

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
August 2, 2016

Present: Chairman Sawyer, Members Belletete, Cournoyer, Tieger and Webber

Absent:

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Tieger, seconded by Cournoyer the July 5, 2016 meeting minutes were approved as amended. (5-0)

On a motion by Belletete, seconded by Webber the July 8, 2016 meeting minutes were approved as submitted. (5-0)

On a motion by Belletete, seconded by Webber the July 11, 2016 meeting minutes were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:00 p.m. Notice of hearing for case No. ZBA 16-16 as advertised in the *Monadnock Ledger-Transcript*; copies were posted in the Town Office building, the Library and the town web site; 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. Member Cournoyer would vote.

Public Hearing - New Items

1. ZBA 16-16 Oswalt, Dawn, 13 Prospect St., Map 238 / Lot 122; Zone: Rural (with town water).

Variance – The applicant requests a variance to permit the creation of a lot with less than the required acreage. (Land Use Code, Zoning Ordinance Section VI, 6.2).

Presentation: Dawn Oswalt, Bill Oswalt

Appearance:

The Oswalt's own the property at 13 Prospect St. which consists of 12.9 acres in the rural district. The property has a home directly on Prospect St. and blueberry bushes on the interior of the lot where they operate a U-Pick business. The desire of the applicant is to separate the residential rental property from the agricultural so should they wanted to sell the home they could retain the blueberries. In order to achieve this, they will need a variance to create a lot with less than the required 1.5 acres.

Ms. Oswalt pointed out that the property is located in the rural district however it is served by town water and sewer making the need for additional area for septic replacement a non-issue. Density is also a consideration when defining a rural area. Prospect St. is a highly populated street and not the typical rural area. When referring to the zoning map it shows the density and that the east side of the street is classified as Residence A and the west side is classified as Rural. The difference in the required lot sizes are .46 acres for Res. A and 1.5 acres for Rural. Wetlands are also an issue on this parcel and throughout the properties on the west side. If anyone wanted to add on to this home, it would not be possible because of the wetlands.

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Ms. Oswalt commented that it was puzzling how there was this difference from one side of the street to the other when each side of the street is equally populated and on town utilities. The desire is to create a lot that is consistent in size with adjacent properties that range from .30 acres to .50 acres. If granted, the variance will allow the blueberry business to be separate from the home without the need of a right-of-way or easement and create a lot that is consistent in size with the other properties which are already smaller than the required 1.5 acres.

Mr. Oswalt displayed a map showing the neighboring parcels and indicated that they would like to square off an area to line up with the abutting properties. The proposal submitted shows a property line on the south side at one hundred and forty feet back from the street. The frontage would conform at one hundred and fifty-feet leaving approximately eighty-three to eighty-five feet for the driveway to the parking and blueberries. This proposal would not change the character of the lot and the effect on the other properties would not change. Visually speaking there is no obvious association with a larger parcel. Mr. Oswalt feels that considering the presence of town water and sewer and the density that the variance is a reasonable request.

Member Tieger asked for the proposed size of the house lot. Mr. Oswalt stated that in keeping with the measurements of one hundred and forty by one hundred and fifty it would be just under a half acre at .48. Member Tieger asked where the blueberries are. Mr. Oswalt explained that entrance to the field is through the driveway. There is an east field, a west field and they have recently expanded and added more bushes in a field adjacent to the west field.

Member Cournoyer pointed out that if granted this would create a flag lot for the blueberries meaning a lot with less than the required frontage. He did not see an issue at this time given the use of the property.

Jaffrey resident Mike O'Neil lives in the neighborhood and spoke in favor of granting the request.

Abutter Adele Remillard expressed a concern for future development on the larger parcel; could someone build four houses out there? Building Inspector Deschenes pointed out that the number of houses could be limited due to the amount of frontage. It is reasonable to say that perhaps only one house would be suitable. Ms. Remillard also asked about the eighty-five foot proposed frontage for the larger lot. Mr. Oswalt explained that they would have one hundred and fifty feet of frontage for the house leaving approximately eighty-three or eighty-five feet between Ms. Remillard's pin and the pin to be set. Ms. Remillard asked if a variance would be needed for the reduced frontage on the larger lot. Chairman Sawyer replied that it's not being built on and referred back to the point made by Inspector Deschenes. Rephrasing the question Ms. Oswalt asked if they decided to build a home at the top of the blueberry lot would the eighty-five feet be enough to build a house; wouldn't they have to come before the board again. Member Belletete agreed that they would have to come back to the board for the frontage. Ms. Remillard stated that she is not opposed she only wanted to know the details.

On a motion by Belletete, seconded by Webber the board waived the site visit (5-0)

There being no further discussion, Chairman Sawyer closed the public hearing.

Continued

No Action

DECISIONS

1. ZBA 16-16 Oswalt, Dawn, 13 Prospect St., Map 238 / Lot 122; Zone: Rural (with town water).

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Variance – The applicant requests a variance to permit the creation of a lot with less than the required acreage. (Land Use Code, Zoning Ordinance Section VI, 6.2).

On a motion by Belletete, seconded by Webber the board approved the request for a variance to permit the creation of a lot with less than the required 1.5 acres but not less than 140 feet x 150 feet (.48 acres) as presented and per testimony given. (5-0)


OTHER BUSINESS

Jaffrey resident Mr. Randy Christmas was in attendance to discuss with the board his letter submitted to them on July 5. The board did confirm receipt of the letter stating that his concerns are more Planning Board related than Zoning Board. The ZBA is not likely to have applications to the same detail as the Planning Board and they would not likely have applications dealing with storm run-off. Mr. Christmas understood and thanked the board for their time.


ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Submitted:


Erlene R. Lemire
Recording Secretary

Attest:


Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment