

1 **TOWN OF LITCHFIELD PLANNING BOARD**

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3 **MEETING Held on November 16, 2010**

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5 Minutes approved – 12/14/10

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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 November 16, 2010 at 7:00 p.m.

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10 **MEMBERS PRESENT:** Edward Almeida (Chairman), F. Byron (Selectmen's  
11 Representative), Bob Curtis, John Miller (Alternate)

12  
13 **MEMBERS ABSENT:** Leon Barry, Carlos Fuertes, Joel Kapelson (Alternate), Jayson  
14 Brennen (Clerk)

15  
16 **ALSO PRESENT:** Stephen Wagner (NRPC Senior Planner), Joan McKibben  
17 (Administrative Assistant)

18  
19 **AGENDA:**

- 20 1. Steve Wagner to present Maximum Impervious Surface Model Ordinance and Low  
21 Impact Development Guidebook  
22 2. Discussion of zoning on Map 2, Lot 88  
23 3. Any Other Business  
24 4. Approve November 9, 2010 minutes  
25 5. Correspondence

26  
27 **CALL TO ORDER**

28 Chairman Edward Almeida called the meeting to order at 7:25 p.m. Mr. John Miller was  
29 appointed a voting member for this meeting.

30  
31 **1. Presentation – S Wagner on Maximum Impervious Surface Model Ordinance  
32 and Low Impact Development Guidebook**

33 Mr. Wagner handed out the following to members of the Board:

- 34 ○ Copy of his presentation slides  
35 ○ Guidebook on Low Impact Development (LID), produced by the Nashua  
36 Regional Planning Commission (NRPC)  
37 ○ Model ordinance for maximum impervious surface zoning.

38 Mr. Miller confirmed with Mr. Wagner the guidebook had been put together by grant  
39 money (604B) which is available to the NRPC for assisting towns in the region.

40  
41 Mr. Wagner then went through his presentation which covered the following areas:

- 42 ○ Background information on the purpose of the LID guidebook and model  
43 ordinance  
44 ○ The guidebook is designed to be a companion to the model ordinance, and both  
45 documents are also designed to stand alone and work independently of each  
46 other.

- 1     ○ Both documents support a priority Corridor Management recommendation as
- 2     contained in the Lower Merrimack River Corridor Management Plan
- 3     ○ In combination the documents allow for municipal flexibility in the approach to
- 4     storm water management and impervious surface issues and the municipality can
- 5     simply use the guidebook to help instruct developers, or it can enact the
- 6     ordinance
- 7     ○ A definition of Low Impact Development and what it is designed to do (i.e.
- 8     mimic pre-development conditions)
- 9     ○ The barriers to using LID technologies, and the fact the new regulations do not
- 10    allow for diversity of these at times.
- 11    ○ A description of six LID systems (bioretention, green roofs, porous pavement,
- 12    rain barrels, rain gardens, tree box filters)
- 13    ○ The format of each LID module (description of system, specifications, site
- 14    suitability, maintenance needs, cost considerations – both initial and long term)

15  
16    Mr. Wagner reviewed the contents of the LID guidebook, stating that traditional  
17    storm sewer infrastructure (i.e. catch basins) is being replaced by LID (i.e. infiltration  
18    basins, green roofs etc) to help keep storm water on site. He explained this helps with  
19    conservation and minimizes development impact. In reviewing the various LID  
20    systems he talked specifically about tree box filters, explaining this is a system for  
21    catching silt and letting rain water infiltrate. Referring to the impervious surface  
22    model ordinance, Mr. Wagner reported impervious surface has been linked to water  
23    quality problems. He provided examples of sites with pervious and impervious  
24    surfaces and explained impervious surface increases pollutant load and peak flood  
25    flows, and decreases stream channel stability and infiltration rates. He then talked  
26    about the effects which can be seen at various percentage levels of impervious  
27    surfaces, stating the closer to the watershed the more impact it has. He talked about  
28    the appropriate circumstances and context for use, stating the town would want  
29    developers to come up with a system to control storm water and keep it on site. Mr.  
30    Wagner stated there is flexibility in the ordinance, and he talked about the major  
31    requirements and options. He stated the Board as they look at the ordinance should  
32    be thinking of it as a more complete document and how the Town may use portions of  
33    it or consider adopting the entire thing with some minor modifications. He suggested  
34    the Board may wish to discuss the guide book in detail at this point.

35  
36    ***Discussion:***

37    Mr. Miller asked what other communities are looking at implementing something  
38    similar, and Mr. Wagner responded he thought municipalities such as Manchester  
39    already have LID built their ordinances. He gave an example of Pennichuck Square  
40    on Route 101-A where they are using a variety of LID systems to retain 90% or more  
41    of storm water on site. He stated these systems are appealing to look at and are not  
42    really noticeable.

43  
44    Mr. Wagner reported the guidebook will help when working with developers and the  
45    ordinance is very complete and may be more than required. He reported it also

1 contains good suggestions and ideas and the Board may wish to talk about what they  
2 are interested in adopting.

3  
4 Ms. McKibben suggested the Town could incorporate more porous pavers than it  
5 does and could even use them for driveways. Mr. Wagner provided examples of  
6 areas which use pervious pavement, stating there is also cement which can be used.  
7 He reported these hold up in winter better than people think and do not have much  
8 effect on infiltration, though vacuuming is a requirement and an additional cost. He  
9 stated the pervious pavement also requires significantly more base as it is more  
10 brittle. He stressed these protect the environment and are worthwhile in the long run.  
11 He also mentioned green roofs can have a lot of benefit and infiltrating catch basins  
12 are a good idea.

13  
14 Responding to a query from Mr. Miller whether the ordinance should make it a  
15 requirement that the developer should incorporate LID, Mr. Wagner talked about  
16 some of the options provided in the ordinance, such as using a combination of LID  
17 and traditional or requiring that developers need to justify why they are unable to use  
18 LID. He pointed out it is possible to have a blended system, and the Town may wish  
19 to set some base threshold such as ‘anything within a ¼ mile of the river should have  
20 an LID system’. Mr. Wagner agreed to e-mail a CD of the information to members of  
21 the Board.

22 ***Action: Mr. Wagner***

23  
24 Mr. Curtis asked whether there was a system for awarding points to LEED designs,  
25 and Mr. Wagner stated such a system does not exist but that it is a good idea. There  
26 followed a discussion with Messrs. Byron and Curtis providing input and examples.  
27 Mr. Wagner referred to an article he had read which pointed out the difficulties which  
28 can occur if a Town requires LID certification, due to legal implications of making  
29 certification mandatory. He stressed that anything a town can do to ‘green’ buildings  
30 is good for cost savings and the environment itself.

31  
32 Mr. Miller queried what position is taken in the Town’s Master Plan relative to LID,  
33 stating the Board needs to ensure that before implementing policies put out by other  
34 bodies, the decisions made are governed by whatever is in the Town’s plan. There  
35 followed a discussion relative to the types of areas/concepts the Master Plan  
36 addresses, and Mr. Miller suggested it may need to be updated as it was put together  
37 in 2002. There followed a discussion relative to possible revision of the Master Plan  
38 relative to ensuring it would support and compliment any ordinances which the Town  
39 may wish to implement in future. Mr. Miller clarified he meant that ordinances  
40 should refer back to the Master Plan.

41  
42 Mr. Wagner pointed out a typographical error on page 6 of the model ordinance  
43 document, item 5, last line – the word ‘ate’ should read ‘rate’. He left copies of the  
44 material handed out for the Board members not in attendance.

1 **2. Discussion of Zoning on Map 2, Lot 88**

2 Ms. McKibben showed the area of Rolling Acres IV on a map, stating it is the parcel  
3 of land marked in pink. Mr. Almeida reviewed the discussion relative to this parcel  
4 of land from the last meeting for the benefit of those members who had been unable  
5 to attend. He clarified with Ms. McKibben the Town had received the check and this  
6 has cleared. Mr. Almeida stated Andy Prolman had talked about re-zoning of Map  
7 2; lot 88 from industrial/commercial to residential, stating Mr. Prolman had offered  
8 compelling reasons to the Board for doing this. He stated the most compelling  
9 reason for the re-zoning is that it is not an ideal site for commercial development.  
10 Mr. Wagner clarified Mr. Prolman was scheduled to appear before the Board at their  
11 December 1<sup>st</sup> meeting and he reported he had informed Mr. Prolman the Board could  
12 not support a petitioned article, but that Mr. Prolman felt it would have to be  
13 endorsed by the Board if a petition warrant had any chance of passing. Mr. Byron  
14 pointed out a prior attempt at re-zoning an area in town had not passed. Mr. Almeida  
15 reported Mr. Prolman was to come back to the Board with a status update on the  
16 project asked if the Board would move the matter forward.

17  
18 There followed a discussion for clarification on what information the Board had  
19 requested from Mr. Prolman relative to design if the parcel were re-zoned and Mr.  
20 Wagner provided information for Mr. Miller about the discussion at the previous  
21 meeting.

