

**TOWN OF JAFFREY NEW HAMPSHIRE**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**July 7, 2020**

**Present:** Vice Chair Tieger, Members Batchelder, Cournoyer, Webber

**Absent:** Chairman Sawyer

**Staff:** Recording Secretary Newton, Code Enforcement Officer Deschenes, Jo Anne Carr & David Chamberlain

**Others Via Zoom:** Carolyn Garretson, Elizabeth Webster, Philip Bailey, Susan Roston, Ruth Webber & Correl Gallagher

**MEETING MINUTES APPROVAL**

On a motion by Webber, seconded by Cournoyer the minutes for the **June 2, 2020** meeting were approved as presented. (3-0-0) *Cournoyer – Aye Tieger – Aye Webber – Aye*

**PUBLIC HEARING**

The Right to Know Checklist was read into the record by Jo Anne Carr, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Vice Chair Tieger called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 20-09, ZBA 20-10, ZBA 20-11 & ZBA 20-12 as advertised in the *Monadnock Ledger* copies were posted in the Town Office building, 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 20-09** Ed & Stephanie Duval, Owner  
54A Webster St., Map 244 / Lot 68 Zone: Res B, with town water & sewer

Variance – The applicant requests a variance to allow an accessory building within the setbacks. (Land Use Code, Zoning Ordinance Sections V, 5.7 & VI, 6.1)

Presentation: Ed and Stephanie Duval

Mr. Duval built an 8' x 10' shed, to house chickens in his back yard. The construction was nearly complete when Mr. Duval was notified by Code Enforcement that the shed was within the 30' setback. Due to the lot size, it would be impossible to build a shed outside of the setback area. The shed is not visible from Webster or Short St. If necessary, Mr. Duval would be willing to put up a fence to screen the shed from the neighbors behind him.

A letter of opposition from abutters Alexander & Correl Gallagher was read into the record. Mr. & Mrs. Gallagher believe the shed will decrease their property value and are concerned with cleanliness and odor. A copy of the letter is on record.

Francis Demers, abutter - agrees with Mr. Gallagher. The shed is very close to his property. With 20-25 chickens in the shed he is concerned about rodents and odor. Mr. Duval responded that he has been caring for chickens for 30 years and takes very good care of them, odor should not be a problem.

Member Batchelder asked how many chickens will be housed in the shed. Mr. Duval responded roughly 30.

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On a **motion** by Webber, seconded by Batchelder to continue the hearing to a site visit on Thursday, July 9 at 5:00 pm.

**ZBA 20-10**      David & Alisa Nash, Owner  
150 Gilson Rd., Map 230 / Lot 25    Zone: Rural, without town water

Variance – The applicant requests a variance to allow an expansion of a non-conforming use (screened porch) within the shoreland and wetland setback. (Land Use Code, Zoning Ordinance Sections XX, 20.5.2 & XIX, 19.4.2)

Presentation: Alisa Nash

Mr. & Mrs. Nash wish to build a screened porch between the existing house and cottage. The porch would allow easier/safer access to the cottage on the property particularly in bad weather without going outside and allow outside enjoyment. They are attempting to keep it as small as possible to minimize impact and would not disturb any vegetation or soil. The porch would be constructed on piers within the two existing structures, and not extend any closer to the water. Construction of the porch would not change the essential character of the neighborhood. The dimensions of the land are limiting as it is very narrow lot.

Phil Bailey & Susan Roston, abutters – live across the street and are concerned that the screened porch will block their view of the lake, reducing their property value. The roofline could be as high as the ridgeline of the cottage.

Elizabeth Webster, ConCom - This site is existing non-conforming. She appreciates desire to have access to the outbuilding but wonders if the expansion necessary.

Member Batchelder asked is it necessary to get permit approval from DES. CEO/BI Deschenes responded, Carl Hagstrom, Monadnock Septic Design has applied for a shoreland permit.

On a **motion** by Cournoyer, seconded by Batchelder to continue the hearing to a site visit on Thursday, July 9 at 6:00 pm.

**ZBA 20-11**      Nathan & Deana Flowers, Owner  
61 Gilmore Pond Rd., Map 239 / Lot 57    Zone: Res A, with town water

Variance – The applicant requests a variance to allow the addition of fill within the wetland setback (Land Use Code, Zoning Ordinance Section XX, 20.4)

Presentation: Nathan Flowers

Mr. Flowers is requesting to fill and level a portion of his back yard that lies within the wetland setback area. The area was previously defined as “edge of lawn” on his 2018 septic plan. Initially, he had hoped to add fill back to the property line similar to abutting properties however he decided against it once he spoke to Code Enforcement. A silt fence was installed to keep sand currently on the site in place.

CEO/BI Deschenes – visited the property after discovering several loads of fill had been delivered. The land beyond the area shown as “edge of lawn” is poorly drained and seasonably wet. However, it should be noted that the 75’ buffer reaches all the way to the deck. Mr. Flowers stated the back yard is fairly unusable as is. In addition, he is concerned about the slope of the lawn over his septic system as one corner of the septic is exposed.

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Batchelder asked ConCom members if it would be possible to put a retaining wall to prevent erosion. Carolyn Garretson responded; this is not allowed according to the wetland ordinance. If approved, erosion control measure should to be considered.

On a **motion** by Webber, seconded by Cournoyer to continue the hearing to a site visit on Thursday, July 9 at 6:00 pm.

**ZBA 20-12** Charles Simpson, Owner, James Callahan, Agent  
4-6 Pine St., Map 244 / Lot 54 Zone: Res B, with town water & sewer

Variance – The applicant requests a variance to subdivide his property without the minimum required acreage to create a building lot. (Land Use Code, Zoning Ordinance Sections VI, 6.1, 6.2 & 6.4 and VII, 7.1.2)

Presentation: James Callahan, Attorney

Mr. Simpson is requesting a variance to subdivide his property on Pine St. without sufficient acreage. Previously the lot contained a duplex and separate, single-family structure that was destroyed by fire in Feb. 2017. At that time, the applicant obtained a variance to replace the house, but that approval has since lapsed. The intent is to subdivide the lot to allow a new single-family home to be constructed. There is a shortage of building lots in the downtown area. Mr. Callahan noted that the Master Plan encourages high density development in this area. This lot is double the size of all neighboring lots, subdividing it would make it more consistent with neighboring lots.

Member Cournoyer asked where the drainage would go if you added a house to new lot. Mr. Simpson responded the catch basing would have to be moved to allow room for the new house. Mr. Simpson added that the catch basin has a history of flooding. Attorney Callahan feels that an engineer could address the drainage issues. Clarification of the easement should be done with DPW. All drainage and sewer issues would be looked at by the Planning Board when the site plan is presented.

No abutters spoke for or against.

On a **motion** by Tieger, seconded by Batchelder to continue the hearing to a site visit Thursday, July 9 at 5:30 pm.

**The hearing was continued to the site visit**

**DECISIONS**

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

**ADJOURNMENT**

The meeting adjourned at 7:30 pm  
Submitted:



Rebecca Newton  
Recording Secretary

Attest:



Marc Tieger  
Vice Chairman, Jaffrey ZBA