

1 **TOWN OF LITCHFIELD PLANNING BOARD**

2  
3 **MEETING Held on July 19, 2011**

4  
5 Minutes approved – August 2, 2011

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7 The Litchfield Planning Board held a meeting in the Town Hall conference room, 2  
8 Liberty Way, Litchfield, NH 03052 on Tuesday July 19, 2011 at 7:00 p.m.

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10 **MEMBERS PRESENT:** Leon Barry (Chairman), Bob Curtis (Vice Chairman), Barry  
11 Bean, Michael Croteau, Frank Byron (Selectmen’s Representative)

12  
13 **MEMBERS ABSENT:** Jayson Brennen (Clerk), Joel Kapelson (Alternate)

14  
15 **ALSO PRESENT:** Steven Wagner (NRPC Senior Planner), Joan McKibben

16  
17 **CALL TO ORDER**

18 Mr. Barry called the meeting to order at 7:10 p.m. He introduced the Board members and  
19 joined them in the Pledge of Allegiance.

20  
21 **1. R & D Londonderry Development, LLC, Map, 17 Lot 47, 12 Heron Drive –**  
22 **Subdivision of Lot**

23 Scott Murphy of Hayner-Swanson Inc., Engineer and Rich Lannan of R&D  
24 Londonderry Development LLC were in attendance. Mr. Murphy reviewed the  
25 results of the Planning Board’s site walk of the lots in question and he confirmed the  
26 plan had been revised to reflect comments made by Mr. Wagner. Mr. Murphy  
27 reported that legal advice with respect to access to the abutting Lynch property  
28 confirms that no access has to be provided by them. It was stated there could  
29 possibly be access for Mr. Lynch across Town property if he pursues it. Mr. Murphy  
30 reported they are awaiting sub division approval from the state and a legal review of  
31 the driveway easement and maintenance agreement is to be completed.

32  
33 There followed a discussion between Messrs. Wagner and Murphy with respect to the  
34 common driveway easement. Mr. Wagner reported he had e-mailed the Board  
35 information and reported there is no requirement with respect to access to land locked  
36 lots. He pointed out there is nothing in the Town regulations about this.

37  
38 There was discussion relative to the 10 foot buffer area which has been set aside for  
39 snow storage and whether this would be sufficient to ensure plowed snow does not  
40 end up on Town land. Mr. Wagner suggested the Planning Board record in its  
41 minutes that 10 feet should be the minimum buffer zone from Town land and Mr.  
42 Murphy agreed to add a note to the plan to reflect this.

43 **Action: S Murphy**

44  
45 There was discussion with respect to the driveway topcoat material. Mr. Murphy  
46 reported there will be loam and seeding from the edge of the driveway to the property

1 line but the driveway topcoat material has yet to be determined. There followed a  
2 discussion to clarify the grading of the driveway.

3  
4 Mr. Wagner suggested the Board may first wish to consider the waiver for irregular  
5 lot size as it will have an impact on the rest of the application.

6  
7 Mr. Murphy reviewed the waivers for the benefit of Mr. Byron who had not been at  
8 the previous meeting. Mr. Wagner pointed out the original lot already had an  
9 irregular shape.

10  
11 Responding to a query from Mr. Barry relating to the legend for erosion control with  
12 respect to pipe size on page 3-3, Mr. Murphy clarified the details of the pipe on the  
13 plan. It was confirmed the homeowner would be responsible for the pipe over time.  
14 It was also confirmed for Mr. Barry there would not be any town liability relative to  
15 the culvert maintenance, and Mr. Lannan confirmed for Mr. Byron that the  
16 maintenance agreement will contain specific details of who is responsible for  
17 maintaining this, which will be recorded ahead of time. There was further discussion  
18 relative to the maintenance agreement in which Mr. Lannan confirmed it will be  
19 legally binding. There followed discussion with respect to Town access to the  
20 document, and Messrs. Byron and Wagner agreed that Town counsel should review  
21 the agreement as a condition of approval. There was no public input.

22  
23 There followed discussion relative to the specifications of the driveway, as Mr. Byron  
24 was concerned about whether the grading would be low enough to facilitate large  
25 vehicles (such as a fire truck), especially in winter. There was further discussion  
26 relative to whether the Fire department should review the driveway grading and Mr.  
27 Murphy agreed to flatten out the driveway radius at the Heron Drive driveway  
28 entrance.

29 **Action: S Murphy**

30  
31 Mr. Barry decided to continue with acceptance of the waivers at 7:58 p.m.

32  
33 **MOTION:** by Mr. Croteau

34 ***Move that the Litchfield Planning Board does hereby grant a waiver from Section***  
35 ***510.00 (p), Plat Standards, of the Litchfield Subdivision Regulations which***  
36 ***requires locus map at a scale of 1 inch equals 2,000 feet, and further that the***  
37 ***Litchfield Planning Board hereby accepts a scale of 1 inch equals 1,000 feet.***

38 **SECOND:** Mr. Bean

39 **VOTE:** 5-0-0

40 **The motion carried unanimously.**

41  
42 **MOTION:** by Mr. Bean

43 ***Move that the Litchfield Planning Board does hereby grant a waiver from Section***  
44 ***415.00, Irregular Shaped Subdivision Lot, of the Litchfield Subdivision***  
45 ***Regulations which requires the Regularity R values of the proposed lots to be no***  
46 ***less than 0.40. The Litchfield Planning Board hereby accepts that new Lot 47 will***

1 *have an R value of 0.32, and Lot 47-1 will have an R value of 0.22. It is hereby*  
2 *noted the resulting values are a result of the portions of the property that extend out*  
3 *to Heron Drive where the proposed driveway is to be constructed, and further that*  
4 *the proposed lots otherwise meet all required subdivision and zoning requirements.*

5 **SECOND:** Mr. Croteau

6 **VOTE:** 5-0-0

7 **The motion carried unanimously.**

8  
9 **MOTION:** by Mr. Curtis

10 *Move that the Litchfield Planning Board does hereby grant a waiver from Section*  
11 *407.00, Fire Protection, of the Litchfield Subdivision Regulations which requires*  
12 *fire hydrants every 500 feet for subdivisions, and further that the Litchfield*  
13 *Planning Board does hereby accept a distance of approximately 600 feet from the*  
14 *proposed common driveway to the existing fire hydrant on Heron Drive. It is*  
15 *hereby noted a letter dated May 26, 2011 from the Fire department supports this*  
16 *waiver request.*

17 **SECOND:** Mr. Croteau

18 **VOTE:** 5-0-0

19 **The motion carried unanimously.**

20  
21 Mr. Wagner reminded Messrs. Murphy and Lannan that note 17 on the plan should be  
22 amended to say ‘granted’ instead of ‘requested’ with respect to the waivers. There  
23 followed discussion about whether the impact fees would be vested and it was noted  
24 the amount of the fees should appear on the plan. Ms. McKibben agreed to check  
25 whether the fees are vested.

26 **Action:** *J McKibben/S Murphy*

27  
28 Mr. Lannan stated he was requesting no delay relative to the grading as the plan  
29 meets the driveway regulations of the Town and there followed discussion with  
30 respect to whether the Board should approve the driveway grading without input from  
31 the Fire department, and whether the Town engineer should look at it. Mr. Wagner  
32 suggested a sand barrel could be added to the maintenance agreement to overcome  
33 the issue in question. Mr. Barry stated he would like to table approval of the  
34 driveway until date and time certain at the Board’s next meeting on August 2, 2011  
35 and Mr. Lannan agreed he would contact Captain Nicholls in the morning with  
36 respect to obtaining input from the Fire department.

37 **Action:** *R Lannan*

38  
39 Time: 8:18 p.m.

40  
41 It was confirmed that a street sign had been ordered for the bottom of Heron Drive,  
42 and Ms. McKibben agreed to find out for Mr. Lannan who is responsible for the post.

43 **Action:** *J McKibben*

44  
45 **MOTION:** by Mr. Byron

1 *Move that the Litchfield Planning Board hereby continues consideration of the*  
2 *application by R&D Londonderry Development, LLC for the Heron Drive*  
3 *subdivision amendment, case number 1107 LIT SD M17-L47 until August 2, 2011*

4 **SECOND:** Mr. Croteau

5 **VOTE:** 5-0-0

6 **The motion carried unanimously.**

7  
8 **2. Discuss Applications to Planning Board (8:21 p.m.)**

9 The Board interviewed two applicants for vacant positions on the Board as follows:

10  
11 ***Thomas R. Young, 20 Watts Landing for full membership***

12 Mr. Young responded to questions from the Board relative to experience he has that  
13 would be relevant to membership of the Planning Board. He confirmed he could  
14 commit to the time requirements of being a full member and Mr. Byron outlined the  
15 process for becoming a member of the Planning Board. There followed discussion  
16 regarding the term for the position and Mr. Barry thanked Mr. Young for his interest.

17  
18 ***Russell T. Blanchette – 3 Sata Way***

19 Mr. Blanchette responded to questions from the Board and Mr. Wagner relative to  
20 experience he has that would be relevant to membership of the Planning Board. He  
21 confirmed he could commit to the time requirements of membership. Mr. Barry  
22 thanked him for his interest and stated both applicants would be notified of the  
23 Board's decision in due course.

