

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

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

Absent:

Staff: Recording Secretary Lemire, Jo Anne Carr, Director of Planning and Economic Development

MEETING MINUTES APPROVAL

No Action

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:30 p.m. The rules of procedure were read aloud. Notice of hearing PB 10-05 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen.

APPLICATION ACCEPTANCE

1. PB 10-05; MIKEN Realty Trust, 295 Ingalls Rd., Map 223/ Lots 1 & 12, Zone: Rural (without town water)

Major Subdivision - The applicant proposes a major subdivision of up to 13 lots.

On a motion by McCarthy, seconded by Doane the application proposing a major subdivision of up to 13 lots was accepted. (7-0)

On a motion by Kresge, seconded MacIsaac the board voted that the application was one of regional impact. (5-2) Roll call: Ayes – Merrell, Moore, McCarthy, MacIsaac, Kresge. Nays – Doane, Deschenes. Note: Parties affected by Regional Impact were notified prior to this meeting.

PUBLIC HEARING – NEW

1. PB 10-05; MIKEN Realty Trust, 295 Ingalls Rd., Map 223/ Lots 1 & 12, Zone: Rural (without town water)

Major Subdivision - The applicant proposes a major subdivision of up to 13 lots.

Presentation: Mike Shea, Jeff Kevan, TF Moran

Appearance:

Mr. Shea refreshed the board's memory by stating that the two parcels total approximately 115 acres and 5,000 feet of road frontage. The property is in the rural district and the proposal is an allowed use in that zone. There will be no new roads, the smallest lot will be 5 acres and unable to be further subdivided by virtue of frontage requirement or covenants and the proposed development is consistent with previous development on the road. The existing farm house will remain on 25 acres and they will reserve the right to approve home design and placement on the lots.

Mr. Kevan stated that West Environmental performed the wetland delineation. A waiver was submitted requesting that the back portion of map 223 lot 12.1 and 12.2 not provide the rear limit of

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

wetlands and to not show the entire wetlands delineation on lots 12.3 and 12.4. Waivers were also requested and submitted for items 6 and 11 of the subdivision checklist, to waive the test pits and percolations tests, and a waiver of completeness of item C3 driveway permits. The final survey arrived at 116.8 acres on the original tract with seven lots on the north side of Ingalls Rd. and six on the south side.

The plan considers an exchange of land relating to the right of way for Ingalls Road which was proposed in 2002 but never officially done; it was never executed. Lots 12.5 and 12.6 were reconfigured changing the frontage location and lots 1.3 and 1.4, because of wetlands, will have the option to access via a twenty foot wide common driveway which will lend more choice for siting a house. A trip generation report was done by taking the number of lots on the gravel portion of Ingalls Road and through Rindge along with the existing number of parcels. Based on the Trip Generation Manual they arrived at 11.6 /11.7 trips per day per lot. With the added 13 new lots as if they were all built upon, they arrived at 406 trips. Prior to this the number was 280 trips.

Mr. Kevan stated that he looked at the road itself, the configuration of it, the trees and the walls and he feels that if you pave it, speed will become an issue. Mr. Kevan has correspondence from DPW Director, Randy Heglin and he agrees that the safest thing is to leave it as a gravel road, recognizing that there will be maintenance issues with it that exist today, with or without the subdivision.

Chairman Merrell stated that both he and Member Kresge have issues with the request to waive the test pits/percolations tests. It was noted that lots 12.1 and 12.2 have a Berkshire type soil which has a fairly good perk rate however lots 1.1 and 1.2 on Red Gate Rd. have Berkshire and Tunbridge. Tunbridge is known to be severe for perking and Berkshire is good for perking. Since they do not know where the types of soils are on the lots Chairman Merrell feels that lots 1.1 and 1.2 should be perked. Mr. Kevan stated that one and a half acres of buildable land is a good sized area. Chairman Merrell pointed out that it is far less than the five acres mentioned in their initial statement. Lots 1.3 and 1.4 were also noted as having questionable soils and it was suggested that these lots also be tested. Mr. Kevan asked if the board wanted percolation tests or test pits. Chairman Merrell responded test pits.

On a motion by McCarthy, seconded by Doane, the board approved all requests for waiver with the exception of the request to waive test pits on lots 1.1, 1.2, 1.3 and 1.4.

Chairman Merrell stated that during the review process it was felt that there was standing and running water on some of the lots which were not delineated on the drawings. Mr. Kevan stated that he did not differentiate between wetlands and standing water. Chairman Merrell responded that the board would like the areas of standing water added to the plan.

Chairman Merrell noted that Mr. Shea has property further up on Red Gate and asked if he planned to upgrade Red Gate Rd. Mr. Shea replied yes, in time.

Member McCarthy mentioned that two different standards have been referred to, one was a memo from a previous DPW Director and the other is the Class V standard. Which one is correct? Chairman Merrell responded that the opinion of the DPW is that the standard was established in 1984 and has been applied consistently in the town since that time. Chairman Merrell asked Mr. Shea if he applied to the Selectmen for a building permit which was granted on the basis that he would upgrade Red Gate Rd. Mr. Shea answered "to the 1984 standards".

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

Member McCarthy feels there is a conflict between the standards in the memo, the zoning ordinance and the subdivision regulations and suggested that they be reviewed and made clear. Chairman Merrell agreed that if there is a conflict it should be addressed. Selectmen's Representative MacIsaac commented that he would like to hear from the DPW regarding the conflict and what's in the regulation and what's in the 1984 letter.

Mrs. Jacqueline Johnson, an Ingalls Road resident in Rindge, stated that Ingalls Rd. is a Class V road all the way through and not a Class VI road and asked if the classification of Red Gate Rd. would change from a Class VI if it is upgraded. Chairman Merrell replied that it would not change.

Mr. Ryan Sites, an Ingalls Road resident, expressed concern for development on a Class VI road when there is available land along roads that are maintained. He questions that this is the right direction.

Mr. Dave Groeder, an Ingalls Road resident, asked if there are full drawings of the wetlands that show how far they go and what they relate to. Chairman Merrell replied that what are illustrated are the wetlands but what is not illustrated is the setback to the wetlands. Mr. Groeder stated that he shares the same concerns as Mr. Sites.

Mr. Josh Pennick operates an organic farm on Ingalls Rd and feels he has good knowledge of the soil types. His immediate concern when looking at the map is that it does not show the true nature of the wetlands and he is concerned about the ability to successfully perk some of the proposed lots. Will approval of the subdivision hinge upon perking of all the lots or just a select few based upon the soil types known to be difficult to perk. Chairman Merrell replied that they only need to perk the four lots identified.

Ms. Ilona Kwiecien, an Ingalls Road resident, feels that they are trying to fit homes into a little space surrounded by wetlands asking why not combine two lots allowing for more dry land to build upon. Ms. Kwiecien asked if you are allowed to put sand or gravel into the wetlands in order to make them passable. Chairman Merrell replied that you can cross wetlands with approval from the Zoning Board of Adjustment.

Mr. Kevan answered that all of the lots are designed in such a way that approval from the ZBA is not required. As for the concern about an acre and a half being surrounded by water, Mr. Kevan clarified that the acreage is not surrounded by water but by a 75 foot buffer in front of the acre and a half.

Ms. Kwiecien went on to say that she feels the proposed development goes against the Master Plan.

Ms. Pat Weiner, a Jaffrey resident and member of the Conservation Commission, acknowledged the amount of wetlands on the property and the potential to connect to larger bodies of water. She asked that the wetlands be carefully considered. Chairman Merrell replied that this is the reason for the 75 foot setback from the edge of wetlands.

Mr. Kevan stated that the plan has considered the wetlands by creating no new roads; which is normally where the pollutants come from and it conforms to all standards with the lot sizes in excess of the minimum requirement.

Member McCarthy agreed with Mr. Kevan and reminded everyone that the alternate OSDP plan could have produced twice as many homes.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

Mr. David Dowland, an Ingalls Road resident, wanted to make the board aware of the increased use of the roadway through to Franklin Pierce College. As the college has grown the amount of traffic has increased. The road is used more than many are aware of because there is a college on one end and fishing and swimming on the other end.

Mr. Robert Goundry, an Ingalls Road resident, asked if the septic systems installed will require fill in order to satisfy State requirements to protect ground water. Mr. Kevan replied that specific testing has not been done however based on the soil types some may need to be raised beds and some may not. Mr. Goundry asked how feasible will it be to put leach fields on these lots. Chairman Merrell explained that it will depend on the type of soil reiterating that this is one of the issues that some of the board members are concerned with as well.

Mr. Kevan stated that in general, the water tables will be down five or six feet; there are a few that may be a foot and a half to three feet. The system would be four feet above water table so he expects that most of the systems will be at grade systems and maybe a few that will be raised. Whether or not they need pumps will depend on the location of the house.

Addressing earlier issues Mr. Shea added that there are 24,576 acres in Jaffrey and of that 5,824 are under conservation which is 23.7%. It was previously thought that the possible build-out of this subdivision would generate a 66% increase in population on Ingalls Road; this was calculated incorrectly. With 27 existing homes (which includes the farm house and the two homes in Rindge) plus the proposed 12 it would total 39 or a 44% increase. Mr. Shea reminded the board that he has no intention of doing anything with the two lots that front Red Gate Road. Since the subdivision process is underway it seemed logical to include that portion at this time. On the subject of growth in that area Mr. Shea stated that between 1980 and 1989 there were 6 homes built. Between 1990 and 1999 there were 5 homes built. Between 2000 and 2003 there were 9 homes built. Of the existing 27 house lots 9, or 33%, are smaller than the smallest lot being proposed. As for growth in Jaffrey, building permits indicate that in 2004 there were 23 new houses, in 2005 there were 19, in 2006 there were 19, in 2007 there were 13, in 2008 there were 4 and in 2009 there were 4. The population in Jaffrey has decreased by 45 people between 2006 and 2009.

Chairman Merrell asked Mr. Shea if there were any plans for protective covenants. Mr. Shea stated that the covenants are written into the deed at the time the property changes hands. As for the lot with the old farm house, it cannot be further subdivided and with the exception of curb cuts the stone walls will remain.

Moving on to the issue of the road Chairman Merrell referred to comments submitted by the DPW Director, Randy Heglin. In summary the comments said that an upgrade of the road, still maintaining it as a gravel road, would cost in the area of \$300,000. The road budget for the entire town is \$275,000. The comments concluded stating that they will continue to maintain the roadway as they have done in the past and completing minor gravel and drainage work as necessary within the financial constraints that exist.

The Fire Chief also has an issue with that section of the road in that it becomes a quagmire at times due to the water table and the way it is constructed. Referring to comments submitted by the Fire Chief Chairman Merrell stated that due to the potential increase in homes and traffic the Fire Department would require parts of Ingalls Road to be upgraded to allow for safe and proper access of

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

emergency vehicles. Chairman Merrell feels that the section of road that is a particular problem should be upgraded and that it is the responsibility of the town and the developer.

Mr. John Brum, a resident of Ingalls Rd, agreed with the Chair and pointed out that lumber and concrete trucks passing on the road will only make the road conditions worse. It was suggested that money be put aside until the development is done. If there are no issues then the money can be reimbursed to the developer. He does not believe that the residents on the road should have to pay to bring it back to the current condition.

Mr. Peter Chamberlain, a resident of Ingalls Rd., asked if part of the impact fees went to roads. Chairman Merrell replied that he was correct. Mr. Chamberlain also pointed out that several people wanted to make Ingalls Road a scenic road. In his opinion this would only make the situation worse because then nothing would be done to the road. Mr. Chamberlain spoke in favor of the development doubting that twelve houses will be built on Ingalls Road in the next ten years. As for upgrading the road, he does not believe that the developer should be entirely responsible. The road is in terrible shape now and that is not the fault of MIKEN Realty.

Director of Planning and Economic Development, Ms. Jo Anne Carr explained that although there are impact fees the amount per dwelling unit designated for roads is \$237.00. This is not only insufficient but the money cannot be used for gravel on the road if no new houses have been built and they cannot spend more than what has been collected for that road. Ms. Carr did suggest having conversation on the subject of establishing some amount of escrow that may be proportional to each lot set aside in an escrow account.

Mr. Dave Groeder is not opposed to the dirt road however the March 3rd report gives notice that the road is improved 6 to 12 times per year. His feeling is that if the road were improved that frequently then the residents would not be complaining. They are lucky if they get four visits per year and what is done during those visits is limited.

Mr. Traniello stated that he has been on the road for thirty years and he measures changes in the road by his driveway. When he first purchased the property the driveway was flush with the road. The road is now approximately 10-12 inches below his driveway. This would indicate that the road is being graded and material moved without material being brought in. He also feels that it is not the responsibility of Mike Shea to tend to something that has been on-going for the past thirty years and has nothing to do with the proposed development.

Based on the daily trips estimated, Mr. Ryan Sites commented that the proposed development could generate 30,000 to 40,000 trips per year. He doubts that the road could handle this increase. Chairman Merrell explained that the numbers are not absolute, they are a relative measurement. The idea behind the number is to determine when you make a change such as gravel to pavement and the money to make that change is not there.

Ms. Ilona Kwiecien commented to the board that she feels they cannot disconnect the decision on the road from the decision concerning the development.

Chairman Merrell stated that the board can address the comments from the Fire Chief because they are safety issues. As for the general condition of the road there is nothing the board can do.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

Mr. Shea reviewed the history of the road and the issue of upgrade and stated that the issues exist today and he does not feel that it should be incumbent upon himself or anyone else to make it right. Mr. Shea stated that it has been successfully demonstrated to the DPW that the existing roadway can handle the traffic.

For the boards information Mr. Shea noted that he and Mr. Kevan have had several meetings with the DPW and other town employees. On January 28, 2010 there was a meeting with DPW Director Randy Heglin, Doug Starr the Town Engineer and Director of Planning and Economic Development Jo Anne Carr. Fire Chief Chamberlain was unavailable. It was at this meeting that they discovered the right of way issue. As a result of this meeting Mr. Kevan, through his company TF Moran, reviewed the traffic conditions along Ingalls Road and verified that the existing roadway can adequately accommodate the additional 11 lots as proposed.

