Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – April 21, 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 Jay Ward called to order the meeting at Whitcomb Hall at 7:05 p.m. Members present: Lisa Thorne, Jay Ward, Ann Karasinski, and Alternates Joe Parisi, and Pete Delaney. Also present was Town Planner Adam Paquette and Assistant Town Planner Stephon Mehu.

ABSENT:
Adam Mulhearn, Jessica Ramsey-Sanchez, Bryan Rudgers

OTHERS PRESENT:
Wayne Lechlider

SEATING ALTERNATES:
The chair seated Parisi for Rudgers and Delaney for Mulhearn.

MINUTES:
The meeting Minutes of February 24, 2025 were considered. **Motion** was made by Delaney to approve the minutes as presented. There was a second made by Parisi. All were in favor. ***Motion passed.***

The meeting minutes of March 17, 2025 were considered. **Motion** was made by Karasinski to approve the minutes as presented. There was a second made by Thorne. All were in favor. ***Motion passed.***

NOMINATION OF WAYNE LECHLIDER AS AN ALTERNATE
Wayne is willing to participate on the ZBA as an alternate. **Motion** made by Delaney to accept Lechlider as an alternate. Second by Thorne. All 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 Ward that there is no item on the agenda which can be construed to have potential for regional impact. There was a second by Delaney with no further discussion. All were in favor. ***Motion passed.***

PUBLIC HEARING:
ZBA 25-002: Special Exception – Black Belt LLC has requested this application for a special exception to Section V, Article B.2.g to construct a drive-through facility in the Business District. The subject property is at Tax Map 220, Lot 5.

- **Ward opens the public hearing.**
- Abutter Gunseth asks about application fees, and who those are paid by. Ward and Paquette answer that the applicant pays those fees.

- Matt Goodnow asks why a traffic study wasn't submitted with the application. Paquette and Ward explain the timeline and why it could take a long time.
- Goodnow asks about a new septic location. Ward and Paquette explain that a new septic location has not been approved yet and how the ZBA approval process works.
- Parisi states he would not support another continuance beyond May 19.
- **The public hearing is closed.**
- The Board discusses the applicant's request for continuance. Thorne **motions** to continue hearing until May 19. There was a second by Parisi. The Board agrees that this will be the last continuance granted. There was no further discussion. ***Motion passes.***

ZBA 25-005: Variance – Keith Krchak and Amanda Lewis have requested a variance pursuant to Section VIII, Article C of the ordinance to allow construction in the Shoreland Protection District. The subject property is at Tax Map 247 Lot 58.

- Paquette presents the application and Conservation Commission comments.
- Krchak explains the health concerns that support the need for an addition. The addition would be completely handicap accessible.
- Lewis explains the location is ideal for utilities and is on the existing impervious surface.
- Parisi asks if the addition is any closer to the water than the existing property. Lewis answers no and references the plan in the packet.
- Parisi asks about approval with the State of New Hampshire DES. The Board answered that the applicant will need a shoreland permit.
- Delaney agrees there may be a need for a shoreland protection permit with the State.
- **Ward opens the public hearing.**
- Barbara Skully says that the state Shoreland Protection zone is 250 feet. She explains the need for a state permit. Skully continues to explain the process with the State.
- Ward explains his history with permitting with the State.
- Parisi makes a recommendation to hire an engineering firm to streamline the process. Lewis states her qualifications and states that she feels prepared to tackle this application.
- Skully recommends the Board ask for conditions if the application is approved.
- Bruce Bergstrom is in attendance in support of the project.
- Karasinski inquires about the second floor and the applicant states it would function as a rec room for grandkids and similar uses.
- The current space is being used as a parking area.
- The Board and Staff discuss impervious surface requirements.
- **The public hearing is closed.**
- The Board discusses the merits of the application.
- Parisi gives kudus to the applicants' acceptance of the conservation commission comments.
- Parisi would like to see a more detailed site plan. Karasinski agrees with Joe but says conditions can be attached to an approval to ensure compliance with Conservation Commission requirements.
- The Board deliberated questions from the checklist for granting a variance.

- Granting the variance would not be in contrary to the public interest:
    - KARASINSKI – **YES, if there is a condition requiring state approval prior to building permit.**
    - THORNE - **YES**
    - DELANEY - **YES**

- PARISI **- YES**
- WARD **- YES**

- Granting the variance would observe the spirit of the ordinance:
  - THORNE **- YES,** if the shoreland permit is approved.
  - DELANEY - **YES,** agrees with Thorne.
  - PARISI - **YES, if a stormwater mitigation plan is submitted and approved by the Code Enforcement Officer prior to building permit.**
  - WARD – **YES,** agrees with Parisi.
  - KARASINSKI – **YES,** agrees with Parisi and Thorne

- Granting the variance would do substantial justice:
  - DELANEY **– YES**, it does substantial justice. Allows applicant to use property as intended.
  - PARISI - **YES,** applicant would have an injustice if this wasn't granted.
  - KARASINSKI - **YES,** applicant is taking proper steps to protect environment, and agrees with Delaney.
  - THORNE **- YES**
  - WARD - **YES,** being able to live on their property without doing harm to the region is important. The size of the lot is small, and this has minimal impact.

- Granting the variance would not diminish the values of surrounding properties:
  - PARISI **- YES,** there is no evidence to the contrary and there is an abutter in support of the project.
  - KARASINSKI **- YES,** agrees with Parisi.
  - THORNE **- YES,** agrees with the previous comments.
  - DELANEY **- YES**
  - WARD **– YES,** application references neighboring property increasing in value after renovations.

