

TOWN OF JAFFREY, NH
PLANNING BOARD
Zoom Meeting Minutes
September 9, 2020

The Right to Know Checklist was displayed on Zoom prior to the meeting. Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Present via Zoom: Chair Amy Meyers, Members Despres, Dillon, Dupuis, Belletete, Taylor (alt), Merrell (arrived at 6:06), McKenzie (arrived at 6:13)

Roll Call: Shirley Despres, Jack Belletete, Keith Dupuis, Margaret Dillon, William (Bud) Taylor, Amy Meyers

Absent: John Peard

Staff via Zoom: JoAnne Carr, Director of Planning and Economic Development, Becky Newton

Others via Zoom: David Groder, Casey Leach, Cody Gordon, Wendy Pelletier, Mike Shea, Tom Burns, Robert & Jill Meissner, Jon Buschbaum, Josh Penick, David Chamberlain

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

PRELIMINARY CONCEPTUAL - None

MEETING MINUTES APPROVAL

On a **motion** by Dupuis, seconded by Belletete the minutes of July 14, 2020 were approved as presented. (3-0-0) AM, JB, KD

On a **motion** by Dupuis, seconded by Taylor the minutes of August 11, 2020 were approved as amended. (3-0-0) EM, KD, WT

PUBLIC HEARING – ACCEPTANCE

PB 20-13 Michael & Kendra Shea & Robert & Jill Meissner, Owners
254 & 260 Ingalls Rd, Map 223 Lot 1.5 & Map 223 Lot 1.6
Zone: Rural without town water
Subdivision – applicant proposes a technical subdivision

J Belletete – recused himself

J Carr stated staff recommends all waivers be granted for this application.

On **motion** by Merrell, seconded by Despres to accept the application as sufficiently complete. (5-0-0) AM, SD, KD, MD, EM

PB 20-14 Greylock Properties, LLC, Owner, TFMoran, Agent
Main Street, Map 237, Lot 12
Zone: Rural with Town Water

Subdivision – applicant proposes a 3-lot subdivision with private wells

W Taylor – recused himself

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J Carr stated that Mr. Gordon had previously come before the board with a preliminary proposal for a 4-lot subdivision which was determined to be incomplete. The proposal was reconfigured to a 3-lot subdivision compliant with land use code recommendations. Staff review comments have been addressed. She feels that the application is sufficiently complete.

On **motion** by McKenzie, seconded by Belletete to accept the application as sufficiently complete. (7-0-0)
AM, SD, JB, KD, MD, LM, EM

PUBLIC HEARING – NEW

PB 20-13 Michael & Kendra Shea & Robert & Jill Meissner, Owners
254 & 260 Ingalls Rd, Map 223 Lot 1.5 & Map 223 Lot 1.6
Zone: Rural without town water

Subdivision – applicant proposes a technical subdivision

Presentation: Mike Shea

Recently the Sheas and Meissners did a lot line adjustment (technical subdivision) between lots 223/1.5 & 209/4. The land swap exchanged two equal amounts of land between the lots.

They are requesting approval to allow Mr. Shea to convey a narrow strip of land on the common boundary line between lots 223/1.5 & 1.6 as a courtesy to the Meissners. The land area in question is 20' x 155' or 3,096 sf. This adjustment does not create a new building lot. The swap will give the Meissners ownership of a small dry piece of land that cannot be accessed from the Shea property without going through a wetland or trespassing on the Meissner property.

David Groder, abutter – Mr. Groder lives across the street and is not in favor. He is unclear why this request is being made and wants to know if it has to do with a perc test. A Meyers responded it does not. Mr. Groder requests that State approval be obtained. J Carr explained that the Town requires lot line adjustments to come to the Planning Board for approval, but State approval is not required. No new buildings are proposed or new lots being created. It does not affect the road frontage.

Mr. Meissner tried to clarify the reason for this change. There is a peninsula of land that juts into the Shea property but is accessible only from the Meissner property. As a courtesy to Mr. & Mrs. Meissner an agreement was made between both parties to make this small adjustment that would give the Meissners ownership of this peninsula. Roughly 80% of the area in question is wetland.

Josh Penick, neighbor – commented this seems a nefarious way to subdivide property. He owns a 103-ac lot on Ingalls Rd. with a majority of the frontage. He believes that some of the previously subdivided lots may not be able pass a perc test and wants to make sure this technical subdivision is being done for geological purposes and not to find a lot that can pass a perc test. He added that Ingalls Rd. has traffic safety issues and internet services are limited. More residents in the area would be a drain on the already limited resources. He asked where the well and septic are on located on the Meissner lot. Mr. Meissner identified the location of his well and septic field, roughly 75 ft from Ingalls Rd on the other side of the property. He added, the land in question is not buildable and there will not be perc test.

J Carr explained that this subdivision was already subject to State approval as some of the lots were less than five acres. Septic systems and wells were shown on the original subdivision map. A lot line adjustment does not create a new building lot. The subdivision received the necessary approvals for traffic, congestion, police and fire, etc. The developer is required to provide fire protection as the project gets built out.

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K Dupuis stated he doesn't see an issue as the Meissner lot already has a house with a septic and a well. The issue of a perc test is irrelevant.

W Taylor asked does the Shea lot have a house? M Shea stated yes.

M Dillon noted these were good questions, however she is comfortable with the proposal.

Chairman Meyers closed the public hearing

PB 20-14 Greylock Properties, LLC, Owner, TFMoran, Agent
Main Street, Map 237, Lot 12
Zone: Rural with Town Water

Subdivision – applicant proposes a 3-lot subdivision with private wells

Presentation: Tom Burns, TFMoran

This proposal is for a 3-lot subdivision of lot 237/12 on Main St. The parcel is just under 11.5 acres in the rural zone. Once divided, each lot will exceed three acres with private wells and Town sewer. An existing sewer stub extends into the property along the SW corner following the wood road to lot 11. The State permit will be updated for the existing curb cut. The wood road would become a 300 ft private road with a hammerhead turnaround that provides access to each lot. All lots have frontage either on Main St. or the private road. There are wetlands on the property, however no wetland impacts are proposed.

J Carr shared the plans identifying the three wetland areas on the property, the hammerhead turnaround, location of driveways, building envelopes, etc. The building envelope on lot 12 is limited by the easement to lot 12.1

M Dillon noted that the application proposed no infiltration, is this acceptable? J Carr responded the original design has infiltration in the center of the cul-de-sac. Mr. Burns added the intent is to match the existing drainage patterns which flows to the wetlands at the back/north side of the lot. J Carr asked do you have runoff calculations? Mr. Burns responded yes, those can be provided.

M Dillon stated she would be concerned about a substantial increase in drainage to the wetland if geothermal well systems were used. Open wells pump the water through the system and discharge it. W Taylor stated they do discharge, however they do so into the same cone for a thermal exchange only. They are not common any longer due to the corrosive nature. Most geothermal systems built now are closed-loop systems due to the expense and environmental impact. There is no permitting process and no environmental review for these wells.

S Despres asked how will sewer usage be calculated without using Town water? C Gordon responded that the plan is to use a water meter to monitor usage.

K Dupuis asked how is it tied into the Town sewer? Mr. Burns responded the intent is to tie all three homes into the existing manhole structure on the site. K Dupuis asked has the line been checked? Mr. Burns responded the structure was checked for size and capacity when the survey was done. They are awaiting the final decision to determine if the line from Matchpoint is private or public. J Carr added the easement for the private line does include this parcel. The Superintendent of Utilities has issued requirements for construction of the sewer and connections. J Carr would recommend that a condition precedent be part of the

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decision stating that the design be completed before final approval. L McKenzie suggested that the size and quality of the line and manhole be assessed as well.

L McKenzie asked will the private road be paved and will it drain on to Main Street? Mr. Burns answered the road will be gravel. He explained the drainage plan at the entrance of the private road which only partially drains onto Main St. The bulk of the drainage will flow north. The SE side has a drainage ditch. He noted the discharge will not free flow onto the road. There is a catch basin at the SW corner and a 15" culvert that goes across the road. This catch basin is State maintained. They have not assessed its condition. The majority of the water will drain to the back of the lot into the swale to the wetland. J Carr noted that they are not discharging within 75 feet of the wetland buffer.

J Carr noted an existing conditions plan was requested as there were concerns about the linkage between the private easement and the Municipal sewer. Addressing those concerns, Jeff Kevan noted in his comments that locations and details of access to sewer lines from each lot will be finalized as each lot is developed. J Carr reiterated, an as-built should be required.

J. Belletete noted if the sewer line is determined to be a private line, it should be specified that it be maintained by the owners. Casey Leach, abutter stated there is a sewer easement agreement between the houses on Matchpoint. She believes the connection runs from her barn to the manhole on the Gordon property. J Belletete noted the sewer line extends to Mr. Gordon's property so a requirement from all owners would be necessary for shared ownership. J Carr agreed that the existing easement would need to be updated. She added the Town map does not necessarily match what is presented on the plan submitted. Mr. Burns noted that the locations shown on their plans were part of an on-the-ground survey. Sheet three of the plan set shows existing information. A force main line would be added from the second manhole structure to all three lots.

K Dupuis noted that the Sup. of Utilities states that no services shall go directly into the manhole. Mr. Burns explained that DES looks for the last 10 feet of pipe be a gravity pipe. K Dupuis asked who will pay to replace the manhole and the line if needed, the developer or divided between the users?

Mr. Gordon asked, if plans change from what has been presented today does he have to come back to Board? J Carr responded the Board could make a condition of approval that if the design was compliant with sewer regulations he would not have to come back before the Board. However, other changes such as configuration of the hammerhead, lots, access, etc. could require another hearing. As-built plans would be required.

Mr. Gordon stated he is considering changing his plan to have the front two lots connect to the sewer main on Rte. 124 and the back lot have a septic system. J Carr stated to do that he would need State subdivision approval which would require another hearing. Mr. Gordon then suggested running a pump line from the back lot out to the road. K Dupuis noted an easement would be needed for this option. J Carr stated if the Board considers this option another condition precedent would be needed showing an easement for the benefit of the subdivision and for the ROW. K Dupuis added approval would be required to go into the State ROW as well.

K Dupuis asked are there concerns from other users on the existing line? Mr. Gordon responded he is unsure, he has spoken to some of the neighbors. Either way, he will either upgrade the line or do something else.

L McKenzie noted that the easement states it's a private line to Main St. Maintenance and repair work are shared equally by all parties named. J Carr asked is the property in question subject to the sewer easement? K Dupuis answered lot 237/12 is specifically named in the easement. L McKenzie noted that the easement states that lot 12, would have one vote. J Carr added the easement would need to be amended with all current

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users as well as the three new proposed lots. Significant questions remain as to how to proceed. Given this lack of clarity, perhaps legal counsel should be sought.

J Carr recommends the hearing to be continued to allow Mr. Gordon to investigate and update the sewer easement agreement. L McKenzie agrees, the updated easement should also state that the three new lots have equal rights. A Meyers noted regardless of which way Mr. Gordon decides to configure the septic system, the easement must be updated to incorporate the three new lots.

On a **motion** by McKenzie, seconded by Merrell to continue the hearing to **October 13, 2020, 6:00 pm.**
(5-2-0) SD, MD, LM, ED, AM in favor JB, KD opposed

DECISIONS

PB 20-13 Michael & Kendra Shea & Robert & Jill Meissner, Owners
254 & 260 Ingalls Rd, Map 223 Lot 1.5 & Map 223 Lot 1.6
Zone: Rural without town water
Subdivision – applicant proposes a technical subdivision

On a **motion** by Merrell, seconded by Dillon to approve the technical subdivision as presented per testimony given. (6-0-0) SD, KD, MD, LM, ED, AM

ZONING BOARD DECISIONS

1. ZBA 20-10 Rehearing, David & Alisa Nash – Granted
2. ZBA 20-16 Susan & Greg Hunt - Granted

ADJOURNMENT

The meeting adjourned at 7:45 pm

Submitted:



Rebecca Newton
Recording Secretary

Attest:



Amy Meyers
Chair, Jaffrey Planning Board