

TOWN OF JAFFREY, NH
PLANNING BOARD
Meeting Minutes
July 10, 2018

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

Absent: Member Castiglioni, Devlin, Selectmen's Representative Weimann

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

PRELIMINARY CONCEPTUAL - No Action

CALL TO ORDER

Chairman Gordon called the public hearing to order at 6:20 pm. 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

On a motion by Merrell, seconded by Farmer the minutes of the June 26, 2018 meeting were approved as submitted. (4-0-2)

PUBLIC HEARING – ACCEPTANCE

PB18-04, REAG Loan Mod Services, 81 Fitzgerald Dr., Map 244 / Lot 10.1 & 10.3, Zone: Industrial

Site Plan – The applicant proposes interior renovations in excess of 1,000 sf and a change of use to a portion of the building.

On a motion by McKenzie, seconded by Merrell to accept the application as complete. (6-0)

PUBLIC HEARING – NEW

1. PB18-04, REAG Loan Mod Services, 81 Fitzgerald Dr., Map 244 / Lot 10.1 & 10.3,
Zone: Industrial

Site Plan – The applicant proposes interior renovations in excess of 1,000 sf and a change of use to a portion of the building.

Presentation: Daniel Rosow, Owner

Interior changes proposed will accommodate Swing Labels, a new tenant in the building. The altered space is roughly 10,000 sf. Swing Labels employs seven +/- people. No changes to the exterior of the building or drainage. No change of use. Bathrooms and kitchen are common areas.

David Chamberlain has asked for a fire protection engineer review verifying all exit and egress pathways.

Chairman Gordon asked if all the items on the checklist have been addressed. Ms. Carr responded, the most recent plans have most checklist items taken care of, the only remaining item is an engineer stamp the second page of the site plan.

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

2. PB18-05, Shattuck Inn Annex, 65 Dublin Road, Map 229 / Lot 8.9, Zone: Mountain

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Consideration of revocation pursuant to RSA 676:4-a (d). Vesting of approved plan.

Chairman Gordon - the purpose of the hearing is to settle the matter of vesting for this property. On the advice of counsel, vesting can be determined with "common law" using the following criteria: (A and either B or C)

- A. Owner/Successor in title acting in good faith in the absence of regulations;
- B. Made substantial construction on the property and/or
- C. Incurring substantial liabilities related directly thereto.

Kathleen Van Dyke, owner - to date, they have invested \$400,000 in the property. The main building is approximately 60% complete. The projected was nearing completion in Sept. 2016 when Mr. Van Dyke passed away. Presently they are preparing for priming/painting walls, sanding floors/staircases and finish work. Estimated cost of completion for the main building is \$100,00/unit, not including the garages. Contractor estimate for the garage construction to build according to approved plans is an additional \$250,000. Mr. Shafman, investor, agrees that the building is 60% complete after a walk-thru.

Ms. Carr noted the assessed value of the property in 2015 was \$207,500. The property was purchased for \$80,000.

Don MacIsaac, resident – is concerned that the property will be utilized in a manner not consistent with the mountain zone. A previous proposal suggested short-term rentals for stay-and-play packages or wedding groups. These five-bedroom units might encourage this type of use. He suggests adding verbiage to condominium agreement allowing only long-term leases. Mrs. Van Dyke clarified the units will be listed as 3-bedroom, 3-bath.

Tim Foley, abutter – Mr. Foley owns the property across the street which currently has a mountain view. The proposed garages may block his mountain view which could possibly lower his property value.

Bill Hutwelker, Masiello Group – believes that Mr. and Mrs. Van Dyke have acted in good faith. When the building was purchased it was a 2x4 shell. Heat has been maintained, exterior planting and stonework have been done, decks were added, plumbing and electrical has been re-done. Substantial work has been completed.

Note: For the Planning Board approval to be completed, the condominium subdivision and site plan need to be recorded. In addition, the Condominium Statute (RSA 356-B:7 and 20) requires recording of condominium documents, site plan and floor plans depicting, among other items, location and dimensions of land, convertible areas, easements and common areas.

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

DELIBERATIONS - Then general consensus of the Board using the "common law" rules is that the owners have acted in good faith and have made substantial progress.

DECISIONS

1. PB18-04, REAG Loan Mod Services, 81 Fitzgerald Dr., Map 244 / Lot 10.1 & 10.3,
Zone: Industrial

Site Plan – The applicant proposes interior renovations in excess of 1,000 sf and a change of use to a portion of the building.

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On a **motion** by Farmer, seconded by Merrell, the application proposing interior renovations in excess of 1,000 sf. was approved and as per testimony given, subject to the following conditions. Plans include: "Site Plan, 81 Fitzgerald Drive, Jaffrey, NH" signed and stamped by Robert Duval, P.E., dated June 12, 2018. (6-0)

Condition Subsequent – An approved NH Fire Protection Engineer must submit a stamped report/review to the Jaffrey Fire Department of proposed expansion renovation project. The report/review shall include a review of any proposed building modifications, occupancy classification, fire separations, fire alarm system modifications and fire sprinkler system modifications, etc.

2. PB18-05, Shattuck Inn Annex, 65 Dublin Road, Map 229 / Lot 8.9, Zone: Mountain
Consideration of revocation pursuant to RSA 676:4-a (d). Vesting of approved plan.

On a **motion** by Chairman Gordon, seconded by Despres the Planning Board finds the Approval of PB 06-02, Site Plan Approval of a 4 Unit Condominium with 2 Detached Garages; and the Approval of PB 06-03, Major Subdivision – 4 Unit Condominium Conversion should not be revoked as a determination of vested rights has been made as follows: (6-0)

A: The Owner/Successor in Title has been found acting in good faith in the absence of regulation which would prohibit the project,

B: Substantial construction has been made to the property,

PUBLIC HEARING – CONTINUED - No Action

OTHER BUSINESS

Tarah Castiglioni has submitted her letter of resignation from the Board. Jo Anne will reach out to her to suggest she join a sub-committee.

Master Plan Update – Patty Farmer has put together a matrix describing the Master Plan chapters and the status of each. She will forward it to the Board for review. Review of the MP will resume in August.

Capital Improvement – No update

ZBA – No meeting in July

Route 202 Advisory Meeting – Several PB members attended the meeting. A lengthy discussion followed.

Hugh Landis – The Board advised Mr. Landis to return when has a specific application outlining his greenhouse plans which will enable them to make a ruling. Member Farmer cautioned Mr. Landis to research retail/commercial sales thresholds.

Data Error - Member Sherman has discovered some incorrect data for the Town of Jaffrey on the NH Division of Economic Development website. He has contacted them to have the data corrected.

ADJOURNMENT

The meeting adjourned at 7:36 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Tim Gordon
Chairman, Jaffrey Planning Board