

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
April 3, 2012

Present: Chairman Sawyer, Members Belletete, Campbell, Dodge and Webber

Absent:

Staff: Recording Secretary Lemire, Town Counsel Dowd

MEETING MINUTES APPROVAL

On a motion by Campbell seconded by Belletete, the minutes for the March 6, 2012 meeting were approved as submitted. (3-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:30 p.m. The rules of procedure were read aloud. Notice of hearing for case Nos. ZBA 12-03 as advertised in the *Monadnock Ledger-Transcript*; copies were posted in the Town Office building and the Library; 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 applicants. Prior to any discussion by the board a sign-in sheet was distributed to the audience.

Public Hearing - New Items

1. ZBA 12-03 Lovett, Erin & Ruck, Edward (property of 52 Fitzgerald Dr., LLC), 52 Fitzgerald Dr., Map 244 / Lots 30; Zone: Industrial

Variance - The applicant proposes the start up and operation of an animal crematorium. (Zoning Ordinance, Section III, 3.5)

Presentation: Erin Lovett & Edward Ruck

Appearance:

Ms. Lovett stated that they are proposing to open a pet crematorium at 52 Fitzgerald Drive in the Drumlin Industrial Park for any animal up to two hundred pounds. Information regarding the machinery was on hand and had been submitted to the board with the application. Ms. Lovett stated that there will be nothing obvious from the outside; it is the type of business that will not be evident.

Member Belletete asked which building is 52? Ms. Lovett stated that it is owned by John Hill. They will be leasing a 1,200 square foot portion of the building. There are several other tenants ranging from industrial storage and a septic business to a granite company.

Member Belletete asked if there were any issues with noise relating to the machinery. Ms. Lovett stated there is not. Member Dodge asked how it is ventilated. Ms. Lovett explained that there will be a twenty inch stack with two chambers that will go up through the roof to a height approximately four feet above the roof line. The machine is odorless and smokeless and meets all DEA regulations. Member Campbell asked where the nearest pet crematorium is. Ms. Lovett believes there closest one is in Troy. There is also one at the Monadnock Animal Shelter and one in Hollis, NH.

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Member Dodge asked if people would bring their pets to them or do they pick them up. Ms. Lovett explained that they could pick them up but typically they would work with local veterinarians. The animals would have been stored (frozen) at the vet's office and they would pick them up and bring them to their facility.

Member Campbell asked if they have a big freezer. Mr. Ruck replied that they will. Member Campbell asked what they planned for operating hours. Mr. Ruck stated that initially they plan on week-ends but hope for five to seven days. At this time it is strictly a start-up business.

Although asking for herself Ms. Ann Booth of New Ipswich is a volunteer at neighboring Kitty Rescue and would like to know if there is a nearby establishment that could be visited. Mr. Ruck stated that they are around and fairly easy to find however they would be a much larger scale than what is being proposed. Ms. Booth expressed concern for any smoke/odor given that the Good Shepard Nursing Home is nearby. Ms. Lovett stated that although they have not personally visited a business in operation they have gone to a facility where the machinery is made and spoken at length with the company. Prior to opening for business they would be trained at their own facility by the company. Ms. Booth asked if there were scrubbers within the machine to ensure that there are no particulates. Mr. Ruck explained that there are two chambers in the machine. The main chamber at 1600 degrees burns off everything in there. Any kind of smoke is moved to a second chamber and again heated to 1600 degrees and burned off. Ms. Booth asked about the db levels; she was provided a copy of the specs. Compared to the noise that goes on inside the industrial park Mr. Ruck doesn't think that that you will hear anything. He feels they are comparable to the glass blowing studio in the building next door.

A site visit was planned for Friday, April 6, 2012. The board will meet at the town office at 4:15 p.m.

There being no further comments, Chairman Sawyer continued the public hearing for this item.

Deliberations – April 6, 2012

In attendance were Chairman Sawyer, Members Dodge, Belletete and Webber. Absent was Member Campbell.

There being no further discussion, Chairman Sawyer closed the public hearing for this item.

Following the site visit Member Belletete commented that the proposed use would be in the industrial district and he feels it is the proper area. Member Webber pointed out that funeral homes and mortuaries are allowed in the Residence B district but there is no mention of crematoriums in any district. Chairman Sawyer commented that he has been by the Troy facility when it is in operation and it is not obvious.

Member Belletete addressed the request stating that per the application he feels all of the variance criteria had been met. Member Dodge agreed.

Public Hearing - Continued

None

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DECISION

1. ZBA 12-03 Lovett, Erin & Ruck, Edward (property of 52 Fitzgerald Dr., LLC), 52 Fitzgerald Dr., Map 244 / Lots 30; Zone: Industrial

Variance - The applicant proposes the start up and operation of an animal crematorium. (Zoning Ordinance, Section III, 3.5)

On a motion by Dodge, seconded by Belletete the application for a variance to allow the start up and operation of an animal crematorium was approved as submitted and per testimony given. (4-0)

OTHER BUSINESS

On a motion by Dodge, seconded by Belletete the board recessed for an executive session for purposes of legal counsel. (5-0)

On a motion by Dodge, seconded by Belletete the board returned from executive session. (5-0)

Request for Rehearing; Mazzola ZBA 12-03 –

Chairman Sawyer stated that there are a couple of issues in need of clarification. Chairman Sawyer summarized as follows.

As for the special exception; there were two, one for the use of the proposed building on 3.5 acres of land and the other for the use of the trails. Although they were discussed as two they were voted on as one because the issues were inter-related. The board recognized there were two items and knew this when they put them into one decision.

The other issue is of regional impact. Amongst the board it was clear to some that the project included land in Rindge; which consists of approximately 60 acres. This does not affect the board's decision. Ms. Mazzola has no permission from the Jaffrey Zoning Board to do anything on the land in Rindge. It does allow for a little less land for her trails until such time as she checks with and receives any necessary approvals from Rindge. The board made a finding of no regional impact and they are going to stay with that finding. The board believes they made that decision on just grounds.

Town Counsel Dowd added that it is important to make clear to the public that the board understands that the structure will be on the 3.5 acres in Jaffrey. The only thing in abutting proximity is the hiking trails.

On a motion by Dodge, seconded by Belletete the Request for Rehearing for case number ZBA 12-03 (Mazzola) was denied. (4-1) Roll call: Ayes – Dodge, Sawyer, Webber and Belletete. Nays – Campbell.

Election of Officers -

On a motion by Webber, seconded by Belletete the board re-elected Lee Sawyer to the position of Chairman.

On a motion by Webber, seconded by Belletete the board re-elected Ray Dodge to the position of Vice Chairman.

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ADJOURNMENT

The meeting recessed at 8:55 p.m., reconvened on Friday, April 6, 2012 at 4:15 p.m. and adjourned at 5:00 p.m.

Submitted:

Attest:

Erlene R. Lemire
Recording Secretary

Lee A. Sawyer
Chairman
Jaffrey Zoning Board of Adjustment

Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.