

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on November 27, 2012

accepted 12/18/2012

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, November 27, 2012 at 7:00 p.m.

MEMBERS PRESENT: Russell Blanchette (Chairman), Bob Curtis (Vice Chair), Leon Barry, Thomas Young, Frank Byron, Michael Croteau, Michael Caprioglio (alternate)

MEMBERS ABSENT: Joel Kapelson, Steve Perry (alternate)

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

CALL TO ORDER

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

1. Public Hearing for Zoning and Subdivision, Site Plan Regulations

Mr. Blanchette opened the meeting for Public Comment

- 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. District Boundaries: The Residential and Transitional Districts north of Leach Brook. The Residential and Transitional Districts south of Page Road. The Highway Commercial District (Route 102).

Public Comments: Mr. Rick Charbonneau of Litchfield stated that he was curious on what the boundaries are. Mr. Byron stated that basically it is the commercial district north of Leach Brook and the Transitional area, so it does not impact commercial/Industrial and there is also other areas in the southern part of the Town (Route 102) the Highway/Commercial zone, which is the one that borders Route 102; and the Transitional Zone. Mr. Charbonneau asked the Board what was the reasoning for them picking those areas. Mr. Blanchette stated that based on their analysis, those areas of Town provide the best opportunity for a realistic and feasible opportunities and recognizing that the north and south parts of Town have the greatest commuter opportunities and the Board picked residential because it wouldn’t be as incompatible a use as Transitional because it is a mixed use area so multi-family would be compatible with a Transitional district and that one commercial area as it would create a bit of a mixed use area by allowing multi-family or commercial in that area and there is some existing multi-family in the

general area, but only in that one Commercial district in the South. Mr. Byron stated that there is also the other issue of availability of sewerage. Mr. Charbonneau stated that he has the land south of Page Road under a purchase and sales agreement, which is zoned commercial. Mr. Charbonneau stated that the chances of that property ever being developed Commercial/Industrial are slim to none, because the house lots the Planning Board has already approved, there is 7 house lots that abut the Commercial/Industrial. Mr. Charbonneau stated that the Planning Board has already approved out there pretty much killed that being developed commercially by allowing houses to go up there, for whatever you want to put up there, there will be so many restrictions that you are not going to be able to use it Commercial/Industrial. Mr. Charbonneau stated that he sees this as being a real problem; he stated he knows it is zoned that way but at some point the Planning Board needs to look at it. He believes it should be an area where you want to do a housing complex and leave Route 102 open for Commercial would bring much more revenue than housing: leaving 102 commercial. Mr. Charbonneau stated that as far as zoning multi-family on 102 is not feasible.

Mr. Lynch, Litchfield resident at 312 Charles Bancroft Highway, stated that he came here on the working committee to tell the Board that what they have proposed makes no reasonable use of the land regarding the transitional and multi-family. Mr. Lynch stated that after he left the last Planning Board meeting, on 11/13, the Board went beyond taking the Commercial Land to allow multi-family, which makes very little sense for the Town tax base. Mr. Lynch stated that the Board has digressed this proposal completely into a hole, because you have taken any commercial on the Route 102 strip and now allowing multi-family and he does not understand the logic and reasoning there at all, sewerage and water is not there, the only thing you have there is gas. Water is a big concern south of the convenience store and the North end is questionable; the density is not going to be anything, municipal sewer up there is going to be a long way off because the Town has not entered into any agreement to even think about it yet. Mr. Lynch stated that he wanted to go on record saying that the proposal before the Board and the land that they have proposed has very little capability of putting multi-family on for many reasons and stated that he tried to explain this at the last meeting and then the Board goes out and takes the only Commercial land we have and allow multi-family on it. Mr. Lynch stated that he was going to concur with what Mr. Charbonneau stated. The commercial piece that is in the residential compact area up there from every angle is not good to leave as commercial and concurs that commercial or industrial use out there serves no purpose to the residents in the area. Mr. Lynch believes that the proposal is not feasible or thought out realistically.

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

Mr. Curtis stated to the public that we are not taking the land we are just trying to develop the land in a different manner than it exists today so it can be developed commercially or developed with residential housing depending on the value to a developer. Jen stated to the Board that they have in their Google site some basic calculations that is a rough build out of what could be developed based upon the boundaries as we have them set in the current draft. Of those there were 69 different parcels in the multi-family overlay district that are currently noted as being vacant in the assessing data base; of those when you pull out that one large parcel owned by the State of New Hampshire at the south there are 22 vacant parcels that have at least the 2 acres to meet the minimum threshold. Of those 22 parcels you could ultimately end up with 61 different

structures assuming that you start the count based on 6 units per structure and then go down from there, this would come out to a total of 356 new units. These are rough calculations to use as an efficiency factor to take out for roadways and deducts out of the developable area for each of these parcels; roads, wetlands, surface waters, conservation land and steep slopes.

Mr. Caprioglio asked Jen what her recommendation for the residential units around that commercial land from a planning prospective. Jen stated that from a planning prospective and one of the things that was talked about before and the reason we did not choose the Industrial lands are those areas that are zoned commercial/industrial was because of the incompatibility and if we are doing this as an overlay, you could theoretically end up with one parcel that ends up commercial/industrial and another parcel next door that ends up with multi-family and those would not necessarily be compatible. Mr. Byron stated that one way to fix that is to convert it to commercial or you convert it to residential. Jen stated that if you find that you have one parcel that is zoned commercial/industrial and it's entirely surrounded by residential then the solution isn't necessarily through the multi-family ordinance, the solution is suggested to look at the underlying zoning and say is that one parcel properly zoned. Jen stated that you can look at it now and say you are in the process of adjusting our zoning now, we recognize through this process of doing the multi-family, we have identified a parcel that we don't think is properly zoned and then it would have to be a separate zoning amendment to rezone that one area and if you wanted to link the two you could also include it in the multi-family if you so choose. Mr. Byron stated that the timeline; you couldn't get a zoning amendment through to change the zoning on that underlying district this year. Mr. Byron stated that the best way to do a zoning change is to do the zoning change and then put the overlay on it if it makes sense to do so. Mr. Byron said in the worst case you could end up in a situation where you have the zoning amendment to make it whatever it is fail, so it stays commercial/industrial and then you overlay that with a multi-family. Jen stated that as far as time, there is a little bit of time, December 21st is the last day to post and publish notice for first hearing on proposed adoption or amendment on zoning ordinance. January 1st is the last day to hold first public hearing. Jen stated that where you are looking at a single parcel and you wanted to pull that one parcel into the multi-family overlay, you wouldn't necessarily end up with a conflict unless the parcel were subdivided and a portion of it turned commercial/industrial and a portion turned multi-family, but right now where it is only one parcel chances are it will be one or the other. Jen stated that last year the Planning Board did have that one parcel in the area that you were considering for multi-family. Mr. Barry asked that instead of say a residential and transitional south of Page Road, reword it so that it says residential and transitional district off Page Road. Tom asked if the ordinance passes south of Page Road and then you change it to commercial/residential doesn't it automatically come under it. Jen stated yes if you were to change it to residential even after the fact then it would automatically fall under the multi-family because it is in that area, so you wouldn't have to change the way multi-family is worded now if you did a separate change even to rezone that one parcel to multi-family. Jen stated that the real language to be revised can be drafted tonight on the commercial/industrial district; it would just be under the existing zoning ordinance where it describes the boundaries for residential; you would add that one parcel and for commercial/industrial remove the one parcel. Jen asked the Board if they think that one parcel should be residential.

Jen stated there would be no changes required to the residential district because it simply described as its boundaries are all other. The change would only be to the commercial/industrial district.

Mr. Leon Barry temporarily excused himself from the Board because he has a piece of land that abuts the commercial/industrial property.

