

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
December 14, 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 McCarthy, seconded by MacIsaac, the November 9, 2010 minutes were approved as amended. (6-0)

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:30 p.m. Notice of public hearing PB 10-11 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Member Moore would vote.

On a motion by Grodin, seconded by Deschenes the board agreed that the application was not one of regional impact. (7-0)

APPLICATION ACCEPTANCE

1. PB 10-11; Belletetes, Inc. 51 Peterborough St., Map 238/ Lot 284, Zone: General Business

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

On a motion by Kresge, seconded by McCarthy the application proposing to amend a previously approved site plan was accepted. (7-0).

PUBLIC HEARING – NEW

1. PB 10-11; Belletetes, Inc. 51 Peterborough St., Map 238/ Lot 284, Zone: General Business

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

Presentation: Jack Belletete

Appearance:

The applicant submitted a request for waiver to item numbers 4, 6 and 7 on the checklist. On a motion by Grodin, seconded by McCarthy the board granted the request. (6-0)

Also submitted was a voluntary merger. This request will merge the above noted map and lot with lots 92 and 93 on map 245. Chairman Merrell signed the merger.

At the start of his presentation Mr. Belletete stated that one of the proposed buildings, labeled as building number 11, would be in need of a variance and was therefore being removed from this

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application. A variance application for setback to a wetland has been filed with the Zoning Board of Adjustment and if approved he will submit a new application to the Planning Board for building 11.

The building being considered, labeled building number 12, will be a “T” shed lumber storage building on the northwest corner of the property in the general business district. Mr. Belletete reviewed and addressed all comments submitted by Jo Anne Carr, Director of Planning and Economic Development.

Mr. Belletete stated that the DPW Director, Randy Heglin had a concern regarding the building in the back and the sewer line. Mr. Belletete stated that the cement pad is eight inches thick and sits six inches into the ground; the sewer line is four feet into the ground. He does not believe there is any issue.

Exterior lighting should not be an issue as the only lighting will be interior and it will be down the center of the building. The structure is a “T” rack, drive-through style and the lumber is placed on the racks with a fork lift. The width of the aisle is twenty-five feet and the maximum length of the lumber going through is twenty feet.

Selectmen’s Representative MacIsaac brought up the issue that building 11, the building removed from this application, is still shown on the plan that they are considering. How should the board handle this? Should the plan be re-done with the building eliminated? Member Kresge stated that since they requested it as a separate application he has no problem with pursuing it with a condition that the plan be revised. Chairman Merrell requested that the plan be amended to show the buildings labeled 11 and 12. Mr. Belletete agreed.

Mr. Belletete was asked how the project would affect water run-off. He replied that the building will be on existing paving so there will be no change in the water flow.

Abutter Mr. Bob Aho asked if more dirt piles were going to be placed on the site. Mr. Belletete replied they would not. There was also a concern regarding the area used for snow storage. Apparently when it melts in the spring it floods Mr. Aho’s lawn. His request was to move the location over allowing it to slowly leach rather than flooding his property. Mr. Belletete offered to make a berm on Mr. Aho’s side allowing the water to flow to the drainage ditch. Mr. Aho wasn’t sure how a berm would look but he agreed to speak with Mr. Belletete and come to a resolution.

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

1. To consider the following:

Adoption of Driveway Regulations
Amend Appendix D of the Subdivision Regulations.

Chairman Merrell confirmed with the board that everyone had a chance to review what is being proposed. There were no comments from the board.

Jaffrey resident Mike Shea asked what the changes entailed. Chairman Merrell reviewed the documents.

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

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PUBLIC HEARING – CONTINUED

1. PB 10-09; Maple Mills, LLC, 443 Squantum Rd., Map 257/ Lot 12.3, Zone: Industrial

Condominium Sub-division – The applicant proposes a condominium conversion.

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

Presentation: Attorney Jeff Crocker

Appearance: Phil Cournoyer, Mark Froling and Steve Walker

The property in question is located near the junction of Prescott and Squantum Rd and the purpose of this application is to convert two of the buildings (Unit 3 – buildings 2 and 3) which are presently owned by Maple Mills LLC and allow a transfer of ownership. Two like applications were previously approved by the board.

As indicated on the plan the land previously identified as Common Area #5 and Convertible Land #2 around Building 1 will now be Limited Common Area for the exclusive use of Unit 3. There are no physical changes proposed. The buildings are presently occupied by Mr. Froling and he will continue to occupy them. Mr. Froling submitted a letter to the board stating what the current uses of the buildings are.

Member McCarthy brought up the issue of numbering and pointed out that the buildings, as they are numbered, could be confusing in the event of an emergency. Attorney Crocker agreed. Mr. Froling stated that he occupies the two buildings being discussed; he has installed a lock box and he is using the same numbering system that has been in place for many years. The building numbers may not correspond to the numbers on the plan but they do correspond to the keys in the lock box.

Mr. Froling explained that he operates a construction company. The two structures being discussed are used to house various materials, hand tools, machines and a couple of trucks. The small brick building is being used for storage. Mr. Froling would like to repair the small building to be used as office space but that is a future plan and will happen as funds allow.

Member Moore asked if there were employees there on a regular basis; are there bathroom facilities? Mr. Froling replied that employees come and go, dropping off and picking up supplies. There are no facilities at this time.

Member Moore asked if they planned to use the entrance which enters onto Prescott Rd and is closest to the subject buildings. Mr. Froling replied that he would like to leave his options open. Although it is a good entrance from Prescott Rd. it is not a very good exit because of the lack of sight distance.

Member Kresge brought up the issue of landscape and mentioned that there is a group of trees that block what was an open view of Mount Monadnock. Since this is a gateway into the town Member Kresge feels it would be nice to have the view back.

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

DECISIONS

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1. PB 10-11; Belletetes, Inc. 51 Peterborough St., Map 238/ Lot 284, Zone: General Business

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

On a motion by McCarthy, seconded by Grodin the application proposing to amend a previously approved site plan was approved subject to the following condition: (6-0).

Conditions:

1. Lighting must comply with the town's zoning ordinance.
2. Building plan to be stamped by an Engineer.
3. Approval is limited to building #12 (45 x 67) in the northwest corner of the lot.

2. To consider the following:

Adoption of Driveway Regulations
Amend Appendix D of the Subdivision Regulations.

On a motion by Moore, seconded by Grodin the adoption of Driveway Regulations and the Amendment of Appendix D of the Subdivision Regulations were approved. (6-0).

3. PB 10-09; Maple Mills, LLC, 443 Squantum Rd., Map 257/ Lot 12.3, Zone: Industrial

Condominium Sub-division – The applicant proposes a condominium conversion.

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

On a motion by McCarthy, seconded by Kresge the application proposing a condominium conversion was approved as presented and per testimony given. (6-0)

On a motion by McCarthy, seconded by Kresge the application proposing to amend a previously approved site plan was approved as presented and per testimony given. (6-0)

OTHER BUSINESS

- Ms. Carr announced that the CIP will be presented to the Budget Committee on January 4, 2011.
- Discussion of vesting – Emery Meadows (Miken)
Ms. Carr reminded the board that they had neglected to define exactly active and substantial and substantial completion on the MIKEN application. The board had previously asked Ms. Carr to do some research through the Local Government Center. What was learned is the board may issue the determination through a re-noticed public hearing, and vote of the Planning Board. The hearing can be limited to the single issue of vesting rights for this project.

Chairman Merrell added that another option would be to let it ride. Ms. Carr agreed but suggested that as Chair there should be a discussion with Mike Shea so that he is aware of the conclusion. Ms. Carr stated that his subdivision could be at risk with respect to the lots that are closer to wetlands or driveways near wetlands because he would not be vested. Chairman Merrell thought he would have his four year exemption but Ms. Carr pointed out that the board has not defined under what conditions his vesting is. He is not automatically vested unless it has been defined.

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Member Grodin felt there should be a re-noticed public hearing. Member Kresge disagreed stating that although they made a mistake he does not feel they should treat this application any differently than the others that have been approved in the past.

Ms. Carr asked if the plan had been recorded. Recording Secretary Lemire stated that it had. According to the Building Inspector the decision was not allowed to be recorded with the plan. The reason was suspected to be that it didn't meet their margin requirements. A new decision will be typed meeting the margin requirements and recorded with reference to the approved plan.

Chairman Merrell suggested that the board give this some thought and it will be discussed next time.

- Class VI/Private Road Policy –
A red lined copy was distributed to the board for discussion. One of the main areas of discussion was the distance to the Class V road access. The distance was 500 feet and is now being proposed at 600 feet.

Following discussion by the board Chairman Merrell suggested that the board adopt the policy and pass it along to the Selectmen allowing them an opportunity to come up with any ideas to amend it. Selectmen's Representative MacIsaac reminded the board that the process is when someone comes in to the Board of Selectmen for a building permit it goes to the Planning Board for approval so the issues that are going to be kicked around now will still be there when it bounces back.

On a motion by McCarthy, seconded by Deschenes the board voted to move the proposed policy to the Board of Selectmen. (4-2) Roll call: Ayes – Deschenes, Grodin, Kresge and McCarthy. Nays – Moore and MacIsaac.

- Master Plan Review 2010 –
Chairman Merrell reminded the board that in the Master Plan it states that an annual review will be conducted and stated that he took it upon himself to do this review. A copy was distributed to the board with the request that board members review it and be prepared to comment at the January meeting. The final version will be posted on the web site for the public.
- Impact Fees –
Member Grodin asked if the fees were current. Chairman Merrell replied that they are not. Jo Anne Carr, Director of Planning and Economic Development commented that the schedule seems a bit out of alignment and that the ordinance itself is in need of an update. It was also mentioned that for constitutional reasons impact fees should be applied to industrial and commercial properties in addition to residential development. Ms. Carr feels that such a project would warrant the board to spend some money and retain a consultant to perform an impact fee study. There is \$6,000 in the Planning Board's budget for the Master Plan. With the Town Manager's approval this money can be moved into impact fees for a consultant. The board agreed and Ms. Carr stated that she will make some phone calls in search of a consultant.
- Voluntary Merger (Belletete's Inc.) – signed.

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- Sign Ordinance –
Member Kresge reviewed the ordinance and did the renumbering to the references. The amended document was given to Recording Secretary Lemire for updating in the Zoning Ordinance.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board