

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on December 18, 2012

Minutes approved January 8, 2013

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, December 18, 2012 at 7:00 p.m.

MEMBERS PRESENT Thomas Young, Frank Byron, Michael Croteau, Joel Kapelson, Steve Perry, Alternate, Leon Barry

MEMBERS ABSENT: Russ Blanchette (Chair), Bob Curtis (vice), Michael Caprioglio, Alternate

ALSO PRESENT: Joan McKibben (Admin. Assistant), Jen Czysz (NRPC Senior Planner),

Selectman F. Byron mentioned to the Board that they needed to appoint a Chairman Pro Temp because absent from the meeting were the Chairman and the Vice Chairman.

CALL TO ORDER

Mr. Byron called the meeting to order at 7:00 p.m. and joined the Board in the Pledge of Allegiance.

Motion: *by Mr. Byron that the Board appoints Steve Perry as a voting member of the Board for the evening*

Second: by Mr. Young

Vote: 4-0-1.

Motion: *by Mr. Croteau that the Board nominates Steve Perry to be the Chairman Pro Temp*

Second: by Mr. Barry

Vote: 4-0-1.

1. Public Hearing for Multi-Family Residential Overlay District

- A. New zoning section 550.00 – 553.00 Multi-Family Residential Overlay District. To provide an opportunity for multi-family residences within the Town of Litchfield consistent with the Town’s single-family character and comply with the NH Sate Law. District Boundaries: The Residential and Transitional Districts north of Leach Brook and the Residential and Transitional Districts south of Page Road.

Mr. Perry asked Jen if there was anything she had to start the meeting off with. Jen stated that this is the second hearing on the District and the only changes from the last hearing were the

District boundaries. The conversation at the last hearing was looking at the areas to the South that should or should not be included within the multi-family overlay district and the Board decided to reconsider the inclusion of the Highway/Commercial district in the South East corner of town; to revise the district to exclude that area from the proposed overlay district; also keeping it to the residential and transitional district north of Leach Brook and residential and transitional district south of Page Road. Jen showed the Board the revised map. Jen also stated that the next item on the agenda is a hearing for the rezoning, which she showed on the map and a portion that is already transitional would convert to residential, there would be no change in how the multi-family overlay district would apply there. Mr. Perry asked the members of the Board if they had any questions or comments. No members of the Board wished to speak.

Mr. Perry opened the meeting for Public Hearing.

Public Comments: No members of the Public wished to speak.

Being no further public comment Mr. Perry closed public comment and opened the floor for Board comment.

Motion: *by Mr. Byron that the Board approves sending to the Town Meeting in March the new section 550 – 553 the Zoning changes for Multi-Family Residential Overlay District.*

Second: Mr. Barry

Vote: 5-0-0

Mr. Leon Barry stepped down from the Board at 7:15 because he is an abutter to Map 2 Lot 88.

2. Public Hearing – Zoning Ordinance to rezone parcels south of Page and east of Cutler Roads as residential.

- B. Amend Sections 900.01 (b) “Transitional District” and 1000.01 (a) “Southern Commercial/Industrial District” of the Zoning Ordinance to rezone any parcels South by Page and east of Cutler Roads as residential as there is no access to the parcels except through residential neighborhoods.

Mr. Kapelson is now present at 7:15 pm.

Mr. Perry asked the members of the Board if they had any questions or comments. No members of the Board wished to speak.

Mr. Perry asked Jen if she had anything to add. Jen stated that this came about as they were hearing testimony regarding the multi-family overlay district at the last meeting. There was concern that this particular area was despite looking at a map may have appeared to have some direct connections to areas that might be more commercial in nature. The way the land had developed around them, all of the access points into these parcels were through developed residential neighborhoods and there was concern that keeping those zoned to be commercial/ industrial would be incompatible with the residential neighborhoods that surround them,

therefore the Board made the proposal to re-zone those smaller areas of the districts. Mr. Perry asked if any members of the Board had any comments. Mr. Byron stated that one of the points was the fact that if you look at the Northern Boundary of that lot, there is no transitional zones surrounding the commercial/industrial which means that residential development; which was already approved by the Planning Board in the past, would be butted right up against the commercial/industrial which seems to him to be an incompatibility. All of our commercial/industrial is surrounded by transitional or commercial and was done this way historically to shelter home owners against the noise, traffic and all of the other things that come with commercial/industrial. Mr. Byron stated that it seems to make sense to try to convert that to residential, so that the home owners in the Northern development that have already been approved by the Planning Board would not be affected by a larger commercial operation. Mr. Perry stated that the only concern he had when he saw this was that this lot had just gone through a transaction of new ownership and wanted to be certain that the owner was notified.

Mr. Perry opened the meeting for Public Hearing.

Mr. Rick Charbonneau of Litchfield, NH came in front of the Board to show them what was originally there when this was approved for industrial and was rezoned in the early 80's; they thought they could have access from Albuquerque Ave. to this parcel. But with the wetland laws today it is impossible. On one side of Page road there was a transitional zone, and thought at the time when they rezoned all this that Albuquerque would have come through. This is why it was zoned Industrial back in the day. There is now housing along Page Road. Seven residential lots that are approved but not built on the interior of map 2 lot 88. The frontage for those lots are industrial zone, so they had a variance. Mr. Charbonneau showed on the map the only two access points that are available to get into the site, so when you look at all the housing, to do industrial out here it wouldn't work, the people (that live there now) would not go for it. Mr. Charbonneau stated that we need to make this residential because it is not feasible for industrial, it wouldn't make sense to the abutters. Selectman Perry asked if there was any other comment from the public.

Mr. Perry read a letter from a Litchfield Resident Mr. Dave Doyle of 12 Rotterdam Drive. Subject: Zoning Ordinance Section 900.01b and 1000.01a. Mr. Doyle stated that due to a prior commitment, he was unable to attend the public hearing, but wished to offer this letter for consideration by the Litchfield Planning Board.

Re: Section 1000.00

When the Town adopted the Southern Commercial zone in 1989, we were under the impression that the circumferential highway was going to be built and our thoughts were to create a light industrial zone with a surrounding business district to transition into the residential district. I (David) was on that committee that made the recommendations to the Planning Board at the time.

Re: Section 900.01(b) and Section 1000.01(a)

We think these boundaries need to be reconsidered for different reasons; one being that we now know that the circumferential highway is not going to be constructed in that area and another reason being that we need to protect the rural character of the area.

As far as the Southern commercial zone is concerned, using the existing transitional district boundaries seems like a quick fix with not enough thought given to the future. If the Town keeps rezoning the same areas time and again, we are not accomplishing anything permanent that will really benefit the town in the long run. We would like to get involved in this project in some way. The Planning Board needs to find out what developers are looking for in the next ten years. Without the circumferential highway, businesses may not be feasible because there will be no efficient way for that traffic to get in and out. Maybe the transitional district should be larger on the Route 102 side and the Page Road side?

We think the Planning Board should move forward on the proposed amendments with regards to south of Page Road and east of Cutler Road as a show of good faith to the state.

Respectively submitted,
David and Karen Doyle
12 Rotterdam Drive

The Board agreed that Mr. Doyle seems to be okay with the Board going forward with the proposed changes.

Motion: *by Mr. Byron that the Planning Board sends to the March Town Meeting the proposed amendment to the zoning for section 900.01 and Section 1000.01*

Second: by Mr. Kapelson

Vote: 5-0-0

Mr. Perry closed public hearing.

Mr. Barry rejoined the Board at 7:35.

3. Request by Jasper Corporation to waive the escrow fee for a four lot split-zone subdivision on the Hudson/Litchfield Town line.

Mr. F. Byron wanted to mention to the Board that at the State House on the 29th of November he was approached by Mr. Jasper who is also a State Representative and he asked questions on the reasons for the \$10,000 for the escrow for this proposed subdivision, that he will eventually bring in front the Litchfield Planning Board. Right now it is with the Hudson Planning Board, because the subdivision straddles the town line.

Mr. Byron stated that the answers he gave Mr. Jasper was that it is part of the regulations of the Planning Board that this is the requirement for a lot of that size. Mr. Jasper told Mr. Byron that of the four lots he proposes to make, only one of those lots were going to require any work on the Litchfield side of the border. Mr. Jasper felt that the escrow was too high and that he didn't have the \$10,000. Mr. Byron told Mr. Jasper that is something he should be discussing with the Planning Board and Mr. Byron suggested to Mr. Jasper that he send a letter to the Planning Board and also told him that it is up to the Planning Board as to where they go with this. Mr. Byron wanted to bring this to the attention of the Board, as to his involvement to date on this whole thing and asked the Planning Board if they have any concerns with Mr. Byron sitting in on this discussion. The Board had no problems with Mr. Byron sitting in on the Board for this

discussion.

Joan gave Mr. Perry the letter from Mr. Jasper to read to the Board.

Mr. Perry read the letter to the Board:

Jasper Corporation is proposing a four lot sub-division on the Old Derry Road which will include land in both Hudson and Litchfield. The portion of the property which is in Litchfield is described as Map 2 Lot 14. This parcel has approximately 40 feet of road frontage in the Town of Litchfield. Due to this limited frontage the driveway of the one house which is proposed to be constructed in Litchfield will have its curb cut in Hudson. Of the three remaining proposed lots, the only construction that is proposed to occur in Litchfield is part of one septic system.

When we attempted to file the proposed sub-division with the Litchfield Planning Board, we were informed that we would be required to place a \$10,000 in an escrow account to cover any potential engineering review fees that Litchfield may incur. Given that the issues of the driveways will be dealt with by the Town of Hudson and that the septic systems have been approved by the State of New Hampshire Department of Environmental Services, we are at a loss to understand how this dollar amount can be justified as being legal or warranted.

We would respectfully request that the Planning Board waive the escrow fee for this sub-division, so that we may submit our plans and be scheduled for plan review. Thank you for your consideration of our request. We ask that the Board understand that we are not developers, but that we have owned part of this property since the 1920's and the remainder since the 1940's. It is not our desire to sell this property, but the current economic realities have made it impossible for us to continue to maintain ownership of it. It is due to those realities that the escrow fee requested places a financial burden on us, which we are unable to meet.

Sincerely,
Shawn N. Jasper
President

Mr. Perry stated that Joan also gave him a piece of paper that says, we had a lot line adjustment where we incurred \$345.00 of engineering fees, we had a one lot into two that was \$884.00 and then the last plan which was the Leary plan was \$4,500. Mr. Perry stated that the question he has is that to think that we wouldn't collect any fees, is a little crazy. But his curb cut might come from Hudson, it will still have to meet Litchfield's standard. His septic system is still going to have to be looked at on the one lot. The house is in Litchfield but the curb cut is in Hudson. There was a lot of discussion amongst the Board members to discuss what fee should be charged to Mr. Jasper. The only part of the lots is the back of the lots, which will just have markers placed on them. Mr. Perry stated that he wouldn't take the action without any thing in writing. He would say that the Planning Board could make a recommendation of a number that they think would be sufficient and have them write a request for that to be approved by the Board, and state that they would pay any bills over and above. After further discussion on what fees should be set, it was decided that the fee should be set at least \$2,500.00.

Motion: by Mr. Barry that the escrow be set at \$2,500 for the Jasper proposed sub-division.

Second: by Mr. Young

Discussion: Mr. Kapelson asked if they need to add anything to that, in case. Joan stated that if his escrow gets down to \$1,250 then he should bring it back up to \$2,500. Mr. Croteau stated that his only concern is that he thinks going back and forth and trying to say what's reasonable, he thinks setting it at \$5,000 is a firm number and thinks that for one lot, that would be reasonable. Mr. Croteau stated that his feeling is to go with the higher number over the lower number. Mr. Barry asked that if we were to set it at \$5,000 and did the review, can we drop it to \$2,500. Mr. Perry stated that there is no reason to; they have to post the fee before they come in front of us. Mr. Barry stated that if they post the fee at \$5,000 and after the Planning Board goes through the reviews and determines that \$2,500 is acceptable, can we refund it to them at that time. Joan stated that the remainder gets refunded at the end.

Mr. Perry made an **amendment to the motion** to state that the account is to be replenished to the \$2,500 if it drops below \$1,250.00. Mr. Byron **seconded** the amendment. The amendment carried **5-1-0**. (Mr. Croteau opposed). **The amended main motion carried 5-1-0**. (Mr. Croteau opposed).

Joan will inform Jasper Corporation of what was decided upon today.

Other Business

Final Tally on Community Survey

Jen stated that she posted the most recent version of the summary on line and passed out hard copies.

Jen stated that what the Board has is a summary of the results so far, and the question is does the Board want to leave it open and stop where we are at to post a summary onto the Town Website. As of now there were close to 200 responses. Jen went over the responses with the Board and stated that her front page summary is complete. For the question about what is best about Litchfield; it came down to rural character, small town feel and natural environment and agriculture. On the question on what can make Litchfield better: economic development, lower taxes and access to amenities and conveniences. Economic development far surpassed any of the others for what can make Litchfield better. Jen went through the rest of the questions and results of the survey with the Board.

Jen asked the Board if they wanted to apply for the second round of the Community Planning Grant which is still open and applications are due by the 12th of February. The Board stated that yes they did. Jen went through the original application and gave her recommendations for change for the second round application. Jen will look at revising the scope of work from the 1st application and the Budgets. Jen stated that for the 1st application, we were going for a 2 year application so the maximum grant was \$50,000. The second round there are only one year grants available, so the maximum now drops down to \$30,000. Jen will work on the application but the Board needs to get letters of support. The letters are needed at the end of January, beginning of February because the applications are due by February 12th.

Bond Reduction

Joan stated that she received a request for a bond reduction for Tanager Way. Joan stated this letter was from Mr. Lou Caron, town consulting engineer.

Dear Planning Board members, at your request of the developer, I have calculated the following maintenance bond amount as of today's date, per subdivision regulation, Appendix A. Road link, there is 1,880 linear feet, comes out to the maintenance bond recommendation of \$50,000. Currently we have a \$60,000 performance bond which is good until March of 2013. Joan stated that the new maintenance bond would be for \$50,000.

Motion: *by Mr. Perry to accept the said maintenance bond.*

Second: by Mr. Young

Vote: 6-0-0.

Approve Minutes of November 13, 2012

Motion: *by Mr. Barry to accept the minutes of 11/13/2012 as amended.*

Second: by Mr. Young

Vote: 4-0-2 (Mr. Barry and Mr. Croteau abstained)

Motion: *by Mr. Barry to accept the minutes of 11/27/2012.*

Second: by Mr. Young

Vote: 5-0-1 (Mr. Perry abstained)

Mr. Byron stated that at some point the Town Administrator contacted Mr. Mayberry regarding impact fees. Mr. Byron has not heard anything more about that. he stated that the money was set aside by the Selectmen, so the Planning Board is good to go with this project..

Joan will ask the Town Administrator how we stand with this and communicate with Russ to get this completes so we can get it signed off and a contract by the end of the year.

The next Planning Board meeting will be on January 8th and the second meeting on the 22nd of January.

Mr. Byron stated that the next Board of Selectmen's meeting is on the 27th of December. The January Selectmen's meeting is on the 14th and the 28th. The meetings for February are on the 11th and the 25th. Jen stated that the due date for the grant is on the 12th of February, so we need to aim to have something to the Selectmen for the 28th of January.

Mr. Byron stated that the Town Deliberative session is at 7:00 pm on Thursday, February 7th at Campbell High School.

Motion: *by Mr. Perry to adjourn*

Second: by Mr. Young

Vote: 6-0-0.

There being no further business before the Board, the meeting adjourned at 9:00 p.m.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Minutes taken by: *Donna Baril*