

TOWN OF JAFFREY
Jaffrey, New Hampshire

BOARD OF ADJUSTMENT
Meeting Minutes
August 4, 2009

Present: Chairman Sawyer, Members Belletete, Campbell, Dumont and Webber

Absent: Member Dodge

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by DuMont, seconded by Belletete, the minutes for the April 7, 2009 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 09-03 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.

Public Hearing - New Items

1. ZBA 09-03; Despres, Shirley; 9 St. Jean St.; Map 238/ Lot 196; Zone: Residence A

Variance - The applicant proposes to construct a house with insufficient acreage, less than 30 foot side setbacks, insufficient distance from a wetland and less than 20 foot setback from an existing sewer easement. (Section V, 5.1 Zoning Ordinance, Section VII Wetlands)

Presentation: Mathew Despres

Appearance:

Member DuMont recused himself. Chairman Sawyer asked Mr. Despres if he objected to a four member board. Mr. Despres had no objection.

Mr. Despres is representing the owner of the property, Ms. Shirley Despres. He will also be the builder. Ms. Despres recently purchased the property with the thought that all the necessary variances had been obtained back in 1999/2000. It wasn't until Mr. Despres began working at the site that he was informed by the Department of Public Works that he was too close to an existing sewer easement; something overlooked during the 1999/2000 application process. Typically a sewer easement is 15 feet; 7 ½ feet each side of the sewer line. The sewer line in this area is larger than usual so the easement is 20 feet; 10 feet each side of the sewer line. It was determined that the footprint was five inches into the easement and Mr. Despres was asked to halt the project.

In an effort to eliminate the issue of encroachment Mr. Despres has proposed shifting the house one foot to the left. If granted this will not only place the house seven inches outside the easement area but it will move the house more to the center of the lot. The left side setback would be 13.2 feet and the right side setback

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would be 14.8 feet. The frontage, front setback and setback to the wetland will not change from the previously granted variance.

Mr. & Mrs. Lane about the Despres property to the right and they expressed concern about the distance between them and the proposed house. Could a privacy fence be considered? Mr. Despres didn't know if a fence was the answer however he is open to working with them on making a suitable vegetated buffer.

Abutter Mrs. Theresa Poirier has concern about the proximity to the wetland and the possibility of flooding which apparently other properties on the street have experienced. Mr. Despres explained that the required setback is 75 feet; he will be approximately 47 feet. If a septic system were installed there could be an issue if it failed but the property will be on town water and sewer. As for the possibility of water getting into the basement Mr. Despres felt confident that his foundation would be constructed in such a way that flooding into the home would not be an issue.

Chairman Sawyer noted that Mrs. Poirier had submitted by mail a letter to the board. Since the letter expressed what she stated publicly it was decided that the letter would be submitted into the record but not read aloud.

The board felt a site visit was appropriate. Chairman Sawyer recessed the meeting at 8:00 in order to make a site visit. The board returned at 8:18 and Chairman Sawyer reconvened the meeting.

Member Webber commented that he feels there is hardship in the lot itself. Member Webber asked Mr. Despres if he took down the building. Mr. Despres replied that the structure was demolished prior to the purchase.

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

Public Hearing - Continued Items

None

DECISIONS

1. ZBA 09-03; Despres, Shirley; 9 St. Jean St.; Map 238/ Lot 196; Zone: Residence A

Variance - The applicant proposes to construct a house with insufficient acreage, less than 30 foot side setbacks, insufficient distance from a wetland and less than 20 foot setback from an existing sewer easement. (Section V, 5.1 Zoning Ordinance, Section VII Wetlands)

On a motion by Webber, seconded by Belletete, the application proposing to construct a house with insufficient distance from a wetland was approved as presented and per testimony given. (4-0)

On a motion by Belletete, seconded by Campbell, the application proposing to construct a house with a side setback not less than 13 feet was approved as presented and per testimony given. (4-0)

OTHER BUSINESS

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The Park Theatre is seeking grant money and in doing so they are asking the various boards for their written support. Member DuMont presented a draft letter for the board's consideration. The members shared their opinions and it was decided that the letter will be signed by Chairman Sawyer on behalf of the board and returned to Caroline Hollister.

ADJOURNMENT

The meeting recessed at 8:00, reconvened at 8:18 and adjourned at 8:35 p.m.

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.