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**LITCHFIELD PLANNING BOARD  
MAY 4, 2010**

**Minutes Approved 6/1/10**

**Members present:**

- Alison Douglas, Chairman
- Edward Almeida
- Leon Barry
- Frank Byron, Selectmen’s Representative

**Members not present:**

- Jayson Brennen, Clerk
- Carlos Fuertes
- John Miller, Alternate

**Also present:**

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider
- Lou Caron, L.C. Engineering

**AGENDA**

**1. GRACE FREE PRESBYTARIAN CHURCH, 11 Colby Road, Tax Map 20 Lot 28. The applicant is proposing a 6,623 sq. ft. addition to the existing building including a 264 seat sanctuary in the northern commercial district.**

**2. T-MOBILE Northeast LLC (the applicant) is requesting site plan review and approval to install, operate, and maintain a wireless communications facility on a 140 foot unipole tower at a site owned by Tabernacle Baptist Church Map 2 Lot 29, 240 Derry Road, Litchfield, N.H. in highway commercial district.**

**3. ROLLING ACRES III & IV**

**ANY OTHER BUSINESS**

**Minutes: 3/20/2010 and 4/6/2010**

**Correspondence**

Chairman Douglas called the meeting to order at 7:38 p.m.

**1. GRACE FREE PRESBYTERIAN CHURCH**

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Present: David Jordan SF Engineering, Pastor David McClelland and Claude Gentilhomme (Architect). There were no abutters present. Application acceptance was approved on April 20, 2010.

**Site Plan Review** - Mr. David Jordan came forward to say the site at 11 Colby Road consisting of 3.7 acres, the applicant is proposing a 6,623 sq. ft. addition to the existing church. The dwelling on the property will be removed. There would be a 264 seat sanctuary. They are proposing additional parking spaces. Mr. Jordan further stated that the site was designed to try to retain the existing paved surface around the building so a U-shaped parking area around the building to allow for 80 vehicles. The driveway entrance will be widened to 24 feet but its location will stay the same.

The parking lot pitches towards the front and they have designed a storm water detention area at the northwest corner of the property...there is mostly open field and they propose to dig that out and put in a detention basin to collect runoff from the parking lot and the roof of the existing building and the addition, and water would move slowly off site to a drainage system on Colby Road.

The only permit required from the State is a septic system approval of which they have received so a new septic would be installed on the north side of the church, front side, and sized to accommodate the flow from the entire building. They have provided a landscaping plan to enhance the parking and buffers along the building using a variety of trees, shrubs and ground covers to achieve a high quality low maintenance plan.

Mr. Wagner went over his notes. They did add the aquifer district to the plan; waiting for Conservation Commission comments; description of the easement has been enhanced with book and page; they updated the flood hazard statement to conform to the new amended flood hazard maps; listed road impact fees; and the typo on the storm water report was corrected.

As to fire protection, there is an agreement between the fire department and the applicant that needs to be reached regarding the fire alarm system. Mr. Wagner said that his comment about a firewall being installed has to do with the inspector and it is a containment wall not a firewall. Chief Schofield had no issue with not producing another water supply as long as he is satisfied with the alarm system.

Lou Caron went over his letter dated April 28, 2010. As to drainage, there was a comment about a new easement and the language should be acceptable to the Town Attorney and laid out on the plan. Mr. Wagner added that they should also list on the plan the septic approval, the waivers and any other approvals. Mr. Caron continued...the dimensions for the parking lot aisle width needs to be added. Also the applicant needs to add specification for the gradation of the proposed stone filter/drip to be placed under the roof overhang of the proposed building. They did add the luminaries for the light. The

1 existing light is to be removed so a note should be added to the plan stating that once new  
2 lights are installed, the existing lights would be removed.

3  
4 Mr. Caron had a concern with the lack of strong water quality treatment. Mr. Caron:  
5 Essentially, it is a detention basin so water flows in from the site, fills up to a certain  
6 elevation and controls how much water actually leaves that pond. So, the peak flow for  
7 a 25 year storm will be less than what is there today going into that catch basin on the  
8 abutting property. There is a slight increase in the two-year storm event...but it is not  
9 significant. I am concerned with water treatment...it is nice to be able to detain the water  
10 for that first wash which is the first ten or fifteen minutes, the rain event whatever  
11 nasties you have in the parking lot that washed in the basin.

12  
13 Mr. Caron suggested lowering the bottom of the basin about 6 inches and that would  
14 provide a little bit of a storage where the water could sit there and the nasty stuff settles  
15 out. Mr. Jordan said he had discussed it with Mr. Caron and they agree they would dig it  
16 out and that will provide the water quality volume that addresses the quality issue but he  
17 had not made the changes on the plan.

18  
19 **Drainage** - Mr. Caron: The calculation with drainage, there are just a couple of tests pits  
20 that were done and in looking at it from the standpoint of trying to get infiltration, ground  
21 water recharge, there was not enough depth between where the seasonal high water table  
22 is to the bottom of any recharge basin. So, it is not a good site to do that. The other issue  
23 is water today, I went down there during a heavy rain storm, water collects in the front  
24 yard...it does not go across Colby Road but rather builds up, again probably only in  
25 springtime, it builds up to a point and goes over the top of the driveway towards the  
26 detention basin and what was added to the plan was some matting and regrading to direct  
27 the water in the basin when the water came down slope it was not going to wash it out.  
28 But that condition of the water going over the driveway won't change...they are not  
29 proposing to change the driveway or add additional catch basins to drain that area.  
30 It is an inconvenience during storm events. I just wanted to make you aware of that.

31  
32 Chairman Douglas read a letter from an abutter, Mr. Douglas Nicoll, 44 Robyn Avenue.  
33 He mentions that the parking lot lights shine into his yard and suggests that shrubs are  
34 planted at the top of the hill and motion sensors or a timer installed.

35  
36 **Lighting poles** - Talk went on as to the height of the lighting poles proposed which is 24  
37 feet. It was said that normally the height is 16 feet. Mr. Jordan explained by changing to  
38 this different style would be an improvement but the applicant is willing to work with the  
39 abutters. As to shrubs on top of the hill, they are proposing white pines and they can  
40 relocate them up higher. Mr. Caron said white pines grow fast and are too dense and  
41 suggested another combination. He said that there are two lights that might affect the  
42 abutters and suggested they be lowered to 16 foot height. Mr. Byron suggested putting  
43 some type of baffle on the edge of the light to prevent it from shining on the abutters'  
44 property, a shield. Mr. Jordan said they would make sure that this is specified. As to the  
45 16 feet, he agreed that is a reasonable request and they would look at that.

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Mr. Barry asked if they lower the catch basin, is there a matting put down to stop things going into the basin.

Mr. Caron: If they lower the entire basin, it is a detention basin not catch basin, any sediment that comes out will be collected in the catch basins before it gets to the detention basin for this location and size. I would not expect a problem with sediment.

Mr. Barry questioned the rain coming off the roof and if it is going to come across the parking lot or be caught through the ground with piping. Mr. Jordan: Below the drip line on the roof for the addition we are proposing a crush stone strip. The water will come off the roof and go into the crush stone and beneath that there is a foundation, footing drain. The roof runoff will have no opportunity to infiltrate into the ground but there may be an opportunity for that roof runoff to make it all the way down to the foundation drain as Lou indicated in which case it would then be captured. The foundation drain is tied into our storm drain system so essentially we have a pipe connecting our footing drain to the catch basin so the runoff from the roof will not simply be running over ground. First thing it is going to do is get into the stone, soak into the ground and if it doesn't just disperse away from the building on its own, it could be captured by the foundation drain.

Mr. Caron: They had assumed that the water would just go down the drip strip and disappear. In looking up the DDS guidelines...drift edges are an accepted best management practice for roof water but however not over a foundation drain. If you are going to do this, you cannot ignore that water from your drainage calculation because they zeroed it out. What I would have preferred to see is roof gutters and infiltrators in the roof gutters.

Mr. Barry asked if roof gutters are an advantage. Mr. Caron: It is an advantage to the aquifer because it takes a load off of the detention system and drainage system. You are recharging the aquifer...roof water is clean water. It is nice to be able to collect it and put it back in the ground.

Mr. Barry: Is it better to recycle the water?

Mr. Gentilhomme (Architect) commented that from his point of view the water coming off the roof has the opportunity to go into the aquifer if it is being taken away by the foundation drain. His concern about gutters is that they do not hold up in the winter time when there is a lot of ice building up...that is why a lot of buildings do not have gutters. "If we collect that water below the surface and channel it over to a dry well, that would do the same purpose...maybe a matter of doing a French drain within a foot or so foot and a half of grade and then we have a foundation drain down below and pickup anything from down there. Maybe that could be a compromise...maybe the Board can charge us to deal with it aggressively".

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1 Mr. Caron: I do not have a preference from one methodology over another but rather the  
2 concept - you have clean water and put it back into the water table.

3  
4 This would be detailed in the plan.

5  
6 Mr. Jordan: You could charge us to keep our roof runoff on site. The applicant would  
7 have to approve this.

8  
9 Mr. Caron: As long as there is a detail on the plan.

10  
11 Mr. Byron asked regarding the paved area around the building if that been reviewed by  
12 the Fire Department as far as getting the equipment in there. Mr. Jordan: Yes, that was  
13 addressed in his memo.

14  
15 Chairman Douglas opened the meeting to public comment. There was no public  
16 comment. Chairman closed public session. The Board will do a site walk on Wednesday,  
17 May 12, 2010, at 6:00 p.m. Mr. Caron will also attend the site walk.

18  
19 Items needed for approval: A revised set of plans; a new easement language for the  
20 Planning Board and Town Counsel to review; add a note regarding once new lights are  
21 installed that the existing lights would be removed; and for water quality treatment to  
22 lower basin 6 inches; come back with revisions for downcast lighting with shield and 16  
23 foot poles on abutters' side; and detailed roof runoff showing it would remain on site.

24  
25 The memo from the Fire department dated March 30, 2010 was reviewed. Mr. Wagner  
26 said that Kevin Lynch is dealing with the State code issue. Chief Schofield had said the  
27 issue of water supply was not a deal breaker because they have the fire containment walls  
28 to slow fire down and if they had a state of the art fire alarm system, he would be happy  
29 with that. They still have to meet with the Conservation Commission.

30  
31 Item 8 of Chief Schofield's letter: The front drive through the protoco, which has 10 feet  
32 of height clearance also, has 15 feet of drive path width. That should be enough for an  
33 ambulance to drive under it. You will not be able to drive an engine under it. Also, the  
34 scale found on sheet A3.2 is incorrect and should read 1/8" not 3/16 to 1.0'.

35  
36 Mr. Barry **MOTIONED** to continue the application for Grace Free until June 1, 2010, at  
37 Town Hall. Mr. Almeida seconded. Motion carried 4-0-0.

38  
39 **2. T-MOBILE - Wireless Communication**

40  
41 Chairman Douglas explained to those present the application and site plan approval  
42 process.

43

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1 Jason Ellis, Attorney with Prince Lobel and Dinesh Dasani, RF Engineer with T-Mobile  
2 USA, were present to talk about a site plan for locating a Wireless Communications  
3 Facility on a site leased by Tabernacle Church to Omnipoint  
4  
5

6 Communications, Inc. (a wholly owned subsidiary of T-Mobile). There were four  
7 abutters present. All fees have been paid and abutters notified. Mr. Wagner explained that  
8 he was not involved with the application review and that there are a lot of items missing.  
9 One item is the telecommunications regulations although Att. Ellis said he is aware of the  
10 regulations Section 165.01. He was told that that they needed an evaluation that they  
11 meet the National Environmental Policy Act (NEPA) in writing - an inventory of towers  
12 in the area, written evidence demonstrating they have an agreement with the Town. The  
13 viewshed would be reviewed later. Mr. Wagner asked that they address what they have  
14 submitted and why some of these issues in Section 165.01, a, b, c, d, e, f, and g have not  
15 been submitted in writing.  
16

17 Att. Ellis: Typically the applicant likes to come to the hearing first to see what exactly is  
18 going to be required. There are regulations and a lot of time they are waived...getting to  
19 the process to see what town or city is going to require and then they would certainly do  
20 that. For instance, for the viewshed you could ask for photo simulations, balloon tests, I  
21 do not want to guess what you need...I just want to make sure I know what you want  
22 before I go ahead and do that.  
23

24 **Section 165.01 a.** They did add those to the plans. **b. Written proof that the proposed**  
25 **use complies with FCC regulations on radio frequency exposure.** Att. Ellis: We  
26 provided FCC license for this region for this applicant. As far as exposure, they will  
27 comply...we can give you a letter stating that they will comply. I am not sure what the  
28 intent of that is.  
29

30 Mr. Wagner: There was a FCC document but I think it was a placeholder but not an  
31 actual license.  
32

33 Att. Ellis: It actually was a copy of the license for this region.  
34

35 Mr. Byron: That is an operator's license; that has nothing to do with exposure.  
36

37 Att. Ellis: There is no license issued. There is the FCC that says you have to operate  
38 within these particular guidelines which this carrier does - they operate all over the  
39 country. I can give you a certification that says we have radio frequency that says they  
40 do operate within those parameters.  
41

42 Mr. Byron: It says we are required to obtain from you written proof that the proposed use  
43 facility abides with the FCC regulations on the radio frequency exposure guidelines.  
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45 Att. Ellis: And I am just asking you what form do you want that?

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Mr. Byron: Looking for some type of analysis from a registered engineer who may understand this type of program that says yes the exposure or the generation of radio signals from this tower are not going to violate any emissions strength signals requirements...

Mr. Wagner: A manufacturer's specification.

Att. Ellis: That is in the plans; that which is distinct from a third party report regarding emissions which I can ask my client if they are willing to provide - they usually do. Is that what you would prefer?

Mrs. Douglas: Yes.

**c. Written proof an evaluation has taken place.** Mr. Wagner: Again, the regulations require written proof. There are a number of statements in the application document but they just need to be backed up.

Att. Ellis: As soon as the NEPA is completed, we can provide that.

**d. An inventory of existing towers that are within the jurisdiction of the Town, 2 miles within the border of the Town including specification information about the location, height...** Mr. Wagner: This one there is room to compromise because the technology has changed where the distance between towers is shorter for this technology but I question what the closest towers are in proximity to this and what availability there is and whether it will cover any part of the gap that you have.

Att. Ellis: We can speak to that this evening; we brought maps...there are no existing sites in Litchfield for this carrier and there is nothing within 2 miles of the site but I would be glad to verify that as well. Believe me the applicant wants to co-locate; it is much cheaper for them to co-locate. I can tell you this carrier does not have any towers in the Town of Litchfield.

Talk ensued. Mr. Byron: You are obligated to come before the Board and talk about the towers that exist in the Town as well as those towers that exists within 2 miles of the borders of this Town that you potentially could consider for co-location.

Att. Ellis: We can certainly do that. We can come with a map of existing structures and show you they are not near this coverage gap.

Att. Ellis further indicated that there is a distinction between towers and wireless communication sites. "We do not know where every carrier locates their sites. We do know where these co-locatable towers are so that is what we would be able to show you...we can't tell you exactly where AT&T has their networks...but we will be able to show you existing co-locatable towers.

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2 e. This item is dependent on item d.  
3  
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5 f. Mr. Wagner said that this item is an approval process that they guarantee that they  
6 offer the maximum co-location capability on their tower. On the plan they propose a  
7 140 feet high tower depending on the frequency of possible co-locators, something about  
8 10 feet apart and 20 feet apart. So, in the agreement we want to make sure that they leave  
9 the optimum space to get the most carriers on the towers as possible and we want that in  
10 writing is what the regulation is asking.  
11

12 g. The viewshed is something at the Board's discretion typically and it is not done before  
13 acceptance of the application. That is something that we need to schedule, post and  
14 abutters are aware to look out for the test.  
15

16 h. The application is going to handle this item with the maps.  
17

18 Mr. Wagner: As far as the telecommunication ordinance in Town, they seem to have  
19 everything in order. The only question I would have is as part of the purpose and intent  
20 we are trying to have the least conspicuous location for these towers and still meet the  
21 requirements to fill the dead zone and I also believe in the FCC regulations it does not  
22 guarantee perfect seamless coverage, it is just a reasonable coverage. So, if there was a  
23 location nearby that was more remote, it might be something we would ask had they  
24 considered and had they been refused an opportunity for a lease...My only concern on  
25 this site...is the proximity of the tower to the classroom and church and the unlikelihood  
26 event it might collapse. Typically, a lot of ordinances have a fall zone requirement. I do  
27 not believe ours specifically calls it out. We would want to be as far as possible and just  
28 to verify that this is the best location.  
29

30 Att. Ellis: A number of these things are typically conditions for approval like the NEPA  
31 and we won't have the NEPA...it is not an issue, it can be provided.  
32

33 **Regional Impact** - The Board discussed if whether or not the site is considered of  
34 regional impact. There are two aspects of regional impact: 1. Visual impact to  
35 communities and notices were sent to communities within 20 miles. The Board needs to  
36 make a determination if the project is of regional impact. Mr. Wagner said he believes the  
37 only impact would be visual. It does not meet the definition of regional impact. Mr.  
38 Byron agreed with Mr. Wagner and the only thing he could see is the height of the tower  
39 and the view but he is not certain that would be considered a regional impact. There will  
40 be no lights on the tower.  
41

42 Mr. Barry pointed out that the tower is higher than the trees. To this, Attorney Ellis  
43 responded that it has to get above the trees in order to provide coverage. It is a balance  
44 and what you are balancing is the need to build facilities that you can co-locate and put  
45 multiple carriers so you don't have towers every mile with one carrier on it. RSA36:57



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1 lays out the requirements regarding regional impact. Talk ensued. There will be no  
2 impact on the aquifer. It was asked if the tower would have an impact on a neighbor BAE  
3 Systems. Mr. Dasani: Their frequencies are different. Everything operates in a license  
4  
5 ban so we can only operate in a ban that we are licensed for and the same goes with them  
6 so there is no difference. They purchase this particular ban with that license...they won't  
7 interfere.

8  
9 Mr. Byron **MOTIONED** that the finding of the Litchfield Planning Board is that the  
10 proposed site plan for Tabernacle T-Mobile Tower Case #1005 LIT SP M2-L29 does  
11 not have a regional impact. Mrs. Douglas seconded. Motion carried 4-0-0.

12  
13 **Waivers** - The applicant has requested two waivers. Mr. Wagner said that he has no  
14 issues with the requests. They are asking for waivers from 120.1 (a) and (c) which is  
15 traffic analysis because they are not generating any traffic and an internal circulation  
16 plan. On the internal circulation plan there is some delineation of the access way, the  
17 way the parking lot is laid out you probably want to discuss that in the approval process  
18 but he does not see any need for a study. The waivers are not in writing. He does not have  
19 a request for waiver in Section 165.01.

20  
21 165.32 Mr. Byron pointed out that this section states failure to request in writing shall  
22 require an automatic denial.

23  
24 Att. Ellis: It is not necessarily that we are requesting waivers, we just wanted to get  
25 before you to see what exactly you would request and the best format in which to submit.  
26 Typically, these are all good issues to discuss but they are discussed during the  
27 process...typically, they take the application and say this is what we want to see and this  
28 is how we want you to present it to us; come back next time.

29  
30 Attorney Ellis said he "was looking for application acceptance, to hear us and I was  
31 hoping that you would say what we want to see is an admissions report which certifies T-  
32 Mobile complies with FCC guidelines then I would get a consultant. What I would have  
33 done by the letter of the by-law is given you a letter that says we will comply, which we  
34 will, but if you want it from an independent consultant, I have to go back to my client, the  
35 applicant...hire the guy we always hire who will analyze this particular site and say this  
36 complies and give you a specific report that it complies with all the FCC requirements  
37 and then a balloon test...that is usually part of the approval process".

38  
39 Mr. Wagner: I think there is an interpretation issue between the Board and the applicant  
40 as to submission requirements and when that happens. I think we are tied by the statutes  
41 RSA676:4 and our own regulations that say complete submission is needed for the Board  
42 to accept and conditional approvals can only be for administrative issues not concrete  
43 items that are debatable...

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1 Mr. Byron: Under New Hampshire statutes we are required to go through a two-part  
2 process...to accept and to accept an application under State law we are required to certify  
3 that all the information required for us to make a decision is there. We spell out both  
4 under the site plan regulations which you asked for a waiver on and we also spell out  
5  
6 under the telecommunications section those things we require to be there. We do not have  
7 those from you and to me that is a problem...my concern is we do not have sufficient  
8 information to make a decision on the completeness of your application. Normally, when  
9 people come before the Board what they do is work with someone like Mr. Wagner and  
10 go through what is required and then try to get that assembled so they can come before  
11 the Board as a complete application.

