

TOWN OF JAFFREY, NH
PLANNING BOARD
Meeting Minutes
November 14, 2023

Present: Members Peter Maki, John Peard, Keith Dupuis, John Brouder, Margaret Dillon, Gary Arceci (alt) *will vote*, Franklin Sterling, Selectmen's Rep

Absent: Amy Meyers, Nathan Flowers (alt)

Other: Thomas Ahlborn-Hsu, Bruce Hautanen (for White's Camp), Al Bradbury, Scott & Karen Brown, Anne & Cassius Webb, Allison Lewis, Penny Durgin, Gino Farina, Lisa & Joel Michaud, Ann Royce, Janet Grant

Staff: Jo Anne Carr, Planning & Economic Director, Becky Newton, Recording Secretary

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

MEETING MINUTES APPROVAL

On a **motion** by Dillon, seconded by Brouder, the minutes for October 10, 2023 were approved as submitted. (6-0-1) *GA abstained*

PRELIMINARY CONCEPTUAL - none

APPLICATION ACCEPTANCE

JP recused himself. MD assumed the role of chair for this hearing.

PB 23-09 Scott Brown, Owner, Keach-Nordstrom Associates, Inc., Agent
371 Mountain Rd., Map 220 / Lot 13 Mountain Zone & Rural District, with town water

Minor Subdivision – the applicant proposes a 3-lot subdivision.

Staff review - a number of items were requested to be shown on the plans including: water service profiles, water line easement and building envelopes. The plans have been updated accordingly. A DOT driveway permit has been applied for. No internal driveways are proposed. Fire and PD have submitted comments. Staff has determined that this application is sufficiently complete.

Regional Impact: A **motion** was made by Sterling, seconded by Arceci that PB 23-09 has potential for regional impact. (6-0-0) The hearing will be opened and testimony taken by those in attendance and continued in order to notice the other Mountain Zone towns and the SWRPC. *GA was opposed to opening the hearing at this time.*

PUBLIC HEARING

PB 23-09 Scott Brown, Owner, Keach-Nordstrom Associates, Inc., Agent
371 Mountain Rd., Map 220 / Lot 13 Mountain Zone & Rural District, with town water

Minor Subdivision – the applicant proposes a 3-lot subdivision.

Presentation: Allison Lewis, Keach-Nordstrom Associates, Inc.

The owners are proposing a minor 3-lot subdivision of Map/Lot 220/13, of which 50% is located in the Mountain Zone and the rest in the Rural Zone. The lot consists of 18.6 acres. Once subdivided it would become three lots; 6.21 acres, 5.39 acres and 7.02 acres respectively. The new lots would be in conformance with zoning requirements. All three lots will be serviced by Town water with individual septic systems. The impact to neighboring towns will be minor as the addition of the two lots will only add 2-4 cars to Mountain Road traffic. A

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DOT permit has been applied for. The proposed driveways meet the sight distance requirements.

G Arceci stated that lots 13.2 and 13.1 are very irregular and unattractively laid out. A Lewis responded that the goal was to retain the existing structures on the main lot. The lots are oversized. Due to topography, it is likely that buildings would be located close to the road.

K Dupuis asked that the locations of the driveway cuts be added to the plans.

Al Bradbury, abutter. Mr. Bradbury is concerned that the lots could be subdivided again. M Dillon noted that any further subdivision of the property would not meet zoning requirements. He is worried about blasting on the property and noted that there are numerous accidents on that corner.

John Peard, abutter. The lots are ridiculously shaped. His primary concern is that construction would be at the back of the lot closest to his land. He wanted to purchase this property to keep it undeveloped. A Lewis stated that it would be very costly to build back there in addition, one of the lots would require a wetland crossing to do so.

Tom Ahlborn-Hsu, Conservation Commission. Mr. Hsu is concerned that the only access to the back portion of lot 13.2 is through a wetland. A Lewis responded there is over 20,000 square feet of buildable acreage by the road on this lot.

Joel Michaud, abutter. The term "most likely" makes him nervous. Constructing a house at the rear of these lots is possible with enough money. F Sterling agrees, it could be desirable to put a house further back from the highway. A Lewis noted that a variance would be needed in order to build at the rear of the lot. To do this, the owner would need to prove hardship which would be difficult because a building lot already exists.

M Dillion asked is it possible to put a conservation easement on the back part of the lots to prevent development in that area? A Lewis said she could speak the owner about this. Karen Brown asked if the easement could be placed on the new lots only.

Al Bradbury asked are there enough acres to create a back lot? J Carr answered no. A back lot requires a minimum of 12 acres and there is not enough frontage to subdivide further. Further subdivision would require a variance and demonstration of hardship.

Gino Farina, abutter. He does not feel that this is a good idea. His main concern is safety on that corner. It will be difficult to access the two new driveways from 124. There are many accidents on that section of road. In addition, he believes the additional driveways will create more runoff to his property. He has been using a small portion of the neighbor's property as his own for a number of years. Mr. Farina submitted the following letter:

My name is Gino Farina, along with Penny Durgin, owner of our home at 331 Mountain Road. We have lived here over 12 years. Our home directly abuts the proposed development at 371 Mountain Road and is the closest and most impacted property. We have viewed the initial plans and have serious concerns about the impacts in these important areas:

SAFETY

Any Jaffrey Public Safety official would agree the proposal is on one of the most dangerous highway curves in the area, just based on the number of accidents occurring yearly. We have personally seen 12 years of crashes here. The applicant proposes 2 driveways onto the so called "S-curves". I feel this makes a bad situation worse; the State would be wrong to approve driveway permits in this location. Only a single access from the existing driveway for 371 Mountain Road should be considered if this were to be approved.

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DRAINAGE/ RUNOFF

Our yard is the landing point for groundwater and runoff from the slope directly abutting the proposal. Our driveway floods out regularly from rainwater coming down the hill of Route 124. One issue here is the 2 driveways sloping down to the road, which will increase runoff onto the road, in turn flowing into our driveway, and creating ice hazards on the highway in the winter. So, we are obviously concerned with any kind of development on the slope above our property. At the least, the identified wetland buffer should be extended beyond 75' (at least 100") to protect the fragile slope along our property, and properly absorb runoff from any potential development of the property. Driveways on the slope should be eliminated for any future development there.

HISTORIC CONTEXT

There must be some consideration of why there is a Mountain Zone designation on any proposal such as this. Historic stone walls and features will be wrecked. Lots of new lighting will be created at night. More animal habitat will be lost. A neighborhood's character will be drastically changed. In whatever way these aspects may be part of your decision, I expect the impacts will be looked at fully.

CONTINUOUS USE

For probably 15 years there has been no owner present, nor habitation of the house at 371 Mountain Road. Since we moved here in 2011 we have adopted the small wedge of land abutting our property, land that is part of the proposed development, but also in the wetland setback. It is so close to our house it has become part of our yard. Our stewardship has included picking up downed branches, making brush piles, keeping trees trimmed, mowing and trimming the road frontage, stone walls and grounds, etc. This use extends back to the previous owner of our house, where fencing they were allowed to install still exists on this small wedge. So it was always an intention to seek a boundary adjustment on this side, and for 2 other reasons: first, when our house was built 65 years ago it was poorly located on the lot, and is essentially too close to the boundary line, and secondly the existing boundary line is at such a sharp angle that it actually cuts in front of our house.

**While this subject may exceed the area of the Planning Board's decision, we want the opportunity and time to discuss this with the new owner/applicant. We reached out to the new owner earlier this year but did not receive an answer to our invite. We want to see this wetland setback area protected, as well as continue to maintain it as we have, as a natural buffer, either under our ownership, through an easement, or whatever. So will the land owner discuss this with us is still a question.*

SITE VISIT

I expect the Planning Board will schedule a site visit before making the important decision on this proposal. You will see the lay of the land, and how our concerns as laid out here are justified. I think this development as planned is a bad fit for this location on Mountain Road.

More time to look at the finer aspects of the proposal's impact would also be useful, as most of us have only just learned about it. We look forward to the hearing on November 14.

Thank you very much for the opportunity to address the Board with our concerns.

Gino Farina and Penny Durgin 331 Mountain Road Jaffrey

Bruce Hautanen representing White's Camp, abutter. They are concerned with safety issues and that the proposed house locations, if built, would look right into their home.

M Dillon read the following letters into the record:

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Hazel Caldwell - abutter

Minor Sub-division - the applicant proposes a 3-lot subdivision on property in the Mountain Zone.

I oppose this subdivision. Don't be misled by the application term, "minor subdivision." This constitutes a MAJOR change in the Mountain Zone. As an abutter with a very dedicated desire to preserve our special Mount Monadnock and our town and inhabitants' relationship to it, I beg you to review this application with due diligence.

Towns people and travelers know my abutting property at 378 Mountain road, with the iconic view of Mount Monadnock, complete with barn, Morgan horse, and orchard,, and recently portrayed 4 times in the newly released film, Monadnock, the Mountain that Stays Alone." This land has been owned, maintained, and treasured by my family since 1895, over 125 years.

Proposed Subdivision into 3 lots vs 4 lots, keeps it under the more alarming title of Major Subdivision, which could potentially attract more concentrated concern by people who strive to protect our valuable Mountain Zone.

Mr. Brown acquired his property and existing home just about a year ago, and has moved quickly to subdivide. I strongly suspect Mr. Brown's intention was to profit from land development and residential construction. Ironically the Mountain Zone restricts businesses, but please realize that land development and housing construction can be a lucrative business. Land can be worth more to develop than to sell. He is putting his interests above those of longterm and concerned town preservationists. Nature, solitude, and beauty destroyed is not apt to come back.

Surly findings can be made to allow no more than two lots. Neighbors and townspeople have many justified concerns. (see footnote 1). If the town allows large parcels in sensitive areas to be chopped up for monetary gain, it will establish precedents that will forever impact the quality of life long enjoyed in the Mountain Zone and in the town.

*This experience may serve as well as motive to amplify existing zoning to protect what is so treasured. I oppose this subdivision.
Thank you, Hazel Caldwell*

(Footnote 1:) number/ size of lots requested; amount of usable land; road frontage and visual impact; dangerous ingress and egress onto highway 24...bad curve, already site of frequent accidents; DOT site visit and survey, review of highway accidents at property frontage, slope, water drainage impact due to loss of vegetation and increased impervious surfaces, wild life habitat destruction, fire concerns, privacy issues, More traffic, more noise not only intensified during construction but thereafter and forever.

Janet Grant – resident

In light of the fact that I am unable to attend the Meeting this evening, I write to voice my opposition to the proposed 3-lot subdivision of the 18.63 acre parcel in the Mountain Zone.

- 1. The Mountain Zone should be protected against increased land development. The five towns agreement of which Jaffrey is a part wishes to continue restricting development. We would expect similar support from the other towns.*
- 2. The subdivision interrupts wetlands which should be preserved, natural habitats which should be allowed to continue and compromises privacy issues of abutting properties.*

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3. The proposed driveways enter onto route 124 where there is restricted visibility, road curvature, and narrow road width. This stretch of route 124 has been the site of many accidents in the past.

These are just a few of the concerns we as residents of the Town of Jaffrey have.

We have just had the privilege of seeing the documentary 'Monadnock: The Mountain which Stands Alone'. An outstanding testament to the treasure we enjoy.

The Mountain Zone deserves our continuing consideration AND protection.

Yours sincerely, Janet S Grant

Ann Royce, resident. She is also concerned about the driveways being located on a dangerous section of road.

Ann Webb, resident. Feels this would be an intrusion in the Mountain Zone.

Ken Campbell, resident, read the following letter:

I urge the Planning Board to turn down this application to add two driveways, fairly close together, to a dangerous reverse curve on NH Rte. 124, particularly on a stretch of road where many motorists stop to take a photo of one of the listed Scenic Viewpoints of Jaffrey, the view from 378 Mountain Road of the beauty of Mt. Monadnock with an historic barn and field and horse in the photo.

Mountain Road, Rte. 124, is subject to chronic potholes on this downhill curve because of water, weather and road wear. Motorists try to steer around the potholes and go into the opposite lane. One bad pothole has just been mended but it will recur.

Carving out two more lots on the steep slopes, wetlands, and old stone walls of this Map 220 Lot 13 in the Mountain Zone has created zig-zag lots that resemble a gerrymandered election district. Proposed Lot 131-2 has a driveway that invades a wetland.

The Police Department should be consulted regarding the number of accidents on this curve.

Thank you for your consideration of these views.

I attach a photo on the next page of the proposed plan and the List of Scenic Viewpoints from Jaffrey's Scenic Map.

A Lewis will discuss the feedback presented with the owner.

Scott Brown, owner stated that the reason for the subdivision is to fund the renovation of the existing house.

F Sterling feels that people would be shocked to see this subdivision. There is only one chance to preserve to the Mountain Zone and its rural character and view shed. He will vote no.

The hearing was continued to a Site Walk on Tuesday, Nov 28 at 1:00 pm (inclement weather date Nov. 30). Parking at 371 Mountain Rd., Jaffrey and will reconvene Tuesday, December 12.

OTHER BUSINESS

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JP rejoined the Board to chair the remainder of the meeting.

Zoning – J Carr shared a GIS map highlighting the Res A locations with water and sewer as background for the zoning discussion. These areas could be considered for an increased density of 6 units per acre. This does not include Res A by Contoocook as that area does not have sewer service, nor include the Res A in Jaffrey Center (underlying in part, the Historic District).

She shared the SWRPC Housing Need Assessment which could help identify what our housing needs are. The median family income for Cheshire County is \$112,000, Jaffrey is \$68,222.

She reviewed what steps need to be taken by the Town to be considered a Housing Champion. She noted some existing larger developments in Jaffrey such as: Jaffrey Family Associates, Gilmore Court, Great Bridge Properties, Pine East, Highland Ave, Jaffwood and Com2 Media. J Peard noted that there are several multifamily units that had been torn down and not replaced. These are matters for the Board to consider when updating the code over the next year.

After some discussion, the proposed zoning changes would be as follows:

1. Section XI – 6.4 Clarify that density in the General Business, General Business A and Residential B Districts where town water and sewer are available that multi-family is permitted.
2. Add paragraph to Section 6.4 which allows for a Workforce or Senior Housing development to exceed the maximum number of units per building pending a financial statement from the developer indicating economic viability per RSA 674:58 (III).

On a motion by Dillon, seconded by Brouder to bring these two changes to Public Hearing on December 12, 2023. (5-0-2) *JP and KD abstained*

K Dupuis asked, is there Town-owned land that could be used for development? J Carr has a list of properties already prepared and will share with the Board tomorrow.

ADJOURNMENT

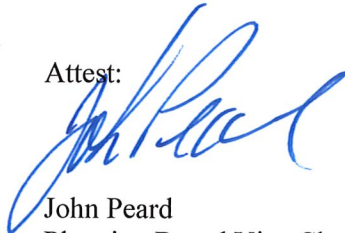
The meeting adjourned at 7:20 pm

Submitted:

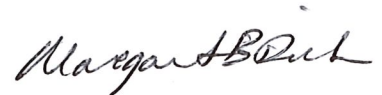


Rebecca Newton
Recording Secretary

Attest:



John Peard
Planning Board Vice Chair



Margaret Dillon
Chair Pro Tem