

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**May 5, 2015**

**Present:** Chairman Sawyer, Members Belletete, Cournoyer, Dodge, Tieger and Webber

**Absent:**

**Staff:** Recording Secretary Lemire

**MEETING MINUTES APPROVAL**

On a motion by Dodge, seconded by Tieger the minutes for the April 7, 2015 meeting were approved as submitted. (5-0)

**PUBLIC HEARING**

Chairman Sawyer called the public hearing to order at 7:30 p.m. Notice of hearing for case No. ZBA 15-03 and ZBA 15-04 as advertised in the *Monadnock Ledger-Transcript*; copies were posted in the Town Office building, the Library and the town web site; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen; and notice of hearing was sent by certified mail to all abutters whose names were provided by the applicants. On a motion by Tieger, seconded by Belletete the board voted to hear the applications out of the advertised order.

**Public Hearing - New Items**

1. ZBA 15-04 NEEG Real Estate Holdings LLC, 16 Coll's Farm Rd., Map 254 / Lot 23; Zone: Rural (without town water) (proposed sign to be located on property of Van Blarcom; Map 254/Lot 18.4) (Land Use Code, Section XVI, 16.7.22; 16.9.9; 16.10.1; 16.10.9)

Variance – The applicant proposes a year round placement of an off-premise temporary/portable “A” frame sign located by the stop sign at the intersection of Route 202 and Old Sharon Rd.

Presentation: James Therriault

Appearance:

Mr. Therriault would like to place the proposed sign in the same location as it was by the previous property owner. The proposed site is within the States seventy-five foot ROW and on the land of Van Blarcom. Mr. Therriault stated that he has been told the sign is non-conforming but he believes it could fall within the guidelines of the sign ordinance because it is an off-premise sign that does advertise agricultural products. Looking at a photo Chairman Sawyer asked if it was the same sign in the same location. Mr. Therriault indicated that it was adding that the “A” frame is able to hold up to four sign slats.

Member Cournoyer asked whose property the sign was on. Chairman Sawyer replied Van Blarcom. Mr. Therriault also stated that it falls under the state right of way for Route 202 and they have filed an application with the State. To date there is not response.

Member Dodge asked if there was a letter from the Van Blarcom's giving permission to place the sign on their property. Mr. Therriault stated that the Van Blarcom's did sign off on the State application but they did not obtain a letter of permission for the Town. Following some discussion the board agreed that a letter of permission from the Van Blarcom's would be necessary before they could proceed. While Mrs. Therriault obtained the letter from the Van Blarcoms the discussion continued with questions ranging from should the

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State be notified as an abutter to who is the actual applicant – Mr. Therriault or the Van Blarcoms and is the variance attached to the Therriault property or the Van Blarcom property.

Resident Frank Sterling spoke in favor of granting the variance request. The reason they are asking for a variance is because that is the way the sign ordinance is written and they need relief from the specific ordinance. He feels they meet all of the variance criteria. In summary granting the variance fits the public interest because it enhances all of the businesses at this location; the spirit of the ordinance would be observed as it would enhance the Therriault's business; substantial justice would be done as it would give them the opportunity to maintain their business and it is unlikely that property values will be diminished by a portable "A" frame sign. As for hardship it has been demonstrated to Mr. Sterling that days when the sign is in place their business is significantly higher than the days when it is not. Without the sign people do not know they are there. There are two blue State signs on Route 202 but they are placed well in advance of the intersection and the stand is so far back that the building is not noticeable.

Member Dodge asked if the variance is granted would it apply to the Van Blarcom property where the sign will be or the farm stand requesting the sign. Member Dodge also raised the question of what if the Van Blarcom property is sold and the new owner does not want the sign on their property. Mr. Sterling stated that this is the problem he has with this section (off premises signs) of the ordinance and the way it is written. In his opinion the Therriault's are requesting the variance to place the sign and they would be the applicant, not the Van Blarcoms.

Mrs. Therriault obtained a letter from Mr. and Mrs. Van Blarcom granting permission for the sign. Chairman Sawyer read the letter into the record and a copy was submitted.

On a motion by Dodge, seconded by Tieger the board waived the site visit. (5-0)

**There being no further discussion, Chairman Sawyer closed the public hearing for this item.**

2. ZBA 15-03 Gordon, Cody, 250 North St. (property of Heywood), Map 237 / Lot 55; Zone: Rural (without town water)

Variance – The applicant proposes a variance to permit a base of operations for a commercial landscaping business with typical requirements and activities including repair, maintenance and storage of related equipment; storage of landscape and related materials; plant/shrub/tree growth and storage; other gardening/similar activities; sign at entrance; an office with bathroom. (Land Use Code, Section IV, 4.1)

Presentation: Cody Gordon

Appearance:

Mr. Gordon is seeking approval to locate his shop at 250 North St. The property is presently owned by Robert and Della Heywood. Mr. Gordon has a letter of authorization to present his application; he also has a Purchase and Sale in progress.

It has been brought to Mr. Gordon's attention that Mr. Heywood had never received permission from the Town to run the operations that he did. Mr. Gordon has been cleaning up the property, removing a lot of debris and trying to run his business at this location.

Member Belletete recognized that equipment would be stored on site and asked what the hours of operation would be. Mr. Gordon stated that they try to work 7:00 a.m. to 5:00 p.m., five or on occasion six days a

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week. Most work will be off-site and may cause them to start trucks up and leave at 6:00 a.m. If they arrive back after 5:00 they typically park the trucks and go leaving any clean-up for the next day. The exception to this will be during the winter months when plowing is an issue. It could be that they are starting trucks and heading out to plow at 2:00 or 3:00 a.m. The goal is to be as quiet and as neat as possible.

Building Inspector Deschenes stated that Mr. Heywood went before the ZBA in 1986 for a gravel operation and he wanted to build the maintenance shed. Approval was received subject to no toilets and that there would not be a business operating; the building would only be for maintenance of equipment used for the gravel operation. In 1990 it was determined that the gravel pit was depleted and the Planning Board was asking how could the gravel operation still be running when it is depleted and the excavation permit has expired. Approval was again granted by the Planning Board for the building subject to no chemicals being stored, no degreasing agents stored at the site, no vehicle washing, no toilets and no water pumped from the brook. The property has never received approval for what it is being used for and knowing that Mr. Gordon had an interest in purchasing the property he was advised to come before the ZBA to obtain the proper approvals and it is anticipated that this will go to the Planning Board for site plan. Despite all of the history Mr. Gordon is trying to clean up the property and acquire the proper approvals. For the record Mr. Gordon added that when he moved in he continued doing what was being done prior to him. Regardless of the conditions of approval there is a bathroom and water on-site; he would be storing grease and other like items and he would like to wash his vehicles. Apparently Mr. Heywood had allowed people to dump various construction materials on his property leaving behind about 2,000 yards of crushable material. As part of the clean-up process at some point he would like to have it crushed and removed. Inspector Deschenes interjected that what is before the board is an application to run the business in the rural district. The other issues will be for the Planning Board.

Chairman Sawyer questioned how you maintain equipment without grease and tools. With respect to the bathroom Inspector Deschenes added that if he gets State approval for a septic system the Town would not have jurisdiction over that and the plumbing code says he must have some sort of facility for his employees.

Member Dodge asked if he planned to add any buildings. Mr. Gordon replied perhaps in the future.

Member Tieger asked if he had large diesel trucks and if so are they the type that need to idle for a period of time. Mr. Gordon replied typically they do not. He did just purchase a six wheeler but it will be used in the summer months which would not require the idling process. Member Tieger asked how long he has been at this location. Mr. Gordon replied two and a half years.

Abutters Deb Elliott, Richard Keegan and Phyllis Roy all spoke in favor of granting the variance pointing out that Mr. Gordon has been a good neighbor and respectful of noise being generated. If his business continues as it has been they have no objections.

Favorable letters from Robert and Elinor Wooster Jr., Robert and Linda Wooster Sr. and Della Heywood and Douglas Heywood were read into the record.

On a motion by Tieger, seconded by Dodge the board waived the site visit. (5-0)

**There being no further discussion, Chairman Sawyer closed the public hearing for this item.**

**DECISION**

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1. ZBA 15-04 NEEG Real Estate Holdings LLC, 16 Coll's Farm Rd., Map 254 / Lot 23; Zone: Rural (without town water) (proposed sign to be located on property of Van Blarcom; Map 254/Lot 18.4) (Land Use Code, Section XVI, 16.7.22; 16.9.9; 16.10.1; 16.10.9)

Variance – The applicant proposes a year round placement of an off-premise temporary/portable “A” frame sign located by the stop sign at the intersection of Route 202 and Old Sharon Rd.

On a motion by Tieger, seconded by Dodge the application requesting a variance from Section XVI, 16.7.22; 16.9.9; 16.10.1; 16.10.9 proposing the year round placement of an off-premise temporary/portable “A” frame sign located on the property of Van Blarcom by the stop sign at the intersection of Route 202 and Old Sharon Rd. was granted per the plan presented and per testimony given subject to a letter of permission from the Van Blarcoms, (5-0)

*Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.*

2. ZBA 15-03 Gordon, Cody, 250 North St. (property of Heywood), Map 237 / Lot 55; Zone: Rural (without town water)

Variance – The applicant proposes a variance to permit a base of operations for a commercial landscaping business with typical requirements and activities including repair, maintenance and storage of related equipment; storage of landscape and related materials; plant/shrub/tree growth and storage; other gardening/similar activities; sign at entrance; an office with bathroom. (Land Use Code, Section IV, 4.1)

On a motion by Dodge, seconded by Belletete the application proposing to permit a base of operations for a commercial landscaping business with typical requirements and activities including repair, maintenance and storage of related equipment; storage of landscape and related materials; plant/shrub/tree growth and storage; other gardening/similar activities; sign at entrance; an office with bathroom was granted as per the plan presented and per testimony given. (5-0)

*Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.*

**OTHER BUSINESS**

None

**ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

Submitted:

  
Erlene R. Lemire  
Recording Secretary

Attesty:

  
Lee A. Sawyer  
Chairman  
Jaffrey Zoning Board of Adjustment