

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**February 21, 2017**

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

**Absent:** Member Belletete

**Staff:** Recording Secretary Lemire

**PUBLIC HEARING**

The public hearing reconvened at 4:00 p.m. for the site visit. Member Weimann would vote.

**Public Hearing - Continued**

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)

Presentation: Brandon Fisk

Appearance:

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

**Deliberations:**

The board reviewed the variance criteria as submitted by the applicant.

During the site visit the board measured the distance from the porch to the grade stakes and confirmed that both proposed structures, the closet and the shed roof, will not come any closer to the property line than the house already does. In fact, the shed roof will be a little further away. Chairman Sawyer asked Ms. Williams if the surveyor placed the stakes. Ms. Williams replied he did not; she placed them there on top of a line. Chairman Sawyer asked Mr. Fisk if he agreed that was where the line was. Mr. Fisk did agree adding that the surveyor did place the three posts and he connected the dots. All board members agreed that granting the variance would not be contrary to the public interest.

Chairman Sawyer commented that he does not feel the additions interfere with the view or privacy any more than the house with a window in the back. Member Tieger noted that having an affect is unavoidable, it's something new. Member Cournoyer pointed out that the construction equipment and debris will be gone once the project is completed. Member Webber noted that the applicant stated no trees are being cut. All board members agreed that if granted the spirit of the ordinance would be observed.

Discussing what is "normal" Chairman Sawyer feels that a house with a closet is more "normal" than a house without a closet. All board members agreed that granting the variance would do substantial justice.

Member Webber feels that improving the building would not diminish property values. Member Tieger asked the applicant what materials would be used in finishing off the addition. Mr. Fisk stated it would be cedar shakes and architectural shingles. All board members agreed that granting the variance would not diminish surrounding property values.

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Member Webber agrees that the existing building is a non-conforming structure five feet from the property line and it was built prior to zoning. Members Webber and Tieger agree that the applicant's explanation is correct. Member Webber read section 7.2.3 which states "may be expanded provided the expansion does not encroach any more into the nonconforming direction than the existing structure". His interpretation is it's permitted as long as you do not go closer than five feet. All board members agreed that denying the variance would result in unnecessary hardship.

Member Tieger made a motion to approve the expansion of a non-conforming use; Member Weimann seconded the motion. Following some discussion an amendment was made by Tieger, seconded by Webber. The amended motion would read: The exterior of the building and appendages will conform to the existing exterior siding in color and materials.

Addressing the criteria for a special exception Chairman Sawyer asked Inspector Deschenes if there is a tank and leach field. Inspector Deschenes replied that he did not find a DES approval on their website which if it was installed in the 70's it's possible you would not find it on the website. Once he gets back to having two habitable structures he will need to further investigate. At present there are no obvious signs of failure. Member Tieger asked Mr. Fisk where was the septic located with respect to the small house. Mr. Fisk replied looking towards the big house it is to the right of the small house in the middle of the yard.

The board members reviewed each of the four criteria and unanimously agreed that all were met.

## **DECISION**

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)

On a motion by Tieger, seconded by Weimann the request for a variance proposing the expansion of a non-conforming structure within the setbacks was granted as presented and per testimony given subject to the following condition. (5-0)

### **Condition:**

1. The exterior of the building and appendages will conform to the existing exterior siding in color and materials.

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

On a motion by Cournoyer, seconded by Weimann the request for a special exception to allow an accessory apartment in a residential district was granted as presented and per testimony given. (5-0)

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

## **OTHER BUSINESS**

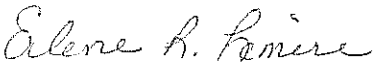
None

## **ADJOURNMENT**

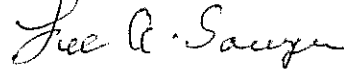
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The meeting recessed on February 15 at 8:15 p.m.; reconvened on February 21 at 4:00 p.m. and adjourned at 5:45 p.m.

Submitted:

  
Erlene R. Lemire  
Recording Secretary

Attest:

  
Lee A. Sawyer  
Chairman  
Jaffrey Zoning Board of Adjustment