TOWN OF SWANZEY

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

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Swanzey Zoning Board of Adjustment
Meeting Agenda for June 15, 2026
7:00 p.m.

The regular meeting of the Swanzey Zoning Board of Adjustment will be held on Monday, June 15, 2026 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. April 20, 2026
3) Public Hearings
    a. None
4) Other Business
    a. Rules of Procedure Discussion
    b. Follow-up Discussion on Zoning Ordinance Audit
        i. Questions, insights, etc.
5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **April 20, 2026**
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 Mulhearn called to order the meeting at Whitcomb Hall at 7:00pm. Other members present were Vice Chair Ann Karasinski, Jay Ward, Wayne Lechlider and Joe Parisi and Alternates Peter Delaney, and Jessica Ramsey-Sanchez. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT: None

OTHERS PRESENT:
Kai Kraemer with FACT TV, Keith Bell, John and G-Ann Rowan from Bell's Septic Tank Service, Sarah Brothers, William McCloy from Normandeau Associates, Adam Shoukiman from Eversource Energy, Sarah and Kyle Croteau, Joe Hoebeke from Eversource Energy, Cindy Kordys, and John Noonan from Fieldstone Land Consultants.

MINUTES:
The meeting minutes of March 16, 2026, were considered. A motion was made by Jay Ward to approve the minutes as presented. There was a second made by Ann Karasinski. The minutes were amended to state that Joe Parisi had abstained. All were in favor except Wayne Lechlider who abstained; the motion passed to approve the minutes as amended.

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

PUBLIC HEARING:
A. **ZBA 26-003: Special Exception** (CONTINUED FROM 3/16) – Eversource Energy, through its consultant Normandeau Associates, has submitted a Special Exception application pursuant to Section IX of the Zoning Ordinance to allow development within the Flood Plain District. The proposed work is part of the Eversource A152 Transmission Line Project.

Adam Mulhearn and Pete Delaney recused themselves; Adam Mulhearn turned to meeting over Vice Chair Ann Karasinski who seated Jessica Ramsey-Sanchez for Adam Mulhearn.

Adam Paquette read the application which is for replacing 4 existing utility structures within the floodplain in Swanzey. He stated that the project complies with the newly proposed Wetland Ordinance, as replacement of utility structures is a permitted use. The Conservation Commission requested

clarification on the timing of the construction because of the protection of the vernal pools and a potential turtle wintering area.

Chair Ann Karasinski opened the public hearing at 7:08pm.

William McCloy from Normandeau Associates and Adam Shoukiman from Eversource Energy addressed the question from the Conservation Commission by responding that they have been coordinating with the NH Fish and Games Department as part of the State Wetland permitting process who indicated they would prefer the work be done between October 16 and April 14 to allow for the potential turtle overwintering habitat pond near the work area; in accordance, Eversource will do the work during the fall and winter.

This work being done is within the flood plain and they welcomed questions regarding this project. Joe Parisi asked about the references to work needed to get across 2 wash outs on the rail trail and asked whether they have been coordinating with the rail trail committee; Mr. McCloy replied that they are waiting for the recommendations from the Rail Bureau on how they want them to proceed in those areas; Wayne Lechlider recalled them coming before the Board in 2022 and said this was a similar which the Board approved. Mr. McCloy confirmed that in 2022 they replaced one pole on the same property with the same access points. Jessica Ramsey-Sanchez asked about the use of the rail trail; Mr. McCloy explained that they use the trail to get the equipment in and out; they use it in its current condition in most cases unless any repair is needed to get their equipment in. Ann asked whether the cut oof the existing wooden utility poles that have been there since 1968 and was told that they will remove the poles entirely and then fill the hole. Jay asked if they are working with the Swanzey Rail Trail Committee and was told they are working with the State Rail Bureau. Jessica about the life expectancy of the new poles and was told the weather-sealed poles are expected to last 80+ years.

Ann Karasinski asked if there were any questions from the public.

Sarah Brothers asked whether there would be access through anyone's property and she was told that if that was necessary, those property owners would have already been notified. She also asked who received notices; Adam Paquette explained that they are legally required to send notices to all the abutters of the rail trail even though this special exception is only for development in the flood plain.

Cynthia Kordys is from the Swanzey Rail Trail committee, and she invited the applicants to attend the next meeting on May 7th at 6pm at Whitcomb Hall so that the committee can ask questions since they have done a lot of work to restore the trails. She then went on to say that in 2022, Eversource had done work on lines on her property and her wetlands got damaged when equipment got stuck and that the property was not repaired. Adam Shoukiman explained that they will be using timber mats in the wetlands for the equipment to go over the wetlands and that when the project is done, the mats will be pulled out, and the area will be seeded and mulched. Will McCloy assured her that he will have Eversource follow up with her.

Jessica asked if subcontractors will be used and it was explained that the project will get awarded to a line contractor; some are self-performed and some use sub-contractors. Normandeau Associates will provide oversight and will conduct inspections of the work being done and will report to the State.

Keith Bell said that Eversource worked on his property for 2 years and they cleaned it up perfectly and it was inspected periodically.

Adam Mulhearn asked about the survey that had been done prior to the transmission lines going across the road; if so, he was hoping the survey was available to share. Adam Shoukiman said there are several surveys done for various reasons and presumed it was proprietary but offered to investigate it.

Ann Karasinski closed the public hearing at 7:30pm.

Jessica had some questions for the applicants regarding the work pad, so Ann Karasinski reopened the hearing to ask these specific questions. Will McCloy explained that the work pad is a 30x50 gravel lot on which their equipment is placed during the project. Once the work is done, they will defer to the wishes of the landowner and the caretaker and will remove the pad if the caretaker wishes or will leave it there in case future maintenance is needed. He also explained that the timber mats will not be placed where the turtles are overwintering.

Joe asked what the new poles will have for a foundation and Will McCloy described the process and material used to install the pole.

Ann Karasinski closed the public hearing at 7:37pm

There were no further questions from board. 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.**
- Ramsey-Sanchez – Yes because there are pads already being used
- Lechlider – Yes – past construction was the similar scenario
- Karasinski – Yes – use this is already authorized
- Ward – Yes – already authorized this use in this area
- Parisi – Yes, since it has been done in the past

2. **Such approval would not reduce the value of any property within the district, not otherwise injurious, obnoxious, or offensive to the neighborhood.**
- Lechlider – Yes – track record shows property has been restored
- Karasinski -Yes
- Ward – Yes – no evidence to contrary
- Parisi – Yes – agrees with others
- Ramsey-Sanchez -Yes – agrees with the others

3. **There will be no nuisance or serious hazard to vehicles or pedestrians.**
- Ward – Yes – based on where project is located
- Parisi – Yes – no testimony that would support any potential nuisance or hazard.
- Ramsey-Sanchez -Yes – concur with others
- Lechlider – Yes – knowing slope of job he's sure there will be proper protections
- Karasinski -Yes – based on what she's seen

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

- Lechlider –Yes - based on information from applicant
- Karasinski -Yes – no issues within the document
- Ward – Yes – comprehensive approach
- Parisi – yes – plan is well thought out and well-articulated
- Ramsey-Sanchez – Yes – based on application

A motion was made by Wayne Lechlider to grant special exception ZBA 26-003, Jay Ward seconded the motion; all were in favor and the motion passed.

Ann invited volunteers to apply to be alternates members of the committee.

Adam Mulhearn and Peter Delaney returned to the Board table, and Adam resumed the role of Chair.

B. **ZBA 26-004: Variance** – Fieldstone Land Consultants, on behalf of John Rowan, have submitted a Variance application under Section IV, Article A.1 of the Zoning Ordinance. The applicant proposes the construction of a 6,000 square foot building to operate Bell's Septic Tank Service within the Rural/Agricultural District portion of the property. The site is identified as Tax Map 224, Lot 21, which is currently split between the Business and Rural/Agricultural Districts.

Adam Paquette read the application and explained that this site is currently split between the Business and Rural/Agriculture Districts. Since the boundary line divides the lot, the ordinance allows the building to extend not more than 30 feet into the more restricted portion; the back corner of the building is at 67.5 feet beyond the boundary line, so it needs a variance. Adam said he received no comments from department heads and no staff comments other than wishing it was able to be pushed forward to comply without a variance.