24  
25 Mr. Blanchette, who had previously offered his services to record the Board's  
26 meetings, informed Mr. Barry the Cable Committee would pay any costs of  
27 broadcasting the Board's meetings on the local cable channels.

28  
29 **3. Approval of Minutes**

30 Mr. Wagner and members of the Board requested several amendments to the minutes  
31 of the July 5<sup>th</sup> meeting. Mr. Wagner suggested it would be good policy to send a  
32 copy of draft minutes to applicants.

33  
34 There followed a discussion regarding the use of a digital recorder and alternative  
35 recording options for the Board meetings.

36  
37 **MOTION:** by Mr. Bean

38 ***Move to approve the minutes of the Litchfield Planning Board's meeting on July 5,***  
39 ***2011 as amended***

40 **SECOND:** Mr. Croteau

41 **VOTE:** 4-0-1 (Mr. Byron abstained)

42 **The motion carried.**

43  
44 **4. Proposed Zoning Changes (9:10 p.m.)**

45 Mr. Wagner handed out copies of a brief survey from the New Hampshire Bar  
46 Association web site relative to the doctrine of vested rights. He referred the Board to

1 the section on impact fees, the active and substantial development test and the  
2 substantial completion test and discussed these with the Board.

3  
4 There was discussion between Messrs. Barry and Wagner relative to topics which the  
5 Board should focus on for the remainder of the year and Mr. Wagner suggested the  
6 Board educate residents relative to Inclusionary and Workforce Housing, and  
7 ascertain what residents' problems might be with these. Mr. Wagner also suggested  
8 the Board look at what other towns have done with respect to these, stating it is better  
9 to have a policy which allows for diversity in housing. He suggested the Board  
10 consider an affordability clause in the Town's regulations Mr. Wagner also  
11 explained what the requirements of the statute are. There followed discussion on  
12 achieving this through incentives and restrictions with developers.

13  
14 Time 9:23 p.m.

15  
16 Mr. Barry questioned whether the Planning Board should be looking at what  
17 regulations and ordinances fall under frontage and access. There followed a  
18 discussion relative to why the Board did not want common driveways and Mr.  
19 Wagner stated the Board should consider whether it wants to lay out proper  
20 regulations for this. He offered to bring in examples of alternatives for the Board to  
21 look at.

22 ***Action: S Wagner***

23  
24 There followed discussion relative to what the Board needs to review and possibly  
25 change. Mr. Wagner agreed to speak with an intern at NRPC regarding the overlay  
26 ordinance to see whether the intern could assist the Town. He also offered to pull  
27 parts of the Master Plan to put specifics into. There was a discussion with respect to  
28 TIF's (Tax Increment Financing) in which Mr. Byron talked about the advantages of  
29 having the infrastructure in place in order to make the Town attractive to businesses.

30 ***Action: S Wagner***

31  
32 Time: 9:50 p.m.

33 Mr. Curtis suggested putting a list of priorities together for the Board in order that  
34 they can narrow in on these and begin working on them. Mr. Barry requested that  
35 Board members think about the Board's priorities (i.e. workforce housing law, storm  
36 water drainage) and come up with a list on how to deal with each topic.

37 ***Action: All Board Members***

38  
39 In response to a query from Mr. Curtis, Mr. Wagner provided the Board with a status  
40 report on Accessory Dwelling Units, stating the next step for the Town would be a  
41 public hearing.

42  
43 **5. Any Other Business**

44 Mr. Byron requested the Board take action on the applications for membership to the  
45 Board in order that the Board of Selectmen could take appropriate action at its  
46 meeting on Monday.

1 **MOTION:** by Mr. Croteau  
2 *Move that the Litchfield Planning Board does hereby accept the applications of*  
3 *Thomas R. Young and Russell T. Blanchette for nomination to the Planning*  
4 *Board, and further that the Board hereby approves the nominees to go before the*  
5 *Board of Selectmen for appointment*

6 **SECOND:** Mr. Curtis

7 **VOTE:** 5-0-0

8 **The motion carried unanimously.**

9

10 Mr. Byron requested written communication for the Board of Selectmen that the  
11 Planning Board has approved the nominations.

12

13 **MOTION:** by Mr. Bean

14 *Move to adjourn the meeting*

15 **SECOND:** Mr. Croteau

16 **VOTE:** 5-0-0

17 **The motion carried unanimously.**

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19 There being no further business before the Board, the meeting adjourned at 10:02 p.m.

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Leon Barry, Chairman

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Frank Byron, Selectman

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Bob Curtis, Vice Chairman

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

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