

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
MAY 14, 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 regular meeting of the Swanzezy Zoning Board of Adjustment was called to order at 7:00 p.m. by Chair Bill Hutwelker. Members present: Bill Hutwelker, Bob Mitchell, Jenn Gregory, Keith Thibault and alternate Marty Geheran. Geheran was seated for Charles Beauregard, Sr. Town Planner Sara Carbonneau was also present. The agenda for the evening's meeting was read and the following items were addressed:

1. Public Hearing (Area Variance & Special Exception Applications) –

Michael D. Buckley requests an area variance from Section V.B.3. and IV.B.3. to permit the construction of a garage that does not meet required setbacks. The applicant also seeks a special exception from Section V.B.2.e. to establish the existing house as a permitted use in the Business District. The property is shown at Tax Map 18, Lot 197, situated at 9 Park Street, situated in the Business and Residence Zoning Districts. Michael Buckley appeared before the Board. No abutters were present. Public hearing opened on the variance application was opened.

Buckley reviewed the plan with the Board. The location of the proposed garage is situated at the end of the existing driveway and will be located only 4 to 5 feet from the property line.

Buckley provided letters from many abutting property owners who were in support of the application. Buckley also stated that he had spoken with the neighbor (Dianne Paulson) who was the most directly impacted and she did not have any objection (she also provided a letter in support of the application).

Code Enforcement Officer Weston stated that he had viewed the site and there was no other reasonable location to situate the garage. It was noted that if the garage was placed directly behind the house it would require a right angle turn to enter into the garage, which would be extremely difficult to navigate.

Buckley provided the Board with photographs of the property, indicating where the proposed garage would be located, as well as showing other features of the property.

Buckley stated that most of the lots in the area were very small. He also noted that Lionel Fisk recently received a variance to construct a garage that did not meet setbacks. Weston stated that he felt that granting the

variance would maintain the character of the neighborhood. Public hearing closed.

The criteria for granting an area variance was reviewed. Board members found that granting the variance would not diminish surrounding property values nor would it be contrary to the public interest. It also found that denial of the area variance would result in unnecessary hardship to the landowner. It was also found that granting the area variance would observe the spirit of the ordinance and would do substantial justice. Board members noted that if the variance was granted the character of the area would be maintained and that it would be similar to other properties in the area. Due to the configuration of the lot, the location of the driveway and the water and sewer lines, there was no other reasonable location to situate the garage. Motion by Gregory to grant the area variance based on the review of the criteria. Seconded by Geheran. Vote: All in favor.

Public hearing on the special exception application was opened. Evidence provided during the public hearing on the area variance application was incorporated by reference. Thibault informed the applicant that since the property is partially located within the business zoning district that there is a possibility that the abutting properties may someday be utilized for business purposes. Board members noted that the area is predominately residential in use. Public hearing closed.

The criteria for granting a special exception were reviewed. It was specifically noted that the area is primarily comprised of existing single family residences. Board members found that all the criteria for granting the special exception were met. Motion by Thibault to grant the special exception application. Seconded by Mitchell. Vote: All in favor.

2. Public Hearing (Special Exception Application) – Ideal Consolidated Services, Inc. requests a special exception from Section IV.B.2.a. to permit the construction of multi-family housing (6 buildings, each having 2 living units therein) on property situated off Eaton Road. The property is shown at Tax Map 41, Lots 9-2 and 9-3, situated in the Residence Zoning District. The property is owned by the Jeannette Rondeau Living Trust. Geheran stepped down from the table, as he feels that he may have a conflict of interest in the matter. H. Gregory Johnson was present on behalf of the Applicant. Numerous abutters were present.

Board members offered Ideal the option of continuing this matter to the next meeting of the Zoning Board of Adjustment as only 4 Board members could be seated, informing the agent for Ideal (H. Gregory Johnson) that in order for the application to prevail they would need 3 affirmative votes. Johnson stated that he would like to request a continuance to the June 18, 2007 meeting. Motion by Thibault to continue this matter to June 18, 2007 at 7:00 p.m. without further notice. Seconded by Gregory. Vote: All in favor.

Geheran returns to his seat at the table.

3. Public Hearing (Special Exception Application) – Kenneth Greatbatch, agent on behalf of GB Investment Holdings, requests a special exception from Section V.B.2.f. to permit the removal of the existing manufactured housing unit and to permit the installation of a new manufactured housing unit on property situated at 629 West Swanzey Road, shown at Tax Map 73, Lot 27, situated in the Business Zoning District. Kenneth Greatbatch appeared before the Board. No abutters were present. Public hearing opened.

Greatbatch stated that he wished to demolish the existing manufactured housing unit and replace it with a newer model. The existing unit is 12 feet by 56 feet and that size is no longer manufactured. The proposed unit will be 14 feet by 66 feet. Greatbatch confirmed that the new unit will have only 2 bedrooms. It was noted that an approval for construction for a new septic system has been granted, as the existing system was deemed to be in failure. Gregory expressed her concern about permitting housing on Route 10 and on other major highways. Mitchell felt that this was somewhat of a special situation, as it is a replacement dwelling. Public hearing closed.

The criteria for granting the special exception were reviewed. Board members noted that this is a replacement of an existing dwelling, further noting that the applicant would not need to apply before the Board if the replacement dwelling was the same size as the original dwelling. Board members found that all the criteria for granting the special exception were met, with the exception of Gregory who did not feel that the site was an appropriate location for housing. Motion by Mitchell to grant the special exception subject to the condition that the septic system is replaced in accordance with the Approval for Construction issued by NH-DES. Seconded by Geheran. Vote: All in favor.

4. Public Hearing (Special Exception Application) – Ideal Consolidated Services, Inc. requests a special exception from Section V.B.2.b. to permit the construction of multi-family housing (3 buildings with a total of 64 housing units therein) on property shown at Tax Map 19, Lot 97-2, situated in the Business Zoning District. The property is situated off of Route 32/Page Court/Safford Drive. The property is owned by Medicare Properties, LLC. H. Gregory Johnson and Travis Royce from Landmark Land Services appeared before the Board on behalf of Ideal. Numerous interested citizens were present. Public hearing opened.

Hutwelker asked if the applicant had written permission from the applicant to apply before the Board. Johnson eventually read a section from the Purchase & Sales Agreement that authorized Ideal to apply for approvals from the Town. Johnson was requested to provide a copy of that section of the Purchase & Sales Agreement to the Town.

Royce reviewed the plan submitted to the Board. He noted that access was proposed off of Safford Drive; however, he stated that the applicant may also seek another access off of Page Court. Royce noted that the majority of the units would be 2 bedrooms; however, some units may only contain one bedroom. Johnson stated that there would be no units

with more than two bedrooms. Royce noted that the buildings would be three stories high. Royce also stated that a wetlands crossing would be required.

Board members stated that the plans provided did not provide enough detail regarding the project, noting that information regarding the building elevations, drainage, wetlands crossing, snow storage, type of construction, dumpster location, access and many other items were not provided on the plans. Selectman Nancy Carlson stated she felt that no matter how much additional information was provided, the applicant would not meet the criteria for granting a special exception, as it was her opinion that a 64 unit housing project in the location would not meet the “appropriate location” criteria.

David Krisch from the Swanze Revenue Development District stated that the SRDD was opposed to the project as it felt that it would negatively impact the Tax Increment Financing District and the development of the Industrial Park property. Johnson stated that in light of the letters provided by the Swanze Revenue Development District and from William O’Meara, he would like to request a continuance to the June meeting. Motion by Mitchell to continue this matter to June 18, 2007 at 7:00 p.m. without further notice. Seconded by Geheran. Vote: All in favor.

5. Minutes. Motion by Mitchell to approve the minutes from February 12, 2007, March 19, 2007, April 2, 2007 and April 16, 2007 as submitted. Seconded by Gregory. Vote: All in favor with Geheran abstaining.

6. Discussion regarding junkyard permitting. Carbonneau reviewed the ZBA’s role in junkyard licensing and provided copies of materials to the Board.

Motion by Geheran to adjourn. Seconded by Gregory. Meeting adjourned at 9:00 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner