

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
October 2, 2012

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

Absent: Member Tieger

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Dodge, seconded by Belletete the minutes for the September 4, 2012 meeting were approved as submitted. (4-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:30 p.m. The rules of procedure were read aloud. Notice of hearing for case No. ZBA 12-08 and ZBA 12-09 as advertised in the *Monadnock Ledger-Transcript*; copies were posted in the Town Office building and the Library; 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 voted.

Public Hearing - New Items

1. ZBA 12-08 Rivard, Margaret; 95 Nutting Rd., Map 245 Lot 24; Zone: Residence A (with town water)
Special Exception - The applicant proposes an accessory apartment. (Zoning Ordinance, Section IV, 4.4)

Presentation: Peggy Rivard

Appearance:

By unanimous vote the board determined that there was no regional impact.

Mrs. Rivard would like to convert a portion of an existing upstairs living area into an accessory apartment that would consist of an entry, living area, kitchen, one bedroom and a bath. The home is hooked up to town water and sewer and a bathroom already exists on the second floor. The only thing being added with respect to usage will be the kitchen. Two new parking areas will be created behind the existing garage to support the apartment. In total the apartment will be 799 square feet or 28% of the 30% allowed by regulation. The proposed changes will not be visible from the outside.

Mrs. Rivard reviewed the criteria stating that there are three 2 family homes within one half mile of her property.

Building Inspector Baron stated that the stairway to the apartment will be on the outside of the building for safety reasons and will not be visible from the front.

On a motion by Webber, seconded by Dodge the board voted to waive the site visit.

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

2. ZBA 12-09 Weissman, Joel; 115 Sawtelle Rd., Map 228 Lot 9; Zone: Residence A (with town water)

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Variance - The applicant proposes a garage within the seventy-five foot wetland setback. (Wetlands Conservation District, VII)

Presentation: Joel Weissman

Appearance: Steve Riggs, Conval/Conant Builders Instructor

By unanimous vote the board determined that there was no regional impact.

Mr. Weissman purchased 115 Sawtelle and the property behind it known as 123 Sawtelle in August of this year. The home located at 115 has since been demolished and a new home is being built by Mr. Riggs and the Conval/Conant builders as a school project. Mr. Weissman is proposing to construct an attached two car garage as well and is on the site of the existing foundation put in by the previous owner a number of years ago. As the project moved forward it was discovered that the foundation encroaches approximately fifteen feet into the seventy-five foot wetland setback.

Chairman Sawyer asked if it is not changing the size or location of the existing footprint. Mr. Weissman replied that "It's slightly different"; "The two car garage will be within the same location that the existing foundation that was sitting there before we bought the property".

Member Belletete asked if there was a garage there before; what was the foundation for? Building Inspector Baron stated that the previous owner at one time had a swimming pool there. The pool has since been buried and the plan was to build a garage but it never happened. The house is on the same footprint as the previous house.

Member Dodge asked how extensive are the wetlands? Inspector Baron replied that it is part of Mead Brook however the actual brook is about five or six hundred feet away. Mr. Weissman reiterated that the relief being asked for is fifteen feet into the seventy-five foot buffer, not the actual wetlands.

Inspector Baron stated that he did contact Michael George of the Jaffrey ConComm however he was unable to make a site visit.

Ms. Nora Bryant of the ConComm stated that she was familiar with the property and had visited the site on her own. Is the garage going to be placed where the pool was? Inspector Baron replied "Basically, yes". Ms. Bryant asked if there would be an ell between the house and the garage. Mr. Weissman stated there would be a small breezeway. The garage will be twenty-four feet with fifteen feet into the wetland setback.

Inspector Baron raised the issue of trees within the wetlands being removed and he feels it would be appropriate to ask that they be replaced with native trees. Mr. Weissman stated that he has no issue with replacing the trees however he would prefer some type of fruit tree.

The board scheduled a site visit for Thursday, October 04, 2012 at 3:00 p.m. Ms. Bryant of the Jaffrey ConComm stated that she will also attend.

Deliberations - Thursday, October 04, 2012

The board gathered for the scheduled 3:00 p.m. site visit. Upon their return there were no further questions from the board.

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

During deliberations the board referred to the map supplied by the applicant so as to orient them to where the wetlands actually are. It was recognized that what the applicant was asking for was encroachment into the seventy-five foot wetland buffer setback and not into the actual wetlands.

Concern was raised over the trees that were removed from within the buffer and the desire to replace them was expressed.

Inspector Baron brought up the driveway and his concern that run-off could be an issue. The board agreed that what was before them was an application for a garage and a variance. The driveway and run-off is not part of the application before them and if an issue should arise with run-off it should be dealt with by Code Enforcement. If a driveway is to be constructed within the wetland setback the applicant will have to come back to the board with a new variance request.

Member Dodge made a motion to approve with the condition that there are plantings to replace trees removed from within the seventy-five foot buffer setback. Recording Secretary Lemire pointed out that Mr. Weissman's testimony from Tuesday night stating that he would plant trees; preferably fruit was noted in the minutes.

Following discussion on the number of trees that should be replaced Member Dodge withdrew his motion and made a new motion to approve as presented and per testimony given.

Public Hearing - Continued

None

DECISION

1. ZBA 12-08 Rivard, Margaret; 95 Nutting Rd., Map 245 Lot 24; Zone: Residence A (with town water)

Special Exception - The applicant proposes an accessory apartment. (Zoning Ordinance, Section IV, 4.4)

On a motion by Belletete, seconded by Webber the application to construct an accessory apartment was approved as submitted and per testimony given. (5-0)

2. ZBA 12-09 Weissman, Joel; 115 Sawtelle Rd., Map 228 Lot 9; Zone: Residence A (with town water)

Variance - The applicant proposes a garage within the seventy-five foot wetland setback. (Wetlands Conservation District, VII)

On a motion by Dodge, seconded by Belletete the application to construct a garage within the seventy-five foot wetland setback was approved as submitted and per testimony given. (5-0)

OTHER BUSINESS

ADJOURNMENT

The meeting recessed at 8:15 p.m., reconvened on Thursday, October 11, 2012 at 3:00 p.m. and adjourned at 4:15 p.m.

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Submitted:

Attest:

Erlene R. Lemire
Recording Secretary

Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment

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