

Town of Jefferson
Board of Adjustment

Minutes
July 14, 2016

Acting Chairman Jason Call opened the meeting at 7:35 p.m.

Members present: Jason Call, Acting Chairman; Biff Wyman, Tom Walker

Members absent:, Kim Perry, Cricket Ingerson

Others present: Charlene Wheeler, Board secretary; Rodney Houghton, Ashleigh Stanley, Kristy Kenison, Joshua Overton, Sr., Darlene Davis, Barry Nelson

Jason Call welcomed Rodney Houghton as an observer to the meeting. Mr. Houghton is considering becoming a member of the Board of Adjustment.

Hearing of Appeal – Stanley and Kenison

Acting Chairman Call opened the public hearing for case # 179-2016. Ashleigh Stanley and Kristy Kenison are applying for a special exception in compliance with Article III, Sections A and C of the Land Use Ordinance. The applicants propose to operate a small business, named Sweet Creations, in a building on property located at 753 Presidential Highway, Jefferson, NH; also known as Map 5A, Lot 33. The property is being leased from the owners Ken and Barbara Dobson. Copies of the application were distributed to each Board member for examination. Acting Chairman Call read the application stating the applicants' reasons why the special exception should be granted. Application fees were received and notices mailed and posted as required.

Ms. Stanley said the business is a bakery and events planning business and would be located in what had formerly housed the Hometown Market which had closed more than a year before. They are planning to have cakes, muffins, donuts, pastries, coffee , etc. There will be seating for about 10 to 12 people. They do not plan to serve other types of food so that it could be considered a deli type operation. They also plan to have a space to meet with clients who want to plan parties as well as an area to sell party supplies. The hours of operation would be 6 a.m. to 2 p.m. Monday through Saturday and 8 a.m. to noon on Sunday. They will have no other employees. State licenses have been applied for and the Board determined obtaining them did not have to be stated as a condition of operation. State requirements would supersede such a condition.

There were no other questions or comments from the public attending. The Board secretary reported no communications had been received from abutters or the general public. Acting Chairman Call closed the public portion of the hearing.

The requirements of a small business as listed in the Land Use Ordinance were read:

. a **Small Business** is defined as follows:

1. Business limited to 25 employees or fewer. (amended 1993)
2. No objectionable effects shall result from a Small Business, such as, but not limited to, noise, traffic, dust.
3. A Small Business does not create a big business atmosphere.
4. A Small Business may include but not be restricted to, a small woodworking shop, machine shop, assembly shop, office work, research and development, warehousing.

It was determined the proposal did fit under this definition. Tom Walker made the motion to grant the special exception without conditions, seconded by Biff Wyman. The vote to accept the motion was unanimous. Ms. Stanley and Ms. Kenison thanked the Board and left the meeting.

Hearing of Appeal – Overton

Acting Chairman Call opened the public hearing for case # 180-2016. Joshua Overton, Sr. is applying for a variance in compliance with Article IV, Section 2 of the Land Use Ordinance. The applicant proposes to build a 24' x 32' garage on his property. The setback of the proposed garage would be less than 50 feet from a property line. The property is located at 6 Turnpike Road, Jefferson, NH; also known as Map 1, Lot 28. Copies of the application were distributed to each Board member for examination. Acting Chairman Call read the application stating Mr. Overton's reasons why the variance should be granted. A diagram showed the garage would be about 15 feet from the property line. Application fees were received and notices mailed and posted as required.

The hearing was opened to the public for questions and comments. Mr. Overton described the configuration of the property. The proposed garage would be about 15 feet from the property line between his land and a strip owned by the State of New Hampshire which borders on Route 2. He said the building would be about 95 feet from this highway's center line. A metal storage container now sitting on the lot would be removed and the contents stored in the new garage. The garage would have a 12 foot ceiling and a storage area above. The lot is less than 2 acres and there are already two septic systems on the property, his and a neighbor's. This is the only place to set the structure. Barry Nelson stated there was no issue with access for safety vehicles. There were no communications from either abutters or the general public. Acting Chairman Call closed the public portion of the hearing.

Deliberations began. The proposed use would not diminish surrounding property values because it would increase the value of Mr. Overton's property. It will provide better storage. The setting is such as to not impact the state highway. Granting the variance will not harm the public interest. No members of the public including abutters objected to the proposal. The town would receive an increase in tax revenue without an impact on services. There will be no increase in traffic and the use of the building is strictly personal. Denial of the variance would result in unnecessary hardship. The layout is unique to this setting and it preserves its rural beauty, it fits into the neighborhood setting.

The lot predates the Land Use Ordinance, it would be unfair to penalize the owner because of the small size of the lot. The presence of two septic systems installed there limits building area. The proposed use seems reasonable for the lot and will not injure the public or private rights of others. Granting the variance would do substantial justice. The proposed use seems reasonable for the lot. The use is not contrary to the spirit of the ordinance. There were no public comments against the proposal. There is no overburdening the lot or intruding on neighbors.

Biff Wyman made the motion to grant the variance requested without additional conditions, seconded by Tom Walker. The vote to accept the motion was unanimous. Mr. Overton thanked the Board and left the meeting.

Minutes

The minutes of the June 9, 2016 meeting were read. Biff Wyman made the motion the minutes be approved as read, seconded by Tom Walker. The vote to accept the motion was unanimous.

New State Law on Accessory Dwelling Units

An article outlining the new state law on accessory dwelling units (ADUs) was distributed. The Board has had applications in the past asking to place an additional dwelling on a lot to allow children to assist their parents. Should any amendments be considered to the town's Land Use Ordinance in light of this new legislation? Board members will read the information and discuss it at a future meeting.

Jason Call stated he hoped Mr. Houghton, having attended this meeting, would consider becoming a member of the Board. He was asked to contact any of the Board members or the Board secretary.

Biff Wyman made a motion to adjourn the meeting, seconded by Tom Walker. The meeting was adjourned at 8:35 p.m.

Charlene Wheeler
Secretary to the Board