

## Town of Jackson Board of Adjustment

### Notice of Decision

Case 2014-02: Application for an Exception to RSA 674:41 limiting the granting of building permits where a lot does not have access to a street, submitted by Arthur "Sonny" Couture with regard to Map R-13, Lot 19 on Green Hill Road.

Decided May 21, 2014, Decision Published June 3, 2014

#### Background

- 1) Arthur R. Couture (the "Applicant") is owner of a parcel shown as Map R-13, Lot 19 off Green Hill Road. Said property does not have frontage on Green Hill Road and access is only by an easement from Daniel Samson, owner of Lot 20
- 2) A building permit application for a barn was denied by the Town of Jackson for lack of compliance with RSA 674:41. Said application also indicated an intention to build a single family house.
- 3) The Applicant is constructing a driveway that is expected to meet the Town of Jackson Driveway Standards according to the Road Agent and Fire Chief. The Road Agent and Fire Chief believes no additional requirements are necessary for fire safety .

#### Findings

- 1) The Board finds that the inability of Mr. Couture to construct a dwelling is an unnecessary hardship and creates a practical difficulty, as no fair and substantial relationship exists between the public purposes of the restriction and the application of the restriction to this property, after completion of a driveway to the Town of Jackson standards and the additional restrictions of this approval.
- 2) The Board finds that there is a connection to the street (Green Hill Road) of sufficient quality and the circumstances of the case do not require further connectedness to a street.
- 3) The Board finds that there is no evidence that this approval will make it more difficult to carry out the Master Plan and that there is no official town map.
- 4) The Board finds that this approval will not cause hardship to the town or future purchasers of the parcel, presuming that an acceptable municipal lien waiver is filed.

#### Decision

Given the findings cited above, The Board of Adjustment grants the requested exception to RSA 674:41 by a vote of 5-0, with the following condition:

- 1) Before granting a building permit, an municipal liability waiver satisfactory to the Town Counsel, Peter Malia, must be executed and filed with the Registrar of Deeds in Carroll County.

This decision may, for 30 days, be subject to a motion for a rehearing from any party of interest or the Selectmen. It should not be considered final until lapse of that period. Copies of this decision are provided to the Applicant, the Planning Board, Board of Selectmen, Town Clerk, Assessor, and Building Inspector.

Frank Benesh, Chairman, Board of Adjustment