

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**

**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**May 4, 2010**

**Present:** Chairman Sawyer, Members Belletete, Dodge, DuMont, Webber

**Absent:** Member Campbell

**Staff:** Recording Secretary Lemire, Building Inspector Baron

**MEETING MINUTES APPROVAL**

On a motion by Belletete, seconded by Dodge, the minutes for the April 6, 2010 meeting were approved as submitted. (3-0)

**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 10-05 and ZBA 10-06 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 10-05; Colby, Benjamin & Annie; 82 Fitzwilliam Rd., Map 212 / Lot 11.1; Zone Rural (w/o town water)

Variance: The applicant proposes to construct a shed with less than the required 60 foot front setback. (Section V, 5.1, Zoning Ordinance)

Presentation: Benjamin Colby

Appearance:

Mr. Colby explained that the site for the shed was chosen because of the terrain. There is seasonal drainage in the area of the leach field and the proposed site is high and dry. To help the water situation there are a couple of culverts and a catch basin on his property.

If approved, the new shed will replace an existing shed that is in poor condition. The proposed shed will be 12 x 16 feet with a 16 x 8 foot overhang on one side. It will be used to store tools needed for the small fruit farm he is planning. Mr. Colby will be constructing the shed. Member Dodge asked if there would be electricity. Mr. Colby stated perhaps in the future but not at this time.

Member Belletete asked for the distance from the proposed site to the property line. Mr. Colby stated it is approximately 48 or 49 feet. The required distance is 60 feet.

Member Webber asked how much area the leach field consumed. Using his sketch Mr. Colby estimated it was approximately 65 feet out from the stone wall on the rear right side of the house.

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Chairman Sawyer asked Inspector Baron if the applicant should be asking for something other than a variance since his reason for coming to the board was the result of a mistake. Inspector Baron replied that if the applicant had applied for a building permit in a timely fashion there would be no issue.

Mr. Colby explained that last fall he poured the concrete into the ground. It was not until this spring when he filed for a permit that he learned from the Building Inspector that he needed to measure to his property line and not the road. As a result he is short approximately 12 feet. Mr. Colby added that by way of a variance granted in 2004 the addition to his house is 30 feet from the property line. If approved, the shed will sit further back than the house. Mr. Colby stated that it would cost him more money in time to remove everything than it would to seek a variance. Also, if he moved it back 10 feet he would be working against a slope. The other option would be to change the location and have to cut down more trees.

Inspector Baron feels the shed could easily be moved back 10 feet and suggested to the board that they visit the site. A site visit was planned for Wednesday, May 05, 2010 at 4:00 p.m.

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

May 5, 2010 deliberations:

Member Belletete felt there were other places to site the proposed shed. The other board members agreed. Member DuMont added that he did not see any hardship. It was agreed that moving it back 12 feet would encroach on the septic however the board also agreed that there are other options.

2. ZBA 10-06; Hanson, Robert & Andrea; 22 Jaquith Rd., Map 239 / Lot 14; Zone Rural (w/o town water)

Variance: The applicant proposes to construct a car port with less than the required 40 foot side setback. (Section V, 5.1, Zoning Ordinance)

Presentation: Robert Hanson

Appearance:

Member Dodge recused himself. Mr. Hanson agreed to continue with a four member board.

Mr. Hanson stated that he has a raised ranch and although there is a garage it is not adequate. He would like to add a 24 x 18 foot car port adjacent to the garage. The structure will be metal allowing snow on the roof to easily fall behind the structure. Mr. Hanson stated that he has had hip replacement surgery and back surgery so having the car port would make the snow removal process easier for him; there would be less area to clean. He does not believe that the car port will overcrowd the property and that it would add value to the property. The property line runs diagonally so the structure would be nine feet from the property line on the back side and fourteen feet from the property line on the front side.

Member DuMont asked about run-off from the roof. Mr. Hanson stated that the run-off will go into a catch basin located at the back of his driveway. Chairman Sawyer asked if the structure would be a single pitch roof. Mr. Hanson replied that it will go up fourteen feet and then pitch down four feet.

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Building Inspector Baron stated that the lot is 150 feet square. When the house was sited they did not anticipate an addition.

Abutter Ms. Michelle Lizotte expressed concern over the drainage. Where will the snow and water go? Ms. Lizotte believes there is a drain that already drains from the Hanson's cellar into an underground drainage system; up to their property line and then into her lawn causing it to be a swamp. If approved will this cause additional run-off causing her lawn to be even wetter?

Inspector Baron stated that the snow falling from the proposed car port, regardless of the quantity, will go to the rear. It would not exacerbate any problem that is already there. Inspector Baron suggested visiting the site.

Mr. Hanson clarified that the drainage system referred to by Ms. Lizotte was put in by his wife's father about forty years ago. He was the original owner of the house. The drain does not come from the cellar but from around the house.

A site visit will be made on Wednesday, May 05, 2010 at approximately 4:30 p.m. The applicant was advised to mark out the area.

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

May 5, 2010 deliberations:

Member DuMont commented that regardless of what is there the snow load / drainage is not going to change in that area. Chairman Sawyer relayed that he had heard the foundation drain had been damaged during the paving process. To repair it they put a "T" in, dug a ditch and filled it with stone. Chairman Sawyer estimates that if this is true then more water is seeping under the Hanson's driveway now than there was when a pipe went further out. Member Webber stated that he feels the request allows reasonable use of the land and given the size of the lot the site chosen is the only place available.

**Public Hearing - Continued Items**

None

**DECISION**

1. ZBA 10-05; Colby, Benjamin & Annie; 82 Fitzwilliam Rd., Map 212 / Lot 11.1; Zone Rural (w/o town water)

Variance: The applicant proposes to construct a shed with less than the required 60 foot front setback. (Section V, 5.1, Zoning Ordinance)

On a motion by Dodge, seconded by DuMont the application proposing to construct a shed with a forty-eight foot front setback versus than the required sixty feet was denied. (5-0)

Reason: Lack of hardship.

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2. ZBA 10-06; Hanson, Robert & Andrea; 22 Jaquith Rd., Map 239 / Lot 14; Zone Rural (w/o town water)

Variance: The applicant proposes to construct a car port with less than the required 40 foot side setback. (Section V, 5.1, Zoning Ordinance)

On a motion by DuMont, seconded by Webber the application proposing to construct a car port with a minimum side setback of nine feet versus the required forty feet was granted as presented and per testimony given. (4-0) Member Dodge recused himself.

**OTHER BUSINESS**

**ADJOURNMENT**

The meeting recessed at 8:00 p.m., reconvened on Wednesday, May 05, 2010 at 4:00 p.m. and adjourned at 5:00 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.*