

TOWN OF JAFFREY
Jaffrey, New Hampshire
BOARD OF ADJUSTMENT
Meeting Minutes
October 3, 2017

Present: Chairman Sawyer, Members Belletete, Cournoyer, Durand, Remillard, and Webber

Absent: Member Tieger

Staff: Recording Secretary Brayall

MEETING MINUTES APPROVAL

On a motion by Cournoyer, seconded by Belletete the minutes for the September 5, 2017 public hearing were approved as submitted. (5-0)

On a motion by Cournoyer, seconded by Durand the minutes for the September 19, 2017 public hearing were approved as submitted. (5-0)

On a motion by Cournoyer, seconded by Durand the minutes for the September 26, 2017 public hearing were approved as submitted. (5-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 7:00 p.m. Notice of hearing for case No. ZBA 17-18 & ZBA 17-19 as advertised in the *Monadnock Ledger-Transcript*; copies were posted in the Town Office building, the Library and the town web site; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen; and notice of hearing was sent by certified mail to all abutters whose names were provided by the applicants. Member Durand would vote.

Public Hearing - New Items

1. ZBA 17-18, Somero, Paula. 67 Stratton Rd., Map 238 / Lot 117, Zone: Res. B (with town water),

Variance – The applicant requests a variance to permit the construction of a free-standing shed with less than the required side setbacks. (Land Use Code, Zoning Ordinance Section VI, 6.1).

Presentation: Paula Somero

Appearance:

Ms. Somero is proposing to construct an eight by twelve foot wooden shed. The lot is a pre-existing, non-conforming lot that is only fifty-five feet wide. The shed will be placed at the end of the driveway, to the back of lot. Member Belletete asked if the shed would be visible to the neighbors. Ms. Somero replied it would not explaining that there is also a fence between her and the neighbor at 69 Stratton Rd. Member Belletete asked how far would the shed be from the property line. Ms. Somero replied it would be approximately four feet from the fence. Member Cournoyer asked who was behind the property. Ms. Somero indicated it was Hulslander.

On a motion by Belletete, seconded by Durand the board waived the site visit. (5-0)

There being no further discussion, Chairman Sawyer closed the public hearing for this item.

2. ZBA 17-19, EMD Millipore. 11 Prescott Rd., Map 256 / Lot 1.1, Zone: Industrial.

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Special Exception – The applicant requests a special exception to allow construction of driveway, walkway and lighting within the Wetlands Conservation District. (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

Variance – The applicant requests a variance to permit grading and drainage in connection with driveway and pedestrian walkway within the Wetlands Conservation District. (Land Use Code, Zoning Ordinance Section XX, 20.4).

Presentation: Attorney John Arnold – Hinkley & Arnold

Appearance: Derek Redgate, Engineer – Highpoint Engineering

Attorney Arnold represents Millipore and they are proposing to expand their parking by creating a new parking area with eighty-two spaces that will be tied into a pedestrian walkway. The reason for the expansion is to accommodate parking during shift changes. They are before the board requesting a special exception and variance.

Addressing the special exception Attorney Arnold oriented the board to the location of the proposed parking area. Access will be from an existing access road off Route 124 east of the main entrance. The idea is to tie the parking lot into the access drive. There is an existing pathway/trail system that runs from the Millipore campus across the access drive and up into the proposed site. This will allow the connection to be easily made.

Mr. Derek Redgate displayed and reviewed the site plan. There are many wetlands on the site and they were reflagged in July. Great effort was taken to place the parking lot and the drainage in the best location possible outside the seventy-five foot area. Some of the areas still in jeopardy are the entrance into the lot from the access road (shown in dark gray on the plan), part of the path (shown in light gray on the plan) and an even lighter gray area which is grading associated with what is needed for building. The special exception is for the work that they are proposing within the seventy-five foot area. Chairman Sawyer asked if the path will be for employees moving between the facility and the parking lot and if so will it be kept snow free in the winter months. Mr. Redgate confirmed that it will be the path for employees to use and it will be kept snow free. There is also an area where they would like to place some three-foot-high bollard lighting for safety reasons. The existing walk and the new pathway up to the parking lot will not be paved; the parking lot will be paved. Member Remillard asked how wide the path will be. Mr. Redgate replied six feet. Member Belletete asked for the width of the driveway. Mr. Redgate replied twenty-five feet to allow for two-way traffic.

Member Remillard asked about the lighting. Mr. Redgate stated that the parking lot has four twenty-foot-high light poles that will match what is in the existing parking lot. They will be on during night time hours. Member Remillard asked if this will be visible to the neighbors. Mr. Redgate stated that the bollards will not be visible to the neighbors. The light from the poles may be visible from Route 124. The neighbors may be able to see light but it should not emanate beyond twenty feet of the parking lot. The closest property line is four hundred and fifty feet from the parking.

