

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on October 2, 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 2, 2012 at 7:00 p.m.

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

MEMBERS ABSENT: Michael Croteau, 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. Road Acceptance Update

Joan stated that the current Road Agent is not plowing roads that have not been accepted. Joan stated that she came across section 730.06 (Winter Maintenance) in the Subdivision Regulations which one sentence pretty much says it all. The sentence reads as follows: **The sub divider is responsible for all snow removal until the road is approved and accepted by the Town on a maintenance bond.** To allow for planning winter maintenance demands and schedules, the sub divider shall notify the Town, Road Agent by September 30th of any roads proposed to be maintained by the Town. Winter Maintenance on any road for which the Town has not received notice by September 30th will be the responsibility of the sub divider until the following winter season.

Joan stated that the first sentence of section 730.06 is the key sentence. The issue is road acceptance. Mr. Byron asked if we would be plowing a non-owned Town road, because if it is not on a maintenance bond it is not necessarily at that point as being accepted by the Town. Jen stated that this says “approved and accepted by the Town on a maintenance bond”.

Joan stated that the issue is when the construction is done, the road can move to a maintenance bond; if the developer brings in all his certifications that the bounds are in, his as-builts of the road, the deed for the road; at that point we are saying accept the road and put it on a maintenance bond. Joan stated that this is not what we are doing today; what we are doing today is putting it on maintenance bond and waiting two years and then accepting the road. The Board looked at what other Towns were doing compared to what we are doing. Joan stated that the issue is when the Board feels that the Town should accept the

road, it would be the Selectmen who would accept the road but the recommendation would come from the Planning Board. Mr. Byron stated that the original idea of not putting the top coat down was to try to prevent damage to the road surfaces that was going to be done to the road if you ended up having a development going in that takes a couple of years. Mr. Byron stated that maybe an idea would be to have them put the road in, put the wearing surface in one year later, which gives you the chance of having any frost heaves or surface failures showing up, and then if it is good they put on the top coat and the Town can accept it, and then what happens is that you have them put on some type of warranty bond that guarantees the road for a period of time. Maybe there should be some type of insurance for the road so if the road gets damaged the developer ends up paying for that repair. Joan stated that right now the ordinance reads that they can't put down the top coat until everything is done. Mr. Byron is suggesting that this ordinance gets changed. Mr. Byron stated that all he is trying to do is protect the Town, free up the issues that we are dealing with and at the same time make it something that is common sense. Jen will look into this further.

2. Revision to Fee schedule (appendix F)

Joan passed out a copy of the revised fee schedule which is also on the website. The current fees are appendix F in the regulations. Basically the only thing we are really changing is adding \$25.00 to the fees to absorb the recording fee of \$50.00. Joan stated that right now we charge \$26 for the first Mylar page and then there is a fee of \$25 that goes to the registry, and then we are charging \$50 to the Town to cover Joan doing the recording. Joan stated we would take that \$50 off there and just absorb that money in single lot line adjustment which was \$100 and now goes to \$125. In the recommend column, items went up by \$25.00. Signs were changed to 132 square feet - \$100 and large signs 33 to 64 square feet - \$250.00, right now everything is \$250.00. Joan stated that the only State fee the Planning Board has is at the registry. If the Planning Board wants to change any of the fees they would need to hold a public hearing. Jen will look at what other towns of equal population are charging for fees.

3. Workforce and/or Multi Family Ordinance

- a. Outreach to residents
- b. Review and draft ordinance language

Jen stated that based on the last conversation at the last meeting, she did some revisions to the draft and handed out copies. The purpose statement was modified just to add what the intent was and to make it clear and getting the desire of targeting areas in the community that ideal commuter locations as your rationale for where you have chosen: to permit multifamily and clarifying that the provisions here are in addition to the underlying zoning district. When you have two regulations that conflict, the more stringent prevails so making sure it was clear that this was creating an either/or opportunity within the areas this ordinance would apply to. The district boundaries, the conversation was focused north of Leach Brook and south of Page Road; the commercial district, folks had said to pull out, but keep it so it would be allowed in the residential districts or transitional districts that were north of Leach Brook and south of Page Road. Mr. Curtis asked Jen about the last time they met, the question came up about the overlay district supersedes the underlying district or whether the underlying district had priority. Jen stated that usually what happens with an

overlay is that it creates an additional set of opportunities for that particular land owner that might fall within this overlay district; saying you have additional land uses that you are permitted to utilize, normally whichever the more stringent is, is what prevails when you have things that conflict. Jen has gone through a couple of different places and made sure to clarify. When you look at 550.02 (The District Boundaries) the district is an overlay and supplements; it doesn't supersede it supplements which is giving an additional set of permissions within those boundaries, in addition to what is in the underlying. The other changes Jen made was under the area section; she added a sentence that said there is no limit to the number of structures permitted per parcel, so long as the application does not exceed the maximum density. You cannot exceed a density of 2.5 units per acre, and you cannot exceed six units per structure. On the conflict and severability section, Jen added the clause when it is going on and saying that the more stringent standards shall apply, she added "with the exception of section 500 Residential districts, and section 900 Transitional district, where in this ordinance is intended to supplement those underlying districts. Mr. Curtis asked if wetlands and conservation lands count towards frontage at all. Jen stated that wetlands do not count toward your total parcel size minimums and does not hinder the frontage requirement.

Jen stated that when she structured this multifamily, what she did was to take the structure of what you're underlying and pulled forward all of the provisions there; so if you were doing multifamily, the multifamily piece could stand on its own and if you were doing single family, which could stand on its own. The board agreed with Jen that it would be a good thing to add the fence clause back in.

In section 550.04 Jen added "where feasible, application for multifamily housing are encouraged to connect to existing municipal water. Jen stated that in trying to help further the Boards obligations to provide a reasonable opportunity for workforce housing, part of that standard is simply that your regulations when viewed as a whole don't prohibit it and Jens thought was if you mandate the connection to water and sewer, you are increasing the cost of that development as a standard, so if you step back and say if you can safely provide onsite community water and septic, and that works for the Board in their own development performer then fine, but our preference is that you connect to public water. Mr. Young stated that there is still one problem, multifamily housing by law requires a pressurized sprinkler system.

Jen stated that if it is required in the building code, it's not necessary to reiterate it here, just purely at an administrative stand point if anything changes with the building code, then you can end up with something that is inconsistent and it is better leaving it as is. Jen stated that it all comes down to your building code. Jen asked the board what their thought was on the statement on the water, the board thought that maybe they should just leave it as is for now. Jen stated that the only suggestion she would have at this point is to leave the districts as they are for now, but we don't say we are 100% wed to what we defined the districts as and wait to see what the survey comes up with.

The Board discussed outreach to residents. Jen stated that they need to make the residents aware of why they are proposing it. Jen stated that on the survey they included a footnote stating why multifamily is on the survey; it is a state requirement that it be allowed somewhere in the community. The Board discussed where they would have these surveys placed so that the residents can look at them and fill them out. The Board also discussed the timeframe. Jen stated that they could do a first hearing and then change the zones and do a

second hearing. Jen stated that when you have a draft ordinance; zoning ordinances have to go to Town Meeting, you have to hold a minimum of one hearing prior to Town Meeting and usually those hearings are in December or early January. If you get to the first hearing and you receive some testimony or the Board discusses it and decides that there are still some additional revisions that need to be made as a result to that testimony or conversation, then you can make revisions and hold a second hearing. If you're just changing the boundaries, you could have the first hearing and say we have received new information, the survey results have come in and we need to modify and adjust, but we would need to have those survey results by the time of that first hearing. Mr. Byron stated that the last day you have to post and publish notice of the first hearing on a proposed adoption or amendment on a zoning ordinance, if a second hearing is anticipated would be Friday, December 21st. January 1st is the last day to hold the first public hearing. January 4th is the last date to post and publish notice of final Planning Board public hearing on proposed adoption or amendment of zoning ordinance. Joan stated that it can't be more than 120 days before town meeting and you have to have ten days between the first and second hearing; which would be late November.

4. Community Visioning – Review second draft of survey

Joan stated that the survey is up on line, but not live to the public yet. The Board also discussed mailing. The board went over the draft and made a few changes and updates.

5. Update Land Use Regulations – Review draft Subdivision Regulation

Jen and the Board went over the changes. Jen deleted section 320.05. Jen stated that she and Joan cannot tell the applicant that their application is incomplete and cannot put it into the agenda. They can recommend to them that their application is incomplete and the Board will not put it on the agenda until it is complete. Jen stated they can tell them that they can recommend to the Board not to accept because it is incomplete, but they cannot hold it up and refuse to put it on the agenda. Another change that Jen made was the piece that required as part of a submission checklist, regarding the letter from the fire chief and whether the Fire Chief himself could certify that there was adequate volume. Instead it says that the a letter from the Chief confirming adequacy of the proposed fire protection method for all major subdivisions per section 407 and that access for emergency vehicles is adequate. Jen stated that another minor change on page one section 320.03 added a clause to the end of this section saying that decisions recorded in the minutes of the meeting and contained in a written response to the applicant. Jen made a couple of small changes to the Public Notice section; just to clarify that the hearing is not just for a completed application, it is for submitted applications. The hearing is to determine whether you're going to accept it and whether you're going to approve it. Jen stated that after making these changes to the Subdivision regulation she made the same changes to the Site plan regulations, which are also posted. Jen stated that the next steps for the Board is that if these look good they need to schedule a hearing on whether or not to make these amendments. Jen also posted with those a minor modification to the subdivision checklist; to correspond with the Fire Chief requirement. There is also posted a site plan review checklist. Jen passed out a copy of the checklist. The Board made a few recommended changes to the checklist. Mr. Byron made a suggestion to pick a date and set it now. Joan stated that the next meeting is October 16th and November 13th. The Board decided on November 13th. The second meeting will be the

27th of November. In December the meetings will be on the 4th and the 18th. Jen asked the Board which date they want to put a hearing on the Subdivision and site plan regulations. The Board decided on the meeting of 27th as hearing #1.

6. Escrow Return: DLB Paving and Snowdrop and Lilac AMP Properties

Joan stated that she has an escrow return for DLB Paving they put in a site plan for Route 3A and AMP Properties for Snowdrop and Lilac Streets. The selectmen have accepted those roads.

Mr. Blanchette asked Mr. Caprioglio to join as a voting member.

Motion: by Mr. Curtis to return the escrow for DLB Paving and Snowdrop and Lilac AMP Properties.

Second: by Mr. Young

Vote: 5-0-0

Other Business

Approve Minutes of August 21, September 4, and September 18, 2012

Motion: by Mr. Byron to approve the minutes of August 21 as written

Second: by Mr. Young

Vote: 4-0-1 (Mr. Caprioglio abstained)

Motion: by Mr. Curtis to approve the minutes of September 4 as written

Second: by Mr. Byron

Vote: 3-0-2 (Mr. Caprioglio and Mr. Young abstained)

Motion: by Mr. Curtis to approve the minutes of September 18, as amended

Second: by Mr. Young

Vote: 4-0-1 (Mr. Byron abstained)

Motion: by Mr. Young to adjourn

Second: Mr. Curtis

Vote: 5-0-0

The motion carried unanimously.

There being no further business before the Board, the meeting adjourned at 9:45 p.m.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Minutes taken by: *Donna Baril*