John Noonan spoke on behalf of John Rowan who owns Bell's Septic Tank Service and described the site plan and the features of the property which requires it to be 67.5 feet into the Rural/Ag district (37.5 feet past what is allowed). Mr. Noonan answered the Board's questions saying that the driveway would be widened; passersby would be able to see the customer entrance at the front of building from opening of the driveway but that the berm would be blocking most of the building. Chair Mulhearn asked about use and how much traffic would be expected. Mr. Noonan explained that the tanker trucks would pull into garage bays back of building; the front will be a reception office for bill paying; etc. Joe asked if the existing business is moving and that was confirmed. Chair Mulhearn asked if all the trucks would be covered and that was confirmed. He asked the height of the building and was told it would be 30 feet high. When asked how many times per day the trucks would exit the driveway, he was told that they typically leave in the morning and come back in the afternoon. Joe clarified that the only access is from Route 32.

Mr. Noonan then reviewed the answers he provided for the application checklist. Joe asked for clarification regarding the septic system location; Mr. Noonan replied that the back of the building was used for years to store fill, making it difficult to dig a septic system and that the front area is native,

untouched sandy soil which is better for digging. If they pulled the building forward, it would encroach on the existing septic system for the nearby house and on the shoreline protection area for the river.

Chair Mulhearn asked for any questions from the public. Sarah Brothers expressed concern that this is close to the school zone and wondered about student pedestrian traffic.

When there were no more questions, Chair Mulhearn closed the hearing at 8:24pm and then asked for questions from the Board. He commented that it was a rare case with dual zones; the Board was reminded that the variance is for the 37.5 feet and not for the use of the property.

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 information provided
- Karasinski – Yes – same reasons
- Ward - Yes – it is in the public interest
- Parisi – Yes – nothing contrary to public interest
- Mulhearn – Yes – same reasons

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

- Karasinski – Yes - acting in spirit of the ordinance
- Ward – Yes - division between business and rural agriculture was meant for this purpose
- Parisi – Yes – agree with Jay
- Lechlider – yes – agree with the others
- Mulhearn – yes – spirit is to protect certain zones – minimizes impact

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

- Ward – Yes – constraints on the property are such that granting will do justice
- Parisi – Yes – not granting would do injustice given special aspects of the lot
- Lechlider – Yes – agree with others
- Karasinski – Yes – best use of property and environment
- Mulhearn – Yes – agree with others

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

- Parisi -Yes – lack of input or testimony of abutters
- Lechlider – Yes – people driving on Route 32 won't see any significant change
- Karasinski -Yes – agrees with others
- Ward -Yes – value of this property will increase and will increase other properties
- Mulhearn – Yes – this use won't impact – no evidence to the contrary

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

- Lechlider – Yes – watershed in the back, sloping of property, river
- Karasinski -Yes – prior owners had modified soil contact and made it difficult to fully utilize it

- Ward - Yes- because it is in 2 zones and best soil is in the front which prevents the building from moving forward on the property
- Parisi – Yes – While there is another approach, that would be an unnecessary hardship
- Mulhearn – Yes – for all reasons there are special conditions

A.i. Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the provision to the property?

- Karasinski – Yes – this is what this is for
- Ward – Yes – specific application of provisions of the property
- Parisi – Yes – agrees with others
- Lechlider – Yes
- Mulhearn – Yes

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

- Ward – Yes – relocation of a business which allows it to expand
- Parisi – Yes – very reasonable use
- Lechlider – Yes
- Karasinski - Yes
- Mulhearn – Yes – focused, very little encroachment.

A motion was made by Jay Ward to grant the variance request ZBA 26-004, Ann Karasinski seconded – all were in favor and the motion passed.

OTHER DISCUSSIONS

A. Rules of Procedure Discussion

Adam Paquette asked the Board if they had any questions or thoughts on the drafted Rules of Procedure. Joe sent him some comments via email which Adam will consider in the draft. There was a discussion about procedures regarding alternates. Adam requested the Board to send any other questions or comments to him so he can include them.

B. Unauthorized Enforcement Action Letter

Adam Paquette then asked if the Board had any questions regarding the letter; Joe asked if the issue was about being on a private property or collecting data outside of an official meeting; Adam confirmed that going onto private property without permission is an issue; viewing from a public vantage point and then reporting a violation to the code enforcement officer is the correct procedure. He said this letter is going out to all elected boards; Jay said it is a reminder that the Board does not have enforcement authority. If there are questions, talk with Adam separately.

He went on to say that he had a meeting regarding the SWRPC zoning audit and is planning a joint meeting between the Zoning Board, Planning Board, Conservation Commission and EDAC; the expected date is June 4th around 5 or 6pm, but he will keep them posed.

