Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **October 20, 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:
Chair Adam Mulhearn called to order the meeting at Whitcomb Hall at 7:00 p.m. Other members present were Vice Chair Jay Ward, Ann Karasinski, Bryan Rudgers, and Alternates Pete Delaney, Wayne Lechlider, Jessica Ramsey-Sanchez. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT:
Lisa Thorne and Alternate Joe Parisi

OTHERS PRESENT:
Chris Swiniarski (Devine Millimet), Brendan Gill, Mark Scalera, Jim & Marcy Jarzabek, Dervis Anber, Mike Harris (BCM Law), Debra and Sean Drower.

REGIONAL IMPACT:
Rudgers made a motion that there was no regional impact. There was a second by Karasinski. All were in favor. With no further discussion, Motion passed.

MINUTES:
The meeting minutes of September 15, 2025 were considered. A motion was made by Ward to approve the minutes as presented. There was a second made by Karasinski. Rudgers abstained since he was not at the meeting; all others were in favor and the m*otion passed.*

PUBLIC HEARING:
A. **ZBA 25-014: Variance (WITHDRAWN) –** Barbara Sheehan and Timothy Foster have requested a variance under Section IV, Article B.3 of the Town of Swanzey Zoning Ordinance to allow placement of a shed within the front setback. The property is located at 21 Waters Edge Road (Tax Map 103, Lot 52) and is in the Residence District.

Paquette announced that the request for a variance had been withdrawn and he invited abutters to speak. Marcy and Jim Jarzabek thanked the Board for their time and volunteerism in helping the town. Rudgers thanked them for their understanding and appreciation.

B. **Request for Rehearing – ZBA 25-015: 35 Katie Lane Special Exception**
The Chair closed the public hearing.

SEATING ALTERNATES:
The Chair seated Ramsey for Thorne.

The Board discussed the request for a rehearing. Ward said he feels the same way he did when he voted for the special exception. Heard nothing new in the complaint. He does sympathize but is not an action to

take in their decision. Chair Mulhern discussed property value being affected; the board cannot quantify and asked if anyone heard anything that would support that the values would be decreased. Ramsey said she felt it was a well thought out structure including the esthetics blending in with the surroundings and doesn't believe it would diminish the values. She feels the members of the board were very thoughtful in determining the answers to the required questions. Chair Mulhern agreed. The use of the building is allowed with the special exception. He feels the board focused on the use. Ward said his experience is that it is the right of the property owner to build, and it is the right of the abutter to object, but the zoning ordinance allows the use. Karasinski said she didn't feel the values would be negatively affected and didn't see any additional information in what was presented. The Chair reiterated there were specific questions the board deliberated and made their decisions. He doesn't see anything that would change his answers; the others agreed.

Motion was made by Ward that the Board deny the request for the rehearing for ZBA 25:015 Variance; seconded by Karasinski. Rudgers abstained since he was not at that meeting; all the others agreed. ***Motion approved***.

The Chair reopened the public hearing at 7:16pm.

C. **ZBA 25-016: Special Exception –** Atlantic Towers have requested a special exception pursuant to Section IV, Article A.2.k of the Zoning Ordinance. The request is to construct a telecommunications facility on property identified as Tax Map 223, Lot 9, located in the Rural/Agricultural District.

SEATING ALTERNATES:
The Chair seated Lechlider for Thorne.

Paquette described the project on Oliver Hill Road and referred to the memo he provided in the packet. Atlantic Towers is proposing to construct a facility consisting of a 160-foot monopole tower within a 50' by 50' fenced compound which would include a 6-foot chain-link fence and equipment pads designed to accommodate up to four potential carriers. The proposed facility is located off Oliver Hill Road, a Class VI road. He said that Joe DiRusso, DPW, stated that they must provide more details since the road would require substantial improvements to serve as access.

The Board welcomed Chris Swiniarski and Brendan Gill to describe the project. Swiniarski told the Board that they generally prefer to do a basic application for the use before doing a site plan application. He described the project and that they looked at alternative locations. They consider the need and determine the most viable approach.

Ward said that the access road might attract partying. Gill explained that the facility will be fenced off and gated with sensors. The tower is non-climbing without specialized equipment. A swing gate will be installed at the property intersection with the Class VI Road. Lechlider asked if the utilities will come off Oliver Hill; Gill said it would and there would be single phased power and utility poles; gravel packed road to meet DPW design; 20 feet in total width.

