

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

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

**Absent:** Member Sawyer

**Staff:** Recording Secretary Lemire

**MEETING MINUTES APPROVAL**

On a motion by Belletete, seconded by Webber the January 5, 2016 meeting minutes were approved as submitted. (4-0-1) Chairman Protem Dodge abstained.

**PUBLIC HEARING**

Chairman Protem Dodge called the public hearing to order at 7:32 p.m. Notice of hearing for case No. ZBA 16-03 through 16-08 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. Member Cournoyer would vote. By unanimous vote the board deemed that all applications were not regional impact.

**Public Hearing - New Items**

1. ZBA 16-03 Monadnock Kitty Rescue & Adoption, 11 Plantation Dr., Map 244 / Lot 28; Zone: Industrial  
Special Exception - The applicant requests a special exception to permit a commercial kennel in the industrial district. (Land Use Code, Section V, 5.3, 5.3.4)

Presentation: Heidi Bourgeois

Appearance:

Chairman Protem Dodge read the list of abutters. Member Tieger pointed out that 81 Fitzgerald Dr. is a condominium property and one of the owner's was not listed. It appears that Ms. Bourgeois used the tax maps to identify her abutters as she should however the map will only identify the parcel as a whole (ie: the land); this is who was notified.

Monadnock Kitty Rescue & Adoption currently resides in a building in the industrial park just down the road from the proposed new site. Ms. Bourgeois is before the board to seek a special exception to allow a new cat rescue/adoption facility in the same industrial district. The operation will not change and the proposed building will be the same size as what they currently occupy. There will be five parking spaces in front for visitors and employees will park behind the facility. Renderings were displayed for the board.

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

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

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

2. ZBA 16-04 The Park Theatre, 19 Main St., Map 238/ Lots 16; Zone: General Business (Main street program area)

Variance – The applicant requests a variance to permit a theater marquee on the building façade. (Land Use Code, Section XVI Signs, 9.1 & 9.3)

Presentation: Caroline Hollister, Steve Jackson

Appearance: Jeff Kevan, TF Moran

Ms. Hollister stated that there is no direct provision addressing a marquee in the town ordinance so they are before the board asking for relief to allow a marquee larger than what is allowed for a sign. The proposed marquee will be thirty-three by four feet or one hundred and thirty-two square feet. What is allowed is a thirty-two square foot sign. Mr. Jackson gave a brief slide show of the history of the theatre and the importance of a marquee that is visible enough to show planned events. Because the state owns the sidewalk and due to the state road restrictions they are unable to have a traditional marquee that hangs over the sidewalk so what is being proposed will be flat. It will be the depth of the box and will not cast a shadow. There will be fixed letters for the logo and changeable letters that will list what is playing. The material will be a white translucent plastic and there will be no moving lights. Mr. Kevan added that the uniqueness is that this is a theatre and not a shop. Mr. Kevan reviewed the variance criteria stating that allowing the marquee is in the spirit of the ordinance as it is an integral part of the architecture and fits the use; it would do substantial justice because they are allowing them to build the building and have the marquee replicate what's historically there; the size of the sign will not have an effect on surrounding property values; due to the uniqueness of the property and that they are trying to match the architecture and use that has been there historically it would be an unnecessary hardship if they were not granted the variance.

Member Tieger asked if they needed to return to the Planning Board. Mr. Kevan replied that they have an application to be heard on April 12. They received the original approval but there have been some minor changes to the shape of the building which requires them to return for further approval.

Abutter Mr. Rick Furze, We Serve Him LLC, is not opposed to the sign but asks the board to make a distinction between a sign and marquee. Every business would like a sign bigger than thirty-two square feet and if they are going to call it a sign they should be held to the rules. If it's called a marquee and there are provisions for such allowing them to be bigger than a sign that's fine. If it gets passed as a "sign" everyone downtown will be wanting a bigger sign.

Member Cournoyer asked if they should make the distinction of marquee versus sign. Is a marquee and a sign one in the same? Chairman protem Dodge pointed out that the notice did say marquee and not sign and that the ordinance is silent on marquees.

On a motion by Tieger, seconded by Belletete the board voted to waive site visit. (5-0)

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

3. ZBA 16-05 Grehan, Richard & Judy, 57 Fitch Rd., Map 245 / Lot 129.7; Zone: Rural (without town water)

Variance – The applicant requests a variance to permit a garden shed with less than the required setback. (Land Use Code, Zoning Ordinance Section V, 5.7 and VI)

Presentation: Judy Grehan

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

Appearance:

Ms. Greehan would like to construct a ten by twenty square foot garden shed. The house is at the highest spot on Fitch Rd. and the lot is two hundred feet wide and eight hundred feet long. Of the two hundred feet eighty are consumed by the setbacks. Since the shed will house lawn and garden tools and supplies the most useful spot for the shed would be at the top of the driveway placing the back right corner approximately six to eight feet from the property line which she believes is a stone wall. There is already substantial vegetation and the shed will be painted green so during the growing months it will not be visible. The only other potential spot would be at the bottom of the driveway where it is flat enough with a swale but it is all low lands and slopes off of the driveway.

Referring to one of the photos submitted Chairman Protem Dodge asked if it was the planned location for the shed. Ms. Greehan replied that it was. Not realizing that she may need a variance the ground preparation for the shed was done in advance. Member Belletete asked if there was a house on the abutting lot. Ms. Grehan stated that it was vacant at this time.

The board will meet at 4:30 on Thursday, April 07, 2016 to make their site visit.

There being no further discussion, Chairman Protem Dodge closed the public hearing for this item.

Deliberations

Prior to making a decision the board asked to see the subdivision plan in an attempt to verify if the stone wall is indeed a boundary. The map was retrieved and it was verified that the stone wall was the boundary.

4. ZBA 16-06 Dillon, Margaret and Nichols, Sally, 48 Bullard Rd., Map 204 / Lot 6, 6.1; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit an accessory building with less than the required setback. (Land Use Code, Zoning Ordinance Section V, 5.7 and Section VI)

Presentation: Margaret Dillon

Appearance:

Ms. Dillon is proposing to construct a work shop. The size would be no larger than eighteen by twenty feet and very likely smaller than that – fourteen by sixteen feet. The ground is very bony and rough and they are trying to keep things close to the house and not invade beyond their curtilage so this would be the most likely spot. In choosing this location it means they will need a variance for the front setback which is sixty feet; the shed would be at fifty feet, ten feet into the setback. They are not visible to Bullard Rd. and slightly visible to their neighbor. They feel it is in keeping with the ordinance and it would be a hardship to move it ten feet.

The board will meet at 4:30 on Thursday, April 07, 2016 to make their site visits.

There being no further discussion, Chairman Protem Dodge closed the public hearing for this item.

Deliberations:

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

With respect to the variance criteria Member Webber commented that there is clearly a hardship with the property. Remaining board members agreed.

5. ZBA 16-07 Southwestern Community Services, 70 Main St. (property of St. Patrick's School), Map 238 / Lot 154; Zone: Residence A (with town water) / Main St. overlay).

Variance – The applicant requests a variance to permit a 1.8 ac lot where a 2.4 ac lot would be required for a multi-family building for low income/elderly residents. (Land Use Code, Zoning Ordinance Section V, 5.16.3 (A)).

Presentation: Keith Thibeault, SWCS

Appearance:

Mr. Thibeault works for SWCS and is pursuing the possibility of developing a portion of the St. Patrick's school property; specifically the lower parking lot. They would like to construct a three story, twenty-four unit apartment building for senior's age sixty-two and over. The plan would involve subdividing off the lower parking lot. The use is an allowed use however the town regulations would require this type of housing to have 2.4 acres of land. Meeting this requirement is possible however it will make for an oddly shaped lot and is more land than they need. Although many of their other properties exist on one acre they are proposing a 1.8 acre rectangular lot which would create a more uniformed parcel. The remaining land and buildings would be retained by the Dioceses for a different use. This proposal would need a density variance from the board.

Subdividing to the code of 2.4 acres could be done and Mr. Thibeault does not believe it would affect the sale of the remaining land however they do not need that much land and going with less would create a normally shaped lot. Looking at the criteria Mr. Thibeault feels that if the variance were denied the public would not gain anything that would out weight the loss for trying to create a normally shaped lot. As for the spirit of the ordinance, it is in the Main St. District where it is anticipated that you would seek denser development. Substantial justice would be done by not creating unusually configured lots which addresses the hardship as well if they are forced to create a 2.4 acre lot.

Chairman Protem Dodge asked for the distance from the edge of the proposed building to the edge of the school building. Mr. Thibeault estimated eighteen feet. Member Tieger asked if there were plans for the land in back. Mr. Thibeault replied there were none.

Member Webber brought up Section XII, 12.1.5 which addresses conflict of district lines. This property is in the Residence A and the Main St. Overlay District with Residence A being the most restrictive. The overlay district extends back 110 – 115 feet. The proposed building will cross over into Res A. He does not believe you can have an 18 foot setback. If you were subdividing the property line would have to be 30 feet from the school and the new building would have to be 30 feet from the property line. Chairman Protem Dodge asked Mr. Thibeault if under the circumstances he would like to proceed or step back and re-assess the application because it seems that there may be an issue. Chairman Protem Dodge reminded Mr. Thibeault that when it comes time to make a decision the board will apply what they think the ordinance has written. Mr. Thibeault stated he would continue.

Abutter Norm Soney is opposed to the proposal. He feels the school building should be settled before any decision is made. It appears that what is planned would decrease the value of the school building.

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

Abutter Kevin Lennon is opposed to the proposal. He agrees with Mr. Soney and feels that the proposal would seriously limit the Diocese to do anything with the existing building – it would be much less marketable.

Mr. Thibeault replied that the Diocese is on board with the proposal and there is no feeling that the proposal would diminish the value of the property.

The abutter at 69 Main St. is also opposed and agrees with all the previous statements. She does not have any objections to SWCS and what they are offering and wanting to provide but she feels there is a larger picture with that tract of land. There should be some long term visioning and creative thinking about what that space could be. There is opportunity there to make it something meaningful to the downtown. She feels this proposition will limit the ability for the town to do something meaningful.

Jaffrey resident Owen Houghton is in favor of the project. There is a real need for this type of housing in the area and SWCS has a good reputation having done similar projects in other towns such as Marlborough. He feels there are a significant number of uses for that building that will be good for the town and the seniors. He believes the proposed building will serve as a magnet for the school building.

Jaffrey resident Peter Davis is also in favor of the project pointing out that in working with Father Bill and the Diocese it has been stated that they plan to keep the stone house if and when the property is subdivided.

Ms. Susan Stanbury is not a Jaffrey resident but her daughter is. She is in favor of senior housing but she feels it's premature for this site at this time. Her suggestion is to take this idea and work with the property and the school and come up with a master plan for this site. Doing it as proposed seems piece meal. There are a lot of possibilities for the school but once you put in the proposed building and interfere with parking and access you have diminished the value of the property and the functionality.

Jaffrey resident Mr. Tim Gordon is not in favor of the project and agrees that the building is the issue. Until the building is removed and the property put to a higher use the building will always be the issue. They should wait and use this as a tool to get a full answer as to what the future of the parcel is.

Mr. Thibeault stated that they could retro-fit the building but the size is not sufficient for their need. The building has a lot to offer with the parking, access and the gymnasium. As in Keene, often times the senior housing is the catalyst. They were the first to build on the railroad land in 2009. Since that time a 100 room hotel, a four story mixed use building and the Monadnock Food Co-op have come in.

The board will meet at 4:30 on Thursday, April 07, 2016 to make their site visits.

There being no further discussion, Chairman Protem Dodge closed the public hearing for this item.

Deliberations:

Chairman Protem Dodge stated that since the Tuesday night meeting the plan has changed. Instead of a 1.8 acre parcel they are proposing a 1.65 acre lot and the parking will move from the east side of the building to the west side. These changes will allow for a thirty foot setback from the school to the property line and a thirty foot setback from the property line to the proposed senior housing. The board agreed that this was a better arrangement. It would meet the Residence A setback of thirty feet and it would allow for easier access around the school.

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

Member Tieger asked Mr. Thibeault what his next step would be. Mr. Thibeault replied that he will go before the Planning Board but only after he applies and receives a Special Exception for Section 5.16, 5.16.3 for the Elderly Housing. In reviewing the special exception criteria as of this approval all requirements have been met. His plan will be to apply for this special exception and site plan with the Planning Board in the same month – being June.

6. ZBA 16-08 Cody Gordon (Greylock Properties LLC), 250 North St, Map 237 / Lot 55; Zone: Rural (without town water).

Special Exception – The applicant requests a special exception to allow access ways and utilities within the wetland conservation district. (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

Presentation: Cody Gordon

Appearance:

Mr. Gordon would like to build a home and garage on his property however he needs a special exception to cross a stream to get access to another section of his property. Using a “Progress Print” created by Paquin Land Surveying Mr. Gordon displayed to the board where the wetland is and explained that it is the result of digging that was done years ago by the previous owner. The digging was done down to the water table causing water that is either run-off or if the water is high to run down to the driveway. It is now determined to be wetlands.

Member Webber asked about the culvert shown on the map. Mr. Gordon replied that there is an 8 inch plastic culvert that has been there for many years. The potential area for the house is at the back side of the lot. The previous owner had cut the timber in that area and pushed it all back, it was never excavated. Member Tieger asked if the parcel would remain as one with the house and existing shop on it. Mr. Gordon replied yes.

Chairman Protem Dodge asked if the Conservation Commission was aware. Recording Secretary Lemire stated that they were notified and a conversation she had with a member led her to believe that they were aware of the request. No comments were submitted.

Abutter Larry Miller spoke in favor of granting the request.

The board will meet at 4:30 on Thursday, April 07, 2016 to make their site visits.

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

**Continued**

No Action

**DECISION**

1. ZBA 16-03 Monadnock Kitty Rescue & Adoption, 11 Plantation Dr., Map 244 / Lot 28; Zone: Industrial

Special Exception - The applicant requests a special exception to permit a commercial kennel in the industrial district. (Land Use Code, Section V, 5.3, 5.3.4)

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

On a motion by Cournoyer, seconded by Tieger the request for a variance to permit a commercial kennel in the industrial district was approved as presented and per testimony given. (5-0)

2. ZBA 16-04 The Park Theatre, 19 Main St., Map 238/ Lots 16; Zone: General Business (Main street program area)

Variance – The applicant requests a variance to permit a theater marquee on the building façade. (Land Use Code, Section XVI Signs, 9.1 & 9.3)

On a motion by Webber, seconded by Tieger the request for a variance to permit a 33 x 4 foot theater marquee on the building façade was approved as presented and per testimony given. (5-0)

3. ZBA 16-05 Grehan, Richard & Judy, 57 Fitch Rd., Map 245 / Lot 129.7; Zone: Rural (without town water)

Variance – The applicant requests a variance to permit a garden shed with less than the required setback. (Land Use Code, Zoning Ordinance Section V, 5.7 and VI)

On a motion by Cournoyer, seconded by Webber the request for a variance to permit a garden shed no closer than six feet from the side property line (stone wall) was granted as presented and per testimony given.  
(5-0)

4. ZBA 16-06 Dillon, Margaret and Nichols, Sally, 48 Bullard Rd., Map 204 / Lot 6, 6.1; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit an accessory building with less than the required setback. (Land Use Code, Zoning Ordinance Section V, 5.7 and Section VI)

On a motion by Belletete, seconded by Cournoyer the request for a variance to permit an accessory building fifty feet from the front setback was granted as presented and per testimony given. (5-0)

5. ZBA 16-07 Southwestern Community Services, 70 Main St. (property of St. Patrick's School), Map 238 / Lot 154; Zone: Residence A (with town water) / Main St. overlay).

Variance – The applicant requests a variance to permit a 1.8 ac lot where a 2.4 ac lot would be required for a multi-family building for low income/elderly residents. (Land Use Code, Zoning Ordinance Section V, 5.16.3 (A)).

On a motion by Tieger, seconded by Cournoyer the request for a variance to permit a 1.65 ac lot where a 2.4 ac lot would be required for a multi-family building for low income/elderly resident was approved as amended and per testimony given. Proposed plan is depicted on Concept Plan by SVE Associates, page C-2 dated April 6, 2016 and is on file. (5-0)

6. ZBA 16-08 Cody Gordon (Greylock Properties LLC), 250 North St, Map 237 / Lot 55; Zone: Rural (without town water).

Special Exception – The applicant requests a special exception to allow access ways and utilities within the wetland conservation district. (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**April 5, 2016**

On a motion by Tieger, seconded by Belletete the request for a special exception to permit access ways and utilities within the wetland conservation district was approved as presented and per testimony given. The Progress Print (Sewage Disposal System Design) prepared by Paquin Land Surveying, PLLC dated March 22, 2016 is on file. (5-0)

**OTHER BUSINESS**

The board will make their site visits in the following order:

Fitch Rd., (Grehan), North St. (Greylock Properties), Bullard Rd. (Dillon) and Main St. (SWCS)

Election of Officers – Due to the absence of Member Sawyer the election of officers was postponed until the next public meeting.

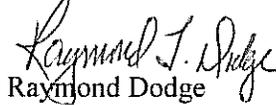
**ADJOURNMENT**

The meeting recessed at 9:15 p.m., reconvened at 4:30 p.m. and adjourned at 6:10 p.m.

Submitted:

  
Erlene R. Lemire  
Recording Secretary

Attest:

  
Raymond Dodge  
Chairman Protem  
Jaffrey Zoning Board of Adjustment