

**TOWN OF JAFFREY, NH
PLANNING BOARD
Meeting Minutes
January 14, 2025**

Present: Chairman Amy Meyers, Members Peter Maki, John Peard, Keith Dupuis, Margaret Dillon, John Brouder, Gary Arceci (alt), Kathy MacKenzie (alt), Frank Sterling Selectmen's Rep

Absent: Nathan Flowers (alt)

Other: Tom Hsu

Staff: Jo Anne Carr, Planning & Economic Director, Becky Newton, Recording Secretary

CALL TO ORDER – Chairman Meyers called the public hearing to order at 6:00 pm.

MEETING MINUTES APPROVAL

On a **motion** by Brouder, seconded by Maki the minutes of November 12, 2024 were approved as presented. (6-0-0)

On a **motion** by Peard, seconded by Maki the minutes of December 10, 2024 were approved as presented. (6-0-0)

PUBLIC HEARING – continued - none

PUBLIC HEARING – New - none

OTHER

Zoning – Open Space Development Ordinance discussion

Brouder, sub-committee volunteers have been meeting over the last year to review the OSD plan. How do we maintain the rural character through open space while increasing housing development? The committee felt that the existing process is complicated and does not offer enough incentives to encourage developers to use the open space process. The committee concluded that OSDs should be kept as a requirement, but make the process easier and create incentives.

Dillon, there are two social goals; to increase density, and to create open space. The PB policy is about land use, not a developer's business plan. Carr, the Board should use the Master Plan as its guide. The Master plan indicates preservation of open space, particularly in the rural area. The Conservation Commission will have the Natural Resources Inventory completed soon.

The Board reviewed the proposed changes as submitted. The intent is to clarify the language of the current code. Dupuis, what if a property owner doesn't want to do an OSDP? Carr, there is a means of relief from this requirement.

Hsu, Conservation Commissions State-wide will no longer hold easements; their purpose is only to advise. They have no authority. Allowing homeowner's associations to hold the easements is the best choice.

The Board unanimously agreed on the following changes:

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APPLICABILITY

- Major subdivisions (4 or more lots) on parcels totaling 10 or more acres shall be developed as an OSD
- Open Space Developments, while required, are automatically granted an initial dwelling unit bonus of 20% in all zones.

PROCEDURES

- In cases where the Planning Board determines that the subject parcel is unsuitable as an OSD, it may waive the requirements of this Section and permit the parcel to be developed as a conventional subdivision. To do so the Planning Board must determine that the application conformed to one or more of the following criteria. (This scenario will require a Conditional Use Permit)

GENERAL REQUIREMENTS

Delete "inclusive of wetland buffer" replace with "exclusive of wetlands as defined in RSA 482 A:2 & 482 A:4"

Add: **UTILITIES**

- All utilities shall be underground in accordance with accepted engineering practices.

STREETS AND ROADS

- All roadways shall be constructed in accordance with appendix A of the subdivision regulations

STORMWATER MANAGEMENT

- Impervious surfaces shall be kept to a minimum and comply with Stormwater Management requirements set out in the Subdivision Regulation

BONUSES - Tighten up the language for improved energy efficiency of the structures.

OWNERSHIP OF OPEN SPACE - Remove: By the Town of Jaffrey, subject acceptance by the Town.

On a **Motion** by Dillon, seconded by Dupuis to approve the Open Space Development as amended and moved to a Public hearing on January 28, 2025.

ZBA DECISIONS

ZBA 24-21 580 Mountain Rd, 2 Variances, granted

ZBA 24-01 Derek Traffie, Variance, granted move a building lot

ZBA 24-16 Rehearing request was granted for Cody Gordon on Harkness Road bridge.

Sadly, Jo Anne Carr will be retiring in July. The search for a new planner will begin after Town Meeting.

AJOURNMENT

The meeting adjourned at 7:03 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Amy Meyers
Planning Board Chair

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Draft Open Space Development Ordinance (Amended March 2002, March 2003, March 2008, March 2020)

NOTE: ALL OTHER DEFINITIONS SHOULD BE ADDED TO A GENERAL DEFINITIONS SECTION WITH THE ZONING ORDINANCE. THIS INCLUDES DEFINITIONS FOR PRIMARY AND SECONDARY CONSERVATION AREAS.

Commented [JAC1]: Defined in procedures section – my concern here that the MII is not complete.

AUTHORITY

- o This article is adopted pursuant to the authority and provisions of RSA 674:21. In administering this Innovative Land Use Plan ordinance, the Planning Board shall have the authority to grant conditional use permits, special use permits, and waivers from specific requirements of this Article if and when an applicant is able to demonstrate to the satisfaction of the Planning Board that granting of such waiver(s) would not compromise achievement of the stated purpose and intent of this Ordinance. Correspondingly, any appeal of a decision made by the Planning Board in administering this innovative land use plan ordinance must be made to the Housing Appeals Board or the Superior Court's Land Use Review Docket pursuant to the provisions of RSA 676:5 & 677:15.

PURPOSE AND INTENT

- o An Open Space Development (OSD), as authorized by RSA 674:21, is a form of residential subdivision whereby an applicant may be permitted an increase in density, along with added flexibility in lot size, frontage, and setbacks provided that:
 - (1) common open land is permanently preserved,
 - (2) viewsheds, watersheds, and other natural resources are protected, including shoreline protection overlay and wetlands conservation districts,
 - (3) the development meets Planning Board criteria for subdivision approval, and
 - (4) goals of the most current Master Plan and Natural Resources Inventory are met.
- o An OSD has several advantages to the Town of Jaffrey and reflects the goals of the Master Plan. An OSD:
 - (1) provides a means of preserving open space for conservation, agriculture, forestry, recreation, etc.,

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- (2) preserves and enhances the rural character of neighborhoods, and the town as a whole, by protecting natural features and viewsheds,
- (3) protects natural resources including wildlife habitat and corridors,
- (4) increases the housing inventory,
- (5) reduces the number of roadside curb-cuts and reduces the spread of "cookie cutter" development along public roadways, and
- (6) promotes the siting of buildings and overall site planning to consider and address items including but not limited to stormwater management, natural resource protection, climate resilience, and solar orientation.

- c. There are several advantages to an OSD from the standpoint of an applicant. Subject to the provisions noted below, an OSD provides incentives that include:

- (1) increased density,
- (2) economies in road construction, road maintenance, public utilities and services,
- (3) flexibility in creating housing in pleasant, natural surroundings, presumably increasing property marketability,
- (4) the ability to place open space into conservation easements,
- (5) flexibility of building requirements such as lot size, frontage, and setbacks.

APPLICABILITY

- a. OSDs are required for all residential subdivisions of four or more lots.
- b. The minimum lot size for an OSD is 10 acres.
- c. Open Space Developments, while required, are automatically granted an initial dwelling unit bonus of 20% in all zones.

Commented [sw2]: Could bump this to 6 or more lots if it remains required.

PROCEDURES

- a. OSDs shall also follow major subdivision procedures and be subject to the granting of a major subdivision approval pursuant to the regulations contained herein.
 - * A Preliminary Conceptual Design and a meeting with the Planning Board is required prior to an applicant's formal application for OSD subdivision approval. This meeting with the Planning Board will be to review the Yield Plan and OSD design as described below.

Commented [sw3]: A decision needs to be made about how this ordinance will be applied. It remains a requirement most of the proposed language will remain. If it becomes optional this ordinance can be further simplified, but a new section should be added to the subdivision regulations to clarify the procedure for all subdivisions and a decision point when the applicant will decide to pursue an OSD and have access to the bonuses, or remain with a conventional subdivision.

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- A Yield Plan must be submitted to determine the maximum practicable number of lots achievable under a conventional subdivision design. The base residential density shall be determined, after subtracting wetlands (as defined in 20.1.3) and steep slopes greater than 25%, through preparation of an exhibit illustrating the layout of streets and lots over the proposed tract. This exhibit shall be configured in such a way as to conform to the provisions of Section VI, 6.1 Dimensional Table of this Zoning Ordinance, relative to minimum lot area and frontage requirements, as well as applicable design requirements contained in the Jaffrey Land Use Code governing lot configuration and street layout. The base density of dwelling units permitted in any open space development shall be equal to the number of lots identified on the approved yield plan.

- OSD design shall follow the Four-Step Design Process which includes but is not limited to:

(1) **Identifying Primary and Secondary Conservation Areas:**

Primary Conservation Areas consist of wetlands, floodplains, and shorelines regulated by local, state, or federal law.

Secondary Conservation Areas consist of any other significant natural resources including but not limited to wildlife habitat, steep slopes (>25%), mature woodlands, agricultural lands, scenic views, and historic or archaeological sites. The Jaffrey Natural Resource Inventory should be used to inform this identification.

(2) **Locating Residential Uses:** Locate the approximate sites of residential structures within the Potentially Developable Area and include the delineation of private yards and shared amenities, to reflect an integrated residential community.

(3) **Designing and Locating Streets and Trails:** Design and locate streets and trails to access the house lots or units in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to reflect Jaffrey's Complete Streets Policy. New trails are encouraged to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

(4) **Configuring Lot Lines or Ownership:** Draw lot lines even if the ownership is in condominium, cooperative, or other similar form of common ownership. Identify the land assigned to each unit, common land, and any convertible land.

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- c) In cases where the Planning Board determines that the subject parcel is unsuitable as an OSD, it may waive the requirements of this Section and permit the parcel to be developed as a conventional subdivision. To do so the Planning Board must determine that the application conforms to one or more of the following criteria:
 - a) An OSD is not reasonably feasible given the unique characteristics of the site.
 - b) The impact to the environment would be greater from an OSD than a conventional subdivision plan.
 - c) The OSD increases town maintenance responsibilities above those of a conventional plan.
 - d) The property under review is of such shape that a majority of the lots would be located along an existing town road, resulting in a OSD layout that would be out of character with the immediate neighborhood.

Commented [JAC4]: Wouldn't this require a CUP? Or does 674:21 allow such flexibility for the PB by right? We message by EHP now

Commented [sw5]: There was some concern that this waiver process may be too subjective. If it is decided that OSDs are required a Conditional Use Permit process could be revisited. If OSDs are not required this section can be deleted.

GENERAL REQUIREMENTS

- c) **OPEN SPACE REQUIREMENTS**
 - A minimum of 40% of the total acreage, Inclusive of Wetland buffers and exclusive of Wetlands and Steep Slopes (over 25%), shall be protected as such in perpetuity. The non-wetland open space shall, to the maximum extent possible, consist of both Primary and Secondary Conservation areas.

When, due to physical constraints such as soils, topography, wetlands or other natural features, application of the open space requirements prevents an applicant from realizing the same number of lots/units as would be possible by a conventional subdivision, the Planning Board may consider and approve a reduction of the open space requirement.
- c) **DENSITY OF DWELLING UNITS**
 - The initial density of dwelling units permitted is calculated based on the underlying zoning and yield plan and shall be the same as permitted in the district(s) in which the OSD is located.
- c) **VISUAL BUFFERS**
 - A visual buffer will be established or maintained between the development and the public way as determined by the Planning Board.
- c) **UTILITIES**
 - All utilities shall be underground in accordance with accepted engineering practices.

Commented [JAC6]: I would delete "inclusive of wetland buffers" and instead say "exclusive of wetlands as defined in RSA 482-A:2 & 482-A:4"

Commented [sw7R6]: My notes had the wetland buffer included in the minimum open space land.

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o **STREETS AND ROADS**

- all roadways shall be constructed in accordance with Appendix A of the Subdivision regulations.

o **STORMWATER MANAGEMENT**

- Impervious surfaces shall be kept to a minimum and comply with Stormwater Management requirements set out in the Subdivision Regulation.

o **DIMENSIONAL REQUIREMENTS**

- **Setbacks**
 - Front setback for lots along the interior frontage is a minimum of 25 feet from the centerline of the proposed road.
 - Side and rear setbacks shall be half those required in 6.1 Dimensional Table.
- **Frontage**
 - Lots and housing units fronting on any pre-existing town road shall adhere to the Frontage and Front Setback requirements of the underlying zoning.
- **Lot Sizes**
 - Minimum lots sizes shall adhere to NHDES soil based lot sizing requirements if an onsite septic or community septic system is proposed. Smaller lots may be permitted if the subject parcel is served by public water and sewer.
 - Condominium form of ownership is permitted, with common area and limited common area being designated as applicable.
- **Wetland Buffers**
 - If a roadway must pass through a wetland setback and some design flexibility is needed the applicant can apply for a Conditional Use Permit.

o **BONUSES**

An initial bonus of 20% is provided to all OSD given the significant benefit they provide. Additional bonuses* that can also be granted include:

- 15% bonus for affordable workforce or senior housing.
- 10% bonus for providing at least 50% open space.

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- 5% bonus for allowing public access to open space land for buildout of town trail network.
- 5% bonus for locating open space area adjacent to existing conservation land.
- 5% bonus for improved energy efficiency of the structures.

Total additional density bonus is not to exceed 35%. Resulting calculation of increased density shall be rounded up. (Max density increase 55%)

* *Footnote:* Additional bonuses are calculated from the base density calculation plus initial 20% bonus, all calculations that result in a fraction shall be rounded up.

○ **OWNERSHIP OF OPEN SPACE**

- The designated open space shall be eligible for a conservation easement per RSA 674:21-a Development Restrictions Enforceable. The Conservation Restriction shall meet the definition as provided in RSA 477-45. The required open space shall be owned and maintained in one or more of the following ways:
 - ~~By the Town of Jaffrey, subject acceptance by the Town.~~
 - By a private, nonprofit organization which has as its purpose the preservation of open space through ownership and control; provided, however, that the residents within the open space development have access to the common open space for appropriate recreational uses.
 - By a private, nonprofit corporation, association or other nonprofit legal entity, such as homeowners' association, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which said residents have control.
 - Should a homeowners' association own the open space land, it shall not be dissolved nor shall the association dispose of, convey or transfer ownership of any open space without the approval of the Planning Board.

GENERAL NOTE: SECTION 4.8.A OF THE ZONING ORDINANCE IS RELATED TO OSDS IN THE MOUNTAIN ZONE AND SHOULD BE ADDRESSED.