

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**July 8, 2016**

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

**Absent:**

**Staff:** Recording Secretary Lemire

**PUBLIC HEARING**

Chairman Sawyer called the public hearing to order at 7:55 p.m.

**Public Hearing - Continued**

1. ZBA 16-12 Cook, Charlie & Sharon, 591 Fitzwilliam Rd., Map 208 / Lot 1; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit the construction of an addition with less than the required setbacks. (Land Use Code, Zoning Ordinance Section VI).

July 8 Deliberations:

The meeting reconvened on July 8 at 7:55 p.m. There being no further discussion, Chairman Sawyer closed the public hearing for this item.

2. ZBA 16-13 Mountainside Housing Assoc, LP (by SW 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 the construction of a three story building of approximately 7500 square feet intended to house elderly households. (Land Use Code, Wetlands Conservation District Ordinance Section XX, 20.3 and 20.7)

July 8 Deliberations:

The meeting reconvened on July 8 at 7:55 p.m. There being no further questions Chairman Sawyer closed the public hearing for this item.

Referring to a site plan from planning board file PB 16-09 that shows the proposed building Member Webber determined that half of the building is within the wetland buffer. He also stated that there are multiple sink holes in the parking lot. The cause for the sink holes have yet to be determined. When the parking lot was originally constructed fill was used; now the question is, are the sink holes caused by some form of underground water. Member Webber also noted that the parking lot is a non-conforming use and you cannot change it to another non-conforming use without a variance.

Member Cournoyer asked if there were two culverts. Planner JoAnne Carr responded that there are two catch basins, one on either side of Main St. Member Webber asked where the water from the roof that passes through a perimeter drain will go?

Member Tieger addressed the response to criteria #1. "Post construction, the storm water will leave the site through an engineered storm water system that takes into account the effects of erosion and is capable of handling large storm events." Member Webber asked if anyone saw any erosion at the site. He recently walked to the bottom of the embankment and there was no sign of erosion. Chairman Sawyer agreed there

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is no erosion to fix. Member Webber does not see a hardship in the land because there is plenty of land there.

In response to variance criteria #4 the applicant states “The proposed residential use is identical to most of the surrounding properties.” Member Webber asked if this is true. Member Tieger named a few surrounding homes that have been transformed into multi-unit apartments. Member Webber stated that they are all residential type houses, colonials and Victorian; he does not believe it fits into the neighborhood.

Responding to criteria #5 regarding hardship Member Webber does not feel this is an oddly shaped property as stated by the applicant and there are eight empty acres in the back that could be subdivided. This building does not have to be built on top of a wetland and in his opinion there is no reason to put the building in the parking lot. Member Tieger asked Mr. Thibeault about borings. Mr. Thibeault replied that they haven’t been done but they will do them. This will dictate the type of foundation. Member Webber added that he feels by placing the proposed building in the parking lot it will depreciate the value of the school.

Member Tieger asked Member Webber if his objections are based on it not being a suitable site? Member Webber does feel it is not a suitable site but he also feels there is no hardship involved because there is adequate land in the back which would not involve the wetlands. Member Tieger feels the hardship is more an intrinsic issue than the land. He understands it may not be an ideal spot but he feels it is for the greater good of the community. Member Webber disagreed stating that three hundred feet away they can put the same elderly housing. He does not see the hardship.

3. ZBA 16-14 Davis Village Properties, 448 Turnpike Rd., Map 256 / Lot 2; Zone: Rural (with town water)

Variances – The applicant requests variances to permit:

1. A studio/commercial retail space in the rural zoning District. (Land Use Code, Zoning Ordinance Section IV, 4.1)
2. The expansion of the existing building within the front setback and within seventy-five feet of the existing wetlands. (Land Use Code, Zoning Ordinance Section VI, Wetlands Conservation District Ordinance Section XX, 20.7)
3. Parking and drives (impervious cover) to be constructed within the wetlands conservation district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
4. An underground sewage disposal facility within one hundred feet of wetlands. (Land use Code, Wetlands Conservation District Ordinance Section XX, 20.11)

Special Exception – The applicant requests a special exception to permit a driveway within seventy-five feet of jurisdictional wetlands. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.6.1)

July 8, 2016 Deliberations:

The meeting reconvened at 7:55 p.m. There being no further discussion, Chairman Sawyer closed the public hearing for this item.

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Variance #1 – Member Tieger stated his only concern with this variance is the entrance. He recognizes that the access is in a terrible location and he would propose that they consider a one-way off of Turnpike Rd. and exit onto Prescott.

Variance #2 – Member Belletete pointed out that this request was for the expansion that would square off the building.

Variance #3 - Chairman Sawyer stated that they have already set the direction of the drive in variance #1. There was some discussion about having a pervious or impervious cover. With an impervious cover you do not have silt constantly being washed into the wetland.

Variance #4 – There had been two proposed sites for the Septic. Member Webber asked for confirmation from Mr. Stenersen that they had decided to place the proposed septic in the lower parking lot. Mr. Stenersen confirmed adding that it will be eighty-five feet, or possibly more, from the wetland at the closest point.

Special Exception – The plan being referenced did not indicate the width of the driveway that passes between the two ponds. Member Webber asked Mr. Stenersen for the distance and he replied twenty feet unless the Fire Chief requires something different. Building Inspector Deschenes looked it up and confirmed the twenty feet.

4. ZBA 16-15 Gordon Services Property Maintenance, LLC, 250 North St., Map 237 / Lot 55; Zone: rural (without town water)

Variances – The applicant requests variances to permit:

1. The construction of a retaining wall within seventy-five feet of the wetland overlay district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
2. The construction of a sign with a structural base within seventy-five feet of the wetland overlay district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
3. A permanent nursery within seventy-five feet of the wetland overlay district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
4. An equipment storage area with trailers within seventy-five feet of the wetland overlay district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
5. The continued use of all upland areas on said lot (map 237/lot 55) (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)
6. The use of preexisting septic system designed to service garage and office. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.11)

Special Exception – The applicant requests a special exception to permit the altering of the access way grade within the wetland overlay district by moderating grade for two hundred feet of way. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.6)

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The meeting reconvened at 7:55 p.m. A letter from Cody Gordon in response to Inspector Deschenes July 5, 2016 letter regarding Variances and Special Exceptions was submitted, distributed to the board and entered into the record.

Following the site visit the board decided they needed more information before they can make any decisions. They requested that Mr. Gordon supply to the board a map depicting all areas affected by this application, the seventy-five foot setback from the wetland and indicate what he is asking for. Mr. Gordon's surveyor, Jed Paquin would prepare the plan.

Chairman Sawyer continued the public hearing for this item to Monday, July 11, 2016 at 5:00 p.m.

**DECISION**

1. ZBA 16-12 Cook, Charlie & Sharon, 591 Fitzwilliam Rd., Map 208 / Lot 1; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit the construction of an addition with less than the required setbacks. (Land Use Code, Zoning Ordinance Section VI).

On a motion by Cournoyer, seconded by Belletete the request for a variance to permit the construction of an addition with a forty-five foot front setback and no closer than thirty feet from the right side was granted as presented and per testimony given. The sketch submitted is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-12. (5-0)

2. ZBA 16-13 Mountainside Housing Assoc, LP (by SW 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 the construction of a three story building of approximately 7500 square feet intended to house elderly households. (Land Use Code, Wetlands Conservation District Ordinance Section XX, 20.3 and 20.7)

A motion was made by Member Webber to deny the variance. The motion died for lack of a second.

On a motion by Tieger, seconded by Cournoyer the request for a variance to permit the construction of a three story building of approximately 7500 square feet intended to house elderly households was granted as presented and per testimony given. The Existing Conditions Plan (S-1) prepared and submitted by SVE Associates is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-13. (4-1) Roll call – Ayes: Sawyer, Belletete, Tieger and Cournoyer. Nays: Webber

3. ZBA 16-14 Davis Village Properties, 448 Turnpike Rd., Map 256 / Lot 2; Zone: Rural (with town water)

Variance – The applicant requests a variance to permit:

1. A studio/commercial retail space in the rural zoning district. (Land Use Code, Zoning Ordinance Section IV, 4.1)

On a motion by Tieger, seconded by Belletete the request for a variance to permit a studio/commercial retail space in the rural zoning district was granted as presented and per

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testimony given subject to the following condition. The Conceptual Site Plan prepared and submitted by Higher Design is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-14. (5-0)

Condition:

Traffic access will be one way from Turnpike Rd./Rte. 124 and exit onto Prescott Rd.

2. The expansion of the existing building within the front setback and within seventy-five feet of the existing wetlands. (Land Use Code, Zoning Ordinance Section VI, Wetlands Conservation District Ordinance Section XX, 20.7)

On a motion by Belletete, seconded by Cournoyer the request for a variance to permit the expansion of the existing building within the front setback and within seventy-five feet of the existing wetlands was granted as presented and per testimony given. The Conceptual Site Plan prepared and submitted by Higher Design is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-14. (5-0)

3. Parking and drives (impervious cover) to be constructed within the wetlands conservation district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)

On a motion by Tieger, seconded by Webber the request for a variance to permit parking and drives (impervious cover) to be constructed within the wetlands conservation district was granted as presented and per testimony given. The Conceptual Site Plan prepared and submitted by Higher Design is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-14. (5-0)

4. An underground sewage disposal facility within one hundred feet of wetlands. (Land use Code, Wetlands Conservation District Ordinance Section XX, 20.11)

On a motion by Belletete, seconded by Cournoyer the request for a variance to permit an underground sewage disposal facility no closer than eighty-five of the wetlands was granted as presented and per testimony given. The Conceptual Site Plan prepared and submitted by Higher Design is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-14 (5-0)

Special Exception – The applicant requests a special exception to permit a driveway within seventy-five feet of jurisdictional wetlands. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.6.1)

On a motion by Belletete, seconded by Tieger the request for a special exception to permit a driveway twenty feet wide or as required by the Fire Chief within seventy-five feet of jurisdictional wetlands was granted as presented and per plan submitted. The Conceptual Site Plan prepared and submitted by Higher Design is on file with this office with a received date stamp of July 5, 2016 for hearing number ZBA 16-14. (5-0)

**ADJOURNMENT**

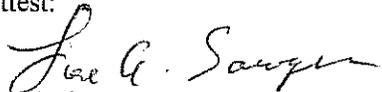
The meeting reconvened at 7:55 p.m. on Friday, July 8 and recessed at 9:30 p.m.

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Submitted:

  
Erlene R. Lemire  
Recording Secretary

Attest:

  
Lee A. Sawyer  
Chairman  
Jaffrey Zoning Board of Adjustment