

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on October 16, 2012

Minutes approved 11/13/2012

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, October 16, 2012 at 7:00 p.m.

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

Public Hearing for annual review of the Public Capital Facilities and Public School Facilities Impact Fees, Noticed in the Oct. 5, 2012 HLN

No change in fees.

Public Input:

No members present

Motion: *by Mr. Curtis to maintain status quo on Public Capital Facilities and Public School Facilities Impact Fees as a recommendation to the Litchfield Board of Selectmen.*

Second: by Mr. Young

Alternates Steve Perry and Michael Caprioglio were asked to be voting members of the Board until the rest of the Committee joined the meeting.

Vote: 6-0-0

Mr. Kapelson joined the meeting

Road Acceptance Update

Jen handed out copies of Appendix A of the Subdivision regulations and the Site Plan regulations for any references to the Road Acceptance procedures, to modify so that rather than wait until a subdivision to be completely built out for a road to be able to be accepted, it would be linked to the construction of the road itself. The objective would be that the base course could be applied and would require 1 winter at a minimum, after any fixes are made then the final wearing course could be applied after that whole winter, then it

could go before the Board for acceptance. There were a couple of points, starting with the site plan regulations; this is where we folded in the base course having to winter at least 1 winter before the wearing course could be applied. Looking at appendix A; modifications were only made to 2 parts of section 5 and they were both relative to the language with the maintenance bond; In the types of bonds; just clarifying replacing out that 2 years with the one winter. Jen stated that what she pulled forward was she was looking at Pelham's model and what she pulled forward in item 1 is what Pelham uses, to consider it as an option.

Mr. Croteau is now present.

Jen stated that right now the way our regulations read, the second coat cannot go down until the development is complete. Right now the wearing course is to be applied when full street occupancy has been obtained. Mr. Perry stated that two meetings ago the Board talked about putting a time limit on the extent so that it didn't go out as far as the ones we have today, why would we go down to one year with one winter? Jen stated that we went to what the minimum requirement is as opposed to linking it to completion of the development, linking it to performance of the road. Mr. Perry stated that the issue we have today is not the two years two winters, the issue that we have is that the development does not get complete, and then it can carry out 5+ years. Joan stated that what they are trying to control is when the road is accepted. Mr. Lynch stated that the road cannot be wear coursed unless one year of the actual. If the wear course goes on and he completes all the necessary requirements of that subdivision for the road work, the lots may not be built on. Mr. Lynch stated that the performance bond is just to ensure that the work that they did hold up for a year or two, which means we except the road and the responsibility of the road and we maintain that road and they get charged the taxes and the buses can pick up the kids, that is what is going on now. The procedure here is that we don't except roads until everything is done, but our regulations say that we don't have to. If they finish the road and we put the performance bond on, you have a year. Jen stated that the way it is set up is that they have 2 years before a road can come to the board for acceptance. You have to have one year with the base course down and one year with the wearing course down. Before that maintenance bond can get released it has to have a full winter with the wearing course down, it has to get inspected and has to have had any deficiencies remediated.

Jen stated that what this does not do is set a maximum amount of time for which they have to have it done within; it is opening it up and saying to the developer and the folks who live there this is your call as to how long it is going to take before you come to the town, but bottom line is we are not going to create such a waiting period that is so long that it might make it take longer than necessary.

Jen stated that she would like to make modifications to the paragraph now knowing that it is the Board of Selectmen not a Town Meeting thing. What Jen has in her notes is that it would read: "for roads to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place, the Town will require a maintenance guarantee covering the maintenance of public roads and other public improvements for a period of at least 1 year from the date of completion or until accepted as a town road. No road will be accepted by the Board of Selectmen or any maintenance bond refunded until a road has over wintered at least one winter and has been duly inspected by the Planning Boards designated representative, such as consulting engineer and or staff, the

following spring for deficiencies and where all requirements have been met in accordance with the Town of Litchfield Zoning subdivision or site plan regulations. If a repair or unusual maintenance or additional improvements are required then such costs as are necessary shall be drawn against said guarantee.” Jen stated that going back to paragraph 735 in the Subdivision regulations; she was thinking that it might be prudent to clarify there, that not only does the base course have to winter for one winter, but the wearing course also has to have one winter as well.

Mr. Byron is now present.

Joan stated that we have a road that is complete, we have the deeds, we have the as-builts, the second coat is on, now they have to wait two more years on a maintenance bond before we will accept the road.

Jen will check with Town Counsel to confirm that we can set a time limit on completion. Jen stated that she does not know if the Board has the authority, she will have to ask. Jen will make minor modifications talked about and also check with Town Counsel.

Revision to Fee schedule (appendix F)

Jen stated that bottom line we are close to being on par with other neighboring communities with similar size and staffing. Joan stated that we are going to change the \$50 fee under line 4 for the Registry and make it the actual \$26, and then take \$25 of that and move it to other fees like subdivision and make it \$125. Mr. Perry asked why we are changing the sign fees. Joan stated it was because we have all signs at \$250. So they were going to change it based on size. The Board discussed what other Town’s charge for different signs. Joan is keeping the home occupation at \$50 and then reducing the \$100 and the \$250 is reasonable.

The alternates were released as voters because all of the members are now present.

The Board decided that this should be brought to public hearing.

Motion: *by Mr. Curtis to move that the proposed planning board meeting be moved to Public Hearing on November 27th.*

Second: by Mr. Young

Vote: 7-0-0

Workforce and/or Multi Family Ordinance

Jen and the Board went over the new revisions of the Multi-Family Residential Overlay District. Regarding fences, Jen stated that as they were discussing this and the underlying zoning district, the point that was if you have an application for multi-family you this ordinance not the one that underlies to cover provisions such as area, frontage, setbacks. For applications that were overlying the transitional district, there is no fences provision in the transitional district, so this would bring that fences provision forward for any multi-family applications in the transitional district. Mr. Perry questioned the ordinance regarding the water supply. Jen stated that they debated and left it at “where feasible, applications for

multi-family housing are encouraged to connect to existing municipal water supply and/or waste water systems. The Board agreed to add to that sentence “in compliance with regulations and State laws”. Jen stated that the reason being is when you look at most other multi-family ordinances; you are 100% guaranteed to be able to connect into a water system, it does not specify that you are required to have it. Most developers won’t bother with multi-family, unless there is a water system because of the sprinkler requirement within the building code. It is a lot easier to develop where there is water supply. Jen stated that she suggest to leave this as a recommendation rather than to mandate that they connect to water and sewer. Steve mentioned the Building envelope /Buildable area where it says that the minimum contiguous area that is encumbered by flood plain (FEMA, FIRM 110-year Flood Hazard Zone) for setbacks, any right of way, and/or restrictive easements shall be 1.2 acres (52,272 sq.ft.) for each multi-family structure. The intent is to allow sufficient area for locating the principal dwelling unit and have ample area for yards, and gardens and additions and/or accessory structures (e.g. garage, shed, pool, patio, porch, etc.)

Jen stated that the one caution she would give the Board is that: Frank has done a lot of work on doing assessing on current housing conditions in Litchfield to say that housing at the workforce affordability level is feasible and that your current zoning ordinances do not preclude that, Jen stated she would take in mind anytime you are creating new provisions in your zoning ordinance, you should ask if you are making it difficult or unrealistic to allow this to be affordable. You don’t want to set up a multi-family ordinance that has so many restrictions on it that it forces that multi-family to be high end condominiums, you want to keep it so that you are covering and protecting the health, safety and welfare of your residents and still simultaneously allowing the market to dictate what price point those units will be developed at. You do not want to force the market in one direction or the other. Mr. Barry had concerns about having too many housing families in our Town. Jen stated that no one community has seen an on slot of multi-family housing, the other piece is that if ever the town reaches a point that they are seeing an on slot of new development, that you cannot keep up with from the provision of multiple services perspective, then you can impose growth control that will limit and phase in any new development in the community so that it keeps pace with the community to provide community service, there are protections in the future. Mr. Blanchette stated that looking at the map there is a lot of water supply in this Town. After further reviewing the draft, Jen made a few revisions. Jen stated that this is another one that we are planning to have a hearing on November 27th; there is time between now and the next meeting of November 13th to make a few changes. This has to be completed by the 13th so that Joan can do her notice requirements for the 27th. Joan needs the final wording by the 16th.

Community Visioning – Review draft of survey

Jen past out the most recent version of the survey, which was posted yesterday. Jen stated that she moved a couple of things, but nothing substantial has changed since it was posted yesterday. The language at the beginning as added to explain why we were doing the survey and why the housing piece is so important at this time. The preface language is new since the last meeting based on the Boards recommendation that we add some information so the people understand why and what we are doing. The Board looked at the survey on Survey Monkey and on Google. The other thing was to still do the paper version. Jason talked to

the people who do the post office mailing of this and the advice was to do the 11 x 17 layout so that it could still have a full blank section, so the resident section could be added. Jen stated that when she switched the layout, there was extra room on the paper so she added another question. Jen stated that she pulled the economic development question, but the general questions, reminds her a lot of the conversations she has had with the Board and this would be a way for the Board to test the waters as to what folks thought were the strengths, weaknesses and opportunities within the Town for economic development. Jen stated at this point, the goal was to wrap it up tonight, if there are any last minute minor changes, this could be done tonight so that it could go live. Joan stated that the question is are we mailing them out to all the residents, and Jason thought that if they were mailed out before election day, people would be getting a lot of mail. There still should be somebody at the election with the map, stating this will be a sample of the survey you will be getting. It was decided that the surveys need to be in the mailboxes by the 7th, this will also be online for people to fill out. It was decided that there can be a drop box here at Town Hall and maybe the Library. It was also decided that an alert letting people know about the survey could be put up on the cable website. There will be a deadline to have the surveys in on Friday, November 16th.

Joan will e-mail the moderator to see if they could put extra copies of the survey at the election. It was decided that there would also be extra copies printed out so there could be a stack at Town Hall and the Library. Jen stated that she talked to Jason and they looked at the numbers in terms of the budget for the cost of doing this, the printing was going to be \$275, the postage was \$435 going with the 11 x 17. What he looked at budget wise was that it will come out of the Circuit Rider line because the first half of the year, they are not putting in as many hours. The Board decided to go with the Survey Monkey Version.

Motion: *by Mr. Curtis to move forward with the sending out of the Litchfield Community survey as amended and establishing the appropriate drop off boxes as discussed*

Second: by Mr. Barry

Motion: 7-0-0

Update Land Use Regulations – Review draft Subdivision Regulation

No substantial changes from last time. The subdivision and site plan only changes are that Jen cleaned up the formatting so that it is ready for the hearing. There were no wording changes. All of the amendments are still shown in track changes, just so that any members of the public looking to see exactly how we are proposing it to be amended can see what is proposed to be deleted and what is proposed to be added. The subdivision checklist; the one recommended change that the Board had was to add language at the front. Jen added a piece that says “this checklist is to be used as a guide for complying with the subdivision regulations; it is for use for each individual plan review application submitted. The following information shall be required for a complete application. The Litchfield Regulations are available at the Town Office or on-line. All items below for which no or not applicable have been checked must be accompanied with a waiver request for relief from the applicable subdivision requirement.” The site plan regulation is new; Jen added the same identical language. These are also proposed for the November 27th hearing.

Other Business

Joan was looking for volunteers to help with the map at Election Day.

Approve Minutes of October 2, 2012

Deferred to next meeting

Motion: *by Mr. Barry to adjourn*

Second: by Mr. Young

Vote: 7-0-0

The motion carried unanimously.

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*