

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
February 1, 2022

Present: Members Marc Tieger, Erlene Brayall, Carl Jevne (alt), Judy Lucero (alt), David Jeffries (alt),
all alternates will vote

Absent: Chairman Lee Sawyer, Phil Cournoyer, Walter Batchelder

Others: Caroline Dias, George Warner

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

MEETING MINUTES APPROVAL

On a **motion** by Jeffries seconded by Lucero the minutes of December 7, 2021 were approved as submitted. (5-0-0)

On a **motion** by Jevne seconded by Brayall the minutes of December 9, 2021 were approved as submitted. (4-0-1) *DJ abstained*

On a **motion** by Jevne seconded by Brayall the minutes of January 20, 2022 were approved as submitted. (4-0-1) *DJ abstained*

PUBLIC HEARING

Vice Chairman Tieger called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 22-01, 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.

It was determined by the Board that this application does not have regional impact.

PUBLIC HEARING NEW ITEMS

1. ZBA 22-01 Ophelia Dahl & Lisa Frantzis, Owners, Caroline Dias, Agent
88 Gilson Rd., Map 230 Lot 41 Zone: Rural, without town water

Variance – The applicant requests a variance to allow the expansion of an existing deck within the setback (Land Use Code, Zoning Ordinance Section VI, 6.1 and VII, 7.2.3)

Presentation: Attorney Caroline Dias

The owners are requesting a variance to construct two, 3' 6" raised walkways on each side of the residence and a modification of the stairs at the back of the residence to include a landing. A screened porch is proposed to be constructed over the existing deck. They are requesting relief from the side

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setbacks for the walkways. The screened porch is not within the setback. Attorney Dias addressed each of the five criteria as submitted in the application.

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

The variance would be consistent with the spirit of the ordinance and would not alter the essential character of the neighborhood.

10.3.2 – The spirit of the ordinance is observed

The area will remain free of noise and congestion, and there will be no alteration to the abutting property owners' light and air. The addition of the walkway and screened porch will not greatly affect the lake front congestion or the overall value of the lake as a natural resource.

10.3.3 – Substantial justice is done

The variance is consistent with the area's rural residential use and characteristics.

10.3.4 – The values of surrounding properties are not diminished

The values of the surrounding properties would not be diminished.

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

The property cannot be reasonably used due to the unique dimensions of the lot and side setback requirements.

Rob Deschenes noted that this is an existing use and an existing deck. The deck was built within the last five years. The proposed screened porch would not encroach on setbacks, just the walkways which would provide better access to the deck.

Architect George Warner explained that the walkway on the NW side of the house will allow easier access to an interior bathroom. The stairs facing the lake would be extended to include a landing, but does not encroach on the setback. Because the lot is so narrow the NW side of the house is already within the setback. Railings will not be built unless required by the building code.

C Jevne clarified that the relief requested would be 8' on the NW side of the house and 6' on the SE side of the house. C Jevne asked is it wooded on both sides? Mr. Warner responded yes.

D Jeffries noted that the property shares a driveway with the Thorndike Club.

E Brayall asked what is the other building on the site that has a corner within the setback? Mr. Warner replied that is a pre-existing screened room, similar to a sleeping porch.

On a **motion** by Jevne, seconded by Jeffries the Board waived the site visit. (5-0-0)

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DECISIONS

1. ZBA 22-01 Ophelia Dahl & Lisa Frantzis, Owners, Caroline Dias, Agent
88 Gilson Rd., Map 230 Lot 41 Zone: Rural, without town water

Variance – The applicant requests a variance to allow the expansion of an existing deck within the setback (Land Use Code, Zoning Ordinance Section VI, 6.1 and VII, 7.2.3)

On a **motion** by Brayall, seconded by Jeffries to approve the variance to allow the expansion of an existing deck. The deck, stairs and walkway on the NW side will extend 8' into the setback and the stairs and walkway on the SE side will extend 6' into the setback as presented per plan submitted. (5-0-0)

Plans include: Proposed Screen Porch and Modified Doors – New Landing, Frantzis – Dahl, Warner & Cunningham, Inc. Dated Dec. 28, 2021 and Boundary Plan, Tax Map 230 Lot 41, 88 Gilson Rd, Jaffrey NH, prepared for Ophelia Dahl & Lisa Frantzis, dated Sept. 30, 2020, signed by Michael D Ploof, LLS.

OTHER BUSINESS

The board briefly discussed the training seminar with Attorney Buckley. It was noted that the ZBA handbook is a good resource for Board members. C. Jevne asked for clarification of substantial justice. R Deschenes responded that *justice* applies to the person who is making the application.

ADJOURNMENT

The meeting adjourned at 6:47 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Marc Tieger
Vice Chairman, Jaffrey ZBA