

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
January 2, 2024

Present: Chairman Lee Sawyer, Members Marc Tieger, Erlene Brayall, Walter Batchelder, Carl Jevne, Phil Cournoyer (alt), David Jeffries (alt), Judy Lucero (alt)

Other: Steve & Lisa Jackson, Janet Grant, Anne Schierioth, JF McLaughlin, Sam Greene, Suze & Ken Campbell, John Grosvenor, Cheryl Hackett, Anne & Cassius Webb, Randy Beers, Cadigan Gregory, Sean Wiley, John Lucero.

Staff: Rob Deschenes, Code Enforcement/Building Inspector (*arrived at 6:30 pm*), Recording Secretary Newton

MEETING MINUTES APPROVAL

On a **motion** by Jevne seconded by Batchelder the minutes of December 5, 2023 were approved as presented. (5-0-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 24-01, 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

By unanimous consent, the Board determined that ZBA 24-01 would not have regional impact.

ZBA 24-01 No Box Realty, LLC, Owner, Gene & Castine Clerkin, Applicant
379 Main St, Map 228 Lot 32, Zone: Res A & Historic District, with Town water

Variance – The applicant requests a variance to allow the expansion of a non-conforming use in the Res A district. (Land Use Code, Zoning Ordinance Section IV, 4.2 & VII, 7.1.2)

Presentation: Castine Clerkin

Mr. & Mrs. Clerkin have entered into an agreement with No Box Realty (Randy Beers) to purchase the Monadnock Inn. The Land Use Code (LUC) states that an Inn/Hotel must be “occupied by an owner or resident manager,” however, the existing innkeepers’ quarters are not large enough to accommodate their family. They are before the Board to request an expansion of a non-conforming use to enlarge the innkeepers’ living quarters to enable their family of four to live on-site as required by the LUC. The proposed addition will not infringe on the setback.

Mrs. Clerkin shared architectural plans of the proposed two-story addition at the rear of the building. The 30’ x 30’ footprint includes a 2-car garage on the first level with living space above.

Mrs. Clerkin read the application as presented:

A variance is requested from Section 4, article 4.2 and Section 7, article 7.1.2 of the zoning ordinance to allow expansion of the Monadnock Inn's existing nonconforming use. The proposed expansion will be a two-story structure extending straight back from, and connected to, the rear ell. The addition will include a two-car garage below and second floor living space for the innkeepers with an estimated footprint of 25' x 32', and an 8' x 17' vestibule between the existing structure and the new addition. The expansion is necessary to better support the Inn's primary use and provide adequate space for the new owners to reside and manage the Inn per the definition in the 2023 Land Use Code:
INN/HOTEL - A building or property which contains a dwelling unit occupied by an owner or resident manager, in which 4 or more lodging rooms or lodging rooms and meals are offered to the general public for compensation. (2023)

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1. *Granting the variance would not be contrary to the public interest because the Monadnock Inn is a current nonconforming use building that has been an integral part of the historic district for over a hundred years. The proposed expansion will be a "natural, but limited expansion" (as allowed by article 7.1.2) extending from the back end of the ell and will not alter the essential character of the neighborhood. It will allow new onsite ownership, and associated revitalization of the Inn, making it possible to comply with the current definition of an inn as stated in the 2023 Land Use Code.*
2. *If the variance were granted, the spirit of the ordinance would be observed because the expanded dwelling will continue to operate as an Inn under its existing nonconforming use. The expansion will be limited to the rear end of the ell and will not have a significant impact on the neighborhood, in fact, new onsite ownership will likely be well-received by the neighborhood and the community in general.*
3. *Granting the variance would do substantial justice because there is no anticipated harm to the public. The expansion of the nonconforming use will allow onsite occupancy so the Inn can continue to operate with new onsite ownership and be revitalized as the heart of the community.*
4. *If the variance were granted, the values of the surrounding properties would not be diminished because we will improve the operation and appearance of the Inn upon assuming ownership. As everyone is aware, the Inn has fallen into disrepair over the last few years. As new owners, we will renovate the innkeepers' quarters and put on the addition to allow adequate living space for our family. We will also immediately fix the facade of the Inn, thereby improving the value of the surrounding properties.*
5. *Unnecessary Hardship:*
 - A.i. - *Section 4, article 4.2, is designed to limit the allowable uses within the Residence A district. The Monadnock Inn sits in this district and has been previously approved as a nonconforming use, given its long-standing operation as an iconic Inn in the heart of the historic district. Section 7, article 7.1.2, is intended to limit substantial expansion of a nonconforming use. The proposed expansion will be "natural, but limited" to allow larger living quarters for onsite ownership as required by the definition of an Inn/Hotel in the 2023 Land Use Code. The Monadnock Inn is a special condition and a restriction on expansion of its nonconforming use would not serve the purpose of the Inn in a fair and substantial way. Without the waiver to allow expansion of the existing non-conforming use, we would not be able to assume ownership and revitalization of the Inn.*
 - A.ii. - *The Monadnock Inn has been operating as an inn for over 100 years and is an approved nonconforming use. The proposed expansion of the current nonconforming use is reasonable because it allows us to meet the newly revised definition that an Inn/Hotel must be "occupied by an owner or resident manager." The expanded use will not alter the essential character of the neighborhood.*

John Grosvenor, abutter. Is in favor of the petition. He noted that the building is located in the Historic District and would like to see the HDC weigh in on the proposal. He asked how many rooms will be available for rent? Will the innkeepers' quarters be converted to rental rooms? Mrs. Clerkin responded that they are not proposing to add any more rooms to the Inn. The existing innkeepers' quarters will be renovated and incorporated into their living space.

Randy Beers, No Box Realty. According to the information provided to him when he purchased the Inn the Historic District only extended 100 feet back from the road, therefore, the rear of the building should not have to conform with the HDC regulations. Gene Clerkin added Steve Bracket, Chair of the Historic District Commission, agreed with Mr. Beers' statement.

John Grosvenor suggested that the Board request a pro forma demonstrating this is a viable business model. M Tieger responded that is not the Board's concern.

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Cadigan Gregory, abutter. Is not opposed or in favor of the proposal, but is looking for more information. Will granting this variance lead to a further expansion in the future? Chairman Sawyer clarified that the request is for an expansion of a non-conforming use.

Janet Grant, resident. Wants the Inn to be successful again, it is the core of Jaffrey Center. She asked the applicant, what is your vision for the property? Mrs. Clerkin stated they plan to use a phased approach: phase 1, continue to rent rooms during renovations, phase 2, renovate the kitchen and open the pub, phase 3, reopen the restaurant.

Ken Campbell, resident. Mr. Campbell stated he has enjoyed many meals at the pub and is looking forward to its return. He welcomes its revitalization.

Janet Grant, had questions regarding internal construction. Chairman Sawyer responded, those questions will be addressed by the Building Inspector. R Deschenes stated that any proposal of more than 1,000 square feet would go to the Planning Board for site plan approval.

Cadigan Gregory asked is the height of the proposed addition the same height as the existing building? Mrs. Clerkin responded that it will be higher than the existing ell to allow for the garage. Ms. Gregory requested that the owner shade the lights in the back of building.

Mrs. Clerkin responded that they understand how important it is that the addition blend in with the neighborhood. The addition will be aesthetically aligned with HDC requirements. Mr. Clerkin added that the ell was not constructed in a manner that matched the style of the main inn. The renovation would improve the cohesive esthetic of the two buildings.

Sean Wiley, abutter. He feels that Mr. and Mrs. Clerkin will be sensitive to the look of the building.

R Deschenes offered some clarification. What they are proposing is an expansion of a non-conforming use which is grandfathered. It is within the Boards' purview to make their decision based on the stated cubic content of the expansion. The applicant needs to know that they will be able to outfit the building to meet the needs of their family before they agree to purchase.

W Batchelder stated that the request is for a use variance, E Brayall, agreed. The ZBA has no jurisdiction over the look of the interior/exterior of the building, that would be the Historic District Commission. R Deschenes noted that the Historic District boundaries are described as 200 feet south of Main Street. Some of the land is outside of the Historic District, but the proposed addition is within it.

M Tieger noted that the majority of the attendees are in favor of the return of the Inn.

The hearing was continued to a site walk on **Friday, January 5, 2024 at 1:00 pm**

ADJOURNMENT

The meeting adjourned at 7:10 pm
Submitted



Rebecca Newton, Recording Secretary

Attest:

Lee Sawyer, Chairman, Jaffrey ZBA

