Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – October 19, 2026
Whitcomb Hall, Main Street, Swanzey, NH

CALL TO ORDER:
Chair Adam Mulhearn called to order the meeting at Whitcomb Hall at 7:00 p.m. Other members present were Jay Ward, Wayne Lechlider and Joe Parisi and Alternates Peter Delaney, Kyle Croteau, and Jessica Ramsey-Sanchez. Also present was Director of Planning and Community Development, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT: Vice Chair Ann Karasinski

OTHERS PRESENT: Daniel Barowski of Fieldstone Land Consultants, Muhammed Armughan and his mother who are owners of Neighbors, and Rob Therrian who is an abutter.

SEATING ALTERNATES:
The chair seated Jessica Ramsey-Sanchez for Ann Karasinski.

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

MINUTES:
The meeting minutes of September 21, 2026 were considered. Jessica Ramsey-Sanchez mentioned a question she had brought up had not been recorded. The Board agreed the question should be added. A motion was made by Jay Ward to approve the minutes as amended. There was a second made by Jessica Ramsey-Sanchez. Joe Parisi, Wayne Lechlider, Adam Mulhearn and Peter Delany abstained. All others were in favor and the m*otion* passed.

PUBLIC HEARING:
ZBA 26-010: Fieldstone Land Consultants, representing Neighbors LLC, has submitted an application for a Variance under Section V, Article B.1 of the Zoning Ordinance. The request seeks permission to allow a single-family dwelling in the business district. The property in question is identified as Tax Map 224, Lot 33 (472 Old Homestead Hwy) and is currently occupied by Swanzey Neighbors gas station and convenience store, off NH Route 32.

Adam Paquette read the application along with the comments and suggestions from the Planning Department, the Fire Department and the Economic Development Advisory Commission. These suggestions included a dedicated parking spot, paved pathway, landscape buffers, relocation further away from the store, access for fire or emergency response, and a comment that the use was incompatible for the business district zone.

Joe Parisi asked for clarification because the application refers to where the mobile home will be placed, although it appears that it is already in place. Daniel Barowski, Land surveyor from Fieldstone, replied

that the plan is to move it to comply with the requirements. It is not connected to any utilities and is not being used currently.

Mr. Barowski presented the site plan and described the property which is on the edge of the business district with a small section in the residential district; the purpose of the variance is to provide affordable housing for a full-time employee of the business. Mr. Barowski reviewed and answered each question on the checklist, stating that he believes this would have a low impact on the property.

Chair Mulhearn questioned whether the mobile home that there is currently there is the one that would be put in place and was told that it is. He asked how it would be installed. Mr. Barowski replied there would be on a concrete slab, the septic would be connected to the existing tank and leach field; the water would be connected to the existing well on the property.

Wayne Lechlider asked how far it would be from the business building. Mr. Barowski said the owners would like it to be far enough away to not be a nuisance to the store which is roughly 40 feet; the access would be in the business parking lot.

Adam Paquette suggested designated parking spaces in business parking lot and a pathway to the mobile home.

Chair Mulhearn pointed out that as it relates to the Town, this structure is not on a site plan. Mr. Barowski reiterated that it is currently being stored on site but is not hooked up and not occupied.

Joe Parisi requested substantiation on Mr. Barowski's statement that it would not diminish the property value; Mr. Barowski replied that in his experience this would not diminish the value, but that he did not have a realtor assessment.

Pete Delaney clarified that this property is in business district and adding a single-family unit would need a variance for a mixed use.

Kyle Croteau asked if it would be strictly for the employee and wouldn't be rented to other tenants in the future. The plan is that it will be used as an incentive, but if the tenant changed jobs, they would not be evicted because they will not be working for the business any longer. Adam Paquette pointed out that technically, it is not relevant to this case.

Jessica Ramsey-Sanchez asked if the property could be used for another purpose such as putting another business there which would be compliant with the use of the property. Mr. Borowski replied that adding another business would likely cause more traffic and parking and might require a change to the curb cut; Jessica stated that her point is that it might be taking away an option for a business in the business district.

Jay Ward clarified that if this was approved, it is for a single-family dwelling, not multi-family dwellings.

Chair Mulhearn explained the Board's job to the applicant; that the Board has to determine what hardship might exist so that they could allow this purpose; what are the characteristics of the property, etc. that it would not unduly frustrate the ordinance.

Mr. Armughan explained that his business is already located next to houses. Their hardship is economic; they cannot hire full-time workers due to lack of affordable housing. He wants to be able to incentivize someone to be able to work full-time and they would not have to pay for housing.

Chair Mulhearn explained their responsibility to the Town's ordinance and that the Board does not make the rules, but they must follow them.

Kyle Croteau commented that there would be nothing stopping them from later renting it to someone other than an employee.

Rob Therrien is an abutter, but also a business owner who said that he understands the concern of affordable housing for employees.

Mr. Borowski reiterated that this would be a compatible use.

Chair Mulhearn explained the next steps and then closed the public hearing at 8:13pm.

He asked the Board for comments and questions. Jay said he always likes to provide opportunities for increased housing when there is an opportunity. Chair Mulhearn said that he sympathizes with their situation but also reminded the Board of their duty.

The Board deliberated the checklist for granting a variance.

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

- Lechlider –Yes – based on the information presented; good points about the property.
- Ward – Yes – not contrary to public interest; no provision in ordinance for mixed use property. Would be in the public interest in this case.
- Ramsey-Sanchez – No – can't in good conscience since it doesn't represent the public interest
- Parisi – Yes - one of the justifications is that it is partly in residential area; all others are business
- Mulhearn – No - property is commercial; even with some residential – not distinguished enough

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

- Parisi – No – ordinance is clear to segregate business from residential
- Ward – Yes, agreed with Wayne's answer that it was a business
- Ramsey-Sanchez – No - made the argument would be to sustain business; but not only option, spirit is to keep residential separate from business
- Lechlider – Yes – looks at rental property as extension of the business – essentially part of their business
- Mulhearn – No

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

- Lechlider – Yes – doesn't see injustice; size of lot – another business could still be added
- Parisi – Yes – potential injustice to property owner is greater than justice to the town
- Ward – Yes – justice to property owner and to the town for affordable housing
- Ramsey-Sanchez – Yes – not enough reason to say no
- Mulhearn – Yes – not enough injustice to town – more justice to the applicant

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

- Ward – Yes – no evidence – Windsock Gardens is a business in the residential business nearby
- Ramsey-Sanchez – Yes – but her concern is that once use changes, there are different dynamics but that it shouldn't affect surrounding property values
- Lechlider –Yes
- Parisi – No - no data provided either way
- Mulhearn – Yes – no evidence that it would reduce the property values

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

- Ward – Yes - Abuts residential district; and there are businesses in residential district. No clear delineation – a transition property
- Ramsey-Sanchez – No –
- Lechlider – Yes – agree with Jay
- Parisi – No – doesn't see this property as unique
- Mulhearn – No – doesn't see unique difference

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 -
- Parisi – No – no special conditions of the property
- Ward – No - no special conditions of the property
- Ramsey-Sanchez – No – no special conditions of the property
- Mulhearn – No – doesn't feel there is a special condition

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

- Lechlider – Yes
- Parisi - No
- Ward - Yes
- Ramsey-Sanchez - No
- 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:

- Parisi - No

- Ward - Yes
- Ramsey-Sanchez -No
- Lechlider – Yes
- Mulhearn - No

Chair Mulhearn announced that Question 2, 4 and 5 were not in agreement in majority; consensus was not met so there cannot be a motion to accept.

A motion was made by Joe Parisi to deny the variance request, Jessica Ramsey-Sanchez seconded; all were in favor and the motion passed.

OTHER DISCUSSIONS

Rules of Procedure

The Board reviewed suggested changes to the Rules of Procedures. The current language is as follows with changes in red and deleted text struck out:

ALTERNATE MEMBERS

4. ~~During deliberations, alternate members may participate in the discussions. Alternates shall not be allowed to make motions, second motions, or vote unless seated in the place of a regular member.~~ Alternate members may participate in discussions until the public hearing is closed. Once closed, alternates shall not make motions, second motions, or vote, or participate in discussions unless formally seated for a regular member.

~~CLERK~~ (RECORDING SECRETARY)

The ~~clerk~~ Recording Secretary, who shall not be a Board member, shall maintain a record of all meetings, transactions and decisions of the Board, and perform such other duties as the Board may direct. The ~~clerk~~ Recording Secretary is appointed by the Board of Selectmen.

MEETINGS

1. Regular ~~Zoning Board of Adjustment~~ ZBA meetings are held on the third Monday of every month at ~~the Town Hall in Swanzey Center at~~ 7:00 p.m at Whitcomb Hall (17 Main Street, Swanzey, NH 03446), except in January and February, when the meeting will be held on the ~~second~~ fourth Monday. ~~Public Notice must be provided as required by RSA Chapter 91-A. If an emergency situation arises wherein action is required prior to the next scheduled meeting, the necessity for calling a special meeting will be determined by the Chair or in their~~ If action is required before the next scheduled meeting, the Chair (or Vice-Chair in their absence) shall determine the necessity of a special meeting.

2. A quorum for all meetings of the Board shall be three members, including alternates sitting in the place of members. ~~As stated in RSA 673:11~~ RSA 674:33,III states that

~~provides that~~ "~~The concurring vote of 3 members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.~~" "the concurring vote of any 3 members of the board shall be necessary to take any action on any matter on which it is required to pass." For this reason, the Board will make every effort to ensure that a full five-member Board is present for the consideration of any appeal.

b. If any regular Board member is absent from any meeting or hearing, or disqualifies themself from sitting on a particular case, the Chair shall designate one of the alternate members to sit in the place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting. Alternates appointed in absence of a regular member, and participating in a public hearing on an appeal, shall retain the seat of the regular member when Board discussions and decisions pertaining to that appeal take place, and shall remain seated in case of the hearing being continued.

3.a. The disqualification shall be announced by either the Chair or the member disqualifying themself before the beginning of the public hearing on the case. The disqualified member shall absent themself from the Board table during the public hearing and during all deliberation on the case. The recused member retains the right to speak as a member of the public during the public hearing.

4.b. Board members are not authorized to independently enter private property, conduct un-planned site visits, or engage in similar activities. Entry is permitted only with formal Board approval or in strict adherence to affidavits signed during the application process.

5. The order of business for regular meetings shall be as follows:
   a. Roll call by the ~~clerk~~ recording secretary.
   b. Minutes of previous meeting.
   c. Regional impact vote.
   d. Public hearings.
      i. Seating of Alternates (before each public hearing).
   e. Unfinished business.
   f. New business.
   g. Communications and miscellaneous.
   h. Adjournment

APPLICATIONS AND DECISIONS

2.b. ~~Personal~~ The public hearing notice shall be made by certified mail to the applicant and all abutters not less than five (5) days before the date of the hearing, not including the date of posting or the date of the hearing.

2.c. ~~Fees for certified notices and publication in the Keene Sentinel must be~~ All associated application fees must be paid by the applicant prior to the public hearing. The Board will not hear the application if fees have not been paid prior to the public hearing. ~~Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny appeal without hearing.~~

ADJOURNMENT

A motion to adjourn was made by Jay Ward and seconded by Jessica Ramsey-Sanchez and all were in favor. The motion passed. Adjournment occurred at 9:26p.m.

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on November 16, 2026