

TOWN OF JAFFREY, NH
PLANNING BOARD
Meeting Minutes
January 10, 2023

Present: Chairman Amy Meyers, Laurel McKenzie, Margaret Dillon, Keith Dupuis, John Peard, Peter Maki (alt) *will vote*, John Brouder (alt) Gary Arceci (alt), Ed Merrell *arrived at 6:04*

Absent: Jack Belletete, Nathan Flowers (alt)

Other: Mark Stone, Joan Lathrop, John Noonan, Fieldstone Land Consultants

Staff: JoAnne Carr, Dir. of Planning & Economic Development, 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 Dupuis seconded by Dillon the minutes for December 13, 2022 were approved as submitted. (6-0-0)

PRELIMINARY CONCEPTUAL - JEMD Development, LLC – 291 Squantum Rd

John Noonan, Fieldstone Land Consultants shared the preliminary design for a 13-unit, townhouse-style, multi-family development located at 291 Squantum Rd., formerly King Manufacturing. The proposal received a variance on Oct. 4, 2022 to allow construction of 13-units (reduced from 18 units) in the Res A district. The lot is 5.85 ac with 182 feet of frontage and access to Town water. The units would be 2 and 3-bedroom, the middle units are 2-bedroom, the gable ends are 3-bedroom. Three parking spaces per unit are provided plus parking for 11 vehicles in two garages. On-site storage would be available for lease. The units will be used as rental units; however, they may decide to do a combination of rentals and condos. Mr. Noonan shared the proposed floor plans.

Recent adjustments to the plans include:

- Incorporated garages have been removed.
- Two garage buildings were added towards the front of the site.
- The building units are smaller, which reduced the depth of the buildings. This provided more distance from the property lines to the buildings than previously presented.
- A maintenance garage was added.
- The septic system will be located on the Res A portion of the property, not in the back.

PUBLIC HEARING ACCEPTANCE - none

PUBLIC HEARING – CONTINUED

Proposed Zoning Changes:

Short-Term Rentals - Proposal to clarify the rental of short-term stays.

Edits and clarification of short-term rentals were presented:

On a **motion** by McKenzie, seconded by Dillon to accept the changes to Short-Term Rentals as submitted and move to Town Meeting. (7-0-0)

OTHER

- School Budget hearing is Thursday, Jan 12, 2023 at 6:30 pm.

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- Downtown update – preliminary designs are available. Demolition will begin in 2023.

ZONING BOARD DECISIONS

ZBA 23-01 580 Millipore Signs – Variance – application was withdrawn without prejudice, applicant will reapply.

Chairman Meyers closed the public hearing.

ADJOURNMENT

The meeting adjourned at 6:32 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Amy Meyers
Planning Board Chair

**Draft for Public Hearing
January 10, 2023
Short Term Rentals**

BUILDING - The word building shall be deemed to include structure, and in addition, shed, garage, stable, greenhouse and other accessory buildings.

BUFFER AREA - A land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may be treed, landscaped, or left in its natural state, and might include fencing or some other type of protective facility. (Amended 2000)

CHILD CARE AGENCY - Any establishment located either in the home of the provider(s) or separate from, maintained for or the care of children, whether known as day nursery, nursery school, kindergarten, cooperative, or day care center, and which is licensed or approved by the State of New Hampshire.

CONDOMINIUM - Real property lawfully submitted by recording of condominium instruments pursuant to Chapter 356B RSA, State of NH, and conforming to the provisions of that Chapter.

CONDOMINIUM BUILDING - A structure containing commonly held condominium facilities, condominium living units, or any combination of these.

CONDOMINIUM UNIT - A portion of a condominium designed and intended for individual ownership and use, together with the undivided interest in the common areas appertaining to the unit.

CONDOMINIUM LIVING UNIT - A condominium unit, any portion of which is intended for habitation by one family.

DWELLING - A structure designed for residential occupancy, but excluding hotels, motels, ~~and~~ tourist homes and transient uses of less than 30 day occupancies.

DUPLEX - A structure containing two dwelling units, each of which has direct access to the outside.

DWELLING UNIT OR LIVING UNIT - Means the living quarters for one family. Such units shall include separate and complete kitchen, sleeping and bathroom facilities for each family (Amended 2017).

FAMILY - A small number of individuals living together on the premises as a single housekeeping unit.

FORMULA RESTAURANT - A restaurant regulated by contractual or other arrangement to offer standardized menus, ingredients, food preparation, interior/exterior design and/or uniforms.

FORMULA RETAIL - A type of retail sales activity which is required by contractual or other arrangement to offer a standardized array of services and/or merchandise, trademark, interior/exterior design and /or uniforms.

FRONTAGE - The horizontal distance measured along a lot line dividing a lot from a street that meets the minimum requirements of Appendix A, Section III, to the Jaffrey Rules and Regulations to Control Subdivisions. Driveways to interior lots shall not be construed as frontage for the front lot.

FRONT YARD - A front yard is an open unoccupied space on the same lot with a main building and extending the full width of the lot situated between the street line and the front line of the main building projected to the side lines of the lot.

GROUP HOME OR GROUP RESIDENCE FACILITY - Means an establishment that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents,

DEFINITIONS

or any other responsible nonprofit social service corporation. These services shall be provided in a family environment and only to persons under 18 years of age; physically or developmentally disabled of any age; or elderly (62 or more years of age) who are in need of supervision and specialized services. This category shall not include facilities for persons 19 or more years of age, released from or under the jurisdiction of a governmental bureau of corrections or similar institution. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available to the residents on a 24-hour-a-day basis while the residents are on the premises.

HOME OCCUPATIONS - A use conducted by the residents of a dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. Such use is clearly incidental and secondary to the nature of the dwelling and does not change the residential character of the district. On-site retail sales are not considered a home occupation. (Amended 1992)

INN/HOTEL – A building or property which contains a dwelling unit occupied by an owner or resident manager, in which 4 or more lodging rooms or lodging rooms and meals are offered to the general public for compensation.

MAJOR RESIDENTIAL DEVELOPMENT - The creation of more than four lots (unless restricted from residential use), or construction of more than four dwelling units within a two-year period from or on a property or set of contiguous properties in common ownership.

MINOR SITE PLAN — An adjustment to an approved site plan or a building lawfully erected prior to May 1980 that does not alter the approved usage but involves external construction of at least 100 square feet but less than 1,000 square feet (Amended 2013).

MULTI-FAMILY - More than two families.

NONCONFORMING USE OF LAND OR BUILDING - An existing use of land or of a building that does not conform to the provisions of the district in which such use of land, structure, or building exists.

PERSONAL WIRELESS SERVICE FACILITY (PWSF) – Facility or device for the provision of personal wireless services, as defined by the telecommunications act of 1996, as amended. (Amended 2002)

PLACES OF AMUSEMENT - Primarily commercial facilities that offer amusement facilities to the public. These include theaters, bowling alleys, pool or billiard halls, coin-operated facilities such as video arcades, and any other facilities deemed to be similar.

PUBLIC RECREATION - Facilities where the public may partake of park or beach recreation or of active sports, physical activities, and outdoor life. These include State- or Town-owned and -operated parks, beaches, and picnic areas; camping facilities, golf courses, athletic and fitness centers such as gymnasiums, tennis courts, and swimming pools. Public recreation does not include activities such as massage parlors or places of amusement.

REAR YARD - A rear yard is an open space on the same lot with the main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building and projected to the side lines of the lot.

ROOMING HOUSE - A residential building with three or more sleeping rooms for lodgers, no dining facilities are maintained for the lodger (2020).

SENIOR HOUSING - Housing provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program and intended for, and solely occupied by, persons 62 years of age or older.

SETBACK - The minimum horizontal distance between the property line and the nearest part of a structure.

SIDEYARD - A side yard is an open space on the same lot with the main building, unoccupied, and situated between the side line of the main building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

SHORT TERM RENTAL - Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee for a period of less than 30 consecutive days. Short term rental does not include rooming houses.

STREET FRONTAGE - The length of a lot bordering on a street.

STREET - A publicly approved road maintained for vehicular travel; a Class VI road, or a private road, either of which appears on a subdivision plat approved by the Planning Board or is existing.

STRUCTURE - Something constructed or built, including, but not limited to, principal and accessory buildings, swimming pools, and prefabricated structures, and whether installed above ground or in ground.

TRANSIENT OR TRANSIENT OCCUPANCY – Paid occupancy of a dwelling unit or sleeping unit for not more than 30 consecutive days. This definition shall not apply to nonpaying guests of the family occupying the unit.

TWO-FAMILY DWELLINGS - A single structure containing two living units.

WETLANDS - See Wetlands Conservation District Ordinance.

