

TOWN OF JAFFREY NEW HAMPSHIRE
BOARD OF ADJUSTMENT
Meeting Minutes
October 2, 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 Cournoyer, seconded by Durand the minutes for the September 4, 2018 were approved as submitted. (5-0)

On a motion by Tieger, seconded by Cournoyer the minutes for the September 7, 2018 were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:01 pm Notice of hearing for cases No. ZBA 18-09 and ZBA 18-10 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 applicants.

Public Hearing New Items

1. ZBA 18-10, Komez Hansen & Chanta Yin – 31 Peterborough St. Map 238 / Lot 262.1,
Zone: General Business (with town water)

Variance – The applicant requests a variance to allow construction of a building, parking and drives within the wetland conservation district (Land Use Code, Zoning Ordinance Section XX, 20.7).

Presentation – Kirk Stenersen, Higher Design PLLC

The parcel in question is located on the north side of Rt. 202/Peterborough St. across from Athen's Pizza. The 1.1-acre parcel is in the General Business District and Main St. Program area. The site once housed a gas station / car wash and most recently Tyler's Ice Cream. The abandoned gas station and the car wash buildings remain on the site. The owners wish to convert and redevelop the site into a 2-unit commercial building. The unit closest to the road would be used for the restaurant, the rear would be a rental.

A lot merger and boundary line adjustment was done in Aug 2017. Note #6 on that plan stated that the wetlands were limited to the scour line (high water mark) of the Contoocook River. It was later discovered that runoff had created a second wetland area thereby creating the need for the variance. The variance requested would allow a small portion of the building and parking/driveway within the 75-ft wetland setback. The proposed building would be 60 ft from the wetland, the parking area 44 ft. A concrete pad and gravel parking area currently fall within the setback.

The Main Street overlay requires that the buildings be the same distance from the road. This property has a monitoring well for the Elite Laundry site at the front of property requiring the building to be pushed back to allow access. The building will be constructed as slab on grade with no basement.

Member Tieger asked how many parking spots and size. Mr. Stenersen responded 24 – 9' x 18' spots

Member Durand asked about the entrances. Mr. Stenersen stated entrances will remain the same.

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Abutters in favor – none

Abutters opposed – Bernard Hampsey

In his opinion, the owner should put up a smaller building that does not require a variance. Mr. Stenersen responded a smaller building would not be financially feasible for the property owners.

Mr. Hampsey considers the parcel in question to be an eyesore, but believes developing the lot would reduce the value of his property due to additional traffic, noise and activity.

Mr. Hampsey would like to know if an environment impact study was done on the property after the gas tanks were removed. Chairman Sawyer believes that when tanks were removed the property owners would have been required to have soil testing done. CEO Deschenes added the Jaffrey Fire Chief witnessed the removal of the tanks which were in excellent condition. If the tanks were removed recently, DES would have been involved and soil samples would have been taken.

Komez Hansen, owner, was assured by the previous owner (Cheshire Oil), that the property was clean. Member Tieger asked if they had received documentation confirming that. Mr. Hansen responded in the affirmative.

Member Cournoyer pointed out monitoring wells are in place in the area because of the Elite Laundry clean-up. None of the wells have indicated contamination. He added, the proposed building will be built on a slab, with town water and town sewer. He does not see any great issue with the proposed plan.

Mr. Stenersen pointed out, if developed, Mr. Hampsey's tenants would no longer be able to use the access point to enter Mr. Hampsey's parking area for the adjacent apartment building. A new curb cut may be necessary for access.

Chairman Sawyer continued the public hearing to the site visit.

Site Visit: Thursday, October 4 at 5:00 pm – meet at 31 Peterborough St.

2. ZBA 18-09, Jed Paquin for Gideon LLC, Keith Dupuis, Owner – 31 Michigan Road,
Map 240 / Lot 70.3, Zone: Res A (with town water)

Equitable Waiver – The applicant requests a waiver for a garage constructed within the setback (Land Use Code, Zoning Ordinance Section VI, 6.1).

Presentation – Jed Paquin, Paquin Land Surveying

This lot was part of a three-lot subdivision approved by the Planning Board in 2017. The house was inadvertently placed too close to boundary line during construction causing one corner of the garage to be within the 30' setback. The lot has a tight building envelope. The wall, from which measurements were taken, is not well-defined, created the discrepancy in measurements. The error was discovered when a mortgage plot plan was required. They are requesting dimensional setback relief due to the oversight. They are looking for the board to acknowledge this was not done intentionally.

There have been no complaints made to the Town or the property owner. The garage is currently in the rough construction stage, no interior work has been done. To correct the error would mean moving the garage at a considerable expense to the owner.

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On a **motion** by Webber, seconded by Cournoyer the request for an equitable waiver to the existing non-conforming setbacks was granted as presented and per testimony given. (5-0)

OTHER BUSINESS - none

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

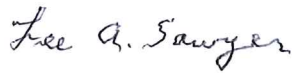
ADJOURNMENT

The meeting adjourned at 8:07 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee Sawyer
Chairman, Jaffrey ZBA