Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – February 24, 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:
Vice Chair Adam Mulhearn called to order the meeting at Whitcomb Hall at 7:01 p.m. Members present: Adam Mulhearn, Lisa Thorne, Anne Karasinski, Alternate Pete Delaney, and Alternate Joe Parisi. Also present were Town Planner Adam Paquette and Assistant Town Planner Stephon Mehu.

ABSENT:
Bryan Rudgers, Jay Ward, Alternate Wayne Lechlider
The Chair seated Delaney for Rudgers and Parisi for Ward.

OTHERS PRESENT:
Garrett, videographer with FACT TV, Jake Checani seeking two variances, Mark Beaudry representing Black Belt LLC, and Chad Brennon of Fieldstone Land Consultants.

MINUTES:
The meeting Minutes of December 16, 2024 were considered. **Motion** was made by Delaney to approve the meeting Minutes of December 16, 2024 as presented. There was a second to the motion by Thorne and no further discussion. All were in favor. ***Motion passed.***

REGIONAL IMPACT: The members considered whether any items on the agenda could be construed as having potential for regional impact. **Motion** was made by Karasinki that there is no evidence for regional impact. There was a second by Thorne with no further discussion. All were in favor. ***Motion passed.***

The board took under consideration the application of Jessica Ramsey-Sanchez for the position of Alternate on the Zoning Board of Adjustment. Ramsey-Sanchez presented a brief narrative of her desire to contribute to the Town she's had residence in for over two decades. Jessica has no experience with public bodies but exhibited great interest in serving her community. Mulhearn explained position of Alternate.
Karasinski made motion to accept Jessica; here was a second to the motion by Delaney and no further discussion. All were in favor. ***Motion passed***.

PUBLIC HEARING:
ZBA 24-013: Variance – Jake Checani has requested this application for a variance to Section V, Article B.1 to construct a duplex in the Business District. The subject property is at Tax Map 102, Lot 81. Lot is on the corner of Underwood Road and Lake Street.

Public Hearing opened at 7:11 pm

Discussion: Checani explained his need for two variances for a parcel he purchased in 2023; looking for a variance for duplex as it is not a permitted Use in Business District. Lot has access to public water and sewer. Checani explains the approval would not impede upon others, other than an approving neighbor. Housing would be supplied in a shortage, compliments the neighborhood, etc.
Mulhearn explains the operation of the ZBA and its ability to grant relief in consideration of the spirit of the ordinance.

Parisi asked what the setbacks were in place in the Town Ordinance at the time of purchase; Checani explained his purchase and simply purchased land abutting property in 2023. Delaney asked if the home could be moved so that the setbacks are only violated in the front or in the rear of the home. Anne seconded her concerns upon the possible movement of the home, toward center of lot. The structure's parking and driveway design were discussed; namely the distance of the driveway from property lines and intersecting roads.

Bob Goodrich, Conservation Commission member, sought clarity on the square footage of the structure and dwellings. Chuck Munson asked about adequate parking. Town Planner Paquette read questions from resident Kathryn Snow concerning the building process and permitting following approval of the Variance.

Closed Hearing closed at 7:44 pm

> The Board deliberated questions from Checklist for Granting a Variance.
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> Delaney **moved** to approve the application. There was a second to the motion by Thorne and no further discussion. All were in favor. ***Motion passed.***

ZBA 24-014: Variance – Jake Checani has requested this application for a variance to Section V, Article B.3 to construct a duplex within front and rear setbacks, and on a lot under 1 acre in size. The subject property is at Tax Map 102, Lot 81. Lot is on the corner of Underwood Road and Lake Street.

Public Hearing opened.

Checani explained he was seeking a Variance from the front and rear setbacks, as to the irregular shape of the lot and distance it resides from neighbors and the existing home he owns on an abutting lot.

Kathryn Snow submitted concerns via Zoom; asked about dimensions on plans being done professionally prior to construction. The Town Planner stated that aspect is addressed by Code Enforcement prior to permit issuance.

The Board deliberated questions from Checklist for Granting a Variance.

> Karasinski **moved** to approve the application and Thorne seconded the motion. Karasisnki emphasizes to Jake that he should have professionals figure dimensions of walkway/house placement. All members, with the exception of Parisi whom was not in favor, were in the affirmative. **Motion passed.**

ZBA 25-001: Variance – Black Belt LLC has requested this application for a variance to Section VII, Article E.1 to construct a leach field within the 125-foot wetland setback. The subject property is at Tax Map 220, Lot 5.

Mulhearn opened public hearing.

Mark Beaudry, representing Black Belt LLC, explained the use of the proposed application, likely to be a drive-thru café or restaurant. He explained the position of DPW and DOT in relation to entrances and exits of the proposed site plan. He discussed the layout of the lot; explained that placing the leach field in the uplands, would constitute crossing 110ft of wetland to implement design. He identified the leach field as being 75-80ft from wetlands; Beaudry stated that wastewater specs all meet DES standards. He spoke to the discourse of a joint meeting of the Planning Board and the Conservation Commission, stating that Town is considering the 125ft septic setback be reduced to 75ft, possibly at the 2026 Town Meeting.
Beaudry stated the project was not contrary to public interest, as it met DES standards. He explained that choosing not to cross wetlands for wastewater is in observation of the spirit of ordinance, finding the lesser of invasive impacts. Suggested that substantial justice would be found as the impact to site would be minimal. No evidence was found to suggest the project's construction would impede upon surrounding property values. He stated that construction of the septic in the alternative construction of the leach field would go 110ft through the property and impose unnecessary hardship; said homes and businesses are already located within 125ft of wetlands. He believed this to be a reasonable use.

Karisinski asked what made this property different from other lots in the area; the applicant responded to the questions in regards to the discussed, possible changes to the Town Ordinance. Linda Hunt asked if a grease trap or the like was involved in septic setup. Beaudry showed this aspect on the plan. Amanda Gunseth stated she lives at the Emerson's property, a local business, and asked how surface water will be managed. She then mentioned the traffic at the intersection being a large safety issue. Beaudry responded with the design of septic, the state of the fill on site, and the proposed surface water management system. He identified culverts involved in said management system; said groundwater should not flood neighboring property.

Bob Goodrich explained that the property was filled illegally in 80s. Beaudry stated that in 1985, it was determined the fill could stay, per Army Corps of Engineers. Further approval by the State allowed for the fill to stay, established in 1987. Chuck Munson felt as though project should not be allowed unless a barrier is put into place for stormwater.
Alternate Joe Parisi asked if alternative placement of the leach field could prove to not require a Variance; Beaudry pointed out wetlands would need to be crossed in order to place the field in a location not needing variance. Ellen Driscoll voiced concerns with variance being granted against the spirit of the ordinance.

Chad Brennon, of Fieldstone Land Consultants mentioned the difference between Department of Environmental Services' established state setbacks and that of the Town Ordinance. He states that no scientific evidence has been found to support the establishment of a 125ft setback of septic from

wetlands. He emphasized the Conservation Commission's efforts to change the Wetlands Conservation District Ordinance from 125ft to 75ft.

Planner Paquette reads excerpt from February ConCom meeting.

Mulhearn closed the public hearing.

The Board deliberated questions from the Checklist for Granting a Variance.

Delaney stated that the 125ft is what is currently in place. Thorne said the Variance is contrary to public interest. Anne said it meets state requirements and Parisi argued 75ft setback per the state and 125ft, that of the Town, differ. Adam explained that there is flexibility in the Ordinance's guidance. Lisa said the spirit of the ordinance is not observed, as the construction of the leach field is in or near wetlands. Anne says the spirit is observed, Joe argued it is not, Peter said the spirit of the ordinance is to protect the wetlands and argued it is not in the spirit. Adam agreed it is to protect.
Karasinski said there would be justice for the applicant, Joe said granting the Variance for the leach field would not do justice to the Town, Delaney said there would be justice, Lisa said there would not be substantial justice in regard to the wetland, and Adam argues the Variance would provide substantial justice.

Due to the applicant failing to meet at least one of the five variance requirements (1, 2, 3, 4 and/or 5), it cannot be legally granted and should be denied.

> Parisi **moved** to deny the ZBA application. There was a second to the motion by Thorne and no further discussion. All were in favor. ***Motion passed.***

Chad Brennon, as time prevented his applications from being heard, requests to be heard prior to the 2025 Town Meeting.

ZBA 25-003: Variance – Fieldstone Land Consultants, PLLC, on behalf of Sapphire Business Park, LLC, is requesting a variance pursuant to the proposed amendment to Section VII, Article D of the Zoning Ordinance to allow a wetland crossing to access a large dry upland area. The subject property is shown at Tax Map 209, Lot 4 and is in the Industrial Park District.

The Chair opened the public hearing.

Brennon requested public hearing be continued to Monday March 3rd; at 7pm.

Mulhearn made a motion to move the hearing to Monday. Amended to include both applications. Thorne seconded the motion as amended. **Motion Passed**.

ADJOURNMENT
Motion to adjourn was made by Thorne and seconded by Karasinski and all were in favor. ***Motion passed.*** Adjournment occurred at 10:04 p.m.

Respectfully Submitted,

Stephon Mehu, Assistant Town Planner