

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 25, 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, DPW Director Randy Heglin, and Town Counsel Kelly Dowd

MEETING MINUTES APPROVAL

No Action

CALL TO ORDER

Chairman Merrell called the board to an executive session at 7:00. The public hearing was called 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

No Action

PUBLIC HEARING – Re-opened

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, Attorney Michael Bentley

Appearance:

Chairman Merrell stated that the hearing had previously been closed but due to the request of the applicant it is being re-opened and all notices were made. The rules of procedure were read out loud.

Mr. Shea explained that there is a new plan before the board which shows one less lot. Lot numbers 12.3 and 12.4 will now be one parcel consisting of 43 acres. The two proposed lots on Red Gate are on a class VI road and although the board is not a fan of these lots the applicant plans to keep them as part of the subdivision and reiterated that it is not his intention to do anything with those two lots. To his knowledge there is no RSA or town ordinance that does not allow a subdivision on a class VI road. Mr. Shea reminded the board of a three lot subdivision that was done by Marc Tieger for Kevin Sterling. It took place on the other end of Red Gate Rd. approximately 5 or 6 years ago. Mr. Shea mentioned that he has been given permission by the Board of Selectmen to apply for a building permit for his other property on Red Gate Rd., but not until the road is upgraded.

Mr. Jeff Kevan reviewed the changes made to the plan. They consist of combining lots 12.3 and 12.4; adding a comment to Note 3C which reads: *farm house lot shall be deed restricted for no further subdivision. NOTE: lots on Red Gate Road shall not obtain a building permit until the road has been upgraded*; adding a comment to Note 4 which reads: the planning board granted a conditional use permit at the January 12, 2010 meeting to allow a conventional subdivision instead of an open space

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 25, 2010

development; adding Note 12 which states existing stone walls along the Ingalls Rd. frontage will not be removed except for lot access; adding Note 13 which lists the waivers granted and page 7 of the plan set was stamped by the licensed surveyor. It was also pointed out that the number of trips previously projected would be amended due to the elimination of one lot; instead of 406 trips it will be 394.

Chairman Merrell opened the discussion of the subdivision to the public. Ingalls Rd. resident Ilona Kwiecien expressed concern about wetlands on lots 1.3 and 1.4. Chairman Merrell explained that test pits were requested and done for these two lots and the numbers were good. From an engineering point of view the property is developable.

Abutter, Mr. Josh Pennick asked if the test pits were dug within the proper setbacks or will variances be necessary in the future. Chairman Merrell replied that the test pits were dug in the allocated space for the septic system. Mr. Kevan added that they meet all setback requirements.

Chairman Merrell moved the discussion to the road issue. Mr. Shea expressed his concern regarding the road and exaction fees. The condition of the road is not new and he feels the proposal is nothing more than the catalyst for bringing any road issues back into public light. At a previous meeting attended by himself, the Fire Chief, DPW Director Randy Heglin, Director of Planning and Economic Development Joanne Carr, Building Inspector Dave Baron and Jeff Kevan it was demonstrated by the Department of Public Works that the existing roadway can handle the additional traffic that may be generated, that safety concerns already exist and in many cases are over due for upgrades and that the applicant should not be financially obligated to improve the present condition. At the last meeting Chairman Merrell asked the board to consider if it was fair to exact fees to the developer in this case. Mr. Shea feels there is so much recent history with the road that it is not fair to exact fees and the development itself is not requiring improvements of the road. If it is the intention of the board to exact fees Mr. Shea would like to speak before a final decision is rendered.

Member Grodin asked when the DPW made the decision that Ingalls Rd. could handle the traffic. Member Kresge found the document from Randy Heglin dated March 3 and read the paragraph referring to the traffic.

Member McCarthy asked DPW Director Heglin if he could estimate how much additional stress there would be on the road as the result of 12 additional homes. Mr. Heglin stated that it is a very difficult assessment and it depends on the type of vehicles and the frequency. It has been mentioned that there will be a 30% and a 45% increase in average daily trips. This does not mean that the maintenance will increase by those same percentages. In better weather cars tend to travel faster creating wash boarding. That increases the amount of maintenance. Member McCarthy asked about needed upgrades to the road because of the additional trips – are they strictly maintenance or would it imply some type of modification to some of the segments of the road. Mr. Heglin replied that there would be no difference to the phasing that was proposed in the report.

Member Doane asked Mr. Heglin if the non-wet season is when they run the grader over the road. Mr. Heglin replied it is taking care of the wash boarding. Member Doane asked if the wet season repair would have to be done whether or not the subdivision is approved. Mr. Heglin responded eventually. Member Doane asked if within the standards being discussed did he feel that the road would be sufficient to handle the trips per day. Mr. Heglin replied as stated in the March memo. If the subdivision is approved it does not mean that 12 houses will be built tomorrow. It took seven or eight years to build 9 properties on that road. Any stress on the road would be spread out over several

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 25, 2010

years. Also, considering regular maintenance, such as bringing in gravel or improving the crown in different areas you are changing the point at which reconstruction becomes necessary.

Member Grodin expressed concern over emergency vehicles and their ability to safely travel Ingalls Rd. Mr. Heglin replied that as of today there would be no problem. Chief Chamberlain has had issues during the mud season and stone was brought in to stabilize the road condition. To his knowledge there has never been a non-response due to road conditions.

Selectmen's Representative MacIsaac asked Director Heglin if any of the five phases outlined in his report were attributed to increased traffic. Mr. Heglin said he did not think it would make a difference. They looked at the existing conditions as they stand today and phased out improvements to the road to bring it up to optimal standards regardless of the number of cars.

Chairman Merrell reminded the board that an exaction is justified if there is an improvement to the road. Maintenance is not improvement.

Member Deschenes asked if there was a schedule for Ingalls Rd regarding maintenance or upgrade. Director Heglin stated that it is not on their schedule. Although some sections of the road may be in poor condition he feels they are still above the reconstruction phase.

Resident Ilona Kwiecien, from what she sees and hears, feels there is a problem with the maintenance of the road. Also, what section of the road is referred to by the Fire Chief as being an area of concern? Director Heglin identified the area as being from the end of the existing pavement to the organic farm.

Abutter, Ms. Dina Traniello feels Ingalls Rd. has not been well maintained and realizes how the upkeep will impact the budget and the town.

Resident Ms. Kristen Camp expressed concern for the safety issues.

Chairman Merrell explained the process suggesting to the abutters and residents that they attend and voice their issues at Budget Committee and CIP public hearings when they take place.

Attorney Bentley addressed the issue of exaction fees, RSA 674:21 V (j) and noted that maintenance is not an exaction fee issue.

Abutter David Halfpenny asked for the definition of an upgrade. Director Heglin replied that it is reconstruction.

Resident Josh Pennick reminded the board that his organic farm located on Ingalls Road will be opening soon and may lead to increased traffic on the road. If the subdivision is approved is it possible to put another speed limit sign on the road or a slow moving tractor sign? Director Heglin said he would have to check on the procedure.

Mr. Shea addressed the issue of exaction fees. A timeline for the history of Ingalls Rd. along with copies of pertinent documents were distributed to the board. Mr. Shea reviewed the timeline which in summary was meant to show that the town acknowledged that many of the improvements needed to be done in 1998 but because there was so much objection from many of the residents on the road it was never done. In October of 1999 the residents got together and asked the Board of Selectmen to

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 25, 2010

scale the project down. Mr. Shea stated that he has been upfront about their intentions. What about the Rindge residents – are they stake holders and where do they fit in with the exaction fees? What about Josh Pennick and his farm –he’s a stake holder.

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

Deliberation:

Chairman Merrell stated that there are a couple of issues before the board. One is the subdivision and the other is the question of exaction fees; is an exaction fee justified and if so what basis and formula.

Member Kresge is opposed to the current plan because of the two lots on Red Gate Rd.

Chairman Merrell stated that a subdivision on a class VI road does not guarantee the owner of the property a building permit. That is a decision to be made by the Board of Selectmen.

Member Grodin questioned if it is scattered and premature? According to DPW Director Heglin’s opinion this does not require an exorbitant expenditure of town resources. Member Grodin does not believe it is scattered and premature.

On a motion by McCarthy, seconded by Kresge the motion was made that the two parcels on the Class VI Rd. are scattered and premature. The vote was 2-5. The motion failed. It is not scattered and premature.

On a motion by Grodin, seconded by Doane, the two lots on Red Gate Lane, as a condition of approval, be brought up to standards such that the town’s emergency vehicles can safely traverse it.
6-1

Moving on to exaction fees, Member Grodin stated that although he is in favor of exaction fees the board does not have any definitive information to say whether this is one dollar or a million dollars. There is no firm data on the subject and until there is he would say no fee.

Member Doane recalled DPW Director Heglin saying that it needs to be done whether or not the development moves ahead. Based on that he does not believe an exaction fee is appropriate.

Member Deschenes feels that the town has no intention of doing a major upgrade aside from maintenance.

Member Kresge feels it is also an issue of fairness. The scale of the proposed subdivision does not rise to the level where it is distinguished from other building that has gone on in the area.

On a motion by Doane, seconded by McCarthy the board determined that exaction fees are not appropriate for this case. 7-0

PUBLIC HEARING – CONTINUED

None

DECISIONS

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 25, 2010

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.

On a motion by MacIsaac, seconded by Grodin the board approved the sub-division subject to the following conditions: (7-0)

Conditions:

1. Upgrade Red Gate Road in the area of the two lots (1.1 and 1.2) to the Ken Saunders standard.
2. The applicant will meet the condition of item five of the Fire Chief's letter of March 2, 2010.
(The Fire Dept. would require the installation of a fire pond(s) and or a fire cistern(s) designed by a fire protection engineer for fire protection water supply in this area of town. Other fire code compliant methods of fire protection may be acceptable. The Fire Chief has had preliminary conversations with the applicant and will assist and work with the applicant to devise a plan of action for this requirement.)
3. The applicant and the town shall remedy the alignment of the right of way of Ingalls Road.

OTHER BUSINESS

None

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board