

**TOWN OF JAFFREY**  
**Jaffrey, New Hampshire**  
**PLANNING BOARD**  
**Meeting Minutes**  
**October 14, 2014**

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

**Absent:**

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

**MEETING MINUTES APPROVAL**

On a motion by Merrell, seconded by MacIsaac the minutes of the September 9, 2014 meeting were approved as amended. (6-0)

**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 14-06 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 14-06 Blais, Michelle, with a street address of 1096 Jaffrey Road, Tax map 202 / lot 8, Zone: Rural (without town water).

Minor Sub Division - The applicant proposes a two lot subdivision.

By consensus the board approved waivers requested from general plat requirement item numbers 7, 11, 12 and 15. Noted were the requirement for an update to the easement language and there is an outstanding septic approval from NHDES.

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

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

**PUBLIC HEARING – NEW**

1. PB 14-06 Blais, Michelle, with a street address of 1096 Jaffrey Road, Tax map 202 / lot 8, Zone: Rural/Mountain Zone (without town water).

Minor Sub Division - The applicant proposes a two lot subdivision.

Presentation: Michelle Blais

Appearance:

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Ms. Blais stated that her parents own a twenty-eight acre parcel; they would like to subdivide off a three acre parcel where she will build a home. Although the land is in Jaffrey access to the lot is achieved through the town of Marlborough and over an easement on abutting land of Lehtola.

Chairman Kresge stated that a letter has been submitted from the Marlborough Selectmen stating they have no issues with the sub-division and they are aware that there is already one house and one building lot on the section of the right-of-way which is in Marlborough.

The issue of address standards mentioned by the Fire Chief in his submitted comments was discussed. Chairman Kresge pointed out that the road is in Marlborough and therefore he does not feel that the board has any jurisdiction. It is an issue for Marlborough.

Chairman Kresge reviewed the three issues that what would be conditions if approved; update the easement language, setting of boundary markers and receipt of final septic approval. Addressing the performance guarantee for the setting of the boundary markers Ms. Carr explained that there are two options depending on the time of year. If the surveyor were to set the markers the town could certify they are set and it would not be an issue. If they cannot be set this year the cost to set the markers would be estimated and that amount would be held by the Town until the markers are set. The applicant commented that the surveyor was waiting on approval so they suspect the markers would be set soonest.

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

**PUBLIC HEARING – CONTINUED**

None

**DECISIONS**

1. PB 14-06 Blais, Michelle, with a street address of 1096 Jaffrey Road, Tax map 202 / lot 8, Zone: Rural/Mountain Zone (without town water).

Minor Sub Division - The applicant proposes a two lot subdivision.

On a motion by Merrell, seconded by Moore the application proposing a two lot subdivision was approved as presented subject to the following conditions. The plan prepared by VSA, Inc., stamped and signed by Al Vorce, dated August 30, 2014 is on file at the Town Office. (7-0)

Condition precedent:

1. Update the easement language for existing right-of-way.
2. Boundary markers will be placed prior to the signing of the mylar.
3. Final septic approval must be received.

**OTHER BUSINESS**

Excavation Regulations –

Members McKenzie and Deschenes worked on revising the existing regulations and a draft was distributed to the board. Chairman Kresge reviewed the proposed changes with the board.

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One issue discussed was the 1,000 cubic yard threshold and what triggers a permit. Chairman Kresge feels that as a town they could set the threshold at 1,000 cubic yards as what is considered incidental but if they do so he wants to be sure it is done very consciously and not because of the taxation issue. Member Merrell pointed out that every instance where 1,000 cubic yards is mentioned it should state "per year". The board discussed what may qualify as incidental. Chairman Kresge noted that if they determine that a project is incidental to some other use, which is a planning board decision, they may premise it on the 1,000 cubic yard per year threshold if they decide they like that. They may decide it is incidental and a permit is not needed however they are still subject to the performance standards. Chairman Kresge feels 1,000 cubic yards is quite substantial to be considered incidental. Member Moore estimated it to be fifty truck loads and a typical amount to back-fill a house site.

Ms. Carr cautioned the board about regulating Ag and forestry operations because they are protected interests under state statute. As an example the Town's wetland ordinances can't apply to Ag and forestry operations and it is not clear at this time how much reclamation they can require if there is a forestry operation. Ms. Carr added that there's quite a bit of discussion about protecting forestry interests and the Governor just signed a proclamation about protecting agricultural interests as well. Chairman Kresge suggested that over the next month members review the forestry and agricultural implications.

Chairman Kresge feels as a public service in the regulations they should point out the triggers that will cause taxation. As a regulatory matter what they are concerned about are do they need a permit and what performance standards are going to be applicable to the operation. Declaring that an operation is or is not commercial does not have any ramifications in terms of the statute and whether a permit is required. Member McKenzie commented that there is more to think about than just the tax. When someone is moving a lot of material from a site they are using town roads and some of those roads may be of concern.

While reviewing section IX Chairman Kresge stated the he feels they should write a more stringent regulation for proximity to wetlands and keep them out of the wetland conservation district which is a seventy-five foot setback. In terms of protection of wetlands and preservation of hydrologic function he feels that an open excavation is pretty clearly violating the intent of the wetland conservation district. Member McKenzie asked if this would apply to excavation of any size. Member Moore is in favor of leaving it as is and feels what is being said is that you cannot do anything within seventy-five feet. Could it say *any major excavation*? Ms. Carr feels that a permanent excavation is more likely to protect the resource area than an incidental excavation where there is no oversight on it; it's more likely to have a negative resource impact.

Ms. Carr reminded the board that the regulation is not subject to town meeting. Chairman Kresge asked if they wanted to take it under advisement and the board agreed. Conversation would continue at the November meeting. Chairman Kresge asked that the regulations be updated with track changes and comments showing the proposed changes and re-circulated prior to the next meeting.

In summary, a few issues for November are the (wetlands) excavation regulations, the possible use change in the industrial zone to incorporate hauling and processing and the condition of roads in terms of bonding or fee schedules.

#### Design Guidelines –

Member McKenzie asked if Team Jaffrey had any comments. Ms. Carr replied that they had minor comments primarily relating to signage which was not addressed in the guidelines. Overall they liked them; they thought they were consistent with the Main St. guidelines, they liked the photos and the details and they agree they need to be more pedestrian friendly.

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The board had asked for a document to direct the applicant to use the design guidelines for non-residential use. In response Ms. Carr proposed the following changes.

Section VII, Design and Construction Requirements. Item A - "New construction and significantly and substantially renovated structures shall adhere to the design guidelines found in section xxx of the Land Use Code." Member Despres asked what would constitute a significantly renovated structure. Ms. Carr replied anything that would trigger a building permit. Following some brief discussion it was decided to remove "significantly and substantially" from the suggested language.

Member Moore was not comfortable with the words "shall adhere"; his preference is for something milder. Members Bergeron and Despres were not opposed. Chairman Kresge called for a vote on using the word adhere. (6-1-1) Nays: Moore. Abstained: Merrell.

Site Plan application checklist, item 2- "Sketch plan depicting the building placement in context with neighboring properties." It was discussed and agreed upon that the words "and photos" should be added following the words sketch plan.

Chairman Kresge called for a vote to bring the design guidelines to public hearing in November. (8-0)

Impact Fees –  
To be discussed at the November 12 meeting.

**ADJOURNMENT**

The meeting adjourned at 9:15 p.m.

Submitted:

  
Erlene Lemire  
Recording Secretary

Attest:

  
Mark Kresge  
Chairman, Jaffrey Planning Board