Member Durand asked in what direction will the lot be pitched. Mr. Redgate stated it would be south to north so any drainage will be pick-up by catch/detention basins.

Attorney Arnold added that the proposed location currently has a large pile of fill that is left over from prior excavation causing an unnatural topography that is a big hill. The plan is that the hill will be excavated out and the topography will be restored to what would be natural. Member Cournoyer asked what they plan to

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do with the fill. Attorney Arnold stated that it would be hauled off-site by a contractor. An alteration of terrain will be needed by the State. Due to the level of detail on the plan Attorney Arnold asked the board to consider waiving the site visit.

Abutter Bill Johnson asked about dust from the excavation and noise. The last time there was excavation they had to leave their home because the dust in the air was so prevalent. Mr. Redgate replied that there is a process through the State permitting which they will do. It establishes a "during construction" plan that the contractor must follow and it will address the concerns. Mr. Johnson asked about the mound of fill; what will remain. Mr. Redgate explained that it will be excavated and in the end, will be approximately twelve to fifteen feet higher than the access road but significantly lower than the existing hill.

Speaking to the variance, Attorney Arnold stated that the variance request relates specifically to grading that must be done in connection to the driveway and walkway construction. The needed grading is outlined on the plan in the light gray. Grading around the pathway is needed to make the slope stable and safe and around the driveway to make the grades match-up between the access road and the driveway. Other areas will catch run-off and keep it from entering the wetlands across the street.

Referring to the hardship criteria Attorney Arnold stated that the issue being dealt with is that there is no way to construct the driveway or walkway without doing some grading within the seventy-five feet. Every effort has been taken to keep all the work as far away from the wetlands as possible and all the work is further away from the existing improvements that are already out there. The grading for the driveway is designed to serve the purpose that the ordinance is intending, it's designed to keep the rain water and storm water run-off from coming into the wetlands and causing adverse effects on the water quality. Grading for the walkway is also important for safety reasons and to prevent erosion. There will be no impact on the wetlands or neighbors.

On a motion by Belletete, seconded by Cournoyer the board waived the site visit. (5-0)

There being no further discussion, Chairman Sawyer closed the public hearing for this item.

Deliberations:

Member Cournoyer asked if it was advised to review the criteria for a special exception as well as a variance. Board members were not certain of the answer but they were aware that to review and vote on each segment of the variance was not required.

Member Cournoyer made a motion to review each of the five variance criteria. The motion died at the lack of a second. Member Webber stated that the variance criteria had been submitted as part of the record and they have all read it. He feels the burden of proof has been met.

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Continued

No Action

OTHER BUSINESS

No Action

DECISIONS

1. ZBA 17-18, Somero, Paula. 67 Stratton Rd., Map 238 / Lot 117, Zone: Res. B (with town water),

Variance – The applicant requests a variance to permit the construction of a free-standing shed with less than the required side setbacks. (Land Use Code, Zoning Ordinance Section VI, 6.1).

On a motion by Cournoyer, seconded by Belletete the application for a variance to permit the construction of an eight by twelve free-standing wooden shed no closer than four feet from the fence located on the southerly side of the property was granted as presented and per testimony given. (5-0)

The sketch provided is on file with this office with a “Received” date stamp of October 3, 2017 and noted for ZBA 17-18.

Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.

2. ZBA 17-19, EMD Millipore. 11 Prescott Rd., Map 256 / Lot 1.1, Zone: Industrial.

Special Exception – The applicant requests a special exception to allow construction of driveway, walkway and lighting within the Wetlands Conservation District. (Land Use Code, Zoning Ordinance Section XX, 20.6.1)

On a motion by Cournoyer, seconded by Webber the application for a special exception to allow the construction of a driveway, walkway and lighting within the Wetlands Conservation District. (5-0)

Variance – The applicant requests a variance to permit grading and drainage in connection with driveway and pedestrian walkway within the Wetlands Conservation District. (Land Use Code, Zoning Ordinance Section XX, 20.4).

On a motion by Webber, seconded by Durand the request for a variance to permit grading and drainage in connection with driveway and pedestrian walkway within the Wetlands Conservation District was granted as presented and per testimony given. (5-0)

The plan submitted is on file with this office with a “Received” date stamp of October 3, 2017 and noted for ZBA 17-19.

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ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Submitted:



Erlene R. Brayall
Recording Secretary



Attest:


Lee A. Sawyer
Chairman
Jaffrey ZBA