Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **August 18, 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, Bryan Rudgers and Lisa Thorne as well as Alternate Joe Parisi. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT: Alternates Pete Delaney, Jessica Ramsey-Sanchez and Wayne Lechlider

OTHERS PRESENT:
Barbara Sheehan, Timothy Foster, Megan Ulin (Revision Energy), Dave Hickling (Airport Manager), Jim Jarzabek, Marcy Jarzabek, Stuart DeRidder, Mark Scalera, Nathan Jacobs.

SEATING ALTERNATES:
The chair seated Parisi for Rudgers for the first hearing as Bryan Rudgers recused himself. Rudgers returned for the remainder of the hearings.

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

MINUTES:
The meeting minutes of **July 21, 2025** were considered and an edit requested by Joe Parisi. A motion was made by Ward to approve the minutes as edited. There was a second made by Rudgers. All were in favor and the motion passed.

PUBLIC HEARING:
1) **ZBA 25-014: Variance –** 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). The property is within the Residence District.

Paquette gave the background of the application; the shed had been placed without first getting a permit; a permit was applied for and granted, however it was given in error without Zoning Board review for a variance. The applicants have letters of support from their neighbors.

Parisi asked about equitable waiver which Paquette stated didn't apply. Ward asked about the appeal window which Paquette stated had closed. Scalera stated that this was within the Shoreline permit zone.

Mr. Foster explained why they need the shed is because the house is small so they need a shed to store items so they can use their second bedroom. The new shed has no electricity or plumbing. The property is about a ¼ acre but most of it is not usable. They want to preserve the trees that are on the lot, so they

don't want to clear any of that area. They painted the shed the same color as the home so it would blend in.

Mulhearn asked if anything needed to be removed before the shed was installed, to which Mr. Foster replied there was nothing. Ward asked if they knew they needed to get a permit. They said they didn't at first but then later applied for the permit from the Town when they learned they needed one.

Parisi asked about any other site on the property that could be used; Foster said no because the other side of the driveway is sloped; they would have had to build it up and disturb the property. The manufacturer of the shed could not have dropped it anywhere else.

Karasinski asked if they had considered adding onto the home when they determined it was too small; Foster said he was under the impression that he had to keep the same footprint; Karasinski said it could have been a second story; Foster said that was not feasible. Karasinski asked for clarification on what the requirements are for the distance from the road and how far the shed is from the neighbor's property line and was told it was about 5 feet.

Parisi wanted clarification as to why the shed couldn't be moved to the left. Foster said it would block the steps to get to the home and referred them to a photo in the packet.

Mulhearn asked the public if there were any questions.

Marcy Jarzabek, abutting neighbor at 17 Waters Edge Road, had a packet and photos to explain the impact that the shed has had on the property and the neighborhood. She wants to be a good neighbor and show good faith. They don't mind that they have a shed, but she wants it moved.

Karasinski said she would like a site visit; Mulhearn suggested they first look at the photos that were presented.

Mrs. Jarzabek showed the property stake that was placed there by a surveyor. The distance to their property is 3'5", not 5 feet.

Thorne asked Paquette about the request of the variance; he stated the variance should be updated with the side and back measurements.

Jim Jarzabek read the letter that he provided to the Board. He asked if staff had stood in their driveway and saw the impact he was seeing?

> *Note: after reading the draft minutes, he sent the following to the board:*
> *Dear members of the Zoning Board,*
> *I am James Jarzabek L7 Waters Edge Rd, an abutter. I attended the August 18, 2025 variance hearing regarding the shed located at 2l Waters Edge Rd. The minutes of the last meeting do not fully reflect the concerns I expressed. I am submitting this written statement and the attached photographs to be included in the official record of this continuance hearing.*
> *1. Driveway Safety and Sight Lines*

The shed in question has been placed in a location that significantly obstructs the sight lines when exiting my driveway. This creates a serious safety hazard, not only for myself and my family but also for other drivers and pedestrians using the roadway. Safe visibility is a fundamental zoning concern, and the shed's location directly undermines public safety.
2. Procedural and Permit Concerns
The shed was placed before a permit was obtained. Then the Town Code Enforcement Office received complaints did a visit, to the wrong address~~, along with the Planning Department Head~~. (Adam Paquette stated he did not attend this visit). Code Enforcement then issued a permit for a shed replacement of a shed that was never located on that part of the property.
3. Violation of Zoning Ordinance (Multiple Sheds)
The property already contains an existing shed on the rear of the property.
The zoning ordinance;
(Section lll C 3, p. 7 of Zoning Ordinance (amended March 10, 2020):
Section V Article B 3, p. 3 of the Warrant Amendments (March 10. 2020)
does not allow multiple accessory outbuildings of this type on a single lot without prior approval. The addition of this second shed constitutes a zoning violation and the front and side setbacks in itself aside from the safety issues it has created for us and the loss of property value.
4. Requested Relief
For the reasons stated above, I respectfully request that the Board require this shed to be relocated or removed. Doing so would (a) restore safe driveway sight lines, (b) correct a permitting process that was not followed properly, and (c) enforce the zoning ordinance as written.

Ward explained the question of the shoreland protection – this is not a primary residence, but it does need to go to the State if the Board approves the variance. He asked where the second shed is located; he said it is in the back yard and on the tax map. Mulhearn asked the property owners about the second shed; Foster said there is a second shed, but it is falling apart and needs to be taken down. He said that Paquette had suggested that a mirror be installed to help others leaving their neighbor's driveway.

Paquette said he thinks the reason Code Enforcement incorrectly provided the permit was because he thought it was replacing a shed in the same location.

Mulhearn clarified that a permit was issued with the understanding it was replacing a shed; the shed had already been delivered and installed when the permit was issued. The shed required a variance that was not sought.

Parisi asked why the new shed wasn't placed in the same place as the old one; Foster said it would not have been able to be placed there. Parisi said it could have if it had been a stick built. He feels a site visit is in order due to the site line and the location of the old shed.

Ward would like to see the location as well. Karasinski would also like to see the property or a new packet with a revised variance request. Mulhearn explained to the property owners that when the Board asks for the site visit it is generally granted.

Mrs. Jarzabek said that she had told the homeowners that they needed proper permitting.

Mulhern said the site visit is an extension of this meeting.

Parisi made a motion to continue the meeting until the Zoning Board does a site visit of the property in question on September 15th at 6pm and continue this meeting. Parisi, Thorne and Mulhern voted in the affirmative. Ward and Krasinski voted no. The motion passed.

Mulhern explained the process to the property owners.

2) ZBA Variance: **ZBA 25-011: Variance (CONTINUED FROM 7/21) –** ReVision Energy, representing the City of Keene, is seeking a variance under Section IV, Article A.1 of the Town of Swanzey Zoning Ordinance to install a ground-mounted solar energy system on undeveloped land at the Keene Dillant–Hopkins Airport (Tax Map 205, Lot 1). The proposed project is located within the Rural/Agricultural District, where the intended use is not currently permitted.

Ulin brought more information which she provided to the Board which is in the packet. This addresses the concerns from the previous meeting about possible glare created by solar panels. Ulin explained there is a federal policy which was updated in 2021 and stated that this design follows that policy and does not cause glare to pilots. Solar has been successfully installed at other airports, in particular Denver airport which has the most solar panels in the country.

Ulin also shared more information regarding the question of decommissioning it at end of the life of the panels and this is in the packet.

Mulhern said the current use of the land is the airport; he asked if this project did cause glare, would the FAA approve this project. Hickling said with the advancement of the solar panels the FAA no longer considers this a concern except for air traffic control towers, which this airport does not have. The research and data show this is not an issue for pilots.

Mulhearn reiterated with Hickling that the airport does not see an issue. Ward said he had a problem with the diagram that compared the glare off the panels with glare off buildings or water because the panels will be on an angle. He understands how reflective coatings can reduce the glare.

Karasinski felt the reports were interesting and appreciated the information. She said there was a helicopter school – is that property being used for the school and Hickling said it was not.

Parisi said he learned in the last presentation that basically that land isn't useful for anything else. Hickling said there is a study on their website that explains the height restrictions. Parisi asked if the property was suitable for farming? Ulin said the property is not available for public access and other uses could be potentially hazardous to wildlife in the area.

Karasinski asked would an incoming pilot know these solar panels are there; Hickling said the airport could publish it. Ulin said it won't change how pilots approach the airport. Hickling said the design has been revised several times to be sure of being compatible with the airport.

Mulhearn asked if there were any questions from the public:

Nathan Jacobs addressed the Board and explained that at the last meeting he had opposed the project; today he read more concerns which were provided for the record. He urged the board to deny the variance.

Ulin went through the checklist for the Board.

Mulhearn asked the Board for questions or more discussion; Parisi said he has a friend who is a pilot; he asked if he had any issues with solar panels at airports; he said he has had trouble with panels away from airports but not at airports. Karasinski confirmed that the brand in the packet is the brand they plan to install and asked if the coating would degrade over time? Ulin said the thickness has increased so that degradation is less likely to occur. Improvements in the past years have addressed this.

Mulhearn closed the public hearing at 8:53pm and asked the Board if they had any more discussion before they reviewed the questions. Rudgers said he travels a lot and sees a lot of solar at airports. He knows pilots that have problems with it and some that don't.

Rudgers asked if we can answer both cases at the same time? Paquette said it would be necessary to open a public hearing for the 2nd variance.

Mulhearn reopened the public hearing and asked Ulin if there was anything different for the second variance. She said the only difference is that it is in a separate zoning district. It is located closer to Old Homestead Highway but will have buffers and landscaping.

Jacobs expressed his concern that perhaps sometime in the future the airport might need a traffic control tower, what if there is an issue with glare. Ward said the Town would need to plan that accordingly. Parisi asked if there were any other uses for the other property. There are height restrictions there, too.

Mulhearn closed the public hearing, and the Board deliberated the checklist for granting a variance.

1. Could the variance be granted without being contrary to the public interest?

- Thorne – Yes – would cause more noise or traffic.
- Karasinski – Yes – agree with Thorne
- Rudgers – Yes – testimony from a pilot
- Ward – Yes – thinks the material regarding the glare is not contrary.
- Mulhearn – Yes – it complies; there have been advances in technology

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

- Karasinski – Yes – allows the applicant to use the land more effectively
- Rudgers – Yes – give the property owner permission to use the land
- Ward – Yes – spirit of ordinance limits the type of development; this does not fall into the category of uses that are denied. Ordinance does not address solar arrays.
- Thorne – Yes – limited use for that land
- Mulhearn – Yes – agree with Ward

3. Would granting the variance do substantial justice?

- Rudgers – Yes
- Ward – Yes – the Town can let the property owner to use the property – we all benefit from the use of solar versus fossil fuels.
- Thorne – Yes agrees with Jay
- Karasinski – Yes – agrees with others and no injustice to general public
- Mulhearn – Yes - justice for property owners

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

- Ward – Yes – this array is far enough from the surrounding properties will diminish values
- Thorne – Yes – no evidence that it will diminish
- Karasinski – Yes – believes it will improve property values and encourage others
  Rudgers – Yes - there is no evidence to the contrary
- Mulhearn – Yes

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

- Thorne – Yes – very limited uses
- Karasinski – yes – airport is similar to Swanzey Lake in that there are height restrictions.
- Rudgers – yes – very unique and controlled by government
- Ward – yes -restrictions on this – very different from the rest of the town.
- Mulhearn – yes agrees with the others. One of one type of property as an airport.

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?

- Karasinski - Yes
- Rudgers - Yes
- Ward - No – in this case – ordinance is clear that it is not allowed according to his interpretation
- Thorne - Yes
- Mulhearn – Yes – this is a special condition property. Other uses would have more of an impact.

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

- Karasinski – Yes
- Rudgers - Yes
- Ward - Yes
- 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:

A motion was made by Thorne that to accept **Variance 25-011** – seconded by Karasinski; Ward voted no; all others voted Yes. The motion passed.

3) **ZBA 25-012: Variance (CONTINUED FROM 7/21) –** ReVision Energy, representing the City of Keene, is seeking a variance under Section IV, Article B.1 of the Town of Swanzey Zoning Ordinance to install a ground-mounted solar energy system on undeveloped land at the Keene Dillant–Hopkins Airport (Tax Map 205, Lot 1). The proposed project is located within the Residence District, where the intended use is not currently permitted.

The Board deliberated the checklist for granting a variance.

1. Could the variance be granted without being contrary to the public interest?

- Thorne – Yes – same issue
- Karasinski - Yes
- Rudgers -Yes
- Ward - Yes – even though closer to Route 32, not an issue
- Mulhearn - Yes

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

- Karasinski – Yes – observes the spirit of the ordinance. It is not contrary; it is passive.
- Rudgers – Yes - no contrary evidence that it is not observing the ordinance
- Ward – Yes – homeowners are allowed to install these – no difference
- Thorne – Yes agrees with others
- Mulhearn - Yes

3. Would granting the variance do substantial justice?

- Rudgers – Yes same reasons
- Ward – Yes same reasons, and some substantial justice that the value of the airport will increase
- Thorne – Yes agrees with Jay
- Karasinski – Yes - same as others.
- Mulhearn – Ys, same rationale. And homeowners have the right as well.

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

- Ward – Yes – no evidence shown otherwise
- Thorne - Yes
- Karasinski – Yes – no contrary evidence
- Rudgers – Yes - no contrary evidence
- Mulhearn – Yes

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

- Thorne – Yes – all the same reasons

- Karasinski - Yes
- Rudgers - Yes
- Ward - 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?

- Thorne - Yes
- Karasinski Yes
- Ward No – for the same reason as the other variance
- Mulhearn - Yes
- Rudgers - Yes

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

- Karasinski - Yes
- Rudgers - Yes
- Thorne - Yes
- Ward - 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:

A motion was made by Thorne that to accept **Variance 25-012** – seconded by Karasinski; Ward voted no; all others voted Yes. The motion passed.

Thorne made a motion to move the meetings downstairs until the Town provides a sound system. Mulhearn seconds the motion unless the meeting is too large for the room downstairs. All were in favor and the motion passed.

OTHER DISCUSSIONS

Rudgers asked that it is clarified whether if a person votes no on any question whether they are allowed to make a motion, second a motion, or vote in the affirmative for a motion. Paquette will provide clarification.

ADJOURNMENT

A motion to adjourn was made by Ann and seconded by Lisa and all were in favor. The Motion passed. Adjournment occurred at 9:40 p.m.

Respectfully Submitted,
Susan Ells, Recording Secretary
Approved on September 15, 2025