

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**August 14, 2012**

**Present:** Chairman Merrell, Members, Deschenes, Despres, Doane, Kresge, Moore and Selectmen's Representative MacIsaac

**Absent:** Members Grodin and McCarthy

**Staff:** Recording Secretary Lemire, JoAnne Carr, Director of Planning and Economic Development,

**MEETING MINUTES APPROVAL**

On a motion by MacIsaac, seconded by Doane the minutes of the July 10, 2012 meeting were approved as presented. (6-0)

**CALL TO ORDER**

Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Member Moore would vote.

**APPLICATION ACCEPTANCE**

None

**PUBLIC HEARING – NEW**

None

**PUBLIC HEARING – CONTINUED**

1. To consider changes to Site Plan Regulations

Section VIII, Standards of Performance

At the July 10 meeting Chairman Merrell suggested that they continue the hearing to August 14. Ms. Carr was asked to re-visit sections F and G with focus on replacing the word prohibit and make it a list of things that might preclude something that is a problem. Selectmen's Representative MacIsaac added the change from AP (aquifer protection) to GP.

Ms. Carr reviewed the proposed changes; hard copies were distributed to the board. Summary of the changes is as follows:

Frequency – a simpler definition was suggested. The proposal is “Frequency is measured in the number of sound vibrations in one second.”

Groundwater Protection – name to the map was specified. The proposals are:

Paragraph 1 - “and depicted on the map “Groundwater Protection Areas, Town of Jaffrey, 2012”.

Items B & E – Change AP Zones to GPA's (Groundwater Protection Area).

Item F – Delete entirely. This section was written specifically because of the expansion in the Millipore district.

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Selectmen's Representative MacIsaac asked if "F" is removed are they doing a disservice to the Town for the Millipore project. Ms. Carr wondered the same.

Member Kresge asked if the GPA's discussed are the well head areas? Ms. Carr replied "and the aquifer".

Item G – Addition. "All Uses and Activities subject to these regulations which generate hazardous waste as defined in RSA 147-A shall comply with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices for Groundwater Protection Rules."

During the discussion Member Kresge stated that his issue with substituting item G for F is that G is only applicable to hazardous waste generators, which is a specific defined activity.

Chairman Merrell suggested removing hazardous. Ms. Carr suggested the revised text to read "All Uses and Activities subject to these regulations ~~which generate hazardous waste as defined in~~ shall comply with RSA 147-A ~~all applicable state and federal requirements, including~~ Env-Wq 401.

Member Kresge questioned including the specific RSA – is there anything to comply with in 147A or is it simply a definition? Ms. Carr stated that it is broad however she feels that the RSA should be referenced; she could attempt to do it in such a way as to clarify it. Ms. Carr asked if they still wanted to eliminate item F. The board was undecided. Ms. Carr did state that comment from the DPW Director, Randy Heglin, was to put item F back in.

Ms. Carr asked for the consensus of the board regarding the GPA map. Chairman Merrell felt they could reduce it to the dark brown. Selectmen's Representative MacIsaac asked what would be the rationale for keeping it the way it is. Ms. Carr stated that it would mean you are protecting all of the groundwater resources. Since half the community derives its water supply from private wells you would be making an effort to protect individual wells for the public because they are not the beneficiaries of the municipal water supply. Chairman Merrell feels it is important to protect the private wells too.

The board was not ready to come to a consensus. Ms. Carr offered to reference the Statute (ie: 147 and 401) and regulations and to revise the map by removing the lower transmissivity (1001 – 2000 range).

Selectmen's Representative MacIsaac summarized that for the September meeting Ms. Carr will bring back a revised map, Item F will remain and she will be more specific on Item G; the board can then determine if they would like both or one. Odors remain and noise remains the same.

**There being no further questions Chairman Merrell continued the public hearing.**

**DECISIONS**

No Action

**OTHER BUSINESS**

Compliance Hearing - Van Dyke:

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Selectmen's Representative MacIsaac recused himself. Member Despres would vote.

The pending Alteration of Terrain Permit was issued by NHDES on July 25, 2012. The September 7, 2011 Compliance Hearing decision stated that once the permit was obtained it would be considered at a regularly scheduled meeting as a business item. Mr. Van Dyke is here for his final approval.

Chairman Merrell stated that in the minutes of the approval there was mention of a report that was to be submitted by DPW – was this ever submitted? Ms. Carr stated that everything has been submitted and the escrow account established.

On a motion by Moore, seconded by Doane the board determined that all conditions have been met and the compliance hearing is complete. (7-0)

Dublin Road – Annex

Mr. Van Dyke has purchased the Annex building on Dublin Rd. The building was previously approved for a four unit condominium however plans were not signed as the decision went into litigation. Recently the courts ruled in favor of the Planning Board's decision and the mylar can now be signed. Mr. Van Dyke is asking that the Chair sign the final plan so that he may record it at the Registry. A copy of the Courts decision was submitted to the board.

Impact Fees – Update

The consultant has reviewed the Town's ordinance and made some recommended changes. The other piece of the impact fees was updating the fee schedule and eliminating those fees that are not appropriate to be charging for, such as water and sewer as both of those regulations are slated to be updated. In summary, if you want to pursue impact fees you would continue to charge for schools, municipal facilities (general government) and roads.

Ms. Carr stated that if they are going to update the schedule they need to make the ordinance consistent with it. If this is something the board wants to take to Town Meeting next March then they need to review and accept the changes, go through the public hearing process and come to a good understanding of the fee schedule. The fee schedule is based on square footage of residential and commercial; presently it is based solely on residential.

Chairman Merrell asked if the report had a mechanism for keeping on top of the fees. Ms. Carr stated that the recommendation is to review it every two years.

Before making a decision the board asked to see the report and the existing schedule. Ms. Carr will make the distribution.

Class VI Roads

Chairman Merrell sent an e-mail to the Town's Attorney asking his opinion on a variety of things. At the last meeting Member Doane felt there should be an ordinance which is specific; a second option was to put it into the regulations and the third option was to establish a policy that the board and Selectmen would use as a guide. A copy of Attorney Dowd's response was distributed to the board for review. It will be discussed at the September meeting.

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In the past Member Grodin has raised the question of how do they maintain a road that has been allowed to deteriorate. Chairman Merrell stated that with RSA 231:59A there is a means of utilizing municipal funds to bring a deteriorated road up to a passable standard. Chairman Merrell also stated that he Googled class VI roads and came up with seven towns; six of which had adopted policy guidelines and one with an ordinance. Chairman Merrell felt the policy guidelines are the way to go. Members Kresge and Moore disagreed. Member Kresge did a sampling of nine area towns that addressed the issue in either subdivision regulations or zoning ordinances – not policy documents.

Chairman Merrell suggested that the board read Attorney Dowd's response and they will discuss it at the September meeting.

**ADJOURNMENT**

The meeting adjourned at 8:38 p.m.

Submitted:

Erlene Lemire  
Recording Secretary

Attest:

Edward Merrell  
Chairman, Jaffrey Planning Board