee. There was a second by Lane and no further discussion. All were in favor. ***Motion passed***.

Unregistered Motor Vehicles and other Enforcement Issues

Lane asked if the issue of too many unregistered vehicles in Westport Village has been resolved. Sainsbury said that has not been resolved. Jasmin said one parcel at the beginning of the road has several cars of same make and model and can be used for parts. He said at the other site, he has spoken to the owner and has tried to get him to conform to ordinances without much luck. Jasmin said he must focus on safety issues for enforcement and there is a lot of that in Town. He noted action needed around buildings to be torn down. And he said there isn't enough staff to handle issues that are not life safety oriented. They are doing the best they can. Sainsbury thanked Jasmin for the efforts he makes. Jasmin said penalty fees might make a difference.

ADJOURNMENT

Motion to adjourn was made by Sainsbury. There was a second to the motion by Lane with no further discussion. All were in favor by roll call. ***Motion passed.*** Adjournment occurred at 7:15 p.m.

Respectfully Submitted,

Beverly Bernard, Recording Secretary