Karasinski asked if as a Class VI Road will it be the responsibility of the Town to plow; Gill said that they would handle that if needed, but this is an unmanned facility and with security sensors, so it is not likely to need access. Swiniarski said there would be an indemnification they will sign not holding the Town responsible.

Mulhern asked if there were any alterations likely in the future and Swiniarski stated it was not likely, but would understand they would need to come back to the board if there were.

Ramsey-Sanchez asked if there would be a light for the airport and was told that the initial analysis showed it was not needed; they will be doing a screening with the airport and if it turns out they need one, it would be a new design.

The Chair closed the public hearing; the Board deliberated the checklist for granting a special exception.

1. **The proposed use is similar to one or more of the uses already authorized in the district and is an appropriate location for such a use.**

- Karasinski – yes – it is similar to the one on top of Mt Caesar
- Lechlider – yes
- Rudgers – yes – fits the description of a special exception, good use of the property
- Ward – yes – good to get it away from the main roads
- Mulhearn – yes

2. **Such approval would not reduce the value of any property within the district, not otherwise injurious, obnoxious, or offensive to the neighborhood.**

- Lechlider – yes – very rural – out of the way
- Rudgers - yes
- Ward – yes – well gated, fenced
- Karasinski – yes –
- Mulhearn – yes – property values might be improved by adding the service

3. **There will be no nuisance or serious hazard to vehicles or pedestrians.**

- Rudgers - yes
- Ward - yes
- Lechlider - yes
- Karasinski - yes
- Mulhearn – yes – not likely to have vehicles/pedestrians. There won't be much traffic.

4. **Adequate and appropriate facilities will be provided for the proper operations of the proposed use.**

- Ward – yes – experienced company with a good plan
- Karasinski – yes – good information provided
- Lechlider – yes based on the information provided
- Rudgers - yes
- Mulhearn – yes – good plan, gated, fenced

A motion was made by Lechlider to grant ZBA 25-016: Special Exception, Karasinski seconded – all were in favor and the motion passed.

D. **ZBA 25-018: Special Exception –** Dervis Anber has requested a special exception under Section V, Article B.2.b of the Zoning Ordinance. The request seeks permission to allow a multi-family dwelling in the Business District. This property is at 536 Old Homestead Highway (Tax Map 224 Lot 61).

E. **ZBA 25-017: Variance –** Dervis Anber has requested a variance under Section V, Article B.2.b of the Zoning Ordinance. The request seeks permission to allow a multi-family dwelling with three units instead of the required five units. The property is identified as 536 Old Homestead Highway (Tax Map 224 Lot 61) and is in the Business District.

Paquette read from the memo he provided in the packet; the applicant is seeking a variance to allow a multi-family dwelling with three units instead of the required five. The special exception seeks permission to allow a multi-family dwelling in the business district. The building is an existing 2-family dwelling; the applicant proposes adding a 3rd unit at ground level; the unit will connect to the existing on-site septic system and well. There is adequate parking; the proposed renovation will be entirely within the existing structure and will not expand the building footprint. Density limits are adequate, and the lot meets acreage and frontage requirements. Paquette feels the request is reasonable. Chair Mulhern asked if the Board could ask questions for both applications and then decide the applications separately. Paquette agreed they could.

SEATING ALTERNATES:
The Chair seated Delany for Thorne for both applications.

The Board welcomed Dervis Anber to describe the requests. Anber said he bought the property from the owner a couple of years ago without a real estate agent. It was a 2-family home and the previous owner had already started the construction of the third unit but Anber discovered there were some building code issues. He worked with the previous code officer and learned the process required to get permits, variances, exceptions, etc. He is coming to the Zoning board to complete the project. He believes the multi-family home might have been built before the 5-unit requirement and said the acreage is a bit too small for 5 units.

Mulhern asked why he wanted 3 units instead of 5; Anber explained that he had intended to finish the house and live there himself; but in the meantime, he now he has a property in Walpole that was his grandmother's; now he financially wants to build the 3rd unit to get rent for all three. Mulhern asked if he is planning to rent or sell; he intends to rent. Ward asked if the laundry room is shared which it is. Mulhern asked about the septic and leach field; Anber said it is adequate. Mulhern asked if he would be managing the property and he said he and his mother handle that, including Monadnock Disposal for trash disposal.

Karasinski asked if the property sloped down to the river and he said it does. Mulhern wondered about whether that would be a safety concern.

Delaney asked if it was built as a one family home, but Anber said it was built as a 2-family home.

