

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on September 18, 2012

Minutes approved 10/2/12

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

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

MEMBERS ABSENT: Frank Byron, Michael Croteau, Joel Kapelson

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.

Mr. Caprioglio appointed as a voting member.

1. Workforce and/or Multi Family Housing Ordinance

Steve Perry addressed the Board and stated that last year Jen drew up an ordinance for Multi Family. Steve stated that he has looked at many different ordinances from other Towns and really likes the draft that Jen has created. Steve mentioned that the one thing that he would suggest adding to this ordinance is mandatory public water, because he sees it in a lot of places. Steve stated that last year they talked about North of Leach Brook and the other suggestion was to do the transitional zone as an overlay. Steve mentioned that he would prefer to do a Page Road south. The major concern that he has is that he wants to keep the commercial district; the reason for this is because we have to try to preserve what we have today. Steve mentioned that if you drive through Town from Page Road south, you will see a vast majority of our multi-family units, our trailer parks, etc. Steve stated that Kevin and he tossed around the idea that we could even go up to Pinecrest. Steve showed the Board a map, indicating where the multi-family units are today; they are scattered about through the Town. Steve stated that we have to decide where this is going to best fit; part of his concern is that most of it is scattered along 3A, he thinks a two or three family is perfectly okay along 3A because a lot of them are like that, the biggest thing that he notices in the ordinance that Jen wrote last year; the best thing about this is to keep in character with the neighborhood it is in. Mr. Perry said for example if we were going to allow this at the south end of 3A, you could see that there are no apartment buildings, which is what we want to stay away from because this will not keep in character with what we have today. Mr. Perry stated that he still recommends that we utilize the northern end of town.

Mr. Perry stated that it is his suggestion that when it comes to a multi-family ordinance, you can either overlay the whole residential district with it and really tighten up the guideline

a lot further than it is so that you only allow exactly what you want, or you go with what's here, which is pretty simple, and the thing he likes about it is that it (the Site Plan & Subdivision Review) actually refers back to the Planning Board. Any time you want to do an ordinance, and you want to keep it in the Planning Board stages, you have to word it just the way it is here.

Jen stated that a site plan review is intended to be statewide, non-residential and multi-family residential, so any multi-family automatically would have to do a site plan review, we would just have to add one word in your site plan review.

Steve stated that as far as the whole town goes multi-family is what we see as best. Mr. Curtis asked what Steve would recommend as to where it should go. Mr. Perry stated that he was a confused as to where to go to with the recommendation. Steve stated that if he were to do this alone and make the pitch; he is saying Page Road south and Leach Brook north, overlay it as a multi-family district. Steve stated that if you overlay it as a multi-family district; they still have to comply with the residential zoning. Bob Curtis stated that he thought if we overlay it it supersedes the requirements for the transitional zone; so if we had multi-family that overlaid we wouldn't be able to put up more than one house up on a lot. Jen stated that she was thinking as well, that it is a good point of clarification to get. Mr. Curtis stated that he thinks fundamentally we have to understand what the overlay actually does. Jen stated that the intent that which was here that was in that short ordinance would supersede anything that might conflict with it; so the density or the frontage, performance standards, area requirements, setbacks. The performance standards are simply that they have to be consistent with character. Jen stated they did have a conflict in severability line; we said the more stringent shall apply. Mr. Curtis stated that workforce housing has a bad rep, people don't understand when you say workforce housing, people are thinking low income housing and to link that with multi-family housing, just the terminology doesn't do well. Steve stated that his theory with workforce housing is that we can use the same ordinance as multi family and re label it as workforce. Jen stated that you do not have to have a workforce ordinance you do have to have a multi-family ordinance. Jen stated right now the issue is multi-family, where you are vulnerable and have a serious liability to your community to provide the opportunity to build multi family housing. . No community in New Hampshire has to have a workforce housing ordinance. Your regulations as viewed as a composite have to allow for the feasibility of something that meets the affordability standard of workforce housing. If the ordinances as they are structured right now, if you can say yes, a developer can come in and build something that is affordable to the median area family income, then your fine, you have met the requirements, all of your residential districts. In theory you can build something that is affordable to that median family income. The issue right now, where the town is vulnerable to a developers challenge is the multi-family piece, because you are required; every community in the state must allow at least somewhere in their town, the possibility of creating multi-family housing, it is not allowed period in this town unless you go get a variance, that is where you can see a challenge from a developer. Three plus units is the standard planning definition. In the workforce housing statute, when they address multi-family they define multi-family as five or more units, says you have to have at least five units. As far as the enabling statutes relative to site plan review, multi-family is considered three or more units. Steve stated that when you do a multi-family, you can do it in a residential zone; all you have to do is change your lot requirements. Steve stated that when he came to Litchfield he came

because there was land; every house has at least an acre of land. Mr. Perry stated that his question is that when it comes down to multi-family and workforce housing, it just has to be allowed, but he does not know the percentage. Jen stated there is no mandated percentage of your zoned residential that must permit multi-family, it has to pass a straight phase reasonable test, when we looked initially at that area north of Leach Brook, there were two lots that anything could possibly be done on; saying that yes there is two lots, we have covered our requirement, didn't pass the straight phase test as making a good faith providing a reasonable effort and reasonable opportunity. Mr. Perry stated that it is going to be more advantageous for most developers to find that lot that they can tear that cheap house down because the road is already in front of it. Jen stated that generally if they can find an undeveloped lot, they are going to go with the undeveloped lot as opposed to rip down an existing structure; unless the existing structure itself could be converted to multi-family. Mr. Perry explained that the most accessible parts of town are the north end and the south end. It is going to be commuter friendly. Mr. Curtis asked if we overlay our southern piece of land and northern piece, how do you protect your commercial. Mr. Perry stated that you eliminate the commercial out of the overlay. Jen stated she was going to suggest as a refinement and a simple way to delineate would be to simply say; all areas south of Page Road, east of Charles Bancroft highway and west of Derry Road, within those bounds. However that does capture the commercial industrial, transitional and a tiny bit of commercial on the west side of Derry Road. Mr. Caprioglio asked if the 55 plus communities can be counted as multi-family because they are multiple units. Jen stated no, the multi-family standard is only allowed in your current zoning. 55 plus communities are multi-family but are no longer allowed, that section of the ordinance has been repealed and additionally, the way the statute was written, you cannot discriminate based upon age. Mr. Barry asked if south of Page Road, where all of the land has been picked up by a couple of developers already, is that land at this time considered residential. Mr. Perry stated that at this time it is transitional. Mr. Barry asked if we take and do overlay, what are the criteria for the overlay if they want to do multi; are we saying that the lots have to be larger because there are going to be wells and leach fields on it. Mr. Perry stated that the first thing he said he would change on this is that we need to add public water service. Mr. Curtis stated that basically we have a well written multi-family ordinance, which can be tweaked a little, we just need to know where we need to do it, Steve is suggesting south of Page Road and eliminating the commercial and commercial/industrial pieces of that, as well as north of Leach Brook with the same criteria of excluding the commercial/ industrial and commercial. Mr. Perry said if you don't want to go that route the other to go would be to allow the multi-family in all the residential zoning and maybe tweak it up a little bit. Mr. Barry said he was all for doing the north and the south excluding the commercial and commercial/industrial. Mr. Perry said the only down side of doing this is that you might see multi-family where you have never seen houses before. After further discussion amongst the Board it was decided that Jen would make revisions and clarifications to the ordinance.

2. Impact Fees – Update Calculation Method Status of Contract with Bruce Mayberry

Joan handed out the impact fee proposal from BCM Planning (Bruce Mayberry). Phases 1 and 2.

Phase 1: The scope of work for Phase 1 will focus on the Planning Board's initial priorities: a full review and update of the impact fees for public schools and the public road system.

Phase 1: The estimated time to complete the proposed scope of services is approximately 120 days from the receipt of BCM Planning, LLC of the relevant information and data bases to be requested from the Town and School District.

Phase 2: After the completion of the Phase 1 scope, a second phase of work would proceed if sufficient funds become available. This phase would provide updates to the impact fee methodologies and schedules for municipal offices, public safety facilities, and library and recreation facilities.

Phase 2: The estimated time to complete the second phase of the work is estimated at 120 days from authorization to proceed, which will be contingent on the approval of funds at the March 2013 Town Meeting. The time required to perform the work may change, depending on workload received from other clients between now and the date of authorization for Phase 2 work.

Motion: *by Mr. Barry to accept the Impact Fee proposal Phase 1 and 2, dated September 18, 2012.*

Second: Mr. Young

Vote: 6-0-0

3. **Community Visioning – Review First Draft of Survey**

Jen passed out a two sided copy of a draft community survey, which would help to assess whether the Boards vision statement as it exists in the existing master plan is still current, whether it needs revisions and to do so, understanding what Litchfield residents value most about the community and what they would like to see the community be in the future. The other part was to talk about land use and do an assessment of the towns existing zoning districts and assessing if what we have for zoning meets what residents would like to see, and getting to the question of where people think different uses belong in town. Jen stated that this is something we want to move forward as quickly as possible. Are the questions the right questions to be asked and do the community character check boxes reflect the town of Litchfield. Jen asked the board to look at the survey and see if there are things the board would cross off the list or things the board would add in or any particular order the Board would like to see them in. There is a section for people to check off why they choose to live in Litchfield and what the most important features of Litchfield which make it a desirable place to live. Another section of the survey is about Land Use and what the residents would like to do. The back section of the survey has a map with the different sections of the town and where residents would like to see things like residential single family, two family, multifamily, agriculture and rural residential, Commercial retail and commercial business and office, industrial manufacturing, industrial excavation, construction materials, industrial parks and a section to check off where on the map the resident lives.

The Board discussed different ways the residents can receive this survey (online and paper copy) and how they can be sent back in and data counted. The Board came up with a few changes and Jen will make the changes and bring back to the Board for the next meeting.

4. **Update Land Use Regulations – Review draft Subdivision Regulation**

Jen passed out copies of the subdivision regulations and stated that the thought was that they wanted to clean up the application procedures within both the subdivision and site plan regulations. Jen stated we are looking at the subdivision regulations here because there more exists in the subdivision regulations to start with. One we figure out how we want it to read then we will simply go the site plan regulations and mirror the process so that it is consistent between the two sets of regulations. Mr. Barry had concerns about it speaks about the Zoning Board of Adjustments a couple of times and if the people coming in have already gone to the Zoning Board of Adjustments, and they approve whatever they wanted and then they come in here and say to the Planning Board that they got the approval from the Zoning board, how would we know that. Jen stated that they have to give the Planning Board a copy of the variance. A completed application includes everything listed below plus any requests for waivers under this regulation and any variances that have been granted by the Zoning Board. Jen stated that when we get an application in, as a staff review process it does go to Kevin as well to do for a zoning conformance. There was a question and comment about in the past state statutes were silent, and towns could say that they were not going to grant an approval until you have all of your state permits; and now you cannot hold up an application because a permit from another entity is outstanding, you can make it a condition of approval, but you cannot hold up your decision. If all of the requirements have been met, and the only thing that has not been met for example having their driveway permit from DOT; you cannot deny them, you may say that your approval is conditional upon getting your permit from DOT.

Jen stated that in terms of the application review process, there is always a staff review that goes on behind the scenes and who reviews that is all dependent upon the application itself.

Jen added deadlines for application approvals. The regulations currently say that anything received less than 15 days prior to the scheduled meeting shall not be considered in determining the completeness of a subdivision plan for approval by the Board.

Jen stated that the other thing that was added for a deadline is after the Board has gone through their completeness review and you have said alright they have their stuff in 21 days before, they had a complete packed in 15 days before, you got to the hearing and looked at it and said yes the Board will accept your application which is complete, Jen then added a piece so that after that point, any changes that they want to make, they have to submit a minimum of 7 days prior to the scheduled public hearing, this is after the application has been accepted.

Jen asked the board to review the document and send her any concerns or edits they may have.

The rest of the agenda items were deferred to the next Planning Board meeting.

Motion: *by Mr. Young to adjourn*

Second: Mr. Curtis

Vote: 6-0-0

The motion carried unanimously.

There being no further business before the Board, the meeting adjourned at 10:15 p.m.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Minutes taken by: *Donna Baril*