

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
JUNE 12, 2006**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.]

The June 12, 2006 meeting of the Swanzey Zoning Board of Adjustment was called to order at 7:05 p.m. by Chair William Hutwelker. Members present: William Hutwelker, Charles Beauregard, Sr., Keith Thibault, Jenn Gregory and alternate Bob DeRocher. DeRocher was seated for Bob Mitchell. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following matters were addressed:

1. Minutes from May 15, 2006. Motion by Thibault to approve the minutes of May 15, 2006 as submitted. Seconded by Beauregard. Vote: All in favor.

2. Public Hearing (Variance Application). Kenneth & Joyce St. Lawrence request a variance from Section V.B. to permit an existing building situated on property located at 51 Pine Street to be used as a residence. There currently is an existing residential use on the property. The property is shown at Tax Map 57, Lot 128 situated in the Business Zoning District. No one appeared before the Board on behalf of the applicant. No abutters were present.

Motion by Beauregard to defer consideration to the end of the evening as no one was present on behalf of the applicant. Seconded by Hutwelker. Vote: All in favor.

At the end of the evening, still no one had appeared on behalf of the applicant. Carbonneau indicated that she had received an e-mail from the applicant last week indicating that they were still attempting to secure a decision from Fortunato's mortgage holder regarding a partial release of the mortgage. Motion by DeRocher to continue to July 17, 2006 at 7:00 p.m., without further notice. Seconded by Thibault. Vote: All in favor.

3. Public Hearing (Variance and Special Exception Application). Arthur and Ellen Brnger seek an area variance from Section V.B.3. to construct a garage on property situated at 103 Old Homestead Highway.

A variance is required as the proposed garage does not meet required setback requirements. The applicants also seek a special exception from Section V.B.2.e. to establish the residential use on the property as a permitted use. The property is shown at Tax Map 37, Lot 10 situated in the Business Zoning District. Arthur and Ellen Brnger appeared before the Board. No abutters were present. DeRocher questioned whether he should be seated, as he is a City of Keene employee and the City of Keene is an abutting property owner. Board members did not feel that DeRocher had a conflict. Arthur and Ellen Brnger were asked if they felt that it was a conflict and they stated that they had no objection to DeRocher being seated for this matter. Public hearing on the variance application opened.

A. Brnger reviewed the site plan, noting that the carport that is the subject of this application was already erected. Brnger stated that he was incorrectly informed by the seller of the carport that no building permits were required. In addition, Brnger stated that he did not realize that he needed to meet setback requirements.

The Brngers were provided with a copy of a letter submitted by the City of Keene dated June 8, 2005. A. Brnger stated that he did not realize that he did not have a right of way of the City of Keene's property located to the southerly side of his property. A. Brnger stated that he has been crossing this area for many years.

Board members inquired how he would get things into his carport without encroaching on the City of Keene's property. A. Brnger stated that he has a garage door on the back side of his garage that he could use. Also, he could construct a gate in the fence on the northeasterly side of the property through which to bring vehicles.

Board members reviewed the plan and noted that the property is now connected to the public sewer and no longer has a septic system. In addition, the property is served by the North Swanzey Water & Fire Precinct.

A. Brnger stated that the carport does not have a foundation or sona tubes supporting it. It is fully portable and can be relocated if needed. A. Brnger stated that it was his opinion that there was no other possible reasonable location in which to relocate the carport.

Code Enforcement Officer Weston was present and stated that the carport is not visible from the road. In addition, Weston noted that in recent months, the condition of the property has been upgraded considerably.

Gregory and Thibault expressed a desire to conduct a site visit.

Motion by Thibault to continue the public hearing to a site visit to be conducted on Saturday, July 15, 2006 at 9:00 a.m., with the public hearing to immediately continue following the conclusion of the site visit at the Swanzey Town Hall without further notice. Seconded by Gregory. Vote: All in favor.

The Board then considered the application for special exception from Section V.B.2.e. to establish the residential use on the property as a permitted use. The property is shown at Tax Map 37, Lot 10 situated in the Business Zoning District. Arthur and Ellen Brnger appeared before the Board. No abutters were present. Public hearing was opened.

Board members reviewed the application for special exception. The Board had no further questions of the Applicants. Public hearing closed.

The Board considered each criterion for granting a special exception. Board members determined that the Applicants met each criterion for granting the special exception. Motion by Gregory to grant the application for special exception. Seconded by Thibault. Vote: All in favor.

4. Public Hearing (Special Exception Application). SVE Associates, agent on behalf of Mirle Cross, requests a special exception from Section III.P.2.e. to permit the development of a cluster subdivision, consisting of 23 house lots. The property is located off Talbot Hill, shown at Tax Map 43, Lot 11, situated in the Rural/Agricultural Zoning District.

Charles Beauregard, Sr., recused himself from being seated on this matter, as his son is one of the principals of the developer.

Since the Board only had 4 members present to be seated, the applicant requested a continuance to another meeting where a full board could be present. Motion by Gregory to defer consideration of this matter to a special meeting of the Zoning Board of Adjustment to be held on Monday, June 26, 2006 at 7:00 p.m. at the Town Hall without further notice. Seconded by DeRocher. Vote: All in favor.

Motion by Thibault to adjourn. Seconded by DeRocher. Meeting adjourned at 8:15 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner