Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **May 19, 2025**
Whitcomb Hall, Main Street, Swanzey, NH

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 and Lisa Thorne and Alternates Pete Delaney, Jessica Ramsey-Sanchez and Joe Parisi. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT:
Bryan Rudgers, Wayne Lechlider

OTHERS PRESENT:
Danielle and Nathan Jacobs

SEATING ALTERNATES:
The chair seated Parisi for Rudgers and Delaney for Ward, who recused himself.

MINUTES:
The meeting minutes of **April 21, 2025,** were considered. **Motion** was made by Ward to approve the minutes as presented. There was a second made by Delaney. All were in favor. ***Motion passed.***

PUBLIC HEARING:

ZBA 25-008: Variance – Nathan Jacobs has requested a Variance pursuant to Section VIII, Article C of the Town of Swanzey Zoning Ordinance to build a structure within the Shoreland Protection District at 71 Wilson Pond Road. The subject property is shown at Tax Map 106, Lot 18 and is located in the Residence District.

Paquette read the variance application and the Conservation committee comments. He said that the Planning office generally agreed with the Conservation committee. He gave two options the board should review:

1. Attach a condition of approval requiring state permits prior to building permit, which is the practice Swanzey has followed for previous applications of this nature.
2. Follow Conservation Commissions suggestion and deny without prejudice citing lack of state feedback on a DES shoreland permit.

Thorne made the motion to deny **ZBA 25-008: Variance** without prejudice until the applicant has received the shoreland permit. No second. **Motion failed**.

Public Hearing:
Nathan and Danielle Jacobs spoke – they strongly believe in the importance of giving back and have been very involved in the community. They are licensed foster parents but only have room for one child at a time – sometimes there is a need for siblings to be together, and they can't currently provide that. They purchased their current home in severe disrepair, and they have rebuilt it, adding storm water

drainage and driveway improvements to protect Wilson Pond. They are active in the Wilson Pond Association and have removed trash, etc. that would have polluted Wilson Pond. They bought their neighbor's property in 2013, and they have already removed Japanese Knotweed which is an invasive species. They removed 448 sq ft of outbuildings that were unnecessary and detrimental to the shoreline; a wooden deck, an 8'x8' shed, and a 12'x20' car port. They have provided better drainage and have planted shrubs and plants which improved the shoreline. The existing building is beyond repair, so they want to remove it and rebuild a home bringing the property up to modern standards with updated insulation, windows and a modern furnace which will reduce the carbon footprint. They will implement drainage and wastewater mitigation which will benefit the pond. This project will support Swanzey economically by raising the value of the property and therefore the taxes they pay. They expect to spend $500K locally on this property. They have been working with the State DES and intend to meet the State's requirements. They will submit drawings which will include all details that will comply with building code requirements. The home will be in keeping with the styles of the homes in the neighborhood. They provided updated preliminary plans. They read an opinion of Craig Day, NH DES who feels it will comply with requirements.

- Mulhearn asked for clarification on the driveway which Jacobs provided.
- Mulhearn asked for comments from the board.
- Karasinski asked if the abutter responded. Negative. Questioned whether 22 feet is enough. Jacobs feels that it is. Asked if the balcony would have stairs to the ground. Negative.
- Paquette reminded the board to focus only on the shoreland application.
- Parisi clarified square footage of new building. In the package he noticed that the applicant did not address one of the questions regarding shoreland protection. Why is it not contrary to the public interest? Jacobs stated they will be building a property that is better for the pond.
- Ramsey-Sanchez – public comment – Has a new perspective after hearing the presentation; wished it had been in the packet. Thanked them for the clarification.
- Delaney – asked for a clarification which Jacobs provided.
- Parisi asked Paquette for clarification on the zoning ordinance which Paquette read aloud.
- Karasinski asked for clarification of the water mitigation under the decks.
- Mulhearn also thanked the Jacobs for the thorough presentation. Asked Paquette if they could build if the State had not approved. Negative. Why make it a condition if the State will only approve it after the Town approves it. Paquette said it is just extra assurance.
- Ramsey-Sanchez asked if he had already removed the deck; affirmative. It was better for the pond if they removed it.
- Delaney clarified with Paquette that if they are provided with conditional approval and if the State approves, they are all set to continue.
- Mulhearn closed the public hearing.
- Thorne echoed Ramsey-Sanchez's comment – appreciated the presentation.
- The board discussed the merits of the application.

