

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
February 15, 2017

Present: Chairman Sawyer, Members Belletete, Cournoyer, Tieger, Webber and Weimann

Absent:

Staff: Recording Secretary Lemire

MEETING MINUTES APPROVAL

On a motion by Cournoyer, seconded by Belletete the September 6, 2016 meeting minutes were approved as submitted. (5-1-0) Member Webber recused himself. Member Weimann voted.

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:30 p.m. Notice of hearing for case No. ZBA 17-01 through ZBA 17-02 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 17-01 Taylor, Irving, 42 Emery Rd., Map 248 / Lot 8; Zone: Rural (without town water).

Variance – The applicant requests a variance to permit a 12 x 12 addition with less than the required setback. (Land Use Code, Zoning Ordinance Sections VI and 7.1.2).

Presentation: Patrick Harvey – G&P Home Solutions

Appearance:

Mr. Taylor would like to construct a 12 x 12 addition on the back of his mobile home. Mr. Harvey pointed out that a 12 x 12 addition already exists on the backside of the home however it is not depicted on the sketch provided. A concrete pad that is shown on the sketch does not actually exist. Building Inspector Deschenes explained that years ago the original mobile home was replaced. They were unable to replace it in kind so the then homeowner sought and received a variance to allow a different size. The sketch submitted with this application was from that application and the purpose was to aid in identifying the lot lines. The parcel is ninety-seven feet deep; the setbacks are sixty feet on the front and forty feet on the back causing the setbacks to overlap.

The reason for the proposed addition is to construct a handicap accessible bathroom which would include extending the dining room four feet. Mrs. Taylor had a recent fall and if the request is approved it would allow her easy access into the bathroom. Being that the structure is a mobile home there is no way to expand the existing bathroom.

Member Webber asked for the size of the trailer. Mr. Harvey replied that it is fourteen feet wide by fifty-five feet long. Member Webber asked for the distance from the property line to the existing addition on the trailer. Mr. Harvey did not know the distance. Inspector Deschenes added that he found only one boundary marker. The submitted sketch was the best he could do for showing the lot lines. Chairman Sawyer asked if they tried measuring from the road back to the mobile home. They had not. Member Webber would like to make a site visit to see if they can determine how far back the mobile home is from the road.

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Abutters Brad and Pam White are opposed to granting the variance. In addition to the need for a variance for setbacks on the proposed addition Mr. Taylor has also placed two structures in front of his home that are in violation of meeting setbacks. There seems to be a trend on how this is being handled on Emery Rd. The two structures referred to are a ten by ten screen house and a ten by seventeen hoop house. Chairman Sawyer asked if the hoop house needed a building permit. Inspector Deschenes explained that it is a grey area right now as far as setbacks and whether or not it's a permanent structure. The building code is calling it special construction if it's one hundred and twenty square feet and the Fire Marshall's office is looking at changing that. Chairman Sawyer asked if a ten by ten structure needs a building permit. Inspector Deschenes replied no but they do need to follow setbacks.

A site visit was scheduled for Friday, February 17, 2017 at 4:15 p.m.

There being no further discussion, Chairman Sawyer continued the public hearing for this item.

2. ZBA 17-02 Fisk, Brandon, 159 Squantum Rd., Map 243 / Lot 37; Zone: Residence A (with town water)

Variance – To allow the expansion of a non-conforming structure within the setbacks. (Land Use Code, Zoning Ordinance Sections 5.7, VI and 7.2.3)

Special Exception – To allow an accessory apartment in a residential district. (Land Use Code, Zoning Ordinance Section 5.4)

Presentation: Brandon Fisk

Appearance:

Mr. Fisk purchased the property in July of 2016. The property consists of two structures on four acres. The larger of the two houses is not habitable at this point so he is temporarily residing in the smaller house. Mr. Fisk stated that he does not have a date of construction but the property dates back to 1909. At the closest point (right side) the house is five feet from the rear property line and eleven feet (left side) at the furthest point. Speaking to the variance the request is to expand the structure to allow for the construction of a six by twelve-foot addition on the left side that will become a closet and an eight by twenty-two foot shed roof on the right side. Neither addition will encroach any further into the setback than the house already does.

Abutter Kathleen Williams is opposed to granting the request. Her property abuts Mr. Fisk along the backside of his property. A letter stating her objection was submitted to the board. In short Ms. Williams stated that the construction has created a significant boundary dispute and multiple instances of Mr. Fisk trespassing. The constant presence of machinery, a construction trailer and piles of construction materials are an eyesore. The project has gone on for eight months and shows no sign of completion. This has caused a decrease in the quality of life.

As for the special exception, Ms. Williams feels that the prospect of an apartment five feet from the boundary line greatly diminishes her property value and the eventual sale of it. This project is non-conforming indicating that it does not represent the intended use of properties in this zone.

Member Tieger asked Mr. Fisk about the issues of trespassing. Mr. Fisk believes the reference is to three instances. One when he had to repair the water line and it caused him to enter onto her property and the debris was the materials. The second was a fallen tree that was laying over both properties and he went out

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to remove it and the third involved a stack of two by two foot pavers that slightly crossed over the property line. He may have stepped onto her property but at no time did he walk through her property.

Speaking to the special exception Ms. Williams mentioned the Land Use Code which states that the owner must live in the dominant property. Inspector Deschenes replied that the Land Use Code does state that however per conversation with legal counsel on a different property chances are the Land Use Code may have to change. We can't tell a property owner that they have to live in a certain building.

Member Cournoyer asked where the septic was. Mr. Fisk stated that it is in front of the smaller house and the system presently feeds both houses. Chairman Sawyer asked Ms. Williams if she could see the structure from her house. Ms. Williams replied very clearly.

A site visit will be made on Tuesday, February 21, 2017 at 4:00 p.m.

There being no further discussion, Chairman Sawyer continued the public hearing for this item.

Continued

No Action

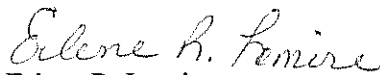
OTHER BUSINESS

None

ADJOURNMENT

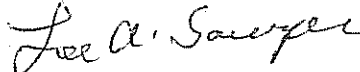
The meeting recessed at 8:15 p.m.

Submitted:



Erlene R. Lemire
Recording Secretary

Attest:



Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment