

**TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
January 9, 2018**

Present: Chairman Gordon, Members Despres, Devlin, Farmer, Merrell, McKenzie, Alternate member Sherman

Absent: Selectmen's Representative Weimann.
Mr. Sherman will vote.

Staff: JoAnne Carr, Director of Planning and Economic Development
Rob Deschenes, Building Inspector

CALL TO ORDER

Chairman Gordon called the public hearing to order at 7:01 p.m. Notice of the public hearing was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen.

MEETING MINUTES APPROVAL

MOTION: On a motion by McKenzie, seconded by Devlin, the minutes of the November 14, 2017 meeting were approved as submitted. (7-0)

MOTION: On a motion by Merrell, seconded by McKenzie the minutes of the November 28 zoning work session were approved as submitted. (7-0)

PUBLIC HEARING ACCEPTANCE

1. PB17-22 Jed Paquin, Applicant Rep for Jacoby-Cook Realty Trust, 295 Town Farm Rd., Map 252 / Lot 6, Zone: Rural (without town water)

Subdivision – The applicant proposes a two-lot subdivision

Ms. Carr clarified that the lot is to be used for conservation and not as a non-buildable lot as noted on introduction.

MOTION: Farmer moved to accept application as complete, seconded by McKenzie. (7-0)

PUBLIC HEARING - NEW

1. PB17-22 Jed Paquin, Applicant Rep for Jacoby-Cook Realty Trust, 295 Town Farm Rd., Map 252 / Lot 6, Zone: Rural (without town water)

Subdivision – The applicant proposes a two-lot subdivision

Presentation - Jed Paquin, Paquin Land Surveying

The existing lot is 200 acres including the house and barn. The trust owns multiple lots and would like to subdivide the house and barn area and place the remaining acres into a conservation trust. The current lot is an existing non-conforming lot with an approved sewage disposal system

Mr. Gordon asked if there any planned construction. Mr. Paquin responded no.

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Member McKenzie asked the difference between tax rate for current use vs. conservation. Jed responded that there will be no net change in taxation. Member Sherman asked what it means for land to be in conservation. Mr. Paquin responded that there will be an anti-development clause in the deed that will restrict development. Member McKenzie asked if the area would be open to public use. Mr. Paquin was unsure. Member Sherman asked if a future owner could take it out of conservation. Mr. Paquin does not think so.

Abutters: No abutters spoke for or against. No public input

There being no further questions Chairman Gordon closed the public hearing.

2. PB17-23 Cody Gordon, Greylock Properties LLC, 250 North St, Map 237 / Lot 55, Zone: Rural (without town water)

Compliance Hearing

Presentation - Cody Gordon

Mr. Gordon is back to report on the work being done on his property. The septic has been approved by the State and has been completed and installed. There are two items left to finish which are to landscape the entrance and move the crushables pile. Chairman Gordon asked about the time frame for completion. Mr. Gordon hopes that he can complete the project this year. Chairman Gordon asked if there is anything else outstanding. Ms. Carr responded all but two items have been completed and suggest that the Board could conditionally approve that the project providing that Mr. Gordon meet the last two criteria within a year. Chairman Gordon asked for clarification on the pile, is it intruding on the wetlands. Mr. Gordon stated that there is dirt within the setback. Chairman Gordon asked if the pile was stable to which Mr. Gordon responded that it was and there has been no erosion.

Member McKenzie feels that priority should be given to the material that lies within the wetlands, subject to special exception and/or variance. Ms. Carr stated that the special exception expires after two years if he's not working in compliance with the Board's decision. The decision was granted roughly 14 months ago. Chairman Gordon asked how much material needs to be moved. Mr. Gordon responded 2,500 - 3,000 yards. Member McKenzie asked if there are erosion controls in place. Mr. Gordon stated that the pile is stable.

No abutters spoke for or against.

Public comment: Randy Christmas asked if Chairman Gordon needs to recuse himself from the vote. Chairman Gordon responded that he had previously identified himself as a distant relative. Ms. McKenzie clarified that it is up to the Board member to make that determination. Mr. Paquin requested that Chairman Gordon recuse himself.

Chairman Gordon recused himself at this point.

There being no further questions Vice Chairman Devlin closed the public hearing.

PUBLIC HEARING – CONTINUED

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1. PB17-12 580 Mountain Road LLC (Grand View Estate), 580 Mountain Rd., Map 212 / Lot 17,
Zone: Rural (without town water)

Site Plan – The applicant proposes to amend a previously approved site plan.

Presentation: Nathan Chamberlain, Fieldstone Land Consultants

Appearances: Attorney Tom Hanna, Pam Royce, Paula Geraghty

Mr. Chamberlain gave a brief recap of the project. The original hearing was held in September followed by a site walk. Mr. Chamberlain is presenting an amended site plan. The facility was approved in 2000, for function hall, restaurant, inn and spa. The property has been sold and the new owner has been running it primarily as a wedding venue.

The original site plan indicated that the old chicken coop was to be converted into six hotel rooms. The coop has since been demolished and a pole barn has been constructed at different location.

The owner wishes to demolish the former Tom Thumb house and replace it with a three-bay garage with bathrooms/changing rooms. The location of the garage has been moved back near the edge of the parking field. This change was not part of the original site plan.

Mr. Chamberlain confirmed that septic was rerouted. The revised plan shows the location of the fire pit and an arborvitae screen along the Gordon property line. Member McKenzie asked if there was a process in place if a customer proposes to have a fireworks show. Mr. Hanna responded that they are required to speak to the fire chief to acquire a permit. Member McKenzie asked if the fire pit was also regulated. Ms. Royce responded that the pit has been constructed according to the Fire Chief's regulations and is inspected annually for a burn permit. In addition, Ms. Royce monitors the fire danger levels to determine if it is safe to burn.

Member Farmer asked if the garage is to be used for any other purposes. Ms. Royce responded that the building would be used as a garage for vehicles and storage and not as a function space.

Member Sherman asked if the restaurant would be operating. Mr. Chamberlain stated the restaurant is out of code and the owners have no interest in running it as such. All food brought in for events arrives semi-prepared.

Member McKenzie stated that the 2000 site plan shows an outdoor function area in the lower field. The construction of the new leach field has allowed them to have outdoor functions in other areas due to grade improvements. Would the owners consider relocating fire pit so that it is not in the line-of-site of your abutter. Ms. Royce replied the fire pit has been relocated to an area where it does not interfere with outside ceremonies and has been approved by the Fire Chief.

Member McKenzie stated that the board has received two letters re: noise and fireworks, is there a way to lower the noise level.

Member McKenzie stated that the original plans submitted in March 2000 state that all outdoor recreation will end at sunset. Mr. Hanna responded that has read documents and nothing indicates that events end at sunset. McKenzie read a hand-written letter from Marie Mitchell stating that the hours of operation for all recreation will be over before the sun goes down. Mr. Hanna feels that this may have pertained to "major

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outdoor activities” such as ballooning, snowmobiling, polo. Those events were intended for the lower fields.

Member McKenzie questions whether fireworks are considered an outdoor activity. The difference, according to Mr. Hanna is that fireworks require a permit. The fireworks displays do not occur after 10 pm.

Ms. Royce has purchased a decibel meter to record levels to the west and east of the property where complaints have come from. The highest (unsustained) decibel rating measured 65 dB. This would be similar to a dishwasher or air conditioner. Member McKenzie asked what the Town noise ordinance is. Ms. Carr responded that the daytime level is a max 60 dBA and the night time levels is max 50 dBA, sound is measure at a height of 4 ft.

Abutter Michael Sohngen stated that they had been woken up fireworks at 2:00 am. However, he did not feel that was a planned display. Mr. Sohngen asks if the dB level was measured at their property. Depending on the wind, they can sometimes they can hear everything, sometimes nothing. Abutter Linda Dube wonders if they can address the frequency of the fireworks. Can they find out in advance if fireworks are being planned.

Abutter Tim Gordon stated that they done a nice job running the facility. He purchased the house five years ago when the facility was not in operation. At that time, they were approved for a 100-seat function facility, a 75-seat restaurant and an eight-room inn. The property has become a function hall. He is concerned about the slow expansion of the scale of the facility and events. Large-scale events were not what was originally approved. Can they have quiet hours after 10 pm and limit the number of people.

Mr. Hanna stated that the owners have no objection to restricting fireworks to before 10 pm or to notifying abutters in advance. Mr. Merrell asked for a clarification of fireworks permits. Mr. Hanna responded in order to have fireworks (other than class C) you must have a permit and that permit covers a single event. Member Farmer noted that Jaffrey has fireworks all the time. Member Merrell added the management should have control of when fireworks are set off.

Ms. Royce replied all sanctioned fireworks happen before 10 pm, anything set off after is out of their control. Member Merrell stated that management should make it clear that there will be repercussions if guests do not follow guidelines. Member McKenzie asked if management is on site. Ms. Royce replied that she is there during the event, but not overnight.

Mr. Sonjen wants to know if guests are informed that they are not allowed to set off after 10 pm. Member McKenzie asked if there fireworks every weekend from mid-May – Oct. Ms. Royce believes that less than half of the events have fireworks. Member McKenzie asked if it would be a hardship to cap the number fireworks shows allowed. Ms. Royce responded that it would be harder to compete if they could not offer fireworks. Mr. Sonjen stated they are not asking the owners to reduce the frequency, just the noise and hours.

Member Farmer asked about the change in use for the pole barn from a storage area to function space. What are the plans for the future. Ms. Royce responded the intent was to use the space for storage however she felt that if the future it might be used as an alternate space. She was informed during the site walk that she would need to submit a change of use to use it for a function space. Ms. Carr stated that this amended site plan would include the change in use for the pole barn.

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Mr. Hanna spoke to the capacity of the function hall which due to fire regulation is 150-175. Past functions with larger crowds had been held outside. Although the average crowd is 150, he would like ask for a max occupancy of 300 people, a 10:00 pm curfew on outside activities & music and a midnight curfew for inside activities. Abutter Gordon is concerned about the long-term implications of increasing the occupancy number. Mr. Hanna added that more than 90 parking spaces are available, which will accommodate 250 to 300 guests.

There being no further questions Vice Chairman Devlin closed the public hearing.

DECISIONS

1. PB17-22 Jed Paquin, Applicant Rep for Jacoby-Cook Realty Trust, 295 Town Farm Rd., Map 252 / Lot 6, Zone: Rural (without town water)

Subdivision – The applicant proposes a two-lot subdivision

On a motion by McKenzie, seconded by Sherman the application proposing a two-lot subdivision was approved and as presented per testimony given. No conditions. The plan submitted include “Two Lot Subdivision” prepared for Jacoby-Cook Realty Trust, U/D/T 2006, Map 252, Lot 6, Town Farm Road, Jaffrey, Cheshire County, New Hampshire. Stamped by Jedediah Paquin, LLS dated November 7, 2017. (7-0)

2. PB17-23 Cody Gordon, Greylock Properties LLC, 250 North St, Map 237 / Lot 55, Zone: Rural (without town water)

Compliance Hearing

On a motion by Sherman, seconded by Farmer to find that the project is substantially complete and as presented per testimony given, pending meeting the conditions as follows, subject to code enforcement officer’s approval, by January 9, 2019. The plan submitted includes an “As Built Survey” Prepared for Gordon Services Property Maintenance, LLC, Tax Map 237 Lot 55, 250 North Street, Jaffrey, Cheshire County, New Hampshire. Signed and stamped by Jedediah A. Paquin, LLS, dated November 13, 2017. (6-0) Chairman Gordon recused himself.

1. Per Note 15 on “Proposed Site Plan” dated October 13, 2016, the fill pile located at the Note 15 marker, was to be removed and underlaying material to be graded away from the wetlands and stabilized. Any processing of material shall take place outside the 75’ setback to wetlands.
 2. Compliance with special exception granted to allow grading the access road within the wetland overlay district.
3. PB17-12 580 Mountain Road LLC (Grand View Estate), 580 Mountain Rd., Map 212 / Lot 17, Zone: Rural (without town water)

Site Plan – The applicant proposes to amend a previously approved site plan.

On a motion by Sherman, seconded by Farmer the application was approved as presented and as per testimony given subject to the following conditions. The plan submitted include “Existing Conditions Plan, dated June 13, 2017, revised September 12, 2017; Pre-Existing Conditions Exhibit, dated September 12, 2017; and Amended Site Plan, dated July 17, 2017, revised September 12, 2017 Grand

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View Estate, Tax Map 212 -17, 580 Mountain Road, Jaffrey NH” prepared for 580 Mountain Road, LLC. Plans are stamped by Nathan Chamberlain, PE and Michael Ploof, LLS, dated September 12, 2017, revised through Nov. 1, 2017. Also submitted is the As Built Sanitary System Plan, stamped by Dennis Ancill, dated February 27, 2001. (6-0) Chairman Gordon recused himself.

Condition Precedent:

1. The emergency access to be completed as shown on the plan.

Conditions Subsequent:

1. Change in use for the Pole Barn and Tom Thumb house is approved.
2. Total maximum occupancy on site is 300.
3. Hours of operation: outside music and fireworks to be concluded by 10 pm, inside music to be concluded by midnight, other inside activities to be concluded by 1:00 am.
4. Fireworks will be allowed as permitted by fire chief (if necessary), and need to be in compliance with the site plan regulation for noise. Fireworks shall only be held as an ancillary event.
5. Outside activities at the fire pit shall conform to site plan regulations for noise.

OTHER BUSINESS

- J. Carr: Master Plan Discussion
Joanne has received a revised chapter, Tim, Robert and Laurel will review and meet before next meeting.
- J Carr: Zoning
Need to confirm changes that will be presented at public hearing. The hearing will be held on January 22, 7:00 pm at the Jaffrey Library. Proposed zoning changes are available for viewing on the town website.

MOTION: On a motion by Farmer, seconded by McKenzie to take the proposed changes to the zoning map which includes a proposed expansion to General Business district to be called General Business A to public hearing on January 22, 2018 in anticipation of a Town Meeting vote on March 13, 2018.

- Committee Reports – Historic District Committee did not meet

ADJOURNMENT

The meeting adjourned at 9:16 pm.

Submitted:



Becky Newton, Recording Secretary

Attest:



Tim Gordon, Chairman, Jaffrey Planning Board