- Do special conditions of the property exist that distinguish it from other properties in the area?
  - KARASINSKI **– YES,** the lake properties are more confined.
  - THORNE - **YES,** agrees with Karasinski
  - DELANEY - **YES**
  - PARISI - **NO**
  - WARD - **YES**

- 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?
  - THORNE - **YES**
  - DELANEY - **YES**
  - PARISI – **YES,** citing special personal circumstances
  - KARASINSKI **- YES**
  - WARD **– YES,** only if conditions are met and wetlands are not harmed.

- Is the proposed use a reasonable one?
  - PARISI – **YES**

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- DELANEY – **YES**
- THORNE – **YES**
- KARASINKSI – **YES,** it is reasonable to want to stay in your home and make accommodations to ensure that happens
- WARD – **YES,** citing similar reasons to Karasinski

- Parisi asks clarifying questions regarding septic system. Asks if it should be a condition. Ward and Mehu state that the septic system will go through building permit approval. Parisi again asks if we need to add a condition to the approval. Ward again clarifies that the condition doesn't need to be added because the septic system will need to be part of the building permit process. Parisi would like to see a condition added.

- Karasinski makes a **motion** to approve the variance with the following conditions:

1. All relevant state permits must be approved prior to the issuance of the building permit.
2. A stormwater mitigation plan must be approved by the Code Enforcement Officer prior to the issuance of the building permit.

There was a second by Delaney. Mehu and Parisi discuss septic requirements. No further discussion. The votes are as follows:

- Yes – 4
- No – 1

Motion Passes.

ZBA 25-006: Special Exception – Keith Krchak and Amanda Lewis have requested a special exception pursuant to Section IX of the ordinance to allow development within the Floodplain District. The subject property is at Tax Map 247 Lot 58.

- Ward reads the floodplain ordinance. The applicant seems to be meeting the requirements of the ordinance.
- **The public hearing is open.**
- Skully notes that space is no longer able to accommodate water, compensatory storage may be required. The Board discusses.
- Ward states that this structure would not change the devastation of 100-year flood.
- Karasinski asks about the impervious surface, and the applicants state it is crushed rock. Applicants state rain runs down the driveway.
- Ward states that Skully's point is valid, but he's not sure that it increases potential damage that could be caused.
- Parisi asks the source of the floodplain data. Applicant states it's from FEMA, per application requirements.
- The applicant states the damage would be mitigated because the structure is built up.
- Abutter Bergstrom hired a consultant for a project of his and stated that due to the elevation of the house, it lessens the impact of the floodplain.
- Delaney asks what happened to the property during the large storm in 2023. The applicant states the water was over the dock, but water never entered the property.
- Skully asks a clarifying question on house elevation, the applicant answers how it is raised.
- The applicant discusses the age of the property and reiterates it sits "quite high".

- Karasinski asks how the applicant would prove it wouldn't worsen flooding. The Board discusses.
- Bergstrom states the house is situated higher than the dam, so flooding would be improbable.
- **The public hearing is closed.**
- Parisi states he doesn't believe the house is in the flood zone, the Board and Paquette dispute that. The conclusion was that it is in the flood zone per FEMA.
- Lechlider and Ward discuss the intent of the ordinance.
- Delaney states he can't see the lake ever flooding the property, speaking from experience. Parisi agrees with this.
- The board deliberated items from the special exception checklist:

- 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.
    - **All members answered in the affirmative.** The Board agrees that the use is authorized.

- Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood.
    - **All members answered in the affirmative.** The Board agrees there is no evidence to the contrary.

- There will be no nuisance or serious hazard to vehicle or pedestrians
    - **All members answered in the affirmative.** The Board agrees that no evidence exists to the contrary.

- Adequate and appropriate facilities will be provided for the proper operations of the proposed use
    - **All members answered in the affirmative.**

- Does this increase the risk of flooding?
    - **All members answered that this does not increase the risk of flood.** The Board cites evidence presented at the meeting.

- **Motion** by Parisi to grant the special exception. There was a second by Thorne. All in favor. ***Motion passes.***

ZBA 25-007: Special Exception – David Roy has requested a special exception pursuant to Section III-AA, Article B of the ordinance to construct a DADU at Tax Map 107 Lot 18.

- Paquette gives an application overview.
- The Board discusses the merits of the conditions of approval presented by Paquette.
- **Lisa Thorne recuses herself.**
- The Board discussed a potential conflict of interest with Delaney, but it was determined that he could vote.
- Karasinski asks about aesthetic continuity and the applicant discusses the style of the ADU.
- **The public hearing is open.**
- Skully asks about business impact. The applicant states the DADU has nothing to do with the business.
- The applicant states the occupant of the DADU already lives with him, meaning no increased traffic.

- Skully explains the truck traffic is extensive.
- An abutter asks if the parcel is being subdivided. The applicant answers no.
- The Board asks a clarifying question regarding parking. The applicant and Paquette answer that parking is adequate.
- Skully says she is in support, along with other abutters.
- **The public hearing is closed.**
- The Board deliberates items from the special exception checklist:

- 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.
    - **All members answered in the affirmative.** Karasinski cites DADU's in the area.

- Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood.
    - **All members answered in the affirmative.** Delaney states it could improve value, Parisi cites input from abutters, all Board members agree.

- There will be no nuisance or serious hazard to vehicle or pedestrians
    - **All members answered in the affirmative.** No evidence suggests the contrary.

- Adequate and appropriate facilities will be provided for the proper operations of the proposed use
    - **All members answered in the affirmative.** Ward cites conditions from the ordinance.

- **Motion** by Parisi to approve the special exception. There was a second by Delaney. All in favor. ***Motion passed.***

ADJOURNMENT
Motion to adjourn was made by Delaney. and seconded by Karasinski. and all were in favor. ***Motion passed.*** Adjournment occurred at 9:11.

Respectfully Submitted,

Adam Paquette, Town Planner

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