TOWN OF SWANZEY

OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

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

Swanzey Zoning Board of Adjustment
Meeting Agenda for October 19, 2026
7:00 p.m.

The regular meeting of the Swanzey Zoning Board of Adjustment will be held on Monday, October 19, 2026 at 7:00 p.m. at Whitcomb Hall, 17 Main Street, Swanzey.

1) Call to Order

2) Approval of Minutes

    a. September 21, 2026

3) Public Hearings

    a. **ZBA 26-010:** Fieldstone Land Consultants, representing Neighbors LLC, have 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.

4) Other Business

    a. Rules of Procedure

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment (ZBA)
Meeting Minutes – **September 21, 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:
Vice Chair Ann Karasinski called to order the meeting at Whitcomb Hall at 7:00 p.m. Other members present were Jay Ward and Alternates Kyle Croteau, and Jessica Ramsey-Sanchez. Also present were Town Planner, Adam Paquette and Recording Secretary, Susan Ells.

ABSENT:
Chair Adam Mulhearn, Wayne Lechlider, Joe Parisi and Alternate Pete Delaney

OTHERS PRESENT:
Kai Kraemer with FACT TV, Chad Branon and Jenni Desautell (Fieldstone Land Consultants), Grayson Smith (GDS Landmark), Nancy Mosteller, Debora Murray, Debby Gove, George Nikerforakis, Virginia Pearson, Joe Mabe, as well as Chris Tymula and Bhumik Patel (Airhant Corporation)

SEATING ALTERNATES:
The chair seated Kyle Croteau for Adam Mulhearn, and Jessica Ramsey-Sanchez for Wayne Lechlider.

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

MINUTES:
The meeting minutes of August 17, 2026 were considered. A motion was made by Jay Ward to approve the minutes as presented. There was a second made by Kyle Croteau. All were in favor and the motion passed.

PUBLIC HEARING:
A. ZBA 26-007: A special exception pursuant to Section V, Article B.2.a of the Zoning Ordinance submitted by the Arihant Corporation to construct a new retail fuel canopy with 10 vehicle fueling positions and convert the existing canopy for diesel use with 3 fueling positions. The proposed project also includes installing new underground fuel storage tanks, re-striping the parking lot, and adding dedicated electric vehicle and commercial diesel parking spaces. The subject property is located at 765 W Swanzey Rd (Tax Map 232 Lot 52) within the business district.

Adam Paquette informed the applicant they could delay since there were only 4 members of the board present, not 5; the applicants chose to proceed.

Adam Paquette explained that because the property lacks a special exception for this use, it remains non-conforming until the exception is officially reviewed and approved. Staff believe the applicant has met all special exception criteria and recommend approval with no conditions. Special exceptions for fuel canopies were not required years ago when the business was originally started. The Conservation Commission had no comments.

Adam added that the applicants should be aware that additional review from NH DOT will be required once a site plan is submitted to the Planning Board.

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

Chris Tymula from Airhant Corporation explained to the Board that this property is in the business district. It was originally developed as a 1 story mixed use building with a Post Office, a diner and a grocery store; the property also has a gas station. The new owner wants to redevelop the building into a modern convenience store, add striping to the parking lot, plant more landscaping, improve the site lighting, provide ADA-compliant access, install EV charging stations, convert the existing canopy for 3 diesel filling stations, and add a retail fuel canopy for 10 vehicles and position it closer to the store similar to a usual convenience store. They have submitted the site plan to planning board and have already received the DoT permit because they are not changing curb cuts; there will be more details provided to the Planning Board.

Chair Karasinski asked if the propane tank would remain; Mr. Tymula explained it would be moved closer to the back of the building.

Jessica asked about the green space and Mr. Tymula showed on the plans where the green spaces will be added in the current parking area and where trees will be planted along the perimeter.

Chair Karasinski asked if anyone in the public had questions; Debra Murray said she lives on the end unit on Perry Lane and asked if there would be additional parking spaces for diesel trucks to park and idle long term. Mr. Tymula explained the 4 parking spaces for trucks are planned so that they can park while they use the store, or while they wait to fill up; the store will not be open overnight, but the pumps will be operational 24x7. Ms. Murray's second concern was the lighting and how obtrusive it is. Mr. Tymula explained that the new plans call for dark sky compliant lights which are downward facing so as not to cause light pollution. The existing canopies will be replaced and will not have the red band of lights.

Debby Gove is also a resident of Perry Lane, and she expressed the same concerns about lighting, fumes, and increased traffic. She added that she does appreciate the green space and asked to clarify there would be no expansion to the pavement. Mr. Tymula showed on the design the planned location of local plants and trees; he also stated the grassy area is within the property, and they won't be making any modifications there.

Debora Murray added that area kids play in parking lot and she's worried about their safety. Chair Karasinski said that someone has removed the gate from the fence along the line adjacent to the apartment building, but it is not the applicant's responsibility; it's the parents and the apartment complex owner's responsibility.

Mr. Tymula explained that his client wants to be a good neighbor and is making additional improvements to this property.

Adam Paquette then read a letter from Chris Schmitt of 49 Perry Lane expressing concern about the project.

Joe Mabe, owner of Hyperbaric Fitness, which is across the street from the property, pointed out that Swanzey needs businesses and jobs, and he feels this business would work well in the neighborhood.

When there were no other comments, Chair Karasinski closed the public hearing at 7:43pm and asked the Board for their comments; Jay Ward stated he had some concern about trucks idling while waiting for their turn at the pumps; Adam Paquette replied that where the parking spaces are planned, it is at least 350 feet from the corner of closest home.

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.**

- Ward – yes – there is already a similar facility there
- Croteau – yes – there are other gas stations in the district
- Karasinski – yes – this is already an authorized use
- Ramsey-Sanchez – yes – same reasons – within ordinance

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

- Karasinski - yes – she believes the planning board demonstrates their ability to provide relief and works well with applicants.
- Ramsey-Sanchez -yes – the applicant has demonstrated the desire to be a good neighbor.
- Croteau – Yes – the applicant is willing to work with neighbors
- Ward – yes – not any more obnoxious than what the present operation has been in the past.

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

- Croteau – Yes – it's a parking lot now – won't be different
- Ramsey-Sanchez -yes – curb cuts won't change – once it's done, hopefully it won't be a playground
- Karasinski – yes - same reason – designed as business, not a playground.
- Ward – yes – he doesn't think there will be additional nuisance

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

- Ramsey-Sanchez – Yes – amenities such as public restrooms
- Ward – yes – demonstrated facilities, ADA accessibility, EV charging stations
- Karasinski – yes – considers this a very thoughtful application
- Croteau – yes same reasons

A motion was made by Jay Ward to grant the special exception ZBA 26-007 with the condition of compliance with applicable commercial parking laws; Jessica Ramsey-Sanchez seconded the motion– all were in favor and the motion passed.

B. ZBA Variance ZBA 26-008: A variance pursuant to Section IV, Article A.1 of the Zoning Ordinance for site improvements to accommodate storage and maintenance needs for ongoing commercial operations. The project includes a 6,384 square foot building and several expansive outdoor storage areas. The subject property is located at 80 Warmac Road (Tax Map 254 Lot 30) within the rural/agricultural district.

Chair Karasinski reminded the applicant that they have the option to postpone to a future meeting since there are 4 members tonight, not 5. They chose to proceed.

REGIONAL IMPACT:
Jay Ward made a motion that there was no regional impact. There was a second by Jessica Ramsey-Sanchez. All were in favor. With no further discussion, the motion passed.

Chair Karasinski opened the public meeting at 8:07pm.

Adam Paquette explained to the Board that this property has been used this way at least since 1981 but it's hard to determine if this is non-conforming since there are no records showing it was approved by any Board. He added that the Conservation Commission had no comments for the Zoning Board.

Chair Karasinski asked if the records existed but were lost and Adam replied that it was possible. Chair Karasinski reminded the Board that a site visit is an option if there are any concerns. Jay Ward asked when the zoning ordinance started being used, that perhaps it was already in business at the time of the ordinance; Adam was not sure when it was adopted.

Chad Branon from Fieldstone Land Consultants (representing Grayson Smith from GDS Landmark) explained that his client is planning to add a building but will not be changing the use. The business has been there for 14 years and there have been no complaints and no issues; there is a low intensity of use. The 6 – 8 employees of the business generally do not report to the site because the employees go directly to their job site. A bookkeeper does work there. When they applied for a building permit, they learned that Town staff determined a variance was required.

Mr. Branon added that when he looked at the permitted use table for special criteria, he feels this has far less intense use than those allowed by permitted use. He feels this falls within the spirit of the ordinance; this business has operated with no issues for 14 years. The property is just over 3 acres with frontage on Warmac Road; no abutters have commented.

Chair Karasinski added that when standing in front of property, because of the incline, there is no view of this area of the property. Jay Ward asked what business had operated before; Mr. Smith explained that there was a logging company who stored their excavation equipment in the back of the property.

Jessica Ramsey-Sanchez asked about Mr. Smith's business and was told that his business provides construction from start to finish; most of the business is in Swanzey. Jay Ward added that GDS is working on the Town Hall; Kyle Croteau added that GDS repaired the covered bridges.

Mr. Branon went on to explain that GDS wants to construct a storage and maintenance building to store his equipment and building materials. They will reorganize and clean up the property; they are looking to make improvements and upgrade to current standards such as storm water improvements; this will have a positive environmental impact. He reiterated that the use of the property is not changing, nor is the intensity.

The proposed use consists primarily of indoor storage for commercial equipment. Because this commercial storage activity began without prior authorization from the Zoning and Planning Boards, the current operations on the property could be classified as non-conforming.

Mr. Branon provided detailed answers to the checklist questions. Chair Karasinski asked the Board if they had any questions. She asked if there were livestock and Mr. Smith replied that sometimes there is livestock. Ward commented that with no increase in activity, this justifies the use of business after it's been in use for the years. Ann asked about structures being removed. Mr. Branon pointed out the existing buildings and what will be removed.

With no further question, the Chair closed the public hearing at 9:08pm.

The Board deliberated the checklist for granting a variance.

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

- Croteau - Yes
- Ramsey-Sanchez -Yes – have been operating 14 years with no complaints.
- Ward – Yes – public interest is served by low intensity; does need a variance.
- Karasinski – yes – same reasons; public benefits by the board providing due diligence

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

- Ward – yes – ordinance is to limit the activity in the rural/ag to uses that are not damaging or have hazardous consequences to the neighborhood. Low impact. Work is conducted off site.
- Ramsey-Sanchez - yes – for storage and admin work
- Croteau – yes – same reasons
- Karasinski – yes – residence and agricultural – falls in the spirit

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

- Karasinski - yes – predominantly because the land has been used this way for 45 years; more responsibly now due to current owner cleaning it up; more environmentally friendly
- Ward – yes – justice to the owner who has been using for 14 years
- Croteau – yes - storing, taking care of equipment
- Ramsey-Sanchez - yes – important to store equipment

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

- Ramsey-Sanchez - yes – improving the property will improve the surrounding values; can't be seen from the road or neighbors
- Croteau – yes – cleaning and reorganizing will add value
- Karasinski - yes – it can only improve the surrounding values
- Ward - yes – actual operation won't be changed

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

- Ward – yes – been operating for 45 years and at some point, that makes it a special exception
- Croteau - yes
- Karasinski – yes – applicant has stated he wants to provide environmental benefits
- Ramsey-Sanchez – yes – use isn't changing – 14 years with this owner – 45 total years of this use

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?

- Ward – yes – same reasons – has been used as a business for 45 years
- Croteau - yes
- Karasinski – yes same reasons – unique property – no complaints
- Ramsey-Sanchez – yes – would be unfair at this time to take the ordinance literally and not grant the use.

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

- Ward – yes – low intensity- reasonable agricultural, residential, business
- Croteau – yes
- Karasinski – yes – intensity will remain the same; business will reap benefits
- Ramsey-Sanchez - yes – using it for agricultural and will be the same size

A motion was made by Kyle Croteau to grant the variance request for ZBA-26-008, Jay Ward seconded – all were in favor and the motion passed.

The Board agreed by consensus to continue with the next hearing even though it's starting after 9pm.

C. ZBA 26-009: A special exception pursuant to Section IV, Article A.2.m of the Zoning Ordinance to allow construction of a detached structure measuring 6,384 square feet. The subject is located at 80 Warmac Road (Tax Map 254 Lot 30) within the rural/agricultural district.

Chair Karasinski opened the public hearing at 9:27pm.

Mr. Branon stated that he believes the size of the building is reasonable for the use as they will not be increasing intensity or traffic, and they will be making environmental improvements. He reviewed the answers to the checklist with the Board.

Chair Karasinski closed the public hearing at 9:33pm. The board had no questions.

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.**

- Ward – yes – appropriate, similar size as a barn
- Karasinski – yes – same reasons
- Croteau – yes – same reasons
- Ramsey-Sanchez – yes

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

- Karasinski -yes – having the structure to organize and protect equipment is important
- Ward – yes
- Croteau – yes – will improve neighborhood
- Ramsey-Sanchez – yes - same reasons

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

- Croteau – yes – last 14 years showed no complaints
- Ramsey-Sanchez - yes – it is far off the road
- Ward - yes – there will be no more traffic or hazard than what is there now
- Karasinski – yes – will be less nuisance than is now

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

- Ramsey-Sanchez – yes – content with information given
- Ward – yes
- Karasinski - yes
- Croteau - yes

A motion was made by Jessica Ramsey-Sanchez to grant the special exception ZBZ-009, Jay Ward seconded – all were in favor and the motion passed.

ADJOURNMENT
A motion to adjourn was made by Kyle Croteau and seconded by Jay Ward and all were in favor. The motion passed. Adjournment occurred at 9:40pm.

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

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

Memorandum – Office of Planning and Economic Development

TO: Planning Board

FROM: Adam Paquette, Director of Planning and Community Development

DATE: October 13, 2026

RE: ZBA 26-010– Tax Map 224 Lot 33 – Variance

Overview:

Fieldstone Land Consultants, representing Neighbors LLC, have 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.

Property & Zoning Details:

Location: Southeast side of NH Route 32, directly across from FW Webb.
Parcel ID: Tax Map 224 Lot 33
Acreage: ±1.5 Acres.
Frontage: ±411 feet of road frontage along NH Route 32.
Site Access: Existing access off NH Route 32.
Zoning Districts: Business
Water & Septic: Water and septic on site.

Notice of Public Hearing was mailed to abutters on October 8 and notice was published in the Keene Sentinel on October 17. Department heads were notified September 28.

Regional Impact

Staff have evaluated the proposal and find that it does not have the potential for "regional impact" under RSA 36:55, but the Board must make the final determination.

Ordinance Review

The applicant is requesting a use variance pursuant to Section V, Article B.1 of the Zoning Ordinance, which establishes the permitted uses within the Business District. The purpose of this request is to allow a mobile home to be utilized and rented as a single-family residential dwelling unit, a use not otherwise permitted by right in this district.

Staff/Department Head Comments

Planning:

1. Residents of this unit should have a dedicated parking spot that is clearly delineated and separated from regular commercial parking. Additionally, a paved path should be provided for residents of this unit if they are parking in the normal lot.
2. The applicant should detail what site improvements, if any, are proposed to establish a clear boundary between the two uses. Staff recommends structural or landscape buffers along the residential perimeter to screen the unit from commercial noise, lighting, and activity.
3. To mitigate inherent conflicts between these uses, staff recommends relocating the proposed manufactured home further west on the parcel. This would reduce the residential unit's exposure to the noise, lighting, and vehicular traffic of the commercial use. It would also give the residents more immediately accessible outdoor space.

Fire:

1. I have concerns for access to the building; pathway/drive for ambulance access, and fire access to the building. It is unknown how far away from the paved surface this building is and will it have direct access during working hours from the store

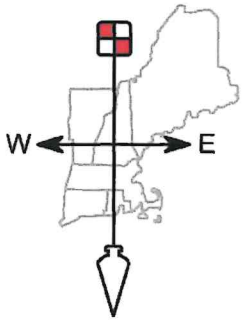
EDAC:

1. I disagree with the statement that a mobile home "will help to maintain the residential character of the town." Who/what office in Swanzey will oversee the capacity of the dwelling and its impact on the septic system?
    a. Per the application, "The purpose behind regulating allowed uses by through zoning is to separate incompatible land uses from each other and to protect the general public from noxious or deleterious commercial and industrial uses." This is why there are zones. To establish boundaries and identify what can exist within each zone. If the threshold for granting variances is low, why have different zones?
    b. Would granting this variance then allow for other property owners to expect a variance for putting mobile homes on their property, residential or otherwise?
    c. Per the application, "The proposed location is well screened and not expected to create any adverse impacts to neighboring properties or property values." There is already a mobile home/trailer on this property. What is its use? Has its presence been permitted by the Town? Where will the proposed mobile home/trailer be located in relation to the existing mobile home/trailer and gas station?
    d. I do not believe the threshold for establishing a hardship has been met within the application.

Attachments:

a. Variance Application
b. Tax Map

LETTER OF TRANSMITTAL



FIELDSTONE
LAND CONSULTANTS, PLLC
Surveying ◆ Engineering
Land Planning ◆ Septic Designs
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

To: Mr. Adam Paquette
Town of Swanzey
620 Old Homestead Highway
Swanzey, NH 03446

Date: September 28, 2026

Re: Neighbors LLC - 472 Old Homestead Highway
Variance Application - Residential Use in the Business District
Tax Map Parcel 224-33 - Swanzey, NH

WE ARE SENDING YOU ■ Attached ❒ Under separate cover via _____ the following items:

❒ Shop drawings ■ Prints ■ Plans ❒ Samples ❒ Specifications

❒ Copy of letter ❒ Change order ❒ _____.

COPIES	DATE	NO.	DESCRIPTION
1			Variance Application
1			Variance Narrative & Criteria Letter
1			Abutters List & Labels
1			Letter of Authorization
4			Zoning Exhibit Plan (22"x34")
4			GIS Exhibit (11"x17")
			Submission Fees (To be determined by Swanzey Planning & Economic Development)

THESE ARE TRANSMITTED as checked below:

■ For approval ❒ Approved as submitted ❒ Resubmit ____ copies for approval

❒ For your use ❒ Approved as noted ❒ Submit ____ copies for distribution

❒ As requested ❒ Returned for corrections ❒ Return ____ corrected copies

■ For review and comment ❒ _____.

❒ FOR BIDS DUE: ❒ PRINTS RETURNED AFTER LOAN TO US

REMARKS:
Hello Adam, we are submitting the above listed items for the next Zoning Board of adjustment meeting on October 19th. Please let me know if you need any additional submission materials or have any questions.
Thank you,

Daniel E Barowski
Daniel Barowski, LLS

Project No. 4359.00

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

MAP: 224 **LOT:** 33

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT:	**MAILING ADDRESS OF APPLICANT:**
Fieldstone Land Consultant, PLLC	206 Elm Street Milford NH 03055
Contact phone number: 603 672 5456	
OWNER OF PROPERTY: (If same as applicant, write "same")	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same")
Neighbors, LLC	472 Old Homestead Highway Swanzey NH 03446
LOCATION OF PROPERTY (Give Zoning District in which located & current street address)	
Business District (B) 472 Old Homestead Highway Swanzey NH 03446	

FEES:

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

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

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

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

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

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

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

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

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

FACTS IN SUPPORT OF GRANTING THE VARIANCE:

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

"See Attachment"

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

"See Attachment"

3. Granting the variance would do substantial justice because:

"See Attachment"

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

"See Attachment"

5. Unnecessary Hardship

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

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

"See Attachment"

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

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

"See Attachment"

and

ii. The proposed use is a reasonable one because:

"See Attachment"

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

B. Owing to special conditions of the property as set forth above that distinguish it from other properties in the area the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property because:

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

Signature of Applicant Date: September 25, 2026

Signature of Property Owner Date: September 25, 2026

THIS VARIANCE IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

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

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

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

_____ Yes _____ No

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

_____ Yes _____ No

3. Would granting the variance do substantial justice?

_____ Yes _____ No

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

_____ Yes _____ No

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

_____ Yes _____ No

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

_____ _____

Yes/Agree No

And

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

_____ _____

Yes No

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

B. Owing to the special conditions of the property that distinguish it from other properties in the area the property cannot be reasonably used in strict conformance with the ordinance, and a variance is necessary to enable a reasonable use of the property:

_____ _____

Yes No

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

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

FIELDSTONE
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September 21, 2026

Town of Swanzey
Planning and Zoning Department
Swanzey, New Hampshire

Re: Variance Application – 472 Old Homestead Highway, Tax Map/Lot: 224-33

Dear Members of the Zoning Board of Adjustment:

Fieldstone Land Consultants, PLLC, is submitting this variance application on behalf of the property owner for 472 Old Homestead Highway, Swanzey, New Hampshire, Tax Map/Lot 224-33.

