Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **July 20, 2026**
Whitcomb Hall, Main Street, Swanzey, NH

CALL TO ORDER:
Chair Adam Mulhearn called to order the meeting at Whitcomb Hall at 7:00 pm. Other members present were Vice Chair Ann Karasinski, Jay Ward, Wayne Lechlider and Joe Parisi and Alternates Kyle Croteau and Jessica Ramsey-Sanchez. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT: Peter Delaney

OTHERS PRESENT:
Kai Kraemer with FACT TV, Ryan Cooley (Dillant-Hopkins Airport), Joseph Walsh, Mackenzie Rokes, Ruth Joslin, Wendy Pelletier (Cardinal Surveying)

MINUTES:
The meeting minutes of June 15, 2026 were considered. Joe Parisi commented that the discussions at the previous meeting regarding the changes to the Rules of Procedure were not captured. Susan Ells explained that since Adam Paquette was documenting the decisions that were made, she felt the discussions leading to the decisions were not needed. Joe stated he wasn't looking to make an amendment to the minutes but that he was pointing out that things were missing. A motion was made by Ann Karasinski to approve the minutes as presented. There was a second made by Jay Ward. Jessica Ramsey-Sancez abstained; all others were in favor and the m*otion passed.*

REGIONAL IMPACT:
Chair Mulhearn asked Adam Paquette to clarify the process if a project was considered to have a regional impact. Paquette read the requirements in the RSA. He said that Town Staff would have made the required notifications if they had suspected an impact. He communicated with the Mayor of Keene who had the opportunity to respond but did not.

Jay Ward made a motion that there was no regional impact. There was a second by Ann Karasinski. All were in favor. With no further discussion, Motion passed.

PUBLIC HEARING:
1) **ZBA 26-005:** Cardinal Surveying and Land Planning, on behalf of Joseph Walsh, has requested a variance application in accordance with Section V, Article B.1 of the Zoning Ordinance to allow a residential use in the Business District. The lot is at Tax Map 205, Lot 2 in the Business District.

The applicant requests a Variance from Section V Article B of the Zoning Ordinance to allow a single-family residential use in the Business District. The entire lot within Swanzey is in the Business District. The lot in Keene is within the Rural district.

Adam Paquette explained that most of the Boards and Commissions who he generally sends the applications to have not had a chance to comment officially, but that Town Staff had no major concerns.

He pointed out that in the narrative from the applicant, where it refers to 'special exception', it should read 'variance' and vice versa. He said the property owner must obtain all relevant approvals from Keene before applying for a building permit in Swanzey. Swanzey Code Enforcement Officer will work with Keene's Code Enforcement Officer.

Paquette went on to explain that since the property spans the two towns, the right-of-way and driveway would be in Keene, but the building would be in Swanzey; the mailing address would be in Keene, but Swanzey would tax the property; emergency services would most likely be from Keene.

Joe Parisi asked if the land development study that Adam Paquette provided at the meeting would be relevant to the decision because he would like more time to absorb it; Adam Paquette said he had attached it to the email packet on Thursday and that the Airport Director will speak to it during this meeting.

Wendy Pelletier from Cardinal Surveying and property owner Joseph Walsh presented the plan. Wendy told the Board that this has been a long process so far because it's in two towns. There is frontage in Keene, and the driveway permit is in Keene; the building would be in Swanzey; the property has small frontage along the airport road, but there is no access from Swanzey. FEMA has proposed new flood plain maps which, if approved, there would be no flood plain to be concerned with; Keene has appealed the maps due to some concerns they have in some areas in Downtown Keene; however, even with the current base flood elevation, the proposed home would be on a slab which is a foot and a half above that elevation; with the proposed new map, it would be far above that and would allow them to apply for flood insurance. Jay Ward asked about the septic plan and how far from the wetlands; Wendy confirmed it is beyond the required setback.

The variance being requested is for residential use in the business district. Jessica Ramsey-Sanchez clarified if a business were to be built there, the traffic would go through Silent Way. There was some discussion regarding the airport road, but it is not a town road and there would be no access to this property.

Adam Paquette said it is an unusual situation and that there is some play in the ordinance regarding the requirement of town-maintained road; because Keene maintains the road the driveway is on, he feels the spirit of the town-maintained road is met even though it is in Keene.

There was also discussion about services such as EMS, and which town would provide; where would residents vote, which school would children attend, etc.

Joe Parisi made the point that this is not the venue to discuss these questions; if this was not in the business district, they would not need to be here. The rest of the board agreed there was a lot of curiosity since it is so unique.

Wendy then reviewed the answers she provided to each question on the application for the variance.

Chair Mulhearn asked for public comment; Ryan Cooley, Airport Director, expressed his concerns regarding the City being able to operate and expand the airport property and that there is a lot of

potential in the airport and wants to ensure current and future compatibility. He recommended that the Board should require completion of the FAA OE/AAA Notice of Criteria Tool. He also recommended that the applicant and future owners receive a recorded disclosure that the property is adjacent to an active public-use airport and may be affected by aircraft noise, overflight, ground activity and future airport growth. Another concern is whether fill, grading, culverts, septic improvements, stormwater facilities, or drainage changes could affect the airport. The city must take reasonable measures to manage wildlife hazards and discourage new attractants near the airport.

Paquette stated that if the Board approved the variance that certain conditions should be met; Joe Parisi asked what forum would have been used if the variance wasn't needed. Adam Paquette said there are no public notice requirements for building permits so the Airport would not be notified. Joseph Walsh told the Board that he has been living on the street for 24 years; he is aware of the noise of the airport. Ryan Cooley said that if the airport staff noticed construction, the FAA would be notified and that could halt the construction until it was studied. Ryan said they are required to measure trees around the airport; it is possible they would need to request an easement to remove some trees from that property.

Jessica Ramsey-Sanchez asked to clarify what would be considered by the building inspector if the conditions were not made in this meeting; Adam Paquette said the note can be added in the Avatar software for the building permit and the tax assessment. He also stated that it is generally recommended that Zoning Boards attach as many conditions as they deem necessary.

Wendy said that many of the pine trees have been removed already.

Chair Mulhearn closed the public hearing at 8:31pm. He pointed out that although it is zoned business, there is very little likelihood it could be used for business since the road to access it is through a residential neighborhood. Jay questioned why it was originally zoned as business since there are mostly residential properties in the area. There was no answer to that question.

The Board deliberated the checklist for granting a variance.

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

- Karasinski -Yes - seeing that public interest is protected by the amount of space
- Lechlider – Yes – still some piece is usable for business if it becomes a public way
- Parisi – Yes – not contrary to public interest
- Ward – Yes - in this case it is compatible with neighborhood
- Mulhearn – Yes – doesn't see how a business could operate there

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

- Lechlider – Yes – same as Question 1
- Parisi – Yes - based on how it evolved
- Ward – Yes – since business doesn't fit there currently
- Karasinski – Yes – feels it is the best use of the property currently
- Mulhearn – Yes – feels it's a lesser impact than what could be there

3. **Would granting the variance do substantial justice?**

- Parisi -Yes

- Ward – Yes - for town and family
- Karasinski - Yes
- Lechlider – yes
- Mulhearn - Yes

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

- Ward – Yes – wouldn't diminish the values
- Karasinski – Yes – nothing stated that would harm value
- Lechlider – Yes
- Parisi – Yes – no evidence
- Mulhearn – Yes – no testimony to the contrary

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

- Karasinski – Yes – it is unique; next to airport, Ashuelot river, landlocked; property is a challenge
- Lechlider – Yes – agree with Ann
- Parisi - Yes – absolutely unique
- Ward – Yes – limited access prevents from being used for much use
- Mulhearn – Yes – agree with others

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?

- Lechlider – Yes – no other properties in the area have these conditions
- Parisi – Yes even though it's in business district, it's really a hybrid district
- Ward – Yes – doesn't feel it's a place for a business
- Karasinski – Yes- agrees with other
- Mulhearn – Yes – protects the use, less impact than other uses

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

- Parisi - yes
- Ward - Yes
- Karasinski - Yes
- Lechlider – 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 in necessary to enable a reasonable use of the property:

- Mulhearn -
- Karasinski -
- Ward -
- Parisi -

- Lechlider –

A motion was made by Wayne Lechlider to grant the variance application in accordance with Section V, Article B.1 of the Zoning Ordinance to allow a residential use in the Business District with the conditions that the FAA requirement tool be completed prior to the building permit and the airport noise disclosure on the property be noted on the tax card; Joe Parisi seconded the motion; all were in favor and the motion passed.

Jay Ward made a motion to suspend the rules and allow the next meeting to start after 9pm. Wayne Lechlider seconded the motion. All were in favor and the motion carried.

The Chair opened the public hearing at 9:02pm.

2) **ZBA 26-006:** Cardinal Surveying and Land Planning, on behalf of Joseph Walsh, has requested a special exception application in accordance with Section IX of the Zoning Ordinance to allow development within the Flood Plain District. The lot is at Tax Map 205, Lot 2 in the Business District.

The applicant is also requesting a Special Exception in accordance with Section IX of the Zoning Ordinance to allow development within the flood plain district. Both the Keene and Swanzey sections of the lot fall within a FEMA designated Special Flood Hazard Area. See attached map for reference.

Adam Paquette said that one topic for discussion is the following line in Section IX that states:
No Special Exception shall be granted in the Flood Plain District except under the following conditions:
1. The proposed development is otherwise permitted in the underlying District

It is Town Staff's opinion that the variance of Section V, Article B.1 addresses this requirement. Since the ZBA approved the variance application, this requirement should be seen as fulfilled. When an applicant seeks to deviate from permitted zoning uses, they must apply under the specific section governing those uses, rather than a section in an overlay district that references them. He sees no further issues with proceeding with the special exception.

Wendy reiterated that the foundation is above the current base flood elevation; the property around the foundation may need to have some fill added, or the property will be shaped; after the home is built, the property owner will file for A Letter of Map Amendment so they can purchase flood insurance. Joe Parisi asked if flooding has ever happened; Wendy said she asked a neighbor who said in 40 years it has not flooded. Jay Ward asked about the septic system; Mr. Walsh said it was designed with the current flood plain in mind. Wayne asked about their source of water and was told the source would be from Keene.

Chair Mulhearn closed the public hearing at 9:22pm.

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.**

- Parisi – Yes - he feels it is an appropriate use
- Ward – Yes - because the variance was allowed -appropriate use

- Karasinski – Yes – this is like another case with challenging topography
- Lechlider – Yes
- Mulhearn - Yes

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

- Ward – Yes
- Karasinski – Yes – would not reduce value, nor offensive to the neighborhood
- Lechlider – Yes
- Parisi – Yes – no evidence – good design approach
- Mulhearn - Yes

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

- Karasinski -Yes
- Lechlider – Yes - based on what was presented
- Parisi – Yes
- Ward – Yes – private residence
- Mulhearn - Yes

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

- Lechlider – Yes - based on what was presented
- Parisi – Yes - agree with Wayne
- Ward – Yes – design of septic will be adequate
- Karasinski – Yes -agree with Jay
- Mulhearn – Yes

A motion was made by Ann Karasinski to grant the exception application in accordance with Section IX of the Zoning Ordinance to allow development within the Flood Plain District. Jay Ward seconded – all were in favor and the motion passed.

OTHER DISCUSSIONS

A. Rules of Procedure Discussion – postponed to a future meeting

B. Follow-up Discussion on Zoning Ordinance Audit - postponed to a future meeting

  a. Questions, insights, etc.

ADJOURNMENT

A motion to adjourn was made by Jay Ward and seconded by Adam Mulhearn and all were in favor. The motion passed. Adjournment occurred at 9:30pm.

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on August 17, 2026