22  
23 There followed a discussion between the members about the advantages to the owner  
24 of re-zoning the area and whether it would make sense for the plan and Town. There  
25 followed a discussion about the possible considerations for use of the parcel. Mr.  
26 Wagner stated the Board may wish to think about implementing a phasing ordinance  
27 which is permitted under the statutes, but that it would need to take legal advice on  
28 how it should be structured. He provided examples of places which have a phasing  
29 ordinance, and Mr. Byron pointed out the Town has used this in the past in the north  
30 of Town.

31  
32 Mr. Wagner Steve handed out two copies of examples of town ordinances relative to  
33 Workforce housing which he had taken from the Office of Energy & Planning web  
34 site for the Board to peruse. Mr. Almeida stated the Board should look at how to  
35 address this in Litchfield. Mr. Wagner pointed out there would need to be public  
36 hearings for education and it was his opinion the Town would want to set a district  
37 for Multi-family units of five or greater. The members discussed the possible  
38 location of such a district and things which the Board would need to consider.

39  
40 Mr. Wagner pointed out the Board needs to make decisions on what it wants to move  
41 forward on due to the requirement on timing of public hearings, stating it would need  
42 to have something ready on its December 1 or 15 meeting. Mr. Almeida stated the  
43 Board would need to provide Mr. Prolman with a decision.

44  
45 There followed a discussion relative to the number of acres to be re-zoned, the  
46 percentage of wet land and the maximum number of units which could be built. Ms.

1 McKibben mentioned Mr. Wagner's ideas relative to playing fields and there was a  
2 discussion relative to what developer has approval for currently and whether current  
3 zoning is hampering the developer. A discussion took place between Messrs.  
4 Almeida and Wagner relative to what the developer could be done together with  
5 conservation land. Mr. Miller suggested the Board needs to look at the Master Plan  
6 to see what the intent of this is before making a decision on this area. Mr. Wagner  
7 put forward several suggestions relative to mixed use within the district and the  
8 advantages to the Town. There was further discussion about the major roads in town  
9 and access, as well as the impact on the infrastructure of the town of both more  
10 residential and commercial development. Mr. Byron suggested going back to the  
11 original plan to ascertain what the rationale was for laying it out as it is currently.  
12 Mr. Almeida stated he felt some of the Board members not currently in attendance  
13 would like to weigh in on the decision.  
14

15 Mr. Wagner queried what else the Board wished to cover at this meeting. He  
16 clarified for Mr. Almeida other information he had brought in case the Board wished  
17 to discuss these items which included information relative to Accessory Dwelling  
18 Units (ADUs), agriculture and long range looking at whether the Board would want  
19 some sort of overlay district along the Route 3A corridor which would allow more  
20 flexibility in agricultural related commercial zoning. He mentioned some of the  
21 things the Board may wish to consider relative to these subjects. Mr. Almeida  
22 suggested they take a look at ADUs.  
23

24 Mr. Wagner handed out information from the Office of Energy & Planning (OEP)  
25 relative to multi-family or accessory dwelling units, stating the OEP prefer not to  
26 keep them familial. He talked about the OEP recommendations for accessory units  
27 and requirements set by other municipalities. He also handed out the following  
28 material for the Board's reference:

- 29 ○ An example of an accessory dwelling units zoning ordinance he had worked on  
30 for Litchfield
- 31 ○ The ADU zoning ordinance for both the Town of Hollis and the Town of Bow
- 32 ○ A copy of e-mail correspondence between himself and Kevin Lynch dated  
33 October 6, 2010 which outlines a scenario for Litchfield relative to ADUs and  
34 Workforce housing

35 He pointed out a scenario that units could qualify for Workforce housing which has a  
36 size restriction.  
37

38 ***Discussion:***

39 Mr. Byron asked about soil standards for handling leach fields and there followed a  
40 discussion relative to whether soil standards have already been set up.  
41

42 Referring to the Bow ordinance, Ms. McKibben enquired about older properties and  
43 how they would go about proving their septic could handle additional persons. Mr.  
44 Wagner stated the burden of proof would be on the current property owner if the  
45 original paperwork was not available and it was suggested there could be a request  
46 for proof of pumping a septic system every two years as part of the renewal

1 procedure. Mr. Wagner reported he thought it would be possible to implement an  
2 ADU zoning ordinance this year as it would not be difficult and having one in place  
3 would be helpful if someone challenged the availability of Workforce housing. He  
4 pointed out the Master Plan pushes for diversity in housing. He agreed to do further  
5 research into an ordinance for Litchfield.

