

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
January 10, 2012

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

Absent: Member Grodin

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

MEETING MINUTES APPROVAL

On a motion by Doane, seconded by Deschenes, minutes of the December 13, 2011 were approved as submitted. (7-0)

PRELIMINARY HEARING

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:30 p.m. Notice of public hearing PB 11-16 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 Despres would vote for Member Grodin. Member Moore would vote for Selectmen's Representative MacIsaac who would arrive late to the meeting.

APPLICATION ACCEPTANCE

No action

PUBLIC HEARING – CONTINUED

1. PB 11-16 Rob Cummings, Lacy Rd., Map 239/ Lot 31.2, Zone: Residential A / General Business

Site Plan - The applicant proposes to construct a multi-family apartment house with five units.

Presentation: Rob Cummings

Appearance:

Mr. Cummings application was originally before the board at the December meeting. He was unable to be present and Mr. Tom Harvey presented on his behalf. Many questions were left unanswered and the board continued the meeting noting several deficiencies. The day after the hearing Mr. Cummings met with Chairman Merrell, Building Inspector Baron and the Planner/Economic Development Director Jo Anne Carr to discuss the issues noted by the board.

Mr. Cummings began his presentation by saying that he is aware of the new legislation regarding sprinklers and that for this project it means he is required to have an automatic sprinkler system in the building. A new site map addressing the issues raised at the last meeting was distributed.

Chairman Merrell reviewed the map noting the following updates:

- The two water lines (sprinkler and water) are shown
- Snow removal area is designated
- Elevation of the building was submitted separately noting the allowable building height of forty-five feet and the twenty-eight foot maximum elevation at the rear of the house.

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- Abutters are listed on the Current Condition Plan and the original subdivision plan
- Lighting was added to the building to indicate where there will be lights and at the proposed new light pole a note was added to indicate that the light for the parking area will be downcast.
- Underground utilities are shown going to the gable end of the building.
- Easement granted for the well – Mr. Cummings stated that this is not necessary and the process ceased in 1984. The liability for the well radius being over the property line is solely the responsibility of the land owner. RSA 485-A:30-6 speaks to the release from protective well radii.
- The driveway has been staked out and the access has increased from fourteen feet to thirty feet. This should address the issue of fire truck access.

Member McCarthy asked about the configuration of the building. Mr. Cummings explained that three units will be facing Lacy Rd and the remaining two units will be ground level walk-outs on the back side of the building. There will be one central entry way in the center of the house.

Mr. Koski is an abutter and asked to see the plan showing abutters and the sketch of the proposed building.

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

2. To consider the following change to the Site Plan Regulations:
To amend Section VIII Standards of Performance to insert a new section E

The purpose of the proposed changes is to reclassify residentially zoned land of Millipore (map 257/lot 17) to industrial.

Addressing first the issue of noise Member Kresge stated that his comments from December still hold; it doesn't make sense to have a separate noise standard applicable to one lot in town. Chairman Merrell agreed and added that he spoke with the Town's Attorney Kelly Dowd about the comment made last month by Millipore's counsel, Attorney Uchida of Orr and Reno that having a fixed number would be difficult to defend in a court of law. Attorney Dowd feels that this is not a problem because the wording in the ordinance is "continuous". It is his opinion that the ordinance is defensible. Chairman Merrell asked the board for their comments. Would the board like to adopt this change or adopt and apply it to all industrial zones?

Attorney Arnold of Orr and Reno feels that having a little flexibility in the ordinance would accommodate the isolated occurrences making the ordinance more workable and enforceable.

Member Doane is comfortable following the advice of Town Counsel and he would be in favor of establishing a separate ordinance for the Millipore lot. Chairman Merrell and member Kresge feel there should be only one standard that applies to all industrial lots. If this proposal is adopted a change will have to be made to all the other industrial zones and this would be done through the public hearing process.

Moving on to the issue of odors and aquifer Chairman Merrell stated that he has no issue with the way either is written and asked if there was any discussion from the board. JoAnne Carr, Director of Planning and Economic Development asked if the section on aquifer would apply town wide or just to the Turnpike Road district and suggested that the board discuss it during their deliberations. Chairman

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Merrell asked Ms. Carr if she had any issues with the wording. Ms. Carr replied that she feels it is adequate however her concern is that they haven't looked at how it would impact the rest of the town. She would like to have a map of all the well head protection areas. If this is going to be adopted town wide she feels it should be reflected on a map. Members Kresge and Doane stated that they would have no objection to adopting this one specifically for the Turnpike District and leave the remainder of the town as is for the moment.

Attorney Arnold made reference to item F, line five of the Aquifer protection – “junkyards, wastewater or septage lagoons, on-site waste water treatment”. For purposes of what Millipore is doing the “on-site waste water treatment” should be stricken because it is a process done on-site. The board was in agreement.

Member Moore is in favor of adopting for the district and then follow through with the aquifer portion as suggested by Jo Anne Carr. Member Deschenes agreed with Member Moore. He feels the proposed regulation is clearer and more definite. Member Despres feels the regulation will benefit everyone and agrees there should be one standard for the town. Member McCarthy concurred adding that if there needs to be time for discussion having two standards for a month or two is not a problem.

Chairman Merrell feels the board should adopt the noise regulation in the other industrial zones and it will require a public hearing in February.

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

DECISIONS

1. PB 11-16 Rob Cummings, Lacy Rd., Map 239/ Lot 31.2, Zone: Residential A / General Business

Site Plan - The applicant proposes to construct a multi-family apartment house with five units.

On a motion by McCarthy, seconded by Doane the application proposing to construct a multi-family apartment house with five units was approved as submitted and per testimony given. (7-0)

2. To consider the following changes to the Jaffrey Zoning Ordinance:
To amend Section VIII Standards of Performance to insert a new section E

On a motion by Moore, seconded by McCarthy the board adopted the proposed changes to the site plan regulations as amended. (5-2) Ayes: Despres, Moore, McCarthy, Merrell and Deschenes. Nays: Kresge and Doane.

OTHER BUSINESS

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- Minor site plan review proposal

Ms. Carr reminded the board that she had been asked to draft standards for a minor site plan review for non-residential properties. The purpose is to think about minor site plan reviews and having a means for review. The minor site plan would not need a public hearing but would still warrant review of site issues by a review committee with reports going back to the Planning Board. A checklist has been drafted and adopted by the Selectmen; copies were distributed to the board. The checklist will review everything from water/sewer hook-ups to ZBA approvals. The one change Ms. Carr suggested is in the wording for section 4.2.1 and it is to strike the word “external” so that it would be internal and external construction with a limited scope between one hundred and five hundred square feet. The rationale is that there would be a committee review for very minor projects such as the redevelopment at the Printegra building where several businesses have been established without benefit of site plan yet at the Somero building new businesses came in with a site plan review. This process will make it a uniform application for everyone. What is being proposed is the most conservative change that is the most doable in the short time frame. If the board chooses to move forward the last date for a public hearing is January 24. If adopted it would move to town meeting.

On a motion by Kresge, seconded by Doane the board voted in favor of a public hearing on Tuesday, January 24 at 1:00 p.m. to address the minor site plan change in the Zoning Ordinance, paragraph 4.2.1 to strike the word “external”. (7-0)

- Designate Technical Review Committee for minor site plan per section 4.2.1 and 4.2.2

On a motion by Doane seconded by Deschenes the board voted in favor of a Resolution for a Site Plan Review Committee. (7-0)

The committee will consist of the following:

Building Inspector, Dave Baron
Planner/Economic Development Director, Jo Anne Carr
Dept. of Public Works Director, Randall Heglin
Fire Chief, David Chamberlain
Police Chief, William Oswalt
Planning Board Representative, Edward Merrell

- Van Dyke – request for 2nd extension of approval

On a motion by Doane, seconded by Moore the board approved the request for a 2nd extension of approval as requested in the January 3, 2012 letter from Attorney John Ratigan. (7-0)

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ADJOURNMENT

The meeting adjourned at 8:26 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board