12  
13 Attorney Ellis said that they worked with Kevin Lynch. Talk ensued.

14  
15 Chairman Douglas: We do not have what we need to complete this application process.  
16 She suggested they get together with Mr. Wagner and he can walk them through the  
17 process. They could withdraw without prejudice or the Board could table this. It wasn't  
18 certain whether or not it could be tabled. This was discussed.

19  
20 Chairman opened the meeting to public comment.

21  
22 Mrs. Susan Powers, 10 Cutler Road, said that she has personally in 6 years never lost  
23 service in the area, she has always had service in her house all the way down Cutler  
24 Road. She said that she did a search for mobile cell towers and there are two within a  
25 two mile radius. There is one in Londonderry and one at the end of 102 in Hudson. "I am  
26 not comfortable having a cell tower in my back yard. Basically, I am wondering what  
27 will happen with the strip of land between my own land and Mrs. Maslanka's because  
28 that is also owned by the church and could possibly be an access road to this tower".

29  
30 Mr. Powers: As far as the application goes, he (Ellis) has the right to talk to everybody  
31 and walk them through it. Is there anybody I can talk to as a taxpayer, a selectman? Mr.  
32 Byron suggested if he wants to understand the regulations that he spends time with Mr.  
33 Wagner and also contact Selectman Steve Perry the former Planning Board Chairman.

34  
35 Mrs. Powers: 140 feet seems excessive when the tree line is 85 feet. I do not know what  
36 their plans are putting maybe more towers next to it...I do think it will be unsightly.

37  
38 Chairman Closed public session.

39  
40 Mr. Barry asked where the access to the tower is going to be. He was told through the  
41 parking lot behind the church.

42  
43 Mrs. Douglas: Do you know what you have to do for the next time you come in with an  
44 application? You have to address the ordinances and get with Mr. Wagner?

45

**Litchfield Planning Board**

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1 Chairman Douglas **MOTIONED** that we deny this application because of its  
2 incompleteness. Mr. Byron seconded. Motion carried 4-0-0.

3  
4 Items missing: Site plan regulations: Section 165.01 Submission Requirements for  
5  
6 Telecommunications Facilities a., b., c., d., f. and g. Written requests for waivers Section  
7 120.1 (a) and 120.1 (c). Mr. Almeida pointed out 165.31 that any request for waivers is  
8 in writing. Mr. Wagner: What I was reading in the application I construed to be a waiver  
9 requests their listing what they were going to ask for waivers so I guess they would have  
10 to submit a form as they did in the application with the section number and justification  
11 as to why.

12  
13 Mrs. Douglas: Is it clear?

14  
15 Att. Ellis: Yes. If you request a waiver in the application and then you come before you  
16 and then it is not granted, is the application then still deemed incomplete? It is the only  
17 form which you can get that determination; does that put you off again?

18  
19 Mr. Wagner: Traditionally, the application would be lacking something if they didn't  
20 provide the information we requested and so, yes, if a waiver were denied there would be  
21 a gap in the complete application.

22  
23 Mrs. Douglas: Couldn't you then accept the application conditionally that it is met?

24  
25 Att. Ellis: That is what I asked for tonight. Mrs. Douglas: There was way too much that  
26 was incomplete.

27  
28 Mr. Barry: Normally we work them out.

29  
30 Talk ensued. Mr. Wagner does not see why the Board wouldn't grant the waivers.

31  
32 Chairman: I am sorry there are just no guarantees and this is just how we are moving  
33 forward at this time.

34  
35 Mr. Byron: Is it clear in terms of which areas you didn't satisfy and you need to bring to  
36 the Board?

37  
38 Att. Ellis: Yes.

39  
40 All in all, a letter will be forwarded to the applicant per statute.

41  
42 **3. ROLLING ACRES III & IV**

43  
44 **NONPUBLIC SESSION**

**Litchfield Planning Board**

**May 4, 2010**

1 Mrs. Douglas **MOTIONED** to go into nonpublic session per RSA91-A:3II(c). Mr. Barry  
2 seconded. Roll call: Mr. Barry, yes; Mr. Almeida, yes; Mrs. Douglas, yes; Mr. Byron,  
3 yes. Motion carried 4-0-0.  
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6 Mr. Barry recused himself from the Board and left the room.  
7

8 Mr. Byron **MOTIONED** to come out of nonpublic session. Mr. Almeida seconded.  
9 Roll call: Mr. Almeida, yes; Mrs. Douglas, yes; Mr. Byron, yes. Motion carried 3-0-0.  
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11 Mrs. Douglas **MOTIONED** to keep the minutes nonpublic. Mr. Byron seconded.  
12 Motion carried 3-0-0.  
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14 Mr. Barry entered the meeting room, and recused himself.  
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16 **Rolling Acres III** - Mr. Byron **MOTIONED** that whereas Rolling Acres III Tax Map 2  
17 Lot 88 Cutler and Page LLC that the subdivision was approved subject to the express  
18 condition that no construction, including logging and clearing of the site, would take  
19 place until a subdivision road and public improvement performance bond was provided  
20 by Cutler & Page LLC to the Town to secure completion of road and other public  
21 improvements pursuant to NHRSA674:36(III). That the subdivision approval was also  
22 subject to the condition that all outstanding fees due to the Town in the amount of  
23 \$471.51 be paid to the Town. That as of April 30, 2010 such fees have not been paid to  
24 the Town. That a meeting of the Litchfield Planning Board on April 4, 2006 the Board  
25 approved the posting of a \$75,000.000 restoration bond by Cutler & Page LLC as a  
26 condition of permitting land clearing operations only at the site of the subdivision and  
27 that on and after April 4, 2006 land clearing activities were commenced by Cutler & Page  
28 LLC at the site of the subdivision but the Town did not receive the required Restoration  
29 Bond and that the failure of Cutler & Page to provide the restoration bond before  
30 commencing site clearing activities, and the failure to pay the fees due to the Town in the  
31 amount of \$471.51 constitutes material violations of the subdivision approval of the  
32 Litchfield Planning Board. Therefore, pursuant to NH RSA 676:4-a (I) (b) the Litchfield  
33 Planning Board therefore revokes approval of the Rolling Acres III Subdivision Plan  
34 HCRD Plan 34630. Mr. Almeida seconded. Motion carried 3-0-0.  
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36 A letter to the applicant will be forwarded stating to pay the money by June 15, 2010 and  
37 invite Mr. Manoukian to the meeting June 1, 2010. Mr. Almeida **MOTIONED** that the  
38 Board sends the letter notifying him (Mr. Manookian) of the outstanding amount  
39 \$7,444.22 owed to the Town. That we add the date and change action to be taken on the  
40 application and the date be changed from June 1<sup>st</sup> to June 15<sup>th</sup> and that the Planning  
41 Board meeting to be attended is June 1, 2010. Mrs. Douglas seconded. Motion carried 3-  
42 0-0. Mr. Barry returned to the Board.  
43

44 **ANY OTHER BUSINESS**  
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**Litchfield Planning Board**

**May 4, 2010**

1 **Minutes of Meeting** - Mrs. Douglas **MOTIONED** to approve the March 2, 2010,  
2 minutes. Mr. Byron seconded. Motion carried 3-0-1.

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6 Mrs. Douglas **MOTIONED** to accept the April 6, 2010 minutes as amended. Mr.  
7 Almeida seconded. Motion carried 4-0-0.

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9 **NRPC** - There will be an open reception on the Greater Nashua Workforce Housing  
10 Charrette to discuss the future of workforce housing. It will be held on June 5, 2010 from  
11 5:30 p.m. to 7:30 p.m. at the Community Club in Milford. The design charrette will  
12 feature a site located in Litchfield and Milford that would feature inclusionary  
13 development. Mr. Barry said he would attend the reception.

14

15 **Chairman matters** - Mrs. Douglas talked about the possibility of her leaving the Board  
16 due to her leaving Town.

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19 There being no further business, Mrs. Douglas **MOTIONED** to adjourn the meeting. Mr.  
20 Byron seconded. Motion carried 4-0-0. The meeting adjourned at 11:00 p.m.

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Alison Douglas, Chairman

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Edward Almeida, V. Chairman

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Leon Barry

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Frank Byron, Selectman

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39 Lorraine Dogopoulos  
40 Recording Secretary