

TOWN OF JAFFREY
Jaffrey, New Hampshire

BOARD OF ADJUSTMENT
Meeting Minutes
September 7, 2010

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

Absent:

Staff: Recording Secretary Lemire, Building Inspector Baron

MEETING MINUTES APPROVAL

On a motion by DuMont, seconded by Dodge, the minutes for the August 3, 2010 meeting were approved as presented. (5-0)

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 10-11 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. The board unanimously voted that the applications were not of regional impact.

Public Hearing - New Items

1. ZBA 10-11; Kathleen S. Weibel Revocable Living Trust, 8 School St., Map 238/ Lot 314, Zone: Residence A (with town water).

Variance – The applicant proposes to construct a shed with less than the required rear and side setback. (Zoning Ordinance, Section V, 5.1)

Presentation: Heather Tullio

Appearance:

Ms. Tullio is the daughter of Mr. & Mrs. Weibel and she is making the presentation on their behalf. The proposal is for a 10 x 12 shed that will be placed in a back corner of their School St. property. On one property line the shed will be shielded by existing lilac bushes and because it will be set into the corner only a small part of the structure will be visible from the road.

The Weibel's presently own the abutting property at 35 Main St. however they are in the process of selling it and will need to remove yard items from the basement. The proposed shed will be used for storing those items. All of the abutters have been personally addressed without issue. The design of the shed will be in keeping with their home at 8 School St. Ms. Tullio stated that they could meet all set-backs by placing the shed in the middle of the yard but that will interfere with the use of the yard.

Ms. Nora Bryant, on behalf of the Women's Club asked for more information regarding the setbacks. Ms. Tullio showed Ms. Bryant the map outlining where the shed would be placed and the proximity to the property lines.

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On a motion by Dodge, seconded by Belletete the board waived the site visit.

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

Public Hearing - Continued Items

1. ZBA 10-10; Gordon, William and Laura, 48 Fitzwilliam Rd., Map 212 / Lot 11.4, Zone: Rural (without town water)

Special Exception – The applicant proposes an accessory apartment. (Zoning Ordinance, Section IV, 4.4.3, 4.4)

Special Exception – The applicant proposes an accessory apartment with less than the required setback. (Wetland Ordinance, Section VI, B)

Variance – The applicant proposes an accessory apartment with less than the required acreage. (Zoning Ordinance, Section IV, 4.4.7)

Presentation: Bill Gordon, Laura Gordon

Appearance:

Member Belletete recused himself. Member Campbell would vote.

The Gordons would like to construct a 30 x 26 foot detached garage with an accessory apartment above. Reviewing the map Member Dodge noticed a wetland marking and asked how close to the wetlands the proposed structure would be. Member DuMont stated that he and Building Inspector Baron visited the site and it is the opinion of the Building Inspector that wetland is not an issue. Member Dodge was still interested in knowing the distance from the wetland outline on the map and the corner of the proposed garage. Member DuMont stated that if the board decides to schedule a site visit Inspector Baron will be available to meet them there. He will have all the measurements. Mr. Gordon stated that the area has been marked off.

The board reviewed the special exception criteria for an accessory and if the board determines that the wetland is not an issue then the only concern is the lack of acreage. The applicant is short by .86 acres.

The board scheduled a site visit for Wednesday, September 8, 2010 at 5:30 p.m.

Wednesday, September 8, 2010

Following the site visit Chairman Sawyer re-opened the public hearing. Chairman Sawyer agreed with Inspector Baron regarding the lack of wetland. With respect to the special exception for the wetland; Member DuMont pointed out that the board, during their site visit, did not find anything that complied with the wetlands ordinance.

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

DECISION

1. ZBA 10-11; Kathleen S. Weibel Revocable Living Trust, 8 School St., Map 238/ Lot 314, Zone: Residence A (with town water).

Variance – The applicant proposes to construct a shed with less than the required rear and side setback. (Zoning Ordinance, Section V, 5.1)

On a motion by Belletete, seconded by Dodge the application proposing a 10 x 12 shed to be placed no closer than 10 feet to the rear property line and 9 feet to the side property line was granted as presented and per testimony given. (5-0)

2. ZBA 10-10; Gordon, William and Laura, 48 Fitzwilliam Rd., Map 212 / Lot 11.4, Zone: Rural (without town water)

Special Exception – The applicant proposes an accessory apartment. (Zoning Ordinance, Section IV, 4.4.3, 4.4)

On a motion by Webber, seconded by Dodge the application proposing an accessory apartment was granted as presented and per testimony given. (5-0)

Special Exception – The applicant proposes an accessory apartment with less than the required setback. (Wetland Ordinance, Section VI, B)

On a motion by DuMont, seconded by Webber the application proposing an accessory apartment with less than the required setback from a wetland was granted as presented and per testimony given. (5-0)

Variance – The applicant proposes an accessory apartment with less than the required acreage. (Zoning Ordinance, Section IV, 4.4.7)

On a motion by Dodge, seconded by DuMont the application proposing an accessory apartment with .86 acres less than the required acreage was granted as presented and per testimony given. (5-0)

OTHER BUSINESS

Reminder of the upcoming Law Lecture Series

ADJOURNMENT

The meeting recessed at 8:11 p.m., reconvened on Wednesday, September 8, 2010 at 5:30 p.m. and adjourned at 6:12 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.