

TOWN OF JAFFREY
Jaffrey, New Hampshire

BOARD OF ADJUSTMENT
Meeting Minutes
November 3, 2009

Present: Chairman Sawyer, Members Belletete, Dodge and Webber

Absent: Members Campbell and DuMont

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Dodge, seconded by Webber, the minutes for the October 6, 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 09-04 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

None

Public Hearing - Continued Items

1. ZBA 09-04; Kachinsky, Paul (property of Mitchell); 265 Mountain Rd.; Map 220/ Lot 7; Zone: Residence A (in the mountain zone).

Special Exception – The applicant proposes an accessory apartment. (Section III, 3.7.3 Zoning Ordinance)

Variance – The applicant proposes an accessory apartment in excess of the allowed square footage. (Section IV, 4.4, 4.4.3, Zoning Ordinance)

Presentation: Paul Kachinsky, Brian Bergquist

Appearance: Max Mitchell

The applicant was before the board at the October 6 meeting requesting a special exception for an accessory apartment. During the presentation it was realized that in addition to the special exception a variance was needed because the proposed accessory did not meet the town's regulations for size. The applicant agreed to amend his application to include the variance and they would return for the November 3, 2009 public hearing. To save time the board made a site visit that evening and requested a more detailed sketch of the apartment and an exact measurement of the loft area. All requested information has been provided to the board.

Mr. Bergquist is one of the contractors converting the barn to a living space. The proposed accessory will be a 1,378 sf studio/in-law apartment consisting of a main floor and a loft. The main house is 1,440 sf. Mr.

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Bergquist believes that the intent of the variance is to prohibit someone from buying a small house and then adding on a large addition. In this case they are working with an existing building with no change to the footprint.

Abutter Mrs. Carolyn Howard stated that she is not for or against the project however she does have one issue which is privacy. Is there a landscaping plan?

Mr. Kachinsky replied that there is presently a lot of underbrush and some pines that are threatening the barn and need to be removed. Once that is done a privacy hedge will be planted in between the two properties.

Building Inspector Baron reminded the board that per the town's regulations an accessory apartment is subordinate to the main house.

The board reviewed the dimensions. The main house is 1,440 sf. The ordinance allows an accessory to be no more than 30% of the main house. Over 30% would require a variance. In this case 30% of the 1,440 sf would be 432 sf. The applicant is requesting 1,378 sf.

Member Webber asked why the loft was necessary in addition to the 820 sf on the main floor. Mr. Bergquist stated that it is a studio without any walls so the loft was going to be used as the bedroom. Member Webber stated that 820 sf is large enough to make an apartment on the main floor without using the loft.

Member Dodge stated that in order for the board to grant a variance the applicant needs to show that an undue hardship would be placed on the property if denied. If this application were denied what would the hardship be. Mr. Bergquist felt that if it were denied the barn would deteriorate and they would not be able to have use of the structure.

Member Webber stated that what is being requested is over three times the acceptable limit. Inspector Baron did raise the question of eliminating the loft from the proposal. Would that be acceptable?

Member Dodge asked Inspector Baron if the loft area could be used for storage which would remove that area from the equation. Inspector Baron did not have an issue with that.

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

DECISIONS

1. ZBA 09-04; Kachinsky, Paul (property of Mitchell); 265 Mountain Rd.; Map 220/ Lot 7; Zone: Residence A (in the mountain zone).

Variance – The applicant proposes an accessory apartment in excess of the allowed square footage. (Section IV, 4.4, 4.4.3, Zoning Ordinance)

On a motion by Belletete, seconded by Webber, the application proposing an accessory apartment in excess of the allowed square footage was granted as presented and per testimony given subject to the following conditions. (4-0)

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Conditions:

1. Living area is contained to the first floor and must not exceed 820 sf
2. Second floor loft will be limited to storage space and not to be used as living space.

Special Exception – The applicant proposes an accessory apartment. (Section III, 3.7.3 Zoning Ordinance)

On a motion by Dodge, seconded by Belletete, the application proposing an accessory apartment was approved as presented and per testimony given subject to the following condition. (4-0)

Condition:

1. Privacy hedge to be placed between the Mitchell and the Howard property.

OTHER BUSINESS

None

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Submitted:

Erlene R. Lemire
Recording Secretary

Attest:

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.