WORKFORCE HOUSING - As defined in RSA 674:58-61 is housing for sale which is affordable to a household with an income of no more than 100% of the median income for 4-person household for Cheshire County as published annually by the U.S. Department of Housing and Urban Development. Also including rental housing which is affordable to a household with an income of no more than 60% of the median income for a 3 person household for Cheshire County as published annually by the U.S. Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing. (2021)

YARD - An unoccupied space on the same lot as a building or structure.

SCENIC VIEWS or scenic viewsheds, scenic values, scenic qualities, or similar references shall mean any of those features of the environment that bring aesthetic satisfaction, pleasure, or value when seen.

Such features may include views of ridgelines, hillsides, open land, forests, wetlands, watercourses of rivers, streams, and lakes or ponds, especially when those areas or others related also include environmental impacts on animal or plant life. (Amended 2001)

SECTION III: ESTABLISHMENT OF DISTRICTS (amended March 8, 2005, March 2008, March 2018)

3.1 The Town of Jaffrey is hereby divided into districts of seven (7) types, to be known as:

- Mountain
- Rural
- Residence A (RA)
- Residence B (RB)
- General Business (GB)
- General Business A (GBA)
- Industrial (IND)

The Town also has overlay districts as follows:

- Historic District
- Main Street Program Area
- Shoreland District
- Floodplain Development District
- Wetlands Conservation District

3.2 The boundaries of these districts are defined in the Guide to Zoning Districts, which is Section XII of this ordinance.

SECTION IV: DISTRICT REGULATIONS AND PERMITTED USES

4.1 Rural District:

- 4.1.1 Farms and housing related to the farm, nurseries, greenhouses, and the sale of produce primarily raised on the premises, provided that no stand for the sale of such produce shall be within thirty (30) feet of the street line. (Amended 2004)
- 4.1.2 Detached single-family dwellings.
- 4.1.3 Duplex, two family and multifamily units provided such units are located only in Open Space Development Plan; however, no more than four dwelling units are permitted in one building or structure. (Amended March 8, 2005)
- 4.1.4 Open Space Development Plans are permitted in accordance with the provisions of XIII. (Amended March 2003)
- 4.1.5 Public recreation facilities.
- 4.1.6 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.

- 4.1.7 Nursery school or other agency for the day care of children.
- 4.1.8 Manufactured housing/mobile home subdivisions, which must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.
- 4.1.9 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.
- 4.1.10 Conversion apartments in accordance with the provisions of Section 5.3.8.
- 4.1.11 Bed and Breakfast establishments, short term rentals and rooming houses by special exception.
- 4.1.12 Nursing homes, but only in those rural areas served by the Town's water system and in accordance with the provisions of Section IV.
- 4.1.13 Signs, as regulated by Town Ordinances.
- 4.1.14 Excavation of Earth, as governed by Town of Jaffrey's Regulation of Excavation of Earth.
- 4.1.15 Fireworks Warehousing. To establish, by special exception and subject to Planning Board site plan review and documented compliance with all state and federal controlling regulations, that fireworks warehousing be permitted in the rural zone, provided, when the land ceases to be used for fireworks warehousing, the special exception terminates.
- 4.1.16 Interior Lots. In keeping with the objective of preserving and enhancing the rural character of the town, as expressed by Jaffrey's Master Plan, interior lots, established in accordance with the provisions of Section V, are authorized in the Rural District.

4.2 Residence A:

- 4.2.1 Detached single-family dwellings.
- 4.2.2 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.
- 4.2.3 Customary home occupations, as defined and governed by Section II and 5.17.
- 4.2.4 Short term rentals by special exception.
- 4.2.4 Nursery school or other agency for the day care of children.
- 4.2.5 Group homes by special exception and in accordance with the provisions of Section IV and 5.15.
- 4.2.6 Signs, as regulated by Town Ordinances.

- 4.2.7 Open Space Development Plan, subject to the provisions of Sections VI and XIII, and having a minimum tract area of acres 10 acres. (Amended 2000, March 8, 2005, 2017)

4.3 Residence B:

- 4.3.1 All uses authorized for the Residence A Districts.
- 4.3.2 Duplex and two-family dwellings. (See Section 6.4)
- 4.3.3 Apartments and condominiums. (See Section 6.3)
- 4.3.4 Open Space Development Plan in accordance with the provisions of Sections VI and XIII and having a minimum tract area of 10 acres. (Amended March 2005, March 2008, 2017)
- 4.3.5 Funeral homes and mortuaries.
- 4.3.6 Bed and Breakfast establishments, short term rentals and rooming houses by special exception.
- 4.3.7 Manufactured housing/mobile home subdivisions that must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.
- 4.3.8 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.
- 4.3.9 Nursing homes in accordance with the provisions of Section V.

4.4 General Business District:

- 4.4.1 Detached single-family dwellings.
- 4.4.2 Duplex and two-family dwellings.
- 4.4.3 In an enclosed building or structure: Retail stores, sales rooms, retail services, restaurants, taverns, cafes, and other places for serving foods and alcoholic beverages, business and professional offices, banks, private clubs, hotels, inns, short term rentals by special exception, rooming houses, bed and breakfast establishments, theaters, halls, clubs, and other places of assembly, shops for custom work or the making of articles to be sold on the premises, upholstery, newspaper production and job printing. Also permitted are sales and repairs of automobiles and similar vehicles, commercial or public parking, gasoline service stations and any uses similar to the foregoing (Amended March 2000, 2014)
- 4.4.4 Signs, as regulated by town ordinances.
- 4.4.5 Apartment Houses/ Apartment Buildings/Condominiums (Amended March 2017).

- 4.4.5 Mixed use development: apartments, or rooms in a building for which the principal use is business, if such apartments/rooms are located above the ground floor or behind the street facing business if on the same level (Amended March 2017).
- 4.4.6 Group homes by special exception and in accordance with the provisions of Section V.
- 4.4.7 Nursing homes in accordance with the provisions of Section V.
- 4.4.8 Public recreation facilities. (Amended March 2006)
- 4.5 General Business District “A” (Amended 2018):
 - 4.5.1 Detached single-family dwellings.
 - 4.5.2 Duplex and two-family dwellings as specified in Section 6.4.
 - 4.5.3 Conversion apartments as specified in Section 5.3.8.
 - 4.5.4 Multi-family, apartments, condominiums as specified in Section 6.3
 - 4.5.5 Boutique and specialty stores, restaurants, cafes, business and professional offices. Boutique shall mean a small shop that offers highly specialized services or products. Specialty store shall mean a store that sells one type of thing.
 - 4.5.6 Bed and breakfasts and short term rentals by special exception.
 - 4.5.7 Churches, parish houses, schools, libraries, museums and civic organizations.
 - 4.5.8 Home occupations.
 - 4.5.9 Day care, nursery school.
 - 4.5.10 Group homes and senior housing, by special exception.in accordance with Section V.
 - 4.5.11 Open space development Plan in accordance with the provisions of Sections VI and XIII and having a minimum of 10 acres.
 - 4.5.12 Mixed uses are encouraged providing the business use complies with the uses listed above.
 - 4.5.13 Excluded uses are formula restaurant and formula retail. Formula restaurant shall include a restaurant regulated by contractual or other arrangement to offer standardized menus, ingredients, food preparation, interior/exterior design and/or uniforms. Formula retail shall include a type of retail sales activity which is required by contractual or other arrangement to offer a standardized array of services and/or merchandise, trademark, interior/exterior design and/or uniforms.
- 4.6 Industrial Districts [Excepting Turnpike Road Industrial District]
 - 4.6.1 Land and/or buildings may be used for the following purposes:

Major Residential Developments..... XA

Agriculture:

Farms, nurseries, greenhouses (less than 600 sq ft) P

Public/Semipublic:

Public Recreation XA
Churches, Parish Houses XA
Religious Schools XA
Religious Reading Rooms XA
Schools XA
Public Libraries XA
Museums XA

Commercial:

Nursery School NP
Day Care NP
Group Homes NP
Nursing Homes NP
Funeral Homes and Mortuaries NP
Home Occupations as approved by the Building Inspector XA
Retail Store/ Retail Services NP
Sales Rooms NP
Restaurants, Taverns, Cafes NP
Business/Professional Offices NP
Banks NP
Hotels, Inns NP
Bed and Breakfast (4 BR max) and short term rentals XA
Rooming Houses NP
Theaters, Halls, Private Clubs NP
Clubs and Other Places of Assembly NP
Shops for Custom Work NP
Newspaper Production, Job Printing NP
Commercial or Public Parking NP
Gasoline Service Stations NP
Commercial kennel/Veterinary hospital NP

Industrial:

Earth Excavation NP
Manufacturing, assembly, compounding, processing/packaging, treatment or
distribution of products NP
Wholesale, warehouse and storage NP
Motor freight terminals NP
Warehousing and truck repair NP
Truck and heavy equipment sales, service, and repair NP
Automotive, truck, utility trailer, and equipment rental NP
Storage facilities for lease NP
Distributing plants NP

GENERAL PROVISIONS

f) Any multifamily structures, specifically including living units in Open Space Development Plan, and conversions of single-family dwellings (Amended March 8, 2005)

g) Multifamily housing, specifically including apartments, condominiums, and living units in Open Space Development Plan if these involve multifamily structures and specifically including conversions of single-family dwellings. (Amended 2000, March 8, 2005)

h) Land Application of Sludge and Septage

5.2.1 Minor Site Plan: An adjustment to an approved site plan or a building lawfully constructed before December 31, 1980, that does not alter the approved usage but involves construction of at least 100 square feet but less than 1000 square feet. (Amended 2012, 2014)

5.2.2 The Town of Jaffrey authorizes the Planning Board, pursuant to the provisions of RSA 674:43, to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site; and to further authorize the Planning Board to delegate their site review powers and duties in regard to minor site plans to a committee of qualified technical administrators chosen by the Planning Board from the departments of public works, engineering, community development, planning, or other similar departments in the town; and to authorize the Town Clerk to record a Certificate of Notice at the Cheshire County Registry of Deeds showing that the Planning Board has been so authorized and giving the date of such authorization. (Amended 1991)

5.3 The following uses are permitted in specific zoning districts (as noted) if authorized by the Board of Adjustment as Special Exceptions in each specific case:

5.3.1 Public or semipublic institutions of any historical, philanthropic, or charitable character, hospitals, sanatoriums, and other medical institutions, including rest homes (in all residential and commercial districts).

5.3.2 Buildings and necessary structures in connection with municipal or public utilities, and buildings used exclusively for governmental purposes (in all districts).

5.3.3 Private clubs, lodges, other nonprofit social, cultural, civic, or recreational use, but not including any use the chief activity of which would be one customarily conducted as a business (in residential and commercial districts).

5.3.4 Commercial kennel, animal or veterinary hospital (in industrial and rural districts). However, in the rural district, such uses must be located on the same premises as the owner/operator's residence.

5.3.5 Picnic groves, ski and hiking trails and shelters, ski tows, golf courses, outdoor skating rinks, boating facilities, liverys, children's camps (in rural districts).

5.3.6 Inns, hotels, and motels, including restaurants operated in connection therewith (in the rural and Residence "B").

5.3.xx Short term rentals are allowed by special exception in all districts allowing residential use provided that the operator has registered as a home based business with the Building Inspector, and registered with the Department of Revenue Administration to obtain a Meals and Rooms license. Further per RSA 78-A:4-a any advertisement for a short term rental by print, display, publication, distribution, or online listing offering a short-term rental shall include the meals and rooms license number of the operator.

5.3.7 Telephone exchanges, telecommunications towers, public utility buildings (in all districts except Historic District and Mountain Zone).

5.3.8 Conversion of a single-family dwelling existing at the time of the adoption of this ordinance for occupancy by not more than three families, provided that the exterior design of the structure is not changed from the character of a single-family dwelling. Three family dwellings require review by the Planning Board Minor Site Plan Review Committee. (Amended 2017) In addition, the required lot area (acreage) for any residential conversion, excepting those in the Main Street Program Area and General Business Districts where Section VI shall control, shall be calculated as follows:

Multiply the required lot area per dwelling unit for the district in which the conversion is located (See Section VI) by the total number of dwelling units in the conversion. Then multiply the previous product by (66.7%) to determine the minimum lot area.

5.4 Accessory Dwelling Units (ADU) are permitted in all districts which allow single family dwellings by Special Exception of the Board of Adjustment, providing the following conditions are met (Amended 1992, 2017):

5.4.1 Only one ADU is permitted per single-family dwelling unit.

5.4.2 Either the primary or accessory dwelling unit is occupied by the owner, except for *bona fide* temporary absences.

5.4.3 The accessory apartment shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than the greater of 750 square feet or 30% of the gross living area of the primary residence.

5.4.4 Adequate provision shall be made for the disposal of sewage, waste and drainage.

5.4.5 Adequate provision shall be made for off-street parking.

5.4.6 All setback requirements for the respective zoning district shall be observed.

5.6. Building height: In all districts, buildings and structures shall not exceed either three stories or forty-five (45) feet measured from the highest natural ground level.

5.7. Accessory buildings and accessory uses on residential lots: One or more detached accessory buildings may be located on the same lot as the principal building, provided that no more than