The applicant proposes to place a mobile home on the property to be rented as a residential dwelling as shown on the accompanying exhibit. Lot 224-33 is located in the business district, where residential uses are not permitted. The property abuts the US Post Office, the FW Webb company and the Residential District. The proposed mobile home will provide an additional affordable housing opportunity within the Town of Swanzey while maintaining the residential character of the surrounding neighborhood.

This proposal creates a mixed-use lot, keeping the existing commercial gas station business while adding a residential structure. The manufactured home will be rented to a future tenant and will not be used for commercial or industrial purposes. The proposal will provide an additional housing opportunity without introducing an incompatible use to the property or surrounding neighborhood. We believe this is a reasonable use of the property and this proposal meets all criteria necessary for a variance. The need for additional housing, including rental housing, is an important consideration in New Hampshire communities. The proposed rental dwelling will contribute to the availability of housing while maintaining the residential character of the area.

Fieldstone Land Consultants, PLLC, respectfully requests that the Zoning Board of Adjustment review the enclosed application and grant the requested variance for the proposed mobile home at 472 Old Homestead Highway.

Thank you for your consideration. Please contact our office if any additional information is required.
Respectfully,

David E Barowski

Daniel E. Barowski, L.L.S.
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

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September 21, 2026

Swanzey Zoning Board of Adjustment
P.O. Box 10009
Swanzey, NH 03446-000

Property: 472 Old Homestead Highway, Tax Map 224, Lot 033-000
Applicant: Tahsien Nadeem

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

Granting the variance would allow the property to be used for an additional residential dwelling while maintaining the residential character of the surrounding area. The proposed mobile home will be rented as a residential dwelling and will provide an additional affordable housing opportunity in the community. The proposed use is residential in nature, keeping in character with the residential zoning and use that abuts the lot. The proposed use will not adversely affect the public health, safety, or welfare nor will it alter the essential character of the neighborhood. The properties surrounding this site are consist of low intensity commercial uses and residential homes. Immediately to the rear of the subject parcel is the US post office and a material storage facility. Directly across Route 32 is the FW Webb Company storage area, and the other abutters to this application are residential. The proposed location is well screened from all of these abutters and will not have any measurable effect on them or the general public.

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

The proposed mobile home will be placed on the commercial property and rented as a residential dwelling. The additional dwelling will provide a housing opportunity within the community without introducing a separate commercial or industrial operation to the property. The purpose behind regulating allowed uses by through zoning is to separate incompatible land uses from each other and to protect the general public from noxious or deleterious commercial and industrial uses. The existing gas station and other abutting properties will not negatively affect the proposed residence, nor will the proposed residence negatively affect the abutters. The convenience store on site screens the proposed building from the 4 gas pumps, which are not in operation at night. Granting the variance would allow the property to accommodate this mixed-use arrangement while minimizing impacts to surrounding properties and protecting the public interest.

3. Granting the variance would do substantial justice because:

Granting the variance would provide a reasonable benefit to the property owner by allowing a mobile home to be placed on the property and rented as a residential dwelling. The property's primary use will remain commercial, while the rented mobile home will provide an additional housing opportunity for a future tenant. The rental of the mobile home will provide income to the property owner while adding a residential component to the commercial property. The proposed use is not expected to result in a corresponding detriment to neighboring properties and will allow the property to continue its primary commercial use while accommodating the rented residential dwelling. The property owner stands to gain much more from approval of this variance than the general public would gain from a denial.

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

The property is a commercial use in the Business District, and the proposed mobile home will be rented as a residential dwelling. The rental of the mobile home will provide an additional housing opportunity while also providing rental income to the property owner. The proposed mobile home will be maintained as a residential rental unit and will function as a residential component of the property, while the primary use of the property remains commercial.

The proposed mixed-use arrangement will allow the property to continue its commercial use while providing an additional residential dwelling. The proposed location is well screened and is not expected to create any adverse impacts to neighboring properties or property values.

5. Unnecessary Hardship

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

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

The subject property has several unique characteristics. It is in the business district but utilizes and abuts low intensity commercial uses, and the property also abuts the residential district. The property is developed in such a way that the proposed residence can be adequately screened from all abutters as well as the commercial activity on the subject lot. It contains over 50% more land area than is required by the zoning ordinance so it has ample space for the proposed additional use.

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

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

The strict application of the ordinance would prevent the proposed mobile home from being placed on the commercial property and rented as a residential dwelling. The proposed use would create a mixed-use arrangement, with the existing commercial use continuing on the property while the mobile home provides an affordable rented residential dwelling. The rental of the mobile home will provide additional

income to the property owner and an additional housing opportunity within the community. Under the specific circumstances of the property, strict application of the ordinance would unnecessarily restrict a reasonable mixed-use use of the property. The segregation of certain uses through zoning is meant to separate incompatible land uses; this proposal is compatible with its surroundings and will granting this variance will note result in additional housing which is a positive impact for the general public.

(ii) The proposed use is a reasonable one because:

This proposal is a reasonable use of the property. The mobile home will be rented and maintained as a residential dwelling, providing an additional housing opportunity for a future tenant. The existing commercial use of the property will continue, and the mobile home will provide a residential use on the same property. This mixed-use arrangement will allow the property to accommodate both commercial and residential uses while providing an additional rental housing opportunity within the community. The proposed use is also consistent with the need for additional housing opportunities in New Hampshire. The property abuts the residential zone, other residential properties and low intensity commercial properties; the addition of this use will not negatively affect the subject lot or any abutting property.

B. Owing to special conditions of the property as set forth above that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property because:

Strict conformance with the ordinance would prevent the proposed mobile home from being established and rented as a residential dwelling on the commercial property. The requested variance would allow the property to continue its existing commercial use while adding a rented residential dwelling, creating a mixed-use property. The mobile home will provide an additional housing opportunity for a future tenant while the primary commercial use of the property remains unchanged. The variance is therefore necessary to allow a reasonable arrangement on the property while continuing its existing commercial operations.

FIELDSTONE
LAND CONSULTANTS, PLLC
Surveying ◆ Engineering
Land Planning ◆ Septic Designs
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

Date September 26, 2026

FLC #4359.00 / CJS

List of Abutters
Tax Map 224 Lot 33
Swanzey, New Hampshire

Map 219 Lot 60
Sarah A Bradeen,
4 Sycamore Hill Road
Swanzey, NH 03446

Map 224 Lot 32
Douglas R Pratt & Kaitlin E Erunski
7 Sycamore Hill Road
Swanzey, NH 03446

Map 224 Lot 33
Neighbors LLC
472 Old Homestead highway
Swanzey, NH 03446

Map 224 Lot 35
Eurovia Atlantic Coast LLC
1936 Lee Road, Suite 300
Winter Park, FL 32789

Map 224 Lot 34
The Levin Group
C/O Ronald E. Levin
4905 Plantation Drive
Indianapolis, IN 46250

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

Map 224 Lot 28
FW Webb
Co John R. Provencal REV Trust
160 Middlesex Turnpike
Bedford, MA 01730

Map 224 Lot 31
Therrien Jr, Robert W Rev Trust
21 Meadow Lane
Swanzey, NH 03446

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September 21, 2026

Swanzey Zoning Board of Adjustment
Town of Swanzey
PO BOX 10009
Swanzey, NH 03446

RE: Tahsien Nadeem
Map 224 - Lot 033
472 Old Homestead Highway
Swanzey, NH 03446

To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary approvals from local, state and federal departments for Tax Map 224 lot 0033-000.

Very truly yours,

Map 224 Lot 033-000

Signature : Tahsien Print: TAHSIEN Date : 9/25/26

Neighbors LLC GIS Exhibit

Town of Swanzey, NH

September 28, 2026

1 inch = 100 Feet

0 100 200 300

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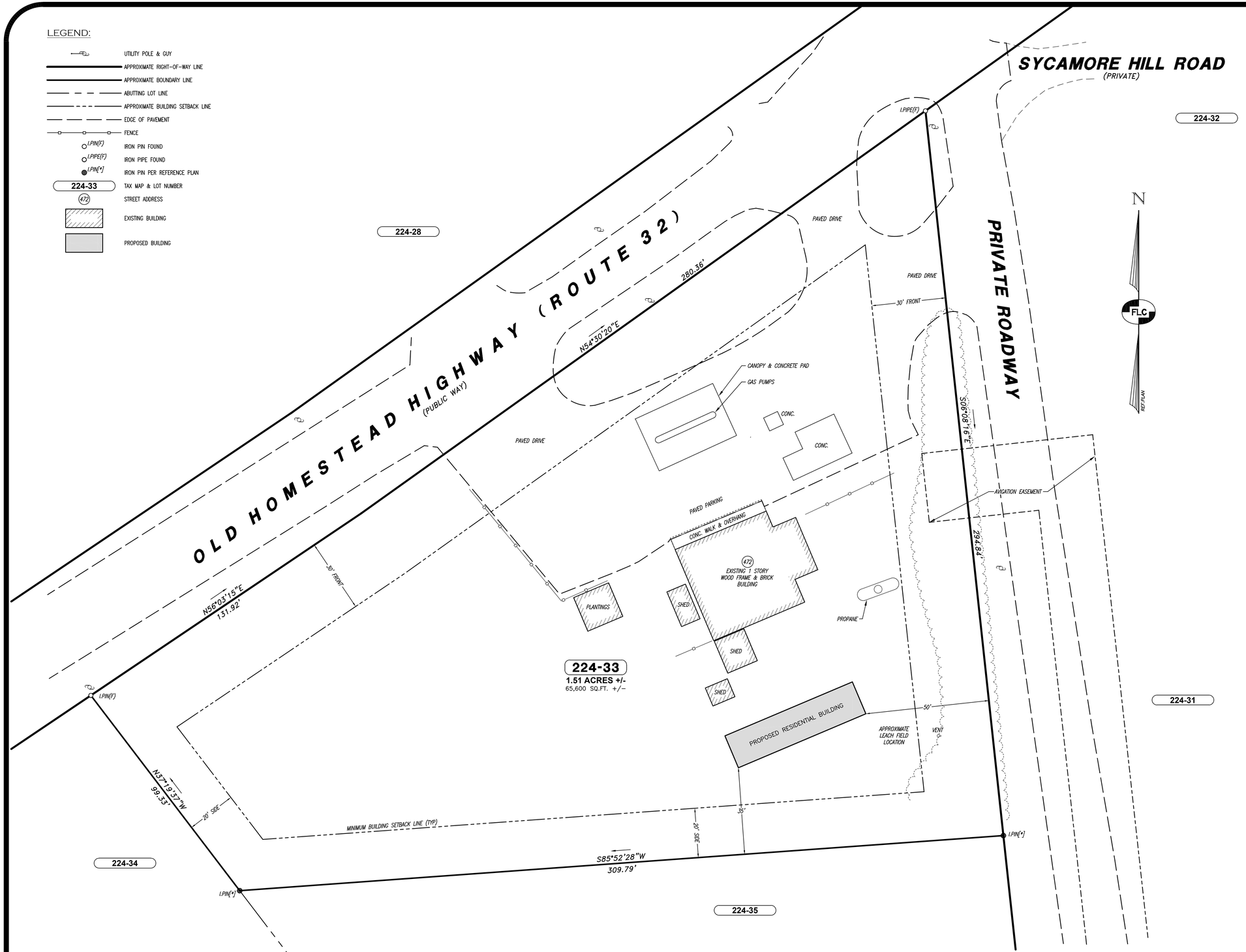


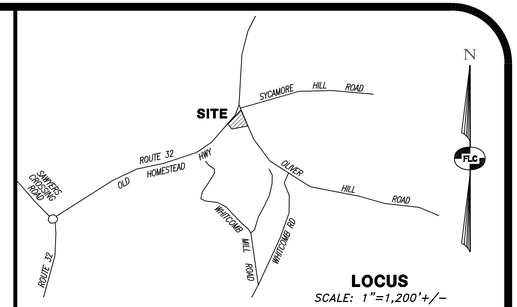
- Dashed Road
- Property Line
- Public Road
- Right of Way
- RoadNotPar
- WaterLines

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

LEGEND:

- UTILITY POLE & GUY
- APPROXIMATE RIGHT-OF-WAY LINE
- APPROXIMATE BOUNDARY LINE
- ABUTTING LOT LINE
- APPROXIMATE BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- FENCE
- I.PIN(F) — IRON PIN FOUND
- I.PIPE(F) — IRON PIPE FOUND
- I.PIN(*) — IRON PIN PER REFERENCE PLAN
- 224-33 — TAX MAP & LOT NUMBER
- (472) — STREET ADDRESS
- EXISTING BUILDING
- PROPOSED BUILDING





LOCUS
SCALE: 1"=1,200'+/-

GENERAL NOTES:

1. THE CURRENT OWNER OF RECORD FOR TAX MAP 224 LOT 33 IS NEIGHBORS LLC, 472 OLD HOMESTEAD HIGHWAY, SWANZEY, NH 03446. SEE C.C.R.D. BK.3092 PG.1022 DATED 12/16/19.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT A SITE DEVELOPMENT CONCEPT CONSISTING OF THE ADDITION OF A RESIDENTIAL BUILDING, AS SHOWN.
3. ZONING IS BUSINESS.

   MINIMUM LOT SIZE – 1 ACRE
   FRONTAGE – 125 FT.
   FRONT YARD SETBACK – 30 FT.
   SIDE & REAR YARD SETBACK – 20 FT.
4. BOUNDARY INFORMATION AND SITE FEATURES SHOWN HEREON ARE PER THE REFERENCE PLAN CITE AND IS NOT THE RESULT OF A FIELD SURVEY BY THIS OFFICE.

REFERENCE PLAN:

"ALTA/ACSM LAND TITLE SURVEY – LAND OF – THE RICE FAMILY LIMITED PARTNERSHIP – LOCATED AT – TAX MAP 34, LOT 33-2 – 472 OLD HOMESTEAD HIGHWAY, SWANZEY, CHESHIRE COUNTY, NEW HAMPSHIRE", SCALE: 1"=20', DATED: JUNE 6, 2008, PREPARED BY: SVE ASSOCIATES, AND RECORDED AS PLAN #C13-D05-0025 IN THE C.C.R.D.

GRAPHIC SCALE
20' 10' 0 20' 40' 60'
IMPERIAL: 1"=20'

REV.	DATE	DESCRIPTION	C/O	DR	CK

ZONING BOARD OF ADJUSTMENT EXHIBIT

TAX MAP 224 LOT 33
(472 OLD HOMESTEAD HIGHWAY)
SWANZEY, NEW HAMPSHIRE

PREPARED FOR:
TAHSIEN NADEEM
472 OLD HOMESTEAD HIGHWAY, SWANZEY, NH 03446
LAND OF:
NEIGHBORS LLC
472 OLD HOMESTEAD HIGHWAY, SWANZEY, NH 03446

SCALE: 1" = 20' SEPTEMBER 25, 2026

Surveying ⌖ Engineering ⌖ Land Planning ⌖ Permitting ⌖ Septic Designs

FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
45 Roxbury Street, Keene, NH 03431
Phone: (603) 672-5456 Fax: (603) 413-5456
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FILE: 4359EH00.dwg | PROJ. NO. 4359.00 | SHEET: EH-1

Sep 26, 2026 – 9:03am FLC-37
P:\0_FLC\0_PROJECTS\4359\4359.00\DWGS\

SYCAMORE HILL ROAD (CLASS VI)

OLIVER HILL ROAD

OLD HOMESTEAD HIGHWAY

SAWYERS CROSSING RD

SIMENEAU LANE

CENTERVIEW DRIVE

ROUTE 32

WHITCOMB HILL ROAD

SOUTH BRANCH

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE EASEMENT

13 0.54 AcC
14 0.87 AcC
15 5.72 Ac
16 0.46 AcC
17 14.5 AcC △ E MONADNOCK REGIONAL SCHOOL DISTRICT MOUNT CEASAR ELEMENTARY SCHOOL
18 16 AcC E MONADNOCK REGIONAL SCHOOL DISTRICT MOUNT CEASAR ELEMENTARY SCHOOL
19 3.1 AcC
20 1.1 AcC
21 9.62 Ac
22 5.02 Ac
23 2.15 Ac
24 1.01 Ac
25 4.45 Ac
26 28 AcC
27 10.28 Ac
28 5.10 Ac
29 16.7 AcC 17.22 Ac
30 7.2 AcC 7.40 Ac
31 30.73 Ac
32 1.56 Ac
33 1.51 Ac
34 2.1 Ac
35 1.4 AcC
36 2.52 Ac
37 2.25 Ac
38 9.65 Ac
39 6.997 Ac
40 1.8 AcC
41 11.5 AcC 12.18 Ac
42 21 Ac
43 12.82 Ac
44 3.20 Ac
45 5.82 Ac
46 3.27 Ac
47 4.44 Ac
48 3.30 Ac
49 2.1 AcC
50 5.03 Ac
51 4.00 Ac
52 3.50 Ac
53 8.29 Ac
54 18 AcC
55 1.9 AcC E TOWN OF SWANZEY
56 3.8 AcC
57 7.83 Ac
58 14.3 AcC
59 56 AcC △
60 1.03 Ac
61 2.96 Ac
62 56 AcC E MONADNOCK REGIONAL SCHOOL DISTRICT REGIONAL MIDDLE/HIGH SCHOOL
63 1.9 AcC E MONADNOCK REGIONAL SCH. DIST. ADMIN OFFICE
1 1.0 AcC E TOWN OF SWANZEY TOWN HALL
2 0.36 Ac E MOUNT CEASAR UNION LIBRARY
3 7.4 AcC E MONADNOCK REGIONAL SCHOOL DISTRICT
4 3.9 AcC E MONADNOCK REGIONAL SCHOOL DISTRICT
5 21 AcC E MONADNOCK REGIONAL SCHOOL DISTRICT
6 2.1 AcC
7 1.554 Ac
8 2.916 Ac
9 1.9 AcC
10 4.5 AcC
11 1.7 AcC E MONADNOCK REG SCHOOL DISTRICT
12 0.89 AcC E TOWN OF SWANZEY

0.20 AcC IN-CONTENTION
0.47 AcC IN-CONTENTION
0.67 AcC IN-CONTENTION

M.L. 235-28 | M.L. 235-39 | M.L. | M.L. 235-1 | M.L. 235-2 | M.L. 235-9 | M.L. 236-42

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

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

PHOTOGRAPHY DATE: APRIL 2021

COMPLETION DATE: DECEMBER 31, 2023

PRODUCED IN 2023 BY
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800.322.4540 - www.cai-tech.com

LEGEND

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

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

REVISED TO: APRIL 1, 2023

PROPERTY MAPS

SWANZEY

NEW HAMPSHIRE

INDEX DIAGRAM

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GN

MAP NO. 224

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~~ *(RECORDING SECRETARY)*

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 ***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 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 673:1~~1 ***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. *Questions: virtual participation? Can virtual attendees vote?*

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. *Points for discussion: clarify that if the meeting was continued, the same members should be seated if possible. RSA Citation? Also should be distinction between quick discussion and long hearing.*

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. ***The recused member retains the right to speak as a member of the public during the public hearing***

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*** *(change to testimony or something similar regarding other personal sources)* 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~~ recording secretary.
   b. Minutes of previous meeting.
   c. Public hearings.
   d. Seating of Alternates (before each public hearing).
   e. Regional impact vote.
   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. *Discuss at next meeting.*

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 hear~~ing. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny appeal without hea~~ring. ***All application fees must be paid or the board will not hear the application.***

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 to 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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____