

Town of Jefferson
Zoning Board of Adjustment

Minutes
August 11, 2022

Chairman Kim Perry opened the meeting at 7:30 p.m.

Members present: Chairman Kim Perry, Jason Call, Tom Walker, Rodney Houghton, Wayne Bilquin, alternate

Absent: Biff Wyman

Others present: Charlene Wheeler, Board secretary; Albert Ponte, Paul Selfridge, Tom Tetrault, Corinne Tetrault, Mark Gross, Marie Cameron, Marty Cameron

In the absence of a Board member, Wayne Bilquin was designated a voting member of the Board.

Appeal – Albert and Carol Ponte

Chairman Perry opened the public hearing for case # 207-2022 for an application for a Variance from Albert and Carol Ponte in accordance with Article IV, Section 2 of the Land Use Ordinance. They propose to construct a 12' x 16' storage shed and future residence at 285 Israel's River Road, Map 14, Lot 33G, closer to a lot line than the 50' required. The shed would be 10' from the lot line to avoid other structures and the location of the septic system design. It would be on a floating foundation and permanent structure made of wood and well under the maximum high allowed. The residence would have a corner about 45' from a lot line. The grandfathered lot contains 1.13 acres and the building area is made more limited by a steep drop off on ground to the rear of the lot as well as a wet area to the right. The septic system has already been designed and well radius of 75' noted to avoid the septic. The Board secretary reported a letter had been received from Thomas and Corinne Tetrault who are owners of Lot 33F abutting the Ponte's lot. They raised an objection to the plan saying their lot is small as well and they are more restricted in their ability to construct a dwelling. Both were in attendance at this hearing. They said the placement of the Ponte leach field would render their property unbuildable. They said there wouldn't be a suitable location to allow drilling equipment for a well. A discussion followed about NH Department of Environmental Services (DES) setback requirements Board for wells and septic systems. Board members agreed the Pontes had a design already submitted and approved by NH DES and that is the only proposal in front of them to consider. It was hoped things could be worked out between neighbors. There being no further questions or comments, Chairman Perry closed the public portion of the hearing. Mr. and Mrs. Tetrault left the meeting.

Deliberations began. The proposal will not diminish property values., the shed will allow for storage of items out of sight and be well built. Plans for septic and well have already been designed and approved. Future structures will enhance surrounding property values yet maintain the rural character of the neighborhood. Granting the Variance will not harm the public interest because it will improve the lot and increase the tax revenue to the town. The unique size (1.13 acres) and topography of the lot creates a hardship since there is little option as to where to reasonably place any structure, well, and septic. They already have an approved NH DES plan. It will do substantial justice given the unique lot and allow for safe, out-of-sight storage of items. The use is reasonable, the property will retain it's rural and agricultural appearance. The use is not contrary to the spirit of the ordinance, the health and safety of the inhabitants of Jefferson as well as property values are protected. Rodney Houghton made the motion to grant the Variance for both placement of the shed and house, seconded by Tom Walker. The vote to accept the motion was unanimous. Mr. and Mrs. Ponte will receive a letter and notice of the decision from the Board secretary. They thanked the Board and left the meeting.

Appeal – Marie and Marty Cameron

Chairman Perry opened the public hearing for case # 208-2022 to hear an application for a Special Exception from Marie and Marty Cameron, in accordance with Article III, Section 2 of the Land Use Ordinance and for a possible Variance in accordance with Article IV, Section 2 of the Land Use Ordinance. Marie Cameron proposes to operate a paper crafting business at 122 Presidential Highway (Map 1, Lot 19), in a small 12' x 28' building next to their residence. She plans to teach paper crafting classes (2 a month) as well as sell paper crafting supplies. Based on Mr. Cameron's measurements the closest the building comes to a lot line is 51' in the direction of the snowmobile clubhouse property. The canopy set up towards the front of the lot is temporary and is removed in the winter months. The Board determined a Variance was not necessary for either the small building ~~or the canopy~~. The building will require a building permit from the Select Board and if the building is heated this fact needs to be noted on the permit. Jason Call asked about parking and was told there is sufficient room for expected patrons without a need to park along Route 2. The parking area is even larger in the winter when the canopy is not in use. A letter was read from Biff Wyman, a member of the Board who had to be absent, saying he had read the application and he would hope the Board would grant the Special Application and Variance is needed.

There being no more questions or comments, Chairman Perry closed the public portion of the hearing and deliberations began.

In acting on an application for a Special Exception as outlined in Article VII, Section 1C of the Land Use Ordinance, the Board shall take into consideration:

- (1) The proposed use shall be one permitted by this Ordinance as a Special Exception.
- (2) The specific site is an appropriate location and of adequate size for such use.
- (3) This use will not adversely affect the adjacent area.
- (4) The proposed use will be in keeping with the stated purpose of this Ordinance.

The first criteria is met, this can be considered a small home-based business as defined in the Land Use Ordinance. The specific location is appropriate, and the lot size is sufficient to accommodate the intended use. It is set back and allows for sufficient parking for the business. The third criteria is met, the use will not adversely affect the adjacent area. This is a type of business which will not generate noise or other issues such lighting, numerous people coming and going, the use of large trucks or equipment, etc. The proposed smaller building fits into the neighborhood. The proposal is in keeping with the stated purpose of the Ordinance which seeks to maintain the present unique character of the town of Jefferson along with its existing property values. The rural nature of the town would be preserved.

Tom Walker made the motion to grant the Special Exception, seconded by Rodney Houghton. The vote to accept the motion was unanimous. The Camerons will now have to submit a building permit to the Select Board for approval. Mr. and Mrs. Cameron will receive a letter and notice of the decision from the Board secretary. They thanked the Board and left the meeting.

Minutes

Rodney Houghton made the motion to approve the minutes as read of the July 14, 2022 meeting, seconded by Jason Call. The vote to accept the motion was unanimous.

Other Business

Mark Gross asked to speak to the Board about a building permit to place a gazebo 20' feet from the Israel River which borders his property which will probably be denied if he doesn't receive a Variance. He said

he had collected information about setbacks from the NH DES and should be able to do this without a Variance. But he was asking the Board if they would allow the proposal even if the structure violated a setback rule. Board members said they couldn't commit to any decision without a formal application and a hearing. It also seemed to be the case on reading one of Mr. Gross's documents that any construction would require some type of permit from NH DES. Mr. Gross was advised to first deal with the status of the building permit and, if needed, submit a formal application to the Zoning Board of Adjustment.

The Planning Board has planned a public hearing on Tuesday, September 20 to present the final draft of the new Master Plan. Copies of the Plan should be available on the town's website and at the town office to read starting August 20. Any member of the Zoning Board of Adjustment is invited to attend.

The Board secretary reported on a letter received by certified mail from Bonnie Akerman requesting records pertaining to any complaints made by Paul or Tracey Ingersoll against James and Bonnie Akerman or Coos Enterprise LLC. She explained she had received a complaint around May 6 by email and since complaints are not investigated or enforced by the Zoning Board of Adjustment but by the Select Board forwarded the email to the administrative assistant at the town office. This action taken was reported to the Zoning Board of Adjustment at their meeting on May 12 and was noted in the meeting minutes on the town's website and on file in the town office. The Board secretary spoke to Ms. Akerman by phone explaining the role of a Zoning Board of Adjustment and said the town office should have the original record of the complaint from the Ingersolls and she should contact Amanda Simino, the administrative assistant, for further help.

Jason Call made the motion to adjourn the meeting, seconded by Tom Walker. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Charlene Wheeler
Secretary to the Board