

1 **TOWN OF LITCHFIELD PLANNING BOARD**

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3 **MEETING Held on March 15, 2011**

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5 Minutes approved – 4/5/11

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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 March 15, 2011 at 7:00 p.m.

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10 **MEMBERS PRESENT:** Edward Almeida (Chairman), F. Byron (Selectmen’s  
11 Representative), Leon Barry, Bob Curtis, Barry Bean, Carlos Fuertes, Michael Croteau  
12 (Alternate) Joel Kapelson (Alternate), arrived at 8:17 p.m.

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14 **MEMBERS ABSENT:** Jayson Brennen, John Miller (Alternate)

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16 **ALSO PRESENT:** Steve Wagner (NRPC Senior Planner), J. McKibben (Administrative  
17 Assistant)

18  
19 **AGENDA:**

- 20 1. George Fredette – SFC Engineering Update on Grace Free Church Site Plan  
21 2. Work Session for Planning Board training  
22 3. Any Other Business  
23 4. Approve minutes of January 4, 2011 and February 15, 2011, March 1, 2011  
24 5. Correspondence

25  
26 **CALL TO ORDER**

27 Chairman Edward Almeida called the meeting to order at 7:08p.m.

- 28  
29 **1. George Fredette – SFC Engineering Update on Grace Free Church Site Plan**  
30 Pastor Dave McClelland of the Grace Free Church introduced himself, stating he had  
31 come before the Board in the absence of Mr. Fredette to update it on the current  
32 situation with respect to an easement amendment. He explained that the owner of the  
33 property abutting the Church had passed away and they now had to go through the  
34 attorney and CPA representing the Colby Estate regarding the easement amendment.  
35 He went on to explain no-one was willing to make any amendment to the original  
36 easement on the Colby property. Pastor McClelland requested advice from the Board  
37 on how to proceed in this matter in order that the work the church wished to do could  
38 move forward. He explained the easement was necessary to provide the least  
39 invasive means for drainage of the catch basin.

40  
41 ***Discussion:***

42 Mr. Almeida thanked him for the update. Mr. Barry requested the drawings of the  
43 church site plan to look at (provided by Ms. McKibben) in order that the Board could  
44 see why the easement amendment was required. It was pointed out that the lack of  
45 the amendment prevents the project moving forward but that it can be worked around

1 if the Board approves going back to the original easement. Pastor McClelland  
2 indicated on the site map the following:

- 3 • Corner of the catch basin
- 4 • Amendment to the easement
- 5 • Original easement
- 6 • The different route they would have to take.

7 There followed discussion by members of the Board. Mr. Byron suggested giving the  
8 abutter a specific amount of time to respond, after which he should go ahead with the  
9 original easement (which is more invasive upon the abutter's property) if a response  
10 is not received.

11  
12 Mr. Wagner suggested the Planning Board extend the conditional approval of the  
13 plan. Pastor McClelland reported the Colby property will eventually be sold and he  
14 thought the CPA representing the family is afraid granting the amendment would  
15 affect the property's marketability. Ms. McKibben confirmed for Mr. Byron that the  
16 new plan has not been registered. The Board discussed various options which would  
17 be available to Pastor McClelland, including consulting with the Town engineer to  
18 ascertain why he had recommended this particular route to drain the catch basin  
19 which would require an amendment to the original easement held by the church, and  
20 the Board granting an extension of 60 days to allow the church to come up with a  
21 solution. Ms. McKibben confirmed for Mr. Almeida that the engineer's time would  
22 go against escrow. It was pointed out that the original easement could be used as it  
23 had been registered.

24  
25 **MOTION:** by Mr. Almeida

26 *Move that the Planning Board hereby grants an extension to the conditional plan*  
27 *approval of Grace Free Presbyterian Church, 11 Colby Road, Litchfield, New*  
28 *Hampshire, Tax Map 20 Lot 28 for 60 days at the end of which the applicant will*  
29 *report back to the Planning Board on how he wishes to proceed*

30 **SECOND:** Mr. Curtis

31 Mr. Byron suggested that the applicant come before the Board prior to the 60 days if  
32 the matter is resolved within that time.

33 **VOTE:** 6-0-0

34 **The motion carried unanimously.**

35  
36 There was consensus of the Board that it should deal with Any Other Business next.

37  
38 **2. Any Other Business**

39 Mr. Almeida noted that Mr. Fuertes' term of office was due to end and confirmed  
40 that Mr. Fuertes did not intend to re-apply. Mr. Almeida reported he intended to  
41 resign, and this would leave two vacancies on the Board which would potentially  
42 move up one of the alternate members to a voting member. He stated the Board  
43 should continue to recruit new members. There followed a discussion relative to  
44 filling the Chairman, Vice-Chairman and Clerk positions.

45  
46 **MOTION:** by Mr. Almeida

1 ***Move to appoint Leon Barry as Chairman of the Litchfield Planning Board***

2 **SECOND:** Mr. Fuertes

3 **VOTE:** 6-0-0

4 **The motion carried unanimously.**

5  
6 Mr. Fuertes reported that his current schedule would not permit him to continue as a  
7 member of the Board and Mr. Almeida requested he inform Messrs. Hoch and Perry  
8 via e-mail that he would not be seeking re-appointment.

9 ***Action: Mr. Fuertes***

10  
11 **MOTION:** by Mr. Almeida

12 ***Move to appoint Bob Curtis as Vice-Chairman of the Litchfield Planning Board***

13 **SECOND:** Mr. Barry

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

15  
16 There followed a discussion with Mr. Croteau with respect to the possibility that he  
17 could potentially move up to a full time position.

18  
19 Mr. Barry stated he was concerned that the room was not overbooked and that anyone  
20 coming before the Board would have no longer than one hour to present their  
21 application and would like to be able to control the length of the meetings. Mr.

22 Wagner made the following suggestions:

- 23 • The Board look at the rules of procedure (bylaws) at the next meeting  
24 • The chairman makes an opening statement at the beginning of each meeting in  
25 which he states the Board's expectations.

26  
27 In response to a query from Mr. Barry with respect to regulations for submissions,  
28 Mr. Wagner and Ms. McKibben clarified that the Board should receive submissions  
29 21 days in advance of the meeting at which they will be discussed. There followed a  
30 discussion about time frames for applications. Mr. Byron pointed out that if the  
31 Board votes to accept an application it is also agreeing that it has received all the  
32 information at the time the application was received. There followed a discussion for  
33 the benefit of newer Board members on the planning application process. Ms.  
34 McKibben agreed to provide the members with a copy of the bylaws.

35 ***Action: Ms. McKibben***

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37 Mr. Byron pointed out there has been a change in the statute to allow alternates to  
38 participate in discussions without voting provided it is written into the bylaws.

39  
40 Mr. Almeida suggested the Board review and amends the bylaws with respect to how  
41 a vote should be taken if someone challenges a vote as it is currently not clear. Mr.  
42 Barry suggested they review the bylaws at the next meeting.

43  
44 Mr. Almeida also suggested that Mr. Wagner and Ms. McKibben draw up a schedule  
45 of events for the year and distribute to the new chairman so that he can familiarize

1 himself with these. Mr. Barry requested a contact list of town employees which he  
2 may need to contact in the course of his duties.

3 *Action: Ms. McKibben/ Mr. Wagner*

4 **3. Work Session for Planning Board Training**

5 Mr. Wagner informed the Board that the Planner's handbook is only available  
6 electronically and he had printed out a couple of chapters and the subdivision  
7 regulations for discussion which he distributed to the members and the Board  
8 prepared to review and discuss these.

9  
10 There was a discussion between Messrs. Almeida and Wagner with respect to  
11 potential items which could come up during the year.

12  
13 *Discussion:*

14 Mr. Almeida pointed out the bylaws state the Board can only have three alternate  
15 members. Mr. Wagner pointed out the Board needs to designate alternates before  
16 they start having meetings, and Mr. Almeida suggested they clarify who the voting  
17 members are at the beginning of a meeting to avoid confusion. Mr. Almeida outlined  
18 the process which needs to be gone through to appoint full members.

19  
20 Responding to a query from Mr. Barry, Ms. McKibben confirmed that the tape of  
21 each meeting is not kept beyond approval of the minutes. Mr. Wagner requested that  
22 the recording secretary note the time in the minutes when a case is being heard.

23  
24 There was a discussion between Messrs. Wagner and Almeida with respect to  
25 members stepping down when a case is being heard if there is conflict of interest for  
26 that member. Mr. Croteau stated he is on the Conservation Commission and there  
27 was a discussion about potential conflicts with upcoming cases coming before the  
28 Board.

29  
30 There was a discussion with respect to the removal of members if they are repeatedly  
31 not attending meetings.

32  
33 Joel Kapelson arrived at 8:17 p.m. and Mr. Almeida summarized for the benefit of  
34 Mr. Kapelson the discussions so far.

35  
36 Mr. Wagner proceeded to outline what the statute says about the power of the chair  
37 and being a member of another board. The following were also discussed:

- 38  
39
- 40 • The right of abutters and citizens to speak at a public hearing versus a regular  
41 meeting (where Board permission is required)
  - 42 • Procedure of opening and closing cases – Mr. Wagner suggested he work with  
43 Ms. McKibben to produce a flow chart of the procedure for the benefit of  
44 applicants
  - 45 • Order of business when multiple applications come before the Board at one  
meeting

- 1 • Review dates relative to the CIP and Master Plan - Mr. Byron reported the Board
- 2 of Selectmen intends to update the CIP every year as it will be a working
- 3 document.
- 4 • Updating the impact fee ordinance which is not yet scheduled – Ms. McKibben
- 5 to add to her list of things to do.
- 6 • The need for adding discussion on workforce housing again this year.
- 7 • Clarification of what a conceptual plan is and when and why it is used
- 8 • When design review takes place and what the requirements are as well as who
- 9 determines whether a design review or conceptual plan is required.
- 10 • Use of the link on the Town web site by applicants

11  
12 ***Discussion on Chapter III (Subdivision Regulations):***

13 It was agreed that Mr. Wagner and Ms. McKibben should include in the standard

14 notes details on sub division/site plan requirements.

15 ***Action: Ms. McKibben/ Mr. Wagner***

16  
17 Responding to a query from Mr. Wagner with respect to regulations being updated on

18 line, Ms. McKibben reported this had been requested and she would check on the

19 status

20 ***Action: Ms McKibben***

21  
22 Mr. Wagner suggested having a sheet with the most recent version of the regulations

23 to ensure that everyone had a copy of most recent version. There followed a

24 discussion on the most effective way to manage updates and how they could identify

25 the most recent revision.

26  
27 The following were also discussed:

- 28 • The benefits of coming before the Board with conceptual plans.
- 29 • The need for notifying abutters when the Board intends to walk the land.
- 30 • How to prevent a waiver becoming precedent.
- 31 • The reasons the Planning Board could deny applications.
- 32 • Including storm water management within the Town’s regulations.
- 33 • Circumstances when the Board might request submission of studies (such as
- 34 impact on wildlife for wetlands areas)

35  
36 The Board held a discussion with respect to agenda items for the Board’s next

37 meeting. Mr. Wagner suggested bringing in the plans for the Grace Church to bring

38 members up to speed in case the applicant comes in with the easement amendment.

39  
40 Ms. McKibben reported that Mr. Hoch is in the process of printing the handbook for

41 Board members. Mr. Wagner pointed out the OEP website has the 2010 version

42 which indicates changes in red. There followed a discussion about reviewing further

43 chapters of the handbook and Mr. Wagner suggested reviewing the regulations for

44 each application would be beneficial.

45  
46 **4. Correspondence**

1 Ms. McKibben handed out copies the application from the Litchfield Recreation  
2 Commission with respect to the intent to develop recreation fields and Mr. Barry  
3 read this for the record.  
4 Mr. Byron informed the Board of the Board of Selectmen's request that the Planning  
5 Board submit comments prior to the hearing which has been scheduled for March 28,  
6 2011.

7  
8 Responding to a request from Mr. Wagner, Mr. Croteau provided a summary of the  
9 Conservation Commission's response to the Recreation Commission's presentation  
10 on the recreation fields. Ms. McKibben also provided input with respect to the  
11 Recreation Commission's request for permission to do logging as soon as possible.  
12 The following were also discussed relative to the proposed recreation fields:

- 13 • The time line for the project and the opportunity of the Planning Board to  
14 address any concerns it may have.
- 15 • Potential problems with respect to the proximity of the planned dog park to  
16 water.
- 17 • Parking and whether there may be issues relative to this.
- 18 • Traffic and safety issues with the bike path and possible options to manage  
19 these.
- 20 • The need for the Planning Board to provide comment to the Board of Selectmen  
21 prior to the public hearing on March 28th

22  
23 Mr. Wagner outlined the process relative to this project for the benefit of Mr.  
24 Kapelson.

25  
26 There was a discussion relative to how the Planning Board will proceed with respect  
27 to providing feedback. Mr. Barry agreed to contact Ms. McKibben with respect to  
28 drafting a letter for the meeting and providing a copy for Mr. Croteau to bring up at  
29 the hearing.

30  
31 **5. Approval of Minutes**

32 **MOTION:** by Mr. Byron

33 *Move to accept the minutes of the Litchfield Planning Board meeting on January*  
34 *14, 2011 as written*

35 **SECOND:** Mr. Barry

36 **VOTE:** 5-0-1 (Mr. Fuertes abstained)

37 **The motion carried.**

38 **MOTION:** by Mr. Byron

39 *Move to accept the minutes of the Litchfield Planning Board meeting on February*  
40 *15, 2011 as written*

41 **SECOND:** Mr. Fuertes

42 **VOTE:** 5-0-1 (Mr. Almeida abstained)

43 **The motion carried.**

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45 Mr. Wagner pointed out the correct spelling of his first name (Steven).

46 **MOTION:** by Mr. Byron

1 ***Move to accept the minutes of the Litchfield Planning Board meeting on March 1,***  
2 ***2011 as amended***

3 **SECOND:** Mr. Bean

4 **VOTE:** 6-0-0

5 **The motion carried unanimously.**

6

7 Messrs. Almeida and Fuertes stated it has been their pleasure to work with the Board.

8

9 **MOTION:** by Mr. Byron

10 ***Move to adjourn the meeting***

11 **SECOND:** Mr. Fuertes

12 **VOTE:** 6-0-0

13 **The motion carried unanimously.**

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15 There being no further business before the Board, the meeting adjourned at 9:50 p.m.

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Leon Barry

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Frank Byron, Selectman

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Bob Curtis

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Barry Bean

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Joel Kapelson

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Michael Croteau

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

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