

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

**Minutes
December 1, 2020**

Present: Chairman Lee Sawyer, Members Walter Batchelder, Marc Tieger, Andy Webber, & Erlene Brayall (alt)

Absent: Phil Cournoyer, *Erlene Brayall will vote*

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

Via Zoom: Jo Anne Carr, Elizabeth Webster, Conservation Commission, Joan Lathrop and Jonathan Garhart

Chairman Sawyer called meeting to order at 6:00 pm

MEETING MINUTES APPROVAL

On a **motion** by Tieger, seconded by Webber to approve the minutes for the **November 4, 2020** meeting as presented. (5-0-0)

PUBLIC HEARING

ZBA 20-18 Arben Kolenovic, Owner – 329 Woodbound Rd
Map 242 Lot 38 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of an 8' x 16' deck within the rear setback, the wetland conservation district and the shoreland overlay district. (Land Use Code, Zoning Ordinance Section VI, 6.1, XIX, 19.6.2, XX, 20.3 & 20.5.2)

Mr. Kolenovic purchased the property in July from his in laws who had owned it for 30 years. He has done extensive renovations since the purchase adding that the neighbors are happy with the improvements. He believes that there was an existing deck that extended to the end of the house at one time as he found old footings under that section of the deck. There is a sliding door on the second floor with no deck beneath that he feels is a safety hazard. The new portion of the deck which measures 8' x 16' was built out to the edge of the house and existing deck. Mr. Kolenovic shared photos of the site.

Mr. Kolenovic had spoken to the building inspector about the need for permits for other projects, but was unaware that he would need one to replace a deck that was once there. R. Deschenes noted that the property record cards from 1986, 2000 and 2005 show a deck that measures 18' x 16' located above the boat house and did not extend to the end of the house by the slider.

M. Tieger asked when did you discover that you would need a variance? Mr. Kolenovic responded that the BI/CEO stopped by to discuss other projects, at that time he noticed the work being done on the deck and explained the need for a variance.

E Webster stated, at this point the applicant is asking for forgiveness instead of permission. It would be helpful if a plat was presented as it is difficult to determine the distance to the shoreline. Mr. Kolenovic stated he did not go any closer to the shoreline than the existing deck. M Tieger clarified, E Webster is trying to determine the effect on the shoreline. Mr. Kolenovic stated that if he is told to take the deck down, he would do so. He was concerned with leaving the deck half-finished for safety reason.

L Sawyer noted that the lower door is to a boat house, therefore it must be right on the shoreline. Mr. Kolenovic agreed, however the water line does fluctuate. W Batchelder asked if R Deschenes had been to the site. R Deschenes responded yes and noted that the deed calls out the property line as the high-water mark.

R Deschenes stated that even if the deck was pre-existing it would have been required to be re-built within a year of tear-down. Also, the applicant should contact DES to see if this requires a shoreline permit. He was unable to issue

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a building permit to construct the deck as it did not meet setback requirements. A Webber noted that it would not encroach any more into the non-conforming area. R Deschenes stated it is an increase to the impervious area in the buffer.

No abutters spoke for or against.

E Webster noted that from the photos it appears that the deck had been completed. It is a challenging precedent to let this slide by. L Sawyer stated each case has to stand on its own merit.

Chairman Sawyer continued the hearing to the Site walk on December 2 at 3:30 pm

ZBA 20-19 Joan Lathrop, Owner – 73 Tenacres Rd
 Map 241 Lot 2 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of a 2-car garage within the side setback (Land Use Code, Zoning Ordinance Section V, 5.7 & VI, 6.1)

Ms. Lathrop and Mr. Garhart are looking for a variance to construct a 2-car garage within the setback. The property has an existing one-car garage which already lies within the setback. The new building would be in the same location but the expansion would further encroach on the side setback. The only way to meet the 30-foot setbacks would be to put the garage in the middle of the driveway. The neighbors on either side have no issues. Mr. Garhart added the property line in question abuts a wooded area so there is a significant buffer on that side. W Batchelder asked how close is the proposed structure to the property line? Mr. Garhart responded 6 feet.

W Batchelder asked is the upper part of the garage for storage? Ms. Lathrop stated the loft area will be used for storage but may become office space. Mr. Garhart added the current garage is too small to park in. The expansion would allow enough room for two cars, a small boat and stairs to the second floor.

No abutters spoke for or against.

**Chairman Sawyer continued the hearing to the Site walk on December 2 at 4:00 pm.
Deliberations for both hearings are scheduled for Monday, Dec 7 at 3:00 at the Fire Station.**

OTHER

New Members – Marc Tieger noted that the Board is looking for additional alternate members. Joining the meeting tonight are Judy Lucero, Dave Jeffries and Carl Jevney who are considering joining the Board. Lee will submit a letter to the BOS requesting the appointment of Carl Jevney.

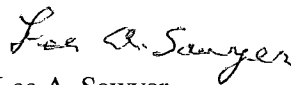
ADJOURNMENT

The meeting adjourned at 7:00 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee A. Sawyer
Chairman, Jaffrey ZBA