

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

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

Absent: Member Dodge

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Webber, seconded by Belletete the December 1, 2015 meeting minutes were approved as submitted. (5-0)

On a motion by Belletete, seconded by Webber, the December 17, 2015 meeting minutes were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:32 p.m. Notice of hearing for case No. ZBA 15-11, 15-19 and 16-01 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.

Public Hearing - New Items

3. ZBA 15-11 Hurd, et al, Eva, 349 Woodbound Rd., Map 242 / Lot 42; Zone: Residence A (with town water)

Variance – The applicant proposes a variance to enlarge an existing nonconforming deck with less than the required setbacks. (Land Use Code, Section VII, 7.2.1, Wetland Cons District Section XX, 20.5.2 and Shoreland Overlay District Section XIX, 19.4.2)

Presentation: Jeffrey Hurd

Appearance:

Mr. Hurd was originally before the board in August of 2015. The hearing was continued to September and then again to October at which time the board denied the request due to lack of communication with NHDES and there being no request from the applicant to continue the hearing to November. On November 3, 2015 the board received a request for re-hearing from Mr. Hurd along with a copy of his power point presentation recently sent to his new contact Miranda Adams at NHDES. To date he has not had any contact with DES nor has he received any direction from them on how he is to proceed; what type of application is necessary if any. Chairman Sawyer asked if there was any new information. Mr. Hurd replied aside from the power point submitted to the State there is not and he has not had any response from the State following his submission of the power point presentation.

Building Inspector Deschenes stated that he had been in contact with Miranda Adams in the NHDES Shoreline Division and was told that an After the Fact Standard Wetlands Application is required. A wetlands versus shoreland application is required because the deck is over a wetland, the shoreline is actually two-thirds of the way to the road. At this time the State has not received an application from Mr. Hurd.

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Mr. Hurd stated that when he last called Miranda she was not sure which application was needed therefore he did not call asking for something specific. It was not until recently that he was made aware of which application he needed to file. Chairman Sawyer asked if the filing of the application was in process. Mr. Hurd stated that it will be tomorrow.

Member Cournoyer made a motion to continue the hearing to the February meeting; Member Webber seconded the motion. Following discussion the motion was rescinded. If the request is granted with the condition that he needs approval from the State Member Cournoyer asked what teeth does the Building Inspector have to make sure this gets carried out in a timely fashion? Inspector Deschenes stated that he would either file a complaint with DES or issue a Cease and Desist because he cannot issue a permit for the deck.

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

1. ZBA 15-19 The Park Theatre, 19 Main St., Map 238/ Lots 16 & 14; Zone: General Business (Main street program area)

Variance – The applicant proposes the construction of a structure within the required side and rear setbacks of fifteen feet. (Land Use Code, Section VI)

2. ZBA 16-01 The Park Theatre, 19 Main St., Map 238/ Lots 16 & 14; Zone: General Business (Main street program area)

Variance – The applicant proposes the construction of the Park Theatre and expand the cubic content and footprint of the original structure. The new structure encroaches into the side and rear setbacks more than the original non-conforming structure. (Land Use Code, Section VII, 7.2.1 & 7.2.3)

Presentation: Jeff Kevan, TF Moran

Appearance: Caroline Hollister

To be more efficient Mr. Kevan addressed both applications in his presentation. The board asked why there were two applications. Mr. Kevan explained that it was noticed after the fact by Inspector Deschenes that sections 7.2.1 and 7.2.3 also needed to be considered hence the additional application. The first application pertains to side setbacks and the second one pertains to some minor adjustments to the perimeter of the building.

Mr. Kevan displayed the plan which showed the new footprint sitting on top of the existing footprint. There are a couple of minor areas of doorways and the steps within the building; some of these doorways created these expansions to the footprint. Referring to the plan, the tan area is where the building has been expanded, the yellow is some concrete pads and ramps for ADA access. It was noted that they can and will merge what was Stan's lot with the theatre lot.

The second variance talks about cubic content of the building meaning expansion of the footprint which is the same as the setbacks discussed earlier. Second is the vertical differences between the proposed building and the previous theatre. A small version of the plan was submitted to the board along with pictures taken during the demolition. If you are looking at the cubic content of the building the proposed building will be

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approximately six and a half feet taller than the previous one. There is a jog at the front of the building that will create an eight to ten foot separation between the theatre and the bridal shop. In that area will be a set of emergency stairs that will serve the apartment above the bridal shop. The stairs will exit onto Main St. Additionally the separation will aid in keeping any snow load associated with the theatre from affecting the bridal shop building structurally. If facing the bridal shop the theatre roof will be approximately six and a half feet taller. There is a step-up in the back thirty feet of the building which is about nineteen feet taller than the bridal shop.

