

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
August 12, 2014

Present: Chairman Kresge, Members Bergeron, Deschenes, Despres, MacIsaac, McKenzie, Merrell, Moore and Selectmen's Representative Alternate Rothermel.

Absent:

Staff: JoAnne Carr, Director of Planning and Economic Development

MEETING MINUTES APPROVAL

On a motion by Merrell, seconded by Moore the minutes of the July 8, 2014 public hearing were approved as amended. (5-0)

Approval for the minutes of July 15, 2014 working session have been deferred to the September meeting.

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Kresge called the public hearing to order at 7:00 p.m. Notice of the public hearing for PB 14-05 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

Chairman Kresge began by recapping the status of the application. It is believed that the application is complete however a revised plan was submitted today and it has not been reviewed by the DPW or the review committee. In lieu of wasting an advertised meeting it was suggested that the application be accepted as complete allowing the board to hear the testimony and address any new or outstanding issues. There will be no deliberations at this meeting and depending on the issues raised it will be continued to the September or October meeting.

Mr. Chad Branon of Fieldstone Land Consultants stated that they had received review comments with the last one being from the DPW on August 1st. They have been working steadily on addressing the issues raised and the plan revisions made are minor.

1. PB 14-05 San-Ken Homes, Inc., 70 Howard Hill Rd., Map 240 / Lot 64, Zone: Residence B with town water)

Major Sub Division - The applicant proposes a four lot subdivision.

On a motion by Merrell, seconded by Despres the application proposing a four lot subdivision was accepted as complete with subsequent response to DPW comments. (7-0)

On a motion by Deschenes, seconded by MacIsaac the board agreed that the application was not one of regional impact. (7-0)

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PUBLIC HEARING – NEW

1. PB 14-05 San-Ken Homes, Inc., 70 Howard Hill Rd., Map 240 / Lot 64, Zone: Residence B with town water)

Major Sub Division - The applicant proposes a four lot subdivision.

Presentation: Chad Branon – Fieldstone Land Consultants, LLC

Appearance: Kenny Lehtonen, Ken Lehtonen

Mr. Branon stated that the request is to subdivide an existing 2.133 acre parcel into four residential lots; three new and one existing which has a residence. The existing residence is located at 70 Howard Hill Road in the Residence B district with a minimum lot size of .46 acres if the lot is serviced by municipal sewer. There is 640 feet of frontage on Carey Road and 164 feet of frontage on Howard Hill Rd. The project proposes to keep the existing building and all the associated site improvements and the three new lots will be serviced by town water and sewer. Driveways will be off Carey Rd. and situated to have the least impact to Carey Rd., the adjacent slopes and the adjacent jurisdictional wetlands. Construction of the common driveway will contemplate one wetland crossing consisting of 440 square feet of disturbance. On August 5, 2014 a special exception was granted by the Zoning Board of Adjustment to allow a wetlands impact of 440 square feet and a wetland buffer disturbance of 4,770 square feet.

Regarding utilities there was discussion about the sewer connection and in the end it was decided to utilize an E1 low pressure pump system for each house. With that decision it was requested by the DPW that they modify how they tie-in to the sewer system along Howard Hill Road. That has been done and is one of the revisions on the updated plan. The water services proposed are also individual connections for each of the three homes. Those connections are proposed to tie in to the end of the existing municipal water main. The water services will be installed in the same trench minimizing the impact to Carey Road and any disturbances on site. DPW suggested extending the water main down Carey Road and having individual services to the lots. Mr. Branon stated that Carey Road was rebuilt in 2013 and it doesn't make sense to extend a water main down a new road just to provide services to the three lots. In doing so they would have to trench across the slopes that they've been trying hard to avoid and the cost to extend the main and then overlay the entire road could not be absorbed into a small subdivision like this. Mr. Branon stated that the design they are proposing meets the regulations and they are kindly not going forward with the water main extension; they will stay the course on the individual connections; there is no maintenance or liability to the town and everyone has responsibility of their own connection and there are very minimal impacts to Carey Rd. The section of Carey Road and Howard Hill Road that would be impacted for the service connections would have to be improved and they are prepared to do so.

It was stated in staff comments that the boundary of the proposed water and sewer easement should be depicted on the plan along with specific easement language to be recorded along with the deeds. Mr. Branon stated that they typically wait to detail the easement until they receive feedback from local department heads and reviews. This revision has been made on the updated plan and a note has been added referencing the ZBA approval. The plan requires no waivers and it meets all zoning requirements.

Chairman Kresge asked if the existing house was a two family. Mr. Branon indicated that it is. Chairman Kresge asked if they would be creating a non-conforming lot at the proposed acreage.

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After a quick look at the area requirements for a two family Mr. Ken Lehtonon stated that they can return it to a single family and sell the property.

Chairman Kresge noted that the fourth lot, as presented, has frontage on the class VI portion of Carey Road. The board's approval of any subdivision does not make that a buildable lot without approval from the Selectmen. Mr. Branon responded stating that there is documentation in a couple of places within the town saying that Carey Road is a class V road for 1,000 feet which would be beyond the fourth lot being proposed. Chairman Kresge stated that the statute is very clear and states that if a town does not maintain a Class V road for a five year period it automatically reverts back to class VI status; this road is certainly not maintained by the town. Mr. Branon feels there is plenty of frontage to address the concern. There is more than the required frontage on Carey Road alone to support the number of lots that are proposed and they could adjust the sidelines to make the frontage work with a minor modification.

Regarding utilities Chairman Kresge stated that DPW had recommended the gravity route down to the private line but the applicant will be pursuing a different method. For the connection to the town line there was mention of a dog house manhole; what is that? Mr. Branon replied that they have done exactly that. A dog house manhole is when you excavate over the existing line and you install a structure over the line.

Member Kresge moved on to the issue of water service connections stating that the DPW comments recommended against the layout being proposed. To clarify the language used in the comments the DPW Director Randy Heglin was consulted. Chairman Kresge stated that Director Heglin is pretty clear that they will not approve the current configuration. This would amount to a fatal flaw in the application because the board does not approve subdivisions without a defined source of water. Mr. Branon replied that it is the Director's opinion that the main should be required. His letter clearly states that the proposed spaghetti type services as designed are not recommended by the Department. By spaghetti service he means the three individual services that come off the line. Mr. Branon explained that they have three individual services that come off the line and they would have three individual services if the main were extended. There would be no maintenance or long term liability that the town accepts in this design. On the plan it appears that the water lines are separate but they will actually be in the same trench with approximately one foot of separation between each one. He went on to cite Director Heglin's letter which stated "while the services are not explicitly prohibited by the water regulation", which seems to say they meet the regulation, "the Department reserves the right to assign the location for the water service." Art I (D.2) is referenced and states "The water works reserves the right to assign the size and location for the water service." Mr. Branon interprets it to mean the size and location on the existing main; it doesn't say you have to extend four or five hundred feet of water main on a new road. Mr. Branon is not convinced that he can deny access to the water; he does not state that in his letter in fact it says "If the Planning Board permits these types of services, appropriate easements will be required." This implies that what you need are the easements and they have them. Chairman Kresge replied that this was the specific language he asked to be clarified. The DPW Director has final say on the connections to the water supply system. Ms. Carr added that over the past couple of days she has had conversations with the DPW and apparently they had a misread of the regulations. They feel very strongly that they do indeed have the authority and it needs to be resolved. Mr. Branon stated that he will arrange a meeting with the DPW.

Member Despres asked if there would be meter pits for all of the houses. Mr. Branon answered that when he met with the DPW the Director stated that lot two may not need a meter pit but lots three and four may.

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Abutter Robyn Amadon stated that she had submitted a letter to the board. Some of her questions/concerns were do they plan to subdivide and build and will they be modular or stick built. Mr. Kenny Lehtonen replied that they will subdivide and build and they will be stick built. Ms. Amadon also had concerns about the wetlands and run-off onto their lots. Mr. Branon stated that it is a seasonal run-off. They have graded the driveways, there are drainage ditches, there are culverts that have been sized and ultimately everything gets back into the channels. Drainage patterns on the property will not be changed. They feel all the issues relating to run-off have been addressed. Ms. Amadon asked about the view screen. Mr. Kenny Lehtonen stated they plan to leave as much buffer between the houses and the road as possible for the purpose of privacy.

Abutter Mr. Morin asked if the proposed houses would be single family. Mr. Kenny Lehtonen stated that they would. Mrs. Morin stated that presently there are a lot of trees between the existing house and her house. Will they stay there? Mr. Kenny Lehtonen replied that there will be no additional clearing on the first lot.

Ms. Amadon asked if there would be any impact on town services during construction. Mr. Branon replied that sewer installations typically happen live but anything they do would not impact her because she is downstream from the project. Any interruption with water would be very minimal and again they do most of the service taps live. Ms. Amadon asked about road closures. Mr. Branon does not expect a road closure but there may be a temporary lane closure with a slight delay.

Mr. Morin asked what time construction would start. Member Deschenes replied that he believes the residential noise ordinance states they cannot start before 7:00 a.m.

Ms. Morin asked about a right of way that runs between the subject property and the abutting properties on Carriage Hill Rd. Mr. Branon stated that research shows there is a sixteen foot right of way with eight feet on either side that was established long ago as access to a then land locked piece of property in the back. The easement does not restrict what they can do within it but he felt it was safe to say they will not be cutting any trees with this development within eight feet of the buffer.

Abutter Mr. Chris Edscorn asked how much of a buffer did they plan to leave between their property and the abutting properties on Carriage Hill Rd. Mr. Kenny Lehtonen stated there is a thirty foot setback; worst case scenario would be ten feet of existing trees.

Ms. Amadon asked what size homes they were planning to build. Mr. Kenny Lehtonen stated possibly between 1,000 and 1,500 square feet. Ms. Amadon stated that there is a large wetland on lot four and asked if construction is going to have any impact on wildlife; will there be run-off that will impact the area? Mr. Branon stated that they will not be doing work close enough to those wetlands or within any buffer areas. Erosion control measures are in place, it meets all the engineering standard practices and has been reviewed by the Town Engineer.

Ms. Carr noted that the lots are very small and that future owners should be aware that any outbuildings or any additional development could be problematic and prohibited without a variance.

Selectmen's Representative MacIsaac recapped the outstanding issues. What is the status of the existing house - single family or two family; adjustment of the lot lines and a meeting with DPW to determine the water lines. It was suggested that once the issues are addressed the board should make a site visit.

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A site visit was scheduled for Thursday, September 4th at 4:00. Board members will meet at the end of Carey Road. Mr. Branon felt confident that all changes could be made and new plans ready two weeks from this meeting.

Chairman Kresge announced that the meeting has been continued to Wednesday, September 10, 2014. There will be no further notice.

There being no further questions Chairman Kresge continued the public hearing to Wednesday, September 10, 2014.

PUBLIC HEARING – CONTINUED

None

DECISIONS

None

OTHER BUSINESS

Design Guidelines -

Ms. Carr distributed and reviewed changes to the guidelines based on comments from the board at the prior meeting and subsequently with the sub-committee.

One question raised was do they want to incorporate a site plan check list item that incorporates a sketch or context plan. Chairman Kresge felt that would be a good idea.

Ms. Carr raised another question; should the guidelines apply to the industrial land or what we are trying to achieve is just from an appearance and aesthetics from the gateways and the downtown. Following a discussion the board agreed the industrial land would be on a case by case basis.

Member Kresge asked if the guidelines would be its own document that would be kept at the Town Office and handed out to applicants. Ms. Carr agreed stating that she would be looking for a finalized document adopted by the planning board as guidelines, available to applicants, on the town web site and would be an appendix to our code.

Member McKenzie asked if the guidelines should be shared with Team Jaffrey. Ms. Carr agreed and will forward a copy. Chairman Kresge suggested that the board review the updated draft as well.

Member Merrell asked how the guidelines would be referenced. Chairman Kresge suggested adding a sentence into the site plan review section. Ms. Carr added with reference to the gateways, the downtown district and the map.

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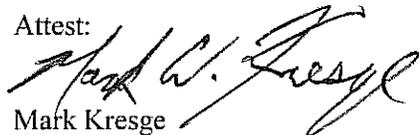
ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Submitted:


Erlene Lemire
Recording Secretary

Attest:


Mark Kresge
Chairman, Jaffrey Planning Board