He reported there are potential alternatives to the Board; Kyle Croteau and Bill Hutwelker (as needed).

ADJOURNMENT
A motion to adjourn was made by Jay Ward and seconded by Joe Parisi and all were in favor. The motion passed. Adjournment occurred at 9:06 p.m.

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

DRAFT

RULES OF PROCEDURE
SWANZEY ZONING BOARD OF ADJUSTMENT

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1, and the zoning ordinance and map of the Town of Swanzey.

OFFICERS

1. The Chair shall be a regular member elected annually by a majority vote of the Board (including alternate members) in the month of March. The Chair shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix their signature in the name of the Board.

2. The Vice-Chair shall be a regular member elected annually by a majority vote of the Board (including alternate members) in the month of March. The Vice-Chair shall preside in absence of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence of the Chair.

3. All officers shall serve for one year and shall be eligible for re-election.

ALTERNATE MEMBERS

1. Up to five alternate members shall be appointed by the elected Zoning Board of Adjustment, to serve whenever a regular member of the board is unable to fulfill their responsibilities. Alternate members shall serve a term of three years in accordance with RSA 673:6. When alternate member vacancies are posted, registered Swanzey voters seeking to be appointed as an alternate member shall submit their letter of interest to the Town Planner or designee. The voting on the appointment of alternate members shall occur at a date and time included in the posted notice of vacancy.

2. Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill their responsibilities.

3. At meetings of the ZBA, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other board members, the applicants, abutters and the public.

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, unless formally seated for a regular member.

5. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate and participate in making motions and voting.

6. At all times, the chair shall fully inform the public on the status of any alternate present and identify the members who shall be voting on the application.

CLERK

The Clerk, 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 is appointed by the Board of Selectmen.

MEETINGS

1. Regular Board of Adjustment meetings are held on the third Monday of every month at ~~the Town Hall in Swanzey Center at 7:00 p.m~~ 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 absence, the Vice-Chair.~~ Public notice must be provided in accordance with RSA 91-A. 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.

a. In the event it is not feasible to constitute a 5-member Board, the Chair shall, prior to the commencement of any proceeding, allow the applicant the opportunity to elect to either proceed with the Board then sitting, or postpone the hearing until the next meeting of the Board at which 5 members are present. Should the applicant choose to proceed with less than five members present, that shall not solely constitute grounds for a rehearing should the application fail.

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.

c. If the Chair or Vice-Chair are both unable to serve due to absence or disqualification, the remaining Board members shall elect an alternate Chair to serve until the Chair or Vice-Chair can resume the duties of the Chair.

3. If any member finds it necessary to disqualify themself from sitting in a particular case, as provided in RSA 673:14, they shall notify the Chair as soon as possible so that an alternate may be requested to sit in their place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

    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.

4. Ex Parte Communications:

    a. Board members shall avoid ex parte communications with the applicant or any person interested in the application. In the event that ex parte contact occurs, Board members shall disclose the nature and date of the communication at the beginning of the public hearing.

    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.

c. Board members shall not seek input or advice from any source regarding the application outside of the public hearing process.

d. Applicants and interested parties should direct questions regarding the process to the Town Planner or designee. If an applicant or interested party contacts a Board member, the member should refer that person to the Town Planner or designee, or advise the person to submit information to the Board in writing.

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

6. It shall be the policy of the Zoning Board of Adjustment not to commence new public hearings after 9:00 p.m. This policy may be temporarily suspended upon the majority vote of the Board members present (including alternates).

   a. Meetings will adjourn at 10:00 p.m. This policy may be temporarily suspended upon the majority vote of the Board members present (including alternates).

APPLICATIONS & DECISIONS

1. Applications

   a. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Town Planner or designee who shall record the date of receipt.

   b. Appeals from an administrative decision taken under RSA 676:5 shall be filed within thirty (30) days of the decision. The date the decision was rendered shall not be counted in the 30-day period. If the 30th day falls on a Saturday, Sunday or Town

holiday, the appeal shall be filed no later than the last regular business day preceding the Saturday, Sunday or Town holiday.

c. No application to the Zoning Board of Adjustment will be processed unless it is received by the Town Planner or designee at least 14 days before the date of the meeting.

d. If the application refers to any case law, statute, or administrative rule, copies of the same must be affixed to the application at the time of submission.

