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 November 16, 2026
7:00 p.m.

The regular meeting of the Swanzey Zoning Board of Adjustment will be held on Monday, November 16, 2026 at 7:00 p.m. at Whitcomb Hall, 17 Main Street, Swanzey.

1) Call to Order

2) Approval of Minutes

   a. October 19, 2026

3) Public Hearings

   a. **ZBA 26-011:** David Abrams has submitted an application for a Special Exception under Section IV, Article A.2.m of the Zoning Ordinance to construct a structure with a footprint of 1,000 square feet or greater, or 25 feet or more in height. The subject property is located at 25 Westbrook Ct, identified as Tax Map 261, Lot 41, within the Rural/Agricultural District.

   b. **ZBA 26-012:** Atlantic Towers, LLC has submitted an application for a Special Exception under Section IV, Article A.2.k of the Zoning Ordinance. The request seeks permission to allow a telecommunications facility in the Rural/Agricultural District. The subject property is identified as Tax Map 220, Lot 3 within the Rural/Agricultural District.

   c. **ZBA 26-013:** Tyler Coppo has submitted an application for a Special Exception under Section IV, Article A.2.m of the Zoning Ordinance. The request seeks permission to allow a detached garage over 1,000 square feet. The subject property is identified as Tax Map 235, Lot 31 and is in the Rural/Agricultural District.

4) Other Business

   a. Rules of Procedure

5) Adjournment

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

Note: Draft Minutes are subject to review, correction, and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

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

ABSENT: Vice Chair Ann Karasinski

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

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

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

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

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

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

Joe Parisi asked for clarification because the application refers to where the mobile home will be placed, although it appears that it is already in place. Daniel Barowski, Land surveyor from Fieldstone, replied that the plan is to move it to comply with the requirements. It is not connected to any utilities and is not being used currently.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board deliberated the checklist for granting a variance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER DISCUSSIONS

Rules of Procedure

The Board reviewed suggested changes to the Rules of Procedures. The current language is as follows:

ALTERNATE MEMBERS

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

~~CLERK~~ (RECORDING SECRETARY)

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

MEETINGS

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

next scheduled meeting, the Chair (or Vice-Chair in their absence) shall determine the necessity of a special meeting.

2. A quorum for all meetings of the Board shall be three members, including alternates sitting in the place of members. ~~As stated in RSA 673:11~~ RSA 674:33,III states that ~~provides that "The concurring vote of 3 members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass."~~ "the concurring vote of any 3 members of the board shall be necessary to take any action on any matter on which it is required to pass." For this reason, the Board will make every effort to ensure that a full five-member Board is present for the consideration of any appeal.

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

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

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

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

e. Unfinished business.
f. New business.
g. Communications and miscellaneous.
h. Adjournment

APPLICATIONS AND DECISIONS

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

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

ADJOURNMENT

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

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

DRAFT

TOWN OF SWANZEY
OFFICE OF PLANNING & COMMUNITY 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: Zoning Board

FROM: Stephon Mehu, Assistant Town Planner

DATE: November 9, 2026

RE: ZBA 26-011– Tax Map 261 Lot 41 – Special Exception Application

Overview:

David Abrams has submitted the following application to the Zoning Board:

1. A special exception pursuant to Section IV, Article A.2.m of the Zoning Ordinance to allow construction of a detached structure measuring 1,440 square feet with a 640 square foot lean-to attached.

The property is located at 25 Westbrook Court (Tax Map 261 Lot 41) in the rural/agricultural district.

Property & Zoning Details:

Location: Northwest side of Westbrook Ct; approximately 750 feet off of NH Route 32.
Parcel ID: Tax Map 261, Lot 41.
Acreage: ±1.5 acres in Swanzey.
Frontage: ±234 feet of road frontage along Westbrook Ct.
Site Access: Existing access off Westbrook Ct.
Zoning Districts: Rural/Agricultural district
Water & Septic: Water and septic on site.

Notice of Public Hearing was mailed to abutters on November 5 and notice was published in the Keene Sentinel on November 14. Department heads were notified October 27.

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 special exception is pursuant to Section IV, Article A.2.m of the Zoning Ordinance, which explains that accessory structures measuring more than 1,000 square feet or more than 25 feet in height require a special exception.

For review of this application, please see the purpose and intent of the rural/agricultural district, as found on page 5 of the Zoning Ordinance:

1. Rural/Agricultural District. This district is designed to accommodate residences and agricultural uses in what is commonly recognized as being a rural atmosphere. The property included within this district will generally be agriculture and forestry, low-density housing, open space protection, water supply protection, and recreation. This district is the potential future growth area for the town and is carefully controlled with monitoring, planning and re-zoning to prevent scattered and premature development. (Amended March 14, 2006)

Applicant had Boundary Line Adjustment executed in 2026 to meet lot line setbacks for construction of proposed structure. Structure is planned to be 96 feet from front and 40 feet from side boundary lines; proposed placement meets all setback requirements.

The Board should determine whether the current use aligns with the stated purpose and intent, while satisfying all special exception criteria.

Staff Comments:

Conservation:

No comments at this time.

Planning:

Attachments:

a. Special Exception Application
b. Tax Map

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APPLICATION FOR SPECIAL EXCEPTION
TOWN OF SWANZEY (Revised 8/22)

MAP: 261 LOT: 41/0/0/0

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT: DAVID AND BONNIE ABRAMS **Contact phone number:** 603-357-3219	**MAILING ADDRESS OF APPLICANT:** P.O. BOX 10453 SWANZEY, N.H. 03446
OWNER OF PROPERTY: (If same as applicant, write "same") SAME	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same") SAME
LOCATION OF PROPERTY (Give Zoning District in which located & current street address) 25 WESTBROOK COURT SWANZEY	RURAL / AGRICULURAL

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:

- ✓ 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

RECEIVED OCT 19 2026 TOWN OF SWANZEY

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 Special Exception is requested from the terms of Section IV, Article I-M of the Zoning Ordinance of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE 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 because:

1000 Sq. FT. IS PERMISSIBLE. HOWEVER, NOT ENOUGH TO ACOMMODATE THE PRESENT NEED. REQUESTING AN ADDITIONAL 440 Sq. FT. FOR A TOTAL OF 1440 Sq. FT. THAT REQUIRES A SPECIAL EXCEPTION FOR A BUILDING PERMIT.

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

THE ONLY PURPOSE WOULD BE TO HOUSE PRIVATE MOTOR VEHICLES & PROPERTY MAINTENANCE EQUIPMENT. WILL NOT BE AN EYE SORE.

3. There will be no nuisance or serious hazard to vehicle or pedestrians because:

THE PRIVATE GARAGE WOULD BE 95 FEET FROM THE EDGE OF A DEAD END ROAD THAT HAS VERY LITTLE VEHICULAR OR PEDESTRIAN TRAVEL.

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

NO PUBLIC FACILITIES NEEDED OR REQUIRED

Signature of Applicant

Date: 10/19/26

Signature of Property Owner

Date: 10/19/26

THIS SPECIAL EXCEPTION IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

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

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

The Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety, and welfare. Special Exceptions may be approved if the Board finds in the affirmative that:

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

_____ Yes _____ No

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

_____ Yes _____ No

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

_____ Yes _____ No

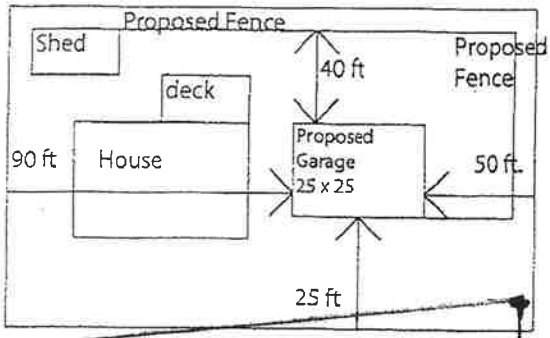
4. Adequate and appropriate facilities will be provided for the proper operations of the proposed use

_____ Yes _____ No

Site Plan Form – Town of Swanzey, NH

1. Show property lines and road(s).
2. Show the proposed structure and all existing structures.
3. Show the measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
4. Include the dimensions of the proposed structure.
5. If installing a fence show the location.
6. Show the location of well or public water line.
7. Show the location of septic system or public sewer line.
8. **Be sure to indicate the scale used for this drawing!**

Sample Plan:



1/4" = 10'

Street

SHED 30'

40'

WELL 42'

(GREEN) PROPOSED 36'x40' GARAGE WITH 16'x40' LEAN-TO ROOF (BLUE)

140'

145

40'

LEAN-TO ROOF 16'x40'

PROPOSED GARAGE 36x40

HOUSE

76'

LEACH FIELD

96'

40'

SMALL GARAGE

33'

WESTBROOK COURT

TOWARD RTE. 32

Signature

10/19/16
Date

Butters

David & Bonnie Abrams
P.O. Box 1053
Swanzey, N.H. 03446

Jen Gordon
5 Westbrook Court
Swanzey, N.H. 03446

Kellie Gordon
1393 Old Homestead Hwy.
Swanzey N.H. 03446

DESCRIPTION OF PROJECT

WOULD LIKE TO BUILD A DETACHED 36X40, 1440 SQ. FT. PRIVATE PARKING GARAGE TOTALING 1440 SQ. FT. WITH AN OPEN 16X40 LEAN-TO WITH NO PERMANENT FLOOR ON ONE SIDE.

TOWN OF SWANZEY

OFFICE OF PLANNING & COMMUNITY 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: Zoning Board

FROM: Adam Paquette, Director of Planning and Community Development

DATE: November 12, 2026

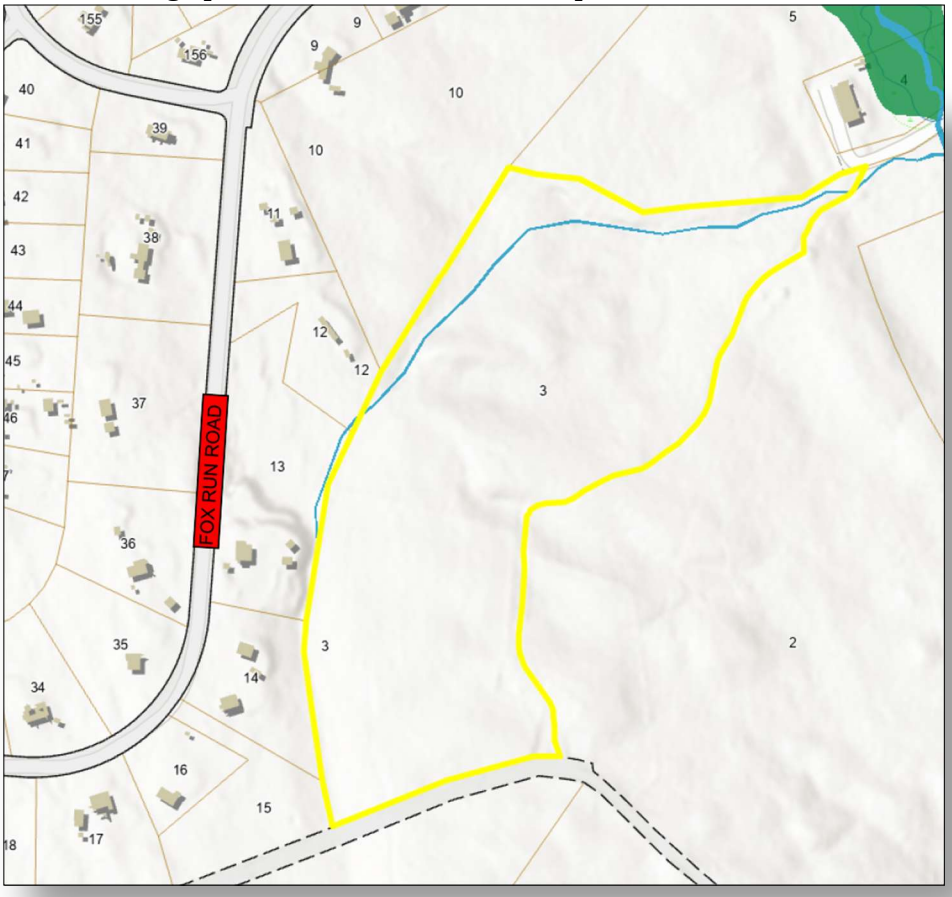
RE: ZBA 26-012 – Tax Map 220 Lot 3 – Telecommunications Tower

Overview:

Atlantic Towers, representing Scott Lambert, have requested a Special Exception pursuant to Section IV, Article A.2.k of the Town of Swanzey Zoning Ordinance to construct a telecommunications facility on Tax Map 220, Lot 3 in the Rural/Agricultural District. Notice of Public Hearing was mailed to abutters on November 5 and notice was published in the Keene Sentinel on November 14.

Property & Zoning Details:

Location: Large parcel to the east of Tax Map 220, Lot 13, as shown below:



Parcel ID: Tax Map 220, Lot 3
Acreage: ±23 acres in Swanzey.
Frontage: ±605' feet of road frontage along Birch Road (CLASS VI).
Site Access: No existing legal access. New driveway is being proposed through Tax Map 220, Lot 13.
Zoning Districts: Rural/Agricultural district
Water & Septic: N/A

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 special exception is being requested per Section IV, Article A.2.k of the Zoning Ordinance. The section reads:

k. Telecommunications Facility, with Special Exception by the Zoning Board of Adjustment. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function subject to the requirement that the height of any tower shall not exceed the average height of the surrounding tree canopy by more than a factor of two (2). Requirements for granting a Special Exception, in addition to those requirements set forth in Section XII.C.2. of the Swanzey Zoning Ordinance, shall be as follows:

i. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites and the need for the proposed height;
ii. Any telecommunications facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instrument to other telecommunications services;
iii. Any alteration of the original permitted use and device configuration of the facility will require a new special exception approval and site plan approval;
iv. The Zoning Board of Adjustment may request detailed plans from the applicant and may, at the expense of the applicant, engage the services of professional consultants to review and comment on the proposal, and testimony of the applicants or their agents relating thereto. (Adopted March 14, 2000)

Additional Information

The applicant has described the facility as a 150-foot monopole tower (with a 4-foot lightning rod) designed for at least four wireless carriers. The tower and supporting equipment will sit inside a 50' x 50' compound enclosed by a 6-foot chain-link fence, with space reserved for future providers.

Staff Comments:

Conservation:

1. It appears the road is existing, but in what condition?
2. Can the road be relocated to avoid wetlands?
3. A site visit should be conducted with the Conservation Commission and Planning Board during site plan review.

Public Works:

1. A driveway permit is required prior to any building permit submittals.

Planning:

1. A conditional use permit will be required during site plan review per Section VII, Article F.2.

Attachments:

a. Special Exception Application
b. Tax Map

DEVINE MILLIMET
ATTORNEYS AT LAW

ATLANTIC TOWER

Table of Contents

Application for Special Exception for a Telecommunications Facility

under Section IV A 2 k. of the Town of Swanzey Zoning Ordinance

Fox Run Road (Route 12), Swanzey, NH

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3.	Plans
4.	Radio Frequency Engineer's Affidavit
5.	Affidavit of Director of Site Acquisition
6.	Coverage Plots showing existing and proposed coverage
7.	Alternative Sites Maps
8.	Alternative Site Analysis
9.	Site Emissions Analysis – FCC compliance Statement
10.	Existing Telecommunication Facilities Maps
11.	Abutters List

Filed by:

Brendan M. Gill

Atlantic Tower, LLC
2 Commercial Street
Sharon, MA 02067

Office: 508-388-4010 x 802
Brendan@VertexTowers.com

CHRISTOPHER A. SWINIARSKI
Admitted in NH and MA

Devine, Millimet & Branch
111 Amherst Street
Manchester, NH 03105

Direct Dial: 603.695-8709
cswiniarski@devinemillimet.com

APPLICATION FOR SPECIAL EXCEPTION **MAP:** 220 **LOT:** 3
TOWN OF SWANZEY (Revised 8/22)

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT:	**MAILING ADDRESS OF APPLICANT:**
Atlantic Towers, LLC	c/o Devine Millimet 111 Amherst Street Manchester, NH 03101
Contact phone number:	
OWNER OF PROPERTY: (If same as applicant, write "same") Scott Lambert	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same") 16 Fox Run Drive Swanzey, NH 03446
LOCATION OF PROPERTY (Give Zoning District in which located & current street address) Rural Agricultural - Fox Run Drive	

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:

- 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 Special Exception is requested from the terms of Section IV A 2 K, Article _____ of the Zoning Ordinance of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE 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 because:
PLEASE SEE NARRATIVE

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood because:
PLEASE SEE NARRATIVE

3. There will be no nuisance or serious hazard to vehicle or pedestrians because:
PLEASE SEE NARRATIVE

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

PLEASE SEE NARRATIVE



_____ _____ Date: October 6, 2026

Signature of Applicant



_____ Date: October 6, 2026

Signature of Property Owner

THIS SPECIAL EXCEPTION IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

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

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

The Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety, and welfare. Special Exceptions may be approved if the Board finds in the affirmative that:

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

_____ _____
Yes No

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

_____ _____
Yes No

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

_____ _____
Yes No

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

_____ _____
Yes No

DEVINE MILLIMET

ATTORNEYS AT LAW

CHRISTOPHER A. SWINIARSKI
Admitted in NH and MA

Devine, Millimet & Branch
111 Amherst Street
Manchester, NH 03105

Direct Dial: 603.695-8709
cswiniarski@devinemillimet.com

October 6, 2026

Town of Swanzey Zoning Board of Adjustment (the "Board")
620 Old Homestead Hwy
Swanzey, NH 03446

RE: Proposed Telecommunication Facility by Atlantic Towers, LLC
Fox Run Drive - Project Narrative and Legal Criteria under Federal and Local Law

Greetings Board Members:

Introduction.

This correspondence analyzes the relevant local, state, and federal law pertaining to the Site Plan Review sought by Atlantic Towers, LLC ("Atlantic") for a proposed wireless communication facility (the "Facility"), as described in the application materials included herewith. The proposed facility will be located at property on Fox Run Drive, Swanzey, NH (the "Property"), which is located in the Rural Agricultural zoning district. The Town of Swanzey Zoning Ordinance (the "Ordinance") expressly allows for the Facility in the Rural Agricultural District pursuant to Section IV A. 2. k. Because the Facility at the Property is the most viable means by which Atlantic's FCC licensed customers can remedy a substantial gap in service, Atlantic hereby submits this narrative and the application materials associated herewith (collectively, the "Application") to allow for the Facility at the Property.

Description of the Facility.

The Property is approximately 23 acres of undeveloped land. The proposed Facility will be located on the Property to observe all setback and dimensional requirements of the Ordinance, as shown on the plan included with the Application at Tab 3 (the "Plan"). As shown on the Plan, the proposed Facility consists of a 150 foot +/- monopole tower (+ a 4' lightning rod), designed to accommodate at least 4 wireless service providers. The tower is located within a 50' x 50' compound completely surrounded by a 6 foot tall chain-link fence. Within

the compound are various components of supporting communication equipment for Atlantic's customers, along with additional space for future carriers.

Purpose of the Facility.

As shown in the Radio Frequency Engineer's Affidavit and Coverage Plots included herewith, Atlantic's customers have determined that wireless coverage in and around the area of the Facility is not optimal. Adequate service to the residents, businesses, and travelers of this area cannot be maintained without the proposed Facility.

More specifically, the coverage plots included as Tab 6 offer a graphic representation of the existing wireless coverage at a given frequency (see page 1 thereof). Areas shown in white represent a signal strength of less than -95 dbm, which is less than adequate under the standards for service quality established by Atlantic's customers. Areas in green indicate an adequate signal strength. Turning to page 2 of the plots at Tab 6 depicts the resulting coverage that will be provided from the proposed Facility in yellow, where significant amounts of previously white territory are now covered in yellow.

A person may ask why a gap in coverage exists when he or she is able to make calls in any given area, or otherwise utilize a mobile device for streaming videos, music, or uploading media, etc. The answer is that Atlantic's customers are continually building and improving their networks to serve the needs and demands of communities and the *nation as a whole*. The service to any one particular device or person in any given place, at a given time, is not indicative of the performance of the network as a whole for the entire community.

The ever changing demand for wireless service drives the need to improve networks and relieve or "off load" existing facilities. Indeed, there are now more wireless devices in America than people, with more than 95% of all Americans owning at least one mobile device, and many owning more. Additionally, as of 2024, more than 91% of all Americans are now using smartphones, a major increase of over just 35% in 2011. [1] Further, younger and future generations rely more heavily on wireless devices, utilizing them as much as or more than many other services commonly thought of as utilities. In more than two-thirds of households of people 35 and under, wireless devices serve as the only means of communication. It is truly amazing to think how the demand for wireless service has grown in just a few short years. Smart communities, with self-driving cars, automated trash pickup, utility metering, and public transportation systems will all rely upon wireless networks. The residents of municipalities with deficient wireless networks will be last in line to take advantage of these advances in technology.

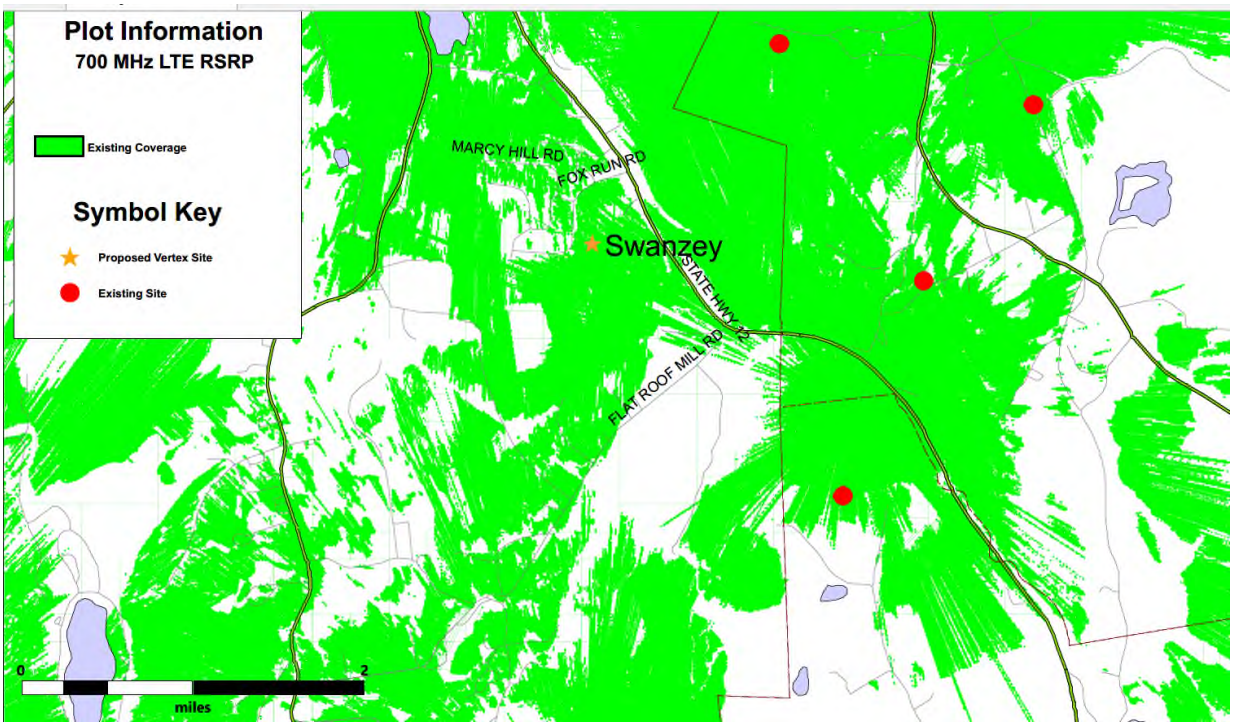
1 Pew Research Center "Mobile Fact Sheet" November 13, 2024.

With the need for wireless service growing exponentially, there is no doubt that residents of Swanzey and other communities across the nation demand continually more robust service. While the infrastructure to provide that service cannot be invisible, Atlantic strives to design and place that infrastructure in ways that cause the least possible visual impact on communities. The proposed Facility before you is the most viable design to achieve that objective.

Site Identification Process.

In its quest to design and place wireless facilities to address the need for improved coverage as outlined above, Atlantic begins by identifying a "search ring" where viable facilities may be located. The initial designation of a search ring is based on geographic proximity to existing gaps in adequate coverage and existing facilities. Put simply, the search ring generally begins in the center of an identified gap in coverage.

In the Swanzey area, the particular gap in coverage that is the subject of this application is generally the white area as shown on page 1 of Tab 6, and reproduced below for reference:



Within this area, Atlantic site acquisition consultants first look for properties with existing wireless facilities, or existing tall structures that can accommodate those facilities, closer to the center. They also specifically review applicable regulations like the Ordinance to determine where municipalities have designated preferential locations, such as the Rural Agricultural District is specifically favored by the Ordinance. Topography and existing obstructions are also considered.

The examination begins by using satellite imagery and available GIS mapping, and follows up with an in-depth, in-person review of locations within the search ring. They rule out properties that are physically or legally impractical, such as vast wetlands or conservation lands. When the site acquisition consultants locate parcels that appear viable to address the coverage gap, they

contact property owners to determine whether those owners are willing to lease or otherwise make their property available for a wireless facility. The list and location of one or more of those properties with willing owners is then evaluated by radio frequency engineers to confirm overall viability to achieve coverage objectives.

Applicable Federal Law which Preempts Local and State Law.

We are confident that the Town of Swanzey is familiar with the applicable Special Exception criteria set forth in the Ordinance. It is important however to understand how federal law can intersect and preempt both the Ordinance and state law. Specifically, the relevant federal law in play is the Telecommunications Act of 1996, which was codified as 47 U.S. Code § 332, along with several interpretations and rulemakings promulgated by federal agencies (most notably the Federal Communication Commission) thereunder (collectively, the "TCA"). In pertinent part, the TCA provides that a state or local law may not have "the effect of prohibiting the provision of personal wireless services." See 47 U.S. Code § 332 (c)(7)(B)(i)(II). Put simply, if the application of the special exception criteria results in a denial of the Application, that denial will be reversed if the applicant demonstrates that the denial is an effective prohibition of personal wireless service, i.e., a violation of federal law. Green Mountain Realty Corp. v. Leonard, 750 F.3d 30, 38 (1st Cir. 2014). *Any application of a state or municipal regulation that "materially inhibits" the deployment of wireless communication facilities will amount to an effective prohibition of personal wireless service, which is a violation of federal law. See Cellco Partnership v. White Deer Township Zoning Hearing Board, Docket No. 22-2392 (3d Cir. 2023).*

Fortunately, Atlantic's Application meets the majority of the Ordinance's requirements such that it should be approved without need for pre-emption by federal law. To the extent that the application and materials may technically need waivers under the Ordinance, the Applicant hereby requests those waivers in order to maintain compliance with the federal law set forth above. The Specific Ordinance requirements are set forth on Exhibit A, with the Applicant's comments thereto in italics.

Summary

As set forth above, the proposed Facility provides the valuable wireless service that residents and businesses of the Swanzey area demand, and that Atlantic's customers provide. This design is the result of the site selection process described above, in compliance with applicable local and federal law. The proposed Facility is the most viable alternative to address the coverage gap identified by Atlantic's customers in a way that does not materially impede their deployment of service, and we therefore respectfully request that this Board grant the Conditional Use Permit sought herein.

Sincerely,



Christopher Swiniarski
Attorney for Atlantic Tower, LLC

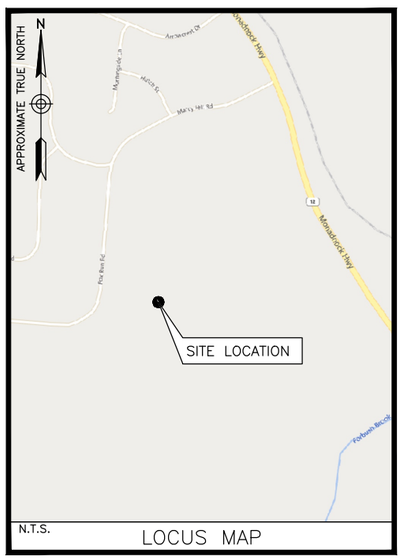
c. Telecommunications Facility, with Special Exception by the Zoning Board of Adjustment. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function subject to the requirement that the height of any tower shall not exceed the average height of the surrounding tree canopy by more than a factor of two (2). Requirements for granting a Special Exception, in addition to those requirements set forth in Section XII.C.2. of the Swanzey Zoning Ordinance, shall be as follows: *See Radio Frequency engineer's affidavit and coverage maps included herewith. The proposed facility is less that twice the height of the average tree canopy.* The proposed facility is

i. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites and the need for the proposed height; *See alternate site analysis included herewith.*

. Any telecommunications facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instrument to other telecommunications services; *The facility is designed to accommodate four (4) carriers.*

i. Any alteration of the original permitted use and device configuration of the facility will require a new special exception approval and site plan approval;

SWANZEY RT. 12
AT-NH-0565A
FOX RUN RD.
SWANZEY, NH 03446



N.T.S.

LOCUS MAP

SITE NAME:
SWANZEY RT. 12

SITE ADDRESS:
FOX RUN RD.
SWANZEY, NH 03446

PROPERTY OWNER:
SCOTT LAMBERT
16 FOX RUN DRIVE
SWANZEY, NH 03446

APPLICANT:
ATLANTIC TOWER, LLC
PO BOX 680
MEDFIELD, MA 02052

ZONING DISTRICT:
RESIDENCE & RURAL/AGRICULTURAL DISTRICT

PARCEL ID:
220-3-0-0 & 220-13-0-0

COORDINATES (NAD83)*:
LATITUDE: 42°52'52.76" (42.881322') N
LONGITUDE: 72°14'42.57" (72.245159') W
*CENTER OF MONOPOLE
(BASED ON SURVEY)

PROJECT SUMMARY

PROJECT ENGINEER

DEWBERRY ENGINEERS INC.
99 SUMMER ST.
SUITE 700
BOSTON, MA 02110
PHONE # (617) 695-3400

SURVEYOR

NORTHEAST SURVEY CONSULTANTS
3 FERRY STREET
STUDIO 1 EAST
EASTHAMPTON, MA 01027
PHONE # (413) 203-5144

PROJECT DIRECTORY

A PROPOSED 150' A.G.L. TALL MONOPOLE AND ASSOCIATED EQUIPMENT WILL BE INSTALLED AT GRADE INSIDE A PROPOSED 60'x60' FENCED COMPOUND. PROPOSED ANTENNAS & ASSOCIATED EQUIPMENT WILL BE INSTALLED ON THE PROPOSED MONOPOLE. POWER & FIBER TO COME OVERHEAD FROM UTILITY POLE ON FOX RUN ROAD.

PROJECT DESCRIPTION

THIS DOCUMENT WAS DEVELOPED TO REFLECT A SPECIFIC SITE AND ITS SITE CONDITIONS AND IS NOT TO BE USED FOR ANOTHER SITE OR WHEN OTHER CONDITIONS PERTAIN. REUSE OF THIS DOCUMENT IS AT THE SOLE RISK OF THE USER.

A.D.A. COMPLIANCE:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.

SHT. NO.	DESCRIPTION
T-1	TITLE SHEET
Z-1	ABUTTERS PLAN
Z-2	ABUTTERS PLAN – AERIAL OVERLAY
Z-3	EXISTING CONDITIONS PLAN
Z-4	PROPOSED CONDITIONS PLAN
Z-5	COMPOUND PLAN
Z-6	ELEVATION
Z-7	TYPICAL DETAILS

SHEET INDEX

PREPARED FOR:

ATLANTIC TOWER LLC
P.O. BOX 680
MEDFIELD, MA 02052

VERIZON WIRELESS
51 ALDER STREET
MEDWAY, MA 02053

Dewberry®
Dewberry Engineers Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A	08/13/26	ISSUED FOR REVIEW	JG

SITE NAME:
SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

GENERAL NOTES:

1. FIELD SURVEY DATE: 6/12/26
2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)
3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
4. OWNER: SCOTT LAMBERT, 16 FOX RUN DRIVE, SWANZEY, NH 03446
5. SITE NAME: SWANZEY RT 12, AT-NH-0565A
6. SITE ADDRESS: FOX RUN ROAD, SWANZEY, NH 03446
7. APPLICANT: ATLANTIC TOWER LLC, PO BOX 680, MEDFIELD, MA 02052
8. JURISDICTION: TOWN OF SWANZEY, CHESHIRE COUNTY
9. TAX ID: 220-3-0-0 & 220-13-0-0
10. DEED REFERENCE: DEED BOOK 3029 PAGE 89, DEED BOOK 1276 PAGE 368, DEED BOOK 1398 PAGE 6
11. PLAN REFERENCE: PLAN C12-D05-0202
12. THE HORIZONTAL DATUM AND VERTICAL DATUM WERE DERIVED FROM AN RTK GPS SURVEY.
13. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE ONLY. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DIGSAFE 1-800-322-4844 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.
14. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED IMPROVEMENTS ARE LOCATED IN AREAS DESIGNATED AS ZONE X (UNSHADED, AREAS OF MINIMAL FLOODING). COMMUNITY PANEL NO. 33005C 0288 E, EFFECTIVE ON 5/23/06.
15. FIELD SURVEY BY RTK GPS & RTK DRONE.
16. THIS IS NOT A BOUNDARY SURVEY.
17. ALL PROPERTY LINES SHOWN ARE FROM FIELD EVIDENCE, DEEDS & PLANS OF RECORD AND GIS DATA AND ARE APPROXIMATE ONLY.
18. WETLANDS SHOWN HEREON WERE DELINEATED BY NORTH COUNTRY SOIL SERVICES ON 5/2/26. FLAGS WERE LOCATED BY THIS SURVEY.

ZONING INFORMATION

PER TOWN OF SWANZEY, NH ZONING ORDINANCE (2026), SECTION VI, RESIDENCE DISTRICTS

ZONING DISTRICT: RURAL/AGRICULTURAL DISTRICT

	REQUIRED	PROPOSED
FRONT YARD:	30'	285'± (a)
SIDE YARD:	20'	188'± (a)
REAR YARD:	20'	251'± (a)

(a) DISTANCE FROM PROPOSED MONOPOLE CENTER TO NEAREST PROPERTY LINE.

LEGEND

- Existing Property Line
- LOCUS PROPERTY LINE
- PROPOSED EASEMENT
- OHW — Overhead Wires
- Existing Contour Line
- Zoning District Line
- EOW X-X — EOW X-X — WETLAND FLAGGING
- 75' WETLAND SETBACK
- Existing Intermittent Stream



ABUTTERS PLAN (1)

SCALE: 1"=200' FOR 11"x17"
1"=100' FOR 22"x34"

0' 100' 200'

PREPARED FOR:

ATLANTIC TOWER

ATLANTIC TOWER LLC
P.O. BOX 680
MEDFIELD, MA 02052

verizon

VERIZON WIRELESS
51 ALDER STREET
MEDWAY, MA 02053

Dewberry

Dewberry Engineers Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

SUBMITTALS

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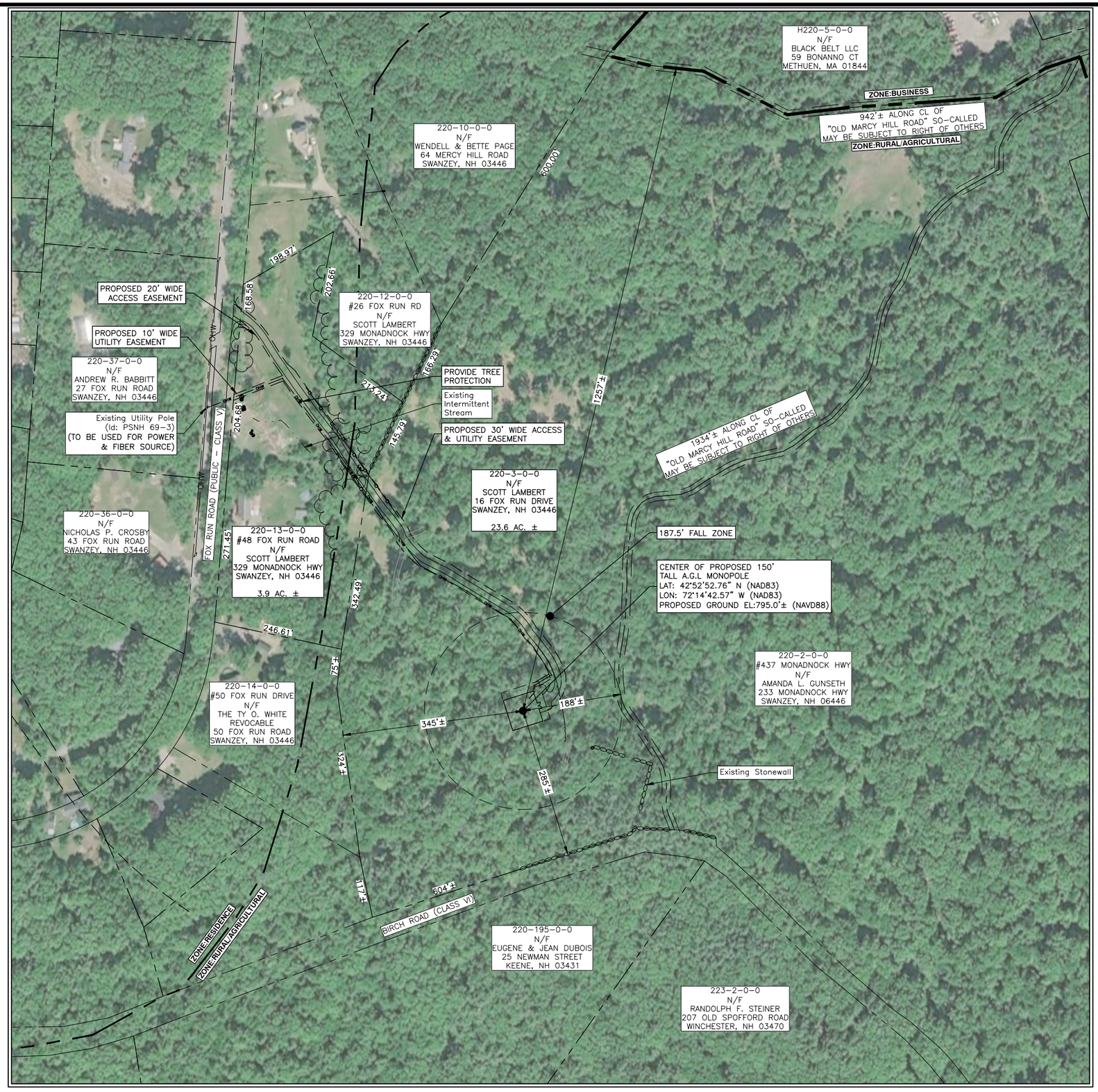
SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE
ABUTTERS PLAN

SHEET NUMBER
Z-1



NOTES:

1. SOME EXISTING & PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
2. NORTH SHOWN AS APPROXIMATE.
3. THIS DOCUMENT IS FOR ZONING ONLY, NOT FOR CONSTRUCTION.

LEGEND

- Existing Property Line
- LOCUS PROPERTY LINE
- PROPOSED EASEMENT
- OHW — Overhead Wires
- Existing Contour Line
- Zoning District Line
- EOW X-X — EOW X-X — WETLAND FLAGGING
- 75' WETLAND SETBACK
- Existing Intermittent Stream

AERIAL OVERLAY 1

SCALE: 1"=200' FOR 11"x17"
1"=100' FOR 22"x34"

0' 100' 200'

PREPARED FOR:

ATLANTIC TOWER

ATLANTIC TOWER LLC
P.O. BOX 680
MEDFIELD, MA 02052

verizon

VERIZON WIRELESS
51 ALDER STREET
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APPROVED BY: BBR

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SITE NAME:

SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:

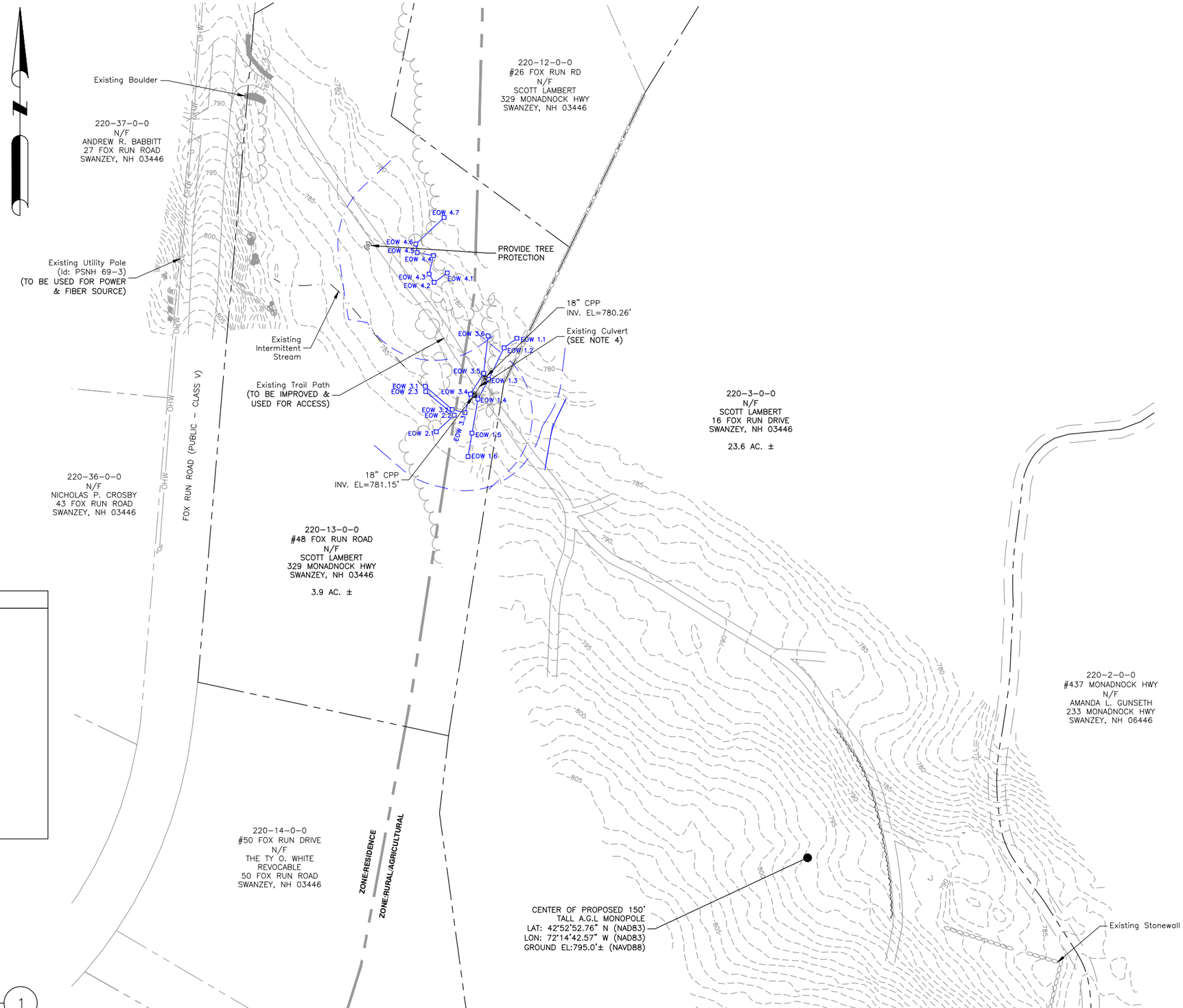
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE

ABUTTERS PLAN - AERIAL OVERLAY

SHEET NUMBER

Z-2



LEGEND

- Existing Property Line
- LOCUS PROPERTY LINE
- PROPOSED EASEMENT
- OHW — Overhead Wires
- Existing Contour Line
- Zoning District Line
- EOW X-X — EOW X-X — WETLAND FLAGGING
- 75' WETLAND SETBACK
- Existing Intermittent Stream
- Existing Stonewall
- Existing Treeline
- Existing Pipe Inlet or Outlet
- Existing Utility Pole
- Existing Tree

NOTES:

1. SOME EXISTING & PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
2. NORTH SHOWN AS APPROXIMATE.
3. THIS DOCUMENT IS FOR ZONING ONLY, NOT FOR CONSTRUCTION.
4. EXISTING CULVERT TO BE SECURED AND PROTECTED DURING CONSTRUCTION.
5. WETLANDS SHOWN HEREON WERE DELINEATED BY NORTH COUNTRY SOIL SERVICES ON 5/2/26. FLAGS WERE LOCATED BY THIS SURVEY.

EXISTING CONDITIONS PLAN 1

SCALE: 1"=100' FOR 11"x17"
1"=50' FOR 22"x34"

0' 50' 100'

PREPARED FOR:

ATLANTIC TOWER

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SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:

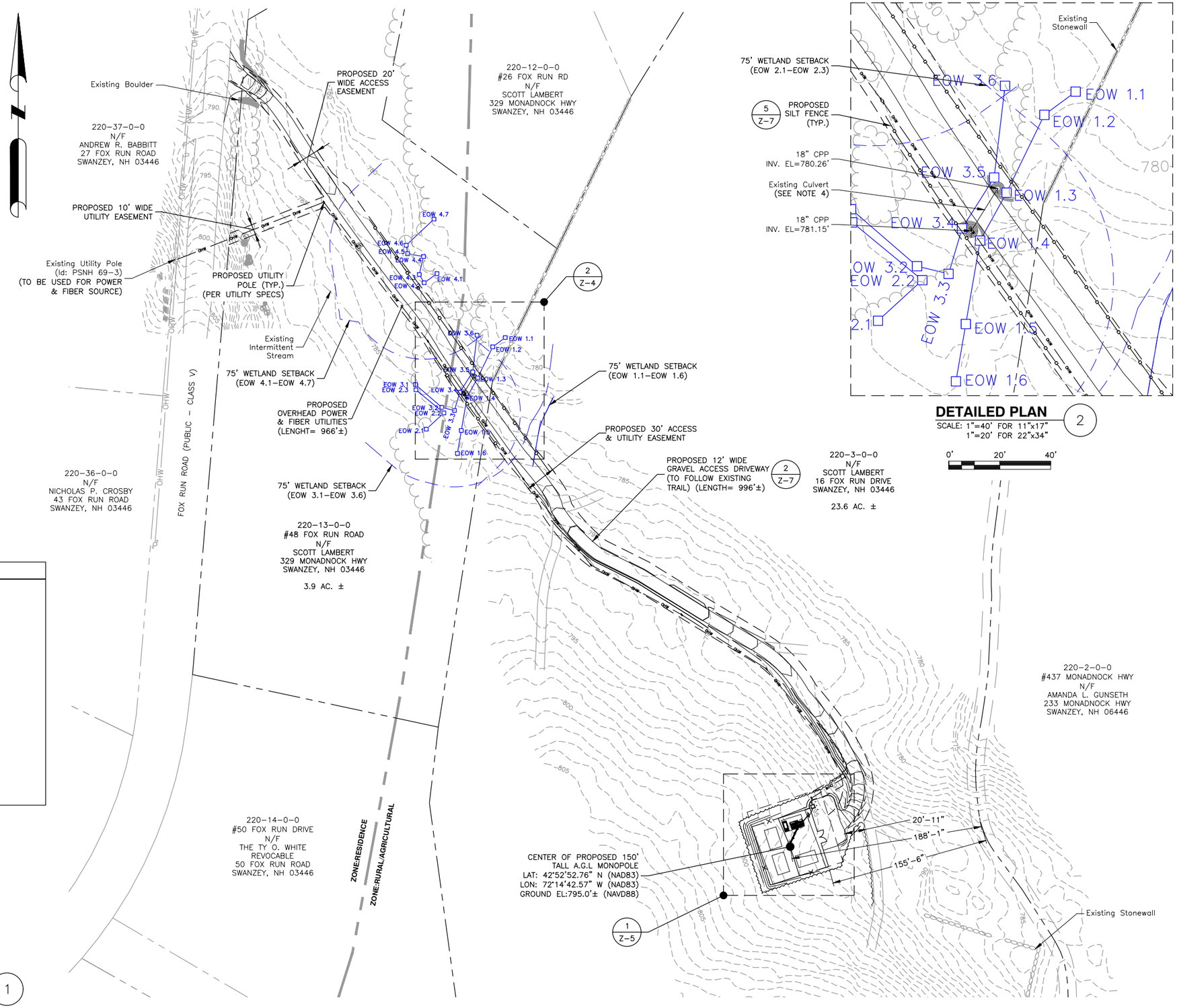
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE

EXISTING CONDITIONS PLAN

SHEET NUMBER

Z-3



DETAILED PLAN 2

SCALE: 1"=40' FOR 11"x17"
1"=20' FOR 22"x34"

0' 20' 40'

LEGEND

- Existing Property Line
- LOCUS PROPERTY LINE
- PROPOSED EASEMENT
- OHW — Overhead Wires
- Existing Contour Line
- Zoning District Line
- EOW X-X — EOW X-X — WETLAND FLAGGING
- 75' WETLAND SETBACK
- Existing Intermittent Stream
- Existing Stonewall
- Existing Treeline
- Existing Pipe Inlet or Outlet
- Existing Utility Pole
- Existing Tree

NOTES:

1. SOME EXISTING & PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
2. NORTH SHOWN AS APPROXIMATE.
3. THIS DOCUMENT IS FOR ZONING ONLY, NOT FOR CONSTRUCTION.
4. EXISTING CULVERT TO BE SECURED AND PROTECTED DURING CONSTRUCTION.
5. WETLANDS SHOWN HEREON WERE DELINEATED BY NORTH COUNTRY SOIL SERVICES ON 5/2/26. FLAGS WERE LOCATED BY THIS SURVEY.
6. PROPOSED AREA DISTURBED DUE TO DRIVEWAY IMPROVEMENTS WITHIN 75' WETLAND SETBACK IS 4,085 S.F.

PROPOSED CONDITIONS PLAN 1

SCALE: 1"=100' FOR 11"x17"
1"=50' FOR 22"x34"

0' 50' 100'

PREPARED FOR:

ATLANTIC TOWER

ATLANTIC TOWER LLC
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MEDFIELD, MA 02052

verizon

VERIZON WIRELESS
51 ALDER STREET
MEDWAY, MA 02053

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PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

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SITE NAME:

SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:

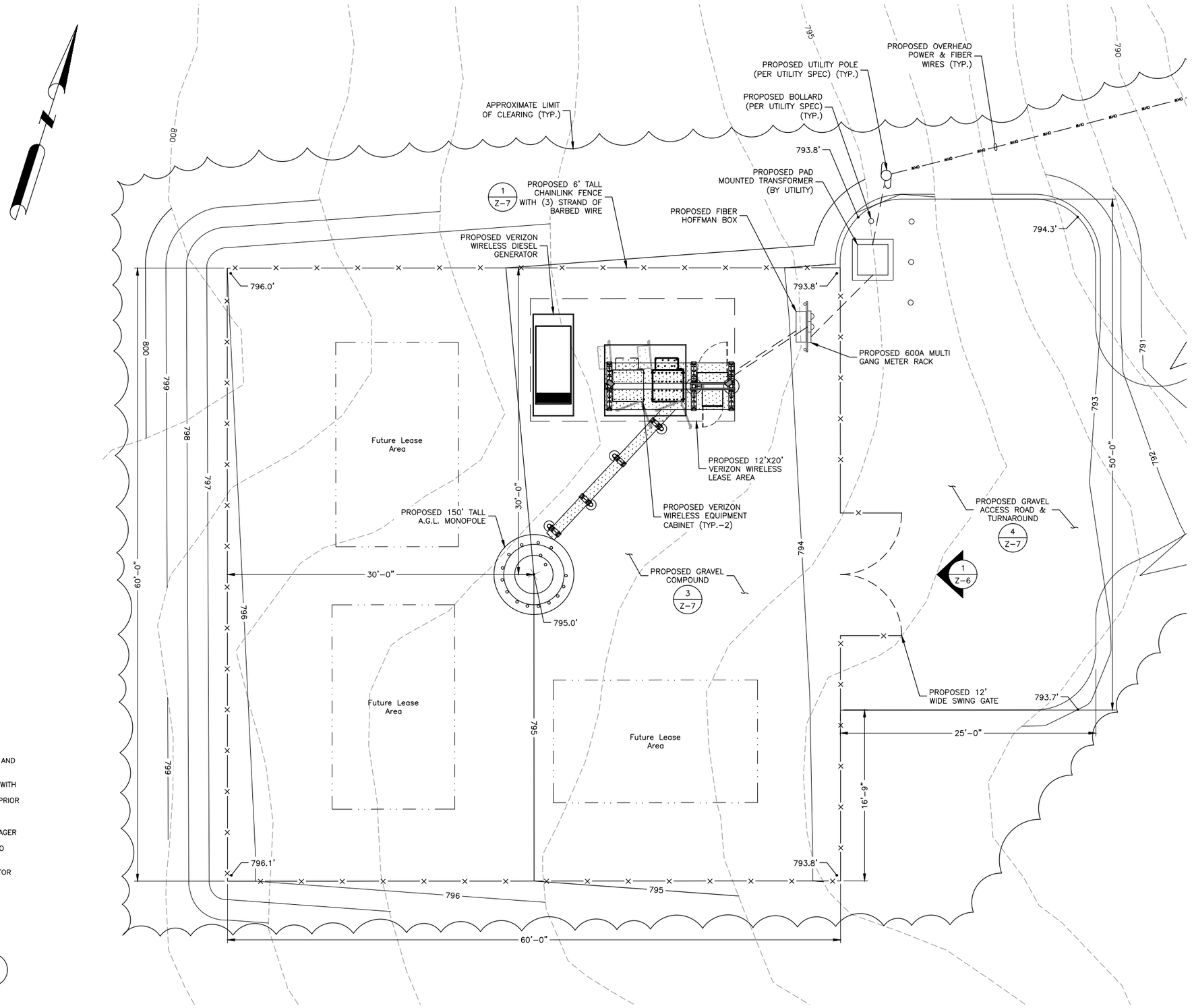
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE

PROPOSED CONDITIONS PLAN

SHEET NUMBER

Z-4



NOTES:

1. FINAL UTILITY ROUTING PENDING FINAL UTILITY DESIGN AND LANDOWNER APPROVAL.
2. DEWBERRY ENGINEERS INC. HAS NOT BEEN PROVIDED WITH TOWER OR FOUNDATION DESIGNS. FINAL TOWER & FOUNDATION DESIGNS TO BE COMPLETED BY OTHERS PRIOR TO CONSTRUCTION & TOWER FABRICATION.
3. FINAL TOWER HEIGHT IS DEPENDENT ON FOUNDATION ELEVATION ABOVE GROUND LEVEL. CONSTRUCTION MANAGER TO REVIEW FINAL FOUNDATION HEIGHT ABOVE FINISHED GRADE & REDUCE THE TOWER HEIGHT ACCORDINGLY TO ACHIEVE FINAL ELEVATION SHOWN.
4. SOME EXISTING & FUTURE INFORMATION NOT SHOWN FOR CLARITY.
5. x – SPOT GRADE
   A.G.L. – ABOVE GROUND LEVEL
   C.L. – CENTERLINE
   NAVD88 – NATIONAL VERTICAL DATUM OF 1988

COMPOUND PLAN 1

SCALE: 1"=10' FOR 11"x17"
1"=5' FOR 22"x34"

0' 5' 10'

PREPARED FOR:

ATLANTIC TOWER

ATLANTIC TOWER LLC
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verizon

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SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

SUBMITTALS

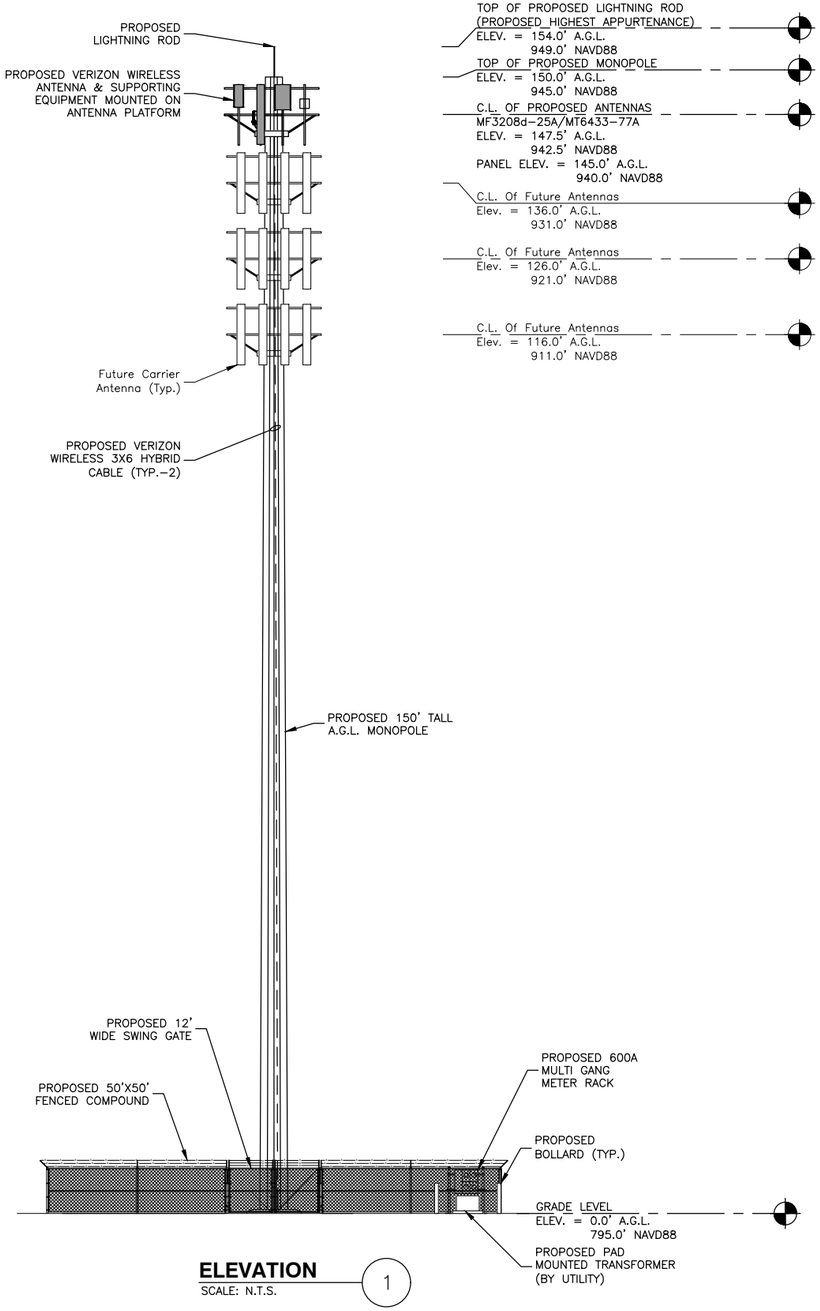
REV.	DATE	DESCRIPTION	BY
A	08/13/26	ISSUED FOR REVIEW	JG

SITE NAME:
SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE
COMPOUND PLAN

SHEET NUMBER
Z-5



ELEVATION 1
SCALE: N.T.S.

NOTES:

1. ELEVATION SHOWN AS APPROXIMATE.
2. DEWBERRY ENGINEERS INC. HAS NOT BEEN PROVIDED WITH TOWER OR FOUNDATION DESIGNS. FINAL TOWER & FOUNDATION DESIGNS TO BE COMPLETED BY OTHERS PRIOR TO CONSTRUCTION & TOWER FABRICATION.
3. FINAL TOWER HEIGHT IS DEPENDENT ON FOUNDATION ELEVATION ABOVE GROUND LEVEL. CONSTRUCTION MANAGER TO REVIEW FINAL FOUNDATION HEIGHT ABOVE FINISHED GRADE & REDUCE THE TOWER HEIGHT ACCORDINGLY TO ACHIEVE FINAL ELEVATION SHOWN.
4. SOME EXISTING & FUTURE INFORMATION NOT SHOWN FOR CLARITY.
5. X – SPOT GRADE
   A.G.L. – ABOVE GROUND LEVEL
   C.L. – CENTERLINE
   NAVD88 – NATIONAL VERTICAL DATUM OF 1988
6. FOR ZONING PURPOSES ONLY. NOT FOR CONSTRUCTION.

PREPARED FOR:

ATLANTIC TOWER

ATLANTIC TOWER LLC
P.O. BOX 680
MEDFIELD, MA 02052

verizon

VERIZON WIRELESS
51 ALDER STREET
MEDWAY, MA 02053

Dewberry®

Dewberry Engineers Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A	08/13/26	ISSUED FOR REVIEW	JG

SITE NAME:

SWANZEY RT. 12
AT–NH–0565A

SITE ADDRESS:

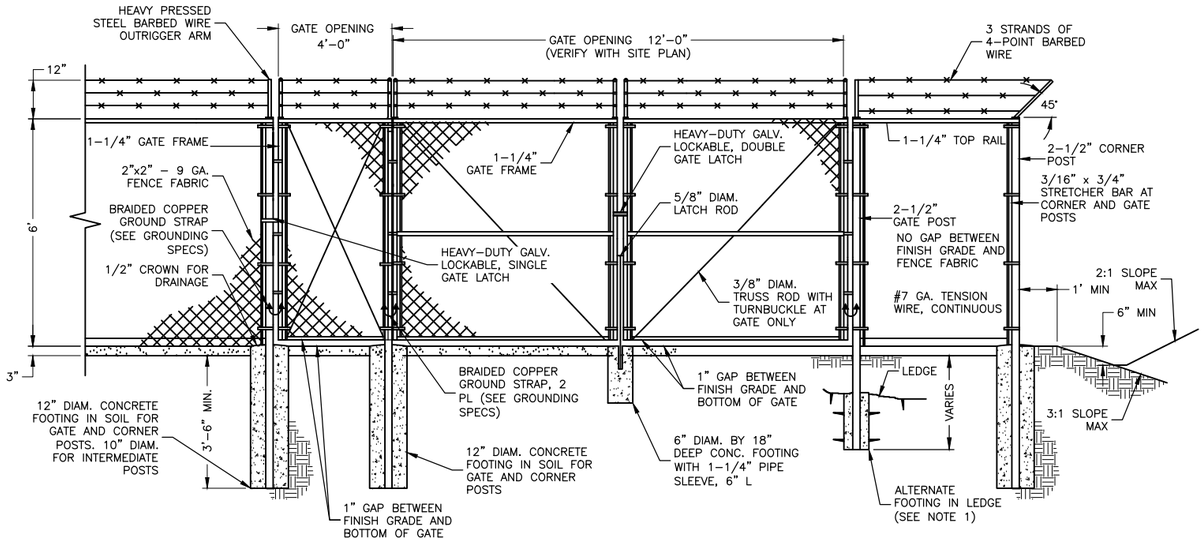
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE

ELEVATION

SHEET NUMBER

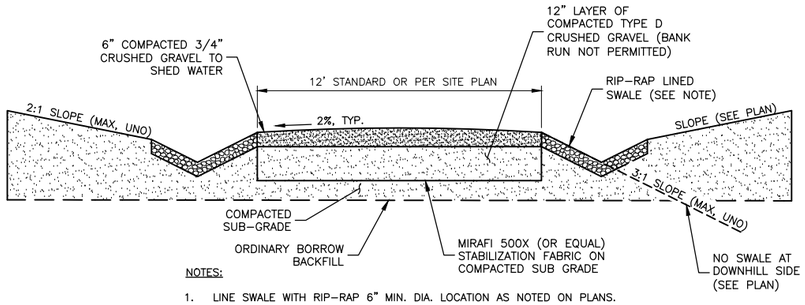
Z-6



FENCE NOTES:

1. ALTERNATE FOOTINGS FOR ALL FENCE POSTS IN LEDGE: IF LEDGE IS ENCOUNTERED AT GRADE, OR AT A DEPTH SHALLOWER THAN 3'-6", CORE DRILL AN 8" DIA HOLE 18" INTO THE LEDGE. CENTER POST IN THE HOLE AND FILL WITH CONCRETE OR GROUT. IF LEDGE IS BELOW FINISH GRADE, COAT BACKFILLED SECTION OF POST WITH COAL TAR, AND BACKFILL WITH WELL-DRAINING GRAVEL.
2. ATTACH EACH GATE WITH 1-1/2 PAIR OF NON-LIFT-OFF TYPE, MALLEABLE IRON OR FORGING, PIN-TYPE HINGES. ASSEMBLIES SHALL ALLOW FOR 180° OF GATE TRAVEL.

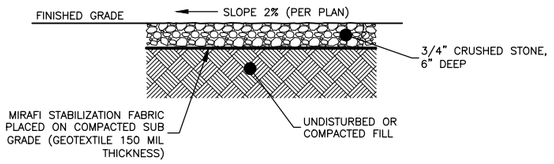
GATE & FENCE DETAIL 1
SCALE: N.T.S.



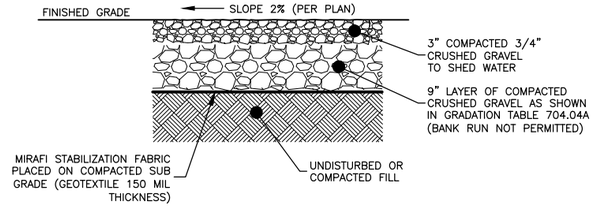
NOTES:

1. LINE SWALE WITH RIP-RAP 6" MIN. DIA. LOCATION AS NOTED ON PLANS.
2. SUBGRADE AND FILL SHALL CONSIST OF CLEAN SOIL. NO DELETERIOUS MATERIALS OR ORGANICS TO BE USED.
3. REMOVE MINIMUM OF 12" OF TOP SOIL AND ORGANICS BEFORE COMMENCING ACCESS ROAD.

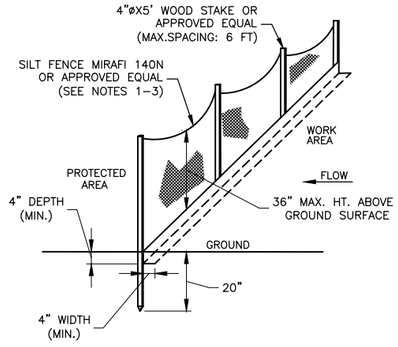
ROAD CROSS SECTION WITH SWALES 2
SCALE: N.T.S.



GRAVEL YARD DETAIL 3
SCALE: N.T.S.



PARKING AREA DETAIL 4
SCALE: N.T.S.



NOTES:

1. THE FABRIC SHALL BE EMBEDDED A MINIMUM OF 4 INCHES IN DEPTH AND 4 INCHES IN WIDTH IN A TRENCH EXCAVATED INTO THE GROUND. IF SITE CONDITIONS INCLUDE FROZEN GROUND, LEDGE, OR THE PRESENCE OF HEAVY ROOTS, THE BASE OF THE FABRIC SHALL BE EMBEDDED WITH A MINIMUM THICKNESS OF 8 INCHES OF 3/4-INCH STONE.
2. THE TRENCH SHALL BE EXCAVATED APPROXIMATELY 4 INCHES WIDE AND 4 INCHES DEEP ALONG THE LINE OF POSTS AND UPGRADIENT FROM THE BARRIER.
3. THE SOIL SHALL BE COMPACTED OVER THE EMBEDDED FABRIC.
4. ADJOINING SECTIONS OF THE FENCE SHALL BE OVERLAPPED BY A MINIMUM OF 24 INCHES, FOLDED AND STAPLED TO A SUPPORT POST.
5. HAND DIG SILT FENCE, NO HEAVY MACHINERY.

SILT FENCE BARRIER 5
SCALE: N.T.S.

PREPARED FOR:
ATLANTIC TOWER
ATLANTIC TOWER LLC
P.O. BOX 680
MEDFIELD, MA 02052

verizon
VERIZON WIRELESS
51 ALDER STREET
MEDWAY, MA 02053

Dewberry
Dewberry Engineers Inc.
99 SUMMER STREET
SUITE 700
BOSTON, MA 02110
PHONE: 617.695.3400
FAX: 617.695.3310

CHECKED BY: OAS

APPROVED BY: BBR

JOB NUMBER: 50188538

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
A	08/13/26	ISSUED FOR REVIEW	JG

SITE NAME:
SWANZEY RT. 12
AT-NH-0565A

SITE ADDRESS:
FOX RUN RD.
SWANZEY, NH 03446

SHEET TITLE
TYPICAL DETAILS

SHEET NUMBER
Z-7

AFFIDAVIT OF RF ENGINEER

I, Jose Hernandez hereby state the following in support of the application for Atlantic Tower, LLC of proposed Monopole tower located at Fox Run Road Swanzey, NH 03446. (42.881322, -72.245159). (the "Site") and the attachment of antennas, cabling and other telecommunications equipment on and at the base of the Monopole Tower by various wireless broadband telecommunications carriers as proposed in the attached application (the "Facility").

1. I am a currently an independent consultant Principal/Manager Radio Frequency Engineer. I have been involved with the wireless telecommunications industry for 28 years, and have held various technical, operational and supervisory positions with Nextel Communications, T-Mobile, AT&T Mobility and Sprint PCS.

2. In order to satisfy its obligations under its radio licenses acquired from the FCC and under the Code of Federal Regulations 47 C.F.R. § 27.14(a), wireless broadband telecommunications carriers must have in place a system of strategically deployed "cell sites" to provide wireless communications services to their subscribers' throughout their licensed area. These cell sites generally consist of an antenna support structure such as a telecommunications tower, building, water tank, or other structures used to elevate the antennas to the height necessary for providing adequate service to the targeted area. The antennas are connected via cabling to radio equipment located near the antennas and/or at the base of the support structure. The cell sites operate by transmitting and receiving low power radio frequency signals to and from their subscribers' portable wireless communication devices such as basic handheld phones, smartphones, PDA's, tablets, and laptop aircards. These wireless voice and data signals are then transferred through ground telephone lines, fiber, microwave or other means of backhaul transport, and routed to their destinations by sophisticated electronic equipment.

3. Cell sites are a vital and necessary part of carriers' network infrastructure. In order to maintain effective, uninterrupted service throughout a given area, there must be a series of cell sites, interconnected to each other with slightly overlapping coverage areas. This allows for the subscribers to move freely about a geographic area while maintaining a consistent and reliable wireless connection to the network.

4. A proposed cell site must consider the locations and coverage provided by the surrounding cell sites in the network, and must be located within a limited geographical area, which is defined by factors such as terrain, land use characteristics, and population density. By locating within this limited area and at a sufficient height, the cell site would have a high probability of meeting the targeted objectives, thereby providing reliable coverage and capacity throughout the cell.

5. In compliance with the requirements of its FCC licenses, carriers are actively building their respective networks to provide coverage throughout its licensed area. In order to meet the responsibility of providing seamless, uninterrupted service, carriers must continue to acquire

interest in sites for additional facilities, and is applying for and obtaining local governmental zoning approvals to construct its sites in order to eliminate deficient service areas due to gaps in coverage or insufficient capacity. Any delays severely curtail carriers' ability to satisfy both mandated time requirements, and to achieve a market position that will allow it to compete for customers with other similar companies also issued licenses to operate in this area.

6. Using computer simulations to model radio frequency propagation, Atlantic Tower has determined that a wireless transmission facility located at or near to the proposed Facility would facilitate wireless communications within the local area along Rt.12, Flat Roof Mill Rd and surrounding areas of Swanzey, NH. These simulations model characteristics such as antenna types, antenna height, output power, terrain, ground elevations and RF propagation effects of the frequency utilized.

7. In my opinion based upon substantial research and analysis, without a cell site located at or very near the proposed site, this area of Swanzey, NH would not meet the typical coverage requirements for multiple wireless carriers, resulting in a substantial gap in wireless coverage.

8. Based upon the technologies currently being deployed by wireless carriers, it is my opinion that the proposed Facility is at the minimum height necessary to satisfy the coverage objectives of multiple wireless carriers providing in the area.

9. All of the transmitter facilities to be located at the proposed location are required to comply, and when constructed and operational will comply with, all applicable regulations of the FCC regarding radio frequency (RF) exposure as detailed in FCC OET Bulletin 65, Edition 97-1.

Signed and sworn under the pains and penalties of perjury September 02, 2026.

Jose Hernandez

Jose Hernandez

JNaerowaves.Corp

President / Principal Radio Frequency Engineer

STATEMENT OF BRENDAN M. GILL
Atlantic Tower LLC

I, Brendan Gill, hereby state the following in support of the application submitted by Atlantic Tower LLC for a multi-user Personal Wireless Service Facility ("PWSF") to be located off Flat Roof Mill Road (Parcel ID: 03210-01400010), Swanzey, NH (the "Property"), consisting of a 160' monopole style tower and related ground equipment contained within a fenced compound (the "Site")

1. My name is Brendan M. Gill and I am the Director of Site Acquisition and Leasing for Atlantic Tower LLC.

2. I have worked in the telecommunications industry for over 12 years overseeing and assisting in the leasing, zoning, permitting and construction of wireless communications facilities and specifically in the investigation of all feasible alternatives and options locating a wireless communications facility within a search ring which would fill a significant gap in wireless coverage.

3. I have participated directly through my present and past employment in the development and analysis of hundreds of such facilities, including wireless communication facilities similar to the proposed Site.

4. I have personally visited the Property, and the areas surrounding the Property, on numerous occasions. I submit this affidavit based on my personal knowledge of the Property and the surrounding areas, while also working together with the experience and documentation provided by civil and radio frequency engineers, environmental consultants and based on my professional experience in the development of wireless communication facilities.

5. Part of my site acquisition and development duties include identifying potential candidates within an area identified as having a significant gap in coverage. The candidate identification process includes reviewing the applicable zoning ordinance with legal counsel, engineers, wetland scientists, and other professionals to identify areas where the proposed Site is allowed and feasible. First, I explore the area to determine whether there are any existing structures of sufficient height and structural capacity from which an antenna installation on such a structure would provide sufficient coverage. If there are no such existing structures, I identify properties, located within the narrowly defined search area, that appear to be suitable for the installation of a communications facility, while also eliminating certain properties that would not be suitable due various limitations or concerns related but not limited to, parcel size, access issues, landlocked parcels, conservation restrictions, wetlands, visibility, elevation, terrain and constructability. In order to be viable, a candidate must (i) provide adequate coverage to the identified significant gap in coverage and (ii) have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are found within the search area, I attempt to identify other potentially suitable properties, with preference always given to existing structures.

6. In connection with this site, I have provided site acquisition services, including researching the area, and identifying potential alternative candidates to the leased ground space on the Property.

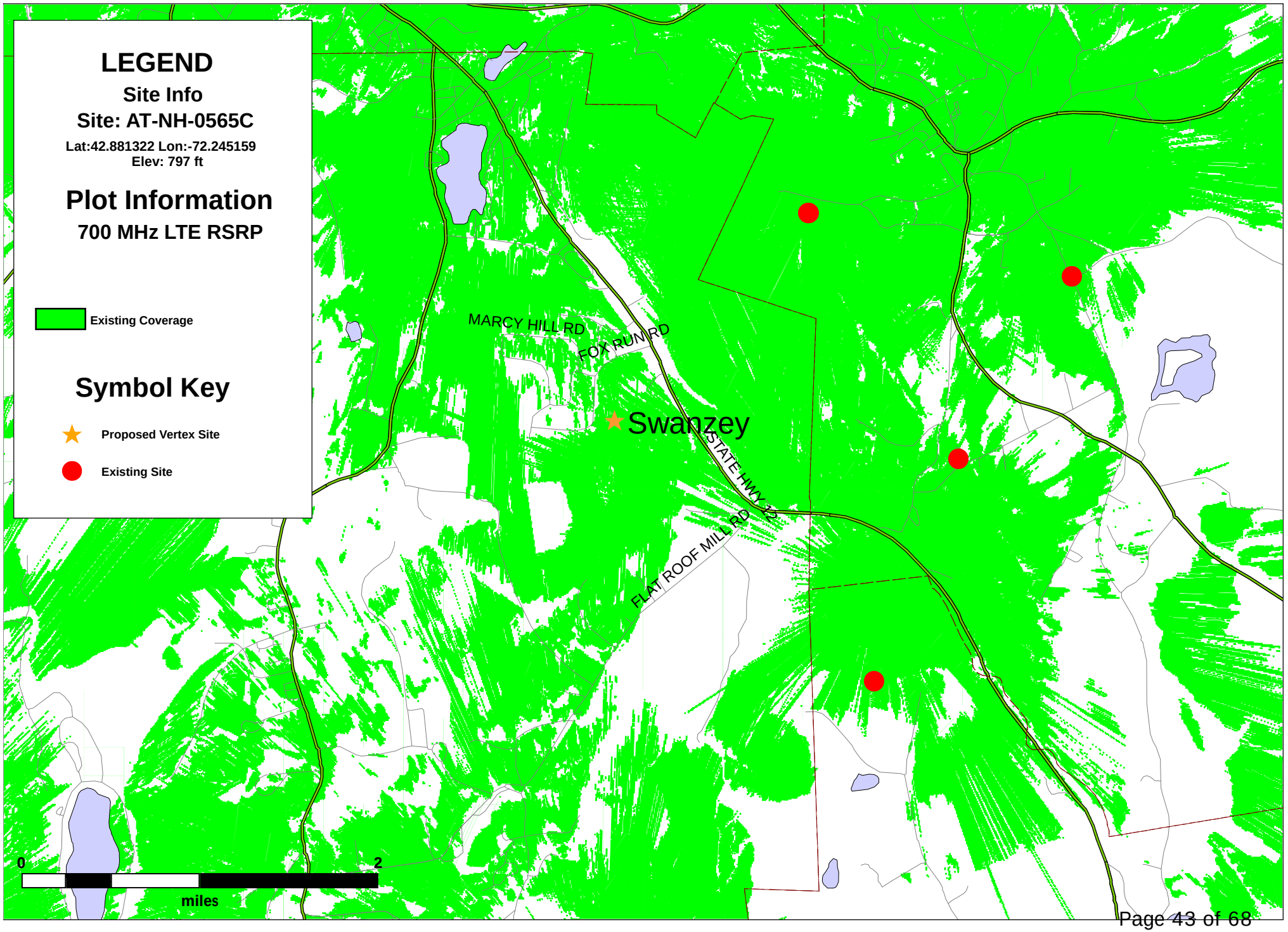
7. Based on my personal knowledge of the proposed Site and the and the surrounding area, there are no potential alternative candidates located within this geographically driven search ring that would be considered superior to the proposed Site. In addition, based on my experience, in my professional opinion, the proposed PWSF to be located off Flat Roof Mill Road is the least intrusive and only available and viable alternative to adequate meet the coverage objective to fill this significant gap in coverage.

   Executed this 25th of August, 2025.

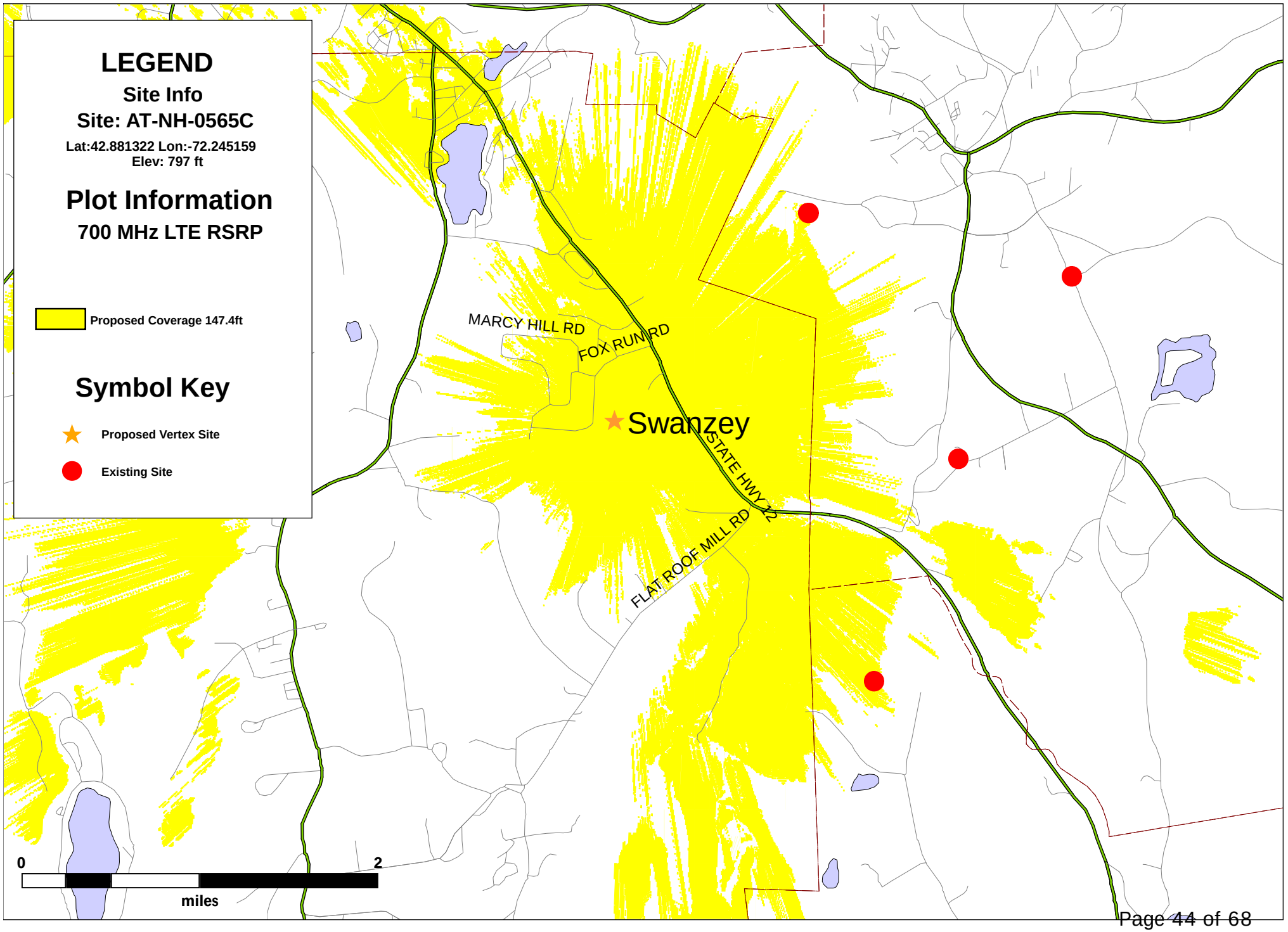
Brendan Gill

Brendan M. Gill
Atlantic Tower LLC

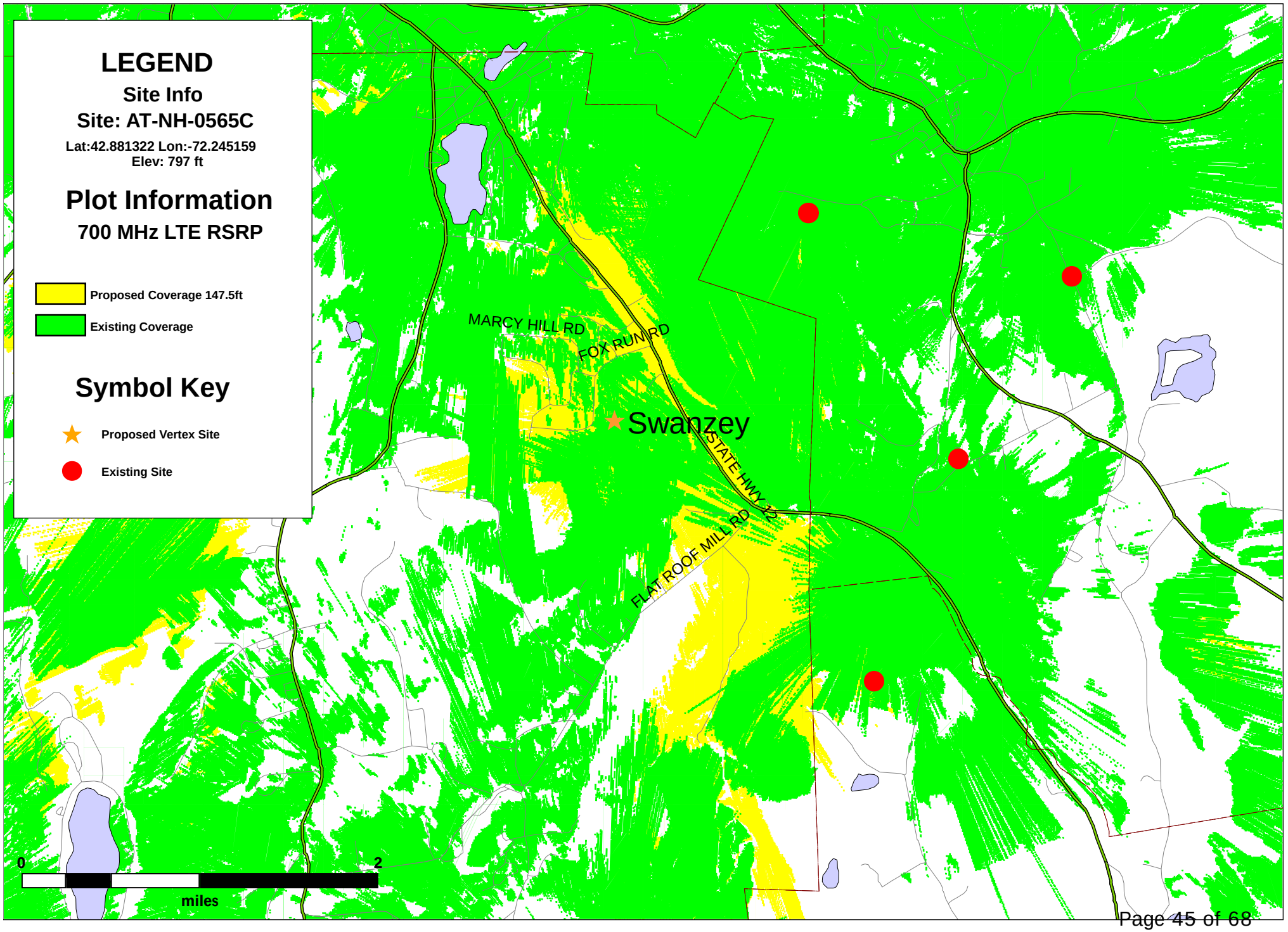
RF Existing Coverage Without AT-NH-0565C@-95dBm



RF Proposed Coverage For AT-NH-0565C@-95dBm

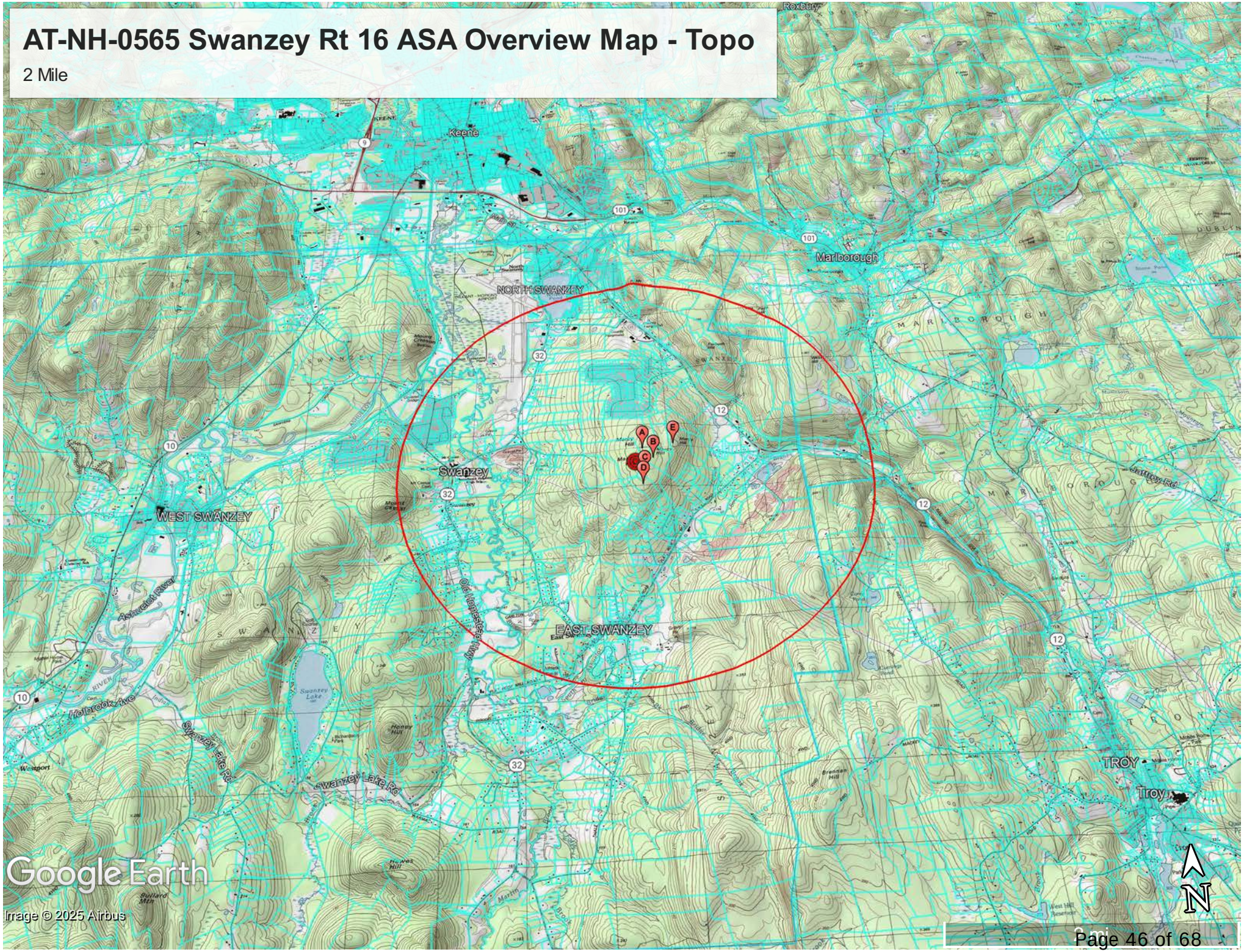


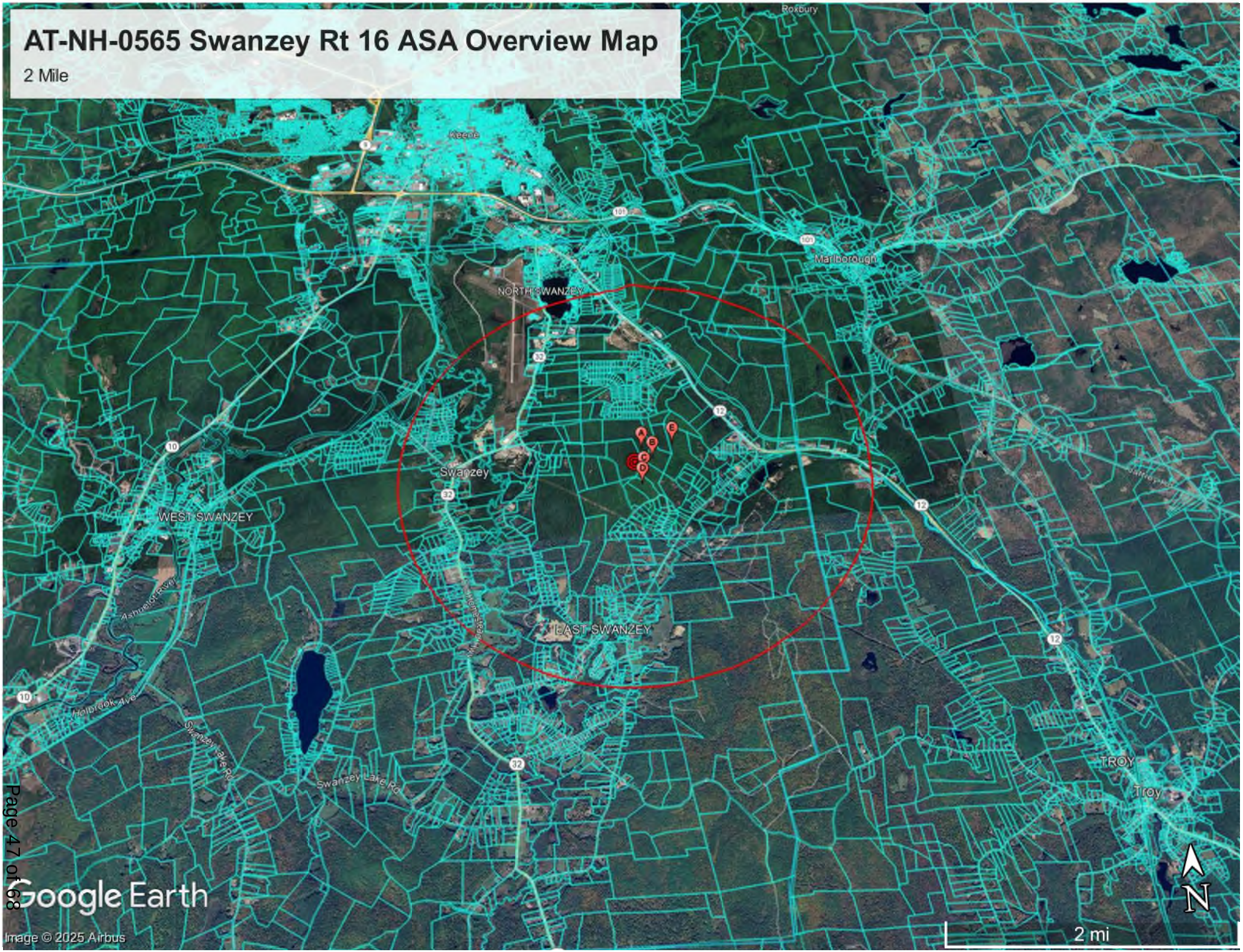
RF Existing Coverage With AT-NH-0565C@-95dBm



AT-NH-0565 Swanzey Rt 16 ASA Overview Map - Topo

2 Mile




AT-NH-0565 Swanzey Rt 16 ASA Overview Map
2 Mile
Roxbury
Keene
Marlborough
NORTH SWANZEY
Swanzey
WEST SWANZEY
EAST SWANZEY
TROY
Troy
Ashuelot River
Holbrook Ave
Swanzey Lake Rd
Swanzey Lake Rd
Google Earth
Image © 2025 Airbus
2 mi
N

Alternative Site Analysis

for Proposed Tower at off Flat Roof Mill Road, Swanzey, NH 03446

ID	Address	Map	Lot	Block	ACRES	Latitude	Longitude	Distance from Proposed Location	Comments
A	off Birch Road	3210	223	6	64.95	42.874887	-72.249632	0.21	Site not avaiable for lease due to ower interest.
B	off Marcy Hill Road	3210	223	5	34.51	42.873401	-72.247989	0.18	Site not avaiable for lease due to ower interest.
C	off Woodland Heights Drive	3210	236	42	126.66	42.871253	-72.249665	0.09	Site not avaiable for lease due to ower interest.
D	off Woodland Heights Drive	3210	236	44	18.6	42.869772	-72.250082	0.17	Site not avaiable for lease due to ower interest.
E	off Birch Road	3210	223	3	60.87	42.875435	-72.244408	0.41	Site not avaiable for lease due to ower interest.

Site Emissions Report For Swanzey, NH
Date Performed: 09/02/2026

This site emissions analysis was created for Atlantic Towers, LLC. The Monopole analysis was performed to include all 4 major carriers. According to the analysis, this Monopole located at Fox Run Road Swanzey, NH 03446.

(42.881322, -72.245159) does pass the FCC requirements for Radio Frequency emissions. The FCC requirements used in this report were determined from the FCC OET65 documentation and calculations.

The Monopole assumes the worst case scenario which would not occur in the real world. It assumes that all 4 carriers are using all frequency bands and are all on the lowest height of the tower.

The approach taken for calculations takes into account the typical antenna used, since a Cell Site antenna is directional and has different gains at different angles.
At the lowest height of 117.5ft, the highest emissions does not go above 2.03 µW/cm² which is **0.203%** of the Maximum Permissible Emissions requirements, which is less than 1% of the MPE requirements.

Equation for Predicting RF Fields:

$$S = \frac{EIRP}{4\pi R^2} \qquad (4)$$

where: EIRP = equivalent (or effective) isotropically radiated power
S = power density (in appropriate units, e.g. mW/cm^2)

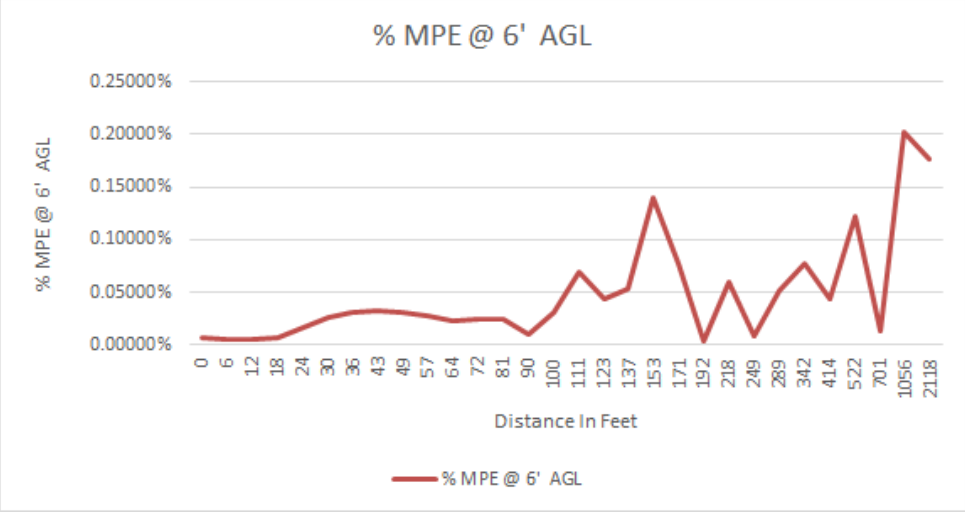
Reference: OET Bulletin 65

Site Name: AT-NH-0565C

Coordinates: (42.881322, -72.245159) Location: Swanzey, NH 03446.

Carrier Available Heights(ft):

147.5,137.5,127.5,117.5



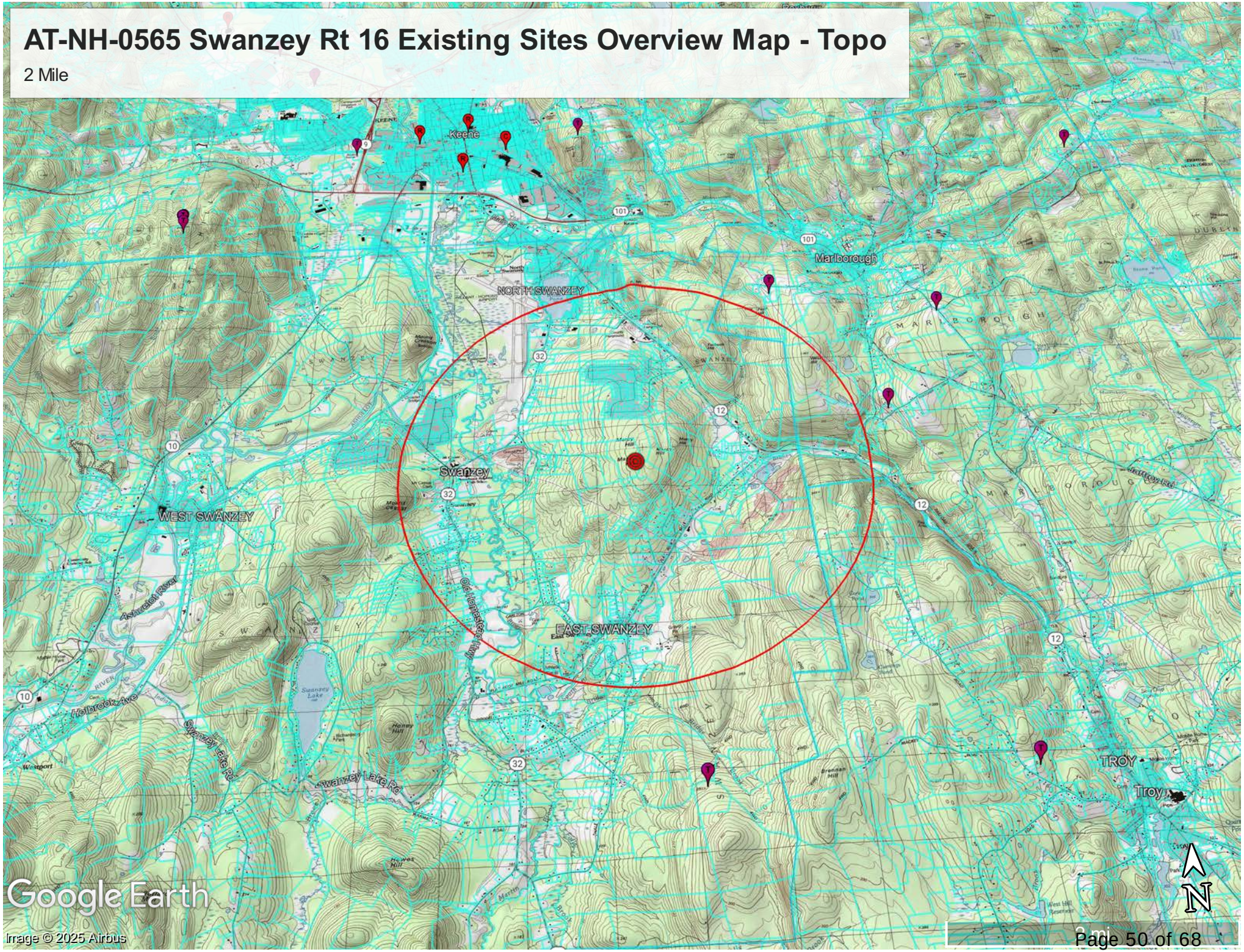
Wireless Service Provider	Frequency Band	ERP (Watts)
Carrier 1	1900MHz	1250
Carrier 1	700MHz	1000
Carrier 1	850MHz	1000
Carrier 1	2100MHz	2500
Carrier 2	1900MHz	2000
Carrier 2	700MHz	1000
Carrier 2	850MHz	1000
Carrier 2	2100MHz	1000
Carrier 3	1900MHz	1360
Carrier 3	2100MHz	1360
Carrier 3	700MHz	1000
Carrier 4	850MHz	400
Carrier 4	1900MHz	1360

Analysis Performed by: Jose Hernandez
Jose Hernandez – President / Principal. RF Engineer - JNaerowaves.Corp

Jose Hernandez is an independent Radio Frequency Engineer with 28 years of experience as an engineer in the Wireless Telecommunications field. Jose has performed numerous emissions reports for the Wireless Telecommunications Industry.

AT-NH-0565 Swanzey Rt 16 Existing Sites Overview Map - Topo

2 Mile



100 feet Abutters List Report

Swanzey, NH
October 06, 2026

Subject Property:

Parcel Number:	220-003-000	Mailing Address:	LAMBERT, SCOTT
CAMA Number:	220-003-000-000		16 FOX RUN RD
Property Address:	BIRCH RD		SWANZEY, NH 03446

Abutters:

Parcel Number:	220-002-000	Mailing Address:	GUNSETH, AMANDA L
CAMA Number:	220-002-000-000		233 MONADNOCK HWY
Property Address:	437 MONADNOCK HWY		SWANZEY, NH 03446
Parcel Number:	220-004-000	Mailing Address:	GUYETTE MANAGEMENT LLC
CAMA Number:	220-004-000-000		427 & 429 MONADNOCK HWY
Property Address:	427 MONADNOCK HWY		SWANZEY, NH 03446
Parcel Number:	220-005-000	Mailing Address:	BLACK BELT LLC
CAMA Number:	220-005-000-000		59 BONANNO CT
Property Address:	MONADNOCK HWY		METHUEN, MA 01844
Parcel Number:	220-010-000	Mailing Address:	PAGE, WENDELL G/BETTE INGALLS
CAMA Number:	220-010-000-000		64 MARCY HILL RD
Property Address:	FOX RUN RD		SWANZEY, NH 03446
Parcel Number:	220-012-000	Mailing Address:	LAMBERT, SCOTT C
CAMA Number:	220-012-000-000		329 MONADNOCK HWY
Property Address:	26 FOX RUN RD		SWANZEY, NH 03446
Parcel Number:	220-013-000	Mailing Address:	LAMBERT, SCOTT
CAMA Number:	220-013-000-000		329 MONADNOCK HWY
Property Address:	48 FOX RUN RD		SWANZEY, NH 03446
Parcel Number:	220-014-000	Mailing Address:	WHITE REV TRUST 2013, TY O
CAMA Number:	220-014-000-000		50 FOX RUN RD
Property Address:	50 FOX RUN RD		SWANZEY, NH 03446
Parcel Number:	220-015-000	Mailing Address:	SWANZEY, TOWN OF
CAMA Number:	220-015-000-000		PO BOX 10009
Property Address:	FOX RUN RD		SWANZEY, NH 03446
Parcel Number:	220-195-000	Mailing Address:	DUBOIS, EUGENE AND JEAN
CAMA Number:	220-195-000-000		25 NEWMAN ST
Property Address:	BIRCH RD		KEENE, NH 03431

TOWN OF SWANZEY

OFFICE OF PLANNING & COMMUNITY 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: Stephon Mehu, Assistant Town Planner

DATE: November 10, 2026

RE: ZBA 26-013 – Tax Map 235 Lot 31 – Special Exception Application

Overview:

Tyler J. Coppo has submitted the following application to the Zoning Board:

1. A special exception pursuant to Section IV, Article A.2.m of the Zoning Ordinance to allow construction of a detached structure measuring 1,800 square feet.

