

**TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Minutes
July 6, 2021**

Present: Chairman Lee Sawyer (arrived at 6:11pm), Members Walter Batchelder, Phil Cournoyer, Marc Tieger, Erlene Brayall, Carl Jevne (alt), David Jeffries (alt)

Absent: Judy Lucero (alt)

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

MEETING MINUTES APPROVAL

On a **motion** by Brayall, seconded by Tieger the minutes of June 1, 2021 were approved as presented (4-0-0)

PUBLIC HEARING

Vice Chairman Tieger called the public hearing to order at 6:04 pm. Notice of hearing for cases No. ZBA 21-19, ZBA 21-20, ZBA 21-21, 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

1. ZBA 21-19, Gary Niskala, Owner – 350 Woodbound Rd
Map 242 Lot 26 Zone: Res A (with town water)

Variance – The applicant requests a variance to construct a detached accessory structure within the setbacks (Land Use Code, Zoning Ordinance Section V, 5.7, VI, 6.1)

Presentation: Gary Niskala

Mr. Niskala is proposing to remove two existing sheds on his property and construct a single 16' x 18' shed to be used for storage. The existing 8' x 8' shed is located at the back of the lot within the wetland setback. The larger, second shed is located two feet from the southern property line. The new shed would be constructed in the same location as the larger shed, but further away from the property line. The shed would be constructed on slab or piles with no water.

R Deschenes noted that the proposed shed would be further away from the wetland.

W Batchelder asked if heavy equipment would be used to remove the shed located in the wetland buffer. Mr. Niskala responded no, there would be no impact to the wetlands.

No abutters spoke for or against.

On a **motion** by Sawyer, seconded by Cournoyer the Board voted to waive the site visit. (5-0-0)
Vice Chairman Tieger closed the public hearing

2. ZBA 21-20, Rima Gilmore, LLC, Owner – Gilmore Pond Rd
Map 226 Lot 23 Zone: Rural without Town water

Variance – The applicant requests a variance to replace and relocate an existing non-conforming structure. (Land Use Code, Zoning Ordinance Section VI, 6.1 & VII, 7.2.2)

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Presentation: Jimmy Bennett

Mr. Bennett is proposing to replace and relocate an old existing barn that sits roughly 19 feet back from the corner of Gilmore Pond Rd and Peabody Hill Rd. This dangerous corner has been the site of several accidents including one where a vehicle struck the barn.

The proposed barn will be 24' x 30', slightly smaller than the existing barn. The exact setbacks were difficult to determine as Peabody Hill Rd and Gilmore Pond Rd converge on a sharp corner. It is not clear where Peabody ends and Gilmore begins, therefore, the location of the new barn will be determined using the location of the existing barn as a guide. The new barn will be 17 feet further back from Gilmore Pond Rd and 14 feet further back from Peabody Hill Rd as per plan submitted. This location would still be within the setback, however, it would be more conforming and safer. Mr. Bennett is unable to move the structure any further back as it would impact the driveway which has already been approved by DPW. R Deschenes agreed that the barn should be taken down and that this is a better location for it.

Mr. Bennett's plan includes adding a one-bedroom efficiency apartment on the second floor. The apartment would be roughly 720 sf. At this time a special exception is not required for an ADU as there is no primary dwelling on the lot. They hope to build a house in the future.

E Brayall asked what happens to the efficiency once the house is built? Mr. Bennett responded he would use it for visiting friends/relatives.

R Deschenes stated the setbacks are 40' from Gilmore Pond Rd and 60' from Peabody Hill where the driveway entrance is located.

M Tieger asked is there any septic on the site currently? Mr. Bennett, responded no, not at this time.

No abutters spoke for or against

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

Chairman Sawyer closed the public hearing

Deliberations:

There was discussion amongst the board regarding the size of the proposed efficiency. Until the house is constructed on the lot the barn is considered to be the primary structure, therefore, the size of the efficiency cannot be dictated by the Board.

3. ZBA 21-21, Guitard Homes LLC, Owner – 13 Wheeler St
Map 239 Lot 173 Zone: Res B (with town water)

Variance – The applicant requests a variance to allow construction of new home within the side setbacks (Land Use Code, Zoning Ordinance Section VI, 6.1 & 7.2.1)

Presentation: Mike Guitard

Mr. Guitard is proposing to remove a non-conforming 12' x 56' mobile home and a 24' x 24' garage and replace them with a 26' x 46' raised ranch. He is looking for relief from the side setbacks.

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M Tieger asked will the house have a garage? M Guitard responded yes, a drive-under garage. D Jeffries asked will you move the driveway? Mr. Guitard responded that he would shift the driveway to the center of the lot. Peter Keating, abutter is in favor of the proposal, his only concern is with the drainage ditch by the stone wall. There have been some issues with it backing up in the past.

On a **motion** by Tieger, seconded by Cournoyer the Board voted to waive the site visit. (5-0-0)
Chairman Sawyer closed the public hearing

DECISIONS

1. ZBA 21-19, Gary Niskala, Owner – 350 Woodbound Rd
Map 242 Lot 26 Zone: Res A (with town water)

Variance – The applicant requests a variance to construct a detached accessory structure within the setbacks (Land Use Code, Zoning Ordinance Section V, 5.7, VI, 6.1)

On a **motion** by Batchelder, seconded by Cournoyer the request for a variance to construct a detached accessory structure within the side setback was granted as presented and per testimony given and plan submitted (5-0-0)

Plans Include: ZBA 21-19 Niskala Variance, signed by the owner and dated July 6, 2021.

2. ZBA 21-20, Rima Gilmore, LLC, Owner – Gilmore Pond Rd
Map 226 Lot 23 Zone: Rural without Town water

Variance – The applicant requests a variance to replace and relocate an existing non-conforming structure. (Land Use Code, Zoning Ordinance Section VI, 6.1 & VII, 7.2.2)

On a **motion** by Brayall, seconded by Batchelder the request for a variance to replace and relocate an existing non-conforming structure no closer than 34' from Peabody Hill Rd was granted as presented and per testimony given and plan submitted. (5-0-0)

Plans Include: ZBA 21-20 Rima Gilmore Variance, signed by J. Bennett and dated July 6, 2021.

3. ZBA 21-21, Guitard Homes LLC, Owner – 13 Wheeler St
Map 239 Lot 173 Zone: Res B (with town water)

Variance – The applicant requests a variance to allow construction of new home within the side setbacks (Land Use Code, Zoning Ordinance Section VI, 6.1 & 7.2.1)

On a **motion** by Batchelder, seconded by Tieger the request for a variance to allow construction of new home 13' from the northern setback and 11' from southern setback was granted as presented and per testimony given and plan submitted. (5-0-0)

Plans Include: ZBA 21-21 Guitard Homes Variance, 13 Wheeler St, signed by Mike Guitard and dated July 6, 2021.

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

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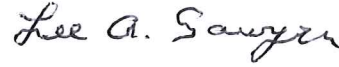
ADJOURNMENT

The meeting adjourned at 7:00 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee A. Sawyer
Chairman, Jaffrey ZBA