Member Cournoyer asked about the pathway alongside the old Stan's building. Mr. Kevan explained it was where they were looking to bring in electric but they are now speaking with Eversource to see where they want them to come in. Member Tieger asked if the "Stans" building would come down. Mr. Kevan replied long term but not at this time.

In reviewing the criteria Mr. Kevan stated that granting the variance would not be contrary to the public interest because it will allow the renovation and redevelopment of the theatre which will increase the value of the property and revitalize the downtown area. The spirit of the ordinance would be observed because it will be consistent with the adjacent store front buildings and it will supply a means of safe egress for the adjacent second floor apartment. Granting would do substantial justice because it will allow the renovation and redevelopment of the theatre along with a means of safe egress to the adjacent second floor apartment. Surrounding properties values will not be diminished; the theatre is being renovated to bring and promote business to the downtown area. The improvements will increase the value of the property and surrounding buildings. Speaking to unnecessary hardship the only alternative to not have the same impacts on setbacks would be to take the building down and do nothing with the property and there would not be the redevelopment of the theatre. The proposed use is a reasonable one because the proposed improvements will help bring business and activity to the downtown area. Not granting relief will restrict and limit the redevelopment of the theatre and possibly make the project not economical which would leave a vacant property.

Abutter Cathy Furze owner of 17 Main St. (Country Bridal) stated that she does appreciate the theatre being considerate of their feelings. She did ask for more communication as the project moves forward. Ms. Hollister stated they are talking about scheduling a pre-construction meeting mid-April and Ms. Furze will be invited. Mr. Kevan added that they are hoping for an early spring start of construction.

Referring to the emergency stairway Inspector Deschenes asked how much taller would the theatre be than the bridal shop. Mr. Kevan replied that the second floor apartment will step out onto the landing and there will be a jog in about eight to ten feet away from the bridal shop. Inspector Deschenes stated that fire code will require them to have a roof over the landing so the roofs will come close together. Mr. Kevan stated that the theatre roof will be six and a half feet taller than the bridal shop roof. Inspector Deschenes asked "which was lower than the set of plans I received in the spring"? Both Ms. Hollister and Mr. Kevan replied yes.

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

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

Continued

No Action

01/05/2016

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DECISION

3. ZBA 15-11 Hurd, et al, Eva, 349 Woodbound Rd., Map 242 / Lot 42; Zone: Residence A (with town water)

Variance – The applicant proposes a variance to enlarge an existing nonconforming deck with less than the required setbacks. (Land Use Code, Section VII, 7.2.1, Wetland Cons District Section XX, 20.5.2 and Shoreland Overlay District Section XIX, 19.4.2)

On a motion by Cournoyer, seconded by Webber the request for a variance to enlarge an existing nonconforming deck with less than the required setbacks was granted as presented and per testimony given subject to the following condition. (5-0)

Condition:

1. Subject to approval from the State of NH (NH Dept. of Environmental Services).

1. ZBA 15-19 The Park Theatre, 19 Main St., Map 238/ Lots 16 & 14; Zone: General Business (Main street program area)

Variance – The applicant proposes the construction of a structure within the required side and rear setbacks of fifteen feet. (Land Use Code, Section VI)

On a motion by Belletete, seconded by Tieger the request for a variance proposing the construction of a structure within the required side and rear setbacks of fifteen feet was granted as shown on sheet 4 of 9 on TF Moran plan dated December 5, 2011, latest revision date of May 28, 2013 submitted to the Zoning Board of Adjustment on January 5, 2016 and per testimony given subject to the following condition. (5-0)

Condition:

1. Subject to a Voluntary Merger of lots 238/14 (6 River St.) and 238/16 (19 Main St.)

2. ZBA 16-01 The Park Theatre, 19 Main St., Map 238/ Lots 16 & 14; Zone: General Business (Main street program area)

Variance – The applicant proposes the construction of the Park Theatre and expand the cubic content and footprint of the original structure. The new structure encroaches into the side and rear setbacks more than the original non-conforming structure. (Land Use Code, Section VII, 7.2.1 & 7.2.3)

On a motion by Belletete, seconded by Webber the request for a variance proposing the construction of the Park Theatre and expand the cubic content and footprint of the original structure. The new structure which encroaches into the side and rear setbacks more than the original non-conforming structure was granted as shown on sheet 4 of 9 on TF Moran plan dated December 5, 2011, latest revision date of May 28, 2013 submitted to the Zoning Board of Adjustment on January 5, 2016 and per testimony given. (5-0)

OTHER BUSINESS

None

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ADJOURNMENT

The meeting adjourned at 8:49 p.m.

Submitted:

Erlene R. Lemire
Erlene R. Lemire
Recording Secretary

Attest:

Lee A. Sawyer
Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment