

**TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Site Walk Minutes
July 9, 2020**

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

Staff: Recording Secretary Newton

Vice Chair Tieger reconvened the meeting at 5:00 pm.

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)

Present: Ed Duval (applicant) Alex & Correl Gallagher, Francis Demers (abutters)

Members viewed the site. Vice Chair Tieger clarified that there are no restrictions against chickens, they are before the Board only to address the placement of the shed within the setback. Any issues arising with the chickens would be a civil matter.

The shed is located 16' from Mr. Demers' house and 15' from the fence bordering the Gallagher property. The fenced area for the chickens, attached to the shed, is situated on the right side of the shed ending a few feet from Mr. Demers' garage. Mr. Duval stated the chickens are allowed in the fenced area during the day and put in the shed at night. Mr. Demers noted that when it rains, he can detect odors from the chickens in his garage. Mr. Duval offered to move the fenced area for the chickens to the other side of the shed, away from Mr. Demers' house.

The Gallaghers noted that the tree partially blocks the view of the shed from their property in the summer months only. They feel the shed and chicken pen are unsightly and will lower their property value. The shed is in an awkward location, and too small to house that many chickens. Mr. Duval offered to make the fence taller.

Vice Chair Tieger Closed the Hearing

Deliberations

Tieger stated the hardship is having no other location available on the property to put the shed which would fall outside the setback. Could the shed possibly be relocated to encroach less on the setback. Cournoyer noted moving it would make it more visible to the neighbors.

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)

Present: David & Alisa Nash (applicant), Phil Bailey & Susan Roston (Abutters), Carolyn Garretson & Elizabeth Webster, ConCom

Mr. Nash described the site conditions. The 12' x 20' screen porch would be placed on piers so as not to disturb the ground and extend from house to cottage. The peak of the roof would be no higher than that of the cottage. The appropriate Shoreland permits have been applied for from NH DES. Carolyn Garretson expressed concern for the increase in impervious surface created with the addition of another roof.

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Mr. Bailey & Mrs. Roston are concerned that the screened porch would block their view of the lake. Mr. Nash stated that they may be able to take some branches off the pine trees to give them a different view of the lake. Board members visited the abutting property to assess the view.

Deliberations

Tieger does not feel this would be a detriment to the neighborhood. Cournoyer asked if the roof line could be lowered. Batchelder feels the view from the neighboring property was limited.

Vice Chair Tieger Closed the Hearing

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)

Present: Nathan Flowers (applicant), Carolyn Garretson & Elizabeth Webster (ConCom)

Mr. Flowers described the site conditions. The plan was to flatten out the slope and extend the yard to the area identified as “edge of yard” on the septic plan and remediate the corner of the septic which is showing. After inspecting the site, Carolyn Garretson noted that there are several indicator species identifying the wetland area. She suggested adding native plants around the edge of the fill would be the best way to keep the area from washing into the wetland.

Vice Chair Tieger Closed the Hearing

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)

Present: Charles Simpson (applicant), James Callahan (agent)

The subdivision proposal, which was previously approved in 2017, would divide the lot in half creating two non-conforming lots. The smaller lots would be consistent with neighboring properties. Mr. Simpson familiarized the board with the property identifying the proposed property line, the site of the previously burned home, the location of the catch basins and the proposed site of the new house which would fall within the setback area. Flooding in the low-lying areas has been a problem in the past. The plan includes raising and leveling the property vastly improving the flooding issues.

Vice Chair Tieger Closed the Hearing

DECISIONS

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)

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On a **motion** by Cournoyer, seconded by Webber the request for a variance for an accessory building within the setbacks was **denied** as presented and per testimony given. (4-0-0)

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)

On a **motion** by Tieger, seconded by Batchelder the request for a variance for an expansion of a non-conforming use (screened porch) within the shoreland and wetland setback was **denied** as presented and per testimony given. (4-0-0)

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)

On a **motion** by Tieger, seconded by Cournoyer the request for a variance to allow the addition of fill within the wetland setback was approved as presented per testimony given, subject to the following condition. (4-0-0)

Condition Precedent:

A site plan shall be submitted to the Building Inspector, in consultation with the Conservation Committee, for approval prior to the continuation of site work.

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)

On a **motion** by Webber, seconded by Cournoyer the request for a variance to subdivide the property without the minimum required acreage to create a building lot was approved as presented and per testimony given. (4-0-0)

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

ADJOURNMENT

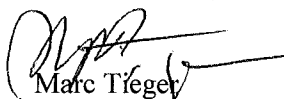
The meeting adjourned at 7:30 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Marc Tieger
Vice Chairman, Jaffrey ZBA