Mr. Caprioglio was asked to be a voting member of the Board.

Mr. Byron stated that an action has to be taken by the Board tonight.

Mr. Leon Barry took his seat back as a voting member on the Board

Motion: *by Mr. Byron that the Board will amend the draft ordinance to exclude the highway/commercial district (Route 102) from use as multi-family inventory.*

Second: by Caprioglio

Vote: 4-3-0

Mr. Blanchette closed the Public Hearing.

Motion: *by Mr. Young to send the new zoning section 550.00-553.00 as amended to hearing.*

Second: by Mr. Blanchette

Vote: 7-0-0

Motion: *by T. Young to set hearing for December 18th.*

Second: by Mr. Blanchette

Vote: 7-0-0

Mr. Blanchette opened the Public Hearing for Amendments to Appendix G Land Use Laws

b) Land Use Laws: Amendment to Appendix G: Amend the existing Subdivision Plan Review Checklist to ensure consistency with the existing regulations. Adopt a new Site Plan Review Checklist.

No Public Comment.

No Board Discussion.

Mr. Blanchette closed Public Hearing

Motion: *by Mr. Byron that the Planning Board adopts the amended Appendix G for implementation for subdivision Plan Review Checklist and also adopt a new Site Plan Review Checklist.*

Second: by Mr. Curtis

Vote: 7-0-0

Mr. Blanchette opened the Public Hearing for Subdivision Regulation Amendments.

c) Subdivision Regulations section 320.00 – 320.10 Completed Application to clarify the application submission procedures and require proposals be received 21 days before the meeting when the application will be reviewed and accepted and that all subsequent revisions be submitted at least 7 days prior to the Board meeting. Amend section 530.00 subdivision information to be consistent with the subdivision checklist.

No Public Comment

No Board Discussion.

Mr. Blanchette closed Public Hearing.

Motion: by Mr. Barry to adopt the Subdivision Regulations 320.00 – 320.10. Completed application to clarify the applications submission procedures require proposals be received 21 days before the meeting when the application will be review and accepted and that all subsequent revisions be submitted at least 7 days prior to the Board meeting and to adopt the amendment to section 530.00 subdivision information to be consistent with the subdivision checklist

Second: by Mr. Caprioglio

Vote: 7-0-0

Mr. Blanchette opened the Public Hearing for Site Plan Regulations Section 140 Subdivision Procedure 140.1 – 140.7

c) To clarify the application submission procedures and require proposals be received 21 days before the meeting when the application will be reviewed and accepted and that all subsequent revisions be submitted at least 7 days prior to the Board meeting.

No Public Comment.

No Board discussion.

Mr. Blanchette closed the Public Hearing.

Motion: by Mr. Barry to adopt Site Plan Regulations Section 140 Subdivision Procedure 140.1 – 140.7 To Clarify the application submission procedures and require proposals be reviewed 21 days before the meeting when the application will be reviewed and accepted and that all subsequent revisions be submitted at least 7 days prior to the Board meeting.

Second: by Mr. Young

Vote: 7-0-0

Mr. Blanchette opened the Public Hearing

d) Revise Appendix F Fee Schedule: Subdivisions, Site Plans and permits.

No Public Comment.

No Board Discussion.

Mr. Blanchette closed the Public Hearing.

Motion: by Mr. Young to Revise Appendix F Fee Schedule: Subdivisions, Site Plans and permits.

Second: by Mr. Croteau

Vote: 7-0-0

Mr. Leon Barry temporarily excused himself from the Board.

Jen stated that looking at the Southern Commercial/Industrial District Section 1000.01 (A), there are two paragraphs that describe the two areas at the south. The first paragraph describes the two parcels at the east and those are not entire parcels they are split zoned. The second paragraph describes the larger parcel. To rezone that as residential, the only change would be to section 1000.01 (a) to strike the paragraph that reads: south of Page road and East of Cutler Road including 2-88 (south of the line from the Southeastern corner of 5-146 on Cutler Road to the southwestern corner of 5-8 and north of a line from the northeastern corner of 2-87 to the northwestern corner of 2-37). (A) Would simply read: Southern Commercial/Industrial District: west of Cutler Road and East of 3A. Jen stated that would be the only necessary change. Jen stated the way the Residential is structured is that it is done in everything else, so it would automatically default to residential if removed from southern commercial/industrial.

Rationale: Mr. Young explained that where the land is situated and what is around it is not an area for commercial enterprises, we have residential on the side of it and there is no way in or out.

Jen stated that if the Board was to also amend the Transitional District as Mr. Byron suggested, to remove that land east of Cutler Road that falls within the Transitional District which is actually a minor amendment to that section; it is the last line and a half of page 35. Section 900.01 (B): Striking everything that reads 2-83, 2-84, 2-84, 2-86, 2-87, and 2-88 south of the line from the Northwestern corner of 2-87 to the Northwestern corner of 2-87 to the Northwest corner of 2-37. These would be the parcels to exclude that portion of the Transitional district that is east of Cutler Road.

Motion: by Mr. Byron that the Litchfield Planning Board amends section 900.01 section (b), final paragraph to delete the following: 2-83, 2-84, 2-85, 2-86, 2-87 and 2-88 (south of the line from the Northwest corner of 2-87 to the Northeast corner of 2-37) and further that we amend section 1000.01, paragraph (a) first paragraph to delete south of Page Road to east of Cutler Road including 2-88 (South of a line from the Southeast corner of 5-146 on Cutler Road to the Southwest corner of 5-8 and north of a line from the Northeast corner of 2-87 to the Northwest corner of 2-3, and to send those changes to Public Hearing to be held December 18th, 7pm at the Litchfield Town Hall.

Second: by Mr. Young

Vote: 5-0-1 (selectman Byron abstained)

Mr. Barry resumed his seat on the Board.

2. Community Planning Grant Round 2

Jen stated regarding the Community Planning Grant Round 2; they have not opened up round 2 yet, they just sent out a notice that round 2 will be opened up. The question to the Board was should we start thinking now and do we want to re-apply with the understanding that we would have to revise our original application a little with the focus being more on the commercial and agricultural piece and less on writing master plan pieces. Jen stated that she talked to Ben Frost from New Hampshire Housing after the first round and they felt we had a little too much emphasis on updating master plan pieces, although they understood fully why we were putting those pieces in there. Litchfield's application was literally the next application below the cutoff line. Jen stated with some modifications to the application, we could re-submit. The deadline is mid-February.

3. Litchfield Community Survey

Jen stated that as of this morning there were 175 responses in the system. Jen stated at this point the question is does the Board want to leave this open and let folks continue to reply as they so choose. The Board agreed to leave it open to get as much input we can from the Town. Joan pointed out there was an issue with question 2 on the map, it was forcing people to answer question 2 and it was not supposed to do that. It was simply supposed to be click where you want when you want and not restricted on how many areas you pick.

Other Business

Mr. Young has been representing Litchfield on the Nashua Regional Planning Commission.

Motion: by Mr. Blanchette to appoint Mr. Young to that position.

Second: by Mr. Curtis

Vote: 6-0-1 (Mr. Young abstained)

Mr. Byron suggested possible sending a letter to Kerrie Diers, Director at NRPC, and also the Board of Selectmen.

November 29th, Thursday night is the NRPC open house from 5-7 p.m. – Results of the 1st phase of Regional Planning Process.

Approve Minutes of November 13, 2012

Defer to next meeting.

The next scheduled meeting of December 4th has been cancelled. The next scheduled meeting is December 18th.

Motion: by Mr. Barry to adjourn

Second: by Mr. Young

Vote: 7-0-0

There being no further business before the Board, the meeting adjourned at 10:00 p.m.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Minutes taken by: *Donna Baril*