

**TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
March 7, 2023**

Present: Members Walter Batchelder, Erlene Brayall, Carl Jevne, Marc Tieger, David Jeffries (alt) *will vote*, Judy Lucero (alt)

Absent: Chairman Lee Sawyer, Phil Cournoyer

Other: Elizabeth Webster, Conservation Commission, John Lucero, Attorney Bob Carey, Steve Gauthier, Kork Little, Tom Coneys, Elizabeth Webster, Isaac Traffic, Brian Mitchell, Russell Long, Walter Zanchuk, John Noonan

Staff: Rob Deschenes, Code Enforcement/Building Inspector, JoAnne Carr Dir. of Planning & Economic Development, Recording Secretary Newton

MEETING MINUTES APPROVAL

On a **motion** by Batchelder seconded by Brayall the minutes of February 7, 2023 were approved as submitted. (5-0-0)

PUBLIC HEARING

Vice Chairman Tieger called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 23-05, and ZBA 23-06, 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

Marc Tieger recused himself, E Brayall will chair, Judy Lucero will vote

ZBA 23-05 Loonacy Properties, LLC, Owner, Fieldstone Land Consultants, Agent
36 Knight St., Map 244 / Lot 70 Zone: Industrial, with town water

Variance – The applicant requests a variance to permit the construction of 3 multi-family residential buildings, with a total of 20 units, in the Industrial Zone. (Land Use Code, Zoning Ordinance Section IV, 4.6.1)

The consensus of the Board agreed this application would not have regional impact.

Presentation: John Noonan, Fieldstone Land Consultants

The applicant, who is the owner of Graphicast, is seeking approval for a 20-unit, multi-family development in the industrial district. The plan is to subdivide his existing lot into two parcels to create a 3 ½ acre lot. The plans show three buildings, a shared driveway and municipal water and sewer service. Graphicast is having difficulty finding and retaining employees due to the lack of housing in the area, as are other local manufacturing companies and businesses. Many of the areas zoned for residential/multi-family development do not have access to both water and sewer, which makes this a desirable location. All of the properties behind the subject parcel are zoned residential.

Mr. Noonan reviewed the variance criteria as presented in the application:

1. Granting the variance would not be contrary to the public interest because:

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Granting this variance would allow for the expansion of development on the existing property and provide much needed housing for local businesses. The applicant has found a need for housing for the employees at the business and to attract new employees to the business. There are other businesses in town that would also benefit from having additional housing for the employee base of the businesses. Although this area is zoned Industrial, there are residential uses directly abutting the subject property and nearby on Webster Street. The proposed use would be a transition between the industrial and residential uses, while utilizing the municipal infrastructure in this area of town. The development as proposed will not alter the character of the neighborhood or present a threat to the health, safety or welfare of the public. As a result, the proposed development will not violate the basic character of the neighborhood and will be asset to local businesses looking to attract more employees.

2. If the Variance were granted, the spirit of the ordinance would be observed because:

If the variance were granted the spirit of the ordinance would be observed, as the ordinance is there to provide for commercial/industrial businesses to thrive in town. A newer challenge to businesses is being able to attract employees to the business, and the lack of housing for those employees within close proximity to the facility has become a major difficulty. This proposal will provide housing for the applicants' business and other businesses within town, allowing for commercial/industrial businesses to thrive in the area. By providing this much needed housing to compliment the business operations, the spirit of the ordinance will be observed.

3. Granting the variance would do substantial justice because:

This proposed development would provide much needed housing for businesses in town, for the applicant's business, and increase the town's tax base. Granting this variance would do substantial justice because it would allow for the productive use of the property, while providing responsible business growth in the community. The proposed development is appropriate for the site, does no harm to abutters, utilizes the municipal infrastructure, and the public would realize no appreciable gain from denying a variance.

4. Granting the variance would not diminish the values of surrounding properties because:

The proposed development and associated layout will meet the dimensional standards and will provide buffering to surrounding properties. This proposal will provide a transition and softening between the industrial uses and the abutting residential uses. Traditionally new development, and investment into an area actually increases the value of surrounding properties and we would anticipate the same for this project and the surroundings. For these reasons we do not believe that this development should have any negative impacts on the value of surrounding properties.

5. Unnecessary Hardship.

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

1. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The subject site is adjacent to industrial uses, residential homes, a cemetery, and commercial uses. The proposed use of a multi-family residential housing complex will be a transition between these uses, as it is a commercial housing development. The housing will directly help an existing business meet a housing need for employees, while also benefiting other businesses in the area. The property currently has an industrial business that is a conforming use, and this proposed housing will help to ensure the future success of that business and others in the neighborhood.

