

**TOWN OF LITCHFIELD
PLANNING BOARD MEETING**

Held on December 20, 2011

Minutes approved – 1/17/2012

The Litchfield Planning Board held a meeting in the Town Hall conference room 2
Liberty Way, Litchfield, NH 03052 on Tuesday December 20, 2011 at 7:00 p.m.

MEMBERS PRESENT: Leon Barry (Chairman), Bob Curtis (Vice Chairman), Russell
Blanchette, Barry Bean, F Byron (Board of Selectmen Representative), Thomas Young,
Michael Croteau, J Kapelson (Alternate)

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

CALL TO ORDER

Mr. Barry called the meeting to order at 7:07 p.m., and opened the Public Hearing. He
then joined the Board in the Pledge of Allegiance.

**1. Public Hearing – for comments on a new zoning section 550.00 – 553.00, Multi-
Family residential Overlay District**

Mr. Barry explained the purpose of the public hearing and ordinance, as follows:
*This ordinance was established in order to meet the goals related to the provision
of a diverse supply of housing set forth in the Litchfield Master Plan, as amended.
Additionally, NH statute requires communities to provide a reasonable opportunity
for affordable Workforce Housing including multi-family residences, in
accordance with NH RSA 674:58-61. The purpose is to provide an opportunity for
multi-family residences within the Town of Litchfield consistent with the Town's
single-family character.*

He opened the hearing for public input.

Public Input:

Steve Perry, 5 Lydston Lane introduced himself. He queried why the Board had
started the number of units to be included in the ordinance at three, as the
requirement to meet workforce housing needs under the statute begins at five units.
Mr. Blanchette clarified that the area designated within the ordinance includes
duplex units and therefore the ordinance carries on from there. It was confirmed that
the ordinance is therefore covering more than workforce housing.

Mr. Perry also queried why the Board is allowing a transitional district as he felt this
will create more opportunity for workforce housing. There followed a discussion
with respect to the percentage of the residential district which needs to allow
workforce housing.

Ms. Czysz clarified the following:

- 1 • Multi-family and workforce housing have two separate sets of requirements
2 within the statutes.
- 3 • There must be a realistic opportunity for affordable housing in the Town, and it is
4 that particular section of the workforce housing statute that this ordinance
5 focuses on and addresses.
- 6 • Why the Board added the transitional district in addition to the area north of
7 Leach Brook i.e. because it was felt that the original area was not sufficient to
8 meet the statute.
- 9 • Workforce housing is a separate standard within the statute which states that at
10 50% must be economically feasible but it is not required to have a specific
11 ordinance to achieve this.
- 12 • An alternate threshold is permitted i.e. if a community can show that it already
13 provides a fair share of the regional need for workforce housing, then it has met
14 its obligation.
- 15 • It was felt that if the Town at least covers multi-family units, and goes back to
16 the regional housing needs for 2010, it may be already have satisfied its
17 requirement for workforce housing within the alternate standard based upon a
18 decrease in housing values, but will continue to monitor and make changes if
19 necessary.

20
21 Mr. Perry again stated he felt the Planning Board was creating additional
22 opportunities above what the requirements are for workforce housing according to
23 the proposed ordinance and could not understand why it wished to do this.

24
25 Ms. Czysz clarified that the standard for a multi-family unit is five units or more
26 according to statute, but the standard everywhere else starts at three units setting the
27 threshold slightly lower. Mr. Perry again voiced his concern and Mr. Byron
28 explained that town council had recommended that the area north of Leach Brook
29 was insufficient and the Board had taken counsel's advice. There was further
30 discussion and Mr. Perry suggested the Board may be creating a lot more multi-
31 family housing than it anticipates.

32
33 Claudette Durocher, 158 Charles Bancroft Highway introduced herself, and also
34 voiced her concern, stating she did not think the ordinance was specific enough in
35 certain areas. Mr. Barry read from ordinance with respect to what types of facilities
36 it permits.

37
38 Ms. Durocher then talked about the standard for frontage within the ordinance,
39 stating that previously the Planning Board had wanted housing on Route 3-A to
40 remain residential with no commercial property and not wishing to mix residential
41 and commercial property. She voiced concern about the frontage and setbacks not
42 being sufficient for multi-family housing to take account of parking areas, yard space
43 and play areas.

44

1 Mr. Barry pointed out there needed to be incentives to encourage a developer to
2 come in and build five units or more in a building and that the Town wants to ensure
3 any buildings would be built in the existing character of the Town.
4

5 There was further discussion on the topic and Mr. Byron commented that the Board
6 had looked and compared ordinances from other towns and many are less specific
7 than the one being proposed for Litchfield.
8

9 Mr. Barry clarified a minimum lot size of 2.5 acres for five units and Mr. Young
10 pointed out that frontage is only to the street and not indicative of the whole lot.
11

12 Responding to Ms. Durocher, Ms. Czys stated it is possible that properties would
13 abut commercial properties as a result of the zoning.
14

15 Mr. Perry stated he was concerned about giving density bonuses, and Mr. Barry
16 clarified the Board was trying to accommodate five unit building which would not be
17 completely workforce housing. There followed more discussion with Mr. Perry with
18 respect to defining frontage as 100 feet which he felt was insufficient and would look
19 crowded. Mr. Perry stated he felt 150 feet would be more in character with existing
20 properties in Town.
21

22 Mr. Barry stated he did not think there could be a lot of housing in the transitional
23 areas. He reported the Board was trying to put an ordinance in place to protect the
24 own and that the specifics of parking would be taken care of at the Planning Board
25 application and approval level.
26

27 Mr. Croteau arrived at 7:25 p.m.
28

29 Ms. Czys reminded everyone that a lot of what was being talked about was taken
30 care of in other zoning regulations and it was not necessary to duplicate these. She
31 also pointed out that multi-family does not have bonuses as the lot area is greater
32 than the existing single and two-family lots, and the frontage requirement was
33 created to provide flexibility and is a minimum but will most likely have to be
34 greater than 100 feet. She also explained why the ordinance does not have to be
35 specific.
36

37 Following further discussion with Board members for clarification, Mr. Perry stated
38 he felt that to be in keeping with the existing character of the Town, frontage would
39 need to be a minimum of 150 feet. There followed additional discussion with respect
40 to density based upon the permissible frontage.
41

42 Mr. Barry closed hearing for public input at 8:03 p.m. and asked for input from the
43 Board.
44

1 Members of the Board discussed whether to change the requisite frontage
2 requirement in the ordinance for multi-family units, or whether the ordinance should
3 be amended to address only five unit multi-family buildings
4

5 Mr. Barry re-opened the hearing for public input at 8:15 p.m., and Mr. Perry pointed
6 out there is no right to build single family housing in a transitional zone. He
7 suggested limiting building of multi-family units to residential zones within Town,
8 and Mr. Byron suggested that putting these units within a transitional zone of mixed
9 housing would increase the chance of the ordinance being accepted by residents
10 /voters.

11
12 Mr. Perry again re-iterated the Board was increasing the amount of land that allowed
13 MFU/workforce housing to occur. He stated he did not understand why the Board
14 would want to do that and stated he disagreed with them on this point.
15

16 Mr. Barry closed the hearing for public input at 8:31 p.m.
17

18 It was clarified for Mr. Blanchette that as of January 2010 the Town is at the mercy
19 of the court if the Town does not institute some sort of ordinance as soon as possible
20 to cover workforce housing. Mr. Barry explained that this could cost the Town a lot
21 of money in the long term as it would have no control over what types of buildings
22 developers might come and build in Town.
23

24 Ms. Czysz reported that she had received feedback from a member of the New
25 Hampshire Housing Financing Authority that this was the best draft ordinance he has
26 seen to date as it was straight forward, realistic and feasible.
27

28 **MOTION:** by Mr. Young

29 ***Move to amend the draft zoning ordinance 550.00 – 553.00, Multi-Family***
30 ***Residential Overlay District, section 552.02 (Frontage) from requiring frontage of***
31 ***one hundred feet to a requirement of two hundred feet for multi-family residences***

32 **SECOND:** Mr. Blanchette

33 **VOTE:** 7-0-0

34 **The motion carries unanimously.**
35

36 Mr. Barry asked the Board to consider 550.02, District Boundaries and whether it
37 would wish to eliminate item (c) Transitional District, and there followed discussion
38 by the Board.
39

40 Mr. Barry asked for a show of hands with respect to consensus of the Board to leave
41 the ordinance as it with respect to the Transitional District, and a majority (4-2)
42 agreed not to change this.
43

44 Mr. Barry asked for a show of hands with respect to consensus of the Board to retain
45 550.02 (d) within the ordinance i.e. the following parcels east of the southern
46 transitional district: 1-78, 1-79, 1-80, 1-92, 2-88, 2-100, 2-103, 2-104, 2-105, 2-106,

1 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-120, 2-121, 2-122,
2 2-123, 2-124, 2-125, 2-126, 2-132, 2-203. There were only two members of the
3 Board in favor of this.

4
5 There followed discussion with respect to why these parcels had been included in the
6 ordinance. Mr. Barry stepped down from further discussion of the areas in question
7 due to the fact that he owns land abutting the area in question.

8
9 Following further discussion for clarification, Mr. Curtis asked for a show of hands
10 with respect to 550.02 (d) and there was consensus not to change the ordinance in
11 this respect.

