

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

**Minutes
August 4, 2020**

Present: Chairman Lee Sawyer (arrived at 6:15 pm), Members Walter Batchelder, Phil Cournoyer, Marc Tieger, Andy Webber, and Erlene Brayall (alt)

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

Vice-Chair Tieger called meeting to order at 6:05 pm

MEETING MINUTES APPROVAL

On a motion by Batchelder, seconded by Cournoyer the minutes for the **July 7, 2020** meeting were approved as presented. (4-0-0) *AW, MT, PC, WB*

On a motion by Batchelder, seconded by Cournoyer the minutes for the **July 9, 2020** site walk were approved as presented. (4-0-0) *AW, MT, PC, WB*

ZBA 20-13 Ed & Stephanie Duval, Owner
54A Webster St., Map 244 / Lot 68 Zone: Res B, with town water & sewer

Variance – The applicant requests a variance to allow an accessory building within the setbacks.
(Land Use Code, Zoning Ordinance Sections V, 5.7 & VI, 6.1)

Presentation: Ed Duval

Mr. Duval is before the board for the second time seeking a variance for an existing shed that he constructed in his back yard within the setbacks. In July, he was denied a variance for the shed in its current location. It was suggested that the structure be moved closer to the house to encroach less on the setbacks and a new application be submitted. Mr. Duval is willing to plant trees two feet away from fence to block the view from the neighbors' lot.

Correll Gallagher, abutter - is strongly opposed as she feels this would lower her property value. She asked, was he directed to remove the shed within a certain time frame when he was denied in July. Member Tieger responded no.

Alex Gallagher, abutter – the area is too small for this shed, and it is an eyesore. The new proposed location is still within the setback. Mr. Gallagher read a statement from Diana Damers, sales agent with Prudential stating that the shed/chicken coop could have a negative effect on property values.

Francis Demers, abutter – agrees that it will lower property value. He notes that the structure is a chicken coop, not a shed and there is an odor from the chickens. CEO/BI Deschenes noted article 5.7 is not specific in its definition of an accessory building. Correll Gallagher added the smell has been overpowering, she has considered filing a complaint. Vice Chair Tieger reiterated that the ordinance does not speak specifically to animals.

Vice-Chair Tieger reviewed Mr. Duval's application in its entirety.

Alex Gallagher noted that the fence between their properties belongs to him. Mr. Duval's tree is growing over the fence.

Member Batchelder asked would the new location be outside of the setback. CEO/BI Deschenes stated part of the building would remain within the setback.

The hearing was continued to a site visit on Friday, August 7 at 4:00 pm

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Chairman Sawyer presided over the remainder of the meeting.

ZBA 20-14 Brian Boutwell, Owner
196 Main St., Map 237 / Lot 15 Zone: Rural, with town water

Variance – The applicant requests a variance to expand a non-conforming use within the wetland and building setback. (Land Use Code, Zoning Ordinance Sections VI, 6.1, VII, 7.2 & XX, 20.5.2)

Presentation: Brian Boutwell

Mr. Boutwell would like to replace a 14' x 20' woodshed behind the sugarhouse which is within 30 ft of a swampy area. Member Batchelder asked is it the same footprint. Mr. Boutwell replied yes, it's the same size and location. Member Cournoyer asked which neighbors are being encroaching upon. Mr. Boutwell responded, Dawn Oswalt. Carolyn Garretson, ConCom – asked how far is the shed from the wetland setback and what will be stored in it. Mr. Boutwell responded 29 ft. The structure will be used as a woodshed for the sugarhouse, no machinery will be stored there.

No abutters spoke for or against.

Chairman Sawyer Closed the Hearing

On a **motion** by Cournoyer, seconded by Tieger to waive site visit. (5-0-0)

ZBA 20-15 EMD Millipore, Owner
11 Prescott Rd., Map 256 / Lot 1.1 Zone: Industrial, with town water

Variance – The applicant requests a variance to allow four, 4' x 3' non-conforming signs for a period of up to 180 days. (Land Use Code, Zoning Ordinance Sections XVI, 16.7.9, 16.7.18 & 16.7.20)

Presentation: Dave Poggi, Millipore Head of Operations

Millipore is seeking a variance to put up four help wanted signs, two on Rte. 124 and two on Prescott Rd. Millipore is looking to hire 160 people within the next five months and is having difficulty finding applicants. A sample of the signs were presented as well as a map indicating placement of the signs on the site. Signs will be outside of the ROW.

Member Tieger asked what is the sign construction and would they obstruct the view. Mr. Poggi responded corrugated foam. CEO/BI Deschenes stated they would not obstruct the view.

No abutters spoke for or against.

Chairman Sawyer Closed the Hearing

On a **motion** by Cournoyer, seconded by Batchelder to waive site visit. (5-0-0)

OTHER BUSINESS

Nash Rehearing –A letter was received from David and Alisa Nash requesting a rehearing of ZBA 20-10. Member Tieger noted there were procedural issues with the first hearing and is in favor of granting the rehearing. Member Webber agrees. Member Batchelder stated we should make it clear why the variance was denied.

On a **motion** by Webber, seconded by Cournoyer to grant a rehearing on ZBA 20-10. (5-0-0)

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Five Criteria - a lengthy discussion ensued regarding the review of and voting on the five criteria.

DECISIONS

ZBA 20-14 Brian Boutwell, Owner
196 Main St., Map 237 / Lot 15 Zone: Rural, with town water

Variance – The applicant requests a variance to expand a non-conforming use within the wetland and building setback. (Land Use Code, Zoning Ordinance Sections VI, 6.1, VII, 7.2 & XX, 20.5.2)

On a **motion** by Tieger, seconded Cournoyer to grant the variance to expand a non-conforming use by constructing a 14' x 20' shed, to be used for wood storage only, 29 ft from the wetland setback, has been granted as presented per testimony given and drawing submitted. (5-0-0)

ZBA 20-15 EMD Millipore, Owner
11 Prescott Rd., Map 256 / Lot 1.1 Zone: Industrial, with town water

Variance – The applicant requests a variance to allow four, 4' x 3' non-conforming signs for a period of up to 180 days. (Land Use Code, Zoning Ordinance Sections XVI, 16.7.9, 16.7.18 & 16.7.20)

On a **motion** by Cournoyer, seconded by Tieger to grant the variance to allow four, 4' x 3' non-conforming signs to be displayed on site for up to 180 days as presented per testimony given and plan presented. (5-0-0)

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

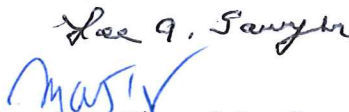
ADJOURNMENT

The meeting adjourned at 7:37 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Marc Tieger & Lee Sawyer
Vice Chair & Chairman, Jaffrey ZBA