

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 9, 2011

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

Absent: Member Despres

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

MEETING MINUTES APPROVAL

On a motion by Moore, seconded by Kresge, the January 11, 2011 minutes were approved as amended. (6-0)

On a motion by McCarthy, seconded by Kresge, the February 8, 2011 minutes were approved as amended. (7-0)

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public 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. Member Moore would vote on continued item PB 11-03, PLH, LLC.

APPLICATION ACCEPTANCE

None

PUBLIC HEARING – NEW

1. To consider the following:
Class VI/Private Road Policy

Chairman Merrell began the hearing by reading the press release which summarized how the board arrived at this point. Following the reading he explained that what is being proposed is a policy and it does not have any legal binding, it is a guideline with the purpose of putting the Planning Board and the Board of Selectmen on the same page. It was also stated that subsequent to presenting the proposed policy to the Selectmen's at their January 10, 2011 meeting the Planning Board sought legal counsel on the policy that was presented and as a result of that legal input there were some modifications made.

Jaffrey resident Mr. Bill Royce does not agree with the proposed 600 foot distance from a Class V road and understands the policy to say that if someone is more than 600 feet from the Class V road they are disqualified and where did that number come from. Chairman Merrell explained that it is not an automatic disqualification; it is up to the Selectmen to decide if that is the case or not. It was also explained that the 600 feet came from NH case law – Vachon vs. New Durham and that public safety is key with the Planning Board. Mr. Royce also feels it is wrong that the property owner is asked to upgrade the Class VI road to an almost Class V road. He feels this is playing into the hands of the big developer who can afford to do it.

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Jaffrey resident Mr. Donald Stewart is also opposed to the 600 foot distance and feels it should be dropped from the policy.

Jaffrey resident Ms. Leslie McLean is a resident of Red Gate Rd. on the Class VI portion and more than 600 feet from the Class V portion. Ms. McLean found the issue of emergency vehicles interesting as her portion of Red Gate is wider than the Class V portion of the road. Chairman Merrell stated that the 2004 report by the Class VI road committee did recognize that Class VI road widths vary and Red Gate was one of them.

Property owner Mr. Brian Rhode is opposed to the 600 foot distance and asked if someone constructs a long driveway to access their home does the town require that they meet the Class V road specifications so that the same rescue vehicles can get to their house. Chairman Merrell stated that driveways are a separate issue however there is a policy and yes, an emergency vehicle has to be able to negotiate the driveway and have the ability to turn around and get out.

Jaffrey resident Mr. Dave Griffin referenced the draft policy particularly the mention of the Master Plan and the board's use of it as a guide in decision making. "To maintain the rural character of Jaffrey and reduce the drain of town services and related expenses". He believes that building on a Class VI road does not involve any drain of services. He too is opposed to the 600 feet.

Member Kresge pointed out that it is not true that someone on a Class VI road does not have services. They may not utilize town water or sewer but they may utilize the school system or emergency services.

Chairman Merrell read into the record a letter from property owner Josh Penick. In the letter Mr. Penick listed reasons why he feels that the Town of Jaffrey "should forbid development along Class VI roads" stating that it is "against the directives set forth in the Master Plan, and is not consistent with views of its citizens".

Jaffrey resident Mr. David Halfpenny asked if the upgraded road is checked to ensure it is being maintained and if it is not being maintained what happens. Chairman Merrell replied that there is an Enforcement Officer, Dave Baron and he is around town all the time. If he becomes aware that a road is not being maintained then the owner will be notified. Selectmen's Representative MacIsaac added that one way to enforce it is to notify the owner that it needs repair. If the road is not fixed then the town could fix it and put a lien on the property.

Jaffrey resident Mr. Mike Shea is opposed to the policy and he feels that if the proposed policy is approved it will result in a taking of rights. He does not feel it is fair to ask for a site plan application in order to obtain a building permit, he does not agree with the 600 foot distance, he does not feel the 6 month time frame is realistic and questions the qualifications of the participants of the 2004 Class VI Road guidelines. To his knowledge they do not have the certification or background to inspect roads or determine their viability of whether they can be brought back to reasonable standard.

Jaffrey resident Mr. Rob Stephenson feels that the wording in the proposed policy "to maintain the rural character of Jaffrey" is a key thing. Whatever is done "to maintain the rural character of Jaffrey" should be kept in mind.

Jaffrey resident Mr. Hugh Landis asked if an addition to his home on a Class VI road would require approval from the Selectmen. He urged the board to write the policy as loosely as possible so as to retain the rights.

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Chairman Merrell reminded everyone that even if a request is denied by the Selectmen the applicant can always apply to the Zoning Board of Adjustment and to the State beyond that.

Jaffrey resident Mr. Matt Shea understands the boards view on safety however he questions why a distance has to be set at all. If the road is brought up to standard then it shouldn't be a concern.

Ms. McLean referred to the first sentence in "Application" which made reference to erecting a structure on a lot on a class VI rd. Could a structure be a shed on an existing house lot and if not then the word structure does not reflect what the board is saying. What about someone who builds in the middle – before the last person on the road? Do they have to go through this process even though they are on the improved section?

Member McCarthy understood the concerns mentioned by Ms. McLean and feels they are areas that the board needs to consider.

Member Grodin feels the policy was done with good intentions but that it is not very clear. It was suggested that they form a larger committee consisting also of other people such as those present who are land owners to see if they can develop a regulation.

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

PUBLIC HEARING – CONTINUED DELIBERATIONS

2. PB 11-03; PLH, LLC, 136 Old Sharon Rd., Map 255/ Lot 2, Zone: Rural (without town water) / Industrial.

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

During deliberations on February 8, 2011 the board decided to continue the deliberations pending receipt of building information. As requested Mr. Pelkey delivered a drawing.

DECISIONS

1. To consider the following:
Class VI/Private Road Policy

The board continued the deliberative session to the April meeting. Selectmen's Representative MacIsaac offered to work with Member Grodin to establish a new draft.

2. PB 11-03; PLH, LLC, 136 Old Sharon Rd., Map 255/ Lot 2, Zone: Rural (without town water) / Industrial.

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

Member Moore would vote.

On a motion by MacIsaac, seconded by Doane the board approved the request to amend a previously approved site plan. (7-0)

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OTHER BUSINESS

Impact Fee Study – update

Jo Anne Carr, Director of Planning and Economic Development was able to secure a contract with Bruce Mayberry who is one of the authors of the Impact Fee Guidelines. A preliminary review was supplied to the members. Ms. Carr stated that funds from last year were encumbered and planning money was rolled over into consulting so there are almost sufficient funds to do a complete update of the impact fee ordinance. Because of the cost they may not be able to get through the entire set of schedules this year but they will get through the ones they feel are critical.

Ms. Carr asked for one planning board member to work with her as a liaison on the project. Member Kresge volunteered. Members Doane and Merrell agreed to be alternates. The first meeting with Mr. Mayberry will be with staff following staff meeting on March 15, 2011. They will go over the initial review and start looking at some details.

Ms. Carr did give the board an issue to consider. At the present time the impact ordinance only applies to residential development. To be fair it should include industrial and general business.

Town's street map – planned review for accuracy.

Ms. Carr stated that she along with Randy Heglin and David Chamberlain recently reviewed the town's street map as part of the E911 update. She would like someone from the Planning Board to review the map as well because there are a lot of private roads and Class VI roads that are either missing or not shown. Members McCarthy, Deschenes and Doane volunteered.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board