

**TOWN OF JAFFREY NEW HAMPSHIRE**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes**  
**May 2, 2023**

**Present:** Chairman Lee Sawyer, Members, Erlene Brayall, Carl Jevne, Marc Tieger, David Jeffries (sitting for Batchelder), Phil Cournoyer (alt)

**Absent:** Walter Batchelder, Judy Lucero (alt)

**Staff:** Planning & Economic Development Director JoAnne Carr, Code Enforcement/Building Inspector Rob Deschenes, Recording Secretary Mallett

**MEETING MINUTES APPROVAL**

On a **motion** by Jevne, seconded by Sawyer the minutes of April 4th, 2023 were approved as submitted (5-0-0)

**PUBLIC HEARING**

Chairman Sawyer called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 23-07, ZBA 23-08 and ZBA 23-09, 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**

**ZBA 23-07 Benjamin & Keri Coll, Owners**

398 Nutting Rd, Map 245 / Lot 140 Zone: Rural, without town water

Variance – The applicant requests a variance to permit a Primary Dwelling that is not 30% bigger than the dwelling that already exists on the property. (Land Use Code, Zoning Ordinance Section V, Article 5.4.3)

Special Exception – The applicant requests a special exception to build an Accessory Dwelling Unit (Land Use Code, Zoning Ordinance Section V, Article 5.4)

Presentation: Ben Coll

Mr. Coll described their plan, they would like to build a new home that is less than 30% larger than their existing home. He also noted they could build the new home larger, but they don't need it larger than the plans, and they will still need the Special Exception to be approved. It would be a hardship to have to build the home larger than their needs.

Rob noted that what will be the ADU is the existing apartment or dwelling, and the new home will become the primary residence.

After some discussion the Board determined they will hear both Variance and Special Exception together.

No Abutters had input to these applications.

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**Chairman Sawyer closed the hearing**

**DELIBERATION**

On a **motion** by Sawyer, seconded by Jevne to waive site review (5-0-0)

By unanimous consent it was determined not to have regional impact.

**DECISIONS**

ZBA 23-07 Benjamin & Keri Coll, Owners  
398 Nutting Rd, Map 245 / Lot 140 Zone: Rural, without town water

Variance – The applicant requests a variance to permit a Primary Dwelling that is not 30% larger than the dwelling that already exists on the property. (Land Use Code, Zoning Ordinance Section V, Article 5.4.3)

On a motion by Tieger, seconded by Jevne to approve the applicants variance request to build a single family home that is not larger than 30% of the dwelling that already exists on the property (5-0-0)

Special Exception – The applicant requests a special exception to build Accessory Dwelling Unit (Land Use Code, Zoning Ordinance Section V, Article 5.4)

On a motion by Brayall, seconded by Jevne to approve the special exception to build the additional dwelling unit on the property (5-0-0)

**Findings of fact**

- The existing structure on the property will become the ADU
- Existing building is 832 sq. ft.
- Proposed new structure is no more than 2200 sq. ft.
- There were no objections by abutters

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**ZBA 23-08 Laurence Thompson, Owner**

603 Gilmore Pond Rd, Map 227 / Lot 6 Zone: Rural, without town water

Variance – The applicant requests a variance to create a lawn, cut trees, grind stumps and fill within the 75-foot Wetland Conservation District. (Land Use Code, Zoning Ordinance Section XX, Article 20.3 & 20.4)

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Presentation: Mr. Thompson reviewed his plan to clean up an overgrown area and fill a ditch near a brook. The end result will be a lawn area that lets in more light. This will occur within the 75-foot wetlands setback. He also noted he will leave a boundary of trees there.

Jeffries asked how much infringement on the setback? Mr. Thompson replied about 600 sq. ft.

The Board reviewed the maps with Rob and Mr. Thompson.

Jevne asked whether DES needs to be involved, Deschenes replied if it were the pond area yes, but not for a small brook like this one.

Ms. Barker, an abutter, spoke to voice her opinion that this would be an improvement to the lot, by improving the soil, not letting it be washed out and letting in more light.

Elizabeth Webster, Conservation Commission, requested a site visit to see what the area looks like and get a better feel for what the changes will be.

**The hearing was continued to a site walk on Friday May 5th, at 4:00pm.**

**The Board will meet at the Town office and proceed to the property, and then back to office to deliberate.**

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**ZBA 23-09** Com2 Media / Rob Cummings, Owner  
90 River St, Map 239 Lot 38, Zone: General Business, with town water

Variance Extension Request (previous case number ZBA 21-12) – The applicant requests an extension to a previously approved variance to allow reconstruction of a nonconforming building. (Land Use Code, Zoning Ordinance Section VI, 6.1 & VII 7.2.1)

Marc Tieger recused himself from this hearing, and was replaced by Cournoyer.

Presentation: Marc Tieger

Rob Cummings is asking for an extension to ZBA 21-12, that is expiring in May 2023. Mr. Cummings would like this approval extended so that when he sells the property the approval goes with it. No changes to the plan that was approved, a copy was included in the request.

**DELIBERATION**

There was discussion on the location of the lot and the length of the extension, the Board came to the consensus to approve a 2-year extension.

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**DECISIONS**

**ZBA 23-09** Com2 Media / Rob Cummings, Owner  
90 River St, Map 239 Lot 38, Zone: Suburban, with town water

Variance Extension Request (previous case number ZBA 21-12) – The applicant requests an extension to a previously approved variance to allow reconstruction of a nonconforming building. (Land Use Code, Zoning Ordinance Section VI, 6.1 & VII 7.2.1)

On a motion by Cournoyer, seconded by Brayall, to grant the extension of the Variance to allow reconstruction of a non-conforming building. (5-0-0)

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**ADJOURNMENT**

The meeting adjourned at 7:45pm

Submitted:

*Robert for  
Susan Mallett*

Susan Mallett, Recording Secretary

Attest:

*Lee A. Sawyer*

Lee A. Sawyer, Chairman, Jaffrey ZBA