

**TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Site Walk Minutes
December 9, 2021**

SITE WALK

1. ZBA 21-27 Woodbine Property Holdings, LLC, Owner
169 Thorndike Pond Rd., Map 229 Lot 23.1 Zone: Rural, without town water

Variance – The applicant requests a variance to allow a wedding / event venue in the rural district (Land Use Code, Zoning Ordinance Section IV, 4.1)

Present: Members Walter Batchelder, Marc Tieger, Erlene Brayall, Carl Jevne (alt), Judy Lucero (alt)

Other: Vanessa & Jay Sprague, Attorney John Hoppock, Elizabeth Webster, Elizabeth Smith, Brandon Seiler, Ashley Saari, Janet Grant

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

Vice-Chair Tieger reopened the hearing at 10:00 am

Upon arrival at Woodbine Farm the Board could hear loud music from Tanja Short's property. Elizabeth Smith noted that she could hear that music at her house.

Mr. Sprague gave a tour of the property including the barn and grounds indicating the location of parking, proposed tent and porta potty placement. Parking would be on the north side of the barn while tents and porta potties would be placed directly behind the barn and would not be visible from the road. There is a seasonal game room in the barn that the owners use occasionally for additional house guests if needed. Music, speakers and dancing would be located inside the barn which would buffer some of the sound. Mr. Sprague stated that they would work very hard to determine an appropriate volume level for the music to be respectful of the neighbors.

W Batchelder asked about the driveway to the Courtney home. Mr. Sprague clarified that the driveway is theirs and the Courtneys have been granted a ROW.

DELIBERATION

Present: Members Walter Batchelder, Marc Tieger, Erlene Brayall, Carl Jevne (alt), Judy Lucero (alt), *Alternates Jevne and Lucero will vote*

Other: Vanessa & Jay Sprague, Elizabeth Webster, Brandon Seiler, Ashley Saari, Janet Grant, Attorney John Hoppock, Attorney Jason Reimers and Tanja Short.

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

Attorney Hoppock reviewed the five criteria in his closing statement. He asked, what is the spirit of the ordinance? In his opinion, the use that the applicants are proposing is too intense for this residential area as suggested by the number of limitations that the applicants are proposing. Does the variance violate the zoning objective? Does it alter the essential character of the neighborhood? Will it diminish the value of surrounding properties? He believes the answer to each question is yes. He does not believe the applicants have met the burden of proof to establish hardship.

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Attorney Reimers stated that the applicants should have a reasonable expectation of what is an allowed use for their property based on zoning.

Mr. Sprague wanted to emphasize that some of the statements made exaggerated the scope of what they are proposing. They have set limitations in order to protect the neighbors. The hope is to preserve the barn while providing cultural and economic benefits to the town. They would do their best to be respectful neighbors and would continue to welcome feedback.

W Batchelder stated that this is a wonderful endeavor and the owners have made every effort to accommodate the neighbors, however, he does not feel that hardship has been met. Brayall, Jevne and Lucero agree.

The Board considered each of the five criteria and made the following motions:

10.3.1 – The variance will not be contrary to the public interest

On a **motion** by Batchelder, seconded by Jevne the variance application was found to not be contrary to the public interest. (5-0-0)

10.3.2 – The spirit of the ordinance is observed

On a **motion** by Batchelder, seconded by Jevne the variance application was found to meet the spirit of the ordinance. (4-1-0) *MT opposed*

10.3.3 – Substantial justice is done

On a **motion** by Batchelder, seconded by Jevne the variance application was found to meet the criteria for substantial justice. (3-2-0) *MT and CJ opposed*

10.3.4 – The values of surrounding properties are not diminished

On a **motion** by Batchelder, seconded by Lucero the variance application was found to not diminish the value of neighboring properties. (5-0-0)

10.3.5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

On a **motion** by Batchelder, seconded by Brayall the variance application was found to not meet the criteria for unnecessary hardship. (5-0-0)

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DECISIONS

1. ZBA 21-27 Woodbine Property Holdings, LLC, Owner
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Variance – The applicant requests a variance to allow a wedding / event venue in the rural district (Land Use Code, Zoning Ordinance Section IV, 4.1)

On a **motion** by Jevne, seconded by Batchelder to deny the application requesting a variance to allow a wedding / event venue in the rural district. (5-0-0)

Reason for denial: the requested variance lacks evidence of hardship

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

ADJOURNMENT

The meeting adjourned at 11:49 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Marc Tieger
Vice Chairman, Jaffrey ZBA