

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on January 22, 2013

Minutes approved 2/5/2013

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, January 22, 2013 at 7:00 p.m.

MEMBERS PRESENT: Russ Blanchette (Chair), Bob Curtis (Vice), Thomas Young, Frank Byron, Selectmen's Rep., Michael Croteau, Joel Kapelson, Steve Perry (Alternate) and Mike Caprioglio (Alternate)

MEMBERS ABSENT: Leon Barry

ALSO PRESENT: Joan McKibben (Admin. Assistant), Jen Czysz (NRPC Senior Planner),

CALL TO ORDER

Mr. Blanchette called the meeting to order at 7:00 p.m. and joined the Board in the Pledge of Allegiance.

1. Revised draft for Grant Application

Jen handed out to the Board members the revised draft for the New Hampshire Community Planning Program Grant Round 2 Application. Jen went over this with the board members and stated that not much has changed. Jen updated the time frames for each task as well as the total cost for each task. The total cost represents the Grant funds plus in-kind match plus cash match which is the Circuit Rider time. The budget is now completed on the appropriate form within the application for a total grant application of \$27,500. Jen went over the breakdown of the budget. Jen stated that she talked to Jason (Town Administrator) and this is on the agenda for the Selectmen's meeting for next Monday night's meeting. Jen stated that the Board needs to get the letters of support and she will need to write a letter for the Chairman to sign that commits to his participation and contributions of match. The Selectmen at their meeting will need to sign the application form because we need a signed copy of the Governing Bodies official act or resolution authorizing the filing of this application.

Mr. Blanchette asked the alternates to be voting members of the Board tonight.

Motion: *by Mr. Curtis that the Board accept the New Hampshire Community Planning Grant, Round 2 application as written.*

Second: by Mr. Young

Vote: 7-0-0

2. How survey results relate to the Master Plan

7:20 PM: Mr. Croteau is now present

Jen handed out to the board members the first pass through of the results with trying to match up side by side what we heard next to your vision and major goals as they are sited in your master plan. Jen explained to the Board how she matched the survey up with the master plan and explained it to them. Jen stated that what was stated in the goals portion on elaboration of the vision had less emphasis on economic development than the survey findings suggested. Jen stated that how she approached the survey findings was really the big picture questions and what those top things were that we heard. Jen also stated that for the multi-family question, 29% of the people said yes to allow and 71% said no.

Jen stated that the next step is in looking at those more detailed goals and objectives in the master plan, we could pull forward and highlight those that have a greater priority based on the survey results.

Mr. Perry questioned how we are going to create more opportunities for commercial and industrial development while we maintain the rural character, maintain the farms and maintain the small Town feel. Jen stated that this is part of this whole grant application that you have forward and looking at the next step being the future land use map, its starting with a mapping exercise where you look and say where are those farms, where are our opportunities to expand commercial/industrial that does not overlap those areas that we want to protect and go from there, and then revising those regulations. Mr. Perry stated that unfortunately they do overlap. Jen stated that in some locations, perhaps they do, but part of what we are going to go through is that decision making process of figuring out how to do it without creating overlap. Jen stated that the first step is the mapping and the next is to try to identify what you want things to look like, and then we try and craft the ordinances so that the ordinances lend themselves to promoting that form of development.

3. Road Acceptance Procedures – Lou Caron

Jen handed out the revisions to Appendix A, Subdivision Regulations and Road Bond Acceptance Procedures. Jen also noted that Jason drafted a review of the current Road Acceptance and timing procedures and pulled from Appendix A and Appendix C and Jen supplemented that as well and did a side by side comparison with what we are proposing to changing the procedures.

Jen stated that the Board wanted to speak to Lou for a couple of reasons related to this, one was the overall process and procedure being split into multiple different places and locations, doesn't make sense and did he have some general suggestions procedurally for how to manage and administer the road bonds and road acceptance. Secondly, the more specific item was within Appendix A, there are the methods in which the road bond amount shall be calculated and the question was, is this still current or are there different, better numbers we should be using or indifferent or better methodologies we should be using. Jen stated to Lou that what prompted this was some question and confusion over when a road could be accepted and also to respond to some complaints the Town has heard on the timing of moving from the performance bond to

the maintenance bond, road acceptance and in the case of a subdivision applicant, they could not have the road accepted, move to a maintenance bond and could not apply that second course of pavement until the subdivision was completed and all lots had been built. With current economy this is not happening, there are developments that are sitting out there.

Lou went over subdivision regulation 730.05 – he doesn't see any problem with it specifying that the binder course being held over for one winter. To have it sit over one winter is probably a good idea. Mr. Byron stated to him there is a difference of having it sit over a winter and completing it as soon as you can, what is the best course of action to protect the town. Lou stated that it is to have it sit over winter. If anything they show up with frost heaves. Mr. Perry asked if one winter is enough. Lou stated that yes it probably is, the only time it may not be enough is if we have a real dry season and you don't have the high ground water table. Mr. Perry stated to do that would be a change from the two years now. Lou said we are not talking the maintenance period, we are talking the time you want to see that binder there before you put the wearing course down. You can do repairs before the wearing course. Mr. Caron said he likes the idea of at least one winter.

Mr. Caron asked if the board was looking at changing the maintenance bond from one year to two and stated that he would probably keep it at two years. This would take in to account situations of ground water. Lou stated that there is no advantage to the Town if you reduce it from two years to one year, other than getting fewer complaints from the developer because they are paying for the bond. Mr. Caron stated that once you accept the road you do the final inspection, the developer submits all the paperwork; the as builds, deeds, etc., that constitutes a point when the Town can take over maintenance and then you decide if that the beginning point of a two year maintenance bond. Accepting the road would be another step for the Board of Selectmen to accept the road. The other thing to remember is once the Board of Selectmen accepts the road, then you can include it in your inventory to get state aide, which you can't do if the developer is maintaining it. Have a point of acceptance, and then have a two year maintenance bond beyond acceptance. Mr. Byron stated that you have a point in time when the Town accepts the road, what are the steps ahead of that. The developer is going to build a road and put down the base course and do all or some of their construction, and at certain point in time, one winter of base course, they then put the wear course on, how long from wear course application until acceptance shall we go. Lou stated that once you do a wearing course, construction is basically over. Typically after the wearing course is down, there is a little more work to do; dressing up shoulders, clean up, etc. so after the final pavement has been put down and has sit for a week or two, then they can come back with rubber equipment and start dressing up the shoulders. Once you do a final punch list after the paving, and once those items have are complete they they do the final paperwork, the Town can go in there and take care of the road. Mr. Curtis stated that he is not hearing any definite time limit from the time the wearing course goes down to the time when the road should be accepted. Mr. Caron stated that they time would be when the developer completes his submission to the Town with all the requirements as specified in your regulations with the as build plans. The clock in his opinion would begin at that time that the material has been submitted and somebody has reviewed it to check for completeness, and once someone signs off on that, you can start the clock.

Mr. Caprioglio mentioned that we should define what substantially complete is. Joan stated that right now she believes it states that you have to have all the houses up before you put down the final coat. Jen stated that substantially complete is when you can do a partial release of the performance bond, so it is reducing the bond amount. Currently, if you go back to the subdivision regulations, the wearing course was only to be applied once full street occupancy was obtained. Mr. Perry stated that his concern was the road; he does not want to see the road get broken up or destroyed. One of the questions he has is if it goes to a five year period before they put the wearing course on, they put a tack layer on, is there any disadvantage to us waiting that long. Lou stated no, not really, you might have a little roughness because the binder course is not as smooth as the wearing course. Mr. Caron stated that he has never seen it as a real serious problem. Mr. Perry stated that the only other issue he had from that point was the people that complain that they want school buses to come down their road, and it's been eight years and that developer has no interest in putting that wearing course on because they still have one lot left. Mr. Caron stated that you still have the bond. They are making payments on the bond and their paying for the maintenance. Mr. Caron stated that you can pull the bond if they decide to check out.

Mr. Byron asked Lou how he would recommend the issue of the Board dealing with a long terms development, when you have developments that have been sitting there for years, and they still have lots left to develop. Mr. Caron said the way the Board is doing it now serves the Town's overall financial interest. Mr. Byron asked how you handle the issue of once you put a maintenance bond, and the road agent plows and digs up the road. Mr. Caron stated to cover yourself you can do a video recording of the road on final walkthrough which shows on at least that day, what the conditions were and if something shows up different, you go after the person that damaged the road. You wouldn't treat a road that has been accepted but still on a two year maintenance bond that is damaged by town forces any differently than a town road that was damaged by town forces. Mr. Caprioglio asked if you require the maintenance bond, get extension on a two year maintenance bond because there is one lot left, and the maintenance is two years, could you make it so the maintenance bond is in effect two years after the last lot is developed. Mr. Caron stated that the Board is writing the rules; you can write them any way you want. The bigger point is of the damage to the road that can occur during the construction of maybe that one house. Lou stated that essentially what they priced into the maintenance bond was a number that would cover the \$15.00 based on the engineering news record index when that was calculated; based on the cost of doing a 1" overlay on the whole road, that is how we price it out. The reason the formula is the way it is, is because it is simple. The engineering news record index is available on a weekly basis. You can revisit the \$15.00 part and reset the engineering news record index if you wanted to for today's prices. It was 20 years ago when we developed that, you can revisit that easily. Lou stated that what this formula does is calculate the dollar figure, you take the formula out, then some has to come up with a dollar figure, which is always challenged. Lou stated maybe that the answer to tie the maintenance bond duration into how many lots is developed; 100% seems a little extreme. Lou stated that under that scenario, you can put them on notice that you have accepted the road, it has the wearing course, the maintenance bond is going to be on there for one or two years and you put them on notice that says if you haven't developed 90% or whatever number you pick, then the maintenance bond will be extended in time until you complete that much. Lou stated that you can be a number of lots as a metric or a percentage of the lots as a metric.

Jen stated to think through the timeline the sequence that we are looking at, is that they get approval and get their performance bond in place, they apply the base course, one winter elapses then they may apply the wearing course, make sure that all of their regulatory requirements have been met and fulfilled, it is inspected and approved, then it can go to a maintenance bond and also at that same time that it goes to a maintenance bond, are we recommending that it could be accepted by the Board of Selectmen at that point, once it has been deemed okay and there is no set time period from when the wearing course is applied to when it goes to a maintenance bond or acceptance other than it is an adequate amount of time to fulfill all of their regulatory requirements and be inspected. Jen stated that the houses are a separate issue, we pulled the houses out of the equation, except what we are now saying is that once the road is accepted and the maintenance bond is in place, the maintenance bond will stay in place for a minimum of two years and will be extended beyond that until x% of the development is complete.

Mr. Byron stated that the final question comes down to is that we connecting completion of the development into determination of the maintenance bond. Mr. Perry stated that he would like to see the number be 80% of completeness. Jen stated right now the trigger to accept is when you transition from a performance bond to a maintenance bond. Mr. Caron stated that you can back that up a make a wearing course trigger. Lou stated that making it 80% can be in the Town's best interest and tie it into the wearing course. Once you have the wearing course you have completed the road.

To go over with what was decided, Jen stated that they are looking at once the base course is applied you cannot go from performance to maintenance bond or have the road accepted until 80% of lots are built and one winter, and would also throw in there in that in the event it is a small subdivision, then it can go through the process of being inspected and if it is okay the wearing course can be applied and finish all of the other regulatory requirements and inspected then go to the maintenance bond at which point it could be accepted by the Board of Selectmen. The maintenance bond will stay in effect for a minimum of two years and would be extended until the subdivision is 100% complete. The Board agreed with this language. Jen stated that the other piece is the road maintenance bond section 5.6 how the price is calculated. Lou threw out a couple of suggestions and Jen wanted to see where the Board wanted to go with this. Jen stated that what she got from what Lou was saying was to keep what we have and just update the amounts that are included.

Lou stated to make sure you have enough money for the 1" wearing course.

Lou went over the rest of the regulations with the Board and gave them his suggestions on what to add or delete.

4. Update on Impact Fee Status

Joan stated that there is no update – she thinks the Board should call Jason because she doesn't believe that we have a signed contract. Mr. Byron stated that there is no contract we just issued a Purchase Order. Mr. Byron stated you need to make sure you have your deliverables.

Jen stated that as a reminder there is a letter which states the scope of work but there is a separate two pager that has a detailed list of what he is looking for, for information. Jen stated that the

other thing is do we need a contract signed or does the Purchase Order suffice, and we need to ask that of the Board and Bruce. Mr. Byron stated that if you get into a dispute with Bruce, it is going to be he said you said but if you have a signed contract there is no debate. Russ will get in contact with Bruce. Jen stated we need to start collecting the data and get a contract.

5. Deliberative Session

Jen stated she will work with the Board and go over speaking points for the deliberative session. Jen stated she has touched base with Jason and when he has the power point template he will send that over to her.

6. Approve Minutes of January 8, 2013

Motion: *by Mr. Perry to accept the minutes of January 8, 2013.*

Second: by Mr. Young

Vote: 7-0-0.

7. Other Business – Cottage Design

Mr. Young went to a seminar on Cottage Design. Mr. Young stated they didn't hand out anything but he will try and get more information for the Board. It is basically a cottage concept where a piece of land like where the gazebo is in front of Town Hall you could put up 6 housing units. They are all small, 900 to 1,100 square feet foot print. You have two floors. It is a good fill in and something to look at.

Mr. Young stated that on Wednesday, February 6th, NRPC will be holding a legislative forum in Nashua at 6:00 pm. If you wish to attend you do need to RSVP.

Motion: *by Mr. Perry to adjourn.*

Second: by Mr. Young

Vote: 7-0-0

There being no further business before the Board, the meeting adjourned at 9:00 p.m.

The next Planning Board meeting will be held on February 5, 2013.

Russell Blanchette, Chairman

Bob Curtis, Vice Chairman

Frank Byron, Selectman

Michael Croteau

Thomas R. Young

Leon Barry

Joel Kapelson

Minutes taken by: *Donna Baril*