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Therefore, there is no fair and substantial relationship between limiting the use of the land, when it directly supports the conforming uses in the industrial district.

2. The proposed use is a reasonable one because:

We believe that the proposed use is a reasonable one for all of the reasons previously stated. The following is an outline of why we believe the proposed use is reasonable:

- Granting this variance would allow for the productive use of the property.
- Would be able to utilize town municipal utilities (water and sewer), as they utilities are not available in most of the districts that allow multi-family.
- The development would provide much needed housing for the applicants' business and other businesses close by.
- The multi-family use would be in harmony with the neighborhood and transition between the industrial and residential uses in the neighborhood.
- The use would not be contrary to the public interest as this project will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public.
- This proposal would in our opinion observe the spirit and intent of the ordinance by providing housing to compliment the industrial business on the property.
- This project would have no measurable negative impacts on the surroundings or their property values.

For all of the reasons we believe that the proposed use is a reasonable one.

- B. Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

There is a large demand for housing of this type in the town and region as a whole. The subject property has municipal utilities along the frontage of the lot, and this is a special condition of the property. The zoning districts that allow for multi-family residential uses do not have municipal infrastructure to easily support multi-family development. The applicant has found the lack of housing, in close proximity to the business to be a hinderance on attracting and retaining employees to the business. The property is large enough to allow for a legal subdivision for the housing, and the municipal services are readily available. These are the special conditions of the property that distinguish it from other properties in the area, and would allow for the housing to complement the existing business on the lot.

W Batchelder asked if the units would be rented or sold. Mr. Zanchuk replied they have not decided that yet, but the goal is to provide housing that is affordable.

W Batchelder asked what is the square footage? Mr. Noonan was able to provide the square footage for each building: 4,608 (8 units), 4,032 (7 units), and 2,882 (5 units). The interior architecture has not been designed yet.

E Brayall asked, are there any issues with tying into the existing water lines? Mr. Noonan stated this would be addressed during the planning stage. Residential use would be much lower than industrial so there shouldn't be an issue.

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C Jevne asked how to calculate the number of units allowed on 3 ½ acres. R Deschenes responded there is no method for calculating density in the industrial zone because it's not allowed. E Brayall noted that it would be 6 units per acre in the residential zone.

Mr. Noonan stated that there is some encroachment onto the subject lot by Gauthier's Auto that would need to be resolved either by cleaning up the area or doing a boundary line adjustment.

Brian Mitchell, abutter at 45 Knight Street, asked how many bedrooms/residents would each unit have? Mr. Noonan responded, that information is not available at this time.

E Webster, Conservation Commission, asked about increased traffic. Mr. Noonan responded that a traffic study would be submitted as part of the planning board process which will be completed once they know the total number of bedrooms.

T Coneys, Property Owner. Mr. Conys owns the property at the corner of Knight Street and Rt 124. He estimates traffic on Knight Street to be roughly 1,000 cars per day. In his opinion, Webster Street is not up to standard to handle the increased traffic.

Mr. Noonan explained that a traffic study would follow IT standards for traffic. If the increase was less than 100 trips per day it would be considered "no change."

Russell Long, abutter at 61 Hillcrest Road, is not in favor of the development. Mr. Long and his family moved to Jaffrey in 2021 to feel safe and enjoy a small-town life. He grew up in Lowell, MA where there is a lot of crime and is concerned that this development will become "low-income housing." Hillcrest Road, Webster and Knight Streets are cut-through streets that will be even busier once construction of the downtown roundabout starts. He is concerned that the water system will not be able to handle the increase in usage and that the school will not be able to accommodate more children. He added, there are other locations in town better suited for this type of housing.

T Coneys added, the intent of the industrial zoning is to attract business to town.

Kork Little, abutter at 75 Webster Street. She and her husband Steve Gauthier have owned Cliff's Auto Body on Webster Street for 28 years. They are also concerned with increased traffic. Webster Street is narrow and cars tend to drive up the middle of the road. People do not pay attention to the yield sign for exiting vehicles from the highway department. She believes all the side roads will see an increase in traffic once construction begins on the roundabout. Steve Gauthier added he is neither for, or against the proposal. He understands the need for housing as his employees have had similar issues, but is this the right place?

The hearing was continued to a site walk on Wednesday, March 15 at 3:00 pm.

ZBA 23-06 Isaac Traffic, Owner

25 Annett Rd., Map 257 / Lot 27 Zone: Rural, without town water

Variance – The applicant requests a variance to allow the expansion of an existing, non-conforming rear patio within property line setback and the wetland conservation district. (Land Use Code, Zoning Ordinance Section VI, 6.1, VII, 7.2.3, XX, 20.5.2 and 20.7)

Variance – The applicant requests a variance to allow the expansion of an existing, non-conforming wood-constructed deck within property line setback and the wetland conservation district. (Land Use Code, Zoning Ordinance Section VI, 6.1, VII, 7.2.3, XX, 20.5.2 and 20.7)

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The consensus of the Board agreed that this project would not have regional impact.

Presentation: Isaac Trafficie

Mr. Trafficie is before the Board seeking permission to add a concrete patio behind his house and to construct a new level walkway from the front of the house to the road within the property line and wetland setbacks. He submitted a Shoreland Application to DES and was informed that the State would not allow a concrete patio behind the house and recommended the use of pavers instead. DES considers pavers to be more permeable than poured concrete.

He would like to increase the seating area behind the house to enjoy the view of the waterfall. The area is small and has no room for chairs. The existing patio is 24 ½ SF, the proposed patio is 128 SF. D Jeffries noted that this change would make the patio area more non-conforming. R Deschenes explained that everything on the property is within the shoreland and/or property line setback.

Mr. Trafficie wants to improve the front walkway by making a sloped ramp from road height directly into the house. Currently, you have to go down a set of stairs from the walkway to enter the house, those stairs would be removed.

W Batchelder asked what materials would be used for the walkway. Mr. Trafficie responded pressure treated and decking. He added that the front porch would have a roof over it.

Vice Chair Tieger read Mr. Trafficie's answers to the five criteria questions as presented in his application:

- Qu. #1 This would not affect public
- Qu. #2 As an existing house this would be an upgrade to the dwelling.
- Qu. #3 The new walkway would accommodate people and first responders without using stairs to enter home
- Qu. #4 This would add value to this home and in turn add value to neighborhood.
- Qu. #5 As is, the stair/walkway is hazardous especially in winter being narrow and uneven.

D Jeffries asked is the gazebo on your property? Mr. Trafficie responded yes, but it does not have a clear view of the waterfall.

Elizabeth Webster, Conservation Commission noted that pavers are not significantly more permeable than concrete, however there are pavers that have spaces cut out that allow more water absorption. She asked if Mr. Trafficie would consider other materials that would permit more water to absorb into the ground. Mr. Trafficie responded that he would prefer something more solid. W Batchelder asked would the DES recommendation be for a specific type of paver similar to what you are suggesting? E Webster responded, most likely.

The hearing was continued to a site walk on Wednesday, March 15 @ 3:30

PUBLIC HEARING - CONT

ZBA 23-02 MilliporeSigma, Owner – *accept application withdrawal*
11 Prescott Rd., Map 256 / Lot 1.1 Zone: Industrial, with town water

Variance – The applicant requests a variance to permit paving of a section of the wetland buffer area. (Land Use Code, Zoning Ordinance Section XX, 20.7)

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An email was received from Michelle Salvatore, Site Head at MilliporeSigma requesting to withdraw this application without prejudice. No further action will be taken.

OTHER BUSINESS

- Request for rehearing: ZBA 23-04 Camp Berea, Owner of subject parcel, 552 Dublin Rd., Map 231/Lot 17 Stephen & Beatrice Epstein, Jeffrey Whittemore & Robin Cassel, Applicants, Robert S. Carey, Agent

It was noted that all voting members had reviewed the request for a rehearing submitted by Attorney Robert Carey on behalf of his clients.

C Jevne stated the new information presented would not have altered the decision of the Board.

On a **motion** by Batchelder, seconded by Jeffries to deny the request for rehearing of ZBA 23-04. (5-0-0)

- Rules of Procedure – The updated ROP clarify the time frame for an Appeal of an Administrative Decision, which would change from a “reasonable time” to 30 days if adopted. The final vote on the ROP was continued to the next meeting.

ADJOURNMENT

The meeting adjourned at 7:14 pm

Submitted:

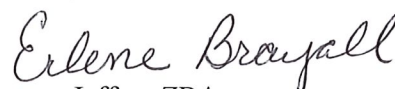
Attest:



Rebecca Newton, Recording Secretary



Marc Tieger, Vice Chairman, Jaffrey ZBA



Erlene Brayall, Chair Pro-Tem, Jaffrey ZBA