

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
November 8, 2011

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

Absent: Members Despres and Grodin

Staff: Recording Secretary Lemire, Building Inspector Baron, Jo Anne Carr, Director of Planning and Economic Development

MEETING MINUTES APPROVAL

On a motion by Doane, seconded by Deschenes, the September 13, 2011 minutes were approved as submitted. (5-0)

PRELIMINARY HEARING

- Christopher Farrell – Subdivision application / waiver request

Mr. Farrell's family owns a 4.14 acre parcel and they are considering subdividing out one acre which is the minimum lot size. The property is located at 159 Squantum Rd. There is a house on the property and it is connected to town water but has a private septic. According to the Town's tax map the property has more than enough road frontage at 576 feet. The required amount for a lot in this area is 125 feet.

A reduced, partial copy of a transit and tape survey was distributed to the board. Mr. Farrell stated that he went to the registry in Keene with the hopes of finding the original but he was not successful. It is possible that the plan was never recorded. The question Mr. Farrell has for the board is will they consider a waiver allowing him to survey only the proposed one acre lot versus the entire 4.14 acre parcel without a full survey on file.

Following their discussion the board did not see an issue with granting such a waiver however in addition to surveying the one acre they also wanted the frontage surveyed so that they could ensure each lot would have the required frontage. As for what the next step is the board mentioned to Mr. Farrell that he should do his perc test before proceeding with the actual survey so that he is certain the lot is buildable.

- Jack Minter – Subdivision Dublin Rd.

Selectmen's Representative MacIsaac recused himself from the discussion as he is an abutter to the property in question.

Mr. Minter recently purchased a 42.83 acre parcel on Dublin Rd. (map 229, lot 8.7) which abuts his Mountain Road property on the other end. The parcel has a little over 592 feet of frontage and the plan is to subdivide out a sixteen acre parcel which will be sold to the Blackwells who are abutters. Mr. Minter will retain the remaining twenty-six acres. The Blackwells have their home up for sale and one of the issues that keeps coming up is the uncertainty of the 42 acres across the street. If they can purchase the sixteen acre parcel they can eliminate the uncertainty.

A conceptual drawing outlining what is being proposed was distributed to the board. The sixteen acres will consume most of the frontage and what is known as Easement number 9 for the golf course will be attached to the parcel. The remaining twenty-six acres will have a fifty foot access off of Dublin road into a back lot. Mr. Minter stated that this access will be used to maintain that

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side of the property as three major streams passing through the parcel will not allow access from his abutting property to the Dublin Road side. Dublin Road is a state road and a request for a curb cut will be made to the State DOT.

Member Kresge asked Mr. Minter if he was aware that the future use of the back lot would be limited to single residence only; no future subdivision. Mr. Minter indicated that he understood.

As for the easement Mr. Minter explained that it runs through the one lot and it already has a curb cut. The purpose of the easement is to give the golf course access in the event they need to bring in equipment.

The board did not see any issues as it was presented.

- Jack Belletete/Jeff Kevan/Caroline Hollister – Park Theatre

Mr. Kevan displayed a couple of maps of the property, one as it is today and one showing what the long term plan is. The first step will be to renovate the existing theatre building. The front of the first floor may have a small retail area; perhaps a catering café business that could also run the concessions. The basement area will host a kitchen, storage and a mechanical area. The second floor will be a little bit of office space that may be used as meeting space. It will not be rented out business space.

The second phase will include the demolition of the newly acquired River St. property and an addition. The addition will include an off street area to be used as a drop off/loading area for elderly and handicapped patrons, equipment and busses. Because the theatre is land locked the addition will also serve as a second entrance. The hope is to have a 324 seat theatre with approximately 560 square feet for the front retail use. As for parking it is estimated that 100 parking spaces would be needed overall for the site. This should have no impact on the downtown businesses during the week as the operating hours for the theatre will be when the downtown stores are closed. The busiest time will most likely be Saturday afternoons when businesses and the theatre will be open.

Member Kresge asked if the addition would be used mainly for storage. Mrs. Hollister explained that it will be two stories; approximately 2,100 square feet and it could be used for a major event.

Member Doane asked if the parking directly behind the existing theatre belonged to Red's or the theatre. Mrs. Hollister replied that they belong to Red's. Mr. Kevan added that the property line runs right up against the building with the exception of a very small section on the back right corner. Future consideration may be given to expanding the building and filling in the small gap.

Selectmen's Representative MacIsaac asked if the rear parking belongs to Red's where do the one hundred parking spaces mentioned come from. Mr. Kevan stated that it will be solely municipal and on street parking. Mrs. Hollister added that according to Team Jaffrey there are 1,125 parking spaces within three blocks of the theatre. It is anticipated that a full theatre would use no more than 150-200 parking spaces.

Member Moore asked if they needed to contact NHDOT regarding the drop off area on River St. (Route 202). Would there be an issue with the potential for cars to be backed-up so close to the intersection. Mr. Kevan realizes this could be an issue and it will be something that the theatre

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will have to control and not allow to happen. Mrs. Hollister pointed out that this drop off will not be meant for all to use. It will be limited to drop off/loading for elderly, handicapped people, equipment and busses. Mr. Kevan stated he would give NHDOT a call to ensure there are no problems.

Chairman Merrell asked what the time line was for the construction of the addition. Mrs. Hollister stated that it translates to at least \$1.5 million and that could mean a couple of years after they are up and running. Five to ten years down the road could be realistic.

It is the hope of the Park Theatre to submit a site plan application to the board for the December 13, 2011 meeting. With that in mind they would like to know if there is anything they have overlooked that should be addressed. The application will show both phases of the project and they will be asking for approval on both phases.

Selectmen's Representative MacIsaac asked if Active and Substantial is a consideration for this site plan. Jo Anne Carr, Director of Planning and Economic Development stated that provided they are working within a set time frame, as agreed upon by the developer and the Planning Board and you're building according to schedule you can be protected against any changes in zoning and regulations as long as you keep your adherence to that schedule. Statutorily you have to do active and substantial work in two years of the approval of the site plan and you have to complete your work under current statute within five years. Regarding phase 1, is that two year and five year window reasonable or should you consider some kind of phasing?

Member Doane asked when the two lots would be merged. Mrs. Hollister estimated it would be in the very near future agreeing it would be part of phase 1. Member Doane asked when the River St. building would be razed. Mrs. Hollister replied that it will come down when something can go up in its place. At the moment it's still useful and producing revenue.

With respect to parking Chairman Merrell stated that when the site plan application is submitted the board would like to know the nature of the events planned and at what time of day they might occur. Mr. Kevan stated that the information could be included as part of the narrative. Mrs. Hollister gave the board a brief review of what the theatre hopes to hold for events. Overall the theatre will be dark seventy-five days of the year to allow for repairs and maintenance and active two hundred and ninety days a year.

Member Doane suggested that comments from Fire Chief Chamberlain be included with the application. Member McCarthy mentioned the same for the Police Chief Oswald.

- John Arnold – Orr and Reno (Millipore/potential rezoning)

Present for the preliminary were Mr. John Arnold and Mr. Richard Uchida from Orr and Reno, Mr. Rob Jackson from Millipore and Mr. Jim Spaulding from H.L. Turner.

Mr. Arnold stated that on Route 124 Millipore owns two lots. The front lot is zoned industrial and this is where all the manufacturing facilities are. The rear lot is zoned rural and this is the lot they would like to talk about rezoning to industrial. A FAQ sheet outlining the details and reasons for the rezoning request was distributed to the board.

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Millipore has reached capacity of the lot it is on; they will need to do some expansion at a future time and the rear lot is the most practical spot. There would be no increased traffic on Eastwood Drive as entry to the back lot would be through the existing front lot. At this point there are no specific plans for what will be constructed on the back lot and the most likely scenario would be a storage facility for raw materials. Such a facility would not require the same sophisticated air quality control system as is on the roof top of the existing facilities. It would require typical HVAC equipment, heating/cooling, humidity control and this type of equipment can be placed on the ground and buffered to address any noise concerns.

Ms. Jo Anne Carr, Director of Planning and Economic Development distributed aerial photos of the site to the board so they could be familiar with the geography. Ms. Carr stated that she took the concerns previously stated by the board and in working with Town Counsel came up with the suggestion, if the board were to entertain the rezoning of this rear lot, that it be considered research and development or light industrial type use which is consistent with the uses that are already on-going. Ms. Carr's suggestion is to insert a new section, section 3.6, in the industrial district as Millipore or alternatively called Turnpike Road Industrial District. The current zoning was reviewed and based on concerns raised struck those types of uses that seem to be incompatible with zoning in this area. A copy of the proposed amended zoning was distributed to the board. Ms. Carr pointed out that the rationale is that if for any reason Millipore were to sell this facility the town would want some assurance that the future use remains consistent with the current use. We also need to make sure that the town is ensuring Millipore's ability to continue to operate as they have outlined. What has been proposed by Mr. Arnold is that they would consolidate their manufacturing activities within the existing main building and use the remaining land as warehouse and storage.

Ms. Carr stated that she has received some suggested performance standards that should be included in the site plan regulations versus the zoning. This will allow the board to take a look at them each time a site plan comes in. Chairman Merrell stated that the town has some noise standards however he noticed that what was handed out is much more detailed and specific; where did the information come from? Ms. Carr replied that it was the result of the Town's request to Mr. Arnold and Mr. Uchida to help out with standards that would be more specific and hopefully address some concerns.

Member McCarthy asked Ms. Carr how they would evaluate the standards against the needs of the community; how do we know they are the right standards? Ms. Carr replied that the board can ask for an outside evaluation.

The proposed verbiage showing strike outs and additions was distributed and reviewed for comment.

Selectmen's Representative MacIsaac asked if the revised noise and odor specifications are different than what exists for the current parcel today. Mr. Uchida replied that he is the person who drafted the revised specifications and as far as they know the current zoning would satisfy the criteria that are in the site plan regulations; he does not believe they are running into a situation where they are creating a violation. Mr. Uchida added that they tried to take recognized criteria from other municipalities in NH that do measure noise and likewise with the odor specifications in which they tried to use the scentometer methodology.

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In reviewing the proposed changes Mr. Uchida brought up the strike-out of item P (Utility operations including electric and gas distribution operations and sewer and water treatment distribution and collection facilities.) The board was reminded that Millipore has a wastewater treatment facility at the site and they would like to keep it a permitted use if possible. There has also been some discussion about a future bio-mass facility to heat the plant. It was requested that item P be adding back into the allowed uses. With that one exception Mr. Uchida had no issues with the proposal.

Chairman Merrell asked for more information about the rear lot such as what is the intended use, the size of the building and what will the impact be on the Eastwood Drive residents. Mr. Jackson explained that the property is fairly steep and whatever is built will most likely be tucked over behind the hillside. What is being considered is to move the storage area from the front lot to the rear lot freeing up an area of approximately 30,000 square feet. This will allow for additional manufacturing.

Member Kresge has some issue with the proposed noise criteria. Some seem to be more stringent and others more relaxed particularly A and B. Member Kresge spoke favorably of the proposed aquifer protection standards and suggested to the board that they adopt this section as a performance standard to all zones in the site plan regulations versus solely under the Turnpike Road district. As for odors, Member Kresge stated that he is not familiar with the scentometer technique. Before he would consider implementing this into the regulations he would want to see a technical presentation.

Member Kresge raised the question of rezoning stating that it is obviously an issue when you want to expand an industrial zone to infringe upon a residential zone. In the industrial district the front set-back is one hundred feet. In this particular situation I would think there would be interest in establishing a substantial buffer zone between the two districts. Member Kresge feels that this may be a situation where it is useful to run a zone boundary through the lot of record. Selectmen's Representative MacIsaac asked how much would be cut off. Member Kresge would like to see a buffer between the two districts of at least a few hundred feet.

Mr. Uchida stated that one of their proposals was to set the zone line parallel to the property line but fifty feet off of it. Between the fifty feet and then the standard fifty foot setback for industrial uses it would create a one hundred foot separation from the property line. Then to be added in is the requirement to vegetate the buffer.

Ms. Carr asked Member Kresge if he would consider for this lot a greater setback. Member Kresge agreed that it would be an alternative approach.

Chairman Merrell asked for the size of the parcel. It was determined to be twenty acres.

Selectmen's Representative MacIsaac questioned where they go from here. Chairman Merrell replied that there are questions, particularly about noise and odor and about the wording. He would like to have an expedited study done so that they can be prepared to take a vote at the December meeting. Several board members agreed that they would benefit from having an expert speak with them.

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Mr. Uchida offered to find an independent noise and odor expert to meet with the board. Member McCarthy asked if they would include the board in the selection process. Chairman Merrell stated that he would be part of the committee involved in the selection process. Members McCarthy and Doane also volunteered.

Mr. Uchida reminded the board that they have a little more time to work on the site plan regulations as they do not have to go to town meeting. Ms. Carr agreed however suggested that the wording be complete prior to town meeting. Mr. Uchida offered to work with Ms. Carr and draft the language so that the board can hold a public hearing in December.

A working session will be held on Tuesday, November 22, 2011 at 7:00 p.m. Mr. Uchida will attempt to have one or two experts available to educate the board on noise and odor standards. The hope is that the board members will then have a clear understanding of how the standards are set allowing them to move forward with a public hearing in December on the re-zoning issue and possibly the site plan regulations. For advertising deadline purposes the board will also have to make a decision on regional impact.

APPLICATION ACCEPTANCE

None

PUBLIC HEARING – NEW

None

OTHER BUSINESS

- Voluntary Merger – Rose – signed
- Voluntary Merger – Camire – signed
- Active and Substantial – No discussion
- Regulation of RV's

It was recently brought to the Town's attention that there are RV's being parked/stored at private residences and it is being interpreted as being against the land use plan (section 4.17, 4.17.1). The board read the paragraph which states:

4.17 Recreational Vehicle Regulations

4.17.1 Other than in recreational vehicle parks or campgrounds, recreational vehicles may not be placed on sites other than those associated with a permanent residence for more than 21 continuous days or a maximum of 90 days in a calendar year (extension may be granted by the selectmen).

The board interpreted the paragraph to say that the parking of RV's on ones property is allowed. No action was taken.

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ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board