

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
January 11, 2011

Present: Chairman Merrell, Members Deschenes, Despres, Kresge, McCarthy and Moore

Absent: Members Doane, Grodin and Selectmen's Representative MacIsaac

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

MEETING MINUTES APPROVAL

On a motion by Kresge, seconded by Moore, the December 14, 2010 minutes were approved as amended. (6-0)

Amendments were:

Page 4, Decisions

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

Conditions:

3. Approval is limited to building #12 (45 x 67) in the **northwest southwest** corner of the lot.

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:30 p.m. Notice of public hearing PB 11-01 and PB 11-02 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Members Despres and Moore would vote.

APPLICATION ACCEPTANCE

1. PB 11-01; 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. (6-0).

On a motion by McCarthy, seconded by Kresge the board determined that the application was not one of regional impact. (6-0)

2. PB 11-02; PSNH, (780 N. Commercial St., Manchester, NH), properties between Monadnock Station, Troy to Peterborough Station, Peterborough.

Site Plan - The applicant proposes the installation, repair and replacement of structures on PSNH powerline corridor.

On a motion by Deschenes, seconded by McCarthy the application proposing the installation, repair and replacement of structures on PSNH powerline corridor was accepted. (6-0).

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Member Deschenes asked if the new power line being installed comes from Fitzwilliam to Jaffrey or does it continue into Peterborough. Ms. O'Reilly replied that the work associated with this application ends at the Jaffrey line.

On a motion by McCarthy, seconded by Kresge the board determined that the application was not one of regional impact. (6-0)

PUBLIC HEARING – NEW

1. PB 11-01; 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:

Mr. Belletete was before the board in December with a similar application for another building on the property. The structure associated with this application was in need of a variance from the Zoning Board of Adjustment which delayed the public hearing one month and required a separate planning board application. Mr. Belletete applied to and was before the ZBA on January 4, 2011 and the variance for wetland setback was granted.

The building being proposed will be a "T" shed lumber storage building 45 feet x 87 feet in size. The building will be constructed on an area already paved therefore a change in water flow is not expected. While reviewing the plan it was noticed that it had not been stamped by the Engineer. Mr. Belletete stated that he would contact TF Moran with that information and request that they provide stamped/signed copies.

Chairman Merrell reminded Mr. Belletete of their conversation at the last public hearing with abutter Mr. Robert Aho regarding drainage. Mr. Belletete reiterated that he is willing to work with his neighbor. However a fix may have to wait until the spring.

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

1. PB 11-02; PSNH, (780 N. Commercial St., Manchester, NH), properties between Monadnock Station, Troy to Peterborough Station, Peterborough.

Site Plan - The applicant proposes the installation, repair and replacement of structures on PSNH powerline corridor.

Presentation: Lindsay O'Reilly, Wetlands Scientist, Gove Environmental Services, Inc.

Appearance:

Member Deschenes asked if a letter of authorization from PSNH was submitted allowing Ms. O'Reilly to present their application. Ms. O'Reilly replied that it is in the Wetlands Bureau Major Impact Dredge and Fill application.

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Ms. O'Reilly stated that PSNH is doing some maintenance and repair work on the existing power line corridor that comes through and across all of Jaffrey. The wetlands impact that are proposed are within the footings of the structures that are out there that need to be removed and replaced.

Chairman Merrell asked what exactly does PSNH propose to do? Ms. O'Reilly stated that there are structures that will be removed and replaced. The criteria for replacement are unknown. Wetland encroachment will be an issue with some structures. Ms. O'Reilly stated that they have accounted for and paid for every square foot of wetlands within the corridor even though they will not actually impact all of the area. The permanent wetland impacts total 78 square feet. This was estimated from the area of the structure footings, and the area of digging/ground disturbance to install them. Temporary impacts were estimated to be much greater (123,041 square feet) because the entire wetland area was included in the calculation. There are 56 wetland impact areas that include both temporary and permanent.

Chairman Merrell asked for the purpose of the project. Ms. O'Reilly stated that it is maintenance but since it involves the replacement of structures it requires a permit. There will be no change in structure type or number of lines or voltage. Structures will be replaced in kind. While they are out there other maintenance such as tree trimming to maintain the corridor and access routes may take place.

Member Kresge feels that the need for a special exception for wetlands is large. Ms. O'Reilly replied that a ZBA application is in the process of being completed and it is their intent to be on the agenda for the February meeting.

Member Moore asked if any of the replacements would be higher than what exists. Ms. O'Reilly stated that it is her understanding that everything replaced will be in kind; she has not been instructed otherwise.

Member Deschenes asked when did they plan to start and when did they hope to finish. Ms. O'Reilly stated that they will start as soon as they get the permit. The plan is to work while the ground is frozen and that will determine how much they get done.

Member Kresge asked what the actual construction technique looked like. Ms. O'Reilly was not certain but thought they would start at the Monadnock sub-station in Troy and go in from there. To her knowledge the trails out there are well maintained and trucks are out there often.

Ms. Jo Anne Carr, Director of Planning and Economic Development asked if there were plans to coordinate with the local police department with respect to traffic issues. Ms. O'Reilly could not speak to the issue. Ms. Carr suggested making it a condition

Chairman Merrell asked if DES permits had been obtained. Ms. O'Reilly stated that they have been applied for but not yet issued.

Jaffrey resident Mike Shea stated that he owns property which has a PSNH easement and based on correspondence with PSNH from 2008 he was under the impression that tonight's application to the board was to include the addition of a line. Ms. O'Reilly stated that there was a preliminary understanding that there might be some additional line work and extension of the line but that is not the case before the board. Mr. David Stills is the project contact for PSNH and he would be the person to answer the PSNH questions however he was unable to attend.

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Jaffrey resident Mr. Richard Lynch agreed with Mr. Shea. According to correspondence from PSNH he was under the impression that the application before the board had to do with a line upgrade.

Chairman Merrell asked Ms. O'Reilly if the on-going survey work is connected to the upgrade project as opposed to her project. Ms. O'Reilly replied that she did not know.

Ms. Carr stated that she spoke with Mr. Stills on a related matter and according to him there will be a subsequent application for a line upgrade.

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

PUBLIC HEARING – CONTINUED

None

DECISIONS

1. PB 11-01; 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 Moore the application proposing to amend a previously approved site plan was approved as presented and per testimony given subject to the following conditions. (6-0).

Conditions:

1. Site plan to be stamped by an Engineer
2. Lighting must comply with the Town's Zoning Ordinance
3. Building plan to be stamped by an Engineer

2. PB 11-02; PSNH, (780 N. Commercial St., Manchester, NH), properties between Monadnock Station, Troy to Peterborough Station, Peterborough.

Site Plan - The applicant proposes the installation, repair and replacement of structures on PSNH powerline corridor.

On a motion by Moore, seconded by McCarthy the application proposing the installation, repair and replacement of structures on PSNH powerline corridor was approved as presented and per testimony given subject to the following conditions. (6-0)

Conditions:

1. A Special Exception for wetlands setback is required from the Zoning Board Of Adjustment.
2. Wetland permits to be obtained from the Department of Environmental Service.
3. Coordinate any activities on Jaffrey streets with the authorities.
4. No change in the elevation of poles.

OTHER BUSINESS

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- Voluntary Merger (Monadnock Christian Conference Center) - signed.
- Master Plan Annual Review - comments
Chairman Merrell had prepared and distributed copies of the review at the last meeting asking members to review and comment. Member Kresge reviewed the different topics suggesting there be more mention of the progress being made to the Master Plan role. The board agreed. The document was given to the Recording Secretary and with the aid of Member Kresge his proposed additions will be composed and incorporated into the document.
- Class VI Road Policy
Chairman Merrell stated that at last night's Selectmen meeting the board discussed the Class VI Road Policy as it was moved to them for comment from the Planning Board. The meeting was well attended and with many comments. At the end of the meeting the Selectmen remanded the policy back to the planning board with the request that they hold a public hearing. This will alert the public and allow them to comment. During the last three months when the policy was discussed at planning board meetings there was no one in attendance however it was not noticed as a public hearing.

Member McCarthy stated that it was the board's understanding that this is not a policy that has the same force as a planning regulation; it's a guideline to the Selectmen who can either follow it or reject it. It's basically an update to something that was done in 2005 and it appears to be more in favor of the landowner.

Jaffrey resident Mike Shea commented that there was no previous policy that was ever adopted; it was presented and filed.

Ms. Carr interjected that it was adopted at a Planning Board public hearing on January 11, 2005.

Chairman Merrell stated that they will work towards holding the public hearing in February. Board members expressed a desire to read the BOS meeting minutes prior to the public hearing so that they have a sense of the conversation. Ms. Carr will speak with the Selectmen's Secretary about obtaining a draft copy.

- Vesting
Chairman Merrell spoke with Mike Shea (MIKEN Realty) regarding his property and vesting and his impression is that MIKEN Realty had worked with the town in correcting one of the conditions that the board had established in the approval. Mr. Shea has an issue with the fire pond due to the fact that there is legislation at the State house regarding sprinkler systems that would negate the need for a fire pond.
Reviewing his conditions Mr. Shea noted that he did straighten the road as requested. Regarding comments from the Fire Chief about installing either a fire pond or a cistern Mr. Shea stated that he recently met with Chief Chamberlain and a viable option that would be satisfactory was a residential sprinkler system. Member Kresge asked if you can use a sprinkler system on a well. Mr. Shea did not know but assumed so since it was suggested. He also stated that he is not opposed to putting in the fire pond. Chairman Merrell asked if Mr. Shea should be required to spend the money to construct a fire pond if at a later date the state requires a sprinkler system.

Member McCarthy suggested to Mr. Shea that he look closely at the cost between constructing a fire pond and the installation of a sprinkler system for each home.

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Member Despres asked what the cost of a fire pond would be. Mr. Shea replied that he has an estimate of \$40,000 to \$50,000 but he himself has not priced it out. It was also mentioned by the Fire Chief that grant money may be available.

Member Moore added that the fire pond he constructed on Fitch Road cost \$10,000.

Ms. Carr feels that looking at it as active and substantial / substantial completion Mr. Shea has already met, for all intents and purposes, active and substantial by meeting the first condition. He doesn't have to achieve substantial completion for four years out.

Through the conversation Mr. Shea understands that it would be quicker and easier to do a cistern or fire pond. He is also encouraged about Member Moore's experience. If the board felt it reasonable Mr. Shea said he would be happy to talk with the Fire Chief about it tomorrow with the hope of gaining knowledge and assistance to produce a product that he is familiar and comfortable with.

Following their discussion Chairman Merrell stated that although the board may feel that Mr. Shea has vested rights and Mr. Shea may feel he has vested rights he would like to clarify the record by stating that MIKEN Realty has vested rights.

Ms. Carr commented that they don't have a procedure in place for this and if needed down the line they could always have a hearing and make a determination. For this project he has clearly met his active and substantial. As for substantial completion he has four years to achieve it. The question is how is he going to address the water issue. Once that is done in a formalized way then he is substantially complete; without a hearing.

Member Kresge feels that the vesting issue is fine for all of the reasons stated. The only issue is how to satisfy the conditions in a way that is reasonable for buyers.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board