

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
October 27, 2009

Present: Chairman Merrell, Members Doane, Grodin, Kresge, Moore and Selectmen's Representative MacIsaac

Absent: Members Deschenes, Foley and McCarthy

Staff: Recording Secretary Lemire, Building Inspector Baron

MEETING MINUTES APPROVAL

No action

PRELIMINARY HEARING

None

CALL TO ORDER

Prior to calling the meeting to order the board met in an executive session with Town Counsel Kelly Dowd.

Chairman Merrell called the public hearing to order at 7:35 p.m. The rules of procedure were read aloud. Notice of hearing PB 09-10 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 Deschenes, Foley and McCarthy were not present. Member Moore would vote.

Member Grodin stated that although he was not present for the previous meeting he has read all of the documentation and listened to the recording of the meeting. He feels that he is well informed and able to participate in this hearing. Member Grodin asked Attorney Tower and the board if there were any objections to his sitting on the case. Attorney Tower and the board stated that they had no objections.

APPLICATION ACCEPTANCE

None

PUBLIC HEARING – NEW

None

PUBLIC HEARING – CONTINUED

1. PB 09-11; Jaffrey Auto, 26 Fitzgerald Dr., Map 244 / Lot 32, Zone: Industrial

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

Presentation: Attorney David Tower

Appearance:

Attorney Tower stated that he made a visit to the site with the DPW. They toured the site, addressed Best Management Practices compliance and how they can move forward allowing Mr. Cody to proceed with his planned expansion. During the site visit DPW Director Randy Heglin made a number of observations that he thought needed to be addressed. Attorney Tower reviewed those

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issues with Mr. Cody and he is in favor of implementing BMP's. A letter stating this was given to Mr. Heglin.

One of the issues noticed during the site visit was some paint tint used by Charron Auto Body. On occasion there will be vehicles brought in that were involved in an accident. Any vehicle not brought inside to be worked on will be stored on the impervious surface as outlined in the 1992 site plan.

There were some unregistered vehicles such as an old bus and an old tractor which are in the process of being removed. There is a car which belongs to John Charron and he is in the process of restoring it. It is being kept outside on an impervious surface in the area proposed for expansion. There are also cars which belong to the people driving the buses.

A couple of things came from the meeting one of which was a State grant. The grant is for water source protection and must be submitted by a municipality. The DPW has offered to submit it if Mr. Cody is willing to support and contribute to it. Attorney Tower submitted a letter of authorization to the board confirming Mr. Cody's commitment to the grant and his 25% match. The grant deadline is believed to be November 4. Mr. Heglin asked for a written estimate for the paving which is to be filed with the grant and a copy was supplied. The estimated cost for paving only was \$20,000 and due to the time of year paving may not be done until spring.

The plan is to not only pave the area where the buses park but to re-grade the area so that the existing catch basin would catch all of the drainage from the impervious surface. It will also be modified with a new, larger separator to separate out any oils or fluids from storm run off.

Attorney Tower feels that if the issues are addressed and Mr. Cody follows the BMP's the site will be much improved.

Mr. Heglin added that now everyone is aware of the importance of this parcel of land in relation to the water supply and although Mr. Cody is willing to implement some BMP's, it must be remembered that this is an ongoing maintenance issue.

Chairman Merrell asked Mr. Heglin if he wanted to clarify anything about the oil separator. Mr. Heglin stated that during the site visit there was mention of modifying the existing catch basin however he doesn't feel it is the right application for the site. A model similar to what the DPW has with a 1,000 gallon tank was recommended and when the grant paperwork is prepared it will include a more formal grease separator.

Selectmen's Representative MacIsaac noted that the letter from Attorney Tower did not address the paving. Attorney Tower replied that the letter only responded to the BMP's that Mr. Heglin had sent to him.

Mr. Heglin asked if the board wanted to set a time line for them to implement the Best Management Practices with a follow-up inspection in whatever amount of time set by the board. Attorney Dowd was asked for his opinion and he felt a 30 day time frame was fine.

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

Deliberations:

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Chairman Merrell stated that Attorney Dowd had prepared a draft approval listing findings and conditions for the board's review. There were 8 conditions listed and the board made changes to the following items.

Add to item 5 – All paint thinners and paints to be stored in buildings.

Add to item 6 – design of which shall be acceptable to Jaffrey Department of Public Works.

Add to item 8b – Bond not to exceed \$25,000.00 (to include new separator)

Add item 9 to say – removal of all junk cars within 30 days.

DECISIONS

1. PB 09-11; Jaffrey Auto, 26 Fitzgerald Dr., Map 242 / Lot 32, Zone: Industrial

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

On a motion by Grodin, seconded by Doane the application to amend a previously approved site plan was approved as submitted and per testimony given subject to the following conditions. (6-0)

Roll call: Ayes Merrell, Doane, Grodin, Kresge, Moore and Selectmen's Representative MacIsaac

JAFFREY PLANNING BOARD

Application of Jaffrey Auto, 26 Fitzgerald Dr., Map 242, Lot 32, Zone Industrial (PB09-10)

I.

Planning Board Findings

1. In 1992, the Jaffrey Planning Board approved a site plan for a predecessor in interest to the applicant.
2. In 2009, the applicant applied to modify the existing site plan to expand use of the property.
3. On September 9, 2009, the Jaffrey Planning Board granted the amended site plan subject to the following conditions:
 - A. Relocate and berm the oil storage tank, and;
 - B. Exterior Light must be down cast.
4. On September 30, 2009, Town Manager Mike Hartman asked the Planning Board to reconsider their decision based upon concerns about potential pollution to the town well (which abuts the property) from the existing activities on the lot in addition to activities resulting from the expanded use.
5. The Town Manager recommended that the applicant agree to adopt best management practices as set forth in a publication from New Hampshire Department of Environmental Services.

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6. The Town Manager also presented concerns that the on-going activities are not in compliance with the conditions set forth in the prior site plan.
7. The Planning Board voted to re-hear the application and continued the meeting on rehearing to October 27, 2009.
8. Testimony from the Department of Public Works indicates that contamination from a 10-30 gallon diesel fuel leak or a comparable volume of industrial solvent could result in a multi-million dollar groundwater clean-up.

II.
Conditions

The Planning Board approves the amended site plan PB09-10, subject to all of the following conditions:

1. Relocate and berm the oil storage tank.
2. Exterior Light must be down cast.
3. All activities shall comply with all recommended best management practices for groundwater protection as published by the New Hampshire Department of Environmental Services.
4. The applicant to install pavement or concrete in all areas where vehicles are parked and solvents/paints are handled.
5. No parking vehicles or handling of solvents/paints in unpaved areas. All paint thinners and paints to be stored in buildings.
6. All runoff from pavement or concrete shall be captured in a storm water collection system connected to an oil/water separator to capture any released contaminants design of which shall be acceptable to Jaffrey Department of Public Works.
7. The paving and storm water collection system shall be completed by September 1, 2010.
8. Prior to signing of the plan:
 - A. The Jaffrey Department of Public Works shall certify to the Board that it is satisfied with the applicant's proposed best management practices plan.
 - B. Applicant shall submit a bond or irrevocable letter of credit, in an amount and form satisfactory to Town counsel and the Selectmen, to guarantee all of its obligations for construction of the impervious surface and storm water collection systems, ongoing inspections, and legal enforcement in the event

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of any violations of the conditions of amended site plan approval. Bond not to exceed \$25,000.00.

9. Removal of all junk cars from the premises within 30 days.

OTHER BUSINESS

None

ADJOURNMENT

The meeting adjourned at 8:09 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board