

**TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT**

**Minutes
August 3, 2021**

Present: Chairman Lee Sawyer, Members Walter Batchelder, Phil Cournoyer, Marc Tieger, Erlene Brayall, Carl Jevne (alt), David Jeffries (alt)

Absent: Judy Lucero (alt)

Staff: Code Enforcement/Building Inspector Rob Deschenes, Recording Secretary Newton

Other: Elizabeth Webster, Conservation Commission, Steven Sliwoski, Ron Giles

MEETING MINUTES APPROVAL

On a **motion** by Brayall seconded by Tieger the minutes of July 6, 2021 were approved as presented. (5-0-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 21-22, as advertised in the *Monadnock Ledger* copies were posted in the Town Office building, the Library and the town website; 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 applicant.

PUBLIC HEARING NEW ITEMS

1. ZBA 21-22, Steven & Ellen Sliwoski, Owner – 360 Woodbound Rd
Map 242 Lot 23 Zone: Res A (with town water)

Variance – The applicant requests a variance to permit grading of the yard and the addition of fill to aid drainage within the wetlands conservation district (Land Use Code, Zoning Ordinance Section XX, 20.4)

Presentation: Steven Sliwoski, owner

Mr. Sliwoski is seeking relief from the wetland ordinance to add fill and regrade his yard to decrease the flooding in his house and garage. There are several factors that he believes have contributed to the increase in flooding in addition to the extremely heavy rains this year.

- The replacement of the culvert roughly five years ago on Woodbound Rd.
- The replacement and relocation of his holding tank over the winter which required the use of heavy equipment in the yard
- The removal of trees and excavation of stumps from the property

Previously, flooding was only an issue in the garage, now it is also affecting the house. Mr. Sliwoski would like to level the yard by adding a few inches of soil and regrade the lot to slope away from the house and redirect the water. The area next to the garage is wet and mucky, behind the garage is a swamp. Many of the trees around the yard have died because they are in standing water. The trees that were within striking distance to the house were removed as were the stumps leaving holes in the yard. Mr. Sliwoski stated that the yard settled over the winter due to the disturbance of the soil from the relocation of the holding tank and removal of stumps. He was in the process of adding fill to his yard in order to rectify the situation when he received a notice of violation from Code Enforcement.

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Minutes
August 3, 2021

R Deschenes noted that in photos taken in January and June it is evident that a pile of fill was removed, trees were taken down, stumps removed and gravel fill was brought in. The violation was given for the removal of the trees and excavation of stumps and the addition of gravel fill within the wetland setback.

R Deschenes spoke to the DPW Director about the culvert in question. DPW believes the culvert was replaced according to DES guidelines which states that when a culvert is replaced it must be installed at the same elevation, however, it can be larger in size.

Wetland Scientist/Septic Designer Sharon Monahan was hired to delineate the wetlands when the holding tank was replaced. M Tieger asked Mr. Sliwoski if she discussed the wetland ordinance with him. Mr. Sliwoski responded that she explained that he could not have a leach field on the property because the property is surrounded by wetlands. The old holding tank was relocated from the south side of the house to the front. Mr. Sliwoski shared photos with the Board of the area previously occupied by the tank where the ground has settled and is holding water.

Elizabeth Webster, Conservation Commission, feels that the sitework contractor should be brought back to rectify the situation. She noted that the entire property is within the 75-ft wetland setback. She has concerns regarding the drainage and feels that a site visit would be appropriate to gather more information.

M Tieger asked, when was the A-frame built? Mr. Sliwoski responded 1950.

C Jevne asked if the variance is granted, would Mr. Sliwoski still need to get DES approval? R Deschenes responded no, because he is not impacting wetland, just the setback.

Ron Giles, abutter, wants to make sure the runoff doesn't go on to his property

Chairman Sawyer continued the hearing to the Site Walk

Chairman Sawyer reopened the hearing at the Site Walk.

Mr. Sliwoski identified the areas that need to be re-graded, both holding tank locations (old and new), the trees that were removed and the wetland area. There is a crawlspace under the house that had roughly 6 inches of water during the last storm and roughly 12 inches of water in the garage. Measurements were taken so the Board could clarify the areas that would be graded and filled if approved.

E Webster stated that the mucky area south of the garage should not be made into an impervious surface. The ground should be allowed to absorb as much water as possible. She suggests planting vegetation such as sedges. Mr. Sliwoski asked if he could add loam to level that area and a swale. E Webster did not think a swale would direct the water in the desired direction.

Chairman Sawyer closed the public hearing

DELIBERATION

M Tieger feels the owner should be allowed to contour the land away from the house. However, he does not feel that he should be allowed to fill past where it was already filled. W Batchelder and E Brayall agreed. W Batchelder suggested that Mr. Sliwoski meet with ConCom to determine the best plants to use.

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Minutes
August 3, 2021

E Webster suggested putting pea gravel around the garage to keep it from being mucky. Smooth out the area, add plants such as sedges or willows and avoid having heavy machinery back there. Just adding dirt will not move the water away from the garage.

Mr. Sliwoski asked for clarification. Can he add loam and seed to the area where gravel was added, build up the area where the old tank was and leave the area by the garage alone? The answer was provided in the decision.

DECISIONS

1. ZBA 21-22, Steven & Ellen Sliwoski, Owner – 360 Woodbound Rd
Map 242 Lot 23 Zone: Res A (with town water)

Variance – The applicant requests a variance to permit grading of the yard and the addition of fill to aid drainage within the wetlands conservation district (Land Use Code, Zoning Ordinance Section XX, 20.4)

On a **motion** by Tieger, seconded by Batchelder the request for a variance to allow grading of the existing yard to promote drainage away from the house was granted as presented and per testimony given subject to the following condition. (5-0-0)

Condition: Grading and fill should not extend beyond the southwest corner of the garage.

Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.

ADJOURNMENT

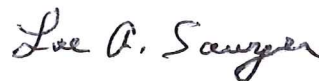
The meeting adjourned at 7:41 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee A. Sawyer
Chairman, Jaffrey ZBA