

TOWN OF JAFFREY
Jaffrey, New Hampshire

BOARD OF ADJUSTMENT
Meeting Minutes
November 2, 2010

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

Absent: Members Campbell and DuMont

Staff: Recording Secretary Lemire, Building Inspector Baron

MEETING MINUTES APPROVAL

On a motion by Dodge, seconded by Belletete, the minutes for the September 7, 2010 meeting were approved as presented. (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 hearings for case No. ZBA 10-12 and ZBA 10-13 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 10-13; Epstein, Steve and Bea, 558 Dublin Rd., Map 231/ Lot 16, Zone: Rural (without town water).

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

Presentation: Sheldon Pennoyer, O’Neil Pennoyer Architects

Appearance: Mark Haskell, Contractor

Mr. Pennoyer represents the Epstein’s who are proposing to convert an existing 310 square foot accessory structure into a 773 square foot accessory structure. In the existing structure 180 square feet is interior consisting of a bedroom and a bath and 130 square feet is storage area. Of the proposed 773 square feet 517 will be interior space consisting of a bedroom, bathroom and sitting room and the remaining 256 square feet will be storage area. Because the main house is only 1,200 square feet, the accessory structure is used as a guest house for visiting family members. The main house is a summer residence. Sitting on posts and without heat it is limited to summer use. The proposed accessory will also be seasonal and although it will be without a heating system it will have a small electric ceramic/base board type of heat. It will not be winterized and it will not contain a kitchen. It will be a place for visiting and sleeping only. Cooking and meals will be limited to the main house. Mr. Pennoyer stated that the accessory has its own septic system and a letter from Carl Hagstrom, Monadnock Septic Design, stating that the current system is in working order was submitted into the record.

There was some discussion between the board, the applicant and the Building Inspector about what constitutes an accessory apartment and would this “accessory building” apply? Is an accessory apartment an

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apartment because there is a kitchen and if so is the proposed “building”, without cooking facilities, obligated to follow the same criteria as an apartment? If yes then it must have more than 400 sf of living area but less than 30% of the floor area of the primary residence. In this situation the living area of the proposed structure is more than 400 sf and approximately 43% of the main house. Is a variance needed and can they proceed with the application as it is?

Mr. Pennoyer stated that this is why he worded the application as he did; asking for a waiver of section 4.4 of the Zoning Ordinance which calls out the criteria for an accessory apartment. He also pointed out that this is not a primary residence; it is a summer home. Member Dodge did not have an issue with viewing the main house as a primary residence because the applicant is the owner and even though seasonally they do reside in the primary house.

Chairman Sawyer wanted to know where you draw the line between a bunk house and an accessory apartment. Is it the kitchen? Building Inspector Baron agreed that the kitchen would make a difference and although one is not being proposed one could easily be installed. Inspector Baron stated that the structure has been downsized from the original proposal and as it is he is not strongly opposed however it is still a good sized building.

Chairman Sawyer asked if there was anyone wishing to speak for or against the application. There was no response due to lack of attendance.

Following the discussion the board decided to proceed with the application. The board will make their site visit on Thursday, November 4, 2010 at 4:00 p.m.

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

Deliberations – November 4, 2010

The board discussed the issue of needing a variance; would the proposal before them be considered an accessory apartment which would require a variance. The members agreed that without a kitchen they would not consider the proposed structure an accessory apartment therefore a variance would not be necessary.

2. ZBA 10-12; Jaffrey/Rindge Memorial Ambulance, 119 Main St., Map 238/ Lot 104.1, Zone: Residence A (with town water).

Variance – The applicant proposes to construct a 14 x 26 addition with less than the required setback. (Zoning Ordinance, Section V, 5.1)

Presentation: None

Appearance:

There was no representation for the application. Building Inspector Baron stated to the board that Bill Harper filed the application for the ambulance and was then out of town for a week. Upon his return Inspector Baron tried unsuccessfully to reach Mr. Harper to explain about the PSNH easement and their opposition to the proposal and that authorization from the town would be necessary as they owned the land under the building.

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

Deliberations – November 4, 2010

Member DuMont was present for the deliberative session.

Prior to discussing the application Recording Secretary Lemire informed the board that she had spoken with Mr. Harper Thursday morning bringing him up-to-date on the status of the application. It appears that although the Ambulance Garage was noticed of the hearing he had neglected to list himself as an abutter and was not notified, hence he missed the meeting. Mr. Harper stated that the Directors of the ambulance garage were meeting on Tuesday, November 9 and he would inform them of the findings. Mr. Harper felt that under the circumstances it may be better to put a “hoop house” at their River St. property and use it for parking the wheelchair van. That decision will be up to the Directors.

The board discussed the application as submitted and based on the facts a decision was made to deny the application. Reasons for denying the application were: 1) the PSNH easement (which by deed does not allow the construction or maintenance of any building or other structure of any kind or nature upon the strip or change the existing grade or ground level of the strip by excavation or filling), 2) the land under the building is owned by the Town of Jaffrey; authorization for construction was not obtained, 3) notice of the application was not sent to the Town and 4) there was no representation for the application.

DECISION

1. ZBA 10-13; Epstein, Steve and Bea, 558 Dublin Rd., Map 231/ Lot 16, Zone: Rural (without town water).

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

On a motion by Webber, seconded by Dodge the application proposing an accessory structure not to exceed 773 square feet (specifically 517 square feet of interior space and 256 square feet of storage space) was granted as presented and per testimony given. (4-0)

1. ZBA 10-12; Jaffrey/Rindge Memorial Ambulance, 119 Main St., Map 238/ Lot 104.1, Zone: Residence A (with town water).

Variance – The applicant proposes to construct a 14 x 26 addition with less than the required setback. (Zoning Ordinance, Section V, 5.1)

On a motion by Dodge, seconded by DuMont the application proposing a 14 x 26 addition with less than the required setback was denied. (4-0)

Reasons:

1. PSNH easement on the property and lack of consent from PSNH to encroach into their easement.
2. Authorization to build from the land owner (Town of Jaffrey) was not obtained.
3. The Town was not notified of the application.
4. No representation at the meeting.

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OTHER BUSINESS

Request to sign State form regarding zoning for Wynn Dog Rescue.

ADJOURNMENT

The meeting recessed at 8:05 p.m., reconvened on Thursday, November 4, 2010 at 4:00 p.m. and adjourned at 4:45 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.