

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

**Present:** Chairman Kresge, Members Deschenes, Despres, Moore and Selectmen's Representative Alternate Rothermel.

**Absent:** Members Bergeron, Grodin and Merrell. Selectmen's Representative MacIsaac arrived late.

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

**MEETING MINUTES APPROVAL**

On a motion by Moore, seconded by Deschenes the minutes of the September 10, 2013 meeting were approved as amended. (4-0)

**PRELIMINARY HEARING**

Terrapin Glass-

Ms. Ann Marie Caissie and Mr. William Van Campen are looking at purchasing a house at 22 River Street with the intention of remodeling to accommodate their glass blowing business, Terrapin Glass. The business is presently operating in a leased space in the Drumlin Industrial Park however they would like to be in the downtown area with better access and better visibility.

Ms. Caissie stated that the house was built in 1840 however there is nothing historical left to it. Because there is nothing left historically the plan would be to strip it to the outside walls and remove the second floor making it one large open space two stories high. She has had preliminary conversations with Building Inspector Deschenes about obtaining an Engineer to look at it structurally and advise them on what would need to be done to shore up the flooring in order to accommodate the furnaces and also to ensure the structure of the building when the second floor is removed. The new space would be used for the glass blowing studio with one public bathroom. There is a two car garage on the property; it would be used for storage and parking would be behind it facing the abutting property at 20 River St. which is owned by Ms. Caissie's daughter. As for fire safety Ms. Caissie stated that they worked with Chief Chamberlain when setting up their present location and they are prepared to do the same at this location. Other improvements that are being looked at are an electrical upgrade from 100 to 200 amps to accommodate a higher voltage and the bathroom plumbing will be redone. Because the furnaces run at 2,000 degrees a primary heat for the house is not necessary.

Chairman Kresge asked if there would be ample room for cars when they hold classes. Ms. Caissie replied that the back yard is quite large however there are some big rocks and they anticipate needing to bring in some machinery to level out the area. Mr. Van Campen added that they typically have one class in the morning and one in the afternoon and each one is usually one car. In the course of a week the maximum number of cars coming and going could be twenty. As for deliveries it is usually once a week with UPS.

Member Kresge asked if the property was in the general business district. Ms. Carr replied that it is and it is also within the Main Street Program area but because it is a residential property being converted to commercial it will need site plan review.

Member Deschenes reminded Ms. Caissie of their previous conversation and that a couple of the issues are very important such as working with the Fire Chief. They have to remember that they would be coming from a sprinkled building to a wood structure which is not sprinkled. They also need to be certain of how much weight the floor can sustain with regard to the furnaces. Mr. Van Campen stated that there

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is a lot of dry rot on the first floor and repairs may be in order however the poured concrete in the basement is substantial. The main interest in the building is the location.

Member Moore asked if they would still maintain the storefront on Ellison St. Mr. Van Campen stated they would not and explained that although it worked out “ok” it was an experiment during the holiday season to see what type of traffic they could generate.

Chairman Kresge asked if there was a separate requirement for a driveway permit for commercial versus residential. Ms. Carr stated that since there is an existing driveway there shouldn't be an issue but it was suggested that they speak with the Department of Public Works.

Chairman Kresge stated that there doesn't seem to be anything noisy about their operation. Ms. Caissie stated that the only noise is from the ventilation fans and they are located inside.

Selectmen's Representative Alternate Rothermel asked if there would be any fumes or odors. Ms. Caissie stated there would be no odors, just heat.

Mr. Van Campen stated that the main reason for the preliminary is to get the boards input and feelings on the proposal before they move forward; is the project possible? Chairman Kresge and Selectmen's Representative Alternate Rothermel both feel that it would be a good addition to the downtown area. Chairman Kresge advised that if they choose to move forward the next step would be a site plan review application. Given the conversation he does not see the project as high risk for not receiving site plan approval and advised that the application could be done prior to purchasing the property. Applications must be submitted to the board one month prior to the anticipated hearing.

**CALL TO ORDER**

Chairman Kresge called the public hearing to order at 7:00 p.m. Notice of the public hearing 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**

No Action

**PUBLIC HEARING – NEW**

To amend Section XVI of the Zoning Ordinance:

Impact Fees: Amend Article XV – Establishment and Review of Fees.

Ms. Carr stated that last year when going through the final check of the ordinance it was noticed that the public hearing process to approve the impact fee schedule would happen twice; once with the Planning Board and again with the Board of Selectmen. It was agreed that it would be corrected this year.

Ms. Carr reviewed the proposed changes which in addition to the public hearing process consisted of moving Article V: Authority to Assess Impact Fees into Article I: Authority and renumbering within the ordinance.

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

**PUBLIC HEARING – CONTINUED**

None

**DECISIONS**

To amend Section XVI of the Zoning Ordinance:

Impact Fees: Amend Article XV – Establishment and Review of Fees.

On a motion by Deschenes, seconded by Despres the proposed changes would move to Town Meeting. (4-1). Roll call: Ayes – Kresge, Deschenes, Depres, Rothermel. Abstained – Moore.

**OTHER BUSINESS**

Class VI Roads –

Chairman Kresge stated that they are again looking at the possibilities of making changes to both the zoning ordinance and subdivision regulations. Some of the proposed changes are housekeeping issues and some are not as outlined in the e-mail to the board from Chairman Kresge. The proposed amendments have two purposes; to clean up many ambiguous and confused references to private roads and Class VI roads and to clarify the Board's position on what road standards are required for building upon private roads or Class VI roads.

Chairman Kresge stated that a copy of the proposed changes was sent to DPW Director Randy Heglin. At this time comments have not been returned however if the board decides to proceed to public hearing they will have the comments prior to that time.

**FOLLOWING ARE THE PROPOSED SUBDIVISION REGULATIONS.**

Section I – add the following:

[A summary of this statutory authority is presented in Appendix B to these regulations.](#)

Section II (S) – delete the following:

~~[as required per RSA 676:10](#)~~

Section III (C) – add the following two:

[Criteria considered by the Planning Board shall consider the following for acceptance of in its evaluation of a proposed a subdivision shall include, but not be limited to, the following goals:](#)

[Further details on the criteria applied by the Planning Board in its deliberations regarding proposed subdivisions are presented in Appendix C to these regulations.](#)

Section III (K) – add the following:

[\(K\) Subdivisions will be approved only along roads that meet applicable Town standards. Road design standards and acceptance regulations are found in Appendix A to these regulations.](#)

Appendix A –add / rephrase the following:

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**ROAD DESIGN STANDARDS AND ACCEPTANCE REGULATIONS**

Roads serving proposed subdivisions must meet minimum standards dictated by the number of housing units being served. Major subdivisions are allowed only on class V Town roads, or on private roads that meet the class V road standards described below in Section I and II. Minor subdivisions are allowed on class V Town roads, on private roads, and on class VI roads, provided that they meet the road standards described below in Section III.

**SECTION I: CLASS V ROAD DESIGN STANDARDS**

For major subdivisions, or wWherever a street or road is offered for acceptance to the Town of Jaffrey,

**SECTION II: CLASS V ROAD IMPROVEMENT STANDARDS**

(D) All streets shall be subgraded with at least 12 inches of bank-run gravel to a width of at least 30 feet and topped with four (4) inches of crushed gravel to a width of 22 feet finished road width (*see attached sketch*). (Amended July 9, 1991)

(I) Application in writing for acceptance of the street or road shall be made by the owner to the Selectmen. ~~The Selectmen may accept such street or road upon approval of the Superintendent of Public Works~~ A report from the Director of Public Works must accompany the applicants request for acceptance. After holding a public hearing the Selectmen will take the request to town meeting for a vote. ~~Upon receipt of~~ A bond payable to the Town of Jaffrey must be posted for one year at an amount set by the Selectmen in order to cover any problems that may arise from the construction of the road.

**SECTION III: ROAD STANDARDS FOR MINOR SUBDIVISIONS ON PRIVATE STREETS ROADS OR CLASS VI ROADS (amended September 12, 1995)**

~~In order to encourage interior development as an alternative to development exclusively or primarily on major roads and streets (so-called strip development),~~ The Planning Board may approve a lesser standard for road design and construction for minor subdivisions within the Rural District and the Residence B District, as follows: (Amended July 10, 1991, September 12, 1995, December 14, 1999, March 2003)

(A) Building is permitted on private roads and class VI roads that meet the standards in Section III (B), provided that:

- a. The Selectmen, after review and comment by the planning board, have voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof, and
- b. The town of Jaffrey neither assumes responsibility for maintenance of said private road or any damages resulting from the use thereof; and
- c. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the Cheshire County registry of deeds for the lot for which the building permit is sought.

(B) Private roads or class VI roads used for access to minor subdivisions shall, as a minimum, conform to the ~~New Hampshire Department of Transportation Minimum Geometric & Structural Guides for Local Roads and Streets, road standards~~ hereinafter stated. Further, when a private road or class VI road used for

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access to a minor subdivision enters onto a public class V road that is already paved, a minimum of the first twenty- five (25) feet shall be prepared and paved in accordance with [Town of Jaffrey Road Specifications the Class V Road Improvement Standards](#). Note that any proposed private improvements to class VI roads require approval by the Board of Selectmen, pursuant to RSA 236:9.

**New Hampshire Department Of Transportation  
Minimum Geometric & Structural Guides For Local Roads and Streets**

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500-& Over
Pavement Width (Feet)	18 min.	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	18	19-21	Varies
Pavement Type	Gravel	Asph. Surface Treated	Hot Bituminous	Hot Bituminous	Hot Bituminous
Slope of Roadway	1/2" per Ft.	3/8" per Ft.	1/4" per Ft.	1/4" per Ft.	1/4" per Ft.
Base Course Depth (Gravel) ————— (Cr. Gravel)	12" —	12" —	12" 4"	12" 6"	18" 6"

- NOTES: ———
1. Gravel surface should be paved where steep grades > 8% occur.
  2. For average daily traffic over 1000 veh./day paved shoulders should be considered.
  3. Base course depths may need to be increased in areas of poor soils.

The following standards apply to private or Class VI roads serving up to two (2) dwelling units (whether existing or within a proposed subdivision):

1. Road to be clearcut for a minimum width of twenty – five (25) feet. All stumps within this 25 foot width shall be removed.
2. Travel way to be a minimum width of sixteen feet
3. All topsoil to be removed to a minimum width of 20 feet and stockpiled for pickup by the Town.
4. The roadway shall be prepped to the placement of gravel. Preparation shall include but not be limited to removal of all organic or unsuitable materials within the 16 foot travel-way plus 4 foot apron/ditches. Twelve (12) inches of compacted bank run gravel to be placed in the 16 foot roadway. Quality of the gravel to be approved by the Department of Public Works.
5. Six (6) inches of compacted crushed gravel to be placed on top of the bank run gravel material in the 16 foot travel way.
6. Cross slope of roadway to be ¼ inch per foot from the centerline of the roadway.
7. Stable drainage ditches to be installed at the edge of the 16 foot travel way allowing for 2 foot aprons between the edge of the travel way and the edge of the ditch.
8. Cross culverts installed as required to adequately handle runoff of a 25 year storm or as approved by the Department of Public Works.

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- 9. Transitions to unimproved section of Class VI roadway to be smooth.
- 10. Installation of temporary turnaround with minimum radius of 50 feet. Hammer-head type turnaround may be considered if approved by the Department.

For private or Class VI roads serving greater than two (2) dwelling units (whether existing or within a proposed subdivision) – same as above standards except:

- 1. Roadway clearance to be minimum of 33 feet, or as required or approved
- 2. Travel way width increased to twenty (20) feet
- 3. Top soil removed to width of 25 feet
- 4. Unsuitable soils removed to width of 26 feet with gravel base material placed in width of 26 feet, and top course crushed gravel installed to width of 22 feet.
- 5. Drainage ditch installed allowing for 2 foot aprons between the 20 foot travel way and the edge of the drainage ditch.

#### SECTION IV: ADDITIONAL PRIVATE ROAD REQUIREMENTS

(Items C, D, E and F have been relettered to A, B, C and D.)

(B) of the bond remains until the maintenance agreement in paragraph ~~E~~ D is complete.

#### Section V: WAIVERS

The Planning Board may waive road design and construction standards on Class VI and private roads serving a proposed subdivision if it finds, by majority vote, that:

- A) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- B) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- C) Examples of specific circumstances that could factor into a waiver decision might include, but would not be limited to:

- 1. Purpose of the subdivision application
- 2. Condition of the nearest Class V town road providing access to the Class VI or private road.

#### ~~SECTION IV~~ VI: SURVEY STANDARDS

~~The definition of “Street” in paragraph T, Section II of the subdivision regulations shall be amended by adding the words “or is existing” so that the definition will read:~~

~~*A publicly approved road maintained for vehicular travel, a Class VI road, or a private road that either appears on a subdivision plat approved by the Planning Board or is existing.*~~

Chairman Kresge asked the board for their opinions regarding the proposals. Member Moore stated that he did not have a lot of objection to any of it. Member Despres was in favor.

Town resident Mike Shea asked why is the issue back in the forefront? Member Moore stated that it has been active for a few years and a committee had been formed a couple of years ago addressing the issue at a few meetings trying to arrive at some sort of a standard. At a cursory look Mr. Shea stated that he likes

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some of what is proposed and he is glad to see the board recognizes the inconsistencies in the road standards but he also feels it is very subjective and therefore would be up and down with the interpretation and complexion of the board members.

Mr. Shea asked if they move forward to public hearing do they plan on noticing all class VI road land owners by mail as many of them do not live in town or in state and do not have the benefit of local notices. Chairman Kresge replied that he will take the request under advisement.

Chairman Kresge moved on to discuss the proposed Zoning Ordinance changes with the exception of the housekeeping issues.

**THE FOLLOWING ZONING ORDINANCE CHANGES ARE BEING PROPOSED.**

4.22 A private road may be established only through subdivision approval by the Jaffrey Planning Board. [Private roads constructed in the Town of Jaffrey shall as a minimum conform to the requirements of Section III, Appendix A, to the Jaffrey Rules and Regulations to control subdivision.](#) (Added March 2003)

4.23 [Erection of Buildings on Private Roads and Class VI Roads \(Amended 2003\)](#)

[A. Applications requesting the issuance of building permits may be submitted for lots with frontage on any private road or class VI road that conforms to the minimum requirements of Section III, Appendix A, to the Jaffrey Rules and Regulations to Control Subdivisions.](#)

[B. The Board of Selectmen may vote to authorize the issuance of building permits for the erection of buildings on private roads and class VI roads after review and comment by the Planning Board.](#)

[C. The Town neither assumes responsibility for maintenance of any private road or class VI highway road, nor liability for any damages resulting from the use thereof..](#)

[D. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.](#)

~~[Private roads constructed in the Town of Jaffrey shall as a minimum conform to the requirements of Section III, Appendix A, to the Jaffrey Rules and Regulations to control subdivision. \(Amended 2003\)](#)~~

4.24 Frontage requirements, lot size, and setbacks for ~~subdivisions and~~ buildings on private roads [and class VI roads](#) ~~and building requirements for existing lots involving properties having access to private roads~~ shall be as contained in Section V of the Jaffrey Zoning Ordinance. (Amended 2003, 2008)

4.25 In reviewing an application for building on a private road [or class VI road](#), the Planning Board shall evaluate provisions for maintenance of the ~~private road so as to insure that the road is to be maintained~~ in a condition suitable for passage of emergency vehicles: fire, police and ambulance. [Proposals for private improvements or maintenance of class VI roads must be approved by the Board of Selectmen, pursuant to RSA 236:9.](#) (Amended 2003)

Regarding section 4.24 Ms. Carr made two suggestions. 1) make reference to RSA 674:41 section III which requires that you have frontage on a street and 2). put "frontage" in the definitions in the subdivision regulations.

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Regarding section 4.25 Selectmen's Representative MacIsaac asked where is the enforcement provision? If there is no maintenance what happens? Chairman Kresge agreed that there is no enforcement provision. The board, over time, was not able to get to a point where it would work from a legal stand point. Chairman Kresge stated that the context of the planning board's review of an application for a building permit is advisory to the Board of Selectmen. It's basically a point in time that when the application is made in terms of developing our opinion on whether this would be a reasonable proposal or not – they would take a look at what the proposed maintenance and improvement would be but it doesn't extend down the line as far as the planning board is concerned. Ms. Carr advised the board to review RSA's Chapter 41:11 adding that it may be harsh but if the Selectmen and the planning board have concerns for any reason about issuing a building permit on a particular road then they should not issue the permit.

Regarding Subdivision Regulations, Appendix A, Section II, I Selectmen's Representative MacIsaac asked if something should be added to say that you can only accept a town road at a town meeting. Chairman Kresge replied that suggested language from Ms. Carr was *a report from the Director of Public Works must accompany the applicants request for acceptance. After holding a public hearing the Selectmen will take the request to town meeting for a vote.*

Subdivision Regulations – Section III, B, item 10 - Selectmen's Representative MacIsaac thought he had read earlier that it was a 75 foot radius for a class VI road and that it can't be a dead-end and must have a hammer head. Chairman Kresge stated that on these specific standards he has not yet received any comments from the DPW reminding the board that the standards originally came from DPW Director Heglin however that was a couple of years ago. Member Despres stated that the 75 foot radius relates to class V roads.

Selectmen's Representative MacIsaac asked which would come first – the zoning ordinance or the subdivision regulations. Ms. Carr suggested doing the regulations first which would lay-out what the expected standards are. Big changes are not being made to the zoning.

Chairman Kresge stated that if they move forward the next step would be to hold a public hearing in November. If approved the Zoning Ordinance portion will proceed to town meeting.

By consensus of the board the proposed changes would move to public hearing on November 12, 2013.

JoAnne Carr / Housekeeping Issues –

Most of the issues proposed are housekeeping and could be held for the December Agenda. Two following items that are not housekeeping issues were discussed.

Section 3.4.3 –

Ms. Carr reviewed the section stating that the entire paragraph is written in a confusing manner. The paragraph begins “In an enclosed building or structure”; Ms. Carr noted that a fence is deemed a structure. The paragraph continues stating “Retail stores, sales rooms, retail services, restaurants, taverns, cafes, and other places for serving foods and alcoholic beverages” would be allowed. Further down in the paragraph it states “Places where alcoholic beverages are sold for consumption on the premises..... are permitted if authorized by the Board of Adjustment as a Special Exception”. It appears contrary stating it is allowed and then that it is not allowed. The suggestion is to either define what it meant by “places where alcoholic beverages are sold” or strike the sentence from the paragraph. Ms. Carr added that placements of amusement are regulated through the town code. Chairman Kresge stated that he is fine



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with striking it unless others felt that the special exception was still needed. Selectmen's Representative Alternate Rothermel feels that permission for outside seating should still be requested. Ms. Carr did warn them that doing that would involve adding a new sentence in the code to say that any outside seating would have to come before the planning board. Ms. Carr suggested bringing up the question at public hearing.

Section 3.7.3 Mountain Zone – Table of Use Regulations

Ms. Carr stated that in the mountain zone duplexes are not permitted but in the open space development they are allowed. It is her feeling that they should be allowed because if a developer wishes to pursue that it would consume less land area for the development in terms of the footprint of the building. Ms. Carr stated that she is not suggesting that this extend beyond duplexes. Selectmen's Representative MacIsaac asked if a duplex counts as one or two units. Ms. Carr replied that it is two dwelling units but it doesn't increase the density.

Ms. Carr stated that she had two other items for thought. 1) Increasing the minor site plan from 500 square feet to 1,000 square feet. She reminded the board that the 500 was on a trial basis; they were going to see how many projects came up and 2) bringing the vesting up-to-date.

Chairman Kresge stated that the proposed housekeeping changes will not be included in the November meeting. He would however like the board to review the information prior to November's meeting and be prepared to make a decision as to whether or not they are prepared to move to public hearing in December.

**ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

Submitted:

Erlene Lemire  
Recording Secretary

Attest:

Mark Kresge  
Chairman, Jaffrey Planning Board