

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
November 5, 2014

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

Absent:

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Dodge, seconded by Webber the minutes for the October 7, 2014 meeting were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:30 p.m. Notice of hearing for case No. ZBA 14-09 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.

Public Hearing - New Items

1. ZBA 14-09 Banghart Jr, James, 365 Thorndike Pond Rd., Map 234/ Lot 14, Zone: Rural (without town water)

Variance – The applicant proposes the expansion of an existing non-conforming structure within the Wetlands Conservation District (Section XX, 20.5.2). Section VII, 7.2.1

Variance – The applicant proposes the expansion of an existing non-conforming structure within the Shoreland Overlay District (Section XIX, 19.6.1) Section VII, 7.2.3

Presentation: Jack Belletete

Appearance:

Chairman Sawyer stated that the board had been made aware that a wrong name and address was given on the application although the correct map and lot was referenced and the proper abutters were notified. It was the recommendation of Town Counsel to err on the side of caution by amending the application and re-noticing it. Member Tieger asked Mr. Belletete for further explanation on the problem. Mr. Belletete explained that he prepared the application for his nephew, James Banghart III; in error he listed him as "Jr". This caused confusion because Mr. Banghart III's father is James Banghart Jr. To further complicate the issue Mr. Banghart III lives in Hong Kong and receives his mail at 365 Thorndike Pond Rd., the residence of Mr. Banghart Jr. The property location noted on the application however was correct – 455 Thorndike Pond Rd.

The board showed interest in verifying that all abutters were notified. The tax map was referenced and it was confirmed that all proper abutters were notified.

Member Dodge feels that the decision to hear it or not is up to the applicant. If it's heard and someone is aggrieved then an appeal is made to the board. Chairman Sawyer was of the same opinion. Mr. Belletete

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
November 5, 2014

pointed out that the people with an interest, Charity Banker and Janet Grant, were present and he would like to continue with the hearing at this time.

Chairman Sawyer asked resident Janet Grant if she had any problems with the application since she was the person who brought the error to light. Ms. Grant stated that she has no problem with it going ahead but she feels it did have to be discussed. She did request that it be noted in the minutes that there was an error, that it was noticed in the newspaper incorrectly and should the board decide to move ahead that it too be noted. She wants to ensure it is handled properly.

By consensus the board agreed to move forward and hear the application.

Mr. Belletete stated that they are proposing to close in an existing deck and expand it to include a second story and to square off the east side of the house. The deck was constructed about ten years ago with the benefit of a variance. A variance will again be needed because the use will change causing an increase in the cubic content. Member Webber asked if the deck had a foundation. Mr. Belletete said it did not but they will most likely put in a frost wall.

Member Webber pointed out that the application makes reference to demolishing the existing building and rebuilding. Mr. Belletete confirmed this stating they will be using the existing footprint with the exception of the variances if approved. The existing building does have a foundation. Member Tieger asked if there was a basement. Mr. Belletete replied there is no basement and there will not be a basement. A small crawl space may be necessary to accommodate any pipes. Chairman Sawyer asked if they were encroaching towards the pond. Mr. Belletete stated that they are not encroaching toward the shoreline (the pond). The only encroachment involves the east side of the house where they plan to square it off and it is towards the wetland. Mr. Belletete reviewed the variance criteria as presented on the application.

Member Tieger asked if notices automatically went to the Conservation Commission. Recording Secretary Lemire replied that they did.

Resident Charity Banker asked if the ConComm is noticed does DES have to be notified. The board replied no, they do not notify DES. Ms. Banker asked if they have done any probing to see if there is bedrock. Mr. Belletete replied that they have not but they do not plan on digging any deeper than what is currently there with the exception of the proposed areas of expansion. They plan to mimic the existing footprint and should they find any bedrock they will pin to it; they would not try to remove it.

Resident Janet Grant stated that she is not opposed to the project and happy that it is going to be developed however she is a concerned resident; specifically that it is on a beach and on the water. She is concerned about the commitment to keeping it to the existing footprint and the care and concern that has to be taken with respect to run off into the pond. This is a major change and not just building another small cottage on the same footprint. Mr. Belletete assured Ms. Grant that he would take all the necessary precautions.

Member Tieger asked about plans for the septic system and a well. Mr. Belletete replied that the existing septic system will be enlarged to accommodate the three bedrooms in the house and the one bedroom in the guest house and a well will be drilled.

The board will make a site visit on Thursday, November 6, 2014 at 4:00 p.m.

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

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
November 5, 2014

The meeting reconvened on Thursday, November 6 at 4:35 p.m.

Mr. Belletete asked to address the process that will take place should the variances be granted. If approved the next step would be to submit a Shoreland Permit to the state (DES) and obtain approval. This permit relates to the proximity to the shoreland and goes along with the septic plan which will be handled by Monadnock Septic. No work can begin without DES approval and the town cannot issue a building permit until DES approval is granted.

Chairman Sawyer asked the board if this was a project of regional impact. By consensus the board voted that it was not.

Ms. Melinda Johnson represents the Thorndike Pond Conservation Association which consists of seventy plus land owners on the pond. She is also a home owner on the pond and has an interest. Ms. Johnson stated that she is aware of covenants on the deed and asked if they had been discussed. Member Tieger replied that it had not been discussed. Member Dodge explained that because the covenants have no connection to the Town they do not apply to the board. What governs the board are the town ordinances. It would be between the Association and the property owner. Ms. Johnson explained that the Fosters who are abutters have multiple addresses and are difficult to reach. She asked if they had acknowledged the notice. Recording Secretary Lemire explained that notices are sent certified but not certified return receipt where the letter would be signed for. The address used for mailing is what the town has on file from the property owner.

Deliberations –

Following the vote those present were informed of the thirty day appeal process and that the applicant cannot receive a building permit in that thirty day period. If the applicant decides to proceed prior to the thirty days it is at their own risk.

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

DECISION

1. ZBA 14-09 Banghart Jr, James, 365 Thorndike Pond Rd., Map 234/ Lot 14, Zone: Rural (without town water)

Variance – The applicant proposes the expansion of an existing non-conforming structure within the Wetlands Conservation District (Section XX, 20.5.2). Section VII, 7.2.1

On a motion by Tieger, seconded by Belletete the application proposing the expansion of an existing non-conforming structure within the Wetlands Conservation District was granted as per the plan presented and per testimony given. (5-0)

Variance – The applicant proposes the expansion of an existing non-conforming structure within the Shoreland Overlay District (Section XIX, 19.6.1) Section VII, 7.2.3

On a motion by Tieger, seconded by Belletete the application proposing the expansion of an existing non-conforming structure within the Shoreland Overlay District was granted as per the plan presented and per testimony given. (5-0)

Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.

**TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
November 5, 2014**

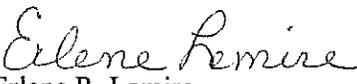
OTHER BUSINESS

None

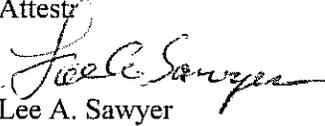
ADJOURNMENT

The meeting recessed at 8:20 p.m., reconvened at 4:35 p.m. and adjourned at 4:50 p.m.

Submitted:


Erlene R. Lemire
Recording Secretary

Attest:


Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment