

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
June 7, 2016

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

Absent:

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Belletete, seconded by Webber the April 5, 2016 meeting minutes were approved as submitted.

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:00 p.m. Notice of hearing for case No. ZBA 16-09 through 16-12 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 in place of member Dodge.

Member Dodge informed the board that due to a change of residency he is no longer eligible to sit on the board beginning immediately. A formal letter of resignation will be submitted. Member Tieger suggested that a request to move Member Cournoyer from an Alternate position to a full Member status be submitted. Chairman Sawyer will make the request to the Selectmen.

Public Hearing - New Items

1. ZBA 16-09 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).

Special Exception – The applicant requests a special exception to permit elderly housing. (Land Use Code, Zoning Ordinance Section V, 5.16.3 (A)).

Presentation: Keith Thibeault - SWCS

Appearance:

Mr. Thibeault represents Southwestern Community Services and they are pursuing the construction of elderly housing on a portion of property currently owned by St. Patrick's School. Mr. Thibeault was before the board in April 2016 to obtain a density variance which was granted. It was not realized at that time that he would also need a special exception to allow elderly housing as stated in Section V, 5.16.3 (A) of the Land Use Code. That is the reason for this re-visit to the board.

Mr. Thibeault pointed out that in the Code the criteria for a special exception to allow elderly housing is different from the standard special exception outlined in Section X, 10.2. The three applicable criteria are density, parking and site plan. Mr. Thibeault reviewed the criteria explaining that they obtained the variance for density at the April public hearing, the parking requirement of one space for every unit, in this case twenty-four, has been exceeded as indicated on the plan submitted and they will be submitting a site plan application to the Planning Board for July. It was pointed out that there is a difference between this plan and the previous plan and it is in the number of parking spaces. At the request of the Diocese nine spaces were added between the existing school and the proposed elderly housing for a total of seventeen. The additional parking would be used for the lower level of the school.

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Mr. Owen Houghton stated that the United Church is very interested in the project and in being a good neighbor. They see a lot of advantages for the occupants.

Resident Rob Stephenson is in favor of the project but wanted to know if this project would end up creating a land locked piece of land for the land behind the school. How would it be accessed? Mr. Thibeault stated there are currently three points of access to the property. The one between the school and the stone house would serve the land in the back so the land would not be land locked. When subdivided the proposed subdivision line will bisect the entry between the school and the proposed senior housing. A cross easement will be negotiated so that it will be shared by the Diocese and the senior housing. This could also create a second access way to the back land. This project is only disturbing 1.65 acres of a 14 +/- acre parcel. The remaining land will remain with the Diocese.

Abutter Kate Stanbury has concern that this project does not meet the criteria for a special exception under Section X, 10.2.1 that addresses the site and is it an appropriate location. Member Tieger pointed out that as stated by Mr. Thibeault the special exception criteria for elderly housing is different, and by code takes precedent, than the standard special exception criteria. They would follow the guidelines in Section V. Ms. Stanbury also expressed concern about the future use of the school and the stone house; will this project compromise their future use? It's not about the structure in particular but more the lack of a larger vision.

There were concerns about the maple trees recently planted and the stone wall - would they remain. Mr. Thibeault indicated that they would. Chairman Sawyer added that landscaping and the appearance of the building are issues for the Planning Board.

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

Deliberations:

Member Webber pointed out that in the special exception criteria for Elderly Housing the number of parking spaces is reduced from two to one. These are conditions not requirements and he does not feel that the criteria should be different for elderly housing. He feels the requirements for a special exception have not been met based on the surrounding properties specifically a three story building is not appropriate and does not fit the neighborhood. Member Webber questions why there are two sets of criteria and is this something that the Planning Board should address.

Member Cournoyer feels this has to do with the design and that issue will be taken up with the Planning Board.

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

2. ZBA 16-10 Wright, David & Ellen, 7 Hillcrest Rd., Map 244 / Lot 98; Zone: Rural (with town water).

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

Presentation: David Wright

Appearance: Ellen Wright

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Mr. Wright would like to replace an existing shed with a new, fourteen by twenty shed that would sit in part in the same foot print as what is currently there. Dimensionally the shed could be moved over to meet the setbacks but due to the topography it is not possible. The contour of the land on the left side drops off. Because of these factors and according to his sketch Mr. Wright would need a variance for seven feet on the right side.

Mrs. Wright added that there are several pines at various locations around the property that will screen the shed.

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

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

3. ZBA 16-11 Poplin, James & Sue, 123 Crestview Dr., Map 246 / Lot 13; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit a garage addition with less than the required side setback. (Land Use Code, Zoning Ordinance Section VI).

Presentation: James Poplin

Appearance:

Mr. Poplin is proposing a twenty-seven by twenty-eight and a half foot garage addition with a master bedroom above to his house. A variance to the forty foot side setback on the north side of his property is needed. Mr. Poplin reviewed the variance criteria submitted stating that if granted it will improve the value and functionality of the home, allow them first floor living and better use of the property. Granting the variance would do substantial justice because the lot is only 200 feet wide, laid out on a granite ledge, boulders and a cliff which extend significant limitations for improvements. Typically a 2.75 acre lot has sufficient space for expansion without the need of a variance.

A site plan drawn by Architect JL Purcell shows the closest corner of the proposed addition at forty feet from the property line. Mr. Poplin explained that at forty feet he would meet the setback however this number cannot be verified as the last survey of the lot line was not completely certified. In speaking with his neighbor's surveyor he was told that markers of the lot lines could be off two to four feet on either side of the lot line. Mr. Poplin has attempted to contact the original surveyor without success so it was decided to move forward and apply for the variance.

The board recessed at 8:00 p.m. to make a site visit.

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

Continued

No Action

DECISION

1. ZBA 16-09 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).

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Special Exception – The applicant requests a special exception to permit elderly housing. (Land Use Code, Zoning Ordinance Section V, 5.16.3 (A)).

On a motion by Tieger, seconded by Belletete the request for a special exception to permit elderly housing was approved as presented and per testimony given. The sketch submitted is on file with this office with a date stamp of June 7, 2016 prepared by SVE Associates dated April 15, 2016. (4-1) Roll call: Ayes – Tieger, Belletete, Cournoyer and Sawyer. Nays – Webber.

2. ZBA 16-10 Wright, David & Ellen, 7 Hillcrest Rd., Map 244 / Lot 98; Zone: Rural (with town water).

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

On a motion by Cournoyer, seconded by Belletete the request for a variance to permit a shed with a right side setback of twenty-three feet was approved as presented and per testimony given. The sketch submitted is on file with this office with a date stamp of June 7, 2016 submitted by David and Ellen Wright. (5-0)

3. ZBA 16-11 Poplin, James & Sue, 123 Crestview Dr., Map 246 / Lot 13; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit a garage addition with less than the required side setback. (Land Use Code, Zoning Ordinance Section VI).

On a motion by Webber, seconded by Cournoyer the request for a variance to permit a garage addition with less than the required side setback was approved as presented and per testimony given. The sketch submitted is on file with this office with a date stamp of June 7, 2016 prepared by JL Purcell Architects dated May 17, 2016. (5-0)

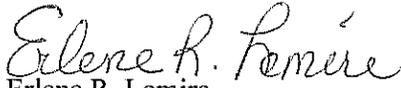
OTHER BUSINESS

- Election of Officers –
On a motion by Webber, seconded by Tieger Member Sawyer was elected to the Chairman position.
On a motion by Cournoyer, seconded by Tieger Member Belletete was elected to the Vice Chairman position.
- The board discussed the possibility of changing the meeting start time from 7:30 to 7:00. All were in agreement.
- There was discussion about the need for two alternates. Members Cournoyer and Sawyer will inquire with potential candidates. Interested parties will be invited to attend a meeting as a spectator to get a feel for what the board does.

ADJOURNMENT

The meeting recessed at 8:00 p.m., reconvened at 8:15 p.m. and adjourned at 8:42 p.m.

Submitted:


Erlene R. Lemire
Recording Secretary

Attest:


Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment