

Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment
Meeting Minutes – April 20, 2020

CALL TO ORDER:

This meeting of the Swanzey Zoning Board of Adjustment (ZBA) was called to order at 7:09 p.m. by Vice Chair Adam Mulhearn. The meeting was held via Zoom software for electronic conferencing due to the COVID-19 health emergency in the State of New Hampshire. Emergency meeting pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3.

Members present: Mulhearn, Anne Karasinski, Bryan Rudgers, Alternate Eric Kallio, Alternate Bob Mitchell, Alternate Ruth Snyder, Recording Secretary Beverly Bernard, Town Administrator Michael Branley and Director of Planning and Economic Development Matthew Bachler. Bernard called the roll and Mulhearn read aloud the agenda for the meeting. Keith Thibault was recused from the meeting and Bill Hutwelker was recused. Seated for Thibault was Mitchell and seated for Hutwelker was Kallio. Also present was Attorney Michael Courtney.

Roll call for the meeting:

Keith Thibault – not in attendance

Ann Karasinski – present and alone in the room in her home

Bill Hutwelker – not in attendance

Bryan Rudgers – present and alone in the room in his home

Adam Mulhearn – present and alone in the room in his home

Alternate Eric Kallio – present and alone in the room in his home

Alternate Bob Mitchell – present and alone in the room in his home

Alternate Ruth Snyder – present and alone in the room in her home

PUBLIC ACCESS: The public access to the meeting online via www.zoom.us, using the Zoom App on a cell phone or tablet or laptop, or using a landline by calling (929) 205-6099 and entering Meeting ID number 235 370 4380. If there is difficulty accessing the meeting, please call (603) 352-7411 ext. 108.

INTRODUCTORY INFORMATION IN REGARD TO PUBLIC COMMENTARY AND QUESTIONS:

Bachler noted the number of emails received by the Town from the public. The decision to use the platform is up to the Board. He showed some slides describing the Webinar. List of Panelists were described and Attendees. During the public hearing sections, Bachler said the attendees will be unmuted in order to speak. He noted that those who wish to speak need to click on the blue hand “raise hand” icon to speak. The software date stamps Q&A and the raising of hands to be acknowledged and therefore speakers will be called upon in order of raising hand. At this point there were 64 attendees with six residents attending by phone. Bachler also said there is a Q & A function where questions can be typed in. Staff will read aloud the questions or comments. He asked those in attendance to please provide name and address before commenting. Bachler asked the attendees not to use Chat function this night and use the Q&A function so that all comments will be in same place. The Chair will announce when the public hearing is open and when it is coming to a close.

BOARD DISCUSSION ABOUT MOVING FORWARD OR POSTPONING THE MEETING

Discussion about moving ahead or postponing the meeting was held. Mitchell said the meeting is going well thus far, but he has concerns for 50 or so other citizens who might have some difficulty accessing the meeting and participating. He said he had to be on several meetings before he was able to find the “raise hand” icon to be able to comment and others might have the same type of difficulty with a new technology. Rudgers said these meetings have been going well but because of the extreme interest in this topic, he is on the fence about whether to continue or not. Mulhearn said video and audio is going well. Mulhearn asked about concerns with the format. Kallio said whatever is discussed tonight; keep in mind that people calling in to have patience. He said he can hear everyone right now and whoever is presenting needs to be as clear as possible.

Mitchell **moved** that the meeting be continued until such time that it can be held at a meeting with all in physical attendance.

Discussion on the motion: Mulhearn spoke about the tools appropriate for electronic meetings and asked Attorney Courtney to explain the Governor’s Emergency Order #12. Courtney said the Governor has made an exception to the Right-to-Know law which allows providing for phone access and electronic access to meetings of municipalities. The Governor has allowed Towns to do this, but it is up to the Board to make the decision as to whether or not to proceed. There was a brief discussion about what the public prefers and Bachler said based on the correspondences received the public prefers to postpone this meeting until such time the Board can meet in a physical location where attendees can meet the applicant face to face. Mulhearn said the Board is aware of the testimony as to the public position on this, but this must be a Board decision.

Rudgers said he would like to hear from the applicant. It was noted that continuation of the meeting until such time as a physical meeting is possible could be as late as June. Karasinski said this process does put a burden on all of us, and it would be prudent to mention what page of the document is being discussed if we move forward. Bachler asked folks to identify themselves when speaking.

Bachler said the applicant would like to move forward with the application this evening. Karasinski noted at this point that she is married to one of the Selectmen who is not on the ZBA.

Mulhearn asked for a second to the motion by Mitchell and there was not a second. The ***motion failed.***

Kallio **moved** to proceed with the applications in front of the Board, and Mulhearn asked for a second. There was no second to the motion and the **motion failed.**

Bachler responded to a resident via Q&A: the updated version of the packet that was posted on the Town’s website on Saturday, April 18th was not substantially different from the previous version. He noted that additional correspondences received from residents, the applicant, and Southwest Region Planning Commission were added to packet. No changes have been made to the application itself.

Discussion continued: Kallio noted both motions failed. He said this is a big application and a lot of folks

are heavily invested in the application. We don't know when we will be able to meet physically. He said he would like to hear from folks but not make a decision now. There is a lot time invested and we owe folks to do something productive. He suggested getting more of the facts and delaying the vote to a later date.

Mulhearn said meetings normally end at 10 p.m. and hearing all who wish to comment will take a long time. In terms of utilizing the time we have and the tools we have there is merit to what Kallio proposed. Karasinski said in the spirit of the emergency order she believes it would be prudent to try to use the electronic tools and hear the information.

Bachler said he had a request from the applicant to speak, but Rudgers said this is not a public hearing at this point. Mulhearn said the Board needs to decide to whether to move forward. He asked, "does this format work sufficiently to make this decision?"

Kallio **moved** to open the meeting to hear the application without the Board making any decision tonight.

Discussion on the motion: Mulhearn said the Board must agree that the format is comfortable enough for members to make any decision.

Rudgers said many municipalities are using Zoom for meetings. The platform is authorized.

Bachler spoke to the notice for his meeting. Packet and agenda were posted with information as to how to access the meeting. The notice was sent to abutters as well. Rudgers said we are not in a public format yet, but we are reading public comments. Bachler said the questions were procedural and that is why he responded. Any questions about the application itself would not be commented on now.

Branley said he thought the Board would move forward once the original motion to postpone the meeting failed. He asked Attorney Courtney if the applicant can present his application and delay the decision. Branley said if this application is continued that would be problematic moving forward with other applications. If the Board is not comfortable with Zoom technology continuations could last all summer. Attorney Courtney suggested some consequences for delaying the meeting.

Mulhearn said the Board needs to make a decision. He said the Zoom technology seems to be running properly. Mulhearn said the tool isn't perfect but we are trying to use what is available to us.

Mitchell said his concern is the level of participation of citizens. We won't know how they are able to participate with those numbers. At this point there were 67 participants in attendance.

Mulhearn called for a second to Kallio's motion and there was none. The **motion failed**.

Motion was made by Kallio to proceed with the meeting using Zoom. There was a second by Karasinski. Mulhearn asked for discussion and there was none. All were in favor by roll call except Mitchell who voted "no". **Motion passed**.

Others Present:

Jack Franks representing Avanru Development Group, LTD, Tim Sampson, architect for Avanru, Attorney Michael Courtney representing the Town of Swanzey, Dillant-Hopkins Airport Director David Hickling, J.P. Harris, Esq. Attorney with Sheehan Phinney Bass & Green representing Avanru Development Group, Ltd.

Members of the public with email comments or who were in attendance at the meeting or otherwise provided input to the Town on this application:

E Stanley, Rachel Elkins, Mary Verner, Ginnette Groome, Judy Avery, Lionel Fisk, Mark Fiedler, Ron & Jane Parent, Tim Foster, Susan Tierney, Jim Newton, Sarah Ellsworth, Paul Beauregard, Christopher Czifrik, John Verner, Janice Parker, Barbara Sheehan, Ruth Hayn, Ann Heffernon, Rebecca Madrigal, Katherine Snow, Carol Stirk, Sheila Heffernon, Bruce & Nancy Descoteaux, Joely Fanning, Lora George, Brenda Lane, hand written letter from Bruno Kosheleff, James (Jay) Ward, hand-written letter from Paula Pitz, David Devoid, Joely Fanning submitted a petition with 303 signatures, Michael Ryan, Todd and Stephanie Hunter, Penny Yardley, Sharon DeRidder, David Vogt, Bill Hattendorf.

MINUTES:

- The Minutes for the Meeting of January 13, 2020 were not considered due to lack of enough members in attendance at that meeting who were also in attendance tonight. ***The Minutes were postponed.***
- The Minutes for the Meeting of February 10, 2020 were considered. **Motion** was made by Rudgers to approve the Minutes of February 10, 2020. There was a second to the motion by Kallio and no further discussion. All were in favor by roll call except Mitchell and Karasinski who both abstained. ***Motion passed.***

Mulhearn asked the Board to ratify the decision to postpone the March 16, 2020 meeting made amid the first days of the coronavirus pandemic and before it was clear how to proceed. He noted that given the exigent circumstances of the health emergency, the Director of Planning polled the members of the Board to determine whether the hearing scheduled for March 16 should be continued. Having secured the assent of a majority of the Board members, the meeting was cancelled. If the motion passes, the Board will be ratifying the decision to postpone the meeting and continue the hearing to April 20, 2020 in light of the public emergency.

Motion was made by Kallio to ratify the decision to postpone the March 16, 2020 meeting due to the coronavirus pandemic, second by Karasinski. All were in favor by roll call except for Mitchell who abstained. The ***motion passed.***

Mulhearn asked Bachler for a clarification between a Variance and a Special Exception for the sake of those in attendance. Bachler spoke about Uses that are permitted in a district and if a Use is not listed, it is not permitted. He referred to a list for Uses as special exceptions. Bachler reviewed four criteria when considering a Special Exception. Bachler said for residents listening in he has provided all the

correspondence from residents to the Board. Bachler said he will hold any comments until all residents have a chance to speak and can read out loud comments for those who do not speak.

PUBLIC HEARINGS

Special Exception Application

Avanru Development Group, LTD requests to grant a Special Exception for a 76-unit multi-family dwelling on property located at 115 Old Homestead Highway, pursuant to Section V, Article B.2.b of the Zoning Ordinance, shown at Tax Map 37, Lot 7 in the Business District. This hearing was continued from March 16, 2020 due to the State and Federal emergency declarations related to COVID-19 health emergency.

Bachler provided documentation to the Board citing the regional impact of the project and said he had comments from the Southwest Region Planning Commission (SWRPC) for the Board to consider. Bachler also provided information to the Board that the applicant is seeking financing through New Hampshire Housing Finance Authority (NHHFA). The overall footprint of the building is 17,000 square feet. The building would be four stories high. Most of the parking is to the rear of the lot. He said 152 parking stalls are shown on the site, which meets the Zoning Ordinance requirement of two parking stalls per dwelling unit. The project is to be serviced by municipal water and sewer lines. Bachler reported that the New Hampshire Department of Transportation (NH DOT) has issued a State Driveway Permit, which was issued on March 24, 2020. He also noted that a drainage easement from the City of Keene might be required for project. This is a 76-unit residential development.

Comment from the Fire Department said there is a need for 20-foot drive lanes. Comment from the Dillant-Hopkins Airport Manager states that the project will require an OE/AAA 7460 review by the FAA prior to construction. He added that the City of Keene is not interested in permitting access via Aviation Way.

Bachler responded to a question from an attendee about having regional impact. He said there were no changes made to the plans between the meeting scheduled for March 16, 2020 and this evening.

Jack Franks was present as well as Sampson who is the architect of record. He noted the postponement in January due to lack of a full Board and said he appreciates the consideration this evening.

He said they are based out of Walpole, NH and they focus on affordable housing. This development is not Section 8 but is age-restricted senior housing for 62 years of age and over. The tenants must have stable incomes. Persons making between \$25,000 to \$45,000 per year will likely qualify for these units. Cheshire County has less than 1% vacancy rate and 2-8 year waiting list for affordable housing. It will be 76 units with state-of-the-art community, extra wide hallways, spaces for reading and relaxing and energy efficient. Modular technology is utilized. He spoke about building energy-efficient structures and some awards they have received for these types of buildings. This development complies with setbacks and zoning and FAA glide slope, drainage, driveway permits, ample parking, 152 parking slots, and many of these will not be utilized. Franks said he felt that the project would increase surrounding property values. And he said the facility will be a beautiful facility and he thanked the Board for the opportunity to present the project.

Attorney James Harris spoke about the project. The Town permits the Use if it meets the four criteria and he said this project does meet the criteria. He noted the design was reduced in scope based on input. He spoke about some of the awards received by the developer. He said the project is being financed by both public and private financing. This is not section 8 project. This will require to be a higher quality and a management company will be required to manage the property. This is an independent property manager. Tax credits were discussed. Tenant rules would be necessary. This project is a for-profit enterprise which will pay taxes.

He reviewed the criteria for granting a Special Exception:

1. Project is similar to uses in the district – he listed the uses permitted. This project is not unlike a nursing home he said. But will not be food services. This use is similar to a hotel which is permitted. He said it is more appropriate than a warehouse for example, which is already permitted. Appropriate location – within walking distance is diner, a place of worship, and the project meets the height requirement. He said a hotel might be larger. No impact on schools. He said this project satisfies this criterion.
2. Reduce the property values or otherwise obnoxious - He referred to report conclusion that this project will not have a negative impact on property value. He said there will be less impact on the roads since these folks tend to travel at other than commuting times. He spoke about allowing seniors to remain in the community. Harris spoke to injurious or offensive and said this project would not generate odors, or otherwise be offensive.
3. Nuisance or serious hazard to vehicles or pedestrians - He referred to driveway permit already received. Less coming and going than other permitted uses. He referred to no comments from the Police Department. Aesthetics and rural character will be addressed at Planning Board meeting.
4. Adequate and appropriate facilities be provided - Public sewer and public water. Harris said there is plenty of water for the project. Continued overseer with property management. This project compares favorably to other projects like Haley Heights. He referred to this project being shorter than Haley Heights by 1.5 feet.

Harris concluded with reference to comments about rural character of the town. This project will be under site plan review and it meets all the parking and zoning requirements, he said. Will be reviewed by FAA and preliminary report is that it will not interfere with flight path. As to lot size, there is more than enough so long as it connected to public sewer. The airport is close to the property, he said, and the surrounding area will not be developed and therefore a better location than another location. Residents in this property are no more likely to be a burden on the welfare of the community. He referred to petition signed by 300 petitioners. He said the petition does not provide any direct impact on the criteria that the Board needs to consider. Whether the project is popular or not, that is not the consideration of the Board. Harris concluded by asking for approval of the Special Exception.

Rudgers asked for visuals of the project. Bachler said typically the Board has the applicant present first and then following that opens the public hearing. That will be happening once the applicant is finished. Rudgers spoke about the limitation of the Board to respond only to the criteria. Mulhearn reviewed the criteria for the listening public.

The applicant showed visuals of the project. Jack Franks showed the civil engineering drawings.

Adequate entrance space, and some parking in front, but most is to west of the property. He noted that there will be one way in and one way out. Additional work will be done for site plan review. Storm runoff was noted meeting 100-year storm flooding. He noted other infiltration is planned in the front of the building. Rudgers asked if there is an egress from the rear of the property. Franks said they have not been able to negotiate any agreement with City of Keene to provide another way out.

Franks showed the floor plans and exterior perspectives showing a flat roof on the building. He said the units are mostly single bedroom units. He noted a large community room on first floor for social gatherings. He noted areas for seating outdoors and a gazebo. Each floor will have laundry facilities. He noted there will be elevators. Digital security cameras will be monitored. He said this will be a secure facility. Construction standards for affordable housing are stringent. He noted there will be a few efficiencies. The largest units are 1000 sq. feet for two-bedroom units. Others are smaller. He said the units will be well insulated and the building will be quiet and of superior quality.

Mulhearn asked the Board for any comments or questions and there were none.

Public Hearing opened at 8:54 PM

There were 64 participants in attendance at this point. Bachler reviewed the process for asking questions or making comments. He said he would allow both raised hands and Q&A questions and comments. Bachler said that he would balance Q&A questions with those who use the Raised Hand function, but he would like to take questions from the abutters first if any are participating in the meeting

Laura & Spencer George 26 Sylvan Way which borders the airport spoke. She said she reached out to partners in Walpole and tried to reach a person. She said there were a lot of hoops to reach anyone by phone. She said when she finally spoke to someone about who could rent an apartment this is what she learned: The tenant requires \$2070 per month to rent. Need Section 8 housing top complement rent. George said this project is not the same as a nursing home according to the property manager in Walpole. If an 89- year old resident cannot live there due to her income who can live there? George said she has to pay a view tax because of the airport. Four story building won't be a nice view. She said property values statistically drop for every four Section 8 properties in an area. She said they are going to use Section 8 vouchers. She said her view and her taxes will be affected by that. She asked the Board to deny based on her testimony.

Mulhearn asked Franks to respond. He said George is talking about different projects. He said the Walpole housing is for workforce housing. He said they do accept Section 8 vouchers and could be acceptable in Swanzey as well. He said the facility is income based. He said this project is targeted for folks who work but don't make enough for regular apartment, but too much for Section 8. \$12-24 per hour is targeted demographic. He spoke about the need in the area for affordable housing. He agreed it is a narrow band for qualification.

David Devoid 95 Old Homestead Highway asked how the developer answers to the question of nuisance to pedestrians where there are no public sidewalks. He said there is no safe way to walk up and down State Route 32.

Franks spoke about transportation and said they hope to discuss transportation issues with local bus companies. He said they spoke about putting in a sidewalk in front of their property, but it would be a sidewalk to no-where, which would be the Town of Swanzey responsibility to maintain. He spoke about a possible crosswalk.

Bruce & Nancy Descoteaux 126 Old Homestead Highway spoke next. Descoteaux said the developer is creating pedestrians without sidewalks. He said much traffic is going along the road. He said he doesn't want to see this outside his home, and he believes it will lower property values because it is not retaining the nature of the neighborhood. He said people who are 62 will be driving and just approved is a 32 unit up the street which will be increasing traffic substantially. Across from Aviation Drive is a bus stop for children. This is creating a dangerous situation, he said.

Franks referred Descoteaux to the reports they supplied with the application. He said the reports note the number of additional trips per day will be limited. He said the reports are un-biased and based on local travel reports.

Mulhearn asked the Board members if communication is working and they agreed it was working.

Ann Heffernon and James (Jay) Ward, 16 Houghton Point, both spoke. She said that it is only fair that everyone has their say. She said she walks around the pond and traffic is busy. If the tenants are aged 62, they will be working. Princeton Properties has 4.5 acres and landscaping. This project is stark and unattractive. She said the Abenaki development in Walpole was started as a senior project and it changed in the middle of construction. Ward asked about storm water mitigation – where does it go near to State Route 32? He said some grandparents have to take care of grandchildren, if they are living in the project, there needs to be a playground and more landscaping. He said the comparison to Haley Heights is not valid since Haley Heights has a lot of landscaping. Also, south driveway is only 16 feet wide, and north is 20 feet wide. Fire Department wants wide lanes. It is an impact on the community, walking out your front door and seeing a four-story building is not pleasant.

Franks spoke about oversized pond at west end of property that will hold water flow. They are working on catch basin in front of building as well. Traffic standpoint – conclusion was that no need for a traffic study. Size of the lot is regulated by HUD and by the State. Landscaping will be handled at the Planning Board. He said the Fire Department is okay with 16 width lane at the south side of the property.

Airport Director Hickling reported that the developer still needs approval from the FAA. The airport cannot speak for the FAA approval process. Mulhearn asked Bachler asked if that is part of the Board requirement. Bachler said it would be appropriate to require FAA approval for conditional approval. Rudgers pointed a need for sign off on FAA 7460 form as part of any condition of approval (Notice of Proposed Construction).

Bachler commented on age-restrictions for the residents of the project saying the Board could require age-restriction as a condition of approval for a Special Exception.

Bachler went to Q&A box: he informed the Board he had responded to several questions already related to noticing these types of meetings and questions on public hearing procedures. He spoke of open questions: Rudgers pointed that the time is passing and need to shorten the time needed as possible.

- Where is green space outside? Franks said there is area at the south side of the building. Franks pointed out some of the green space areas on the site plan. He said landscaping will be on both sides of the building.
- Where are fire escapes? Sampson said the windows are egress windows and egress stairwells; travel distances meet requirements.
- 3-D version of parking and blacktop around the building. Franks said that detail would be available for the Planning Board site plan review.
- Two people at the same residence want to speak – and Mulhearn said he didn't see any problem with both people speaking as long as both names are provided to the recording secretary.

Sheila Heffernon and Bill Hattendorf 7 Pitcher Point spoke to the second criteria. Heffernon said the area is almost exclusively single-family units and this project would not be in keeping with the existing character of the neighborhood. Concerns about Wilson Pond: Trash is a problem and noise pollution will increase and pollution of lake will increase. She said she felt that the traffic in the area is not being considered.

Franks said he disagrees as to the attractiveness of the building and it will be modern and look great. A hotel is a permitted use and it would look similar to a hotel. It will be tastefully done. Traffic comment – this is a State highway, the NH DOT has weighed in on this and they feel comfortable with the project and traffic. We have addressed any concerns that the NH DOT had. He said senior housing does not generate the amount of traffic that is being spoken of here.

Mulhearn spoke about the impact on quality of the lake. He said the Board has made determinations regarding the pond and he referred to something offensive to the neighborhood, and this case would include the pond. Bachler said the building will be located outside the Shoreland Protection District. He said the Planning Board would address drainage from the site that could impact the pond. Attorney Courtney said he didn't see an issue given the property is located beyond the Shoreland Protection District. He noted the Board could request more information from the applicant regarding this concern. Franks said this property flows east to west so water will run off to the west and not toward the pond. He said NH DOT had an issue with pooling water on State Route 32 and the developer is going to mitigate that issue.

Rudgers said the caller was referring to additional people visiting the pond; there is more refuse left at the pond when more people use it and it could be considered a potential nuisance.

Mitchell said we are close to 10 pm and have to make a procedural decision as to continue or not. Mulhearn asked the members for their input. Rudgers said okay to continue the meeting to 10:30 with a hard stop. He asked to expedite the process as well.

Karasinski said 10:30 would be fine and wants to make sure that everyone that wants to speak is allowed to do so. Bachler said written comments have not been read. In addition to open questions in the Q&A box there are 11 raised hands yet to be heard.

Motion to continue to 10:30 pm was made by Rudgers, second by Kallio, and all were in favor by roll call. **Motion passed.**

Joely Fanning 2 Pitcher Point – she said the data in the market study is outdated, page of second criteria, study for Boston, and Portland Oregon, section 8 housing, public parks and is out of date, dated to 1984. Data is old and the developer is trying to apply to it Swanzezy. She said the data is not useful and the Board should not consider it. She said her understanding from Walpole residents was that the original plan (in Walpole) was for 62 age housing, and later it was changed from senior housing to family housing. If there is so much need in the area, why did that not remain elderly housing in Walpole? She said that while she heard from the developer that there are folks waiting for years for housing, she said she has examples of friends and family who were accommodated with housing. She said she is wondering why it is an urgent need.

Franks referred to Mr. Weaver’s report that there is no negative impact on property values. This report was prepared for this project. Franks said the project in Walpole was for 55+ age group condominiums for sale and found people wanted rentals instead. That was the point to make the change. Market study was best use for that property for family development based on market conditions. In regard to need, he said to check out NHHFA for studies which show a less than 1% vacancy rate. Those numbers are real. He said he did not agree with Fanning. He said he used data by professionals. They will not finance the project if the numbers don’t support it. He said he has a waiting list for his project in Walpole.

Ginnette Groome of 6 Pitcher Point said the Master Plan for Swanzezy references its rural character. The Master Plan helps to chart a future of a community. She read from parts of the document citing that the highest priority is to accommodate growth while preserving rural character – that is most natural to sight, sense, uncompromised night sky, riverbanks, etc. Land use goal is to develop and preserve a pleasant attractive, safe and affordable environment. She read from sections from Land Use sections – as little impact on environment as possible. She said the visual of this 4-story building on a small plot of land where there is nothing around the area that is anything like this project doesn’t comply with the Master Plan’s words. Four stories do not belong in this neighborhood. She noted a current Master Plan survey – which represents wishes of citizens – ranking reasons to live in Swanzezy – top small-town atmosphere and rural character – least (inadequate housing) number of votes. Issues – pedestrian and bicycle safety were top priority. Types of housing – single family homes had largest number – least priority 2.49% for increasing residential development.

Mulhearn thanked her for her testimony.

Attorney Harris said the Master Plan is not an expressed consideration for the purposes of the ZBA review for a Special Exception. And it is being updated. Recent survey information has not been adopted by the Town as yet. He added that there are portions of the Master Plan that are consistent with this project.

Susan Cleary introduced Mark Fiedler from 17 Sylvan Way. He said this is a horrible way to have a meeting. He said that we need to be in a room face to face. The survey is recent and valuable. He said where his brother lives there are large apartments all around, and drivers are blocked by accidents;

Wilson Pond traffic is not good. Other apartments are beautiful because they are set back with trees and a pond and no one knows it is there. He said anyone can lie with statistics. He said these meetings aren't right and you should have a meeting where people can look you in the eye.

Mulhearn said these are times that are unprecedented, and this is an acceptable format given the Governor's emergency orders. He said he appreciated Fiedler's comments.

Franks said he respectfully disagrees with Fiedler and everything he has done has been done by professionals.

Judy Avery 1200 Old Homestead Highway said people calling in have made great points. The only thing she hears from Mr. Franks is statistics. She said the building is not pretty. She asked the Board please think long and hard before forcing this on people who live here.

Franks was asked by Mulhearn if he wished to comment and he said he had no comment except about the four criteria being addressed and he hopes the Board will decide in favor of the project.

Barbara Sheehan was asked to participate; the group waited for her to do so and she did not respond.

Q&A questions – Bachler spoke about the Master Plan – 2003 is the current document. We are in the process of updating it, but it is not completed.

Nancy Carlson 240 Cobble Hill Road sent an email message which Bachler read aloud. She cited low- and moderate-income properties, listing a large number of them that are multi-family units in Swanzey. She added senior housing, and multi-family apartments were noted and a recent approval of 32 new units. She cited 260 affordable units provided in Swanzey and maintained that Swanzey is already doing its fair share for affordable housing by having a higher percentage of affordable housing than the City of Keene has.

Franks said there is a continuing need for affordable housing.

Mulhearn said while it was not yet 10:30 pm, there was no longer time enough to continue and give everyone a chance to be heard. Bachler said Mary Verner of 2 Houghton Point did have her hand raised but he did not see her on the list of attendees at this time so he read her letter to the Board. She asked to postpone the meeting until such time as the Board and applicant and residents can meet face-to-face. She said she is an abutter of the project. They love the town and rural atmosphere and learned that the property was approved for a 16 -unit residence project before they purchase their home. She said now they are being asked to accept a 4-story apartment building. The exit will have a direct impact on side of her house, with lights shining onto her windows, and there will be accidents. She said she felt the sheer size of the property and lack of green space will make the units unattractive and reduce the value of nearby properties. She said the Town already has enough affordable housing. They are opposed to the project.

Franks said he had nothing to add but thanked the Board for the opportunity to speak. He did repeat that this senior housing will be a valuable asset to the community. He spoke about his parents who wish

to downsize and have a difficult time finding suitable housing. He thanked the Board for the extended time.

Rudgers **moved** to continue this meeting for the next ZBA meeting, May 18, 2020, and asked that all the Q&A be saved and be brought up at the next meeting. There was a second by Mitchell.

The applicant asked for a special meeting to wrap this up before May.

Rudgers **moved** to amend his motion to continue this meeting to May 4, 2020 at 7 pm and saving all questions posed tonight to be responded to at that meeting. There was a second by Kallio.

Public Hearing continued at 10:35 pm to May 4, 2020 at 7 pm.

Discussion on the motion:

Mitchell said an applicant asking for a special meeting is unique and what is the basis for a special meeting. Kallio said in fairness to everyone involved, we keep things moving. Rudgers said his only reason is owing it to the 52 still on the call to keep things moving.

Bachler asked about the additional applicant, Apex Racing, as to whether he will be heard on May 4th and Rudgers said he believes that Apex Racing would be reviewed on May 18th.

All were in favor by roll call. **Motion passed.**

Mulhearn reminded the Board and those in attendance that since the meeting is being continued, no discussion outside a meeting can occur. He cautioned all that no one should approach any member of the Board with questions or comments about the application until the actual meeting. And Board members are not free to discuss any aspect of the application until the meeting on May 4, 2020.

Motion was made by Rudgers to continue the Apex Racing application to May 18, 2020 at 7 pm, second by Kallio. All were in favor by roll call. **Motion passed.**

DISCUSSION/OTHER BUSINESS

No other business was conducted.

ADJOURNMENT

Motion to adjourn was made by Rudgers, seconded by Mitchell and all were in favor by roll call. **Motion passed.** Adjournment occurred at 10:40 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary