

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
April 13, 2010

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

Absent:

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

MEETING MINUTES APPROVAL

On a motion by MacIsaac, seconded by Doane, the February 9, 2010 minutes were approved as presented. (7-0)

On a motion by Kresge, seconded by Doane, the March 10, 2010 minutes were approved as amended. (7-0)

Amendments are as follows:

Page 2, ¶ 1, line six

arrived at 116.8 acres on the original tract with seven lots on the ~~right~~ **north** side of Ingalls Rd. and six on the ~~left~~ **south** side.

Page 2, ¶ 7, last sentence

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. ~~Chairman Merrell stated that they can consider Red Gate as being improved so that lots 1.1 and 1.2 will have frontage on an improved roadway.~~

Election of Officers:

On a motion by Grodin, seconded by MacIsaac the board nominated Member Merrell to the position of Chairman. (7-0)

On a motion by Grodin, seconded by Doane the board nominated Member Deschenes to the position of Vice Chairman. Member Deschenes declined and the motion was withdrawn.

On a motion by Doane, seconded by McCarthy the board nominated Member Kresge to the position of Vice Chairman. (7-0)

On a motion by McCarthy, seconded by Grodin the board nominated Member Doane to the position of Secretary. (7-0)

PRELIMINARY HEARING

None

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 10-06 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

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1. PB 10-06; Rameau, Leonard, 130 Main St., Map 238/ Lots 143, Zone: Residence A (with town water)

Technical Subdivision – The applicant proposes a lot line adjustment.

On a motion by McCarthy, seconded by Doane the application proposing a lot line adjustment was accepted. (7-0)

PUBLIC HEARING – NEW

1. PB 10-06; Rameau, Leonard, 130 Main St., Map 238/ Lots 143, Zone: Residence A (with town water)

Technical Subdivision – The applicant proposes a lot line adjustment.

Presentation: Marc Tieger

Appearance:

Mr. Tieger is representing Mr. Rameau who is selling a 5,628 sf section of his property to his abutter at 124 Main St. Both properties are located in the Residence A district which requires a minimum lot size of .46 acre. There are no buildings to be considered with the transfer and if approved it will straighten the lot line between the two properties. The transfer of land will not create a non-conforming lot.

Selectmen's Representative MacIsaac mentioned the comment made by the DPW which asked who would be the responsible party to set the property corner marker. Mr. Tieger stated that if and when the board approves the request Vorce, Soney and Associates will set the remaining pin. Mr. Rousseau has retained the surveyor and he would also be the responsible party.

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

2. To consider the following changes:

To add a section to the Site Plan Review and Subdivision Rules and Regulations within the Jaffrey Zoning Ordinance relative to Vested Rights.

Exact text is available at the Town Office.

Chairman Merrell read the proposed language pointing out that items 3 and 4 are the result of the state legislature passing these requirements. The reason is due to the current economic climate and building development. These changes are exceptions to the new rule of a four year vesting period. The purpose is to give the Planning Board some control over vesting in projects.

Member McCarthy felt the initial paragraph created some confusion as to whether they were referring to the commencement of active and substantial or the completion of active and substantial. Improving the word *commencement* of active and substantial as a modifier was suggested. The board agreed to change commenced to been achieved.

Member McCarthy also had an issue with item 2. Director of Planning and Economic Development Jo Anne Carr explained that you get the four year protection. Subsequent to the four years you are no longer

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exempt from the impact fees for additional buildings. As an example, if you were to have impact fees on commercial sites or residential and ten years from now someone comes in and renovates the building or adds another bedroom or an apartment that activity would be subject to the impact fee. Member McCarthy understood and asked if something should be added to the paragraph to clarify that. The board agreed to remove the words “after date of approval”.

After much discussion on how to further improve the wording the board decided to continue the public hearing to May and asked Ms. Carr to review and re-word the areas in question.

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

DELIBERATION – CONTINUED

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.

Member Merrell stated that he was in receipt of a letter from Mike Shea. The letter requested the “board re-open the public input portion of the hearing. This will allow for additional testimony as well as dialogue between the applicant and the board where road conditions and improvements could be discussed. Since the hearing itself has been continued to a place, date and time certain no further notice would be required.”

Chairman Merrell asked Mr. Shea what the additional testimony might consist of. Mr. Shea stated that at the last meeting it felt as if several board members came to the meeting with a predetermined idea that there would be some form of exaction fee without listening to the history of the road. He feels there is additional testimony regarding the road and the recent history of the road (1998 forward) and that the Planning Board did not fully examine that history. The road needed work, it was not done and continued to not be done. It seems there has been a failure to accomplish that and to provide the taxpayers on Ingalls Rd. with what they should have. Also, test pits were unable to be done because the roads were still posted so perc tests were done instead. None of that information will be able to be discussed. Mr. Shea added that re-opening the hearing would allow him the possibility to discuss conditions on a possible approval.

Chairman Merrell stated that at the last meeting he closed the public hearing and the board entered into deliberations. Because certain information was not available they continued the deliberations. Member Grodin suggested that the board re-open the public hearing and give notice to the abutters. He does not feel that any testimony should be taken without abutters present.

Mr. Jeff Kevan reminded the board that at the last meeting they had requested two pieces of information. One was test pit information and the other was to show the standing water flow lines on the plan. The information was submitted to the board. Mr. Kevan added that he doesn't feel they are looking for testimony relating to traffic or anything involved in the public hearing, it is strictly pertaining to fees.

Chairman Merrell replied that he had received an e-mail from the DPW Director Randy Heglin which stated “Our evaluation of existing conditions continues. We will not have anything for you for next

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Tuesday.” This means that the information requested by the board will not be available and the board will not be in a position to come to a decision even with the information from Mr. Kevan.

Mr. Shea’s Attorney, Michael Bentley, agreed with Member Grodin and suggested that they re-open the public hearing, re-notice and reconvene at the next scheduled meeting.

On a motion by Grodin, seconded by Kresge the board voted to re-open and re-notice the public hearing with the cost of the notice to be paid by the town. The board will confirm the date certain by Chairman Merrell asking DPW when the report will be ready and it will be ready a week prior to the next meeting, whenever that is. (7-0)

Mr. Kevan stated that they were not able to dig the test pits as requested because the roads were still posted however he did have someone hand dig holes, 3-4 feet deep and perform some perc tests. Mr. Kevan believes the results prove that the four lots can support septic systems and asked the board if they find this method adequate. Member Grodin asked if there was any refusal. Mr. Kevan replied that at the 36 – 38 inch depth they hit rocks large enough that they didn’t want to dig them by hand. On test pit #6 the perc rate was 18 minutes/inch at 38” deep.

Chairman Merrell asked who dug the holes. Mr. Kevan replied they were done by Paul Carideo, a soil scientist and septic designer.

Member Moore reminded the board that at the last meeting they requested test pits and perc tests. A perc test is typically 2-4 feet and a test pit is usually done with a back hoe and goes down 8-9 feet. Is the board settling on perc tests alone? Chairman Merrell replied that the important thing is that a septic system can be installed. Member Moore asked if what was requested from DPW is on record. Chairman Merrell replied that he sent a letter to Randy Heglin requesting a detailed breakdown of what is required to upgrade Ingalls Rd. It will be up to the board to determine whether or not they impose an off-site exaction fee and if so how much it will be.

Ms. Jo Anne Carr, Director of Planning and Economic Development suggested that the test pits be located on the map and only one perc rate is shown for one of the test pits; the board may want a perc rate listed for each test pit. Chairman Merrell agreed.

Member Doane asked why the information from the DPW was not available. Chairman Merrell stated that the DPW is putting together a very comprehensive report and it is taking time. Chairman Merrell feels it will be ready in time for the next meeting. He will notify Randy that the report is needed for the May meeting.

Attorney Bentley asked if the report could be filed a certain number of days before the next meeting so that he and Mr. Shea have an opportunity to review the document. Chairman Merrell replied that he would send a letter to the DPW stating the request and ask that it be submitted a week before the meeting. Member Grodin suggested to Chairman Merrell that it may be best if he physically met with Randy. Chairman Merrell agreed.

Selectmen’s Representative MacIsaac added that he feels a meeting with the DPW is important. It will allow us to find out what other projects Randy is working on and when he expects the report will be ready. If it is ready we would like to have it a week before the next meeting. The time frame is important because we have to notify the abutters.

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Mr. Shea asked the board where they planned to go from here. Chairman Merrell stated that they plan to meet next month and hopefully come to a decision.

Member Moore pointed out that he was a voting member at the last meeting in place of Member Grodin. Now that Member Grodin has returned is he still a voting member? Member Grodin stated that he has read the minutes thoroughly and feels he is qualified to vote on the issue.

DECISIONS

1. PB 10-06; Rameau, Leonard, 130 Main St., Map 238/ Lots 143, Zone: Residence A (with town water)

Technical Subdivision – The applicant proposes a lot line adjustment.

On a motion by MacIsaac, seconded by Doane the application proposing a lot line adjustment was approved as presented and per testimony given. (7-0)

OTHER BUSINESS

Housing and Community Development Plan –

At the request of the board Jo Anne Carr, Director of Planning and Economic Development created the Housing and Community Development Plan. It was distributed to the board for their review. Comments were submitted by Member MacIsaac and incorporated into the document.

On a motion by McCarthy, seconded by Grodin the board recommended that the Selectmen adopt the plan as submitted. (7-0)

Signature page – Downtown Master Plan – Signed by all members

Open Space ad hoc Committee update – They have had discussions with the sno-moles, hunters, working lands people and natural resources. The next meeting is scheduled for 4/21 and they will be speaking with people with passive interests (ie: artists). Upon completion the document will go to the Planning Board and the Conservation Commission for comment and then to the Selectmen for consideration.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board