

DRAFT AGENDA

Town of Jaffrey
ZONING BOARD OF ADJUSTMENT

December 5, 2023
6:00 pm Public Hearing
Jaffrey Town Office

Chairman: Lee Sawyer

Board Members: Marc Tieger, Walter Batchelder, Erlene Brayall, Carl Jevne, Phil Cournoyer (alt), Judy Lucero (alt), David Jeffries (alt)

A. Call to Order – Pledge of Allegiance

B. Designate Alternate(s) as Voting Member(s) if Necessary

C. Approval of Meeting Minutes
October 3, 2023

D. Public Hearing - New Items

ZBA 23-23 Town of Jaffrey (Fire Station), Owner, Kirk Stenersen, Agent
138 Turnpike Rd, Map 244 Lot 7.1, Zone: Rural, with town water and sewer

Variance – The applicant requests a variance to allow the expansion of the existing building into the front setback. (Land Use Code, Zoning Ordinance Section VI, 6.1)

Variance – The applicant requests a variance to allow impervious cover and a stormwater basin and grading within the Wetlands Conservation District. (Land Use Code, Zoning Ordinance Section XX, 20.4 & 20.7)

Special Exception – The applicant requests a special exception to relocate an access way within the Wetlands Conservation District (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

F. Public Hearing - Continued Items

G. Other Business

H. Adjournment

Members of the public are invited to appear in person or by agent or counsel to state reasons why these requests should or should not be granted. Written concerns should be submitted to the Town Office prior to the meeting.

Applications and supporting documents are available for review in the Jaffrey Town Office between 8-4 Monday through Thursday and 8-12 Friday.

November 28, 2023

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
October 3, 2023

Present: Chairman Lee Sawyer, Members Erlene Brayall, Walter Batchelder, Carl Jevne, Phil Cournoyer (alt), Judy Lucero (alt), David Jeffries (alt) *will vote*

Absent: Marc Tieger

Other: Elizabeth Webster, Conservation Commission, Joyce Petkovich, Mikey Osgood

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

MEETING MINUTES APPROVAL

On a **motion** by Jevne seconded by Batchelder the minutes of September 5, 2023 were approved as presented. (4-0-1) *LS abstained*

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 5:58 pm. Notice of hearing for case No. ZBA 23-22, as advertised in the *Monadnock Ledger*, copies were posted in the Town Office building, the Library and the town website; 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

By unanimous consent, the Board determined that ZBA 23-22 would not have regional impact.

ZBA 23-22 Joyce & Vladimir Petkovich, Owner
20 Blackberry Ln, Map 228 Lot 69, Zone: Res A & Historic District, with town water and sewer

Special Exception – The applicant requests a special exception to construct an Accessory Dwelling Unit. (Land Use Code, Zoning Ordinance Section V, 5.4)

Variance – The applicant requests a variance to allow an Accessory Dwelling Unit with more than the maximum allowed floor area. (Land Use Code, Zoning Ordinance Section V, 5.4.3)

Chairman Sawyer read into the record the staff review from CEO Deschenes:

According to the property card, the existing primary house is 2,927 sq. ft. living space which would allow for an ADU up to 30% of that sq. ft. which is an 878 sq. ft. ADU.

The proposed ADU has 988 sq. ft. of living space which exceeds the limit by approximately 110 sq. ft. There is a breezeway under construction that is not complete with an occupancy permit issued and has not been picked up by the assessor. The sq. ft. is approx. 250.

Presentation: Joyce Petkovich

Mrs. Petkovich is seeking a special exception and a variance to allow an ADU that would be larger than the maximum allowed size. Mrs. Petkovich's husband is in cognitive decline and she hopes the addition of an ADU will allow her husband to remain at home. The ADU would be used to house nursing staff or family and friends to occupy while assisting with his care. The house is on a 1.5-acre lot in Jaffrey Center. This would not alter the composition of housing in this district. The small cottage (ADU) would be set back from the road.

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W Batchelder asked, would the breezeway constitute living space once completed? CEO Deschenes stated he is unable to determine that at this time. The room is insulated and drywalled with electricity, but does not have a heat source. Some of this area can be considered living space. D Jeffries noted this would add an additional 75 SF to the ADU if it met the definition of living space. E Brayall asked, is a three-season room considered habitable space? CEO Deschenes responded, the area would need to be conditioned to be considered habitable space. Chairman Sawyer asked the applicant, are you planning on heating the space? Mrs. Petkovich responded, the area is heavily insulated with a special foam insulation that will keep the space very warm. She may supplement with a plug-in heater. Chairman Sawyer asked if she would be willing to add a permanent heat source in order to qualify the space as habitable. Mrs. Petkovich agreed to add electric baseboard heat.

Mikey Osgood, resident, added the ADU will be a very simple house that will fit in nicely. C Jevne noted that the area is surrounded by trees.

On a **motion** by Brayall, seconded by Batchelder the Board voted to waive site review. (5-0-0)

After reviewing the conditions for a special exception, the Board agreed that the proposal met all the conditions with the exception of 5.4.3.

Chairman Sawyer closed the public hearing.

Findings of Fact:

The 1.5-acre lot has Town water and Town sewer.

The proposed ADU would meet all setbacks.

There are no existing ADUs on the property.

Once heated the breezeway will be classified as habitable space, increasing the maximum allowed ADU size to 953 SF.

DECISION

On a **motion** by Batchelder, seconded by Jevne the special exception to construct an Accessory Dwelling Unit was approved as presented per testimony given. (5-0-0)

On a **motion** by Jeffries, seconded by Jevne the variance requesting an Accessory Dwelling Unit with more than the maximum allowed floor area was approved as presented per testimony given and plan submitted subject to the following condition. (5-0-0)

Condition precedent: The breezeway will have a permanently installed heat source.

Plans include: ADU for 20 Blackberry Lane, Vladimir & Joyce Petkovich, Map 228/69 dated 10/3/2023.

ADJOURNMENT

The meeting adjourned at 6:00 pm

Submitted:

Rebecca Newton, Recording Secretary

Attest:

Lee Sawyer, Chairman, Jaffrey ZBA