

**TOWN OF JAFFREY NEW HAMPSHIRE
BOARD OF ADJUSTMENT
Meeting Minutes
December 4, 2018**

Present: Chairman Sawyer, Members Cournoyer, Durand, Tieger, Webber

Absent:

Staff: Recording Secretary Newton, Code Enforcement Officer Deschenes

MEETING MINUTES APPROVAL

On a motion by Tieger, seconded by Durand the minutes for the **October 2, 2018** and **October 4, 2018** were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:05 pm Notice of hearing for case No. ZBA 18-11 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 applicant.

Public Hearing New Items

1. ZBA 18-11, D.D. Bean & Sons Co. – 207 Peterborough St.
Map 245 / Lots 129.1 & 129.2, Zone: General Business (town water & sewer available)

Variance – The applicant requests a Variance to construct a road in the General Business district to access an industrial lot (Land Use Code, Zoning Ordinance Section IV, 4.4).

Presentation – Mark Bean, Owner, D.D. Bean & Sons

The applicant is considering building a warehouse on the northeast side of their main parcel located in the Industrial, which is an allowed use. They are proposing to purchase two adjoining parcels on Peterborough St. for the construction of a road to access the proposed warehouse. Both lots (Map 245 129.1 & 129.2) were zoned Industrial until 2017 when they were rezoned General Business, thereby requiring the need for a variance. These lots have an existing state-permitted driveway access and a roughed-in driveway. This would provide safer and more convenient access to the intended warehouse facility. This would greatly reduce traffic using the existing curb cuts on the corner and allow D.D. Bean to better utilize their space. The State will not allow any more permits for curb cuts on their existing lot. In addition, the trailer parking which is currently across the street from D.D. Bean would be moved to the new parcels.

Abutters in Favor

Mark Coll agrees that safety is an issue in this area of Peterborough St. This alternate access would be an improvement.

Abutters Opposed

Nancy Caswell stated her back yard is a field that abuts the D.D. Bean parcel. Trees were previously taken down between the lots and not replaced. In her opinion there could be a better way to access the industrial parcel without putting in an additional road. Traffic on Rt. 202 is dangerous. Mrs. Caswell is concerned that her property value will decrease if the warehouse is constructed. If the warehouse is constructed she would like a buffer between the lots.

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Harry and Louise Pierson's house is located at 72 Fitch Rd. and was constructed in 2006. Their lot abuts Map 245/129.2 where the entrance to the proposed road is. Mr. Pierson also stated that they were planning to sell the house.

He is concerned about increased traffic/noise/activity on the proposed road if built. Mr. Pierson asked what the law states regarding a grandfathered business expanding. Member Webber asked CEO Deschenes if this is grandfathered use. CEO Deschenes responded D.D. Bean pre-dates zoning. When zoning was initiated it was zoned for industrial use. Chairman Sawyer pointed out the proposed warehouse would be located in the industrial zone, which is an allowed use. However, the question before the board is the construction of a road crossing two lots currently zoned as General Business, not the warehouse. Member Tieger asked if Mr. and Mrs. Pierson were aware that the abutting lots were zoned for industrial use when they purchased their lot. Mark Bean noted that D.D. Bean has been in business, at that location, for 80 years. The mill building dates back to the 1800s.

Member Tieger asked what the driveway requirements are. CEO Deschenes responded a single drive can serve two lots. To serve more than two, the driveway would be required to be brought to private road standards.

Mrs. Caswell asked if it would be classified as a road or driveway. Mr. Bean responded it would be a private road. She is concerned that it will be difficult for trucks, driving towards Peterborough, to make a left-hand turn into the proposed driveway. Mr. Bean responded the new road will allow better vision in both directions.

Bob Aho, resident asks if there is a known deeded ROW on lot 129.2 and if so, how wide is it. Mr. Bean is not sure. Member Cournoyer stated if they own both lots it's not an issue.

Mr. Pierson wanted to note this proposal is an expansion of the business. Wants to define what their business interest is. Once again, Chairman Sawyer stated the proposed warehouse would be located on an industrial lot, an allowed use.

Randy Christmas if D.D. Bean doesn't own the lots, how is this a hardship. Member Tieger responded they have vested rights in the land because they have a Purchase & Sale agreement on the properties.

A site visit was scheduled for Saturday, Dec. 8 at 2:00 pm. Meet at the Town Office

On a **motion** by Tieger, seconded by Webber to continue the hearing to the site visit. (5-0)

OTHER BUSINESS - none

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

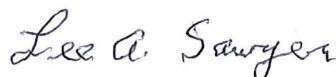
ADJOURNMENT

The meeting adjourned at 8:45 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee Sawyer
Chairman, Jaffrey ZBA