

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**September 12, 2012**

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

**Absent:** Members Deschenes and Grodin

**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 August 14, 2012 meeting were approved as amended. (6-0)

**CALL TO ORDER**

Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public hearing PB 12-11 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Members Despres and Moore would vote.

**APPLICATION ACCEPTANCE**

1. PB 12-11 SVE Associates (property of Teleflex Medical), 50 Plantation Dr., Map 243/ Lot 29.1,  
Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved subdivision.

On a motion by Kresge, seconded by Doane the board determined that the application was not one of regional impact. (7-0)

On a motion by Kresge, seconded by Doane the application proposing to amend a previously approved site plan was accepted. (7-0)

**PUBLIC HEARING – NEW**

1. PB 12-11 SVE Associates (property of Teleflex Medical), 50 Plantation Dr., Map 243/ Lot 29.1,  
Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved subdivision.

Presentation: Rob Hitchcock – SVE Associates

Appearance:

Mr. Hitchcock began by stating at the last meeting there was a question about ownership of Plantation Dr. As of two weeks ago the Director of DPW, Randy Heglin, said everything was fine. The mylars have been produced and waiting to be recorded.

As for the proposed project Mr. Hitchcock explained that Teleflex is proposing to construct a 2,800 square foot building referred to as the cold room. The main benefit is that all product presently stored in six on-site trailers will move into the new structure and the trailers will be removed. There will be no new water, sewer or employees as a result of the expansion. It is estimated there will be one truck delivery per week. Referring to the plan Mr. Hitchcock showed the options for truck delivery to this building pointing out that there will be two curb cuts. Delivery traffic does not appear to be an issue.

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Drainage is not expected to be problematic as there is a catch basin and everything will flow away from the town road. Arborvitaes will be planted in line with what currently exists. There are a few doors with concrete patios. New lighting will be limited to wall pack units at the doors.

Chairman Merrell asked if there was an overhead door for the deliveries. Mr. Hitchcock explained that there is an overhead door. The trucks will back up and either a fork lift or truck dock will be used to off load the delivery.

Chairman Merrell asked about the pits shown on the floor plan. Mr. Clay Creamer, Operations Manager explained the pit is for housing equipment. Selectmen's Representative MacIsaac asked if there is any noise or odor associated with the operation of the pit. Mr. Creamer replied no. Chairman Merrell asked about drainage should any liquid get into the pit. Mr. Hitchcock replied that there is no drainage to the outside, the storm drain or the sewer. If anything drains into the pit it would have to be manually removed. Mr. Creamer added that the pit itself is closed with a maintenance person going down into it about once a week for preventative maintenance.

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

**PUBLIC HEARING – CONTINUED**

1. To consider changes to Site Plan Regulations

Section VIII, Standards of Performance

As requested at the previous meeting Ms. Carr revised and distributed the groundwater protection area map to show only the areas between 2,001 and 8,000 + transmissivity.

Recommended changes to the verbiage for the Wellhead Protection was proposed and distributed for comment. Ms. Carr reminded the board that at the last meeting they were unsure about regulating all the aquifers town wide so for now the first step can be to regulate the wellhead protection areas and if you wish to expand it you can. It will become a Wellhead Protection Area within the site plan and it still captures Millipore. All references to Groundwater Protection Aquifer were amended to read Wellhead Protection Areas.

As for item F, There has been conversation back and forth and Ms. Carr is proposing to take the strike out of the language. She is recommending that they leave the language in; it is prohibitive uses and the area has been narrowed down. Part of the rationale for being concerned about that tight language was how extensive the aquifer areas were town wide. Chairman Merrell suggested amending the first sentence to include "Prohibited **but not limited to** the Wellhead". Member Kresge suggested amending it to read "Activities prohibited in the wellhead protection areas include but are not limited to hazardous waste disposal....." There were no other comments from the board.

Referring to Item G, Ms. Carr added that as a result of the board asking for more detail about RSA 147-A she has revised the language to read as highlighted in the distribution. Copies of RSA 147-A (Hazardous Waste) and 149-M (Solid Waste) were also distributed for the board's information.

Member McCarthy asked Ms. Carr about Bullet Pond and the surrounding land which is important to Jaffrey. Is there anything we should or could be doing to maintain awareness? Ms. Carr stated that Rindge does have an aquifer protection ordinance; she will reach out to the town of Rindge and have

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a conversation about protection. Member Kresge mentioned that it is no longer an active water supply.

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

**DECISIONS**

1. PB 12-11 SVE Associates (property of Teleflex Medical), 50 Plantation Dr., Map 243/ Lot 29.1, Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved subdivision.

On a motion by McCarthy, seconded by Doane the application proposing to amend a previously approved site plan to construct a 2,800 square foot structure was approved. (7-0)

2. To consider changes to Site Plan Regulations

Section VIII, Standards of Performance

On a motion by MacIsaac, seconded by Kresge the board voted in favor of the changes as amended. (7-0)

**OTHER BUSINESS**

Bob Van Dyke and Attorney John Ratigan - Stony Brook (signing of plans, discuss active & substantial)

Selectmen's Representative MacIsaac recused himself from the discussion.

Attorney Ratigan stated that phase 1 has been brought up to the base/gravel course. It is their opinion that this meets the active and substantial requirements and they are seeking that judgment from the board.

Chairman Merrell asked how much stone has been recycled. Mr. Van Dyke estimated 500 to 1,000 yards. Chairman Merrell asked if it was a continuing operation. Mr. Van Dyke stated that it was. Member Moore asked for the length of the road. Mr. Van Dyke estimated at 3,400 feet including the loop. Phase one has twelve units and extends to approximately the 1,400 foot mark of the 3,400 feet.

Ms. Carr agreed that the active and substantial is usually the road and utilities; the substantial completion is a different question.

The proposed language submitted by Attorney Ratigan read:

*That the Board recognizes that "active and substantial development or building" on the site has occurred within 24 months of the Board's 8/14/12 final approval by virtue of the fact that the phase 1 portion of the roadway has been constructed to the gravel base course.*

All members were in agreement that they have met the active and substantial.

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As for substantial completion Attorney Ratigan feels they could have the base portion of the pavement and the drainage done within the five year time period. Should all units not be sold within five years Mr. Van Dyke would not want to be forced to put the wearing course down; even though it will be a private road maintained by Mr. Van Dyke. They are proposing to do nothing more than the wearing course within the five year period. Attorney Ratigan contends that public improvements such as the road, utilities and drainage would qualify for substantial completion. In a subdivision you would not consider the individual lots for substantial completion and he feels they should be treated the same way which is cost, substantially completed, with a binder course down and the drainage and utilities in. Attorney Ratigan stated that they are not asking for anything more than what the statute says.

Ms. Carr feels the purpose of the substantial completion is to recognize that the project has been completed and is protected in perpetuity against changes in zoning and subdivision/site plan regulations. This project is phased and often boards will create a substantial completion plan consistent with the developers proposed phasing of the project. If the economy is faster or slower than anticipated there is nothing to prevent the developer from returning to the board and saying he needs more time to be substantially complete.

Member Doane asked if phase one is one hundred percent done what percent of that one hundred percent has been done so far; short of building houses. Mr. Van Dyke replied the gravels/paving and estimated fifty or sixty percent done.

Suggested language from Attorney Ratigan for substantial completion reads:

*That the Board defines the threshold for gaining “substantial completion of the improvements as shown on the plan” as installation of the entire roadway up to the binder course of pavement and the associated drainage within 5 years of 8/14/12.*

Member Moore suggested amending item two, substantial completion by adding the words “up to and including” (installation of the entire roadway **up to and including** the binder course)

On a motion by Moore, seconded by Doane the board voted to define active and substantial as:  
*That the Board recognizes that “active and substantial development or building” on the site has occurred within 24 months of the Board’s 8/14/12 final approval by virtue of the fact that the phase 1 portion of the roadway has been constructed to the gravel base course.*

and to define substantial completion as:

*That the Board defines the threshold for gaining “substantial completion of the improvements as shown on the plan” as installation of the entire roadway up to and including the binder course of pavement and the associated drainage within 5 years of 8/14/12.*

#### Impact Fees – Update

Chairman Merrell stated that there is an ordinance that was going to be reviewed by a consultant. Changes would be recommended and the fee schedule along with the way in which we develop the fee schedule would be updated. A proposal has been returned based largely on the Lebanon, NH ordinance.

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Ms. Carr did not feel there is a lot of difference and if they choose to go with the proposal it would be cleaner. Member Kresge feels there is one substantive omission in the proposal that is in the current ordinance which grants the Selectmen the authority to invalidate the impact fee program at any point after public hearing and planning board opinion. Member Kresge asked if they were going to address only the ordinance change or the fee schedule as well. Ms. Carr stated that the fee schedule would have to be adopted after the changes to the ordinance.

Ms. Carr polled the board to see if they were strongly in favor of keeping the impact fees? The board was in favor however Chairman Merrell commented that it has to be maintained. Ms. Carr offered to draft an integrated version of the two for the board to review at the next meeting.

Class VI Roads

Chairman Merrell reminded everyone that a letter from the Town's Attorney was distributed at the last meeting for the board's review.

Member Kresge feels that if they want to have a say in the patterns of development occur in the town then it should be in the regulations and the ordinances not in policy documents that are subject to easy change. Member Kresge pointed out that it is a fairly easy thing and he has supplied a number of examples on how other towns approach it. What is before the board is the question of what is more appropriate for the town; a policy or regulation and ordinance language.

Selectmen's Representative MacIsaac is of the opinion that it should be an ordinance as opposed to just a regulation and it should go to town meeting.

Member Moore feels it should be left as is and each request treated individually. Chairman Merrell feels if they get into specific language then they are locked in.

Ms. Carr stated that the subdivision regulations need to be updated and she suggested that the board review the recommended changes in the subdivision regs and the zoning that were submitted by Member Kresge.

Chairman Merrell senses that the board is saying we should make some changes in the subdivision regs. Although some is housekeeping some would address the class VI road issue in terms of subdivisions. Beyond that we would produce a policy that the board and the Selectmen would use as a guideline on a case by case basis.

Member Despres recalled one of the biggest objections raised by the residents was limiting housing to a certain amount of footage, six hundred feet, down the road. Chairman Merrell stated that he used six hundred feet because it was the result of a case before the court however he too recalled the objections and feels the number can be dropped and issues looked at on a case by case basis.

Ms. Carr relayed to the board that she has concerns with them evaluating roads and making determinations as to whether it's buildable or not. She feels this is dangerous in terms of telling people their land is undevelopable when there is nothing prohibiting them from upgrading the road or changing the circumstances. If at some point the DPW did a road inventory that is where a class VI road inventory belongs.

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Selectmen's Representative MacIsaac asked if there is a policy in place today and if so is it the one from 1972? Chairman Merrell replied that in 2004 there was a policy that he put together in conjunction with a committee that they had but it never made its way to the Board of Selectmen.

Ms. Carr recommended that if doing this as a policy it should be included in the land use regulation book as a policy so that it is visible and ask the Selectmen to adopt it. Ms. Carr distributed copies of recommendations made previously by Member Kresge. The board will review the documents for the next meeting.

Dollar General – Site Plan Application:

Ms. Carr gave the board a heads up that an application for a Dollar General store to be located at 95 Peterborough St. has been submitted for the October 9, 2012 public hearing. Several unsuccessful attempts were made to have them come in for a preliminary hearing. Due to the size of the project Ms. Carr wanted to make the board aware of the application.

A couple of meetings have taken place with the Selectmen, Town Manager, Ms. Carr and representatives from Dollar General. There have been lengthy conversations and in reviewing the plans Ms. Carr feels they are somewhat deficient in meeting some Downtown/Main St. Area criteria. They are intent however on moving forward with the plan that they submitted. The proposed concrete/metal structure is a 9,100 square foot building set back from the road with parking in the front.

The application review will take place on Wednesday, September 19, 2012 at 10:00 at the Town Office. Recording Secretary Lemire stated that Member Doane is next on the attendee's list in addition to Chairman Merrell. So that it is not considered a quorum no more than three planning board members can be in attendance.

**ADJOURNMENT**

The meeting adjourned at 9:06 p.m.

Submitted:

Erlene Lemire  
Recording Secretary

Attest:

Edward Merrell  
Chairman, Jaffrey Planning Board