

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**June 11, 2013**

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

**Absent:** Members Grodin and Moore

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

**MEETING MINUTES APPROVAL**

No Action

**PRELIMINARY HEARING**

Monadnock Christian Conference – public / private activities for skeet / target shooting

Mr. Wally Tyler represents MCC and they currently have a pending application for the board's consideration. The application is to amend a site plan to include skeet shooting / target practice. During the plan review the question was asked if this is a public or private activity.

Mr. Tyler stated that this is an activity for guests of the center and not for the general public.

Chairman Kresge stated that they had discussed at a previous meeting the issue of safety and whether or not the location is in the mountain zone; and it is not. What was not discussed was if it is a permitted use in the rural zone. Chairman Kresge reminded everyone that the town zoning ordinance is permissive zoning. Activities that are explicitly listed are permitted. Anything else would need Zoning Board approval. Chairman Kresge feels that the only category this request could potentially fall under would be public recreation, which would be a permitted use in the rural zone. The definition is "*Facilities where the public may partake of park or beach recreation or of active sports, physical activities, and outdoor life. These include State- or Town- owned and –operated parks, beaches, and picnic areas; camping facilities, golf courses, athletic and fitness centers such as gymnasiums, tennis courts, and swimming pools. Public recreation does not include activities such as massage parlors or places of amusement.*" Uses permitted if authorized by the Board of Adjustment were reviewed and skeet / target are not a listed activity for a special exception. Unless the board feels it could fall under a general umbrella of public recreation then it's not a permitted use and would need to go before the zoning board.

A legal opinion on recreation was obtained and the conclusion was it would probably qualify as recreation. It was also noted that there was nothing on the MCC web site that prohibited any person from enrolling in their camp leading to the opinion that the camp is publicly accessible.

Member Merrell cautioned Mr. Tyler that year's prior an application for a target range had gone before the ZBA and although it was within the mountain zone noise was a big issue and the application was denied. Mr. Tyler stated that in order to be respectful to the neighbors they would have limits on the time of day and the duration of these activities.

Chairman Kresge summarized the discussion by saying if the application came before the planning board in order for them to consider it a complete application they would have to find it is a permitted use under the ordinance or with the issuance of a special exception from the ZBA.

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Selectmen's Representative MacIsaac supplied Mr. Tyler with a copy of the minutes from the ZBA hearing. He was encouraged to read the ZBA minutes / decision and decide from there how he would like to proceed.

Millipore – site plan amendment (expansion of parking, heating facility)

Mr. Jerry Blanchette of H.L. Turner Group is representing Millipore. Mr. Blanchette is before the board to make the board aware of their future plans which will include a voluntary merger of the main lot on Prescott and the abutting parcel on Eastwood Drive, expanding the parking from 440 to 550 spaces (with 14 handicap spots on site) and to construct a bio-mass facility. The Voluntary Merger has been completed and will be submitted for the July agenda along with a site plan application for the parking lot expansion. The bio-mass facility will be addressed in the near future.

Addressing the expanded parking Mr. Blanchette explained that the proposal is to alleviate parking problems; there are approximately 700 employees, of which 400 are daytime employees, and 440 parking spaces. The plan is to convert a front area along Turnpike Rd. (Rte. 124) into parking spaces which would entail the relocation of a nitrogen tank to the backside of the property. The proposed layout would allow all lots to be connected and employees as well as first responders could travel easily from one lot to another without accessing the roadways. The site has been designed to accommodate a forty-one foot fire truck or ladder truck. Landscaping, lighting and snow storage have also been considered.

Mr. Blanchette reminded the board that Millipore had come before them a year ago seeking approval for a parking area of approximately 84 spaces at the rear of the site. That location is now being looked upon as a site for the potential bio-mass facility. The facility footprint will be around 7,000 square feet and the design process has just begun. Prior to making a planning board application they must seek a height variance from the zoning board as the chimney will exceed the limitation of forty-five foot.

Member Kresge asked if the drainage would require additional storm water management facilities beyond what is there. Mr. Blanchette stated that they have underground recharge that has been designed as part of the project.

**CALL TO ORDER**

Chairman Kresge called the public hearing to order at 7:39 p.m. Notice of public hearing PB 12-15 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen.

**APPLICATION ACCEPTANCE**

None

**PUBLIC HEARING – NEW**

None

**PUBLIC HEARING – CONTINUED**

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

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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.

Presentation: Jeff Kevan – TF Moran

Appearance: Caroline Hollister

Mr. Jeff Kevan began by stating that there has been a slight change in the approach. Originally the building known as Stan's was going to be removed and the theatre was going to be renovated; that is no longer the case. Stan's will remain and the theatre will now be razed and reconstructed in a more modest design.

Reviewing the site plan Mr. Kevan stated that before getting the demo permit they will submit structural and design plans to the building department to show how they will stabilize the common wall between the bridal shop and the theatre. The front half will be the stairway and the back half will be a common wall. Once demolition begins they will put on the weather tight siding on the bridal shop building and weather tight any foundation that may get exposed. The next step would be to go through the abatement and get rid of any asbestos and lead based paints followed by the demolition of the building. Vehicles will pass through the alley way, collect the demo materials and exit through Red's onto River St. During times of demolition and construction the sidewalk area will be affected. During those times temporary provisions will be made for pedestrians, which will eliminate one or two of the on street parking spaces. Demolition will occur between 7:00 am and 5:00 pm.

