

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on September 4, 2012

Minutes approved 10/2/2012

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, September 4, 2012 at 7:00 p.m.

MEMBERS PRESENT: Russell Blanchette (Chairman), Bob Curtis (Vice Chair), Leon Barry, Frank Byron, Michael Croteau, Joel Kapelson, Steve Perry (alternate), Michael Caprioglio (alternate)

MEMBERS ABSENT: Thomas Young

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 Agent Jack Pinciario re: Town Road Acceptance and maintenance of Roads

Jack Pinciario came in front of the Planning Board stated that he was speaking to the Town Administrator about road acceptance. Mr. Pinciario explained that as far as he is concerned, waiting to accept the road after the performance bond is out of play. They put a construction bond up to build a road, at the end of the construction period they put a maintenance (performance) bond on so if something were to happen to the road, the performance bond would kick in. Jack stated that we are not running any of our trucks on these roads and have no idea how they would react to plowing, etc. If this happens after the performance bond is removed, we are in a fight over who is going to pay for it. Jack stated that it has been a common practice over the years to accept the road after the performance bond. Jack feels that it should be accepted during the time of the performance bond, so if anything happens, the Town is covered; if it happens after the fact we are not covered. Mr. Barry asked how we protect ourselves. Jack stated that for us to accept a road and when the performance bond is initiated, that way if anything were to happen between the times of the performance bond (which is 2 years) we can go back on it and collect. Jack stated there are other reasons he feels we should accept the road; there is block grant money that we accept from the state, we do not get that block grant money until after the 2 year period, it is also a financial issue as well.

Mr. Byron asked Mr. Caron his opinion. Mr. Caron stated that when you accept the road the whole thing with the block grant makes sense to start to collect the money a couple years earlier. Mr. Caron stated that after talking to Joan is that historically, he can't recall if we really found any significant defects in the roads; they get built, they put the base course pavement down and they drive over it for 1 or 2 years while they build the project out. It

is getting some level of activity. The last thing that goes on is the finish coat and maybe a little landscaping and minor items that need to be fixed; he does not see a problem in accepting the road and taking the maintenance and the school bus and the mail, which seems to be the issue of the residents. Mr. Caron stated that you still have the two years, in case latent defects pop up.

2. Robert Leary, 172 Charles Bancroft Highway, Tax Map 9 Lot 1 Application to subdivide one lot into four residential lots. Application accepted on 7/17/2012. Hearing continued on 8/7/2012, 8/21/2012 and 9/4/2012.

Jen stated that there are revised plans. Jen stated that last week Mr. Jeffrey submitted revised plans that Lou and herself were able to look over, get some comments back to the applicant and get another quick round of revisions in there. At this point everyone's concerns that had been identified have been addressed. The major highlight of the changes from Jens review prospective is the road along the edge of the wetland has been shifted so there is no concern with that shoulder causing there to be fill place in the wetland, so that any risk has been mitigated through the shifting of that road. The remainder of the changes has just been to various bits of annotation that have been corrected as was still needed at that time. The staff recommendation was that everything is all set at this point and that the Board if all agree after their review and discussion; could approve with conditions. Jen stated that the conditions are all things that have been discussed previously:

- The declaration of the common driveway wouldn't be recorded until the lots are transferred.
- The alternatives in lieu of sprinklers; if sprinklers are not provided, to ensure that there is an adequate source for fire suppression.
- The driveway construction to the extent that it is not shown on the plans will be in compliance with the Appendix J.
- The radius area of the individual driveways shall be graveled and kept clear for future landscaping so that a fire truck has adequate space for turning and maneuvering.

Mr. Barry had a question on drawing 2 of 3 and sees that there is a contour elevation of 150 out by the 4ka area, and 9-1-2 he sees the 150, but then when it says 9-1-2, what is that elevation and is it a slope coming down towards the wetlands. Mr. Jeffrey stated that as you look on sheet 2 of 3, you can see elevation of 150. At the top of the page is heading down, so that 2 ft. contour interval just above that is 148; the one lower on the page (east) is 152; so as you look at the sheet 2 of 3 you are looking top to bottom so the water is going down to the wetlands. Mr. Barry then asked if you put the road in there that is going to skirt the wetlands do you have to build up the driveway going to the house, is that driveway going to be much higher than the wetlands to get up in there. Mr. Jeffrey stated that they are going from a contour of about 4 vertical feet, the 154 contour. We are actually pretty much going level with skirting the driveway, there is not a great change in elevation. Mr. Barry stated that his concern would be the buildup where you take the turn off the road down by the wetlands. Mr. Jeffrey stated that there is a depression there that feeds into the wetlands, to attain the radius of 28 feet on either side; they are going to have to make a platform coming off the section of the improved part of the common drive.

Mr. Blanchette stated that note 16 puts the benchmark at Wilsons Farm, and asked if that was an acceptable location for the benchmark. Mr. Jeffrey answered by stating that he has placed the

location of the NHDOT benchmark at Wilsons Farm, this is the starting benchmark. On sheet 2 and 3 there is a temporary benchmark just above the barn on the present property, there is a nail set on a 20" oak tree with a noted elevation.

Chairman Blanchette opened this to the public for comment:

No members of the public spoke

MOTION: *Mr. Curtis to approve The Leary Subdivision Case Number 1206 LIT M9L1 SD subsequent to the following conditions: a. The Declaration of Common Driveway will be recorded upon transfer of the lots and that a building permit will not be issued until the applicant had verified that the easement has been recorded; b. In the event that the sprinkler systems are not installed, no certificate of occupancy shall be issued until the plan is amended to provide a credible water source for fire suppression, such as a cistern, dry hydrant, or fire pond, and such improvements are constructed in accordance with the plan as amended; c. Driveway construction shall be in compliance with Appendix J of the Litchfield Subdivision Regulations and best management practices shall be used in construction of the anticipated driveways; and d. The radius to the individual drives off of the common driveway should be paved or graveled. Future homeowners should keep those areas clear of landscaping.*

SECOND: by Mr. Barry

VOTE: 7-0-0

3. Survey or Visioning of Town Residents for future planning

Jen stated relative to survey for visioning; if we had a basic conversation about how the Board wants to proceed and come up with a plan, then we can have a draft for the next Planning Board meeting in two weeks, this would be helpful in moving this forward. For revisions to ordinances; Frank went through the two drafts that were handed out by Jen at the last meeting; Jen made some comments and focused her energy just on the subdivision revisions for tonight, since the sight plan regulations were essentially modeled after what was already in the subdivision regulations.

Jen stated that the Board talked about taking all of work projects and having a to do list and there is one posted to the Google site and she also had hard copies. For major tasks to be working on; Jen started to identify the Who that is working on each of these. If for each of these tasks we can identify two or more people to say they will be the one person to work on these to help out. Steve is working on multifamily/Workforce housing. Jen also added deadlines and timeframes for where and when we should be looking at and working on these to keep them on track; a progress column was also added.

Mr. Barry brought up the question about accepting streets and if we should be addressing this. Mr. Byron stated yes, that is why the Road Agent came in tonight. They are looking for the Planning Board to make a decision whether they want to go forward in that direction of accepting roads after construction under maintenance bond or whether the Planning Board has some other ideas. Mr. Perry stated he had a question on that. Mr. Perry stated he addressed this at the last meeting with Jason as well, and his question was never answered. Mr. Perry stated

that unless things have changed since he has been on the Planning Board prior; it has never been the Planning Board that has been the hang up, it is the engineer telling the developer that they are okay to go on maintenance bond. So what has happen before is when there initial bond would lapse they would choose to go to maintenance bond. It was never on the Board it was more on the developer and engineer. Joan stated that the maintenance bond goes on when they do the final pavement. Mr. Perry said they really shouldn't have to wait until then. Joan said yes, their two years starts when they do the final pavement, then the maintenance starts. Joan stated that their question is; right now we go to maintenance bond and the Town starts plowing the road, and we still have the maintenance bond for two years, but the Town doesn't accept the road at that time, they wait the two years. Joan is saying why not accept the road at maintenance bond so that the school buses can go down there; you still have the two years of maintenance bond after the road is paved, nothing will change, it won't go to maintenance bond until final pavement is down; what will change is when the Planning Board recommends to the Selectmen to accept the road. Mr. Perry asked, what will prevent us from being sued by a developer, because they claim that we did the damage to their road. Joan stated that at that point it will be our road. Mr. Byron stated that he is one of the few people that has trepidation about this whole thing, he is also of the opinion of how can you force a developer to have a maintenance bond on a road they don't own. Mr. Byron stated that the regulations say that construction of the subdivision has to be substantially complete. Joan stated that the choices are to leave it the way it is and when it goes to maintenance bond, it has final coat and the town plows it. The second choice is that the town does not plow it and somebody has to send all these developers letters for this winter saying we are not plowing your roads; or third accept the road as a town road at maintenance bond time and keep the bond on for two years. A school bus will not go down a road that is not accepted by the town. Mr. Byron stated that the developer first puts down a base coat, then the developer starts to finish off the development so the majority of the development is now full; then you put down what is called the wearing coat, which is a final coat across the road and that point the road is complete, and the road goes onto a maintenance bond. Historically the town has not accepted that road until it has been two years on a maintenance bond; in that two year period the road is complete, apparently the town in some manner had started plowing the road and school buses will not go down there because the road has not been accepted for that two year period. In the case of Tanager the wearing coat just went on in May, two years from May which will be 2014, if we follow the same sequence we historically followed, we will accept the road at that point. Mr. Barry questioned if that two years established by our regulations, is there a way that that two years can be lifted to a lessor period of time. Joan stated that she doesn't think that the two years is where the problem lies. Mr. Byron stated that there are two problems; one of which is the fact that housing sales have come to a dead stop, and it is part of our regulations that says the developer will not put down the wearing coat until that development is substantially complete. Mr. Barry asked if there is any way when we have slow periods like this that a bond can be set that the road has to be completed and final coat up to that house. Mr. Perry stated there should be a time limit from the start. Mr. Byron stated that he suggest finding out what other towns are doing and start to see what makes sense for Litchfield. Mr. Byron stated that his recommendation to the Planning Board would be not to rush into it and think it through, get facts before you take action. Jen will look and see what some of the other towns are doing, in terms of what they have in their regulation compared to practice, and then also get definitions and examples of substantial completeness. Jen stated that the question she might return to the Town Administrator and Road agent with is beyond taking action, what action are

they requesting of the Planning Board and do they see that there is a specific provision within the regulations that need to be amended and if so what are they requesting or are they requesting a policy procedure change that is not a written regulatory item but a matter of how we approach business. Mr. Byron stated that his thinking speaking as a Planning Board member and a Selectman is that a policy has to craft different than it is today, but he does not know what that policy should look like. This will go back on the agenda for discussion at the next meeting. Jen stated that in the meantime she will add this to the Planning Boards work program chart. Jens suggestion is to do a little research and come up with a specific list of questions that we would like to pose to Town Counsel and then invite him to what would be the first meeting in October and have a non-meeting.

Jen asked the Board, before they discuss visioning is there anything that should be added to the to-do list that isn't already on the list. Mr. Byron stated that each August the Planning Board is supposed to give to the Board of Selectmen a recommendation on the change or changes on impact fees. Jen stated that subject is buried under the second item of impact fees. There are two items under impact fees on the to-do list; one is updating the ordinance for the basic language in the zoning ordinance and the other piece is the update of a calculation method and her question is status of getting a contract from Bruce Mayberry and stated that she knows that it was sent back to Jason Hoch and said we wanted to look at doing the whole thing with a contingency for part two that we didn't have funding for yet and Jen's question in turn is what will be updated for this fall/winter and try to figure out what is going to be done there and try and figure out what other revisions are still required for this year and does the Board with the understanding that the cost calculation methodology may be potentially updated for all of the impact fees, either this year or next year; is it worth the time investment to do the cost escalator now and get that recommendation to the selectmen, or do we defer with the understanding that the entire thing is going to be updated by Bruce Mayberry; and thus the recommendation to the Selectmen would be no cost escalations at this time pending revisions in the methodology forthcoming from Bruce Mayberry. Mr. Barry asked who knows how to figure out the cost escalating factors. Jen stated that Steve Wagner does. Mr. Barry asked who determines the methodology. Mr. Curtis said that they have been relying on dated methodology, and built in to that dated methodology, they have this process to use escalation factor to automatically increase those fees; and that is what the Selectmen are looking for here. Mr. Curtis stated that we are trying to update the whole methodology and that is what that contract with Bruce Mayberry is for. Mr. Curtis recommends that we continue to use the cost escalator and if there is a drop dead date for 2013; apply the new methodology after that. Mr. Byron stated that the requirement to provide something to the Selectmen is part of the ordinance so that was part of the impact fee ordinance and that is where that is coming from. The base number is the numbers that were generated in the year 2000 which will be updated by the building trade's impacts. Mr. Curtis stated that he believes we should continue that process until Mr. Mayberry is done. Jen stated the last she heard was that they had a draft contract for Mayberry and then the request was for Jason to go back and change how it was structured. Joan stated that we haven't heard back yet.

Motion: *by Mr. Curtis to maintain status quo on the impact fees until such time as we get updated methodology from Bruce Mayberry*

Second: Mr. Barry

Vote: 7-0-0

4. Visioning

Jen stated that last week she handed out a whole variety of different resources and tools to the Planning Board; and thinking what the prospective of what the big question we want to ask is where do things belong in town and getting a feel from the residents in Litchfield of what their opinions are and how those zones should be shaped on the map and then assessing whether that big picture that was in the existing master plan is still applicable. Jen asked the Board what tools do they think would best serve their needs and their community; be it doing a survey where we include a map piece which could go out on hard copy or on line or have multiple ways of responding, and also the idea of going to the transfer station on Saturday mornings and being there with a map of existing land use and having small map survey as well. How would the Board like to proceed and Jen will come prepared with some drafts at the next meeting. Jen handed out draft map from GIS. Jen stated that what the map depicts is essentially when your assessor sends out their assessing bill what that parcel has been logged as. They said often if something is an agricultural piece of property but there is a single family house on it, it will be logged and recorded as single family; but if in the Boards mind that when we are talking about existing land use from the Planning Board prospective as opposed to the assessing prospective, you thought it should be marked as agricultural, GIS said go ahead and mark it up. Jen asked the board how they would like to proceed. Jen stated for next week she will put together a sample of a one page survey and map would look like.

5. Subdivision and site plan regulations - deferred to next meeting**Other Business****Approve Minutes of August 7 and August 21, 2012**

MOTION: *by Mr. Leon Barry to approve the minutes of August 7 2012 as amended*

SECOND: Mr. Croteau

VOTE: 4-0-3

Approval of minutes of August 21, 2012 deferred until next meeting.

Motion: *by Mr. Curtis to adjourn*

Second: Mr. Croteau

Vote: 7-0-0

The motion carried unanimously.

There being no further business before the Board, the meeting adjourned at 9:30 p.m.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Minutes taken by: *Donna Baril*