

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**January 8, 2013**

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

**Absent:** Member Grodin

**Staff:** JoAnne Carr, Director of Planning and Economic Development

**MEETING MINUTES APPROVAL**

On a motion by MacIsaac, seconded by Deschenes the minutes of the December 11, 2012 meeting was 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 PB 13-01 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 Moore and Despres would vote.

On a motion by McCarthy, seconded by MacIsaac the board voted that there was no regional impact for either of the night's public hearings. (7-0)

**APPLICATION ACCEPTANCE**

1. PB 13-01 Avery, Seth (property of Desrosier), 5 Pinecrest Rd., Map 245/ Lot 8, Zone: General Business

Site Plan - The applicant proposes an automotive repair shop.

On a motion by Kresge, seconded by Deschenes the board accepted the application proposing an automotive repair shop. (7-0)

**PUBLIC HEARING – NEW**

1. PB 13-01 Avery, Seth (property of Desrosier), 5 Pinecrest Rd., Map 245/ Lot 108, Zone: General Business

Site Plan - The applicant proposes an automotive repair shop.

Presentation: Marc Tieger

Appearance: Seth Avery, Rand Desrosiers

Mr. Tieger is representing Mr. Avery who is interested in purchasing the property at 5 Pinecrest Rd. There are three individual parcels. Lot 108 contains the warehouse which does not have septic (no restroom) but does have town water. Lots 106 and 107 both contain residences and have septic and town water. All properties are in the general business district with the exception of a small portion of the north-east corner of lot 108 which is Residence A. Several waivers to the site plan checklist are being requested.

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**January 8, 2013**

Mr. Avery would reside in one of the houses and conduct a small auto repair/warehouse business in the warehouse. Hours of operation would be six days a week; ten hours Monday through Friday and Saturday hours have not been determined. All work will be inside the building; the only outside storage will be cars that belong to customers and the existing exterior light will remain as is. There will be two 55 gallon drums that will be used to contain any fluids and they will be trucked away on a regular basis. Member Merrell asked if the light conformed to the ordinance where it does not shine up, out or onto a neighboring property. Mr. Desrosiers replied that it shines down. It has an egg shaped bulb with a globe and he believes it belongs to Public Service. His family has never serviced it.

Chairman Merrell asked if there was a restroom in the warehouse. Mr. Tieger replied no and since Mr. Avery will be the only employee he plans to use the facilities in the house where he will reside. Member Moore asked where is the septic? Mr. Tieger replied that there is none. There is water to the warehouse that comes from the house. Mr. Desrosiers stated that there is a single water line with a hose on it that runs from the little house into the warehouse for the purpose of washing hands.

Member Kresge asked if it had been confirmed whether or not there are floor drains. Mr. Avery replied that it has not been confirmed. Selectmen's Representative MacIsaac asked where does the gray water go if there are no drains or septic. Mr. Desrosiers explained that his Dad would wash his hands in a pail and then dispose of the water. Typically he would go to the house up on the hill.

Chairman Merrell mentioned a comment from the DPW which asked if the applicant had submitted an Industrial Waste Survey Questionnaire. Recording Secretary Lemire interjected that an e-mail had been received late afternoon from Doug Starr at the DPW stating that if the repair business does not discharge to the town sewer system then there is no need to complete the questionnaire at this time as was originally requested. A copy of the e-mail was supplied to the board. Chairman Merrell suggested that the applicant review the best management practices so that he is aware. Ms. Carr stated that she had supplied a copy to him.

Mr. Tieger reviewed the waivers being requested. They consisted of items four through eleven on the Existing Data check list, items one through four, six, eight and ten through twelve on the Proposed Plan check list and items one through three on the Items to Accompany the Site Plan Application check list. The reasons given for the waivers were either it was not applicable or relevant or conditions were pre-existing with no changes.

Member McCarthy asked if there has been a break in the use of the property. Mr. Tieger replied that it was used for the purpose until Mr. Desrosiers passed away in February 2010 and it continued as a warehouse for a period beyond that as things were settled up. Selectmen's Representative MacIsaac asked if there was an easement over lot 108 to access the house on lot 106. Mr. Tieger stated that there is an easement and it will be written in if it is not already.

Member Moore asked if there were any plans to put up a fence or any type of concealment. Mr. Tieger replied not at this point.

Abutter, Mr. David Kennedy expressed a concern for how contaminants, such as oil, gas or anti-freeze, may have been disposed of in prior years when the general practice was to pour fluids into the ground. He does not know if that was done on this property but for the safety of the residents it was

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**January 8, 2013**

suggested that the soil be tested for any contaminants. Mr. Kennedy asked if Mr. Avery would be refilling batteries with acid. Mr. Avery stated that he will only be replacing batteries.

Mr. Paul Shaver resides across the street from the warehouse and he is concerned about noise and traffic. Presently he can hear noise from Gauthier's on Peterborough St. and this property is even closer. Although it is proposed that all work will be done inside with no air conditioning the doors will be open during the warm weather and the noise from the equipment will be heard. Mr. Avery stated that he does use a compressor and an impact gun and the doors will be open during the warm weather. However, it is a one person operation and it will not be a Gauthier situation.

Chairman Merrell stated that there is a noise ordinance in town and should someone feel there is unnecessary noise coming off the subject property and on to theirs a noise measurement can be requested. If the measurement exceeds the ordinance level then Mr. Avery would be required to address the issue. As for the traffic, if he is working alone there are a limited number of vehicles that he can work on at any given time. Mr. Shaver stated that it is a residential neighborhood. When Mr. Desrosiers lived there, there was no noise and no car repairs.

Abutter Mr. Parlee is concerned about noise, the storage of chemicals, the appearance of the property and the number of cars. It is a residential neighborhood on a dead end road; he does not feel it is an appropriate location for car repairs. Mr. Avery stated that he anticipates working on a handful of cars at a time and that is what will be in the yard. There will be no uninspected or unregistered cars on the property.

Mr. William Rose is an abutter concerned about the future. He understands that Mr. Avery has good intentions but what happens a few years down the road if Mr. Avery sells the property. What's to say it wouldn't turn into another Gauthiers and what would that do to the neighborhood?

The question was asked if there would be auto body work done on the property. Mr. Avery stated there would not. Chairman Merrell added that there is an ordinance covering noxious fumes so if there are odors emanating from the property there is recourse to correct it.

Jaffrey resident Mr. Charles Koch asked if a buffer was required because the property borders on a different district – Residence B. Ms. Carr replied that the ordinance does say that a buffer is required when you have two different uses. Referring to a satellite photo it appears that there is a vegetative buffer between the warehouse and the Desrosiers house on the hill however it does not appear that there is a lot of vegetation between the subject property and the Kennedy property at 11 Pinecrest. The board could condition a buffer (vegetative or screened) and the buffer is required to be 50% of the set-back. They could also include conditions such as no outside storage of any auto related materials – i.e. tires.

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

During deliberations Chairman Merrell restated some of the issues raised during the public hearing such as noise, noxious fumes, having a buffer, storage of material and the number of vehicles allowed to be on the property. Member Despres asked about soil monitoring. Member Kresge stated that the board has no jurisdiction to require soil sampling. Member Kresge felt the board needed to further address the hours of operation and that there should be a serious discussion about buffering. In order to get a better handle on the issues and the impact they may have on the surrounding houses making a site visit may be warranted.

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**January 8, 2013**

It was the decision of the board that they make a site visit and the date was set for Wednesday, January 16, 2013 at 3:00. Members will meet at the site. Deliberations will resume at the February 12, 2013 meeting. The board requested that markers for the property boundaries be set.

2. To consider the following change to the Zoning Ordinance:

Section XVI Impact Fee Ordinance

Exact text is available with the Town Clerk

Chairman Merrell commented that as allowed by the State RSA the Planning Board adopted an impact fee ordinance during the 1990's. During this time there has been no change in the fee schedule. The board decided that it was important to review the ordinance, bring it up to date and to develop methodology to keep on top of modifying the fee schedule in order to keep up with inflation, etc. The board has approved a modified ordinance which addresses a number of issues and is before the board for consideration.

Selectmen's Representative MacIsaac reminded the board that at the last meeting Ms. Carr had asked them to do a sample calculation of what the fees might be. Ms. Carr led the board through an example. There was discussion on what other towns charge for, what the impact fee will cover in Jaffrey and how the fees are calculated. In conclusion it was agreed that the board should be informed on the subject in time for Town Meeting so that they are prepared to demonstrate to the town at town meeting.

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

During deliberations the board reviewed the proposed changes noting that the article numbers will have to be updated. Member Kresge stated that they had talked about striking Article VII regarding adopting the schedule and incorporating it someplace else. Ms. Carr stated that it had been done and was now part of Article XVI.

Selectmen's Representative MacIsaac feels that the citizens should not only be aware of the changes in the ordinance but they should also know that the fee schedule will change and what that change will be and that it will be voted on separately, not at town meeting vote. Ms. Carr suggested putting a sample fee schedule on the web site. Member Moore feels that at this point the focus should be on the ordinance itself. The board agreed. Selectmen's Representative MacIsaac stated that once the ordinance passes then you develop the fee schedule followed by a public hearing on the fee schedule.

On a motion by Kresge, seconded by Moore the board accepted the proposed changes. (7-0)

**PUBLIC HEARING – CONTINUED**

3. PB 12-15 The Park Theatre, 6 River St. & 19 Main St., Map 238/ Lots 14 & 16, Zone: General Business

Major Site Plan - The applicant proposes to raze the building for construction staging and future parking lot on lot 14 and renovate/reconstruct the Park Theatre building on lot 16.

Chairman Merrell stated that at the request of the applicant the public hearing has been postponed until the April 9, 2013 meeting.

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**January 8, 2013**

**DECISIONS**

2. To consider the following change to the Zoning Ordinance:

Section XVI Impact Fee Ordinance

Exact text is available with the Town Clerk

On a motion by Kresge, seconded by Moore, the board approved and moved to Town Meeting the Impact Fee Ordinance as presented. (7-0)

**OTHER BUSINESS**

The board will discuss the fee schedule in more detail at the February meeting.

Chairman Merrell asked for suggestions for new board members. Two alternate members and one full member will be needed. As a way of advertising, the need for new members will be included in the Planning Board's report in the Town Report.

**ADJOURNMENT**

The meeting adjourned at 9:03 p.m.

Submitted:

Erlene Lemire  
Recording Secretary

Attest:

Edward Merrell  
Chairman, Jaffrey Planning Board