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**TOWN OF LITCHFIELD  
PLANNING BOARD MEETING**

**Held on October 18, 2011**

Minutes approved – November 1, 2011

The Litchfield Planning Board held a meeting in the Town Hall conference room 2  
Liberty Way, Litchfield, NH 03052 on Tuesday October 18, 2011 at 7:00 p.m.

**MEMBERS PRESENT:** Leon Barry (Chairman), Bob Curtis (Vice Chairman), Michael  
Croteau, Frank Byron (Selectmen’s Representative), Russell Blanchette, Thomas Young

**MEMBERS ABSENT:** Barry Bean, Joel Kapelson (Alternate)

**ALSO PRESENT:** Steven Wagner (NRPC Senior Planner), Joan McKibben (Admin.  
Assistant)

**CALL TO ORDER**

Mr. Barry called the meeting to order at 7:03 p.m. and joined the Board in the Pledge of  
Allegiance.

**1. Impact Fee Public Hearing (RSA 675:7)**

Mr. Barry opened the public hearing at 7:05 p.m. He asked for public input and  
seeing none he closed the meeting for public input.

Mr. Barry reviewed what the Board had decided at the last meeting, with respect to  
the suspension of impact fees for the elementary school.

Mr. Wagner handed out copies of the letter which was drafted to the Board of  
Selectmen dated October 18, 2011, with attached updated Impact Fee tables. He  
reported he had spoken with Steve Buckley (Town counsel) and provided feedback  
for the Board. Mr. Buckley recommended the Board not suspend the elementary  
fees, but they can modify the schedule. Mr. Wagner went on to explain the impact of  
suspending fees.

***Discussion:***

The Board discussed what the total fee per new home would be. Mr. Wagner  
provided details of amounts returned each year, quoting from information Ms.  
McKibben had compiled.

Mr. Barry clarified the Board’s next steps should be to vote and send a letter to the  
Board of Selectmen with its recommendation.

1 There followed a discussion relative to the consequences of suspending versus  
2 modifying the fee to zero for now. Mr. Byron pointed out that it would be necessary  
3 to re-justify the need for the fee when re-instating following suspension  
4 The Board held a discussion around the likely need for a new school in the future.  
5 There was consensus of the Board to take the recommendation of town counsel and  
6 Mr. Barry read from Mr. Buckley's recommendation for discussion.

7  
8 Mr. Wagner reported substantive changes require another hearing, and he queried  
9 whether another hearing would be necessary if the Board makes changes in language  
10 at this point. There followed a discussion on which language to use, and what the  
11 content was of the public notice for the hearing.

12  
13 **MOTION:** by Mr. Curtis

14 ***Move that the Litchfield Planning Board does hereby modify the Public School***  
15 ***Facilities & Public Capital Facilities Impact Fee Schedule (Table 1) for the new***  
16 ***elementary school by reducing the amount to zero***

17 **SECOND:** Mr. Croteau

18 ***Discussion:***

19 Mr. Wagner agreed to remove footnote four from Table 1 with respect to the  
20 elementary school. The rate from last year was discussed and whether it needed to  
21 be included in the motion. The Board discussed whether to also zero out the other  
22 information on the line for the elementary school.

23 **VOTE:** 6-0-0

24 **The motion carried unanimously.**

25  
26 There was a discussion on how to modify the rest of the line relative to the  
27 elementary school in Table 1 and the cost escalator factor. Mr. Barry confirmed the  
28 next hearing will take place on November 15, 2011.

29  
30 **MOTION:** by Mr. Byron

31 ***Move that the Litchfield Planning Board does hereby send to Public Hearing for***  
32 ***discussion Impact Fees approved at its meeting on October 18, 2011, such Public***  
33 ***Hearing to be held on November 15, 2011 at 7:00 p.m.***

34 **SECOND:** Mr. Croteau

35 **VOTE:** 6-0-0

36 **The motion carried unanimously.**

37  
38 **2. Discuss Town Counsel Feedback on Workforce Housing, Growth Management**  
39 **Trigger and Phasing (8:07 p.m.)**

40 Mr. Wagner reported on a discussion he had with Steve Buckley relative to  
41 Workforce Housing. Mr. Buckley had stressed the importance of getting the five  
42 unit, multi family part of the ordinance passed at Town Meeting and Mr. Wagner  
43 distributed copies of the findings of fact for a case, which Mr. Buckley had discussed  
44 with him (Plus Fifty-Five, LLC et al v. Town of Hooksett Planning Board).

1 Mr. Barry reported he had spoken to builder Kevin Slattery as promised at the last  
2 meeting. He stated Mr. Slattery had put him in touch with Karen McGinley (an  
3 attorney who is a member of the Bedford Planning Board and who has a lot of  
4 experience developing ordinances for Workforce Housing). Mr. Barry reported on  
5 his conversation with Attorney McGinley who has offered to help the Board write its  
6 Workforce Housing ordinance.

7  
8 **3. Continue Discussion on Workforce Housing (8:10 p.m.)**

9 Reading from a summary of the case information he handed out, Mr. Wagner  
10 reported this was the first case in Superior Court on Workforce Housing, and he went  
11 on to explain the facts and findings of the case. Referring to page 2, paragraphs 6  
12 and 7, Mr. Wagner suggested Litchfield could also use information from the Code  
13 Enforcement Officer to help them determine whether the Town currently meets the  
14 requirements of the legislation.

15  
16 Messrs. Barry and Wagner discussed whether the Board would have sufficient time  
17 to develop something for the Town this year or whether it had done enough to  
18 qualify. They discussed scheduling a work session with Attorney McGinley.

19  
20 Mr. Wagner also distributed a document from the National Low Income Housing  
21 Coalition on rental costs and the Board discussed the contents of the document. Mr.  
22 Wagner highlighted the AMFI (adjusted medium family income) for the area which  
23 includes Litchfield and there was some discussion of the document.

24  
25 The Board went on to discuss the draft zoning ordinance on Inclusionary Housing  
26 which it had been discussing at previous meetings as follows:

27  
28 ***Section 475.1.0***

29 Mr. Curtis read for the record revised opening paragraph of the ‘Purpose’ as  
30 suggested by him at a previous meeting as follows:

31  
32 *“The purpose of this ordinance is to provide reasonably priced, initial housing*  
33 *options for rental and purchase within the Town of Litchfield, NH for households*  
34 *with incomes no greater than 100% of the Area Median Income (AMI).”*

35  
36 Mr. Wagner stated he could compile the amended draft ordinance if he had  
37 everyone’s comments.

38 ***Action: Mr. Wagner***

39  
40 Mr. Barry talked about some of the questions raised by Mr. Slattery when he had  
41 discussed the subject of Workforce Housing with him, such as:

- 42 • What happens in the sale of a house?  
43 • Who is to be the holder of paperwork and deed?  
44 He pointed out those were issues which they still had to address.

1 Responding to a query from Mr. Barry, there was a consensus of the Board who were  
2 in agreement with hearing input from Attorney McGinley and Mr. Barry agreed to  
3 ascertain whether she can attend the Board's November 1 meeting. He confirmed he  
4 would meet with her prior to this.

5 **Action: Mr. Barry**

6 **4. Approve Minutes**

7 In response to a request from Mr. Barry for a status report on removal of Joel  
8 Kapelson from the Board, Mr. Byron reported the matter will be on the agenda of  
9 Board of Selectmen's next meeting.

10  
11 In response to a request from Mr. Barry for a status report on the gravel pit, Ms.  
12 McKibben reported she will schedule a time to visit the location with Kevin Lynch.

13  
14 The Board reviewed the minutes of its last meeting and there were some  
15 amendments which were noted.

16  
17 **MOTION:** by Mr. Blanchette

18 ***Move to accept the minutes of the Litchfield Planning Board's meeting of October***  
19 ***4, 2011 as amended***

20 **SECOND:** Mr. Young

21 **VOTE:** 5-0-1 (Mr. Curtis abstained)

22 **The motion carried.**

23  
24 **5. Any Other Business (8:50 p.m.)**

25 **a) Release Blackbird Lane Bond**

26 Ms. McKibben handed Mr. Barry a letter from Lou Caron, Town engineer which  
27 he read for the record. The letter confirmed the applicant had made the requested  
28 changes and the road was in acceptable condition. Ms. McKibben confirmed she  
29 had received both an 'as built' plan and deed for the road. She confirmed the total  
30 amount of the bond amounted to approximately \$28,000 (in cash) and it had been  
31 agreed that the engineer's fees should be deducted from the amount to be  
32 released.

33 **MOTION:** by Mr. Barry

34 ***Move that the Litchfield Planning Board does hereby agree to release the***  
35 ***monies owed to Keith Martel for the total amount of his bond, less engineer's***  
36 ***fees in the amount of approximately \$400***

37 **SECOND:** Mr. Curtis

38 **VOTE:** 6-0-0

39 **The motion carried unanimously.**

40  
41 The following were also discussed:

- 42 • Petition warrant articles: Mr. Wagner informed the Board that the first date for the  
43 receipt of petitioned warrant articles is November 8, 2011 and he clarified the  
44 process for these.

- 1 • Prohibited and Permitted Uses: Mr. Wagner suggested the Board ask that Mr.  
2 Lynch attend to discuss and review ‘prohibited and permitted uses’ as things have  
3 come up on occasion which do not have a section within the ordinances.  
4
- 5 • Regulations pertaining to horse farms: Mr. Barry queried regulations with respect  
6 to horse farms, and there followed a discussion on the subject. He suggested the  
7 Board investigate adding something to the ordinances to cover this subject.  
8
- 9 • Accessory Dwellings: A discussion took place relative to the accessory dwelling  
10 draft ordinance and options for letting the public know about the topic were  
11 suggested. It was agreed that John Brunelle should be asked to put a  
12 downloadable version of the draft ordinance on the Town web site. The Board  
13 also discussed having an explanatory cover note with the document to explain the  
14 intent of the ordinance and to request comments should be sent to the Planning  
15 Board e-mail address. Mr. Wagner clarified that the ordinance would be law once  
16 it has been brought to a hearing until voted down. He agreed to get a draft of the  
17 ordinance out by the end of the week.  
18 *Action: Mr. Wagner*

19  
20 **MOTION:** by Mr. Curtis  
21 *Move to adjourn the meeting*  
22 **SECOND:** Mr. Croteau  
23 **VOTE:** 6-0-0  
24 **The motion carried unanimously.**  
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26 There being no further business before the Board, the meeting adjourned at 9:04 p.m.  
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Leon Barry, Chairman  
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Bob Curtis, Vice Chairman  
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Frank Byron, Selectman  
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Barry Bean  
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Thomas R. Young  
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Russell Blanchette

**Minutes taken by: *Sandra Maxwell, Recording Secretary***