TOWN OF SWANZEY

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

Phone: 603-352-7411 ext. 108
Email: planner@swanzeynh.gov
Web: www.swanzeynh.gov
Address: 620 Old Homestead Hwy

Swanzey Zoning Board of Adjustment
Meeting Agenda for October 20, 2025
7:00 p.m.

The regular meeting of the Swanzey Zoning Board of Adjustment will be held on Monday, October 20, 2025 at 7:00 p.m. at Whitcomb Hall, 17 Main Street, Swanzey. The meeting will also be live streamed on the Town of Swanzey's Facebook and YouTube pages. More information on public access to the meeting is available on the Town's website at: www.swanzeynh.gov.

1) Call to Order

2) Approval of Minutes

   a. September 15, 2025

3) Public Hearings

   a. **ZBA 25-014: Variance (WITHDRAWN) –** Barbara Sheehan and Timothy Foster have requested a variance under Section IV, Article B.3 of the Town of Swanzey Zoning Ordinance to allow placement of a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.

   b. **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.

   c. **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.

   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. Like the previous agenda item, this property is at 536 Old Homestead Highway (Tax Map 224 Lot 61).

4) Other Business

   a. **Request for Rehearing** – ZBA 25-015: 35 Katie Lane Special Exception

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **September 15, 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 Mulhern continued the public hearing for the ZBA 25-014 Request for Variance by Barbara Sheehan and Timothy Foster at 6pm at the site at 21 Waters Edge Road. Other members present were Vice Chair Jay Ward, Ann Karasinski, Bryan Rudgers, and Lisa Thorne, and Alternate Jessica Ramsey-Sanchez. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells

ABSENT: Bryan Rudgers, Alternates Pete Delaney, Wayne Lechlider and Joe Parisi

OTHERS PRESENT: Jim and Marcy Jarzabek, Mark Scalera, Stuart DeRidder, Carolyn Spector

SEATING ALTERNATES:
The chair seated Ramsey-Sanchez for Rudgers

DISCUSSION AT SITE VISIT:
Adam Paquette welcomed those that attended and announced the process that would be followed for the hearing.

Chair Mulhern said the reason for the site visit was for the Board to see the layout of the property and the shed in question. He asked the Board for questions. Karasinski asked about the other shed on the property so she could understand why the new shed was not replacing the old shed. She asked where the property line was, and measurements were taken. The group moved to the back of the property where the old shed is; Karasinski said she could understand the hardship that would be involved in trying to move a shed to this location. Paquette explained the ordinance regarding having more than one shed within a setback. Mulhern explained the timeline that led to the variance being requested. Paquette stated that the permit can't be revoked after the 30 days that are allowed for appeal and no appeal was filed. Carolyn Spector said she was a lawyer, and she disagreed with that statement. Paquette said that some towns might have that in their ordinance, but Swanzey does not.

The group returned to the roadside; Ramsey-Sanchez asked about the possibility of moving the shed to the left of the driveway and rotating it 90 degrees which would allow for better road visibility. The shed would need to be placed on some supports in order to be moved further back from the road. There is also a concern of the buried propane tank location. Measurements were taken to demonstrate the location of the shed if it were moved. Ward pointed out to the homeowners that the Board tries to work with the applicant to be less in violation of the ordinance. By moving it to this location, they would not be in violation of the property line with their neighbors, just with the property line at the road. Stuart DeRidder, who lives 2 houses down, stated there are lots of kids, people walking dogs, bicycles, etc. in

the area and wondered about the Town's liability if the variance was allowed where the shed is currently and an accident occurred.

The Chair asked for more questions from the Board, then continued the meeting to 7pm at Whitcomb Hall. The meeting was continued at 6:45pm.

Public Hearing continued at 7:09pm at Whitcomb Hall.

REGIONAL IMPACT:
Ward 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 August 18, 2025 were considered. Paquette had received an email from Jim Jarzabek requesting it be included in the official record of the continuance hearing. Paquette requested the phrase 'along with the Planning Department Head' be struck because he had not attended the visit which was referred to in the email. A motion was made by Ward to approve the minutes with the content of the email included. There was a second made by Karasinski. All were in favor and the m*otion passed.*

PUBLIC HEARING:
ZBA 25-014: Variance (CONTINUED FROM 8/18) – 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

The chair welcomed all in attendance and explained this was a continuance from the previous meeting and from the site visit. Property abutter Marcy Jarzabek stated that it seems as though this all could have been avoided if the homeowners had been steered in the proper direction. She provided photographs she requested be added to the record.

Paquette stated that he researched shoreland permit requirements from the state and had included in the packet that the cutoff size is 150 square feet and within 250 feet of the shoreline; this shed is larger so it needs a Shoreland Permit from the State so a condition of approval should include approval of NH DES Shoreland Permit.

Ward asked about the wording in the permit that was granted by the Town; it doesn't state whether it is new or replacement. He asked if a CO was issued; Paquette said a Certificate of Occupancy is not needed for a shed.

The group discussed their observations from the site visit. Mrs. Jarzabek stated that their biggest problem is backing out of their driveway and Mr. Jarzabek stated there is a lot of foot traffic in the area. Ramsey-Sanchez confirmed her biggest concern is the line of sight; Mrs. Jarzabek said their original understanding was that the shed would be oriented the other way which would have solved the problem. Mulhern reminded the group what their actual goal and duty is – that there are specific

questions the Board needs to answer. The Board can make suggestions but can't tell the applicants what they must do. Ramsey-Sanchez clarified what is being voted on and asked if the Board can state 'contingent on it being moved to the other side of the driveway' because she felt the applicants seemed open to moving it. Mulhern confirmed the Board could require contingencies. He asked if there were any other questions from the board.

Karasinski read from the ordinance regarding a second non-conforming shed and stated the new shed would need a variance, which is what the variance is for - both the side property line and the front property line. Paquette clarified they need one variance for the two issues because the share the same code section.

Mulhern reviewed the timeline; the shed should not have been placed before receiving this variance, then a building permit would have been requested from the planning board. He stated this is a very unique situation. He asked for consensus of the Board if the homeowners agree to move the shed are they more comfortable voting on the variance.

Mulhern asked the homeowners if they were willing to move the shed; Mr. Foster said they are willing to build the slope up, move it to the left and as far back as possible from the road but keeping it the same orientation. He said they can't rotate it because of the propane tank that is buried there. Mark Scalera said by rotating it he feels they would still have access to the propane tank.

Mr. Foster asked if he needed a permit to create the support for the shed and Mulhern said a permit is needed from the State. Karasinski told him that he has to talk with the State before doing any work due to the Shoreland permit that is needed and Mulhern agreed that the State approval would have to happen before any work is done.

Ramsey-Sanchez asked if this can really be voted on tonight if the location of the propane tank is not known. The site plan measurements should be exact.

Mulhern said the applicants have heard the concerns of their neighbors and the Board – what would they like to propose?

Mr. Foster said even if he agreed to rotate the shed and move it, he'd still have to get variance; Ward agreed but pointed out that by moving it, he would just need the variance for the distance from the road but not from the property line with the abutters, but either way they need a permit from the State.

Jessica explained to the applicants the questions that the Board is required to answer. If any question is voted 'no' then the application fails.

Paquette said we have 30 more days to make a decision, or the applicant can ask for another continuance which can be extended if both parties agree.

Mr. Foster said they want to ask for a continuance so they can talk with more people and make a decision as to what is the best way to move. Mulhern agreed, especially to learn the location of the propane tank.

Mulhern asked for questions from the Board; do they have enough information to make a decision or to grant a continuance. Thorne said she would agree to a continuance based on a change to the request. Ramsey-Sanchez agreed; Ward said he would agree if we had a different site plan and the location of the propane tank, and the site plan would need to be a scaled drawing showing these specifics. Karasinski said it was possible that Mr. Foster might learn about another location if they contacted the State about the removal of the damaged trees. She does agree that giving another 30 days would be a good idea.

Ward made a motion to continue the public hearing with the agreement of the applicants and the Board to extend beyond the 90-day limit to the next regular meeting on October 20th. In that meeting, the Board expects a new site plan with measurements of the setbacks and the location of the propane tank. The Board suggests that the applicants contact the State about the Shoreland permit so that they know what to do. Thorne seconded the motion; all in favor. Motion passed.

ZBA 25-015: Special Exception – Shane and Jaime Powell have requested a special exception under Section IV, Article A.2.m of the Town of Swanzey Zoning Ordinance to construct an accessory structure measuring 2,700 square feet and 28.5 feet in height. The property is located at 35 Katie Lane (Tax Map 254, Lot 59) and is in the Rural/Agricultural District.

Chair Mulhern welcomed the visitors to the meeting. He read the application.

Paquette informed the board that the applicants received the shoreland permit ahead of time. He said the Planning staff wanted additional details about erosion control measures and, given the size of the proposed structure, suggested appropriate screening from neighboring parcels should be considered.

Mr. Powell said they are looking to build an accessory structure for dog training – not for boarding; they got the State permit first mainly to be sure of where the building should be located regarding setbacks and septic systems. They believe it is compatible with the neighborhood. There will be no increase in traffic and no commercial traffic. There will be electricity, but no water or septic system to the building. He provided a basic drawing.

Karasinski asked if the structure was for indoor training in the winter, which Mrs. Powell confirmed. The size will help the dogs learn the size of competitions buildings.

Ward asked what the numbers on the drawing refer to and Powell said they are in reference to the photos submitted for the shoreland permit.

Paquette said the Conservation Commission asked about number of animals because of waste concerns. Powell said they have 2 dogs and some chickens but there will be no waste on neighboring property.

Mulhern asked about water; currently there are no plans to have running water available. Their septic is across the property, so it is cost prohibitive to add another system.

Debra Drower – 31 Katie Lane – Abuts the property – requests that the rules and regulations that are in place should be followed, and that a special exception should not be allowed in order to protect the property values. They are certain the structure would adversely affect the value of their property and those of their neighbors.

Sean Drower – 32 Katie Lane – said it is all well and good that they have state approval, but they are proposing a very large building that will be 20 feet from their driveway and 20 feet tall which is not in keeping with the neighborhood. There are no barn structures in the neighborhood. What if they change the plan and become a business?

Mulhearn said that is not what is being requested; Ward said a special exception is for an allowed use; it is not against the rules/law. The applicant has to get the approval if they wish to change the use.

Mr. Drower read from the application regarding 'injurious, obnoxious or offensive'; Ward there are questions the Board must answer before they can grant the exception.

Mulhern said there are definitions the board has to abide by, and he read the definition "*the terms 'injurious, obnoxious, or offensive' refer to whether a proposed use might be demonstrated to be a potential nuisance to the surrounding neighborhood due to traffic, unsanitary conditions, excessive noise, vibration, vapors, toxic emissions and odors. Evidence that a proposed special exception use may exhibit one or more of these conditions could justify a ZBA to conclude the proposed use does not merit the grant of a special exception because the use would be 'injurious, obnoxious, or offensive'."*

Mulhern said it is a valid question as to where the building is on the property – is there any other place it can go. Powell stated that the Northwest corner is well within the shoreland protection so it wouldn't be granted by the State and it would be close to the leach field. They selected the Southeast corner because of the culvert under the driveway so they don't have to redirect the culvert. Catch basins are on the left side of the driveway.

Stephen Russell - 39 Katie Lane – he is in support of the plan of the building which is nestled in the woods. There are no windows so noise will not permeate. He feels it will increase the property prices because it is an attractive design and is like other structures in the town.

Weldon Mattson – 98 Katie Lane –asked what the construction is and was told it will be stick built gambrel style with board and batten exterior.

Karasinski asked about the consideration to screen from the neighbors' view. Powell said it is very well screened – there is 20 feet to the property line and trees are there and they would be cutting as few as possible.

Drower said that he and Powell had walked the property and that the east corner is turned into the tree line buffer which would require removing the trees from the property.

Ramsey-Sanchez asked about the height – Shane said it is two stories. She asked Mulhern if they should be concerned about them changing the use; Mulhern said they would need to apply for a new permit if they changed the purpose.

Mulhern said a question has been brought up by the abutters regarding reducing the value of the property. Powell said there are several things they have done to minimize the impact such as installing no windows on the neighbor's side and placing it as far from the boundary as possible.

Drower said they are asking for the exception because of the size and it is going to be esthetically unattractive.

Paquette stated the provision was adopted in 2008; prior to that the homeowner could have built it without the special exception.

Mattson questioned the size and asked if apartments could be put on the second floor. They could build one, according to Paquette. Mattson said he would not want to look at it if he lived where the Drumers live.

Karasinski said it is the size of 2 tennis courts. Is there opportunity for screening from the neighbors' view? Mulhern said the Board could recommend more screening like a berm. Powell said it is dense, especially on the edges. They have not explored any other screening. Ward said no matter what they added, it would not be 20 feet high. He said assessed value would increase which would also increase the assessed value of the neighborhood.

Karasinski asked about color; Powell said they have not determined color. It is wood exterior so either stained or painted, most likely stained. Karasinski said she thought muted colors would be better.

Jessica asked for clarification of the Rural/Agricultural District.

Thorne asked why it needs to be so tall; Powell said a shorter metal barn would look worse and not add to the agricultural charm – would look more commercial. He said what they are planning would be more esthetically pleasing.

Mulhern asked for additional comments:

Weldon Mattson asked if they build it and then decide to sell and move; could the new owner put in a different business. Mulhern said it is a non-business use; if a business tried to go in, there would need to be an approval. Mattson asked if he decided to build a similar building would this set a precedent; Mulhern said they would go through the same process.

Drower said every time he drives into his driveway he will see this building. He feels it is too large.

Powell asked him to consider the size of other structures in the area; he feels they are in 50th percentile. Mulhern said that is one of the questions the Board must answer.

Ward reiterated that this is residential use.

Annette Baumgartner – 108 Katie Lane - abutter – is there any place in the plan to replant the trees to buffer the neighbors. Powell said they had not outlined any additional buffers. Mulhern said the Board could make a requirement.

Mulhern closed the public hearing at 9:17pm. He described the process. He asked the board for any discussion.

Ann suggested evergreens could be required to be added; Mulhern said in the past the Board has suggested requiring a living barrier but not specify species. Ward reminded about the definition to be used regarding injurious, obnoxious, or offensive and Mulhern reread the definition.

Ramsey-Sanchez wondered about requiring a site visit. Karasinski said she was within her rights to request it. Mulhern said it should have something to do with one of the questions and pointed out the building is not there, so what would be gained by visiting? After some discussion, the site visit was not requested.

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.**

- Thorne – yes – buildings already – personal use
- Karasinski – yes – other a dozen that come to mind
- Ramsey-Sanchez – yes –meets the definition of district of rural/ag – residential use
- Ward – yes – agree it is similar to other uses – meets set backs.
- Mulhearn – yes – residential use – similar to other uses

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

- Karasinski – yes - haven't heard any testimony to the contrary
- Ramsey-Sanchez – same as Karasinski – meets the strict legal definition; not allowed to go by subjective opinions.
- Ward – yes – won't reduce value. Sympathizes with abutters.
- Thorne – yes – narrow definition
- Mulhearn – yes – the use is what is at question – not the look.

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

- Ramsey-Sanchez – yes – there is no evidence – not close to road. The use won't cause hazards.
- Ward – Yes – no use to cause serious hazard – use is confined to the property
- Thorne – use – agrees with Ward
- Karasinski – yes – agree with Ward
- Mulhearn – yes – agrees with Ward

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

- Ward -Yes – they have given adequate thought. Won't need water, restroom.
- Thorne – yes – agree with Ward.
- Karasinski – yes – showed adequate planning and by getting State approval.
- Ramsey-Sanchez – yes – agree with the others
- Mulhearn – yes – with 2 caveats – 1) erosion control should be considered, and 2) increase as much visual setback as possible from the property line which would be beneficial.

A motion was made by Karasinski to grant the ZBA 25-015 Special Exception with the recommendation to continue working with the state requirement for erosion control and recommend to maintain the natural tree line to the best of their ability, Ward seconded – all were in favor and the motion passed.

OTHER DISCUSSIONS
None

ADJOURNMENT
A motion to adjourn was made by Thorne and seconded by Karasinski and all were in favor. The motion passed. Adjournment occurred at 9:46p.m.

Respectfully Submitted,

Susan Ells, Recording Secretary

DRAFT

TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

Phone: 603-352-7411 ext. 108
Email: planner@swanzeynh.gov
Web: www.swanzeynh.gov
Address: 620 Old Homestead Hwy

Memorandum – Office of Planning & Economic Development

TO: Zoning Board of Adjustment

FROM: Adam Paquette, Town Planner

DATE: **October 14, 2025**

RE: ZBA # 25-016 – Special Exception – Map 223 Lot 9

Background:

Atlantic Towers, LLC have requested a Special Exception pursuant to Section IV, Article A.2.k of the Town of Swanzey Zoning Ordinance to construct a telecommunications facility adjacent to a Class VI Road. The subject property is shown at Tax Map 223, Lot 9 and is located in the Rural/Agricultural District. Notice of Public Hearing was mailed to abutters on September 29 and notice was published in the Keene Sentinel on 10/18.

Discussion:

Atlantic Towers, represented by Devine Millimet, is proposing to construct a telecommunications facility consisting of a 160-foot monopole tower within a 50’ x 50’ fenced compound. The compound 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. Although recent state legislation has made development on Class VI roads somewhat easier, several significant challenges remain before construction could proceed. Please refer to the Department Head and Staff Review section of this memo for a more detailed analysis.

Atlantic Towers has entered into a lease agreement with Greatwoods LLC, owner of Map 223, Lot 9. The lease agreement and its terms are included on page 26 of the attached application. In addition, Nicholas Brunet, manager of Greatwoods LLC, has authorized Atlantic Towers, LLC to apply for all necessary municipal permits.

The primary role of the Zoning Board is to evaluate whether the proposed use meets the criteria for a Special Exception. The Board should also take into consideration the comments provided by Town staff.

Lastly, the proposed lot meets acreage and frontage requirements.

Relevant Ordinance Sections and State RSA's:

Section IV, Article A.2.k:

k. Telecommunications Facility, with Special Exception by the Zoning Board of Adjustment. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function subject to the requirement that the height of any tower shall not exceed the average height of the surrounding tree canopy by more than a factor of two (2). Requirements for granting a Special Exception, in addition to those requirements set forth in Section XII.C.2. of the Swanzey Zoning Ordinance, shall be as follows:

> i. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites and the need for the proposed height;
>
> ii. Any telecommunications facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instrument to other telecommunications services;
>
> iii. Any alteration of the original permitted use and device configuration of the facility will require a new special exception approval and site plan approval;
>
> iv. The Zoning Board of Adjustment may request detailed plans from the applicant and may, at the expense of the applicant, engage the services of professional consultants to review and comment on the proposal, and testimony of the applicants or their agents relating thereto. (Adopted March 14, 2000)

Section III, Article T.5:

5. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function, **subject to the requirement that the height of the tower shall not exceed the average height of the surrounding tree canopy by more than a factor of two (2)**. (Adopted March 14, 2000)

SB 281 and HB 296:

Language attached at the end of this memo.

Department Head and Staff Review:

Department Heads were notified of the application on September 29. Comments are as follows:

DPW – Joe DiRusso:

1. The applicant must provide a more detailed plan outlining their proposed work. The section of road in question is a Class VI road and would require substantial improvements to serve as access. Any upgrades to a Class VI road require approval, either from me or from the Board of Selectmen. I defer to the Board regarding such requests.

Planning:

1. Precise measurements need to be given showing tower height vs. average tree canopy. Ordinance limit is tower height ≤ 2 × average surrounding tree canopy. The application confirms compliance, but I do not see any measurements.
2. A scaled site plan needs to be submitted showing existing/proposed conditions with measurements showing setback compliance.
3. I did not see an FAA Determination or mention of lighting/marking requirements. For a 160' monopole, FAA clearance or a "no hazard" determination is usually needed.

CHAPTER 256
SB 281 - FINAL VERSION

03/20/2025 0947s

2025 SESSION

25-1089
07/09

SENATE BILL ***281***

AN ACT prohibiting municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances.

SPONSORS: Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Pearl, Dist 17; Sen. Perkins Kwoka, Dist 21; Rep. Osborne, Rock. 2; Rep. Alexander Jr., Hills. 29

COMMITTEE: Commerce

ANALYSIS

This bill changes the requirements that allow a building to be constructed on a lot adjacent to a class VI roadway.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/20/2025 0947s

25-1089
07/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT prohibiting municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances.

Be it Enacted by the Senate and House of Representatives in General Court convened:

256:1 Planning and Zoning; Local Land Use Planning and Regulatory Powers; Erection of Buildings on Streets; Appeals. RSA 674:41, I(c) is repealed and reenacted to read as follows:

(c) Is a class VI highway, provided that the applicant:

(1) Signs a liability waiver acknowledging that the:

(A) Municipality shall not maintain the highway nor provide any services to any lot accessible by the highway;

(B) Municipality shall not accept any responsibility for losses or damages caused by a lack of services; and

(C) Responsibility for such services falls solely on the applicant; and

(2) Prior to the issuance of a building permit, produces evidence that this waiver has been recorded in the county register of deeds; and

(3) Prior to the issuance of a building permit, proves the lot and any buildings thereon are insurable; or

256:2 Effective Date. This act shall take effect July 1, 2026.

Approved: July 15, 2025
Effective Date: July 01, 2026

CHAPTER 175
HB 296 - FINAL VERSION

26Mar2025... 0797h
05/22/2025 2154s

2025 SESSION

25-0599
06/11

HOUSE BILL ***296***

AN ACT relative to issuing building permits along private roads.

SPONSORS: Rep. Ladd, Graf. 5

COMMITTEE: Housing

AMENDED ANALYSIS

This bill:

I. Adds an alternative condition and provides another pathway to authorization for local governing bodies to erect buildings along private roads.

II. Removes the zoning board of adjustment's discretion for determining when to take an appeal and replaces it with a non-discretionary 30-day period.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 175
HB 296 - FINAL VERSION

26Mar2025... 0797h
05/22/2025 2154s

25-0599
06/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to issuing building permits along private roads.

Be it Enacted by the Senate and House of Representatives in General Court convened:

175:1 Regulation of Subdivision of Land; Erection of Buildings on Streets; Appeals. Amend RSA 674:41, I(d)(1) to read as follows:

(1) The local governing body, after review and comment by the planning board***, or after establishing that the private road identifies and complies with policy adopted by the governing body of the municipality***, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

175:2 Appeals to Board of Adjustment. Amend RSA 676:5, I to read as follows:

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within [~~a reasonable time, as provided by the rules of the board,~~] ***30 days*** by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

175:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 15, 2025
Effective Date: September 13, 2025

DEVINE MILLIMET
ATTORNEYS AT LAW

ATLANTIC TOWER

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Application for Special Exception for a Telecommunications Facility

under Section IV A 2 k. of the Town of Swanzey Zoning Ordinance

Flat Roof Mill Road, Swanzey, NH

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3.	Plans
4.	Radio Frequency Engineer's Affidavit
5.	Affidavit of Director of Site Acquisition
6.	Coverage Plots showing existing and proposed coverage
7.	Alternative Sites Maps
8.	Alternative Site Analysis
9.	Site Emissions Analysis – FCC compliance Statement
10.	Existing Telecommunication Facilities Maps
11.	Memorandum of Lease
12.	Authorization of Property Owner
13.	Abutters List

Brendan M. Gill

Atlantic Towers, LLC
2 Commercial Street
Sharon, MA 02067

Office: 508-388-4010 x 802
Brendan@VertexTowers.com

Filed by:

CHRISTOPHER A. SWINIARSKI
Admitted in NH and MA

Devine, Millimet & Branch
111 Amherst Street
Manchester, NH 03105

Direct Dial: 603.695-8709
cswiniarski@devinemillimet.com

APPLICATION FOR SPECIAL EXCEPTION **MAP:** 223 **LOT:** 9
TOWN OF SWANZEY (Revised 8/22)

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT:	**MAILING ADDRESS OF APPLICANT:**
Atlantic Towers, LLC	c/o Devine Millimet 111 Amherst Street Manchester, NH 03101
Contact phone number:	
OWNER OF PROPERTY: (If same as applicant, write "same") Greatwoods, LLC	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same") 58 Priscilla Lane Auburn, NH 03032
LOCATION OF PROPERTY (Give Zoning District in which located & current street address) Rural Agricultural - Flat Roof Mill Road	

FEES:

- Application fee: $75
- Current rates for Keene Sentinel Legal Notices
- $10/abutter certified mail notice

Fees will be billed and **must** be paid prior to public hearing.

1. ☑ **SITE PLAN –** The site plan need not be done professionally, but **must** be to scale; the scale should be appropriate for the size of the project & the plan must be readable. Plans must indicate the size of the lot in acres or square feet, show the placement of all **existing** and **proposed** buildings on the lot and include setbacks required by the zoning ordinance. The plan must include a written and visual depiction of the scale used.

2. ☐ If applicable, indicate on the Site Plan the location of:

- Septic system and/or leach field
- Water supply
- Curb cuts
- Parking area (and size of parking spaces)
- Waterways
- Wetland areas
- Tree lines
- Drainage ways
- Loading docks
- Underground tank locations
- Impervious surfaces

It is the applicant's responsibility for including all information on the plan that is pertinent to their application and proposed project.

3. ☑ Attach completed and up-to-date listing of ALL abutters with addresses.

4. ☑ Provide a brief description of the project/request.

A Special Exception is requested from the terms of Section _____, Article _____ of the Zoning Ordinance of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE 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 because:
PLEASE SEE NARRATIVE

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood because:
PLEASE SEE NARRATIVE

3. There will be no nuisance or serious hazard to vehicle or pedestrians because:
PLEASE SEE NARRATIVE

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

PLEASE SEE NARRATIVE



_____ _____ Date: September 9, 2025

Signature of Applicant



_____ Date: September 9, 2025

Signature of Property Owner

THIS SPECIAL EXCEPTION IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

by the Swanzey Zoning Board of Adjustment. The following are reasons and/or conditions:

CHECKLIST FOR GRANTING A SPECIAL EXCEPTION
(for use by Swanzey Zoning Board of Adjustment)

The Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety, and welfare. Special Exceptions may be approved if the Board finds in the affirmative that:

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

_____ _____
Yes No

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood

_____ _____
Yes No

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

_____ _____
Yes No

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

_____ _____
Yes No

DEVINE MILLIMET

ATTORNEYS AT LAW

CHRISTOPHER A. SWINIARSKI
Admitted in NH and MA

Devine, Millimet & Branch
111 Amherst Street
Manchester, NH 03105

Direct Dial: 603.695-8709
cswiniarski@devinemillimet.com

September ____, 2025

Town of Swanzey Zoning Board of Adjustment (the "Board")
620 Old Homestead Hwy
Swanzey, NH 03446

RE: Proposed Telecommunication Facility by Atlantic Towers, LLC
Flat Roof Mill Road - Project Narrative and Legal Criteria under Federal and Local Law

Greetings Board Members:

Introduction.

This correspondence analyzes the relevant local, state, and federal law pertaining to the Site Plan Review sought by Atlantic Towers, LLC ("Atlantic") for a proposed wireless communication facility (the "Facility"), as described in the application materials included herewith. The proposed facility will be located at property Flat Roof Mill Road, Swanzey, NH (the "Property"), which is located in the Rural Agricultural zoning district. The Town of Swanzey Zoning Ordinance (the "Ordinance") expressly allows for the Facility in the Rural Agricultural District by pursuant to Section IV A. 2. k. Because the Facility at the Property is the most viable means by which Atlantic's FCC licensed customers can remedy a substantial gap in service, Atlantic hereby submits this narrative and the application materials associated herewith (collectively, the "Application") to allow for the Facility at the Property.

Description of the Facility.

The Property is approximately 60 acres of undeveloped land.. The proposed Facility will be located on the Property and will observe all setback and dimensional requirements of the Ordinance, as shown on the plan included with the Application at Tab 3 (the "Plan"). As shown on the Plan, the proposed Facility consists of a 160 foot +/- monopole tower, designed to accommodate at least 4 wireless service providers. The tower is located within a 50' x 50' compound completely surrounded by a 6 foot tall chain-link fence. Within the compound

are various components of supporting communication equipment for Atlantic's customers, along with additional space for future carriers.

Purpose of the Facility.

As shown in the Radio Frequency Engineer's Affidavit and Coverage Plots included herewith, Atlantic's customers have determined that wireless coverage in and around the area of the Facility is not optimal. Adequate service to the residents, businesses, and travelers of this area cannot be maintained without the proposed Facility.

More specifically, the plots included as Tab 6 offer a graphic representation of the existing wireless coverage at a given frequency (see page 1 thereof). Areas shown in white represent a signal strength of less than -95 dbm, which is less than adequate under the standards for service quality established by Atlantic's customers. Areas in green indicate an adequate signal strength. Turning to page 2 of the plots at Tab 6 depicts the resulting coverage that will be provided from the proposed Facility in yellow, where significant amounts of previously white territory are now covered in yellow.

A person may ask why a gap in coverage exists when he or she is able to make calls in any given area, or otherwise utilize a mobile device for streaming videos, music, or uploading media, etc. The answer is that Atlantic's customers are continually building and improving their networks to serve the needs and demands of communities and the *nation as a whole*. The service to any one particular device or person in any given place, at a given time, is not indicative of the performance of the network as a whole for the entire community.

The ever changing demand for wireless service drives the need to improve networks and relieve or "off load" existing facilities. Indeed, there are now more wireless devices in America than people, with more than 95% of all Americans owning at least one mobile device, and many owning more. Additionally, as of 2024, more than 91% of all Americans are now using smartphones, a major increase of over just 35% in 2011. [1] Further, younger and future generations rely more heavily on wireless devices, utilizing them as much as or more than many other services commonly thought of as utilities. In more than two-thirds of households of people 35 and under, wireless devices serve as the only means of communication. It is truly amazing to think how the demand for wireless service has grown in just a few short years. Smart communities, with self-driving cars, automated trash pickup, utility metering, and public transportation systems will all rely upon wireless networks. The residents of municipalities with deficient wireless networks will be last in line to take advantage of these advances in technology.

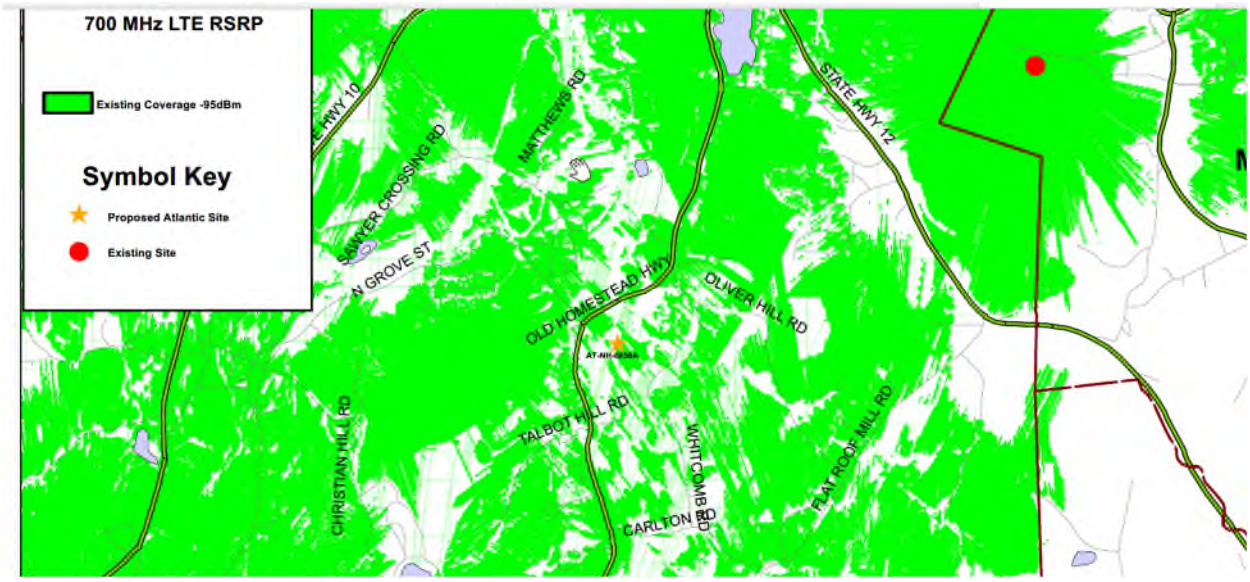
1 Pew Research Center "Mobile Fact Sheet" November 13, 2024.

With the need for wireless service growing exponentially, there is no doubt that residents of Swanzey and other communities across the nation demand continually more robust service. While the infrastructure to provide that service cannot be invisible, Atlantic strives to design and place that infrastructure in ways that cause the least possible visual impact on communities. The proposed Facility before you is the most viable design to achieve that objective.

Site Identification Process.

In its quest to design and place wireless facilities to address the need for improved coverage as outlined above, Atlantic begins by identifying a "search ring" where viable facilities may be located. The initial designation of a search ring is based on geographic proximity to existing gaps in adequate coverage and existing facilities. Put simply, the search ring generally begins in the center of an identified gap in coverage.

In the Swanzey area, the particular gap in coverage that is the subject of this application is generally the white area as shown on page 1 of Tab 6, and reproduced below for reference:



Within this area, Atlantic site acquisition consultants first look for properties with existing wireless facilities, or existing tall structures that can accommodate those facilities, closer to the center. They also specifically review applicable regulations like the Ordinance to determine where municipalities have designated preferential locations, such as the Rural Agricultural District is specifically favored by the Ordinance. Topography and existing obstructions are also considered.

The examination begins by using satellite imagery and available GIS mapping, and follows up with an in-depth, in-person review of locations within the search ring. They rule out properties that are physically or legally impractical, such as vast wetlands or conservation lands. When the site acquisition consultants locate parcels that appear viable to address the coverage gap, they contact property owners to determine whether those owners are willing to lease or otherwise make their property available for a wireless facility. The list and location of one or more of those

properties with willing owners is then evaluated by radio frequency engineers to confirm overall viability to achieve coverage objectives.

Applicable Federal Law which Preempts Local and State Law.

We are confident that the Town of Swanzey is familiar with the applicable Special Exception criteria set forth in the Ordinance. It is important however to understand how federal law can intersect and preempt both the Ordinance and state law. Specifically, the relevant federal law in play is the Telecommunications Act of 1996, which was codified as 47 U.S. Code § 332, along with several interpretations and rulemakings promulgated by federal agencies (most notably the Federal Communication Commission) thereunder (collectively, the "TCA"). In pertinent part, the TCA provides that a state or local law may not have "the effect of prohibiting the provision of personal wireless services." See 47 U.S. Code § 332 (c)(7)(B)(i)(II). Put simply, if the application of the special exception criteria results in a denial of the Application, that denial will be reversed if the applicant demonstrates that the denial is an effective prohibition of personal wireless service, i.e., a violation of federal law. Green Mountain Realty Corp. v. Leonard, 750 F.3d 30, 38 (1st Cir. 2014). *Any application of a state or municipal regulation that "materially inhibits" the deployment of wireless communication facilities will amount to an effective prohibition of personal wireless service, which is a violation of federal law. See Cellco Partnership v. White Deer Township Zoning Hearing Board, Docket No. 22-2392 (3d Cir. 2023).*

Fortunately, Atlantic's Application meets the majority of the Ordinance's requirements such that it should be approved without need for pre-emption by federal law. To the extent that the application and materials may technically need waivers under the Ordinance, the Applicant hereby requests those waivers in order to maintain compliance with the federal law set forth above. The Specific Ordinance requirements are set forth on Exhibit A, with the Applicant's comments thereto in italics.

Summary

As set forth above, the proposed Facility provides the valuable wireless service that residents and businesses of the Swanzey area demand, and that Atlantic's customers provide. This design is the result of the site selection process described above, in compliance with applicable local and federal law. The proposed Facility is the most viable alternative to address the coverage gap identified by Atlantic's customers in a way that does not materially impede their deployment of service, and we therefore respectfully request that this Board grant the Conditional Use Permit sought herein.

Sincerely,

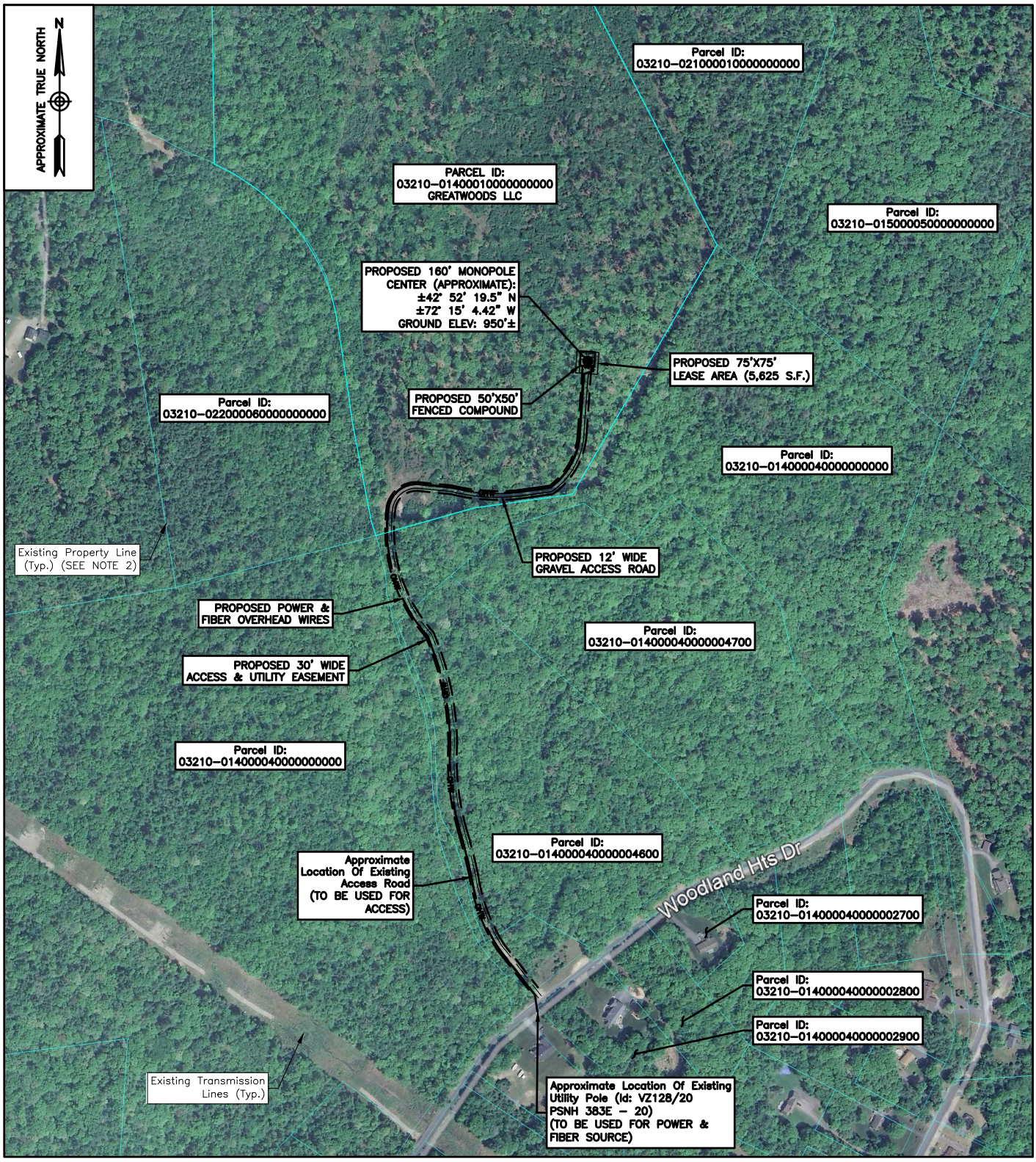
Christopher Swiniarski
Attorney for Atlantic Towers, LLC

c. Telecommunications Facility, with Special Exception by the Zoning Board of Adjustment. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function subject to the requirement that the height of any tower shall not exceed the average height of the surrounding tree canopy by more than a factor of two (2). Requirements for granting a Special Exception, in addition to those requirements set forth in Section XII.C.2. of the Swanzey Zoning Ordinance, shall be as follows: *See Radio Frequency engineer's affidavit and coverage maps included herewith. The proposed facility is less that twice the height of the average tree canopy.* The proposed facility is

i. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites and the need for the proposed height; *See alternate site analysis included herewith.*

. Any telecommunications facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instrument to other telecommunications services; *The facility is designed to accommodate four (4) carriers.*

i. Any alteration of the original permitted use and device configuration of the facility will require a new special exception approval and site plan approval;



NOTES:

1. NORTH SHOWN AS APPROXIMATE.
2. AERIAL MAP & PROPERTY LINES BASED ON GOOGLE EARTH MAPS AND PARLAY 2.0 PROPERTY DATA AND HAS NOT BEEN VERIFIED WITH A SURVEY.
3. ELECTRICAL AND FIBER ROUTING PENDING FINAL UTILITY DESIGN.

CONCEPTUAL SITE PLAN 1

SCALE: N.T.S.

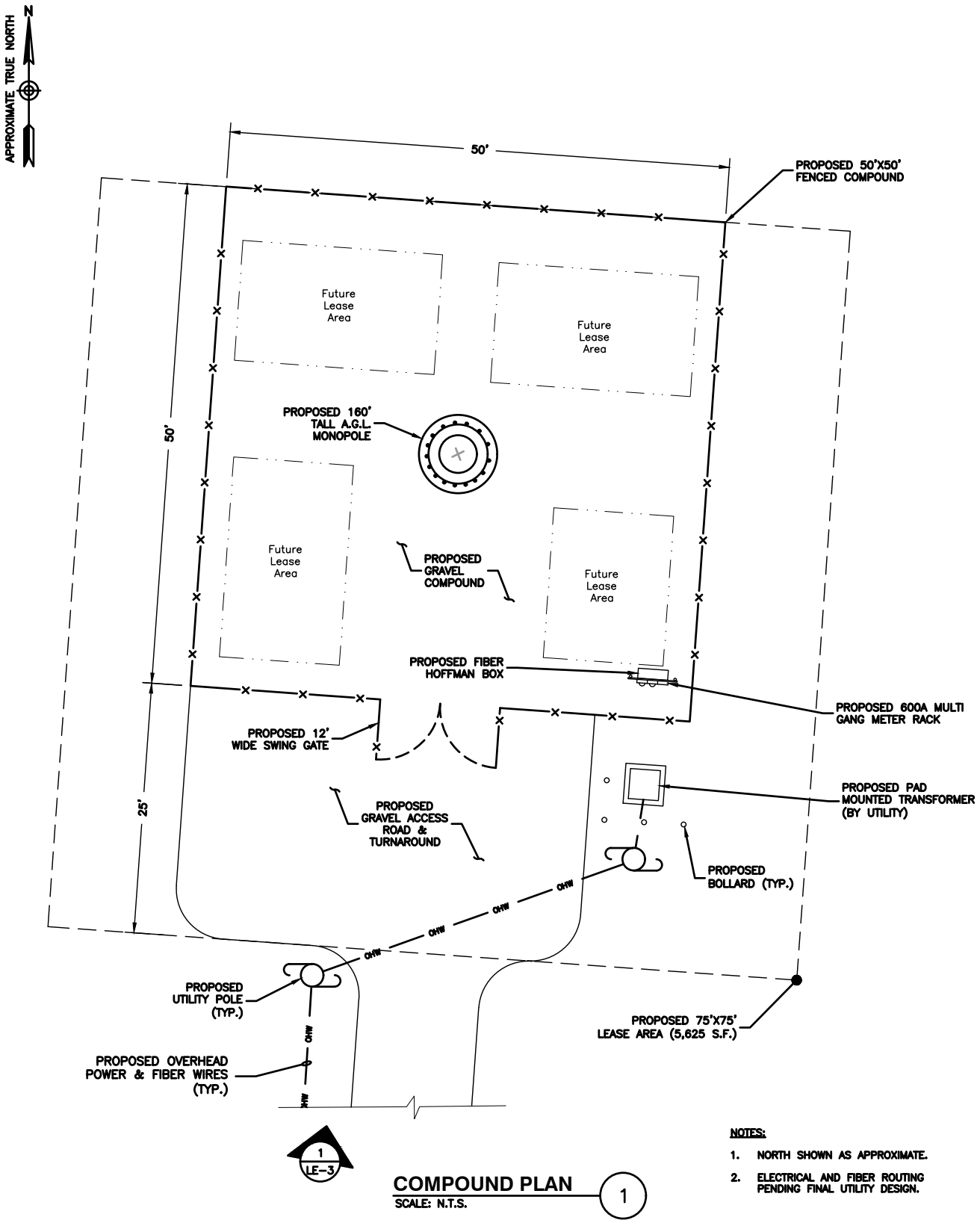
SITE NAME/NUMBER:	SWANZEY RT. 12 AT-NH-0565A
SITE ADDRESS:	FLAT ROOF MILL RD SWANZEY, NH 03446 CHESHIRE COUNTY, NH

NO.	DATE	REVISIONS	BY	CHK	APP'D
A	06/27/25	LEASE EXHIBIT	TJC	OAS	MFT

DEI PROJECT #: 50161624/50188538
SHEET #: LE-1

Dewberry
Dewberry Engineers, Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

ATLANTIC TOWER
ATLANTIC TOWER LLC
PO BOX 680
MEDFIELD, MA 02052



COMPOUND PLAN

SCALE: N.T.S.

1

NOTES:

1. NORTH SHOWN AS APPROXIMATE.
2. ELECTRICAL AND FIBER ROUTING PENDING FINAL UTILITY DESIGN.

SITE NAME/NUMBER:
SWANZEY RT. 12
AT-NH-0565A

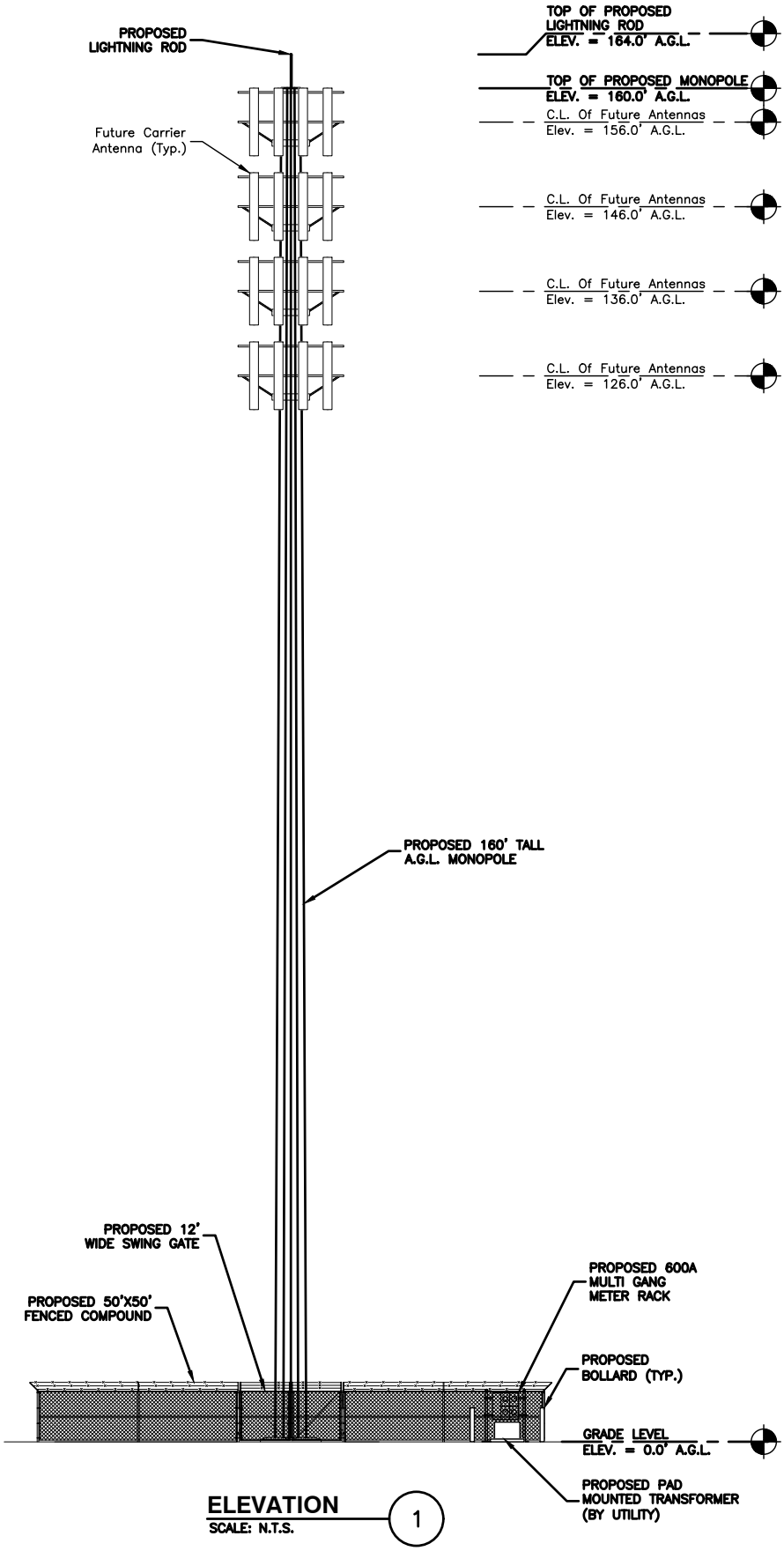
SITE ADDRESS:
FLAT ROOF MILL RD
SWANZEY, NH 03446
CHESHIRE COUNTY, NH

NO.	DATE	REVISIONS	BY	CHK	APP'D
A	06/27/25	LEASE EXHIBIT	TJC	OAS	MFT

DEI PROJECT #: 50161624/50188538
SHEET #: LE-2

Dewberry
Dewberry Engineers, Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

ATLANTIC TOWER
ATLANTIC TOWER LLC
PO BOX 680
MEDFIELD, MA 02052



NOTE:

1. C.L. = CENTERLINE
   A.G.L. – ABOVE GROUND LEVEL

ELEVATION 1

SCALE: N.T.S.

SITE NAME/NUMBER:
SWANZEY RT. 12 AT–NH–0565A
SITE ADDRESS:
FLAT ROOF MILL RD SWANZEY, NH 03446 CHESHIRE COUNTY, NH

NO.	DATE	REVISIONS	BY	CHK	APP'D
A	06/27/25	LEASE EXHIBIT	TJC	OAS	MFT

DEI PROJECT #: 50161624/50188538
SHEET #: LE–3

Dewberry
Dewberry Engineers, Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

ATLANTIC TOWER
ATLANTIC TOWER LLC
PO BOX 680
MEDFIELD, MA 02052

AFFIDAVIT OF RF ENGINEER

I, Jose Hernandez hereby state the following in support of the application for Atlantic Tower, LLC of proposed Monopole tower located at Flat Roof Mill Rd Swanzey, NH 03446. (42.872083, -72.277045347). (the "Site") and the attachment of antennas, cabling and other telecommunications equipment on and at the base of the Monopole Tower by various wireless broadband telecommunications carriers as proposed in the attached application (the "Facility").

1. I am a currently an independent consultant Principal/Manager Radio Frequency Engineer. I have been involved with the wireless telecommunications industry for 28 years, and have held various technical, operational and supervisory positions with Nextel Communications, T-Mobile, AT&T Mobility and Sprint PCS.

2. In order to satisfy its obligations under its radio licenses acquired from the FCC and under the Code of Federal Regulations 47 C.F.R. § 27.14(a), wireless broadband telecommunications carriers must have in place a system of strategically deployed "cell sites" to provide wireless communications services to their subscribers' throughout their licensed area. These cell sites generally consist of an antenna support structure such as a telecommunications tower, building, water tank, or other structures used to elevate the antennas to the height necessary for providing adequate service to the targeted area. The antennas are connected via cabling to radio equipment located near the antennas and/or at the base of the support structure. The cell sites operate by transmitting and receiving low power radio frequency signals to and from their subscribers' portable wireless communication devices such as basic handheld phones, smartphones, PDA's, tablets, and laptop aircards. These wireless voice and data signals are then transferred through ground telephone lines, fiber, microwave or other means of backhaul transport, and routed to their destinations by sophisticated electronic equipment.

3. Cell sites are a vital and necessary part of carriers' network infrastructure. In order to maintain effective, uninterrupted service throughout a given area, there must be a series of cell sites, interconnected to each other with slightly overlapping coverage areas. This allows for the subscribers to move freely about a geographic area while maintaining a consistent and reliable wireless connection to the network.

4. A proposed cell site must consider the locations and coverage provided by the surrounding cell sites in the network, and must be located within a limited geographical area, which is defined by factors such as terrain, land use characteristics, and population density. By locating within this limited area and at a sufficient height, the cell site would have a high probability of meeting the targeted objectives, thereby providing reliable coverage and capacity throughout the cell.

5. In compliance with the requirements of its FCC licenses, carriers are actively building their respective networks to provide coverage throughout its licensed area. In order to meet the responsibility of providing seamless, uninterrupted service, carriers must continue to acquire

interest in sites for additional facilities, and is applying for and obtaining local governmental zoning approvals to construct its sites in order to eliminate deficient service areas due to gaps in coverage or insufficient capacity. Any delays severely curtail carriers' ability to satisfy both mandated time requirements, and to achieve a market position that will allow it to compete for customers with other similar companies also issued licenses to operate in this area.

6. Using computer simulations to model radio frequency propagation, Atlantic Tower has determined that a wireless transmission facility located at or near to the proposed Facility would facilitate wireless communications within the local area along Rt.32, Whitcomb Rd, Sawyers Crossing Rd and surrounding areas of Swanzey, NH. These simulations model characteristics such as antenna types, antenna height, output power, terrain, ground elevations and RF propagation effects of the frequency utilized.

7. In my opinion based upon substantial research and analysis, without a cell site located at or very near the proposed site, this area of Swanzey, NH would not meet the typical coverage requirements for multiple wireless carriers, resulting in a substantial gap in wireless coverage.

8. Based upon the technologies currently being deployed by wireless carriers, it is my opinion that the proposed Facility is at the minimum height necessary to satisfy the coverage objectives of multiple wireless carriers providing in the area.

9. All of the transmitter facilities to be located at the proposed location are required to comply, and when constructed and operational will comply with, all applicable regulations of the FCC regarding radio frequency (RF) exposure as detailed in FCC OET Bulletin 65, Edition 97-1.

Signed and sworn under the pains and penalties of perjury August 12, 2025.

Jose Hernandez

Jose Hernandez

JNaerowaves.Corp

President / Principal Radio Frequency Engineer

STATEMENT OF BRENDAN M. GILL
Atlantic Tower LLC

I, Brendan Gill, hereby state the following in support of the application submitted by Atlantic Tower LLC for a multi-user Personal Wireless Service Facility ("PWSF") to be located off Flat Roof Mill Road (Parcel ID: 03210-01400010), Swanzey, NH (the "Property"), consisting of a 160' monopole style tower and related ground equipment contained within a fenced compound (the "Site")

1. My name is Brendan M. Gill and I am the Director of Site Acquisition and Leasing for Atlantic Tower LLC.

2. I have worked in the telecommunications industry for over 12 years overseeing and assisting in the leasing, zoning, permitting and construction of wireless communications facilities and specifically in the investigation of all feasible alternatives and options locating a wireless communications facility within a search ring which would fill a significant gap in wireless coverage.

3. I have participated directly through my present and past employment in the development and analysis of hundreds of such facilities, including wireless communication facilities similar to the proposed Site.

4. I have personally visited the Property, and the areas surrounding the Property, on numerous occasions. I submit this affidavit based on my personal knowledge of the Property and the surrounding areas, while also working together with the experience and documentation provided by civil and radio frequency engineers, environmental consultants and based on my professional experience in the development of wireless communication facilities.

5. Part of my site acquisition and development duties include identifying potential candidates within an area identified as having a significant gap in coverage. The candidate identification process includes reviewing the applicable zoning ordinance with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed Site is allowed and feasible. First, I explore the area to determine whether there are any existing structures of sufficient height and structural capacity from which an antenna installation on such a structure would provide sufficient coverage. If there are no such existing structures, I identify properties, located within the narrowly defined search area, that appear to be suitable for the installation of a communications facility, while also eliminating certain properties that would not be suitable due various limitations or concerns related but not limited to, parcel size, access issues, landlocked parcels, conservation restrictions, wetlands, visibility, elevation, terrain and constructability. In order to be viable, a candidate must (i) provide adequate coverage to the identified significant gap in coverage and (ii) have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, I attempt to identify other potentially suitable properties, with preference always given to existing structures.

6. In connection with this site, I have provided site acquisition services, including researching the area, and identifying potential alternative candidates to the leased ground space on the Property.

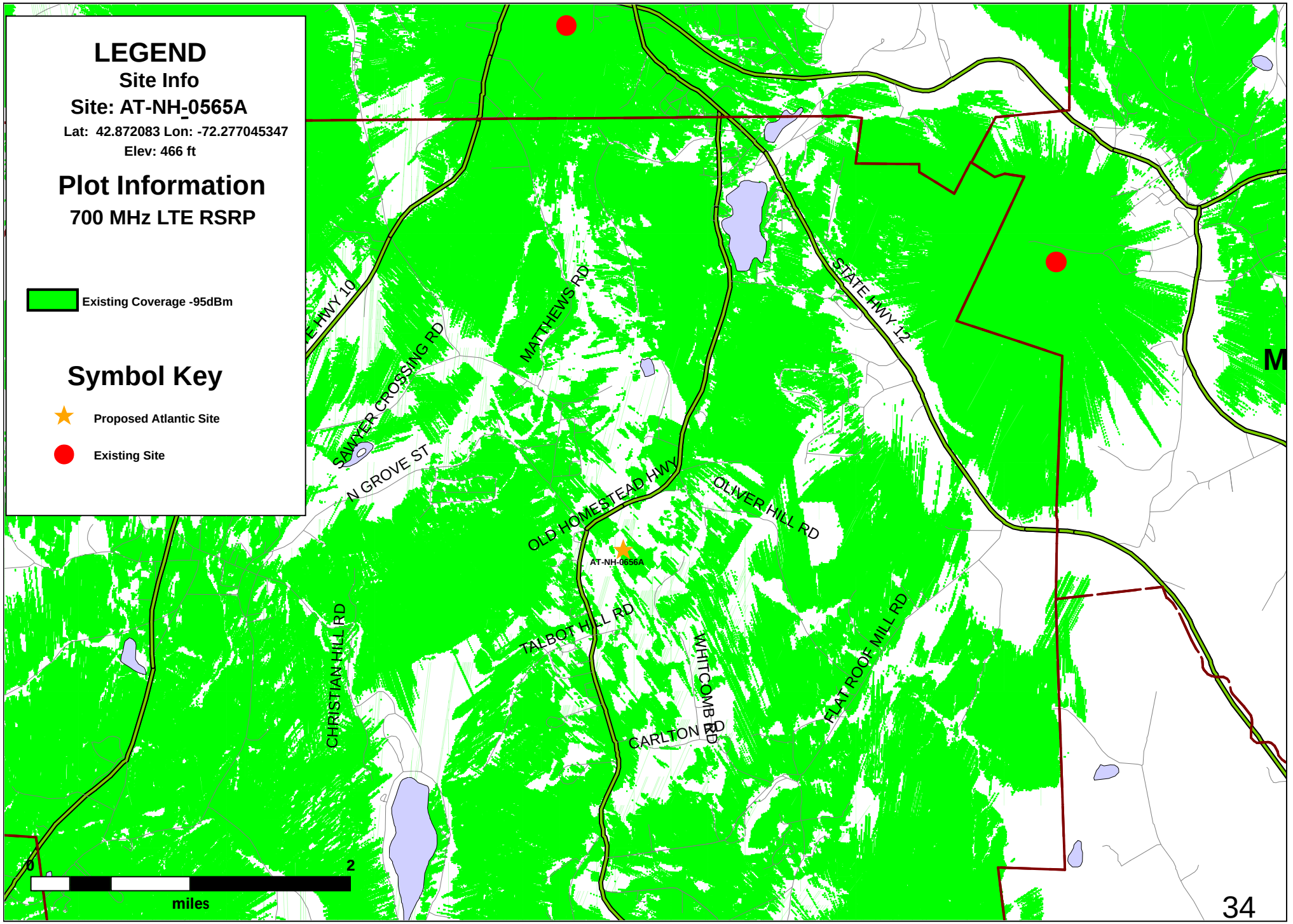
7. Based on my personal knowledge of the proposed Site and the and the surrounding area, there are no potential alternative candidates located within this geographically driven search ring that would be considered superior to the proposed Site. In addition, based on my experience, in my professional opinion, the proposed PWSF to be located off Flat Roof Mill Road is the least intrusive and only available and viable alternative to adequate meet the coverage objective to fill this significant gap in coverage.

   Executed this 25th of August, 2025.

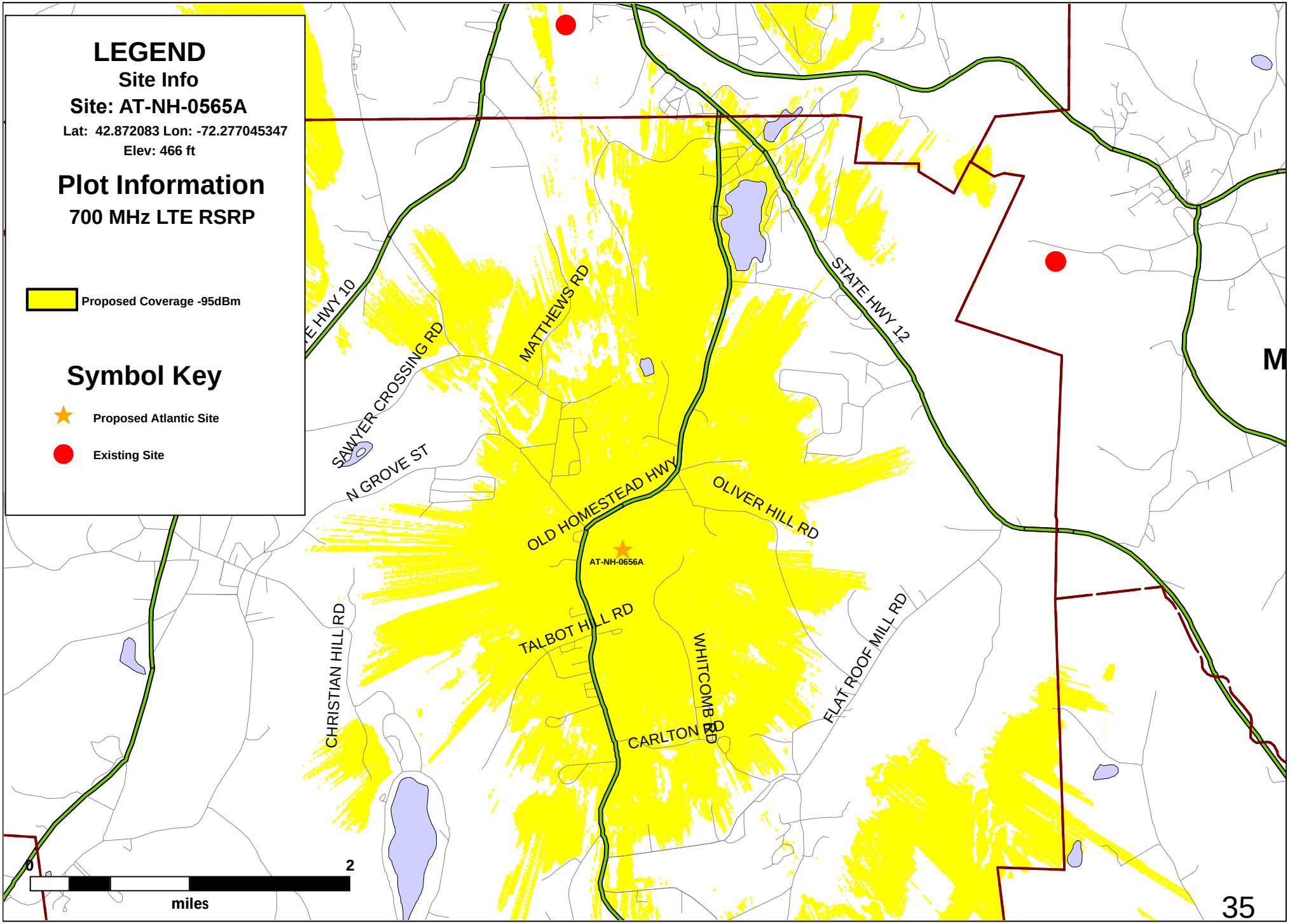
Brendan Gill

Brendan M. Gill
Atlantic Tower LLC

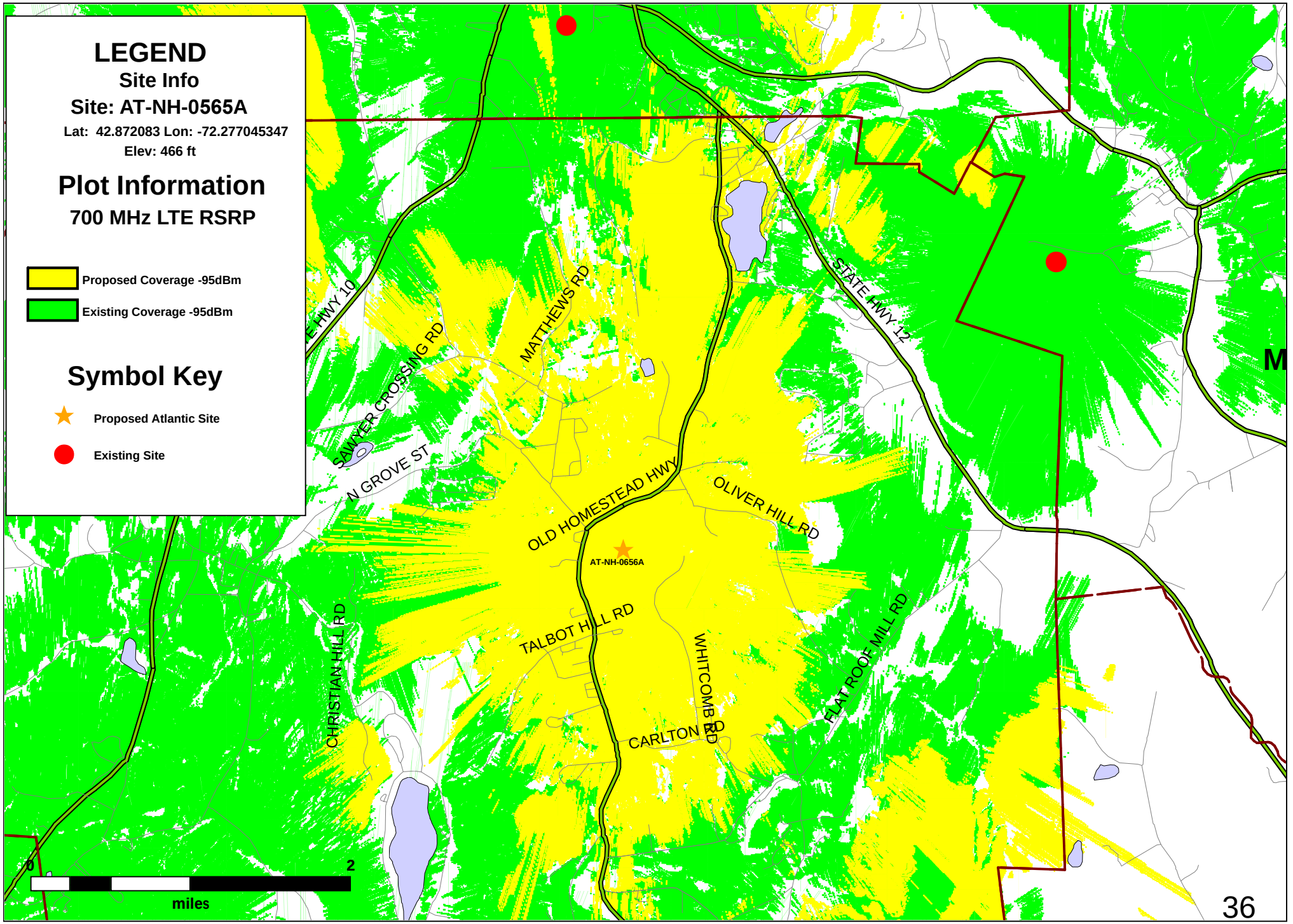
RF Existing Coverage Without AT-NH-0565A@155'



RF Proposed Coverage For AT-NH-0565A@155'

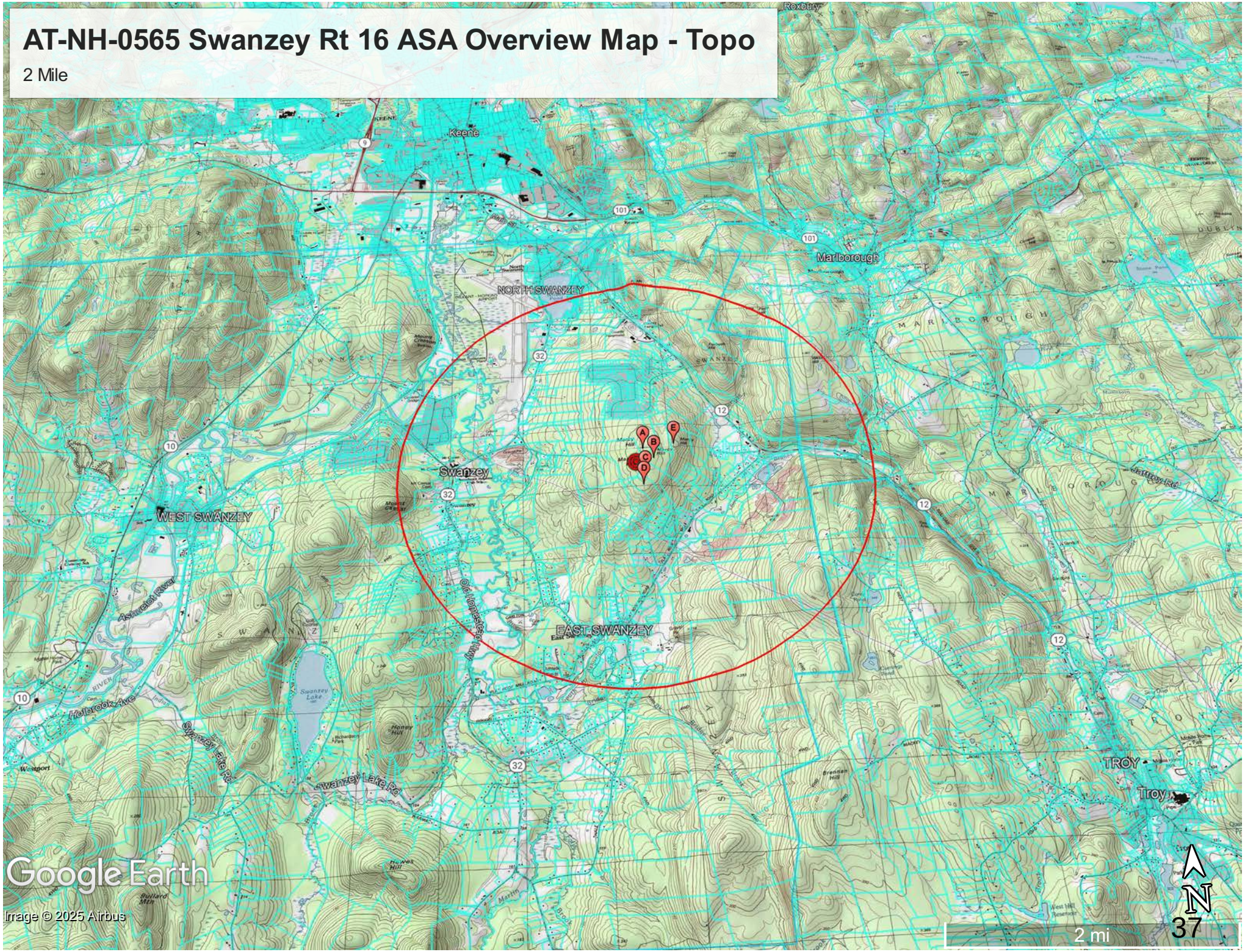


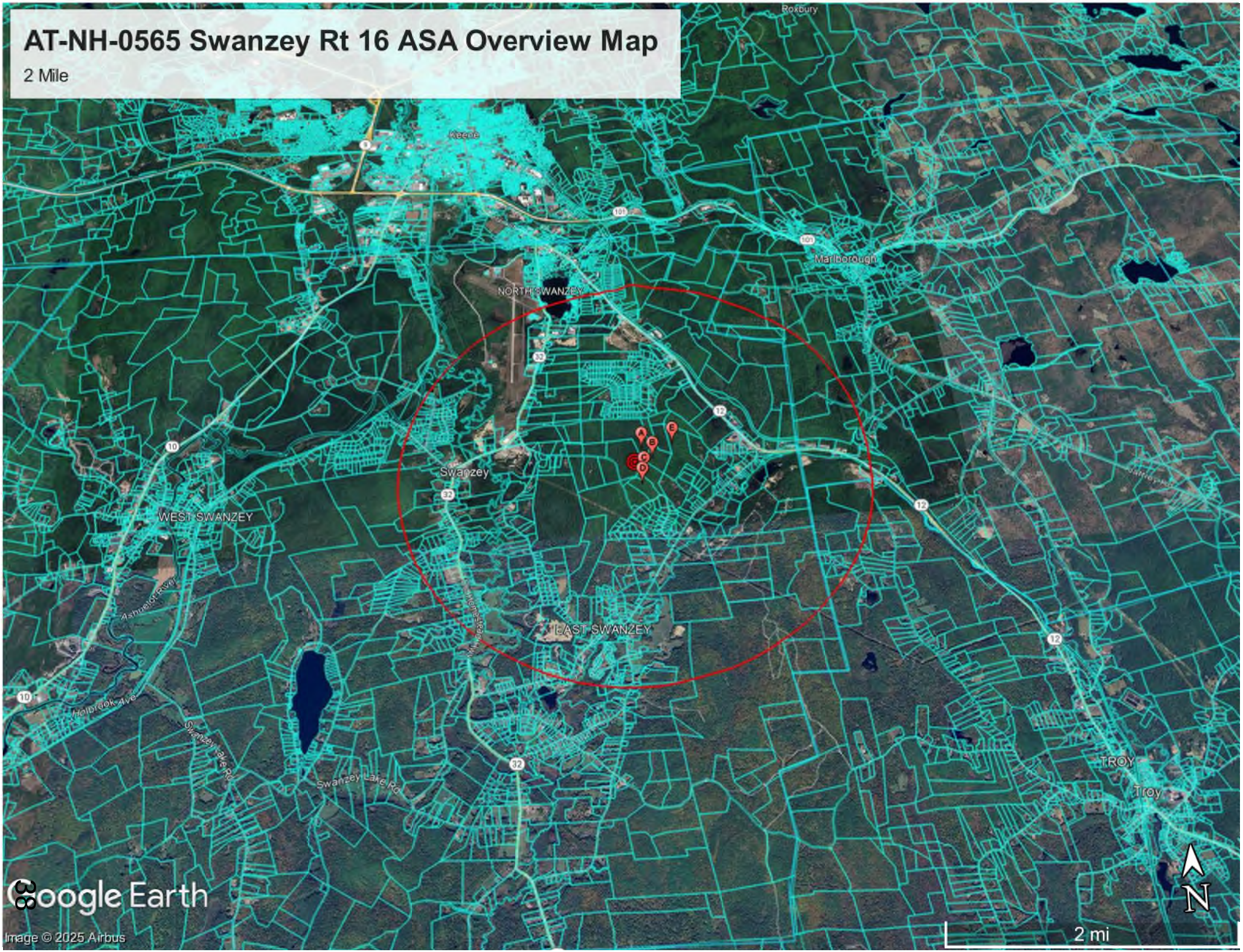
RF Existing Coverage With AT-NH-0565A@155'



AT-NH-0565 Swanzey Rt 16 ASA Overview Map - Topo

2 Mile




AT-NH-0565 Swanzey Rt 16 ASA Overview Map
2 Mile
Roxbury
Keene
Marlborough
NORTH SWANZEY
Swanzey
WEST SWANZEY
EAST SWANZEY
TROY
Troy
Ashuelot River
Holbrook Ave
Swanzey Lake Rd
Swanzey Lake Rd
Google Earth
Image © 2025 Airbus
N
2 mi

Alternative Site Analysis

for Proposed Tower at off Flat Roof Mill Road, Swanzey, NH 03446

ID	Address	Map	Lot	Block	ACRES	Latitude	Longitude	Distance from Proposed Location	Comments
A	off Birch Road	3210	223	6	64.95	42.874887	-72.249632	0.21	Site not avaiable for lease due to ower interest.
B	off Marcy Hill Road	3210	223	5	34.51	42.873401	-72.247989	0.18	Site not avaiable for lease due to ower interest.
C	off Woodland Heights Drive	3210	236	42	126.66	42.871253	-72.249665	0.09	Site not avaiable for lease due to ower interest.
D	off Woodland Heights Drive	3210	236	44	18.6	42.869772	-72.250082	0.17	Site not avaiable for lease due to ower interest.
E	off Birch Road	3210	223	3	60.87	42.875435	-72.244408	0.41	Site not avaiable for lease due to ower interest.

Site Emissions Report For Swanzey, NH
Date Performed: 08/12/2025

This site emissions analysis was created for Atlantic Towers, LLC. The Monopole analysis was performed to include all 4 major carriers. According to the analysis, this Monopole located at Swanzey, NH 03446.

(42.872083, -72.277045347) does pass the FCC requirements for Radio Frequency emissions. The FCC requirements used in this report were determined from the FCC OET65 documentation and calculations.

The Monopole assumes the worst case scenario which would not occur in the real world. It assumes that all 4 carriers are using all frequency bands and are all on the lowest height of the tower.

The approach taken for calculations takes into account the typical antenna used, since a Cell Site antenna is directional and has different gains at different angles.
At the lowest height of 126ft, the highest emissions does not go above 1.57 µW/cm² which is **0.157%** of the Maximum Permissible Emissions requirements, which is less than 1% of the MPE requirements.

Equation for Predicting RF Fields:

$$S = \frac{EIRP}{4\pi R^2} \qquad (4)$$

where: EIRP = equivalent (or effective) isotropically radiated power
S = power density (in appropriate units, e.g. mW/cm^2)

Reference: OET Bulletin 65

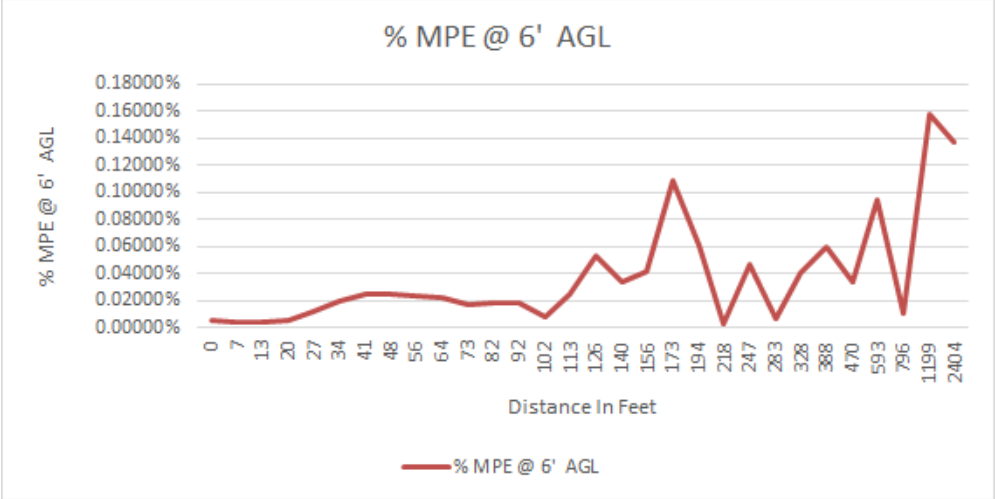
Site Name: AT-NH-0565A

Coordinates: (42.872083, -72.277045347) Location:

Plainfield, NH 03446.

Carrier Available Heights(ft):

156,146,136,126



Wireless Service Provider	Frequency Band	ERP (Watts)
Carrier 1	1900MHz	1250
Carrier 1	700MHz	1000
Carrier 1	850MHz	1000
Carrier 1	2100MHz	2500
Carrier 2	1900MHz	2000
Carrier 2	700MHz	1000
Carrier 2	850MHz	1000
Carrier 2	2100MHz	1000
Carrier 3	1900MHz	1360
Carrier 3	2100MHz	1360
Carrier 3	700MHz	1000
Carrier 4	850MHz	400
Carrier 4	1900MHz	1360

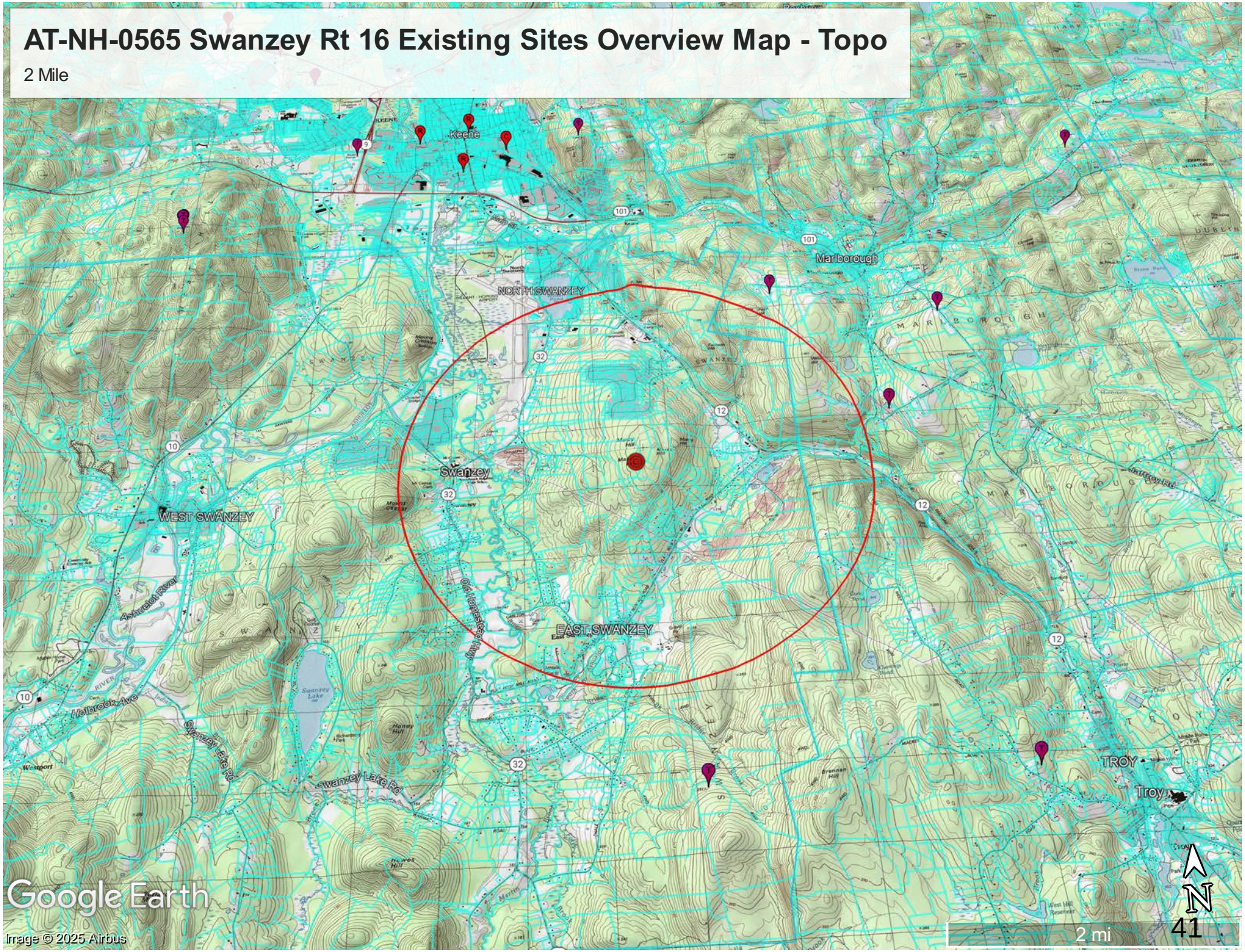
Analysis Performed by: Jose Hernandez
Jose Hernandez – President / Principal. RF Engineer - JNaerowaves.Corp

Jose Hernandez is an independent Radio Frequency Engineer with 28 years of experience as an engineer in the Wireless Telecommunications field. Jose has performed numerous emissions reports for the Wireless Telecommunications Industry.

08/12/2025

AT-NH-0565 Swanzey Rt 16 Existing Sites Overview Map - Topo

2 Mile



E Doc # 2501728 03/24/2025 02:43:06 PM
Book 3304 Page 320 Page 1 of 2
Register of Deeds, Cheshire County

Anne L Tifft

Record and Return to:
Atlantic Tower LLC
2 Commercial Street
Sharon, MA 02067

MEMORANDUM OF LEASE

This Memorandum of Lease evidences a Lease Agreement ("Agreement") by and between Atlantic Tower LLC, a Delaware limited liability company with a mailing address of 2 Commercial Street, Sharon, MA 02067 (the "TENANT") and Greatwoods LLC, a New Hampshire limited liability company, with a mailing address of 58 Priscilla Lane, Auburn, NH 03032, (the "LANDLORD"), which Agreement contains, among other things, the following terms:

1. LANDLORD owns certain real property located off Flat Roof Mill Road in the Town of Swanzey, Cheshire County, State of New Hampshire, which is depicted as Lot 9, on Assessor's Map 223, and being further described as the same real property conveyed by that certain deed recorded in Deed Book 3115 at Page 253 of the Cheshire County Registry of Deeds, (the "Subject Property"). Subject to the terms of the Agreement, LANDLORD has granted to TENANT an option to lease a portion of the Subject Property and to acquire certain easements for ingress, egress and utilities collectively known as the "Leased Premises".
2. The Agreement will constitute a lease of the Leased Premises. The Agreement is for an initial term of ten (10) years commencing on the date that TENANT exercises its option as defined in the agreement, along with five (5) additional ten (10) year renewal terms, unless earlier terminated by TENANT.
3. The Leased Premises may be used exclusively by TENANT for all legal purposes outlined in the Agreement, including without limitation, erecting, installing, operating and maintaining radio and communications towers, buildings, and equipment; TENANT is entitled to sublease and/or sublicense the Leased Premises, including any communications towers located thereon.
4. Pursuant to the Agreement, excluding a sale of the Subject Property in its entirety, provided such sale also includes the Leased Premises, LANDLORD has granted a TENANT a right of first refusal in connection with all requests, proposals or offers from any third party other than the TENANT's to acquire, lease or obtain an easement (or other right of way) under all or any portion of the Leased Premises.
5. By this Memorandum, the parties hereto intend to record a reference to the Agreement and do hereby ratify and confirm all of the terms and conditions of the Agreement and declare that the Leased Premises are subject to all of the applicable provisions of the Agreement. In the event of a conflict between this Memorandum and the Agreement, the Agreement will control.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK, SIGNATURES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have fully executed this Agreement as of the date last signed by a Party hereto.

TENANT:
ATLANTIC TOWER LLC

By: _____
Name: Stephen Kelleher
Title: Manager
Date: 5-6-2025

LANDLORD:
GREATWOODS LLC

By: _____
Name: Nicholas C. Brunet
Title: Manager
Date: 2/21/25

TENANT ACKNOWLEDGEMENT
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NORFOLK:

On the date below, before me personally appeared Stephen Kelleher, Manager of Atlantic Tower LLC, to me known (or proved to me on the basis of satisfactory evidence) to be the individual who executed the foregoing instrument, and he acknowledged said instrument by him executed to be his free act and deed in said capacity as Manager.

Date: 3-6-2025

Notary Public Signature: _____

BRENDAN M. GILL
Notary Public, Commonwealth of Massachusetts
My Commission Expires February 16, 2029

Notary Stamp or Seal

LANDLORD ACKNOWLEDGEMENT
STATE OF NEW HAMPSHIRE
COUNTY OF ~~CHESHIRE~~: Rockingham

On the date below, before me personally appeared Nicholas C. Brunet, Manger of Greatwoods LLC, to me known, (or proved to me on the basis of satisfactory evidence) to be the individual who executed the foregoing instrument, and he acknowledged said instrument by him executed to be his free act and deed in said capacity as Manger, of the Subject Property as described herein.

Date: 2/21/2025

Notary Public Signature: _____

SARAH F. WALKER
Notary Public - New Hampshire
My Commission Expires Dec 7, 2027

Notary Stamp or Seal

LETTER OF AUTHORIZATION

I, Nicholas C. Brunet, Manager of Greatwoods LLC, which Owns a certain parcel of land located off Flat Roof Mill Road in the Town of Swanzey, Cheshire County, State of New Hampshire, which is depicted as Lot 9, on Assessor's Map 223, and being further described as the same real property conveyed by that certain deed recorded in Deed Book 3115 at Page 253 of the Cheshire County Registry of Deeds,, (the "Property").

As Manager of the above-referenced Property, I hereby authorize Atlantic Tower LLC, and any of its designated agents or assigns, to apply for all necessary municipal, state, federal and other permits necessary to accommodate the installation of a wireless telecommunication facility on the Property.

Sign: _____

Nicholas C. Brunet
Manager

Date: 2/21/25

Abutters List for: Tax Map 223 Lot 9 (Flat Roof Mill Road):

Greatwoods, LLC
58 Priscilla Lane
Auburn, NH 03032
(Tax Map 223 Lot 9)

Eugene and Jean Dubois
25 Newman Street
Keene, NH 03431
(Tax Map 223 Lot 6)

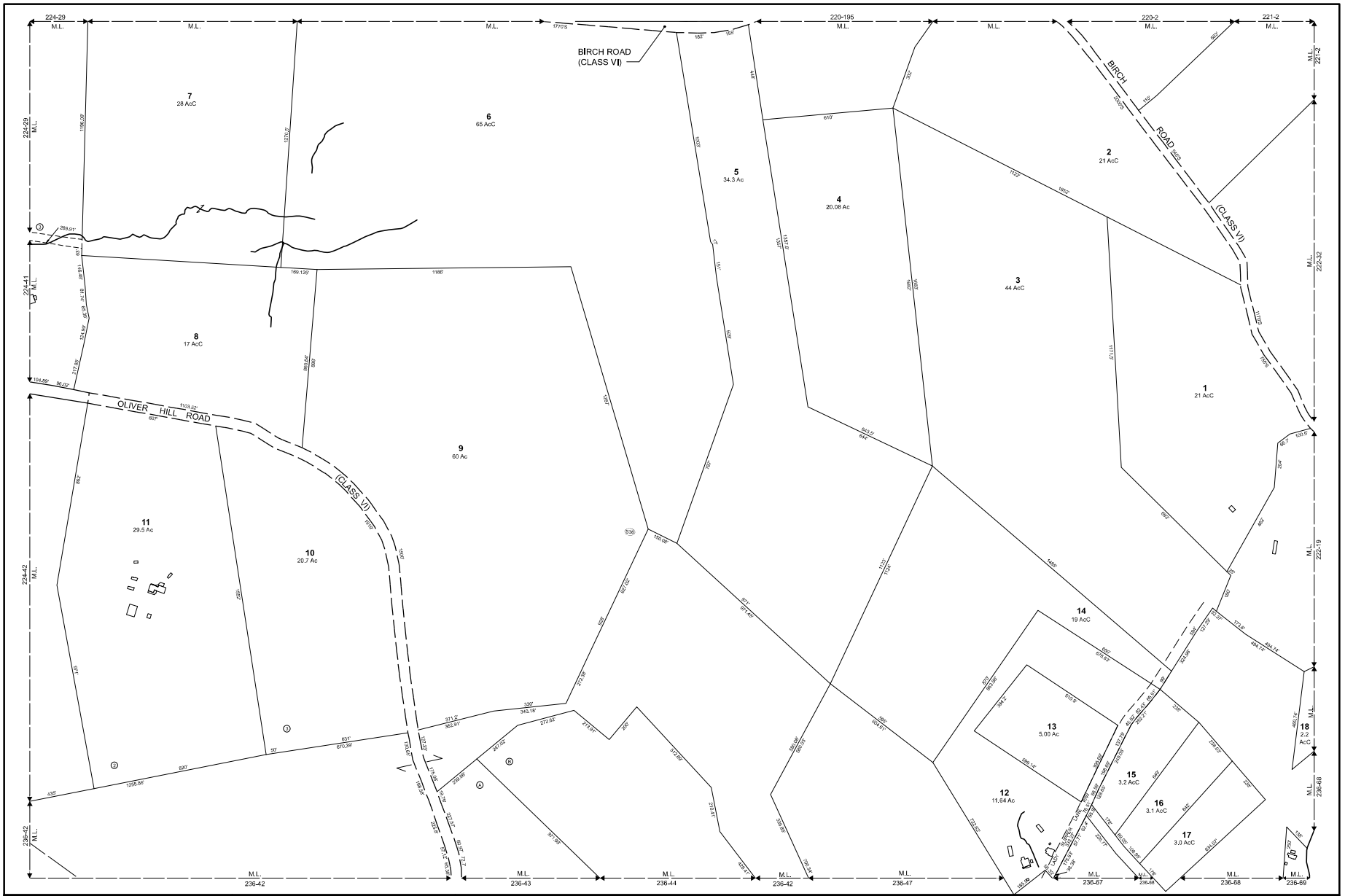
Eugene and Jean Dubois
25 Newman Street
Keene, NH 03431
(Tax Map 223 Lot 8)

Howard Lane, Jr. and Ronald Bemis
P.O. Box 472
Keene, NH 03431-0472
(Tax Map 223 Lot 10)

WH Development LLC
496 Pine Meadow Road
Northfield, MA 01360
(Tax Map 236 Lot 42)

Ata Construction LLC
18 Bradford Street
Ringe, NH 03461
(Tax Map 236 Lot 44)

Devine, Millimet & Branch, P.A.
Attn: Christopher Swiniarski
111 Amherst Street
Manchester, NH 03101
(Representative)



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.

PHOTOGRAPHY DATE: APRIL 2021

COMPLETION DATE: DECEMBER 31, 2023

PRODUCED IN 2023 BY

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LEGEND

AREA SURVEYED ..... Ac
AREA CALCULATED ..... AcC
RECORD DIMENSION ..... 100'
SCALED DIMENSION ..... 100'S
MATCH LINE 5a
WATER ..... -W-
BUILDING
EXEMPT PROPERTY ..... (E)
SUBDIVISION LOT NO. 2
RIGHT OF WAY/ACCESS ..... 66'
COMMON OWNERSHIP
WETLANDS

FEET 200 100 0 200 400 600
METERS 90 25 0 50 100 150

SCALE: 1" = 200'

REVISED TO: APRIL 1, 2023

PROPERTY MAPS

SWANZEY

NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO. 223

TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

Phone: 603-352-7411 ext. 108
Email: planner@swanzeynh.gov
Web: www.swanzeynh.gov
Address: 620 Old Homestead Hwy

Memorandum – Office of Planning & Economic Development

TO: Zoning Board of Adjustment

FROM: Adam Paquette, Town Planner

DATE: **October 14, 2025**

RE: ZBA # 25-016 – Variance & Special Exception – Map 224 Lot 61

Background:

Dervis Anber has requested a Variance and Special Exception pursuant to Section V, Article B.2.b of the Town of Swanzey Zoning Ordinance. The variance seeks permission 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 property is located at 536 Old Homestead Highway, which is Tax Map 224 Lot 61.

Notice of Public Hearing was mailed to abutters on October 6 and notice was published in the Keene Sentinel on October 18.

Discussion:

The applicant proposes adding a third residential unit to an existing two-family dwelling. The new ground-level unit will be approximately 500 square feet in size and will include one bedroom, a kitchen, living area, and bathroom. The unit will connect to the existing on-site septic system and well. Capacity limits for the septic and well have not been noted. This will need to be addressed.

Adequate parking is available on the property to accommodate the additional unit. The site currently provides sufficient off-street parking spaces, with the potential to utilize one bay of the existing garage for additional space if needed. The proposed renovation will be entirely within the existing structure and will not expand the building footprint. Lastly, density limits are adequate and the lot meets acreage and frontage requirements.

Relevant Ordinance Sections:

Section V, Article B.2.b:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Section V.B.2. Amended March 9, 1999)

b. Multi-family dwelling(s): The density requirement for a multifamily dwelling(s) shall be one (1) acre for the first dwelling unit and one half (1/2) acre for each additional dwelling unit, unless connected to public sewer. The maximum density permitted for a multi-family dwelling(s) connected to public sewer shall be twelve (12) units per acre. **The minimum number of units for a multi-family residential dwelling in the Business District shall be five (5) units**; (Amended March 14, 2000, Amended March 8, 2022)

Department Head and Staff Review:

Department Heads were notified of the application on October 6. Comments are as follows:

Planning:

1. A scaled site plan showing number and layout of parking spaces must be submitted.
2. Septic tank, well, and leech field locations are shown on the plan, but there is no indication if these facilities offer enough capacity for three units.
3. The interior floor plan needs to show more detail.

APPLICATION FOR VARIANCE
TOWN OF SWANZEY (New 1/10; Revised 8/22)

MAP# 224 **LOT#** 61

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT: Dervis Anber

MAILING ADDRESS OF APPLICANT: 73 River rd, Walpole NH 03608

fdasfsdafasdfas

Contact phone number: 603-762-6623

OWNER OF PROPERTY: Same
(If same as applicant, write "same")

MAILING ADDRESS OF OWNER: Same
(If same as applicant, write "same")

LOCATION OF PROPERTY (Give Zoning District in which located & current street address)

536 Old Homestead Highway, Swanzey NH 03446
Business District

FEES:

- Application fee: $75
- Current rates for Keene Sentinel Legal Notices
- $10/abutter certified mail notice

Fees will be billed and **must** be paid prior to public hearing.

1. X SITE PLAN – The site plan need not be done professionally, but **must** be to scale; the scale should be appropriate for the size of the project & the plan must be readable. Plans must indicate the size of the lot in acres or square feet, show the placement of all **existing** and **proposed** buildings on the lot and include setbacks required by the zoning ordinance. The plan must include a written and visual depiction of the scale used.

2. X If applicable, indicate on the Site Plan the location of:

septic system and/or leach field
water supply
curb cuts
parking area (and size of parking spaces)
waterways
wetland areas
tree lines
drainage ways
loading docks
underground tank locations
impervious surfaces

It is the applicant's responsibility for including all information on the plan that is pertinent to their application and proposed project.

3. X Attach completed and up-to-date listing of ALL abutters with addresses.

4. X Provide a brief description of the project/request.

A Variance is requested from the terms of Section V, Article B.1 of the Zoning Regulations of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE VARIANCE:

1. Granting the variance would not be contrary to the public interest because:

it does not change the essential character of the area and the property will continue to be used as residential multifamily like it originally was when it was built . It is important to note the unit is being built within the current structure and there are many other multi family dwellings just down the highway.

2. Granting the variance would observe the spirit of the ordinance because:

it would convert the current status from a two unit dwelling to a three unit dwelling. Therefore, it observes the spirt of the ordinance by bringing the property one unit closer to the current ordinance of requiring 5 units with new builds in a business district.

3. Granting the variance would do substantial justice because:

our state is experiencing a severe housing crisis. In a 2023 report by "Up For Growth" NH ranks 4th nationally as a state with the most severe housing shortage. Granting this variance brings us one unit closer to closing the gap.

4. Granting the variance would not diminish the values of surrounding properties because:

there are already multifamily properties in the area and the unit is being built within the preexisting structure. There would almost be essentially no changes to the exterior of the property as code enforcement has already verbally approved the structure/ lot as being appropriate as a three family, providing zoning approves.

5. Unnecessary Hardship

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

The "Special Conditions" of this property that distinguish it from other properties in the area are as follows:

The structure was built in 1925 before the current zoning laws as a multi unit residence and unlike other neighboring properties, it seems to have been structured with multiple units in mind given the size of the driveway/parking lot. Literal enforcement of this newer provision stops myself from expanding the original use and function of this property.

A. Owing to the special conditions of the property as set forth above that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

again, there are already multi family properties in the area and with the size of the lot and available parking, it would have almost no effect on the general public besides supplying another available housing unit to them.

and

ii. The proposed use is a reasonable one because:

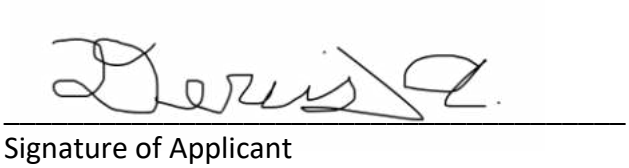
the structure already has two units and adding a third unit only helps our area and helps bring my property actually closer to current zoning laws. It is as well reasonable as the property is already set up to support another unit.

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

B. Owing to special conditions of the property as set forth above 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 therefore necessary to enable a reasonable use of the property because:

it is much more reasonable to add one unit to the current structure than to have to add 3 units and completely build an entire new structure on the property which would come with its own shortcomings pertaining to zoning, code issues, and financial hardship.

Note: The definition of "unnecessary hardship" set forth in subparagraph 5 shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.



Signature of Applicant Date: 9/26/2025



Signature of Property Owner Date: 9/26/2025

THIS VARIANCE IS HEREBY:

_____GRANTED **_____DENIED**

by the Swanzey Zoning Board of Adjustment. The following are reasons and/or conditions:

CHECKLIST FOR GRANTING A VARIANCE
(for use by Swanzey Zoning Board of Adjustment)

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

_____ Yes _____ No

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

_____ Yes _____ No

3. Would granting the variance do substantial justice?

_____ Yes _____ No

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

_____ Yes _____ No

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

_____ _____

Yes 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?

_____ _____
Yes/Agree No

And

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

_____ _____
Yes No

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:

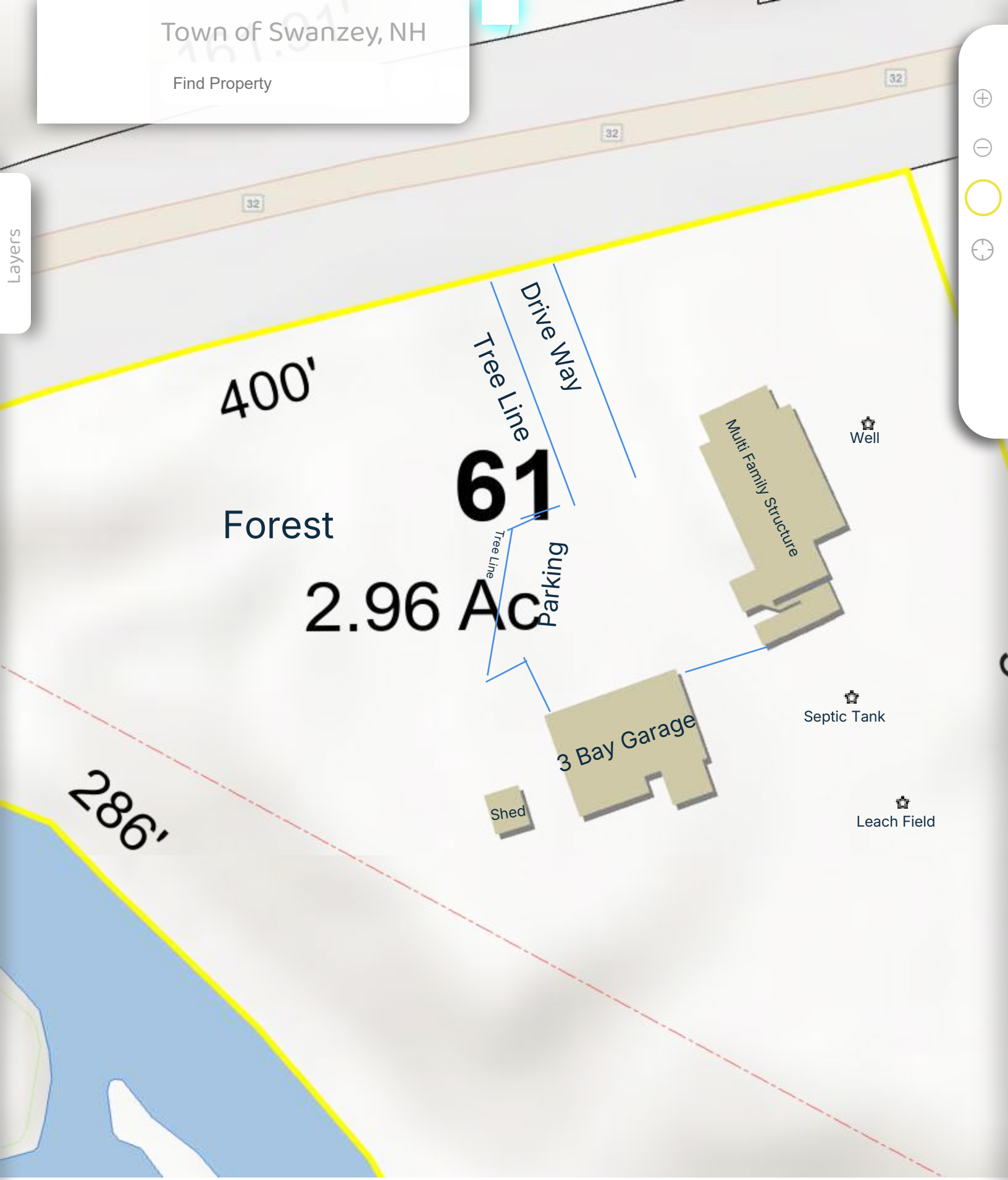
_____ _____
Yes No

If the answer to questions 1, 2, 3, 4 and 5 (5A or 5B) is "yes," the variance should be granted.

If the applicant fails to meet any one of the five variance requirements (1, 2, 3, 4 and/or 5), it cannot be legally granted and should be denied. Note: The applicant only needs to meet either 5A or 5B to satisfy criteria 5.

Project Description

The project will add a third unit to an existing two family home. The third unit will be located at ground level as a one bedroom unit and include approximately 500 square feet of living space. It will be connected to the current septic system and well. Parking for the unit will be provided in one of the seven available outside parking spots with the possibility of including one of the bays in the garage as a parking spot.



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Town of Swanzey, NH

Find Property

Layers



Third Unit Is Ground Level
Approximately 500 sq ft

0 10 ft

x:-72.275409, y:42.876249

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100 feet Abutters List Report

Swanzey, NH
September 26, 2025

Subject Property:

Parcel Number:	224-061-000	Mailing Address:	ANBER, DERVIS
CAMA Number:	224-061-000-000		536 OLD HOMESTEAD HWY
Property Address:	536 OLD HOMESTEAD HWY		SWANZEY, NH 03446

Abutters:

Parcel Number:	224-021-000	Mailing Address:	ROWAN, G-ANN & JOHN W III
CAMA Number:	224-021-000-000		537 OLD HOMESTEAD HWY
Property Address:	537 OLD HOMESTEAD HWY		SWANZEY, NH 03446
Parcel Number:	224-022-000	Mailing Address:	BELL, KEITH A BELL, KEVIN A
CAMA Number:	224-022-000-000		84 SAWYERS CROSSING RD
Property Address:	OLD HOMESTEAD HWY		SWANZEY, NH 03446
Parcel Number:	224-023-000	Mailing Address:	WRIGHT, CHRISTOPHER A & NANCY
CAMA Number:	224-023-000-000		525 OLD HOMESTEAD HWY
Property Address:	525 OLD HOMESTEAD HWY		SWANZEY, NH 03446
Parcel Number:	224-059-000	Mailing Address:	EUROVIA ATLANTIC COAST LLC
CAMA Number:	224-059-000-000		1936 LEE RD, SUITE 300
Property Address:	OLD HOMESTEAD HWY		WINTER PARK, FL 32789
Parcel Number:	224-059-000	Mailing Address:	BARDEN, RAYMOND P
CAMA Number:	224-059-000-BG0-0001		526 OLD HOMESTEAD HWY PO BOX 10383
Property Address:	526 OLD HOMESTEAD HWY Unit 1		SWANZEY, NH 03446
Parcel Number:	224-060-000	Mailing Address:	DUQUETTE, MICHEL A BRUSIE, SHARON E
CAMA Number:	224-060-000-000		530 OLD HOMESTEAD HWY PO BOX 10132
Property Address:	530 OLD HOMESTEAD HWY		SWANZEY, NH 03446
Parcel Number:	224-062-000	Mailing Address:	MONADNOCK REGIONAL SCHOOL DIST
CAMA Number:	224-062-000-000		
Property Address:	580 OLD HOMESTEAD HWY		600 OLD HOMESTEAD HWY SWANZEY, NH 03446

APPLICATION FOR SPECIAL EXCEPTION **MAP#** 224 **LOT#** 61
TOWN OF SWANZEY (Revised 8/22)

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT: Dervis Anber

MAILING ADDRESS OF APPLICANT:
73 River rd
Walpole, NH 03608

Contact phone number:

OWNER OF PROPERTY: Same
(If same as applicant, write "same")

MAILING ADDRESS OF OWNER: Same
(If same as applicant, write "same")

LOCATION OF PROPERTY (Give Zoning District in which located & current street address)

536 Old Homestead Highway
Swanzey, NH 03446
Business District

FEES:

- Application fee: $75
- Current rates for Keene Sentinel Legal Notices
- $10/abutter certified mail notice

Fees will be billed and **must** be paid prior to public hearing.

1. X **SITE PLAN –** The site plan need not be done professionally, but **must** be to scale; the scale should be appropriate for the size of the project & the plan must be readable. Plans must indicate the size of the lot in acres or square feet, show the placement of all **existing** and **proposed** buildings on the lot and include setbacks required by the zoning ordinance. The plan must include a written and visual depiction of the scale used.

2. X If applicable, indicate on the Site Plan the location of:

- Septic system and/or leach field
- Water supply
- Curb cuts
- Parking area (and size of parking spaces)
- Waterways
- Wetland areas
- Tree lines
- Drainage ways
- Loading docks
- Underground tank locations
- Impervious surfaces

It is the applicant's responsibility for including all information on the plan that is pertinent to their application and proposed project.

3. X Attach completed and up-to-date listing of ALL abutters with addresses.

4. X Provide a brief description of the project/request.

A Special Exception is requested from the terms of Section V, Article B.2 of the Zoning Ordinance of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE 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 because:

it abuts other residential properties located in the business district and the property is about 3 acres which provides plenty of space for tenants and follows the zoning requirements for total number of units. The proposed is similar to a one-family to two-family dwelling conversion that does not change the original footprint of the house which is already authorized in the district.

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood because:

there would be little to no change noticeable within the district. Such approval would only add one vehicle coming in and out of the property and would have no effect on other property values. Adding the third unit to the property does not cause injury as it is just a dwelling unit used as a home. It certainly is not offensive as most reasonable people would not see an apartment as offensive, and it is not obnoxious as it is an area with other homes where it blends in.

3. There will be no nuisance or serious hazard to vehicle or pedestrians because:

there is an abundance of room for parking on the property so any tenant vehicles will not block any road or side walks for pedestrian use.

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

all building code requirements will be followed in constructing the unit and all required facilities will be put in place per town and state requirements.



Signature of Applicant Date: 9/26/2025



Signature of Property Owner Date: 9/26/2025

THIS SPECIAL EXCEPTION IS HEREBY:

_____GRANTED **_____DENIED**

by the Swanzey Zoning Board of Adjustment. The following are reasons and/or conditions:

CHECKLIST FOR GRANTING A SPECIAL EXCEPTION
(for use by Swanzey Zoning Board of Adjustment)

The Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety, and welfare. Special Exceptions may be approved if the Board finds in the affirmative that:

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

_____ _____
Yes No

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood

_____ _____
Yes No

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

_____ _____
Yes No

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

_____ _____
Yes No

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.

PHOTOGRAPHY DATE: APRIL 2021

COMPLETION DATE: DECEMBER 31, 2023

PRODUCED IN 2023 BY

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LEGEND

AREA SURVEYED ..... Ac
AREA CALCULATED ..... AcC
RECORD DIMENSION ..... 100'
SCALED DIMENSION ..... 100'S
MATCH LINE ..... M.L.
WATER ..... -W-
BUILDING
EXEMPT PROPERTY ..... (E)
SUBDIVISION LOT NO. ..... (2)
RIGHT OF WAY/ACCESS ..... 60'W
COMMON OWNERSHIP
WETLANDS

SCALE: 1" = 200'
FEET 200 100 0 200 400 600
METERS 50 25 0 50 100 150

REVISED TO: APRIL 1, 2023

PROPERTY MAPS

SWANZEY

NEW HAMPSHIRE

INDEX DIAGRAM

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GN

MAP NO. 224