

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
OCTOBER 15, 2007**

[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 October 15, 2007 meeting of the SwanzeY Zoning Board of Adjustment was called to order at 7:00 p.m. by Chair Bill Hutwelker. Members present: Bill Hutwelker, Charles Beaugard, Sr., Keith Thibault, Bob Mitchell, Jenn Gregory and alternate Bob DeRocher. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following items were addressed:

1. Minutes from September 17, 2007. Motion by Mitchell to approve the minutes from September 17, 2007 as submitted. Seconded by Beaugard. Vote: All in favor.

2. Minutes from September 27, 2007. Hutwelker noted that Marty Geheran had submitted proposed corrections to the September 27, 2007 minutes as follows:

Page 2 Paragraph 2 beginning: "Remaining Board members." Geheran requested that "Geheran conceded the point" be added to the end of this paragraph.

Page 3 Paragraph 1 beginning: "Question #3: "Does RT" – delete the following: "Geheran felt that vesting was not an issue, as Map 14, Lot 14-1 never obtained the required variance that was a condition of the subdivision;...". Replace with "Geheran felt that there was no vesting that took place because there was no change in the ordinance. The requirement for a variance was in place at the time of the subdivision. The vesting question only pertains to situations when there is a change in the ordinance; there was no change in the ordinance;...".

Motion by Beaugard to approve the September 27, 2007 minutes with the amendments proposed by Geheran. Seconded by DeRocher. Vote: All in favor.

3. Public Hearing (Special Exception) – Robin L. Florence requests a special exception pursuant to Section V.B.2.e. to construct a single family home on a proposed new lot, said lot being shown as Map 71, Lot 8-2 on a proposed subdivision map and consisting of 1.129 acres. The

property is situated at 888 West Swanzey Road and shown at Tax Map 71, Lot 8 situated in the Business Zoning District. Continued from September 17, 2007. Seated were: Hutwelker, Thibault, Beauregard, Mitchell and Gregory. Paul Grasewicz (surveyor) appeared before the Board on behalf of the applicant. No abutters were present. Public hearing opened.

Grasewicz reviewed the documentation provided to the Board. It was noted that approval for State subdivision granted in 1986 remains valid per correspondence from Jo-Ann McKenney of the NH DES Subsurface Bureau. In addition, Grasewicz noted that approval to continue to utilize the existing curb cuts has been obtained from NH DOT. Grasewicz (who is licensed septic designer) also provided the Board with a letter dated September 20, 2007 stating that it was his opinion that a four bedroom design septic system could be installed on the property.

Hutwelker expressed concern about the properties utilizing shared driveways, especially in the event that either property becomes a business use. Thibault noted that for either property to be used in the future for business purposes, it would need approval from the planning board. Thibault stated that if there are concerns at that time regarding the access, the planning board can address these issues.

Carbonneau noted she has correspondence in the file from the property owner that "Tomorrow's Antiques" is no longer operating. Carbonneau stated that it was a condition of the Planning Board's approval of the subdivision application that the signage for the business be removed. Beauregard noted that the impact of a single family home on the premises will be less than that of a business. Public hearing closed.

Board members reviewed the criteria for granting a special exception. It was noted that the special exception was permitted under the ordinance. While it was noted that there are other similar uses in the area, Gregory stated that the area has changed substantially in the last few years and that it is becoming more commercial in nature. Gregory questioned whether the property was in an appropriate location for single family residential use. Thibault stated that while he agreed with Gregory that the area has changed in the past few years, he noted that the subject property is not well-suited for business use due to its limited size and depth.

Board members felt that any approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood.

DeRocher, Thibault, Beauregard and Mitchell felt that granting the special exception would not result in a nuisance or serious hazard to vehicles or pedestrians. However, Mitchell and DeRocher both added that the northerly curb cut, when approached from the southerly direction, was adequate but not optimal. Hutwelker and Gregory stated

that they did not feel that the applicant met this criterion due to the shared driveway situation and the fact that the northerly driveway was difficult to access from the southerly direction.

DeRocher, Thibault, Beauregard and Mitchell felt that adequate and appropriate facilities will be provided for the proper operation of the proposed use. However, Mitchell again stated that the driveway access was adequate but not optimal.

Motion by Thibault to grant the special exception from Section V.B.2.e. based on the review of the criteria. Seconded by Mitchell. Vote in favor: Thibault, Beauregard and Mitchell. Opposed: Gregory and Hutwelker. Motion passes.

Motion by Mitchell to adjourn. Seconded by Beauregard. Vote: All in favor. Meeting adjourned at 7:30 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner