

**TOWN OF JAFFREY NEW HAMPSHIRE**  
**ZONING BOARD OF ADJUSTMENT**  
**Site Walk Minutes**  
**May 10, 2021**

**Present:** Walter Batchelder, Erlene Brayall, Carl Jevne, (alt), Judy Lucero (alt) and David Jeffries (alt), Norman Langevin, Rob Cummings, Chris Luksha, Elizabeth Webster, David Chamberlain, Rob Deschenes and Becky Newton.

**PUBLIC HEARING CONTINUED**

1. ZBA 21-12, Com2 Media LLC, Owner – 90 River St  
Map 239 Lot 38 Zone: General Business (with town water)

Variance – The applicant requests a variance to allow reconstruction of a nonconforming building with increased cubic content (Land Use Code, Zoning Ordinance Section VI, 6.1, VII, 7.2.1)

Rob Cummings identified the boundary lines of the parcel, placement of the new structure and location of the parking area. D Jeffries asked if there would be a basement? Mr. Cummings responded no.

Norm Langevin stated he is concerned about heavy equipment damaging his mother's driveway during construction and tenants trespassing on their property. He questioned the need for a change of use variance.

Rob Deschenes clarified that the only variance needed is an area variance due to the increase in cubic content with the addition of a second floor. A use variance is not required as a duplex is an allowed use in General Business.

Rob Cummings noted that the variance approval should be based on the plan provided entitled: Plot Plan, 90 River St, Map 239-38, dated May 10, 2021. The floor plans submitted were provided as a reasonable facsimile and are not the finalized plans.

Elizabeth Webster, ConCom, noted that a slight decrease in the impervious surface could alleviate some issues with runoff.

**Chairman Pro Tem Brayall closed the public hearing.**

**DELIBERATION**

W Batchelder asked should it be stated that there will be no patios in the back? R Deschenes noted that the plan on file does not show patios, however, in order to meet code Mr. Cummings may need to put in a landing.

C Jevne asked if pavement would be added in the spaces created by the smaller footprint of the new building. R Cummings stated the lot would most likely have grass on the southern perimeter. He added that the State requires the driveway to be located as far north as possible on the lot for site lines.

**DECISION**

On a **motion** by Batchelder, seconded by Jevne, the request for a variance to allow reconstruction of a nonconforming building with increased cubic content was granted as presented, per testimony given and plan provided. (5-0-0) EB, WB, CJ, JL, DJ

Plans Include: Plot Plan, 90 River St, Map 239-38 dated May 10, 2021.

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**Present:** Marc Tieger, Walter Batchelder, Erlene Brayall, Carl Jevne, (alt), Judy Lucero (alt), David Jeffries, (alt), Elizabeth Webster, Janet Grant, Emily Carr, Patty Scholl, Aaron Wechsler, Attorney Maria Dolder, Chris Walton, Rob Deschenes and Becky Newton.

**PUBLIC HEARING CONINUED**

2. ZBA 21-13, Monadnock LLC, Owner, Aspen Environmental, Agent  
463 Thorndike Pond Rd, Map 234 Lot 15 Zone: Rural (without town water)

**Special Exception #1** – The applicant requests a special exception to allow construction of a 12' x 15.5' patio within the Wetlands Conservation District (Land Use Code, Zoning Ordinance Section XX, 20.6.2)

**Variance #1** – The applicant requests a variance to allow construction of a 12' x 15.5' porous paver patio within the 75-foot shoreland setback without maintaining the existing vegetated buffer. (Land Use Code, Zoning Ordinance Section XIX, 19.4.2(b) )

**Special Exception #2** – The applicant requests a special exception to allow construction of a 25' x 35' patio within the Wetlands Conservation District (Land Use Code, Zoning Ordinance Section XX, 20.6.2)

**Variance #2** – The applicant requests a variance to allow construction of a 25' x 35' porous paver patio within the 75-foot shoreland setback without maintaining the existing vegetated buffer. (Land Use Code, Zoning Ordinance Section XIX, 19.4.2(b) )

**Special Exception #3** – The applicant requests a special exception to allow construction of a 20' x 31' perched beach within the Wetlands Conservation District (Land Use Code, Zoning Ordinance Section XX, 20.6.2)

**Variance #3** – The applicant requests a variance to allow construction of a 20' x 31' perched beach within the 75-foot shoreland setback without maintaining the existing vegetated buffer. (Land Use Code, Zoning Ordinance Section XIX, 19.4.2(b) )

**Special Exception #4** – The applicant requests a special exception to allow construction of a storage shed within the Wetlands Conservation District (Land Use Code, Zoning Ordinance Section XX, 20.6.2)

**Variance #4** – The applicant requests a variance to allow construction of a storage shed within the 75-foot shoreland setback without maintaining the existing vegetated buffer. (Land Use Code, Zoning Ordinance Section XIX, 19.4.2(b) )

Aaron Wechsler, Aspen Environmental, identified the areas under consideration including the perched beach, the two patio locations, the retaining walls, the pathway, the shed and the new growth areas to be cleared. One patio will be located directly behind the perched beach which reduces the need to trim outside of the new growth area. The walkway structure will come down the slope to the patio and dock area. The proposed structures will provide additional drainage.

Janet Grant, resident, asked about the length and location of the docks and the number of boat slips. Mr. Wechsler stated that this property has enough frontage for more boat slips than are shown on the plan. He pointed out that the docks and boat slips are regulated by the State on NH and are not subject to Town review. However, the Town Conservation Commission will have an opportunity to comment on the dock proposal application when it is submitted for State approval.

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D Jeffries noted that these changes would not impact the neighbors and asked what the view from the lake would be. A Wechsler stated that the family would not construct something that was an eyesore, replacing the old shed will be an improvement. Attorney Dolder added the changes would be similar to other properties on the lake. In addition, she pointed out the distance to Whittimore Island.

Janet Grant asked for clarification of the location of the perched beach. A Wechsler responded that the beach was set back far enough from water so there will be room for steps to come down and not impact the water. There will be no sand at the water's edge or in the lake. Patty Scholl asked if a permit is required to replenish the beach sand. A Wechsler responded that the beach sand would not need to be replenished if the perched beach is built well.

Janet Grant asked what is the purpose of the second patio. A Wechsler responded that it will provide more boat slips and a smaller quiet area away from the main beach.

**Vice Chair Tieger closed the public hearing.**

**DECISION**

1. ZBA 21-13, Monadnock LLC, Owner, Aspen Environmental, Agent  
463 Thorndike Pond Rd, Map 234 Lot 15 Zone: Rural (without town water)

On a **motion** by Batchelder, seconded by Jevne the request for a special exception to allow of a 12' x 15.5' patio within the Wetlands Conservation District was granted as presented, per testimony given and plan submitted. (5-0-0) MT, WB, EB, CJ, JL

On a **motion** by Batchelder, seconded by Lucero the request for a variance to allow construction of a 12' x 15.5' porous paver patio within the 75-foot shoreland setback without maintaining the existing vegetated buffer was granted as presented, per testimony given and plan submitted. (5-0-0) MT, WB, EB, CJ, JL

On a **motion** by Batchelder, seconded by Brayall the request for a special exception to allow construction of a 25' x 35' patio within the Wetlands Conservation District was granted as presented, per testimony given and plan submitted. (5-0-0) MT, WB, EB, CJ, JL

On a **motion** by Jevne, seconded by Lucero the request for a variance to allow construction of a 25' x 35' porous paver patio within the 75-foot shoreland setback without maintaining the existing vegetated buffer was granted as presented, per testimony given and plan submitted. (5-0-0) MT, WB, EB, CJ, JL

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On a **motion** by Jevne, seconded by Lucero the request for a variance to allow construction of a storage shed within the 75-foot shoreland setback without maintaining the existing vegetated buffer was granted as presented, per testimony given and plan submitted. (5-0-0) MT, WB, EB, CJ, JL

Plans include:

“Permitting Plan Set, Jaffrey, NH – Shoreland & Wetland Overlay Districts” & “Environmental Permitting Plan Set” Monadnock, LLC, c/o Foster Dykema & Cabot Partners, 463 Thorndike Pond Road, Jaffrey, NH, Map 231 Lot 15. Stamped by Aaron J. Wechsler, Certified Wetland Scientist, dated April 9, 2021.

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

**ADJOURNMENT**

The meeting adjourned at 3:38 pm

Submitted:

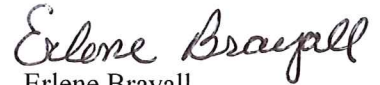
Attest:



Rebecca Newton  
Recording Secretary



Marc Tieger  
Vice Chairman, Jaffrey ZBA



Erlene Brayall  
Chairman Pro Tem