

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
August 1, 2023

Present: Chairman Lee Sawyer, Members Marc Tieger, Erlene Brayall, Walter Batchelder, Carl Jevne, David Jeffries (alt), Phil Cournoyer (alt)

Absent: Judy Lucero (alt)

Other: Elizabeth Webster, Conservation Commission, Frank Sterling, Joel Weismann, Rosalyn Albright, Steven Sprague, Ryan Koehler, Joan George, Brian Morris, Mary Ellen Davies Rock, Mary Woodward.

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

MEETING MINUTES APPROVAL

On a **motion** by Jevne seconded by Batchelder the minutes of July 5, 2023, July 10, 2023 and July 18, 2023 were approved as submitted. (5-0-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 6:00 pm. Notice of hearing for cases No. ZBA 23-20, 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

ZBA 23-20 Navian Development Co LLC, Owner, Fieldstone Land Consultants, Agent
83 Highland Ave, Map 238 Lot 83, Zone: Res A, with town water and sewer

Special Exception – The applicant requests a special exception to construct a road and associated drainage and utility improvements through the wetlands and wetland buffer area. (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

Presentation: Chris Guida, Certified Wetland Scientist, Fieldstone Land Consultants

The applicant is before the Board requesting a special exception to allow a wetland crossing for the construction of a driveway and utility access to the subject parcel to facilitate future development. Conceptual design options were presented to the Planning Board in June, but a final design has not been determined at this time. The 20+ acre lot is located in the Res A district and is served by municipal water and sewer making it an ideal location for housing. Due to the slope of the hill, the proposed houses would be located about 40 feet above the road.

This lot has a unique horseshoe configuration with two access points. A wetland transects the largest area of frontage; the second access point is a narrow ROW on a steep slope which would make access difficult. This entrance is on the Class VI portion of the road. The total area of wetland disturbance would be 1,592 sf. A minimum impact permit for the State is 3,000 sf. A State permit is also required for a wetland crossing.

Mr. Guida read the responses for the SE criteria as presented in the application:

10.2 Unless otherwise specifically provided, the Board of Adjustment shall, before granting a Special Exception (RSA 674:33), find that, in their judgment, all of the following conditions are met:

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10.2.1 The specific site is an appropriate location for such a use, structure, or condition;

The subject parcel is zoned Residence "A" and is a large lot with 20.209 acres. The majority of the site is uplands which provides a great opportunity to build residential structures which are in high demand. The challenge with the site is access to upland areas since the entire frontage is covered with wetlands and the associated buffer. The site is an ideal location for a residential development if this special exception is granted. The proposed road is located at the narrow point of the wetlands to minimize impact and provides greatest separation to adjacent driveways. The proposed road is essential to the productive use of land and located and constructed as to minimize any detrimental impact upon the wetlands. For these reasons, we feel the specific site is an appropriate location for the proposed street and development.

10.2.2 The use, structure, or activity will not be detrimental to the neighborhood nor significantly alter the characteristics of the district;

The subject roadway will not be detrimental to the neighborhood or significantly alter the characteristic of the district. The roadway construction includes drainage improvements that will ultimately reduce flow to the existing roadway culvert under Highland Avenue. Minimal clearing will be done in order to maintain the visual appearance of the neighborhood and still provide adequate safe sight distance. The neighboring properties are all residential properties as well and therefore the characteristic of the district will remain the same.

10.2.3 Adequate and appropriate facilities will be provided for the proper operation of the proposed use; and The proposed roadway will be constructed with all necessary facilities to allow for proper operation of the development. Drainage features will treat and minimize stormwater runoff from the site and all necessary utility connection, such as water and sewer services will be installed prior to paving of the proposed street or repaving of Highland Avenue. These improvements will provide adequate facilities to future homeowners and are appropriate for the operation of a public road.

10.2.4 Such exception, if granted, will not adversely affect any other district or portion thereof.

If granted, the proposed impact will not adversely affect any other district or portion thereof as the use is consistent with adjacent properties. The impact will not create a visual impact from the right of way, or generate excessive noise or light pollution. For these reasons, we believe the proposed use and impact meets the spirit and intent of the regulations and meets the requirements for the special exception.

10.2.5 Special Exceptions authorized by the Board of Adjustment shall be valid if exercised within 2 years from the date of final approval, or as further extended by the Board for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception {2017}.

Frank Sterling – abutter, 79 Highland Rd. Mr. Sterling is in favor of the proposal for several reasons. He facilitated the sale of the subject parcel to Boss Contracting (Navian). The development would provide 30-34 housing units which could alleviate much of the housing shortage in town. These market-rate, multi-family units would be designed as duplex, triplex or quadplex homes. In addition, this would add much-needed new users to the Town sewer system which will help keep it viable and maintain the infrastructure. The wetland area in question is a very small dam area that is only wet in the spring and fall. Mr. Sterling hopes that the Board will approve the request.

Joel Weismann – owns a rental condo at Tall Timbers. Mr. Weismann believes that other people have tried to put homes on this parcel in the past but were unable to because of the wetland. He asked Mr. Guida to identify the location of the homes in relation to the top of the hill and about runoff. Mr. Guida responded that the homes would

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be at the crest of the hill, roughly 130 feet from Tall Timbers. Only a fraction of the acreage will be developed because of the steep slope and the wetland close to Tall Timbers. The developers are required to keep the runoff at/below pre-construction amounts. He identified some of the water treatment/storage options on the plan, however, the engineers have not completed the final stormwater management plan.

Steve Sprague – abutter, 46 Highland Ave. Mr. Sprague’s home is across the street from the proposed driveway. He asked, how will the runoff on his property be mitigated? Mr. Guida responded, not all the runoff will go into the culvert by Mr. Sprague’s property. Much of the vegetation will be undisturbed. Chairman Sawyer noted that at this time they are only considering the wetlands crossing application. The questions about stormwater management will be addressed by the Planning Board.

Ryan Koehler – abutter, 45 Highland Ave. Mr. Koehler is also concerned with runoff as it already comes through his back yard. The retention pond depicted on the plan is near his house. Mr. Guida responded that it will probably get better because much of the runoff will be picked up prior to getting to his property. The pools are designed to be dry, they capture the water during a storm and infiltrate it.

Mary Ellen Rock – abutter at Tall Timbers. She is concerned about the wildlife and ecosystem.

Elizabeth Webster – Conservation Commission. She appreciates the minimal impact of the plan, but hates to see any wetland disruption. She asked, are there any potential offsets that could be proposed to mitigate it? She does agree that the need for housing is dire. She added that the size of the retention areas may need to be enlarged.

D Jeffries noted that the owners could choose to clear-cut the property which would be far worse for the abutters. Mr. Guida responded that timber harvesting is allowed, but to his knowledge that is not their plan.

Mr. Koehler asked, how wide is the road over the wetland and can the second entrance be used to access the lot to avoid a wetland crossing? Mr. Guida responded it is 24 feet wide. The hill on the second entrance is too steep to make it safe. Mr. Sterling noted that the second entrance is located on a Class VI road which would present additional problems for the developer if used. There is an area on the subject parcel that was clear-cut by the previous owner for a home that was never constructed.

R Deschenes added this was presented as a special exception because it is the only reasonable access to the property.

SITE WALK

The Board continued the hearing to a site walk at 83 Highland Ave. *P Cournoyer recused himself*

Present on site: Lee Sawyer, Marc Tieger, Erlene Brayall, Walter Batchelder, Carl Jevne, Dave Jeffries, Rob Deschenes, Steven & Simone Sprague, Ryan Koehler, Mary Woodward, Elizabeth Webster, Chris Guida, Becky Newton.

Mr. Guida identified the approximate location of the area of wetland disturbance for the proposed driveway and the existing culvert. The first house would be roughly 200 feet from the road. L Sawyer stated the “wetland” area is minimal even with the excessive amount of recent rainfall. D Jeffries agreed, he did not see evidence of the usual flora and fauna indicative of a wetland.

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The neighbors had several questions relating to drainage, culverts and detention basins. Mr. Guida reiterated that the engineering of the stormwater system will be part of the Planning Board application. Those questions will be answered at that time. Drainage calculations will be completed as part of the process. He noted that the intent is to keep the runoff the same/less than pre-construction.

The hearing reconvened at the Town Office at 7:05 pm

Present: Lee Sawyer, Marc Tieger, Erlene Brayall, Walter Batchelder, Carl Jevne, Dave Jeffries, Chris Guida, Frank Sterling, Elizabeth Webster, Rob Deschenes, Becky Newton

Chairman Sawyer closed the public hearing.

By unanimous consent it was determined that ZBA 23-20 would not have regional impact.

Findings of Fact:

The lot is 20+ acres located in the Res A district.
The parcel will have access to Town water and sewer.
The application received favorable comments from the Conservation Commission.
The application meets all the criteria for a Special Exception.

DECISION

On a **motion** by Batchelder, seconded by Tieger the special exception to construct a road and associated drainage and utility improvements through the wetlands and wetland buffer area was approved as presented per testimony given. (5-0-0)

Plans include: Zoning Exhibit Plan, Tax Map 238 lot 83, 83 Highland Avenue, Jaffrey NH. Prepared for Navian Development by Fieldstone Land Consultants, PLLC, dated April 21, 2023.

ADJOURNMENT

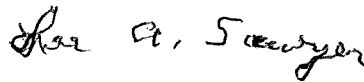
The meeting adjourned at 7:12 pm

Submitted:



Rebecca Newton, Recording Secretary

Attest:



Lee Sawyer, Chairman, Jaffrey ZBA