

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
March 13, 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 Deschenes, seconded by Kresge the minutes of the February 12, 2013 meeting were approved as submitted. (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 13-02 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

1. PB 13-02 Liebman, Larry, 349 Proctor Rd., Map 247/ Lot 54, Zone: Rural (without town water)

Minor Subdivision - The applicant proposes a two lot subdivision.

Chairman Merrell asked Ms. Carr if there were any issues as a result of the application review. Ms. Carr stated that several waivers are being requested and have been submitted in writing with the application. The proposed lot will be greater than five acres and therefore will not need state approval from DES. There should however be a septic approval on file. Mr. Drew submitted into the record a copy of the Approval for Construction from DES and will provide a copy of the septic design done by Monadnock Septic Design. Ms. Carr added that DPW has requested a bond for both driveways.

Chairman Merrell asked the board to address the issue of regional impact. On a motion by Kresge, seconded by Deschenes the board voted that the application was not one of regional impact. (7-0)

On a motion by McCarthy, seconded by Moore the board accepted the application proposing a two lot subdivision. (7-0)

PUBLIC HEARING – NEW

1. PB 13-02 Liebman, Larry, 349 Proctor Rd., Map 247/ Lot 54, Zone: Rural (without town water)

Minor Subdivision - The applicant proposes a two lot subdivision.

Presentation: Richard Drew, LLS

Appearance:

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Mr. Drew stated that the applicant is requesting to subdivide an existing 55 +/- acre parcel into two creating a 5.56 acre lot. The new lot is easily identifiable in the field as it is surrounded by walls. The driveway access will be given through an access utility easement as shown on the plan. There is a warranty easement document which will be part of the warranty deed. A new utility pole will be constructed and the wires will run underground. There is a brook on the property which passes approximately forty feet from the southwest corner of the proposed lot. The brook will not interfere with the five acre parcel and there are no wetlands on the proposed lot. The house is slated to be constructed at the northeast corner of the lot. There is presently a garage on the large parcel; it is approximately five hundred feet from the northeast corner of the new lot. All pins have been set and drill holes have been done.

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

2. To consider updates to the Impact Fee Schedule.

Exact text is available with the Town Clerk

Ms. Carr began the presentation by informing the board that the changes to the ordinance were adopted by town vote. Moving on to the fee schedule copies of the proposal based on discussion at the February meeting were e-mailed and included in their books. Ms. Carr explained that the schedule will start out in 2013 at fifty percent and be at the full amount in 2018.

As an example, starting in 2013 at a fifty percent rate a new single family home of three thousand square feet will have an impact fee of approximately \$3,300. A non-residential 10,000 square foot building could range from \$5,000 for retail to \$9,209.20 for office or \$15,500 for industrial. The difference in the numbers is linked to roads. If at some point the board wants to revisit the fees because they are getting feed back or something has been built the schedule would have to be recalculated.

While looking at the schedule it became apparent that the category of "Townhouse & Attached" was included in error. Through discussion the board felt the easiest fix was to eliminate it from the schedule.

Member Kresge asked if the schedule is approved by the board does it move to the Selectmen for public hearing. Ms. Carr thought they had discussed and removed the requirement from the ordinance but in reading what was approved it is not the case. The schedule will go to the Selectmen for public hearing.

PUBLIC HEARING – CONTINUED

None

DECISIONS

1. PB 13-02 Liebman, Larry, 349 Proctor Rd., Map 247/ Lot 54, Zone: Rural (without town water)
Minor Subdivision - The applicant proposes a two lot subdivision.

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On a motion by Kresge, seconded by Deschenes, the application proposing a two lot subdivision was approved as presented and per testimony given. (7-0)

2. To consider updates to the Impact Fee Schedule.

Exact text is available with the Town Clerk

On a motion by MacIsaac, seconded by Kresge the board approved the Impact Fee Schedule as amended. (6-1) (6-1) Roll call – Ayes: Deschenes, Despres, Kresge, MacIsaac, McCarthy and Merrell. Nays: Moore

3. 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.

On a motion by MacIsaac, seconded by McCarthy the application proposing an automotive repair shop was approved as presented and per testimony given subject to the following conditions being met within one year. (6-1) Roll call – Ayes: Deschenes, Despres, Kresge, MacIsaac, McCarthy and Merrell. Nays: Moore

Conditions:

- Perimeter fencing
- Ridgecrest driveway is in place
- Fluid containment
- Drains will be plugged
- Disconnect water from the shop
- Signage as presented
- Level 1 soil testing
- Abide by the Best Management Practices

OTHER BUSINESS

Continuation of deliberation:

- 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.

Chairman Merrell reminded the board that at the last meeting they had requested additional information from Mr. Avery. Items in question were:

1. Noise – sound abatement / barriers (vegetative buffer and/or fencing)
2. Fluid containment - floor drains (to be chased and sealed) / handling spill control & hazardous material
3. Appearance – signs / storage of vehicles
4. Sanitation – if you have pressurized water you need a drain and need to hook up to sewer.
5. Soil survey

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Noise and sound Abatement:

Handouts outlining their proposals were given to the board. The proposal is to install a solid perimeter fence around the property with a gate placed at the Pinecrest Rd. entrance. Use will be limited (ie: deliveries). The main entrance will be on Ridgecrest Rd. The air compressor will be housed in a back room as far from the perimeter as practically possible, placing two walls of buffering between the compressor and the perimeter of the property.

As for machine noise, Mr. Seth Avery showed the board a video of a new type of impact gun. The video demonstrated how the newer version is ½ the noise level of a normal gun.

Fluid Containment / Floor Drain:

They are proposing a polyethelene spill containment basin for the 55 gallon drums which complies with Federal Regulation 40CFR-264.175. A spec sheet was included in the handouts. They will also abide by the BMP's and Small Quantity Generator Requirements of NH. Floor drains will be filled with concrete and Level 1 soil testing will be pursued.

Appearances – Signs:

There will be a business sign with hours on the shop door and at the end of the entry driveway. There will be no exterior vendor advertisement signs. All vehicles will be stored behind the solid perimeter fencing.

Sanitation:

The water source to the shop will be disconnected. They will, at a later date to be determined, pursue hook-up to town sewer/water. Due to the cost hooking up to town water/sewer at this time is not feasible.

Member Moore asked how they would address the water situation in the mean time. Ms. Wendy Avery stated that Seth will be the only employee and he will use his home on the property which is only fifty feet from the garage.

Chairman Merrell asked if there was a need for water in the shop itself. Mr. Seth Avery replied not initially but it is a goal. Even when checking for leaks in a tire a spray bottle is used.

Member Moore asked what happens if a customer needs to use the restroom. Ms. Avery stated that they won't necessarily provide bathroom facilities. Ms. Avery stated that she was at a shop in Mason, NH earlier in the day and they do not provide bathroom facilities. Mr. Dennis Avery interjected that the bathroom in the house is an option. By the time the house is in condition to rent they should have water and septic in for the garage.

Soil Survey:

Ms. Avery stated that they will comply with the lender requirements and they will pursue Level 1 testing as part of the purchase of the property.

Hours of Operation:

As voted on at the February 12, 2013 meeting hours of operation will be Monday – Friday 8:00 am – 6:00 pm and Saturday: 8:00 am – 12:00 pm

Member Kresge asked if the Ridgecrest driveway was completely contained on the property for the parcel up on the hill. Mr. Dennis Avery replied yes. Member Deschenes asked if DPW had been

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contacted about the driveway. Mr. Avery replied yes. Being concerned for future changes in ownership Member Kresge asked if the board writes into the site plan approval that access has to be from the Ridgecrest side would that carry the weight in a future scenario. Ms. Carr agreed explaining that for purposes of the warehouse if they change the use people can return to the board and apply for access off of Pinecrest Rd.

Member Moore expressed concern over the water / sewer issue. It is being projected much like a home business but it is a commercial operation and he feels it should be made to hook on to the town utilities. Chairman Merrell asked if they could commit to doing so within a years time. Ms. Avery replied not comfortably. Ms. Carr asked if there was concern from the DPW regarding hook-up. Member Kresge referred to their comments and found no mention of utility hook-up. He further commented that he does not find it necessary to force a hook-up. Member McCarthy feels the water and sewer should be on their agenda and his preference would be to have it done within one year but allowing them two years to make it happen.

As a procedural matter, Ms. Carr commented that because the board had closed the hearing they now have two choices. Issue a condition approval with a requirement to come back for a compliance hearing or re-open the hearing, re-notice the abutters and go through the public hearing process but it is likely that they would still issue a conditional approval because the applicant would not have the amenities in place until they own the property.

Selectmen's Representative MacIsaac feels there are certain things that should happen before the business opens such as fencing and fluid containment and these could be set to happen within, for example, a six month period of time. Ms. Carr responded that technically they cannot open until they have their compliance hearing showing that the conditions have been met and if the conditions are not met within one year the approval can be revoked by the Town or if they open prior to compliance the Town could initiate enforcement action. A conditional approval however should be sufficient to allow them to proceed with purchasing the properties.

Selectmen's Representative MacIsaac clarified that if the board extends a conditional approval the applicant will have up to one year to comply. If they open prior to one year at that time the conditions would have to be met.

Ms. Avery asked if the one year time frame included the hook-up of town facilities. Member Kresge replied no – that condition was dropped.

- JoAnne Carr, Director of Planning and Economic Development stated that in February she made a presentation to the Budget Committee emphasizing the importance of working on the Capital Improvement Plan. Ms. Carr suggested to the board that they kick off working on updating the CIP in April adding that the new Town Manager, David Caron would be helpful and supportive. The committee will consist of two planning board members, two budget committee members and two members at large for a term of one year. Chairman Merrell stated that he would volunteer leaving one planning board slot open.
- Chairman Merrell mentioned that Member McCarthy submitted a name to the Selectmen to be considered for an alternate board member position. Selectmen's Representative MacIsaac stated that the planning board should make an evaluation and if they like her submit her name to the Selectmen and they will process the necessary paperwork.

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ADJOURNMENT

The meeting adjourned at 8:13 p.m.

Submitted:

Attest:

Erlene Lemire
Recording Secretary

Edward Merrell
Chairman, Jaffrey Planning Board