On February 23, 2010 another meeting took place with Mr. Shea, Mr. Kevan, Chief Chamberlain, Randy Heglin, Jo Anne Carr and Building Inspector Dave Baron. Doug Starr was unavailable. The following points were acknowledged by all present. That the property along Mr. Shea's section of the road is one of the best sections of that gravel roadway; all of the road concerns brought up as a result of this application are in fact road concerns that already exist and are due for upgrades and given that the road concerns and that deficiencies exist today it did not seem reasonable that the applicant should be financially obligated to correct them. Mr. Shea asked Ms. Carr if she recalled this and she replied yes.

Anticipating new homes Mr. Pennick asked if it would be possible for the town to put a "slow moving tractor" sign on the road since he frequently travels the road with his tractor. Chairman Merrell advised him to bring it up at town meeting.

Mr. Kevan asked for clarification on issues that have been raised. He understands the issues to be a request to show standing water and the flow, add a note stating which waivers have been granted, a note on the plan stating that Red Gate Rd. needs to be upgraded before a building permit will be issued and two open issues being Ingalls Rd.- is there any responsibility to the developer and to clarify if they are asking for test pits and/or perk tests.

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

Deliberation:

Chairman Merrell stated that he will write a letter to Randy Heglin, DPW Director, requesting a dollar figure to upgrade the section of road that the Fire Chief is concerned about. On the basis of that amount of money he feels the board should discuss whether or not the developer should provide an off site exaction fee to participate in the cost of doing that particular section because it has to do with the safety of the development.

Member McCarthy asked when is an exaction fee paid. Chairman Merrell stated there are many ways to do it but suggested connecting it to the issuance of the certificate of occupancy.

Member Moore asked if there any improvements to a road that should not be inherent with the town.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

Members Doane and McCarthy agreed that if there is a life safety issue out there when Mr. Shea builds and there are houses already out there beyond that section then there is currently a life safety issue. It could be several years before all of the houses are built and there will still be a life safety issue there for the existing residents.

Selectmen's Representative MacIsaac commented that there are problems with the road and there are other issues that make those problems worse or are in addition to it because of the proposed development. MacIsaac would like Randy Heglin to describe all of that. Once they identify what has to be fixed and what has to be fixed because of the development/traffic then a number can be assessed to it. Then you can move on to the exaction fee and the amount.

Member Doane mentioned that it would have been helpful to have DPW Director Heglin at tonight's meeting and suggested that in the future when an application such as this is before the board that he attends the meeting. Chairman Merrell agreed.

Selectmen's Representative MacIsaac did state that there wasn't enough time for Heglin to pull together all the numbers that the board is looking for. He suggested giving him the time and then the board can see what they are dealing with. Chairman Merrell agreed stating that is why he will write the letter to Heglin. There will be no decision tonight but he would like to have the information by the next meeting.

Member Doane asked when test pits could be dug. Mr. Kevan stated they can be done any time and asked if the board was requesting that the four lots previously mentioned have test pits done. The board was in agreement that the test pits should be done on lots 223/1.1, 1.2, 1.3 and 1.4. Member Doane asked if lots 12.1 and 12.2 should also be considered. Chairman Merrell felt it was not necessary as the soil type indicated for those lots is decent.

Member Kresge commented that he feels a subdivision on a class VI road, such as this, constitutes a scattered and premature development. A major concern is setting precedents. If the two lots on Red Gate are approved he feels they will have no grounds not to approve the next six or ten. Chairman Merrell did not agree and feels such decisions are made on a case by case basis. Member Kresge feels that if someone applies for a subdivision on a class VI road they should have conditional approval from town meeting. This would say that the town is okay with development on the road and that it will be accepted as a town road once upgraded to a class V. He feels that without that guidance the board is driving the process without the town's opportunity to comment.

PUBLIC HEARING – CONTINUED

None

DECISIONS

1. PB 10-05; MIKEN Realty Trust, 295 Ingalls Rd., Map 223/ Lots 1 & 12, Zone: Rural (without town water)

Major Subdivision - The applicant proposes a major subdivision of up to 14 lots.

Deliberations continued to April 13, 2010

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 10, 2010

OTHER BUSINESS

Vested Rights – Public hearing planned for April 13, 2010
Housing and Community Development Plan – To be reviewed and adopted at the April 13, 2010 meeting.
Signature page – Downtown Master Plan – No Action
Open Space Ad Hoc Committee – First meeting held with Sno-Moles
Chairman Merrell read the letter of resignation from Member Foley.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board