

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 11, 2010

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

Absent: Member Doane

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

MEETING MINUTES APPROVAL

On a motion by Kresge, seconded by MacIsaac, the April 13, 2010 minutes were approved as presented. (7-0)

PRELIMINARY HEARING

Jaffrey Professional Realty Company, 123 Main St. –

Member Moore recused himself.

Dr. Marilyn Acker shares the office building where her Optometrist office is located with Monadnock Dental. She would like to expand her area by constructing another office building on the same site. The dental office would then occupy all of the existing building. The thought is they would condominiumize the buildings with each owning their own, and be partners in the land. A variance is needed to expand a non-conforming use and it will be heard by the Zoning Board on June 1, 2010. There are no issues with wetlands or setbacks.

Member Grodin pointed out that condominiumizing would require subdivision approval from the Planning Board. It was also suggested that she check with her counsel to see if a variance would be needed to allow two separate buildings owned by two separate people on one lot.

Selectmen's Representative MacIsaac asked if parking had been considered. Building Inspector Baron stated that based on the square footage of the proposed building 18 additional parking spaces would be needed. The paved parking area has been measured and it can easily accommodate the additional spaces. Jo Anne Carr, Director of Planning and Economic Development commented that she thought 18 parking spaces were needed for both buildings.

Recording Secretary Lemire informed the board that Dr. Acker had inquired about a site visit taking place prior to their June meeting. She is planning to have her application before the board at their June 8 meeting. An early site visit would prevent another month's delay. The board agreed and scheduled a site visit for Tuesday, May 25, 2010 at 6:30 p.m.

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 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

None

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PUBLIC HEARING – NEW

None

PUBLIC HEARING – CONTINUED

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.

Chairman Merrell stated that at the last meeting they asked Jo Anne Carr, Director of Planning and Economic Development to make some changes to the wording. The changes were made and copies were submitted to the members. Upon review Chairman Merrell asked if there were any questions. There were none.

Because this is new Member Grodin suggested adding it to the rules of procedure. Ms. Carr stated that they may want to add that they “will” define active and substantial and substantial completion but they should not say exactly what it is because each case will be different.

Member Grodin asked for wording suggestions. Ms. Carr offered “for each decision the Planning Board will determine active and substantial and substantial completion”. On a motion by Grodin, seconded by MacIsaac the sentence was added to the rules of procedure.

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

DECISIONS

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

On a motion by McCarthy, seconded by Kresge the proposal to add a section to the Site Plan Review and Subdivision Rules and Regulations within the Jaffrey Zoning Ordinance relative to Vested Rights was approved as presented and per testimony given. (7-0)

OTHER BUSINESS

MIKEN Reality – Update

Chairman Merrell stated that he has met with DPW Director Randy Heglin regarding the Ingalls Road situation and he expects to have a proposal to the board next week. A copy will be sent to Mike Shea for review prior to the next meeting.

Mr. John Brum, an Ingalls Rd. resident asked if the study will address the issue of safety. Chairman Merrell replied that the board is looking at it as conceivably a safety issue – can they get fire trucks in there. He also stated that he does not know what the report will consist of until he sees it.

Chairman Merrell read a paragraph from a 2005 Municipal Law Lecture Series which applies to off site exactions and impact fees and asked the members to think about it and be prepared to address it. It seems that the question the board has to address is – does this subdivision necessitate changes to the

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condition of Ingalls Road and if so then an exaction fee would be in order. If the subdivision does not necessitate a change in the condition of Ingalls Road then an exaction fee would not be in order.

The date of Tuesday, May 25, 2010 was scheduled for a special public hearing regarding the subdivision application for MIKEN Realty. It was confirmed that all board members will be available. Town's Attorney Kelly Dowd will be asked to attend.

OEP –

Member Kresge stated that he had attended the spring OEP meeting in Nashua sighting in on three different sessions – Compact development patterns and how it influences water resources, Cottage zoning and development and a legal update of what has gone on over the past year.

The legal update addressed a statute revision regarding granting waivers. Granting a waiver is subject to specific circumstances that lead to the conclusion that a waiver is justified and the basis for any waiver granted must be recorded in the minutes of the meeting. Copies of the documentation will be given to the board members.

Another issue addressed was condition of approval. When a decision is issued there should be a Notice of Decision and not simply incorporated into the minutes. A decision must contain a detailed written description of any conditions precedent/conditions required to obtain final approval. If it involves a plat to be recorded then both the plan and the written decision must be filed together.

Open Space adhoc committee –

They are nearing the end of the public input phase with one meeting left. In June they hope to expand the size of the committee and they will begin formulating an open space plan. A plan should be complete by the end of the summer. It will be presented for comments to the Conservation Commission in August, to the Planning Board in September and then to the Selectmen in October. It is undecided at this time whether or not the document will be adopted as part of the Master Plan however it will be discussed after comments have been received from the various boards.

Subdivision on Class VI Roads –

Member Kresge had requested input from the Town's Attorney Kelly Dowd regarding subdivision on class VI roads – specifically what constitutes scattered and premature development. It is Member Kresge's understanding that Attorney Dowd will get back to the board with suggestions of what kind of criteria might go into a determination like that (i.e.: evaluating an application and deciding if it is premature or scattered). A sampling of local subdivision regulations regarding subdivision on class VI roads was distributed to the board. Antrim and Peterborough do not allow it. Dublin discourages it and Rindge considers the context.

Shoreland Protection –

In April Member McCarthy attended a workshop.

ADJOURNMENT

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The meeting adjourned at 8:30 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board