2. Public Notice

a. Public Notice of public hearings on each application shall be given in the Keene Sentinel and shall be posted at the West Swanzey and Swanzey Post Offices, the Town Office and the Town's website not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made and the date, time and place of the hearing.

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.

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.~~

3. Public Hearing. The conduct of public hearings shall be governed by the following rules:

a. The Chair shall call the hearing in session and ask for the Town Planner or designee's report on the first case.

b. The Town Planner or designee shall read the notice of application and report on how public notice and personal notice were given. The Town Planner or designee will disclose the location and description of the subject property by use of tax maps, slides or photographs.

c. Members of the Board may ask questions at any point in the testimony.

d. Each person who appears shall be required to state their name and address and indicate whether they are a party to the case or an agent or counsel of any party of the case.

e. The Chair shall control the conduct of the hearing and may impose reasonable limitations upon the number of times and the length of time any person may speak so long as everyone with a legitimate interest is given a reasonable opportunity to state their views and present evidence.

f. Anyone who wants to ask a question regarding the case must do so through the Chair.

g. The applicant shall be called to present their appeal and those appearing in favor of it will be allowed to speak.

h. Those in opposition to the appeal shall be allowed to speak.

i. Those in favor of the appeal shall be allowed to speak in rebuttal.

j. Those in opposition to the appeal shall be allowed to speak in rebuttal.

k. Upon filing any application, the owner of the affected land implicitly consents to a site visit conducted by the Board (should the Board determine that a site visit is necessary). The site visit shall be conducted as part of the public hearing and shall be open to all interested parties. Date and time of any site visit will be announced during the public hearing. Additional written notice of any site visit to the applicant, abutters and the public shall not be required.

l. The Board of Adjustment will hear with interest any evidence that pertains to the facts of the case or how the facts relate to the provisions of the town zoning ordinance and state zoning law.

m. After all interested parties have been given a reasonable opportunity to present their evidence, the Chair shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.

n. The Chair shall declare the public hearing closed. After the close of the public hearing, the Board shall discuss and act upon the application. The public shall not be permitted to participate in the Board's deliberations, but the Chair may direct

questions to members of the public and receive answers during the Board's deliberations. Except as provided in the right-to-know law (RSA 91-A), the deliberations of the Board shall be held in open meeting where the public can hear.

4. Decision. The Board shall strive to decide all cases within thirty five (35) days after the close of the public hearing. The Board shall issue a final written decision which either approves or disapproves the application. Whenever the Board votes to approve or disapprove an application or denies a motion for rehearing, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Land Use Office and shall be made available for public inspection in accordance with RSA 676:3.

REQUEST FOR REHEARING

1. If possible, the Chair will seat those members who were seated during the underlying hearing. Any member, whether they were present or not present during the underlying hearing, can be seated upon recitation that they have reviewed the underlying application, minutes, the Request for Rehearing and any other materials relevant to the application.

2. The Chair shall inform the Board members, the applicant and the audience that while this is a public meeting, it is not a public hearing. Comments from the applicant, their agent and the public will not be permitted.

3. The Chair shall ask if any Board members have any questions or need clarification on any points raised in the Request for Rehearing. The Board will not review the Request for Rehearing point by point, unless so desired by the Board.

4. Should Board members have specific questions, they may address them to the appropriate party through the Chair.

5. If the Request for Rehearing is granted, it shall be the responsibility of the party who requested the rehearing to pay the applicable fees for certified notices and publication in the Keene Sentinel. The fees must be paid by the party who requested the rehearing 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.

MISCELLANEOUS

1. ~~Records.~~ The records of the Board shall be kept by the Land Use Office and made available for public inspection at the Swanzey Town Office in accordance with statutory requirements.

2. Joint Meetings and Hearings. Joint meetings with other town boards shall be held under the provisions of 676:2.

3. Amendments. These rules of procedure may be amended by a majority vote of the Board members present (including alternates) provided that such amendment is discussed at a meeting of the Zoning Board of Adjustment, and following said discussion the text of the proposed amendment is posted in at least three public places in Town at least ten (10) days preceding the meeting when the vote is to be taken.

We hereby attest that this is a true copy of the Rules of Procedure as amended and adopted by the Swanzey Board of Adjustment on DATE.

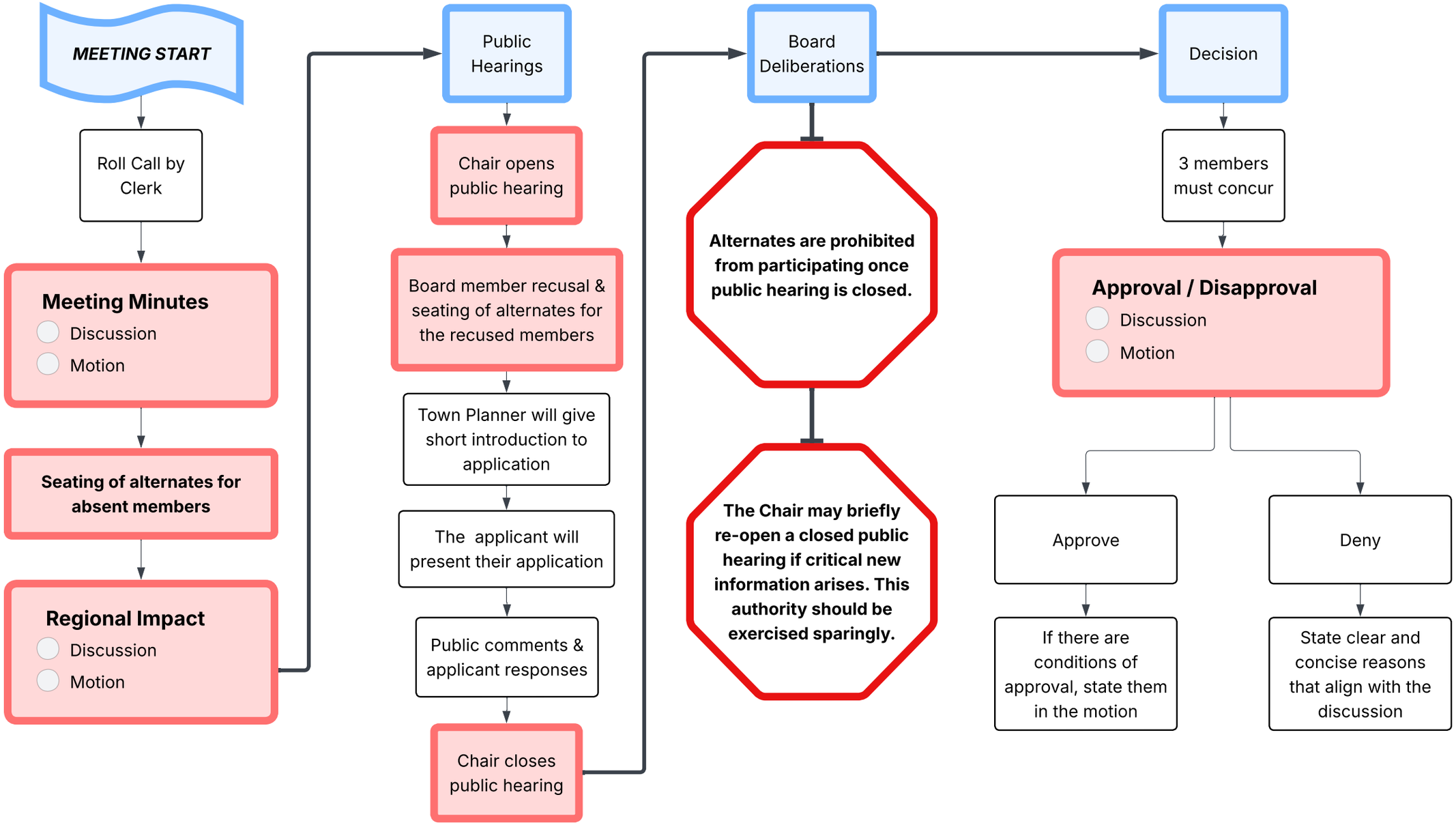
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General Public Hearing Notes

- The chair shall control the conduct of the hearing and may impose reasonable limitations upon the number of times and length of time any person may speak.
- Each person who appears shall be required to state their name and address. They must indicate whether they are a party to the case, agent, or counsel of any party of the case.
- Anyone who wants to ask a question regarding the case must do so through the chair.
- If the board finds that it cannot conclude the public hearing within the time available, it may vote to continue the hearing to a specified time and place with no additional notice required.