

Town of Swanzey, New Hampshire  
**Swanzey Zoning Board of Adjustment**  
Meeting Minutes – January 20, 2014

*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.*

The regular meeting of the Swanzey Zoning Board of Adjustment (ZBA) was called to order at 7:04 p.m. by Chairman William Hutwelker. Present were Chairman Hutwelker, Jerry Walker, Bob Mitchell, Alternate Sara Tatro and Beverly Bernard, Recording Secretary. The Recording Secretary called the roll and read the Agenda for the meeting. Tatro was seated for Thibault.

**Absent:** Vice Chair Keith Thibault, Charles Beauregard, Sr., Alternate Bryan Rudgers, Alternate Charles Beauregard, Jr., and Alternate Jim Vitous.

**Others Present:** Director of Planning and Community Development Sara Carbonneau, Mr. Bob Brockman of Chesterfield, New Hampshire, a neighboring town, and Peter and Rosemary Morse representing abutters Greg and Heather Morse.

**Minutes: Motion** by Mitchell to approve the Minutes for the meeting of December 16, 2013, seconded by Tatro and all were in favor. ***Motion passed.***

**1. Public Hearing (Special Exception Applications) –**

Jacob Sirois requests a special exception pursuant to Section IV.A.1.d. to operate a farm as a business. The property is situated in the Rural Agricultural District and shown at Tax Map 28, Lot 3. The property is located off Rabbit Hollow Road. Chair Hutwelker seated himself, Walker, Mitchell and Tatro for Thibault for this hearing.

**Public Hearing opened at 7:07 p.m.**

Carbonneau said that the applicant could not be present as he is in the process of moving from California to New Hampshire. Carbonneau also noted that all public notices were made as required by law.

Applicant Sirois was not present. Mitchell asked Hutwelker about proceeding without an applicant since it is unusual for an applicant not to be present and unrepresented. A discussion was held about Sirois' application. Carbonneau reviewed the information provided on the application which said Sirois is not processing anything on the premise, and there will be no building on the site and no employees except his wife who might help out occasionally.

Hutwelker asked about the roads to be improved for access to the land and a discussion followed with regard to Rabbit Hollow Road (Class VI portion) and Calvin Curtiss Road, both of which would need improvement in order to use as access to the Sirois property. Hutwelker asked if the need for road access would put pressure on the Town's Board of Selectmen, and Carbonneau said she didn't think so since the Town would not be responsible for the improvements. Mr. Morse said that Calvin Curtiss Road is washed out and wouldn't be able to be improved. He said it was an old stage coach road, which means it isn't very wide. Mr. Morse said he has no objections to Mr. Sirois using his property to try to develop an orchard on the land. Mr. Morse referred to the map and said that the property is out in the middle of the woods. There is a stream that comes down off the hill and it washes out the road and he said the property is flat and then goes into a ravine.

Carbonneau noted that Class 6 road work needs permission from the Selectmen. There was a discussion regarding permits required for crossing wetlands and continued discussion regarding access to the property. Carbonneau noted that the Class VI portion of Rabbit Hollow Road is a public way. In addition, Sirois has right-of-way from Rabbit Hollow Road in his deed to the land. She continued saying that it is her understanding that Calvin Curtiss is no longer a Class 6 road and has been discontinued. If the private right of way is to be improved, Sirois would need to coordinate this with the abutting property owners. Typically when roads are abandoned, the land which made up the road goes to the abutting property owners and each property owner gains the land to the centerline of the old road. Mr. Morse agreed the best access to Mr. Sirois' land is via Rabbit Hollow Road and noted that his children are "tree huggers" who would enjoy having an orchard on the land near their land.

The ZBA members decided that they needed more information from the applicant and discussed continuing the hearing so that Sirois could attend and respond to their questions. Carbonneau said Sirois told her that he would be willing to come to the ZBA meeting planned for February 10<sup>th</sup> and she suggested the ZBA continue the hearing to February 10<sup>th</sup>.

Mitchell made a **motion** to continue the public hearing for a special exception request by Jacob Sirois pursuant to Section IV.A.1.d. to operate a farm as a business on property situated in the Rural Agricultural District and shown at Tax Map 28, Lot 3 located off Rabbit Hollow Road to February 10, 2014 at 7:00 p.m., and Walker seconded the motion. Discussion: Hutwelker asked for any other thoughts regarding the application. Tatro asked about facilities for people on the site mentioning the lack of a building to use as a restroom. Carbonneau said tax records show there are not any buildings on the site. There was a brief discussion about there being no processing of produce on the site, according to the application. Mr. Morse offered to conduct a site visit for the ZBA. Chair called for a vote and all were in favor. **Motion passed.**

**Public Hearing Continued at 7:37 p.m.**

## **2. Other matters as may be required**

Reminder - The February meeting of the Swanzey Zoning Board of Adjustment will be held on Monday, February 10, 2014 at 7:00 p.m. Applications are due to the Land Use Office no later than Monday, January 27, 2014.

Carbonneau reminded the ZBA of the Deliberative Session, terms of members, and deadlines to file for Town offices. It was noted that on February 8, 2014 the School Deliberative Session will be held.

**Motion** to adjourn made by Mitchell, seconded by Tatro and all were in favor. **Motion passed.**  
Adjournment at 7:39p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary