

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 14, 2012

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

Absent: Members McCarthy and Moore

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

MEETING MINUTES APPROVAL

On a motion by MacIsaac, seconded by Doane the minutes of the February 14, 2012 meeting were approved as submitted. (7-0)

PRELIMINARY HEARING

Mike Shea – 80 Peterborough St. / The Plaza

Mr. Shea potentially has two tenants moving into one of the store fronts at the Plaza previously used by Choppa's (meats and deli). The unit will be divided in two to accommodate a hair dresser and a restaurant type chain (deli type). Mr. Shea did not identify the restaurant chain as he does not have a formal lease agreement in hand yet. During the building permit application process Mr. Shea learned that the hair dresser may have to come to the Planning Board for site plan review because it is a change of use. Mr. Shea doesn't feel this is a strict new use and has come before the board to ask for a determination and possibly relief from this requirement. Mr. Shea pointed out that in recent history there was a hairdresser in the plaza although not in this particular unit and there are a couple other restaurants presently at the plaza. Additionally, both of these proposed businesses are regulated by State agencies in addition to any Town ordinances.

Member Grodin asked what types of things would be different that would be affected by the Town ordinance (ie: access, egress, noise)? Mr. Shea replied that access and egress will be handled through the Fire Chief and the Code Enforcement Officer and he is in process of dealing with that; he does not anticipate that it will add a significant additional burden of traffic that the previous businesses did not already generate.

Member Doane asked if there would be any significant changes for the salon. Mr. Shea stated that the main changes will be one demising partition and an entrance into the salon will be added directly off the main entrance from the outside. Member Doane asked about plumbing, electrical and venting. Mr. Shea stated that they will utilize everything in the wall between Choppa's and Dunkin Donuts; because they had several sinks for the meat/deli section and the plumbing is all along one side making it easy for the salon; no changes will be necessary.

Chairman Merrell feels that the restaurant is not a big change from Choppa's. The hairdresser however would be a change of use as the previous salon did not reside in this unit although the address for all tenants is 80 Peterborough St. Member Kresge feels differently stating that he does not see the hairdresser as a change of use for the property. Member Grodin feels that the project does not involve a significant enough change of use. Members Doane, MacIsaac and Deschenes agreed.

On a motion by Grodin, seconded by Doane the board determined that the project does not involve a significant enough change of use so as to trigger site plan review. (6-0)

CALL TO ORDER

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Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public hearing PB 12-03 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 McCarthy. On a motion by Doane, seconded by Kresge the board determined that the application is not one of regional impact.

APPLICATION ACCEPTANCE

1. PB 12-03 Schmaltz, Eunice D, Map 243/ Lot 11.1, Zone: Residence B (with town water)

Minor Sub-division - The applicant proposes a three lot subdivision.

On a motion by Kresge, seconded by Deschenes the application proposing a three lot subdivision was accepted. (7-0).

PUBLIC HEARING – NEW

1. PB 12-03 Schmaltz, Eunice D, Map 243/ Lot 11.1, Zone: Residence B (with town water)

Minor Sub-division - The applicant proposes a three lot subdivision.

Presentation: Attorney David Tower

Appearance: Al Vorce and Scott Patterson, VSA, Inc., Carl Hagstrom and Scott Hagstrom,
Monadnock Septic Design

Attorney Tower is representing Ms. Schmaltz who is proposing to subdivide an existing 20.62 acre parcel into three lots. The parcel contains several dilapidated cottages; this subdivision will place two of the cottages on their own one acre parcel. The south side of the parcel has frontage on Contoocook Lake. If approved the two proposed lots will not have frontage on the lake however there is a small overflow from the lake that creates a marsh. This marsh fronts on both of the proposed lots.

Attorney Tower addressed the comments submitted from the DPW referencing the “old drive” as an easement. They are not intended to be easements; they are old roads which cut through the property and are shown on the plan. What is an easement is Rue Deschenes; it provides access to an abutting rear parcel. Attorney Tower stated that there is a request to waive the requirement for a full perimeter survey. A full survey on this property was done in 1999 when an earlier subdivision was approved. Frontage for the newly created parcels is on Squantum Rd. and both structures meet current setback regulations.

Member Grodin asked if driveway permits had been applied for. Attorney Tower believes it has been done. The thought is that the existing curb cuts will be utilized. Member Grodin asked if State approval has been granted for the septic. Attorney Tower replied that they have State approval.

As an informational matter, Member Kresge informed Attorney Tower that this subdivision will trigger the provisions of the Innovative Land Use Plan section of the zoning so that the remaining eighteen acre lot cannot be subdivided for another two years after this action.

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

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DECISIONS

1. PB 12-03 Schmaltz, Eunice D, Map 243/ Lot 11.1, Zone: Residence B (with town water)

Minor Sub-division - The applicant proposes a three lot subdivision.

On a motion by Kresge, seconded by Deschenes the application proposing a three lot subdivision was granted as presented and per testimony given. (6-0)

OTHER BUSINESS

- Voluntary Merger (Querfurth) - signed
- Jo Anne Carr - Minor site plan Regulations

A memo was distributed to the board notifying them that the two zoning articles passed at Town Meeting vote. The one being discussed allows for a minor site plan review impacting between 100 and 500 square feet to be reviewed by a Technical Review Committee as designated by the Board at the January 24, 2012 meeting. For projects of this size the review will be conducted without a public hearing.

In light of Mike Shea's preliminary meeting this was thought to be a good opportunity for the board to visualize the size and impact that a 500 square foot area could have and to think about whether or not they would want to revisit the threshold limit for minor site plans provided they are not considered a change of use. Ms. Carr reminded the board that the Technical Review Committee does not have authorization to review projects that are a change of use.

Member Grodin asked if those named to the committee and what the committee consists of has been identified. Ms. Carr explained that this was addressed and noted in the January 24, 2012 meeting minutes however it would also be a good idea to include the process in the rules of procedure or site plan rules.

Chairman Merrell pointed out that decisions made by the Technical Review Committee will be transmitted via memo to the Planning Board by either Jo Anne Carr or the Building Inspector Dave Baron.

Ms. Carr reminded the board that during the January public hearing on the subject the board was not sure if 500 square feet was too small. The Shea project is the perfect example and should they decide to expand the 500 square feet they can do so without going to town meeting. A public hearing however was recommended.

- Jo Anne Carr – Aquifers

At the February 14 meeting, with respect to the adoption of a new Standards of Performance, the board asked Ms. Carr to produce a water head protection area map. The map has been compiled and distributed to the board.

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Member Grodin expressed concern for there being two sets of criteria within the town for the Industrial District. Ms. Carr explained that the board adopted one set of regulations for the Millipore District. Tonight's discussion is taking place because the board does not want two sets of regulations. Ms. Carr suggested that they take a look at the change in the noise ordinance and see what it looks like with the current site plan requirement.

Selectmen's Representative MacIsaac feels that the board has to be careful to avoid a situation where they pass the regulation only to discover that there is a major business that cannot comply; N.E. Wood Pellets was used as an example.

It was a good point raised and Ms. Carr will look into renting the sound meter again but this time for a week. They would like to choose five businesses to monitor – for example DD Bean, Monadnock Disposal and Charron Auto Body. Once the data is compiled a public hearing will be planned – possibly in May.

- Impact Fee Update – Member Despres

Members Despres and Moore met with Jo Anne Carr and the Consultant who is in the process of updating the Town's impact fee schedule. Member Despres stated that neither she nor Member Moore are advocates of impact fees but they wanted to see if there were ways to make improvements. Some suggestions were expanding who pays to include commercial/industrial, having a moratorium for impact fees for residential or having residential only apply to large subdivisions. Given the present times they do not feel that impact fees, with the considerable amount of money associated with them, are practical.

Chairman Merrell commented that the basic impact fee schedule was set up a long time ago and it has never been maintained as inflation rose. What is needed is a means of adjusting the impact fee on a regular basis. The board was in consensus that it should be expanded to include commercial/industrial.

Selectmen's Representative MacIsaac noted the importance of updating the numbers and asked how is the collected money spent? Ms. Carr replied that she receives reports on an annual basis and as an example the money for the school is pretty much spent; it is used to offset the cost of the bond and construction. The account currently has about \$30,000 and that is because it has to be spent, it cannot be held on to. It has to be spent within six years for the purpose in which it was collected. One of the things the project is looking at is reducing the number of categories. Water and sewer should not be included in the impact fee assessment because hook-up fees are collected. Ms. Carr pointed out that the fee does not have to go up; if categories are eliminated and an appropriate fee is charged for the categories that remain it could end up at the same dollar amount but apportioned in a different way.

Ms. Carr stated that based on Staff and Planning Board review the three categories that would be charged for infrastructure improvements that can be justified would be Municipal Facilities (re-titled from General Government), Schools and Roads.

Chairman Merrell asked what they could expect to see from the Consultant. Ms. Carr explained that a model has been drafted for the board to consider. He is finalizing a fee schedule that will be presented to the board and it will include residential and commercial development in the three categories. There will probably be three options or levels to choose from.

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ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board