

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES  
SEPTEMBER 10, 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 September 10, 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 Beauregard, Sr., Keith Thibault, Bob Mitchell, Jenn Gregory (arrives at 7:05 p.m.) and alternates Bryan Rudgers and 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 August 20, 2007.** Motion by Beauregard to approve the minutes from August 20, 2007 as submitted. Seconded by DeRocher. Vote: All in favor.

Rudgers was seated for Gregory.

**2. Public Hearing (Area Variance)** – Ernest and Jean Snow request an area variance from Section IV.B.3. and Section XI.B.2. to permit the construction of an addition that does not meet required setbacks. The existing structure currently does not meet required setbacks. The property is located at 92 Westport Village Road, shown at Tax Map 88, Lot 28 situated in the Residence Zoning Districts. Ernest and Jean Snow appeared before the Board. No abutters were present. Seated were: Hutwelker, Beauregard, Thibault, Mitchell and Rudgers. Public hearing opened.

J. Snow provided the Board with photographs of the property. In addition, Snow provided a letter from abutting property owner Lillian Grover indicating her support of the variance application.

J. Snow stated that the addition will have a full basement. It will be located 4 to 5 feet from the property line. The existing house does not meet required setbacks, as the house is located approximately 4 feet from the property line. J. Snow stated that the proposed addition will be located approximately 90 feet from Grover's house.

J. Snow reviewed the site plan presented and noted that there is no other reasonable location in which to site the addition. Limiting

factors include the bulkhead, the LP tank, the septic line, septic tank and leach field, the relatively small size of the lot (being 1/3 to 1/2 acre) and topography. Public hearing closed.

The criteria for granting an area variance were reviewed. It was noted that if the variances from Section IV.B.3. and XI.B.2. were granted there would be no diminution of property values; it would not be contrary to the public interest; that special conditions are present that would result in unnecessary hardship – notably the size of the lot; the location of the septic line, tank and leach field; the location of the existing house and LP tank; the benefit sought cannot be achieved by some other method reasonably feasible to pursue; the spirit of the ordinance would be observed; and would do substantial justice. Motion by Thibault to grant variances from Section IV.B.3. and XI.B.2. based on the review of the criteria, subject to the condition that the addition does not encroach on the property line setback any more than the existing structure currently does. Seconded by Beauregard. Vote: All in favor.

**3. Public Hearing (Use Variance)** – Richard Duquette requests a use variance from Section IV.B. to permit the operation of a home improvement company. The property is located at 38 Swanzey Factory Road, shown at Tax Map 18, Lot 280 situated in the Residence Zoning District. Richard Duquette appeared before the Board. Abutting property owners John and Cindy Puza were present. Seated were: Hutwelker, Beauregard, Thibault, Mitchell and Gregory. Public hearing opened.

Duquette stated that he would like to move his business, JA Jubb, to the property. Currently, the property has a duplex and a greenhouse business on it. Duquette stated that he has agreed to permit the greenhouse business to remain on the property for a period of two years, after which time he will move Jubb to the site.

Duquette stated he plans on demolishing the greenhouse and wishes to construct a garage to house the business vehicles. Currently, Jubb has 2 trucks used to blow-in insulation, 1 window truck, 1 utility pick-up and 1 pick-up truck used by Duquette for sales and estimating. At the present time, Duquette does not have any firm plans for the size or type of building.

Duquette stated that he has spoken with many abutters who have indicated their support for the project. Puzas stated that they were concerned whether changes would be made to the westerly end of the property, possibility impacting their view. Duquette stated that the only change to the house would be cosmetic in nature and that he would probably need to re-roof the barn.

Board members questioned traffic impacts and the flow of traffic on the property. Board members noted that they did not have a site plan of the property that showed the property lines, parking areas, traffic flow, etc. Board members also noted that there were no plans regarding the

garage that may be built. Hutwelker stated that he felt that there was not enough information provided in order to make an informed decision. Mitchell stated that it also appears that any proposed garage on the property may need an area variance.

Duquette stated that he wished to withdraw his application at this time.

**4. Public Hearing (Use Variance)** – Arnold & Mary Johnson request a variance from Section V.B. to permit the existing structures situated at 49 Old Homestead Highway to be utilized for multi-family housing (a total of 3 residences located within 2 buildings). The property is situated in the Business Zoning District and shown at Tax Map 37, Lot 32. Arnold & Mary Johnson appeared before the Board. Seated were: Hutwelker, Beauregard, Thibault, Mitchell and Gregory. This public hearing was chaired by Thibault. Public hearing opened.

Carbonneau stated that the Johnsons were unable to request a special exception from Section V.B.2.b. as the lot does not have the requisite 1 acre. Carbonneau stated that she had spoken with Town counsel who informed her that the Johnsons would need to seek a use variance to have multi-family housing on a lot consisting of less than 1 acre.

M. Johnson reviewed the site plans – one plan consisted of existing conditions, the other plan showed proposed conditions. M. Johnson noted that each unit would have its own yard area. The existing rental house has 2 to 4 parking spaces and the proposed duplex would have 8 spaces. The property is connected to public water and sewer.

M. Johnson stated that there were no issues with traffic when the counseling center was in operation (there were 10 to 12 counselors employed) and church services were being offered (< 50 people in attendance). M. Johnson stated that the conversion to multi-family housing would be more in keeping with the area and would have less of an impact than a business would.

M. Johnson noted that they have attempted over the past two years to sell or rent the property. However, the building to the rear of the property has limited business value, as it can not be seen from Route 32.

A. Johnson stated that minimal changes would be needed to convert the rear building to a duplex, noting that there is already a two hour fire wall separating the units.

M. Johnson stated that they wish to maintain an office on the first floor of the duplex structure for managing the rental properties. This office would also house the records of the former counseling business (as the State requires that the records be kept for a period of 7 years).

M. Johnson noted that there are many other multi-family units in the area that are more densely developed than what they are proposing. Public hearing closed.

The criteria for granting the use variance were reviewed. It was noted that all the criteria were met; noting that the traffic impact and the intensity of the use, in general, would be less than when the counseling center was present. It was also noted that the lack of visibility of the rear structure limits its use as a business. Motion by Mitchell to grant the variance application based on the review of the criteria. Seconded by Gregory. Vote: All in favor.

Motion by Beauregard to adjourn. Seconded by Mitchell. Vote: All in favor. Meeting adjourned at 8:20 p.m.

Submitted by,

Sara H. Carbonneau  
Town Planner