

**Jackson Board of Adjustment
January 3, 2018**

Members in Attendance: Frank Benesh, Dave Mason, David Matesky and Huntley Allen and James Gleason

Chairman Frank Benesh called the meeting to order at 7:00 p.m.

Re Elections are required to take place at the first meeting of each year according to the by-laws.

Current chair Frank Benesh was nominated to serve again as Chairman while Dave Matesky was nominated to serve again as Vice Chair.

Motions were made to approve both positions and they were seconded.

Public Hearing - Request for Variance, Owner David Mason, Map R11, Lot 8: 276 Iron Mountain Rd

Chairman Benesh brought to attention a letter that was emailed to all Board members from Roy Willits as well as a drawing of the property in question.

Chairman Benesh summarized the situation explaining that there is a small addition being built at the rear of the cabin that no building permit had been approved for.

Special conditions are that the entire cabin is in a proscribed 50 ft. setback from the traveled way of a road and within the proscribed 50 ft. setback from a year-round stream, and surrounding properties are in conservation easement. What is needed is a variance to the front setback. One abutter has written in favor of approving the setback.

In support of why he believed the variance should be granted, property owner, David Mason stated that he is just adding a small storage shed to his unheated cabin. He is using locally sourced wood, reusing old wood along with old glass from 1850 to add to the character of the building since he believes in historic preservation.

Huntley questioned if the brook was seasonal or not. David Mason stated that it is seasonal and typically dries up completely in the summer.

Dave Mason asked to make a motion to vote on the 5 prongs.

The Board unanimously agreed that the variance is not contrary to public interest and that the spirit of the ordinance is preserved. The Board agreed unanimously that substantial justice was done by granting the variance and the value of the surrounding properties were not diminished. Lastly, it was unanimously agreed by the Board that the literal enforcement of the provisions of the ordinance would result in a non necessary hardship.

The Board voted unanimously in favor of granting the variance as requested. Chairman Benesh will let the building inspector know the decision.

Chairman Benesh noted that any abutter, or anyone owning an easement, which in this case would include Upper Saco Valley Land Trust, or the selectmen, can object to this

decision within 30 days and force a rehearing, therefore the permit may not get approved until the 30 day period is over.

Chairman Benesh stated that according to NH laws regarding permits on Class VI roads, the living area of the current building can not be enlarged without seeking approval from the Board of Adjustment. He further stated that the small storage shed that is underway does not qualify as an increase of living area. IF an increase were to be sought, a waiver would need to be filed stating that it is known that the fire department can not easily access that property. David Mason acknowledged this information and mentioned he has no intention of enlarging the living space of the current cabin.

There being no further business, Chairman Benesh adjourned the meeting at 7:20 pm.

Respectfully submitted by,

G. Hutchings