The property is located at 106 Whitcomb Road (Tax Map 235 Lot 31) in the rural/agricultural district.

Property & Zoning Details:

Location: Western side of Whitcomb Road; approximately one mile from NH Route 32.
Parcel ID: Tax Map 235, Lot 31.
Acreage: ±7.3 acres in Swanzey.
Frontage: ±255 feet of road frontage along Whitcomb Road.
Site Access: Existing access off Whitcomb Road.
Zoning Districts: Rural/Agricultural district (primary)
Water & Septic: Water and septic on site.

Notice of Public Hearing was mailed to abutters on November 5 and notice was published in the Keene Sentinel on November 14. Department heads were notified October 27.

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

Under State RSA 483-B and per the Swanzey Zoning Ordinance, the proposed location of the structure is subject to the New Hampshire Shoreland Water Quality Protection Act and the Swanzey Shoreland Protection District. A portion of the structure sits within the South Branch Ashuelot River's 250-foot buffer.

The special exception is pursuant to Section IV, Article A.2.m of the Zoning Ordinance, which explains that accessory structures measuring more than 1,000 square feet or more than 25 feet in height require a special exception.

For review of this application, please see the purpose and intent of the rural/agricultural district, as found on page 5 of the Zoning Ordinance:

> **1. Rural/Agricultural District.** This district is designed to accommodate residences and agricultural uses in what is commonly recognized as being a rural atmosphere. The property included within this district will generally be agriculture and forestry, low-density housing, open space protection, water supply protection, and recreation. This district is the potential future growth area for the town and is carefully controlled with monitoring, planning and re-zoning to prevent scattered and premature development. (Amended March 14, 2006)

The Board should determine whether the current use aligns with the stated purpose and intent, while satisfying all special exception criteria.

Staff Comments:

Conservation:

No comments at this time.

Planning:

Staff recommends that the applicant shift the location of the building outside of the 250-foot shoreland buffer.

Attachments:

a. Variance Application
b. Special Exception Application
c. Tax Map

APPLICATION FOR SPECIAL EXCEPTION **MAP:** 235031 **LOT:** 31
TOWN OF SWANZEY (Revised 8/22)

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT:	**MAILING ADDRESS OF APPLICANT:**
Tyler J. Coppo	106 Whitcomb Road Swanzey, NH 03446
Contact phone number:	
OWNER OF PROPERTY: (If same as applicant, write "same")	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same")
Same	Same
LOCATION OF PROPERTY (Give Zoning District in which located & current street address)	
106 Whitcomb Road 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:
   - 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 Special Exception is requested from the terms of Section IV, Article A.2.m of the Zoning Ordinance of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE 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 because:

it will be used for personal antique vehicle storage.

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

The use would be for garage/storage use of my own property. It would not reduce the value; rather, it would likely increase the value. This would not be injurious, obnoxious or offensive to any neighbor as the property will remain residential and be out of sight from all abutting neighbors.

3. There will be no nuisance or serious hazard to vehicle or pedestrians because:

It will be set back several acres from the roadway and no pedestrians nor vehicles will even see it without going onto my property; it will not be able to be visible from the roadway.

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

merely to keep my antique vehicles out of the winter climate. No work to be done on the vehicles.

Signature of Applicant

Date: 10/19/2026

Signature of Property Owner

Date: 10/19/2026

THIS SPECIAL EXCEPTION IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

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

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

The Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety, and welfare. Special Exceptions may be approved if the Board finds in the affirmative that:

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

_____ Yes _____ No

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

_____ Yes _____ No

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

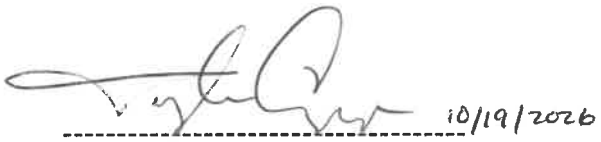
_____ Yes _____ No

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

_____ Yes _____ No

Garage Proposal/Description for 106 Whitcomb Road:

This proposal is being made for a 30'x60' (1800sqft) detached garage to be built on the property of 106 Whitcomb Road in the Town of Swanzey. Appropriate landscaping will be completed, along with concrete work prior to the building be built. Once the landscaping and concrete work is complete, the building will be built to meet all safety and town guidelines.



Tyler J. Coppo

Town of Swanzey, NH

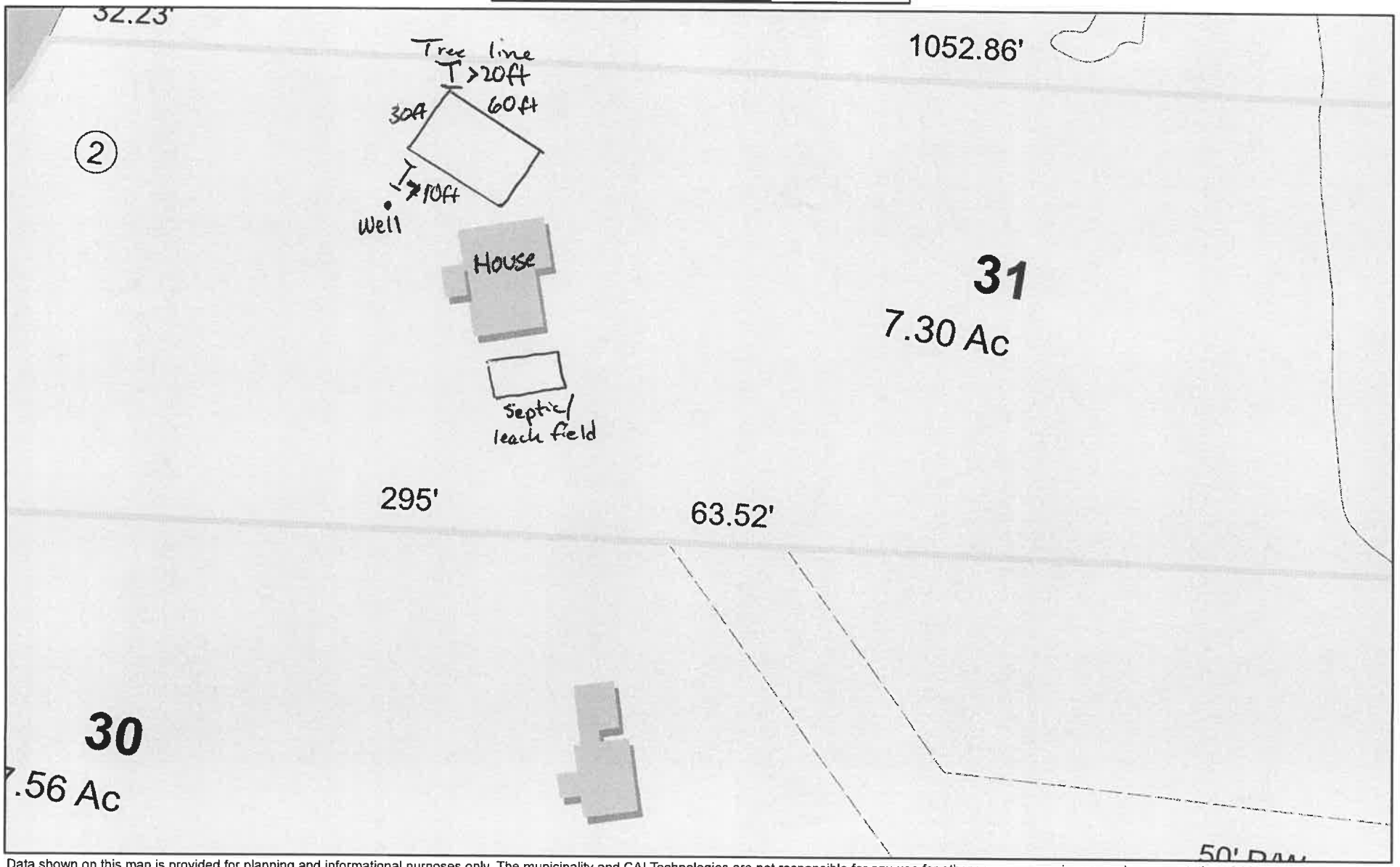
October 19, 2026

1 inch = 75 Feet

0 75 150 225

CAI Technologies
Precision Mapping Geospatial Solutions

www.cai-tech.com



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.

Town of Swanzey, NH

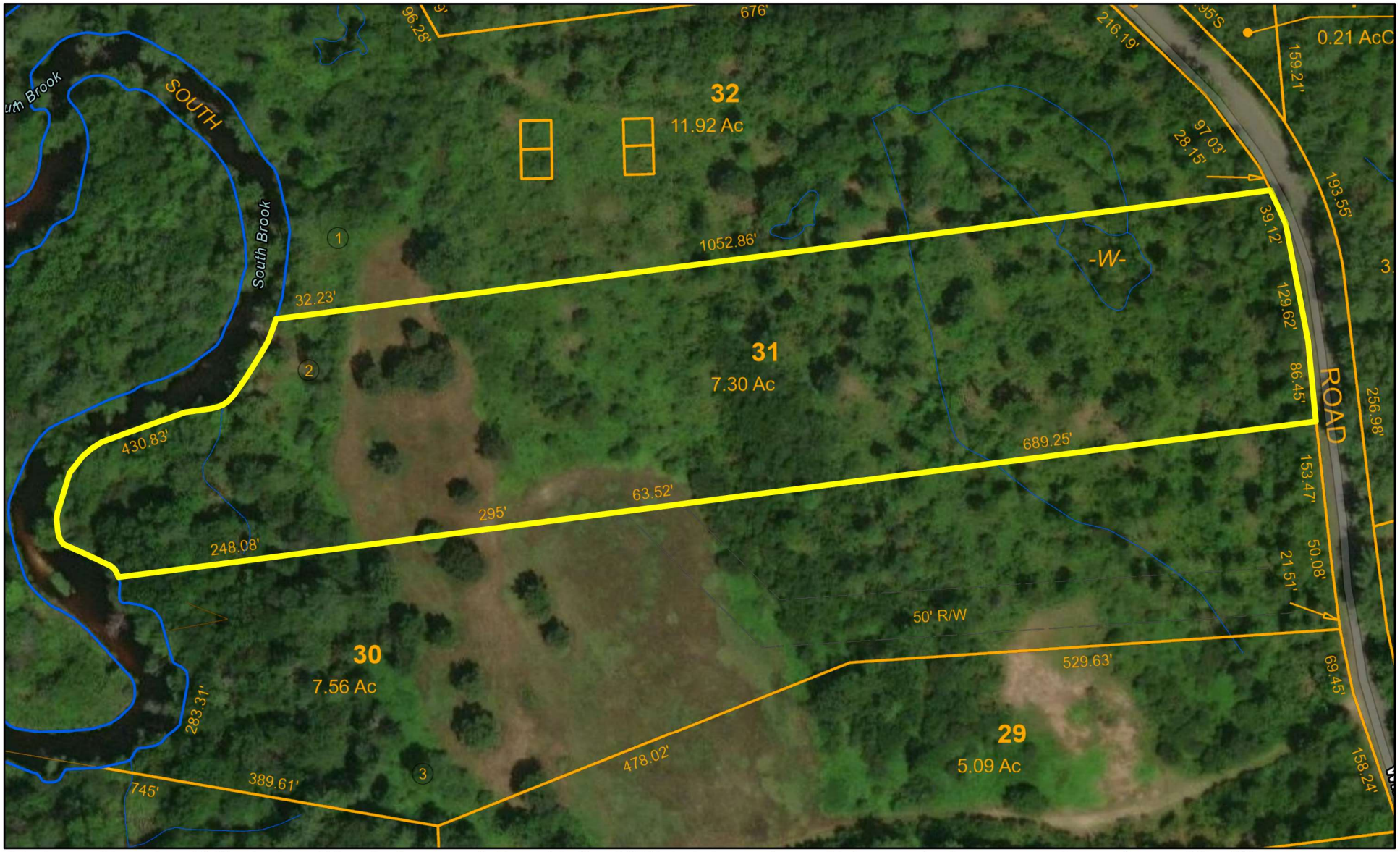
1 inch = 150 Feet

0 150 300 450

October 27, 2026

CAI Technologies
Precision Mapping. Geospatial Solutions.

www.cai-tech.com



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.

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

MEETINGS

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

2. A quorum for all meetings of the Board shall be three members, including alternates sitting in the place of members. ~~As stated in RSA 673:11~~ RSA 674:33,III states that ~~provides that~~ "~~The concurring vote of 3 members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.~~" "the concurring vote of any 3 members of the board shall be necessary to take any action on any matter on which it is required to pass." For this reason, the Board will make every effort to ensure that a full five-member Board is present for the consideration of any appeal.

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, and shall remain seated in case of the hearing being continued.

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~~ testimony 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. Regional impact vote.
   d. Public hearings.
      i. Seating of Alternates (before each public hearing).
   e. Unfinished business.
   f. New business.
   g. Communications and miscellaneous.
   h. Adjournment.

6. It shall be the policy of the ~~Zoning Board of Adjustment~~ ZBA 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~~ ZBA will be processed unless it is received by the Town Planner or designee at least 14 days before the date of the meeting.

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

2. Public Notice

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

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

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

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

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

b. The Town Planner or designee shall read the notice of application and report on how public notice and personal notice were given. The Town Planner or designee will

disclose the location and description of the subject property by use of tax maps, slides or photographs.

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

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

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

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

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

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

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

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

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

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

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

n. The Chair shall declare the public hearing closed. After the close of the public hearing, the Board shall discuss and act upon the application. The public shall not be permitted to participate in the Board's deliberations, but the Chair may direct questions to members of the public and receive answers during the Board's deliberations. Except as provided in the right-to-know law (RSA 91-A), the deliberations of the Board shall be held in open meeting where the public can hear.

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

REQUEST FOR REHEARING

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

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

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

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

5. If the Request for Rehearing is granted, it shall be the responsibility of the party who requested the rehearing to pay the applicable fees for certified notices and publication in the Keene Sentinel. The fees must be paid by the party who requested the rehearing prior to the public hearing. The Board will not hear the application if fees have not been paid prior to the public hearing. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny appeal without hearing.

MISCELLANEOUS

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

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

3. Amendments 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~~ ZBA, 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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____