Following demolition the site will be stabilized by constructing a six foot wooden fence set six feet off the back of the sidewalk. Arborvitae will be planted, the site loamed and seeded and a chain linked fence will secure the remainder of the site. The stabilization plan will include the construction of a wooden fire escape giving the bridal shop apartment emergency access to the ground. Once the funding is in place they will proceed to construction rebuilding the theatre in the original footprint. Moving into the construction phase there will be a small area next to Stan's parking lot where a trailer and dumpster will be stored. Construction workers will park off-site and the interior area will be used as a lay down area for materials brought in on a daily basis. The intention is to begin the abatement / demo process between September and October of 2013. Depending on funding and fundraising they would start construction in the spring of 2014 and it would be a one year construction process. Bond estimates have been submitted; one being for \$15,000 to assure that the common wall will be left stable and in weather tight condition and a second one that would supply the loam, seed and fencing to secure the site after demolition for \$15,000. The \$15,000 figure was established by Hutter Construction with the understanding that it may have to be adjusted depending on what they find when they open up the wall.

Addressing the bonding Chairman Kresge reminded Mr. Kevan that once the engineering design is complete appropriate bonding will have to be set for not only stabilizing the wall but for applying a temporary finish prior to the issuance of the demo permit.

Concluding his presentation Mr. Kevan stated that at the November 13, 2012 meeting the application was accepted and the waivers were granted.

Chairman Kresge is most concerned with construction sequencing. If there is a substantial delay between demolition and construction it will not serve the town well to have a vacant lot downtown. Mr. Kevan confirmed that they are in the process of completing the fundraising that will allow for the demolition in the fall. Chairman Kresge asked if they expect to be a few years before having the funding for

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construction. Mrs. Hollister replied that they are planning not to have a few years ahead of them. At this time they have applied for a second round of tax credits that will result in another \$500,000 and there is \$400,000 available when they reach certain bench marks. If successful they will have \$900,000. They will also seek a Community Facilities Development Loan from the USDA which will be for \$1,000,000 and a Seat campaign which should raise the remaining \$400,000. They will know in July if they are awarded the tax credits and if awarded they will sell them promptly. The USDA application is near completion and it will be forty-five days after submittal, August / September time frame that they will know if they have been approved for the loan. They hope to have the funds in hand well before the year's end allowing them to move into construction immediately following the demolition versus paying to stabilize the site only to excavate again down the road. They are working hard to obtain funding so they can get to a point where they have a certificate of occupancy and the theatre will be open for business.

Member Despres asked if there would be anything salvaged from the building. Mrs. Hollister stated they have taken out of the building a lot of the architectural and family history and they will reinstall them in the new theatre.

Chairman Kresge asked if the architectural plans would be ready by the end of the month as stated in the schedule. Mrs. Hollister replied that the final schematics have been done and they are working with Hutter to engineer the drawings. That will determine the actual shape and size.

Member Kresge asked about the underground tank and where removal fits in the schedule. Mrs. Hollister stated that Southwest Regional Planning Commission has undertaken the task. The ground radar people were on-site last month and it is underway. It is believed there is a 2,700 gallon oil tank there. It will cost \$42,000 to remediate and it will be assumed by Southwest. A letter of perfect health will be supplied at the end. They also have the last bit of information needed for remediation on a small amount of hazardous material inside the theatre and Hutter will be taking care of that process.

Selectmen's Representative MacIsaac asked if they need to consider construction monitoring for any of the Building Inspector's responsibilities. Building Inspector Deschenes stated that the waste water facility did have a third party although he is not sure who it was or who hired them and he has seen reports indicating when inspections were done and what the inspection entailed. As for the theatre he feels there may be a few issues that should be double checked but it is not necessary to have a third party for the entire project.

Ms. Carr advised Chairman Kresge that it would be appropriate to set up regular construction meetings so that Hutter is identifying their schedule. There is usually a construction contact list and on a monthly basis or a frequency determined there are meetings and reports generated and communication is taking place. This would also identify if a third party review is needed. Mr. Kevan stated that Hutter will have a pre-construction meeting to kick off the project and he expects they would have bi-weekly or weekly meetings for the project on-site. He feels they would be happy to have the Building Inspector attend.

Mrs. Cathy Furze, owner of the adjoining building, asked if she is protected through the bonding should something happen to her building during demolition. Mr. Kevan replied that the contractor is insured, separate from the bonding and anything that occurs will be taken care of through his insurance. Mrs. Furze feels that the park Theatre building is a hazard and pointed out that having an empty lot will be safer than what is presently there.

Ms. Susan Shaw-Sarles and Mr. Rob Stephenson spoke in favor of the project. Also present were two Park Theatre board members who spoke in favor of the project.

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

**DECISIONS**

1. 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.

On a motion by Merrell seconded by Deschenes, the application proposing to raze and reconstruct the building located at 19 Main St was approved as presented and per testimony given subject to the following conditions. (7-0)

- 1) This decision incorporates by reference the June 7, 2013 Memo of Agreement between the Abutters, Cathy and Rick Furze, and the applicants Caroline Hollister and Jack Belletete.
- 2) Applicant shall submit a full set of engineered building plans with the application for a building permit.
- 3) The Applicant shall submit the Phase II Investigation Report and Underground Storage Tank Report to the Planning Office when complete.
- 4) For purposes of this project as presented active and substantial completion shall be defined as demolition to be completed within 60 days of initiation, and site stabilization within 60 days after completion of the demolition. Substantial completion will be considered when the building has a weather tight external shell, no later than 5 years from commencement of work on the site.

**OTHER BUSINESS**

Ms. Carr informed the board that \$250,000 in funding has been made available by the DOT to begin scoping their downtown traffic project. Initial discussion is set for July 15.

**ADJOURNMENT**

The meeting adjourned at 9:30 p.m.

Submitted:

Erlene Lemire  
Recording Secretary

Attest:

Mark Kresge  
Chairman, Jaffrey Planning Board