The Chair asked if the board had any other questions of Anber. Being there were none, he closed the public hearing for the Special Exception 25-018.

The Board deliberated the checklist for granting a special exception.

1. **The proposed use is similar to one or more of the uses already authorized in the district and is an appropriate location for such a use.**

- Ward – Yes – authorized and special exception, use already authorized in the district
- Delaney – Yes – fits multifamily use

- Rudgers – Yes – already exists
- Karasinski – Yes - appropriate use
- Mulhearn – Yes – it's a qualified use; not overdeveloping the parcel

2. **Such approval would not reduce the value of any property within the district, not otherwise injurious, obnoxious, or offensive to the neighborhood.**
- Delaney – Yes – already a multifamily – no complaints
- Karasinski – Yes – no reason to think it would be offensive
- Rudgers – Yes – no evidence
- Ward – Yes – increase the value of the property and of the neighborhood
- Mulhearn – Yes – use is maintained

3. **There will be no nuisance or serious hazard to vehicles or pedestrians.**
- Karasinski – Yes – currently no nuisance
- Rudgers - Yes
- Ward – Yes – no reason to suspect
- Delaney – Yes
- Mulhearn – Yes

4. **Adequate and appropriate facilities will be provided for the proper operations of the proposed use.**
- Rudgers - Yes
- Ward – Yes – no issues
- Delaney - Yes
- Karasinski - Yes
- Mulhearn – Yes – questions have been answered

A motion was made by Ward to grant ZBA 25-018: Special Exception, Delaney seconded – all were in favor, no discussion and the motion passed.

The Chair opened the public hearing for ZBA 25-017: Variance and asked if there were any questions and if Anber had anything more to add. Anber said he felt there were other multifamily homes in the area, so he doesn't feel there would be concerns from the neighbors. The Chair closed the public hearing at 8:16pm

The Board deliberated the checklist for granting a variance.

1. **Could the variance be granted without being contrary to the public interest?**
- Ward – Yes – public interest is to have reasonable housing in Swanzey
- Delaney – Yes – adding a unit – Swanzey needs the housing
- Karasinski – Yes – he has upgraded to code the deficiencies that were there
- Rudgers - Yes
- Mulhearn – Yes – benefit – no public interest would be harmed.

2. **Would the spirit of the ordinance be observed if the variance were granted?**
- Rudgers – Yes, goes along with #1
- Ward – Yes – it will prevent sprawl and avoids over-developing the property
- Delaney - Yes

- Karasinski – Yes – same reasons as discussed
- Mulhearn – yes – same as #1

3. Would granting the variance do substantial justice?
- Karasinski – Yes to the homeowner and the prospective tenants.
- Rudgers – Yes
- Ward – Yes to the homeowner – will use it productively, and to the Town and the State
- Delaney – Yes
- Mulhearn – Yes, justice for applicant and Town.

4. Could the variance be granted without diminishing surrounding property values?
- Delaney – Yes – thinks it will increase the value
- Karasinski - Yes
- Rudgers – Yes – no evidence that it would diminish the values
- Ward – Yes – same as Rudgers – in his opinion, would not diminish the values
- Mulhearn - Yes

5. Do special conditions of the property exist that distinguish it from other properties in the area?
- Rudgers – Yes, for the reasons mentioned in the discussions.
- Ward – Yes, also because the footprint doesn't need to be changed in order to add the unit.
- Delaney – Yes – no room for 5 units, makes economic sense
- Karasinski – Yes
- Mulhearn - Yes

A.i. Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the provision to the property?
- Ward – Yes, this property use limits excessive development
- Delaney - Yes
- Karasinski – Yes
- Rudgers - Yes
- Mulhearn - Yes

A.ii. Is the proposed use a reasonable one?
- Delaney - Yes
- Karasinski - Yes
- Rudgers - Yes
- Ward – Yes – fits the use and the need
- Mulhearn – Yes, use is allowed and is reasonable

A motion was made by Karasinski to grant ZBA 25-017: Variance, Delaney seconded – no discussion, all were in favor and the motion passed.

OTHER DISCUSSIONS
Karasinski appreciated Ward explaining and breaking down the questions put before them.

Discussion regarding adding a sound system so the public could hear the discussions better; Paquette said it has been investigated and described the project and said that the cost was very expensive.

ADJOURNMENT
A motion to adjourn was made by Ward and seconded by Rudgers and all were in favor. The motion passed. Adjournment occurred at 8:37pm.

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on December 15, 2025