6  
7 There was further discussion relative to the examples handed out by Mr. Wagner and  
8 the implications of ADUs. The Board discussed some of the scenarios which people  
9 could come forward with and whether these would be acceptable. Mr. Wagner stated  
10 it would be important to have an amnesty to allow those properties who are not  
11 currently in compliance to become compliant. The discussion also covered how such  
12 an ordinance might help or hinder Mr. Lynch. Mr. Wagner requested direction from  
13 the Board on how it wished to proceed on this matter and he would begin to put a  
14 draft together.

15  
16 Mr. Almeida stated he would like to know if the ordinance would satisfy the  
17 requirement for Workforce housing. Mr. Wagner pointed out a cost containment  
18 clause would be needed (i.e. an affordability covenant).

19  
20 Mr. Miller raised the issue of whether other towns have guidelines/restrictions  
21 relative to size of the original dwelling if they want to add a detached accessory unit,  
22 and there followed a discussion about things to consider, such as parking and septic  
23 size, and whether the Town might need to put some restrictions in place.

24  
25 In response to a query from Mr. Miller about requirements relative to public safety,  
26 Ms. McKibben confirmed egress points would need to be considered and Mr.  
27 Wagner mentioned fire standards as a consideration. Mr. Wagner stated he would  
28 investigate whether ADUs could work for Workforce housing.

29 ***Action: Mr. Wagner***

30  
31 Mr. Wagner asked whether the Board had any action points for him. There was  
32 discussion of the points included in the example ordinances handed out by Mr.  
33 Wagner, as well as those points the members felt should be covered in Mr. Wagner's  
34 draft of a Litchfield ADU ordinance as follows.

35  
36 There was a discussion on whether a separate entrance should be mandatory.  
37 Mr. Almeida suggested using Bow as a basis for putting together Litchfield's  
38 ordinance, adding requirements for parking and possibly a separate entrance. Mr.  
39 Byron stated he thought the requirement in Hollis that a licensed septic engineer  
40 should sign off on the adequacy of the septic was a good idea. There was also a  
41 discussion relative to verifying an existing system works and how this could be  
42 achieved.

43  
44 Mr. Curtis raised an issue about homes with well water and whether they are sized to  
45 the house. There was a discussion about possibly having requirements relative to  
46 water, as well as ensuring utilities can cope with an ADU.

1  
2 Mr. Almeida clarified the areas which Mr. Wagner should consider in developing an  
3 ordinance for the Town.  
4

5 In response to a query from Mr. Wagner regarding whether the Board want to  
6 include restrictions on size, Mr. Almeida suggested to stay with a maximum of 800  
7 sq. ft. with the maximum never more than 30% of the principal dwelling unit. There  
8 was also a discussion on whether they might wish to restrict height and how such a  
9 restriction could be enforced. Mr. Almeida confirmed they would want to specify  
10 water requirements.  
11

12 In response to a query from Mr. Wagner relative to a direction from the Board on the  
13 5 + family units, there was a discussion about the prior feeling of the Town relative  
14 to this and whether it would be necessary to educate residents due to changes in  
15 definitions which has taken place recently. Mr. Wagner posed questions about what  
16 standards and restrictions the Board would put in place, and provided his opinion  
17 relative to Workforce housing.  
18

19 Mr. Wagner agreed to send an e-mail to the Board relative to ITRAC zoning change  
20 updates.

21 *Action: Mr. Wagner*  
22

23 **3. Any Other Business**

24 **a) Approval of Minutes**

25 Ms. McKibben handed out previously approved minutes to Mr. Byron which  
26 required his sign off. Mr. Almeida agreed approval of the November 9, 2010  
27 minutes should be deferred until the next meeting.  
28

29 **b) Correspondence**

30 Ms. McKibben handed out invoices to Mr. Almeida for his authorization.  
31

32 **c)** Ms. McKibben provided Mr. Almeida with an application she had received for  
33 membership on the Board. Mr. Almeida requested Ms. McKibben investigate  
34 whether a third alternate position would be permitted.  
35

36 **d)** There was a brief discussion relative to Mr. Almeida continuing as Chairman of  
37 the Board due to other commitments he has.  
38

39 **MOTION:** by Mr. Almeida

40 ***Move to adjourn the meeting***

41 **SECOND:** Mr. Curtis

42 **VOTE:** 4-0-0

43 There being no further business before the Board, the meeting adjourned at 9:07 p.m.  
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Edward Almeida, Chairman

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Frank Byron, Selectman

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Bob Curtis

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John Miller

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