The Board deliberated the checklist for granting a variance:

1. **Could the variance be granted without being contrary to the public interest?**
- Karasinski – **Yes** based on the information and because the applicants will need to get State approval.

- Thorne – **Yes** agree with Karasinski
- Mulhearn – **Yes** – feels it is in the public interest to better the area
- Parisi – **No** – preexisting nonconforming
- Delaney – **Yes** – due the amount of structure that will be in the protected area

2. Would the spirit of the ordinance be observed if the variance were granted?

- Thorne - **Yes** – spirit of the ordinance
- Parisi – **No** – too substantial
- Delaney – **No** – agrees with Joe
- Karasinski – **Yes** – evidence in proposal and thoughtfulness; State will give guidance; they have already made improvements
- Mulhern – **Yes** – agrees with Karasinski

3. Would granting the variance do substantial justice?

- Parisi – **Yes** – no additional comment
- Delaney – **Yes** – doing a lot of modernizing
- Karasinski – **Yes** – they have made improvements since they've moved there
- Thorne – **Yes** – thinks it will do substantial justice to the property
- Mulhearn – **Yes** -consensus

4. Could the variance be granted without diminishing surrounding property values?

- Delaney – **Yes**
- Karasinski – **Yes** – no testimony that it would diminish the values
- Thorne – **Yes**
- Parisi – **Yes**
- Mulhearn – **Yes**

5. Do special conditions of the property exist that distinguish it from other properties in the area?

- Karasinski – **No** since it is so like other properties (changed from Yes after hearing others)
- Thorne – **No** – all properties are nonconforming
- Parisi – **No**
- Delaney – **No** – can't identify any special conditions
- Ramsey-Sanchez – commented about topography – does that make it a special condition?
- Mulhearn – **No** –

  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?**
  - Thorne – **No** due to previous answer
  - Parisi – **No** there were no special conditions
  - Delaney – **No**
  - Karasinski – **No**
  - Mulhearn – **No**

  A.ii. Is the proposed use a reasonable one?

- Parisi – **Yes**
- Delaney **– Yes**
- Karasinski **– Yes** for property owner to use their property and the State's permits to be followed
- Thorne **– Yes**
- Mulhearn **– Yes**

If the criteria in subparagraph A.i. and A.ii. are not met, an unnecessary hardship will be deemed to exist if, and only if:

B. **Owing to the special conditions of the property that distinguish it from other properties in the area the property cannot be reasonably used in strict conformance with the ordinance, and a variance is necessary to enable a reasonable use of the property:**

- Delaney – **Yes**
- Karasinski – **yes**
- Thorne – **No**
- Parisi – **Abstain**
- Mulhearn – **No**

- Mulhearn asked Paquette for clarification.
- **Thorne** made a motion to deny without prejudice. No second. Motion failed.
- **Parisi** made the motion to **deny ZBA 25-008: Variance** without prejudice due to lack of information provided, citing State DES review and approval. **Thorne** seconded the motion. All approved. **Motion carried.**

Mulhearn opened the Public Hearing:
Jacobs responded by asking what recommendations the board can make; Mulhearn responded that the board cannot make recommendations. Jacobs asked why should he spend the money to get the State to approval if he has no assurance the board would approve? Mulhearn said he couldn't make promises.

ZBA 25-009: Variance – Nathan Jacobs has requested a Variance pursuant to Section IV, Article B.3 of the Town of Swanzey Zoning Ordinance to build a structure 8' into the front setback at 71 Wilson Pond Road. The subject property is shown at Tax Map 106, Lot 18 and is located in the Residence District.

Applicants withdraw this application.

OTHER DISCUSSIONS

The board discussed possible next steps for the applicant. Paquette interjected and informed the applicant staff will meet later in the week to provide the next steps.

ADJOURNMENT

Motion to adjourn was made by Parisi and seconded by Delaney and all were in favor. ***Motion passed.*** Adjournment occurred at 8**:52** p.m.

Respectfully Submitted,

Susan Ells

Recording Secretary

Approved 6/16/2025