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**Litchfield Planning Board  
March 16, 2010**

Minutes Approved April 6, 2010

**Members present:**

- Alison Douglas, Chairman
- Edward Almeida, Vice Chairman (arrived 8:00 p.m.)
- Jayson Brennen
- Leon Barry
- Frank Byron, Selectmen’s Representative
- John Miller, Alternate

**Members not present:**

- Marc Ducharme, Clerk
- Carlos Fuentes

**Also present:**

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

**AGENDA**

**1. APPROVE January 5, 2010, January 19, 2010 and March 2, 2010 MINUTES.**

**2. BOARD ELECTIONS**

**3. ROLLING ACRES IV SUBDIVISION**

**4. PLANNING BOARD PROJECTS**

**5. HOME OCCUPATION RENEWALS FOR 2010**

**6. ZONING: Conservation Open Space Development  
Inclusionary Housing (Workforce Housing RSA674:58-61)**

**Correspondence: Annual Planning and Zoning Conference May 8, 2010**

**Any Other Business**

Chairman Douglas called the meeting to order at 7:08 p.m. Mr. Miller was appointed as a voting member.

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**1. APPROVAL OF MINUTES**

Mr. Barry **MOTIONED** to approve the January 5, 2010, minutes as amended. Mr. Miller seconded. Motion carried 3-0-2.

Mr. Barry **MOTIONED** to approve the January 19, 2010, minutes as amended. Mrs. Douglas seconded. Motion carried 3-0-2.

Mr. Almeida arrived at 8:00 p.m.

**2. BOARD ELECTIONS**

Mr. Brennen **NOMINATED** Alison Douglas as Chairman. Mr. Barry seconded. Motion carried 5-0-1.

Mrs. Douglas **NOMINATED** Edward Almeida as Vice Chairman. Mr. Byron seconded. Motion carried 5-0-1.

Mrs. Douglas **NOMINATED** Leon Barry as Bondsman. Mr. Barry seconded. Motion carried 5-0-1.

Mrs. Douglas **NOMINATED** Marc Ducharme as Clerk. Mr. Brennen seconded. Motion carried 6-0-0.

**3. ROLLING ACRES IV SUBDIVISION**

The Board discussed a letter from the Town’s Attorney Steve Buckley regarding the Rolling Acres Subdivision. A conditional approval was granted in 2008 indicating no expiration date for compliance nor does the ordinance specifically state a timeframe. Also, the applicant owes the Town \$9,000 in engineering fees. It was suggested giving them 60 days to pay the bill. It was agreed that a certified letter would be sent to their attorney stating the conditions and a public hearing would be held thus notifying abutters. If they do not respond, or provide guidance, the subdivision would be revoked. Selectman Byron stated that he believes failure to pay the fees is grounds for denial. The hearing will be held on April 20, 2010.

**4. 2010 PLANNING BOARD PROJECTS**

The Board reviewed a list of potential projects to be accomplished in 2010 as provided by Steve Wagner, Circuit Rider. Discussions began with the impact fee study by Bruce Mayberry and the question of where does the Planning Board go from here with regards to incorporating the study. Mr. Miller: One of the major questions he was saying in 2030 we should have a police department of 7,000 square feet. All this, in my mind, rotates

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back to the Master Plan and are we saying that is what we are trying to scrape, save, you know however we are going to fund and bill for. If you use the way the calculations he drummed up and written, it shows we have a lot of work to do - is that really what the

Town has been funding and voting on?

There is not enough money to do some of the wants in the Master Plan and very little money comes from the impact fees for police, municipal, fire and library so the Board may need to come up with a new Capital Improvement Plan as suggested by Selectman Byron. Talk ensued. Chairman Douglas will review Mr. Mayberry's contract with the Planning Board to be certain everything has been completed and she will review the report. Then Mr. Wagner would go over it with Mr. Mayberry. Mrs. McKibben will provide the updates from Mr. Mayberry to the members.

Mr. Leon Barry asked if a telecom tower is constructed on Route 102, could they put another tower after that one because of the height. He is under the impression they would not be able to add any others because they have to be so many feet apart. This was discussed. The Board does have to check locations of other towers in the vicinity as part of the approval process. The Board needs to come up with an ordinance and come up with alternatives to camouflage towers.

**2010 Potential projects:**

1. Add deadline date for conditional approvals.
2. Impact fee update.
3. An ordinance for telecom towers.
4. Historic district - Mr. Jason Brennen wants to see Route 3A as an overlay district in order to protect it. "Nothing hard core but something that is more in line to protect what is there and anything new that it fits in with the character of the Town, the farms, etc". Mr. John Miller indicated that there should be something in the Master Plan that says that. Mr. Brennen suggested forming an Historic District Commission and through the Planning Board develop an overlay district and rules. The Commission would be the governing body.

Mr. Brennen said that he is willing to spend some time to come up with something and suggested to include a demolition section to make sure that new construction fits in with the environment. Another thought is subsidizing so houses are not demolished in that district; provide some sort of financial help. Kevin Lynch asked what is the character on 3A because some houses are already out of place. It was suggested reviewing ordinances from other towns to see what is in place regarding historical districts.

5. Update storm water management regulations - There are new standards coming out this year from the Environmental Protection Agency.

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- 6. Subsurface groundwater protection - Mr. Wagner told the Board that there is the possibility of more money available from CTAP. Also, there is a subgrant through Rockingham Planning Commission for development of agricultural commissions. Mr. Wagner will provide more information at the next meeting.

Mr. Brennen suggested assigning a point person on each of the projects similar to what was done for the ordinances. He would work on the historic district ordinance. Mr. Wagner could do the telecom towers. Mrs. Douglas to review the contract and impact fee report. As to sewage and groundwater, Mr. Wagner could check and look at model ordinances and work with the Conservation Commission.

As to the Building Code, Mr. Lynch indicated the State adopted the code and updates excluding the sprinkler system in each residential home. He told the Board that it looks like sprinklers would not be required. Mr. Wagner pointed out that another project to consider is putting standard notes on plans and the Board to decide which ones they want to put on each plan, or maybe just add it as an appendix as required notes. Mr. Wagner: And if we miss something, they (applicant) are still required to abide by the regulations and statutes.

**Deadline on conditional approvals** - It was suggested allowing applicants one (1) year to comply when plans are conditionally approved. Mr. Lynch mentioned that there has to be a clause in the ordinance to allow for an extension. This was discussed. Mr. Byron suggested allowing sixty (60) to ninety (90) days and the applicant would have to present valid reasons why they need an extension. It was asked if it is legal to make it a condition of approval that the bills are paid and make it part of the approval process and failure to pay could render the application void. This will be checked with Town Counsel.

**5. HOME OCCUPATION RENEWALS**

The Board reviewed the renewal applications for John Beaulieu, Sally Bouchard, Don Daigle, George Gomez, Linda Jacobson, Greg Jeffreys, Jolt Electric (Eric Gibbons), Theresa Kelley, Nancy Pinciario, Touchstone Electronics (Al Raccio), Cynthia Reilly, Holly Sutherland and Maurice Thiboutot. The Board discussed amending the questions on the form particularly the question asking about storage; it should be more defined as to what materials are actually being stored on site. Mr. Brennen **MOTIONED** to approve all the home occupation renewals for 2010 (listed above). Mr. Barry seconded. Motion carried 6-0-0.

**6. ORDINANCES**

The Conservation Open Space Development ordinance passed by the voters but the Inclusionary Workforce Ordinance was defeated. It is thought that there was not enough time dedicated to the Inclusionary Ordinance and that more education was needed. Mrs.

**Litchfield Planning Board**

**March 16, 2010**

1 Douglas said what she heard from residents regarding workforce housing is they think it  
2 is low-income housing and people like the 1-acre lots and less than an acre puts a  
3 negative tone. It was asked if the Board fulfilled the grant requirement since the voters  
4 did not pass the ordinance. As far as Mr. Wagner knows, it has been fulfilled because it  
5 did go to the voters. A comment was made that it is the burden of the developer to prove  
6 that the Town does not meet the requirement. Someone asked if there is anything the

7  
8 Board has to do to prepare should a developer come in to build workforce housing? This  
9 question will be posed to the attorney. Mr. Barry said that he felt he was not educated  
10 enough on workforce housing and it was somewhat “rammed down our throats to get it  
11 into Town Meeting”. He further stated that “the way it was worded, it was negative up  
12 front because it said we are going to make the lots smaller...so the negative struck you  
13 right away when you read that. So, I thought it was worded wrong”. He suggested  
14 reviewing the minutes from the hearing and the questions asked by Mr. Byron and also  
15 get Andy Prolman’s input on this.