12
13 There followed a discussion with respect to what the statute defines as workforce
14 housing i.e. that housing is affordable at a certain income level, and Ms. Czysz
15 clarified what the statute requirements are with respect to number of units. By show
16 of hands the Board decided unanimously not to change the ordinance as it relates to
17 number of units required to qualify.

18
19 **MOTION:** by Mr. Blanchette
20 ***Move that the Litchfield Planning Board agrees to send the draft ordinance 550.00***
21 ***– 553.00, Multi-Family Residential Overlay District to the public hearing***
22 ***scheduled for January 4, 2012***

23 **SECOND:** Mr. Bean

24 **VOTE:** 6-0-0

25 **The motion carried unanimously.**

26
27 Following discussion with Ms. Czysz the following additional motion was made:

28
29 **MOTION:** by Mr. Bean
30 ***Move that section 200.16, Definition of Multi-family Residence, as amended on***
31 ***March 13, 2011 be included in zoning ordinance 550.00 – 553.00 to be sent to the***
32 ***public hearing scheduled for January 4, 2012***

33 **SECOND:** Mr. Young

34 **VOTE:** 6-0-0

35 **The motion carried unanimously.**

36
37 Mr. Barry re-joined the meeting at 9:12 p.m. and the public hearing was closed.

38
39 **2. Review of Zoning Ordinance 507.00 – 507.07 on Accessory Dwelling Units**
40 **(ADUs)**

41 Mr. Barry pointed out that the amendments previously made to this ordinance were
42 to make it easier to read and understand. Ms. Czysz clarified that the Board had
43 deferred voting on this ordinance until it could see the final version. She reviewed
44 the amendments which she had included in the final version for the benefit of the
45 Board.

46
47

1 **MOTION:** by Mr. Byron
2 *Move that the Litchfield Planning Board agrees to send the final version of zoning*
3 *ordinance 507.00 – 507.07 on Accessory Dwelling Units to the public hearing*
4 *scheduled for January 4, 2012*

5 **SECOND:** Mr. Croteau

6 **VOTE:** 7-0-0

7 **The motion carried unanimously.**
8

9 **3. Motion to Release Road Bond and Escrow Account for Subdivision Roads –**
10 **Snowdrop Lane and Lilac Court**

11 Ms. McKibben introduced the topic, stating the Board had previously suggested to
12 the Board of Selectmen that it accept these roads. It was agreed this should be tabled
13 until confirmation has been received that the Board of Selectmen has in fact accepted
14 the roads.
15

16 **4. Approve Minutes of November 29 and December 6, 2011**

17 The Board reviewed the minutes.
18

19 **MOTION:** by Mr. Curtis

20 *Move to approve the minutes of the Litchfield Planning Board’s meeting of*
21 *November 29, 2011 as written*

22 **SECOND:** Mr. Young

23 **VOTE:** 6-0-1 (Mr. Croteau abstained)

24 **The motion carried.**
25

26 **MOTION:** by Mr. Bean

27 *Move to approve the minutes of the Litchfield Planning Board’s meeting of*
28 *December 6, 2011 as written*

29 **SECOND:** Mr. Croteau

30 **VOTE:** 6-0-1 (Mr. Young abstained)

31 **The motion carried.**
32

33 **5. Any Other Business**

34 Ms. McKibben reported she had received information via e-mail from the Town
35 Administrator, Mr. Hoch that the Board of Selectmen had chosen not to accept the
36 Planning Board’s recommendation to delete the (new) elementary school from the
37 impact fee schedule, expressing concern at reducing growth in the coming year. Ms.
38 McKibben read from the e-mail for the record, confirming the current fee schedule
39 would remain in place. There followed discussion for clarification with respect to
40 the Board of Selectmen’s stance on this matter and whether the Planning Board
41 should take any further action.
42

43 It was decided the Planning Board would take no further action.
44
45
46
47

- 1 • **Upcoming Planning Board Dates:**
- 2 • January 4, 2012 (regular meeting and second hearing on Accessory Dwellings and
- 3 Multi-Family Residential Units)
- 4 • January 17, 2012 (Work Session)
- 5 • February 4, 2012 Town and School Deliberative Sessions at CHS

6
7 **MOTION:** by Mr. Bean

8 **Move to adjourn the meeting**

9 **SECOND:** Mr. Young

10 **VOTE:** 7-0-0

11 **The motion carried unanimously.**

12
13 There being no further business before the Board, the meeting adjourned at 9:35 p.m.

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15
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17 _____
18 Leon Barry, Chairman

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20 _____
21 Bob Curtis, Vice Chairman

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23 _____
24 Frank Byron, Selectman

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26 _____
27 Barry Bean

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29 _____
30 Michael Croteau

31
32 _____
33 Thomas R. Young

34
35 _____
36 Russell Blanchette

37 **Minutes transcribed by: Sandra Maxwell, Recording Secretary**

38