

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on July 17, 2012

Minutes Approved - 8/7/2012

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, July 17, 2012 at 7:00 p.m.

MEMBERS PRESENT: Leon Barry (Chairman), Bob Curtis (Vice Chair), Russell Blanchette, Thomas Young, Frank Byron, Selectmen's Rep., Michael Croteau, Joel Kapelson

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

CALL TO ORDER

Mr. Barry called the meeting to order at 7:07 p.m. and joined the Board in the Pledge of Allegiance.

1. Acceptance of an application from Robert Leary, 172 Charles Bancroft Hwy. Litchfield to subdivide one lot into four residential lots at Tax Map 9 Lot 1.

The applicants (Robert Leary and Margaret A. Parent) have submitted an application to subdivide one lot into 4. The current Lot 9-1 is approximately 57 acres, and located between the Merrimack River and Charles Bancroft Highway. The intent is to subdivide 6 acres of this land so as to incorporate the existing single family home within proposed Lot C or 9-1-1 and create 2 new lots (A and B or 9-1-2 and 9-1-3). There are currently no plans for the remaining 51 acres at the back of the parcel with river frontage and retaining approximately 415 feet of usable frontage (excluding the PSNH easement).

- Jen stated that they are still waiting for a few things for the application. Joan and Jen met with the applicant to do a preliminary review and look at application completeness and there were several items that were still outstanding at that time of their meeting. The checklist was not submitted until tonight, which is our way of knowing what we need and what we have. Jen stated to the applicants that ordinarily she would not go through the checklist during the meeting and make sure we have all the pieces but she would like to quickly go through the checklist and determine whether we do have all the pieces of the puzzle, then we can complete the process of accepting the application. Jen stated that if she finds that there are still pieces missing, the meeting would have to be re noticed. Jen went through the checklist with Mr. Greg Jeffrey from Jeffrey Land Survey and stated that topography for the entire site was one of the incomplete items and recommended that a waiver be submitted to address the portions of the site to which topography is not presented. Mr. Jeffrey submitted the waiver. Jen mentioned that Mr. Jeffrey was requesting a waiver for (M) erosion and sediment control. Mr. Jeffrey submitted the waiver. Jen

stated that locations and specifications for fire protection, fire hydrants and fire ponds and mentioned that there would need to be something addressed on site and they are trying to coordinate with the Fire Chief on how to do that, so that piece is still missing but this can be addressed as we go, this is something that needs to be provided. The other item that was mentioned at the meeting that we still need is statement that addresses the remainder of the land because the detailed plan only address the three front parcels and do not address the remaining 51 acres. A statement from the applicant is needed as to what the intent is of the remaining 51 acres that are not presented here. Mr. Jeffrey stated at this point there are no plans to do anything with the remaining 51 acres. Jen stated to Mr. Jeffrey that this statement is needed in writing. In terms of state permits there is an ongoing conversation with DOT over curb cut permit needs versus the fact that this part here has an existing cart path on the site that is intended to be used as a common driveway and therefore it is not believed that it would require a curb cut permit but there was something still coming from DOT. Mr. Jeffrey mentioned that when he talked to the representative from DOT (Bill O'Donnell) he was perplexed as to why Mr. Jeffrey submitted a curb cut application because in his opinion it is not really a curb cut issue, because you are not creating anymore entrances directly off the frontage of Route 3A. Mr. O'Donnell is getting Mr. Jeffrey the verbiage. Jen stated that if we can get a statement for what the intent is for those 51 acres, the application is complete. Mr. Leary, submitted at that time, a had written statement of intent for the remaining 51 acres.

- Mr. Bob Curtis raised questions about parts of the application that were marked not applicable and wanted to know if they were truly not applicable. Jen stated they would go through the list and the Board could ask the applicant why they are not applicable.
- Mr. Leon Barry stated that on appendix G subdivision review plan checklist show item E (the seal and signatures of professional engineer license with the state of NH) as not being applicable. Mr. Jeffrey commented by stating that he has them on the plan and is just miss stated on the paperwork that he couldn't have recorded a plan without a seal and a signature, so to satisfy that condition he signed and sealed it. Jen stated that it has not been stamped by an engineer because they have not had an engineer work on the plans. Mr. Jeffrey stated that it is a survey plan not an engineer plan. Mr. Barry asked if that would be something that would have to be signed by an engineer. Jen stated that as of right now the answer is no; but there are some concerns that the town engineer has about the roadway as well as the Fire Chief, so that might require further revisions as they proceed. Jen stated that if we go through the process and some of the responses to their concerns require some engineering then it would require stamping by said engineer.
- Mr. Barry also questioned under the abutting subdivision names, and wanted to know why this is not applicable. Mr. Jeffrey stated that the abutting subdivisions do not have names. What he has done is list the abutting properties and the book and pages that can be looked up and those will reference the subdivision plans. Mr. Barry also stated that as mentioned before that there was three waivers that they were looking for. Jen stated yes.

- Mr. Barry wanted to go over subdivision information N (existing and proposed plan for telephone, electrical and other public utilities with a letter of intent from the utility company to provide service. Mr. Jeffrey stated that usually this is a subdivision where you are going to be putting in boxes and transformers, we are right along the power lines of rte. 3A and feels there are no poles or power boxes to be added, which is why they are asking for a waiver.
- Mr. Barry asked if the road that is going to be taking care of these pieces of property, is that strictly going to be a private road. Mr. Jeffrey stated that it is a private driveway.
- Mr. Curtis asked about certain items on the checklist that says it is not applicable but yet Mr. Jeffrey is asking for a waiver. Mr. Jeffrey mentioned that they are asking for a waiver for section 530 N (The letter of intent from public electric and public utilities to provide service). Mr. Jeffrey went on to say that historically this is intended for use in subdivision where there are multiple houses, not for the single family residence, so they are asking for a waiver, because they are right along 3A and there is no doubt that they would supply electricity, there is a PSNH easement that goes right across the property.

Jen stated that she tried to match up the check boxes with the waivers listed and they don't necessarily match up. What is on the check list is not what Mr. Jeffrey gave waivers for. Jen went through the list with Mr. Jeffrey and the Board. Jen stated that one of the questions she does have when they get into the actual merits of the case is how much of the lot is proposed to be cleared, particularly for lot 9-1-3.

Jen stated that this needs to go to the Lower Merrimack River Local Advisory Committee (LMRLAC) for comments because it does fall within ¼ mile of the river. The parcel also falls within the Shoreland Protection Act, but she believes it is only the 51 acres in the back of the lot that are in the jurisdiction area, not the areas where they are looking at for those front three parcels. A permit would not be required at this time because they are not impacting the jurisdictional area.

- Selectman Byron wanted to know if they could confirm that all the abutters have been noticed and the fees have been paid. Joan stated yes to this question.

Jen stated at the request of the Board that the application is complete.

MOTION: *by Mr. Curtis move to accept the application Case No. 1206 LIT M9L1 SD for applicants Robert Leary and Margaret A. Parent based on the material received at this point that the Board accept the application as complete.*

SECOND: by Mr. Kapelson

Mr. Byron wanted to point out to the public that this does not approve the subdivision, it only takes and allows it to come in front of the Planning Board for consideration and then the public can have input and make their comments on this.

VOTE: 7-0-0

MOTION: *by Mr. Byron that this project does not have regional impact.*

SECOND: by Mr. Blanchette

VOTE: 7-0-0

Mr. Byron suggested that the applicant provide an overview of the subdivision then he can take some feedback and schedule a site walk, if the Board so desires.

Mr. Greg Jeffrey of Jeffrey Land Survey LLC of Litchfield NH stated that before us for our consideration we have a four lot subdivision, and an existing 57 acre parcel which is bordered on the west by the Merrimack River on the East by Charles Bancroft Hwy. on the North by Map 9 Lot 3 and on the South by Map 6, Lot 35. They are proposing a 4 lot subdivision of approximately 2 acres per lot. As previously mentioned, running through the lot from the North to the South, there is an existing graded path (which is a portion of the old route 3A) we are proposing to utilize this portion of the path as a common driveway. By showing the map, Mr. Jeffrey showed that two lots would be accessing from the North, and the lot No. 172 Charles Bancroft Highway would continued to be accessed from the South. The easement would be open both ways for emergency vehicles. Mr. Jeffrey stated that they are proposing single family homes. The topography is very steep on Charles Bancroft Highway and it flattens out at the path at the graded driveway and slopes down toward the wetland area which is in the back. There is a stream that borders it on the North and is proposing and anticipating two driveways, one just to the south of the wetland area and one approximately along the area of the driveway to the single family home. Mr. Byron asked if there was any intention of the old road becoming a town road that it was going to stay owned by those three lots. Mr. Jeffrey stated yes that it will be a private driveway. Mr. Byron stated that there was concern on part of the Fire Chief which is about the first 165 feet from the road way is across the street from Map 9 Lot 102 that has a 7.2% down grade, which may be difficult in the winter or spring to navigate safely. Mr. Jeffrey stated that could be eased down and backed in. Mr. Byron stated that the other concern was the width of that for getting emergency vehicles down there; they are looking for a width of not less than 20 ft. Mr. Jeffrey stated that on the revised plans the width has been changed all the way through. Mr. Curtis asked about the garage. Mr. Jeffrey stated that this portion of the garage is actually a lean to, if need be we can take down a portion of the garage. Mr. Jeffrey proposed a sight walk to see the garage; it is a roof extension to the existing garage. Mr. Barry stated that Mr. Jeffrey says it is not a through road but in actuality it is. Mr. Jeffrey stated that what they have done is drawn up a declaration of common driveway easement which defines the rights and responsibilities of each person in the subdivision and he showed the dividing line. There is no provision for any type of gate or Knox box. It is open the whole way for emergency vehicles. Mr. Leon Barry would like to do a site walk. The site walk will take place on Tuesday the 24th of July at 6:30 starting at 172 Charles Bancroft Highway. Jen will have a NRPC representative there for her seeing she will be out of Town.

Public Comment:

Margaret Parent stated that her family owns this piece of property and just wanted to make sure that at the North driveway they would have an easement right of way to get to the remaining 51 acres and wanted to have it on record and in the deed that they would have a right of way easement in there. Mr. Jeffrey stated that they are asking for an access easement from the existing driveway to a portion on the back 51 acres. Mr. Byron stated that would need to be put on the plan. Ms. Parent stated that it might not even be needed, but it is a big piece of land and they have always looked at it as two different parcels. Want access to the pieces and not get land locked in anyway so that would be if needed easement to the rest of the land. The easement would be off the existing roadway.

Claudette Durocher one of the owners of the land abutting the south side which is an open field, and when she first saw the map, there was concern about the river, they had a talk with Mr. Jeffrey and he said it was because he hadn't drawn out the topography. Mr. Barry asked Mr. Jeffrey to show him on the map what Claudette was speaking about. Mr. Jeffrey stated that there is a 100 year flood plain on the map, this is for all intense and purposes a contour line; the gully goes south and what she saw that the line goes to the end of the gully and that is not the case, the gully actually goes to the 100 year flood plan line. Mr. Barry asked if her concern was satisfied and she stated that she thinks so but she has to think about it, but it is much better than when she first looked at the map.

Public Comment is closed.

MOTION: by Mr. Byron that the Planning Board will reconvene for the consideration of a site walk on the 24th of July at 6:30 pm at the Applicants site as well as the 7th of August, 7:00 pm here at Litchfield Town Hall

SECOND: by Mr. Croteau

VOTE: 7-0-0

New Member Applicants for alternate positions on the Planning Board

There were two Litchfield residents who are looking to becoming alternates on the Planning Board: Michael Cappnoglio and Mr. Steve Perry. The Chair of the Board asked each individual to come up in front of the Board and tell a little about themselves and explain why they want to become an alternate member of the planning board. Mr. Cappnoglio came up first and gave his back ground and explained why he wanted to become a member of the Planning Board and answered the questions from the members of the board. Mr. Perry came up next and gave his background and explained why he wanted to become a member of the planning board and answered the questions from the members of the board. Mr. Perry also spoke on behalf of workforce housing which he has been researching for the Town and explained that this could be big for the Town. Mr. Perry explained that we have to do what is best for everyone in the Town. The Board talked about ways to get the residents of Litchfield to say what they want for the Town and where they want it to happen.

MOTION: by Mr. Croteau to send application appointment for Michael Cappnoglio for consideration for the Planning Board as alternate and send to the Board of Selectmen for approval.

SECOND: by Mr. Blanchette

VOTE: 6-0-1 (Mr. Byron abstained)

MOTION: by Mr. Young to send application appointment for Steve Perry for consideration for the Planning Board as alternate and send to the Board of Selectmen for approval.

SECOND: by Mr. Blanchette

VOTE: 5-0-2 (Mr. Byron and Mr. Curtis abstained)

Impact Fee recommendation and scope of work

Mr. Croteau stated that they met with Mr. Hoch, Town Administrator, last week about the fees and the request for proposal for Bruce Mayberry. There is \$10,000 that we can spend and the original estimate was for \$23,500 but from what he understands Mr. Hoch got it down, they were in agreement to getting it to meet the \$10,000 threshold, so we will be going with the request for proposal. Jen stated that tonight we need to get the Board's concurrence with what was discussed and what the recommendation was going to be. There was only one submission so we only have Bruce Mayberry. Jen explained that what they had to do was winnow down his scope of work to match the funds available. His bid was for \$23,500 and the budget available is \$10,000. What Mr. Mayberry did say was that we could parse it out and do enough portions of it that would total up to and not exceed a specific amount. Jen stated that the Board has the bid that came in and what the amounts were. Jen went through the scope of work. The proposal was broken into a couple of parts; the first part was looking at the history of capital investment and derivation of facility standards here in for what you have. Part A was for the history, B was to develop consensus on reasonable facility standards, and those were the two main components. Part Two gets into the specific pieces of the actual methodology for determining what the impact fee will be. Under Part A, it would be looking at Public Schools, Town Offices, Town Safety, Library, Recreation Facilities and Roads. Jen stated that they looked at that and said if they had to prioritize what would the recommendations be and the first recommendation will be to have Mr. Mayberry start with Public Schools. We would only do that portion of part 1 of the scope of work as it relates to public schools and then do the allocation methodology for public schools and do a quick comparison where that falls in the grand spectrum of surrounding communities and is it realistic.

Once that was done, then we would look at roads as the second priority. Do the history, methodology etc. and then other pieces of his scope of work such as update procedures, right now we have the index that we use to go through and re-assess each year, that would look at if this is the best methodology for updating those or is there something different we should be doing. We are going to have to defer this and not do it at this time because it does not fit into the cost of the scope. Ordinance revisions is part three and what was said there was that the scope of work would get reduced simply just to make sure what we have already done here we would need to coordinate with him but not be as large of a piece of the scope of work. This would mean leaving out for now; Town Office, Public Safety (most recently updated), Library and recreation facilities. The goal would be to try and see if for next year we could somehow get something in the budget again to come back and do the second half. Assuming that public school and roads would come up to almost half (\$10,000), and then the rest would be slightly more than half of what the original proposal was. Jen stated that Mr. Hoch needs the Board's approval to go forward. Mr. Barry stated that his concern is that does the Board like the order that has been chosen. Mr. Byron stated that it is up to the Planning Board as to what they want to do. Jen stated that the recommendation for the Public Schools and road came out of a conversation that Michael, Russ and she had with Jason in reviewing the proposal. It is a recommendation from your fellow committee members. Mr. Barry asked the two members of the Board who were at this meeting why they chose this order. They stated that they seem to be the most pressing and critical issues out of all the options and look at it through the financial aspect. Mr. Byron stated that you can't use impact fees to repair roads; you can only use it for construction of new roads or the purchase of highway equipment in order to plow roads, etc. Mr. Byron stated that Town Counsel has cautioned the Board of Selectmen that at some point we

have to document our methodology of assessing impact fees across the board. After discussion amongst the members of the Board it was agreed that Schools and Roads were the priority. Jen stated that we are picking two for Mr. Mayberry to start with and if we give Jason the go ahead to set up a contract with Bruce Mayberry, we would be authorizing him to set up a contract for the Board that would be Bruce Mayberry working on an hourly basis not to exceed \$10,000.

MOTION: by Mr. Barry

Move that the Board authorize Mr. Mayberry to spend \$10,000 starting with the School and the Roads.

SECOND: Mr. Croteau

VOTE: 5-2-0 (two members opposed)

Mr. Leon Barry would like to defer the approval of the minutes of the meeting of June 19th until the next Planning Board Meeting.

2. ANY OTHER BUSINESS

Mr. Byron wanted to raise something to the Planning Board that he came upon an article that was suggesting that wind farm companies are looking in NH very closely in terms of trying to build wind farms in towns and communities. Currently state production is at 26 megawatts. The person is estimating that they can have a potential of up to a fivefold increase in 2012 alone in terms of the projects going on. These projects are putting in towers that are somewhere in the neighborhood of 256 feet tall with 139 foot blades and they are looking at places to locate them with hills. All Mr. Byron is suggesting is keeping in mind is that do you really want and how much you really want to have wind farms developed in communities like Litchfield.

Mr. Barry questioned Mr. Byron about a comment he sent about Tabernacle. Mr. Byron stated that he sent a comment to Chair as well as Joan, because Tabernacle Church was approved for an addition to their school about 10-12 years ago and they are supposed to send to the Town as part of their approval every year, a report of the number of students they have in the school, they are not supposed to exceed a certain number of students and was wondering if they were continuing to provide this information. Joan stated that 2006 was the last, they had 152 students. Joan mentioned that she called them today and they have 90 and they will get her the report in August for next year.

Joan informed the Board that Grace Free Presbyterian Church was approved in June of 2011 for their addition; they have not started yet due to lack of funds to finish the project. They are aware that section 175.8 of the Site Plan regulations states if the site development and or construction has not been substantially commenced within 12 months, the plan shall not be vested and is subject to changes in regulations. They are asking for the Boards patience while they await financing.

MOTION: by Mr. Barry

Move 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 9:55 p.m.

Leon Barry, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Russell Blanchette

Minutes taken by: *Donna Baril*