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17 Mr. Miller: If we satisfied the grant, what problem are we trying to solve? Mr. Wagner:  
18 The purpose of the grant was to satisfy the Statute to provide a reasonable opportunity for  
19 affordable housing. Mr. Miller: So, do we disagree with what Andy was saying that there  
20 are already regulations in place that help all those calculations. Talk continued. Mr.  
21 Miller suggested that the inclusionary ordinance be added to the top five projects. Mr.  
22 Barry will work on this and gather a list of questions asked at the hearing.

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**CORRESPONDENCE**

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26 **Planning and Zoning Conference** - Chairman Douglas announced that there would be a  
27 Planning and Zoning Conference to be held in Nashua on May 8, 2010 regarding climate  
28 change, etc.

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**OTHER BUSINESS**

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32 **Casinos** - Selectman Byron talked about a hearing to be held at Litchfield Town Hall on  
33 Thursday at 7:00 p.m. regarding a potential casino to be built in Hudson. This is an effort  
34 on the part of the legislators and Governor to figure out where they are going to get 250  
35 million dollars to patch the hole in terms of spending. One-way is to legalize gambling  
36 and the plan is to have five potential places in the State that would allow gambling and  
37 towns within a 10-mile radius from a casino are supposed to receive money. So, there  
38 could be money coming to Litchfield but there may need to be infrastructure changes.  
39 State representatives, Senator Clegg, School Board members, Budget Committee  
40 members, and Selectmen will be attending the meeting on Thursday.

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42 **PSNH** - Mr. Byron talked about a notice from PSNH regarding Litchfield residents  
43 building in PSNH’s right-of-way and easements. So, PSNH is requesting that they be  
44 included in all reviews of building permits and plans impacting their easements and right-  
45 of-ways. Mr. Lynch talked about steel fences under power lines, steel sheds, etc. and

**Litchfield Planning Board**

**March 16, 2010**

1 hazards that have occurred during storms.

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3 **Promoting Business** - Selectman Frank Byron (Chairman) said he is going to try to get a  
4 Selectman to negotiate a contract with Manchester to tap into their sewage lines. "The  
5 plan is to try to get a business district and decrease the taxes on businesses that would  
6 locate there with the intention of giving a year tax break to stimulate business. Also, see

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8 about tying into the water aquifer out there and that may mean we want to protect that  
9 more closely...and tie into Pennichuck system.

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11 **Stage Crossing/LaMontagne Builders Road Bond** - Mrs. Joan McKibben explained to  
12 the Board that LaMontagne Builders did post a bond renewal in the amount of \$86,000  
13 which covers 3500 linear feet of roadway from N.H. Rte 3A through the entire project  
14 including Old Stage Road and Concord Coach Lane. The final pavement was placed on  
15 8/31/09. The Board of Selectmen approved the bond amount on December 7, 2009. Mrs.  
16 McKibben explained the cash amount of \$26,736 is to cover the first 200 feet of Stage  
17 Crossing can be released because it is covered under the above insurance bond in place  
18 until 12/7/2011 that has been received at the Selectmen's Office.

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20 Mr. Barry **MOTIONED** to release the \$26,736 amount to LaMontagne Builders because  
21 it is now covered under the bond. John Miller seconds. Motion carried 6-0-0. Mrs.  
22 McKibben further stated that the only thing left for inspections at the above property  
23 (barring any unforeseen problems) would be the final inspection due after the two year  
24 maintenance bond and before the Town accepts the first 200 feet of roadway from N.H.  
25 Rte 3A. Therefore, it would be possible to reduce the escrow amount below the \$10,000.

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27 Mr. Barry **MOTIONED** to reduce LaMontagne Builders escrow account to leave a  
28 balance of \$3,000 for final inspection. John Miller seconded. Motion carried 6-0-0.

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30 There being no further business, a Motion was made to adjourn the meeting. It was  
31 seconded. The meeting adjourned at 9:48 p.m.

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Alison Douglas, Chairman

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Edward Almeida, Vice Chairman

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Jayson Brennen

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Frank Byron, Selectman

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**Litchfield Planning Board**

**March 16, 2010**

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Leon Barry

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John Miller, Alternate

Lorraine Dogopoulos  
Recording Secretary (transcribed from tapes)