

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
July 11, 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 5:00 p.m.

Public Hearing - Continued

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)

July 11, 2016 Deliberations:

As requested Mr. Gordon presented a marked-up copy of his Existing Conditions Site Plan drawn by Paquin Land Surveying, PLLC dated June 14, 2016. Due to an unexpected illness Mr. Paquin was not able to draft the plan as requested by the board. Mr. Gordon did hand mark the plan by highlighting existing information on the site plan such as the seventy-five foot wetland buffer setback and identifying the various areas affected on his site. Subsequent to this meeting, the final plan reflecting the board's decisions will be drawn and submitted by Mr. Paquin. The board reviewed each variance request individually.

Variance #1 – The closest point from the proposed retaining wall (where the debris was removed) to the wetland is twenty-eight feet. That is the distance being requested by the applicant. There had been

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discussion about moving the wall further away but it seemed this would cause more disruption than putting the wall in the proposed spot.

Variance #2 – The sign post is outside of the setback. The proposed planter that will surround the post will encroach into the wetland setback by one foot being seventy-four feet at the closest point. Chairman Sawyer asked if he could move it back one foot to conform. Mr. Gordon replied that the sign post is more than seventy-five feet and he will construct the planter to conform. The request was withdrawn by the applicant.

Variance #3 – The nursery is estimated to be 30 x 50 feet and the land flows upward making it unlikely for run-off to impact the stream behind the area. The distance from the nursery to the wetland is twenty-five feet and that is the amount being requested by the applicant. Member Tieger asked if the variance was necessary given there are no structures and the area would be used for storing plants. Inspector Deschenes explained that it was something they were unsure of so it was included to be on the safe side. The board did not see the need for a variance. Based on the board's decision the applicant withdrew the request.

Variance #4 – The storage (box) trailers will be fifty feet from the wetland at the closest corner. The box trailers will be used for storing building materials, landscaping supplies, water and irrigation supplies, antiques, tools and various items. There would be no storing of hazardous materials in the trailers. All the debris that is currently under the cover will be removed. All of the gas powered equipment like the mowers and snow blowers would be moved. What would be there are the pick-up trucks with trailers carrying the mowers and they would not be any closer than fifty feet. They would back in under the roof to keep the equipment under cover. During the winter months the summer equipment (ie: mowers) goes into storage. Member Cournoyer asked where the storage is. Mr. Gordon replied either in his shop, off-site or in his enclosed trailer. In the future he may look to constructing a pole barn, outside of the buffer zone, to be used for parking the trailers.

Variance #5 – Addressing continued use of all upland areas involves multiple spots on the site.

Area 1 is parking spaces between the brook and the garage/office; this area was of great concern to the ConComm. Currently there is no designated employee parking and they back the vehicles up to an undetermined point. Mr. Gordon is proposing to park thirty-two feet from the wetland at the closest point with a berm to delineated the area.

Area 3 on his map is between the box storage trailers and the milling area. It's an open area of gravel, stone, mulch and other natural material. He is asking for a fifty-foot setback which is the tree line. They would be asking for relief for twenty-five feet. There would be no trailers or gas; only natural materials.

Area 4 extends from the saw mill area up to and including the mulch pile and is currently used as additional storage for granite. He would like to include fire wood and lumber to what is stored there; solid material versus dirt or stone that could silt away. He is asking to keep the twenty-five foot setback which is the tree line.

As noted in area 4 of the plan (note "See #5") Mr. Gordon proposes to move the mulch pile to where the loam pile is indicated in area 5 and move the loam pile closer to the tree line. In this same area there is a pile of grown over dirt (area 6), he proposes to keep it at a fifty-foot setback.

Area 7 is the crushables and sits at the wetland setback. His plan would be to crush and use the product in the changing of elevation of the access area (see special exception). He is asking for time to do that.

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Inspector Deschenes stated that he believes by Statute the applicant, with a driveway approval, has two years before he loses his approval. Mr. Gordon stated that if granted he hopes to have the driveway done by winter. Member Tieger asked when they stop paving. Mr. Gordon replied around Thanksgiving. He would pave down to the culvert, then concrete over the culvert and gravel on the remainder.

Variance #6 – The request to use a preexisting septic system designed to service garage and office. As stated during the public hearing by Inspector Deschenes, no record of a State approved system has been found. It was the applicant's decision to withdraw the request and apply for a new system.

Member Tieger asked Inspector Deschenes if he had any concerns. The Inspector replied that he was okay with most of it but did have concern over the trailers with the make-shift roof, specifically that it's a structure that does not meet the building code. Member Webber commented that the applicant hopes to build a pole barn in the future which would address the Inspector's concern. As for the setbacks, once the new structure was built it could conform to the setbacks and that is the board's concern. Member Tieger asked if he correctly heard something about removing the trailers. Mr. Gordon replied that he could move them back to meet the setback but he would still have issues with the Building Inspector. Using the trailers was the easiest solution at the time versus building a pole barn which is a future plan. The trailers would still remain on the property to serve as storage. Member Belletete reiterated that the trailers need to be cleaned out as soon as possible; free from any hazardous materials, the oil tank and the drums whether or not they are within the wetlands buffer.

The board is willing to allow him time to build a pole barn however they prefer the trailers are moved to meet the setback in the meantime. The board agreed that they would have to deny the request in order to move the trailers.

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

DECISION

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)

On a motion by Belletete, seconded by Cournoyer the request for a variance to permit the construction of a retaining wall within twenty-eight feet at the closest point of the wetland overlay district was granted as presented and per plan submitted. The Existing Conditions Site Plan prepared by Paquin Land Surveying, PLLC with a plan date of June 14, 2016 is on file with this office. The plan was marked-up to reflect the requested variances and special exception and has a received date stamp of July 5, 2016 for hearing number ZBA 16-15. Subsequent to the decisions a final plan detailing the approvals will be drawn and submitted by Mr. Paquin. (5-0)

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)

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Decision: The proposal was amended to conform with the setback and the request was withdrawn by the applicant.

3. A permanent nursery within seventy-five feet of the wetland overlay district. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)

Decision: Being an agricultural use, the board did not see the need for a variance. The request was withdrawn by the applicant.

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)

On a motion by Webber, seconded by Belletete the request for a variance to permit an equipment storage area with trailers within seventy-five feet of the wetland overlay district was denied. (5-0)

Reason:

1. Lack of hardship
5. The continued use of all upland areas as defined below on said lot (map 237/lot 55) (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.7)

On a motion by Belletete, seconded by Tieger the request for a variance to permit continued use of all upland areas as defined below has been granted as presented and per testimony given. The Existing Conditions Site Plan prepared by Paquin Land Surveying, PLLC with a plan date of June 14, 2016 is on file with this office. The plan was marked-up to reflect the requested variances and special exception and has a received date stamp of July 5, 2016 for hearing number ZBA 16-15. Subsequent to the decisions a final plan detailing the approvals will be drawn and submitted by Mr. Paquin.
(5-0)

Area 1

To permit employee parking no closer than thirty-two feet from the wetland with a berm to delineate the area.

Area 3

To permit open storage ground no closer than fifty-feet from the wetland as defined by the tree line.

Area 4

To permit additional storage no closer than twenty-five feet from the wetland subject to the following conditions:

1. No motorized vehicles or equipment
2. No hazardous material

Area 5

To permit the storage of a mulch pile no closer than twenty-five feet from the wetland until such time that it is moved to Area 6.

Area 6

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To permit the storage of loam no closer than fifty feet from the wetland as defined by the tree line.

Area 7

No Action - The board determined that this is not an issue that they need to address. The applicant plans to crush and use the stored materials for the alteration of his access and per Statute the applicant would have two years to complete this before losing his driveway approval.

6. The use of preexisting septic system designed to service garage and office. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.11)

Decision: Withdrawn by the applicant

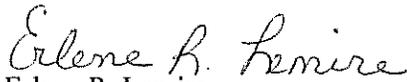
Special Exception – The applicant requests a special exception to permit the altering of the access way grade within the wetland overlay district by moderating grade for two hundred feet of way. (Land Use Code, Wetlands Conservation District Ordinance, Section XX, 20.6)

On a motion by Cournoyer, seconded by Webber the request for 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 was granted as presented and per plan submitted. The Existing Conditions Site Plan prepared by Paquin Land Surveying, PLLC with a plan date of June 14, 2016 is on file with this office. The plan was marked-up to reflect the requested variances and special exception and has a received date stamp of July 5, 2016 for hearing number ZBA 16-15. Subsequent to the decisions a final plan detailing the approvals will be drawn and submitted by Mr. Paquin. (5-0)

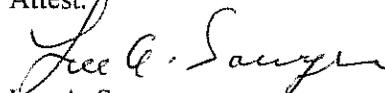
ADJOURNMENT

The meeting reconvened at 5:00 p.m. on Monday, July 11 and adjourned at 6:45 p.m.

Submitted:


Erlene R. Lemire
Recording Secretary

Attest:


Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment