

**PLANNING BOARD MEETING  
TOWN OF LITCHFIELD**

**Held on March 5, 2013**

approved 3/26/2013

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, March 5, 2013 at 7:00 p.m.

**MEMBERS PRESENT:** Russ Blanchette (Chair), Bob Curtis (Vice), Thomas Young, Frank Byron, Michael Croteau, Joel Kapelson, and Mike Caprioglio (Alternate)

**MEMBERS ABSENT:** Leon Barry and Steve Perry (Alternate)

**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. Home Occupation application by Karla Benjamin for Doggy Daycare at 323 Charles Bancroft Hwy. Tax Map 15 Lot 12. Owner of Property Marion Colby**

Ms. Karla Benjamin came in front of the Board to ask for permission to run a home based Doggy Daycare business. Karla stated that she would like to have 15 dogs; the business would be Monday through Friday from 7:30 am until 6:30 pm. There would be no overnight boarding. Joan showed the Board members the tax map so they could see where this business would be on 3A. Mr. Byron asked Karla how many dogs she planned on having. Karla stated that she would like to have 15 dogs maximum. They would all be outside where there is a fenced in area. There is a built-in garage workshop area that already has a dog kennel inside so they would be housed in both that area and outside in the fenced in area. Karla stated that the dogs would not be allowed outside the fenced in area. Mr. Byron asked how long the dogs would stay at her residence. Karla stated that the business working hours would be between 7:30 am and 6:30 pm, the dogs wouldn't necessarily be there that whole time, those are the time frames her clients could drop them off and pick them up. Mr. Byron asked what Karla planned on doing with the animal waste. Karla stated that she has trash pickup that takes care of animal waste and she also has a permit for the landfill in Litchfield. Mr. Byron asked in terms of keeping the dogs separate; do they mix together or do they stay separate. Karla stated it is a play area, so all the dogs would be together; she has a small fenced in area in the front yard so if there was ever a problem with anyone of the dogs and they needed to be separated they could be removed and put into the fenced are in the front or the built in kennel that is inside. There will be dog crates for all the dogs to have rest and down time. Mr. Byron also asked if she would do any advertising in terms of street signs. Karla stated yes, she would like a permanent sign wherever the Town

would allow, either near her mailbox or somewhere in the front yard and she would advertise in the newspapers. Mr. Croteau asked if she has put in an application for the sign yet. Karla stated that she has not as of yet, she was under the impression she had to wait until after the application acceptance. Mr. Croteau asked how big the sign would be. Karla said whatever the Town would allow. Joan stated that the maximum for a home occupation is 2 square feet. Mr. Caprioglio asked if there would be any construction besides the fenced in area. Karla stated no, there is nothing to be done it is all prepared; the only thing she needs to do is insulate the inside area. Mr. Curtis mentioned that on the application it states that there is 250 square feet. Karla stated that is the inside part of the area, but believes the outside fenced in area is approximately 2,000 to 3,000 square feet. Mr. Curtis asked if she would have the dogs inside at any time like for inclement weather. Karla stated that they have their crates outside and they have their crates depending on weather in the barn area. Mr. Caprioglio asked if there were any issues with drop offs as far as traffic on rte. 3A. Karla said that her driveway goes in deep so they can actually drop off and turn around and drive out without interfering or being on the street at all. Karla also mentioned that she has enough parking for approximately 15 cars. Mr. Croteau asked about lighting. Karla stated that she has one flood light in the front and it's easy to put one on the side near the fenced in area during this time of year when it does get dark early. Mr. Caprioglio asked if she would ever consider weekly boarding. Karla stated no, not now it is more than she wants to take on right now. She asked for 15 dogs but doubts she will have that much right now, she would like to get to that point and if she did she would consider moving out to a bigger commercial location, but it is not on her agenda right now. Mr. Curtis asked about neighbors. Karla stated that there was a vacant lot owned by the Town of Litchfield right next to her, there is a huge field that is used for farming, there is a house to the right of her that is quite a distance away and she is pretty sure they are one of the abutters who received an abutter letter. McQuesten is right across the street from her and that is a huge farm area and believes the McQuesten's take up three of the houses that are her abutters.

### **Public Comment**

Sandra Makowiec of 328 Charles Bancroft stated that she is an abutter and is directly across from where she will have the dogs. The fence where she will keep the dogs is directly across from her house and her yard. Karla stated that she is on the other side of the street, not on her side. Karla stated that Rosalyn Calawa is directly across the street from her. Sandra stated that the fenced in yard is directly across the street from her yard and asked the Board to please come and examine the area. Karla stated that she is on one side of the street and Sandra's house is on the other side and her fenced in area is behind her house not in front and says there is no way her fenced in area faces her house.

Mr. Blanchette stated that there could be some concern about noise bothering neighbors, and what steps are or could be put in place to alleviate those concerns. Karla stated that they are during working daytime hours, so nothing in the evening past 6:30. She believes one of the houses across the street has many dogs, and there is constant barking back there, so in her mind there was never a problem of noise because it is during the day. Karla also mentioned that if any of the dogs are not compatible with each other, they won't be allowed in doggy daycare.

Present were: Mr. Steven Calawa, 168 Charles Bancroft stated that his mother is an abutter at 324 Charles Bancroft. Sandra Makowiec of 328 Charles Bancroft and Janet McQuesten of 124 Hillcrest Rd. . Mr. Calawa said that there are three problems that they can see; first is that it is a residentially zoned neighborhood, everyone in that neighborhood is home all day long, and everyone is retired. Secondly, the fence on the north side of the house that is to enclose these dogs is not on the property that Ms. Benjamin lives in, it is on the McQuesten farm and the way that happened was that the last minister at the Presbyterian Church was leasing the house as Ms. Benjamin is from the Colby's and he had a little dog and decided to put a fence on the north side of the house for the dog, and as he was doing it, Fred McQuesten who owns the land with Janet that abuts; went down and said to the minister that the fence is not on your property it is one his. Fred agreed to let the fence stay but told the minister that before he moves, he needs to take the fence down, he moved last June and never took the fence down. The property has been rented again and the renter believes the fence is on her land and it is not, it is on McQuesten farm land which present the third problem; those fields that are next to and behind the house are farmed by Charles McQuesten and those field get open to the public and if there are 15 dogs in there and the fields are open for picking and one kid sticks an arm through the fence, this is on McQuesten land, which creates a great liability for McQuesten farm. Janet McQuesten stated that even though she does not live on Charles Bancroft she abuts the property. Mr. Calawa stated that the problem is that the daycare facility for the dogs is not on Ms. Benjamin's property. Janet stated that if a kid goes over to the fence and a dog bites one of them, they are going to go after her and her husband because it is their land. Karla stated that she was not aware that the fence was not on her property. Mr. Calawa stated that the property line on that house is only 2 feet north of the house. Karla stated that they could move the fence and cover it with stockade to help alleviate the problem of someone potentially putting their hand through. A person accompanying Ms. Benjamin stated that if they move the fence in line with the house it will be ten feet off their property line and it will not be seen by the abutters. Mr. Calawa mentioned that the Ms. Benjamin should get the property surveyed. Ms. Benjamin stated they have no problem addressing the concerns of the abutters.

Jen mentioned to the Board to help them with their review, they should pull up the zoning ordinance (section 504) and site plan regulations Section 151) and take a look at them. Mr. Blanchette stated that before they can act on this there is some work that needs to be done. The Board decided to table this and come back with it at a different meeting. Mr. Curtis stated that there should be some type of survey done to the land and an old survey could be used if it shows the fence in relation to the property line. Mr. Young mentioned that they should check with the management company because they may have the records. Mr. Byron suggested to the applicants to look at the Litchfield site plan regulations (section 151). There are 14 items there and you are required to provide those items when you come in for a home occupation permit. Karla wanted to know if these situations are resolved would this be something that the abutters would then go ahead and say that was something they would approve. Mr. Calawa stated that to him to be sure, a survey should be done on their property before a business is allowed to go on to abut this farmland and even at that point you cannot have a fence on the line because there are setbacks. Mr. Byron strongly advised Ms. Benjamin before coming back to the Planning Board that she sits down and has a meeting with the abutters and go over the plans and make sure everyone is on board. The abutters agreed to this. The planning board meeting will be re-scheduled for April 2<sup>nd</sup>.

**Motion:** *by Mr. Curtis to continue the meeting to a date and time of April 2<sup>nd</sup> at 7:00 pm for the application of Karla Benjamin for a doggy daycare at 323 Charles Bancroft Highway.*

**Second:** by Mr. Young

**Vote:** 7-0-0

**2. The Planning Board will consider an application by Jasper Corp. for a lot line adjustment and four lot subdivision at Tax Map 2 Lot 14, Old Derry Road.**

Mr. Byron wanted to clarify that Mr. Jasper serves as a State Representative for Hudson and Mr. Byron for Litchfield and wanted to state that there is no conflict of interest.

Mr. Richard Maynard of Maynard and Paquette Eng. Associates of Nashua and Mr. Jasper, who is the owner of the property and president of Jasper Corp., came in front of the Board. Mr. Maynard stated that the property line on Old Derry Road in the Town of Hudson it straddles the town line. The Litchfield property is 7.1 acres and the Hudson part of the property is 11.2 acres. The proposal is to subdivide it into 4 building lots and the remainder of the lot is the existing industrial lot to the far right. The first lot on the left, the majority of which is in the Town of Litchfield, is commercial zoning, the buildings would be in Litchfield and would be some sort of potential commercial property; when that happens there will be a site plan needed to be brought before the Board. Mr. Maynard stated that an option is to also go for a variance for residential use because most of that street is residential. The driveway would be on Old Derry Road in Hudson as shown in the plan. The next three lots have land in Hudson and Litchfield, the building area for the houses would all be in Hudson, the driveways would also be in Hudson. Mr. Maynard stated that what is also noted on the plan in blue are wetlands areas in Litchfield and also extends into Hudson. The requirements are basically one acre in Litchfield and two acres in Hudson. The Litchfield lot on the left has more than an acre of dry land and for the Hudson lots they have more than 2 acres of dry land. The Town of Hudson has reviewed this plan and approved it, and now it is up to the Town of Litchfield. The lots all indicate private wells and individual septic systems. In the Town of Hudson to the left there is a water line that may or may not be extended in the future, it is a question of economics. Mr. Jasper stated that there are a few waivers to be considered; one of the waivers has to do with soil boundaries, there are 2 sources of soil mapping; they can actually have the wetlands mapped by a wetland scientist, in which they have done in this case or they can use very approximate soil boundaries. Mr. Maynard explained the different soil types. The other waiver request has to do with erosion and sediment control plans. There is also a waiver for a letter of intent for the utility companies; the only utility they have are the telephone and electric and they are all there already, they do not have the letters because there is no one yet interested in these properties. They are not extending any utilities, they are already there, and they are just service connections.

Jen stated as a note that in their packets right now, they only have the waiver request for the letter of intent from the utility companies, we do still need submitted a hard copy of the waivers for section 403.01 Subdivision Regulation for the soil delineation and section 750 of the Subdivision Regulations for the erosion and sediment control plans.

Mr. Jasper stated that he would like the Board to consider application acceptance.

Jen stated that the application as checked is complete with the exception of the two waiver requests, which we have verbally but not on paper. Jen stated to be complete, you need them in paper. Mr. Blanchette asked Mr. Maynard when they could expect those waivers in writing and Mr. Maynard said before the end of the week. Jen told the Board that she would suggest that they cannot act on them until the Board has them in hand. Mr. Byron asked if all abutter have been notified, and escrow has been paid. Joan stated yes and all fees have been paid.

Mr. Caprioglio asked Jen what the proper protocol is. Jen stated that what you are looking at is the entirety of the portion of the Subdivision Application that is located in Litchfield is within the Highway/Commercial district. Of the 5 lots, as submitted only 1 is showing the potential of a possibility or the intention of development within the Town of Litchfield. The other 4 are shown as being back lots to the parcels. Jen explained that Hudson's zoning allows for residential uses in that area. Litchfield's does not; therefore as submitted, any of those parcels if there were to be residential development in the future, would require a variance as the ordinances stand today. Jen stated that the fronts of the lots are zoned residential and the back lots are zoned commercial. Mr. Curtis asked Jen, if we don't have the waivers, can this be accepted without the waivers or can it be accepted conditional upon receiving the waivers. Mr. Byron stated that he would say you either accept it or decline it, and also it is his personal opinion that you can accept it, but you can't approve it until the waivers are submitted. Jen stated this would allow the Board to continue to discuss the merits of the case.

**Motion:** *by Mr. Curtis that the Board accepts the application for Jasper Subdivision Case Number 1301 LIT SD M2L 14*

**Second:** by Mr. Young

**Vote:** 7-0-0

**Motion:** *by Mr. Byron that the finding of the Litchfield Planning Board is that the project proposed by Jasper Subdivision Case Number 1301 LIT SD M2L 14 does not have regional impact.*

**Second:** by Mr. Croteau

**Vote:** 7-0-0

Jen mentioned that what is proposed is not in violation of Litchfield's zoning ordinance; She did make a recommendation that they make a note to the plans that simply says that any future residential uses within the Town of Litchfield would require a variance. Jen mentioned that she sent out her Staff review to the applicant last week and they have since responded. One of the things that were mentioned in the first review is fire protection and just knowing where hydrants were and whether the application was in compliance with section 407 of Litchfield's Sub Division Regulations, they have since noted that there is a hydrant within 240 feet, which means it is in compliance, it just simply needs to be noted on the plans. Jen stated there were a couple of other note changes that she had flagged; they need the impact fees note for the commercial development, what they discussed doing since there was no actual development was to propose at this time just doing a generic impact fee note that indicates what the fee would be on a square foot basis. They have noted that the site is within the aquifer protection zone, and just adding to that note that the maximum of pervious surface is 15% for each parcel. Also, in terms of stump disposal areas, they indicated there would be none on that site, so just indicating that is noted.

Mr. Byron stated that the question he had is street numbering of these lot, and is assuming Hudson is going to take care of a large majority of that, but does Litchfield get involved or not. Mr. Maynard stated that because all the driveways are on Old Derry Road, that is where the numbering system comes from so they will be given Hudson addresses. Mr. Jasper stated that that is noted. Mr. Lynch stated that it will be a Hudson street number, but a Litchfield address. Jen mentioned that the Board has one waiver to act on and at this point you will have to continue to a date a time certain to act on the other two waivers and identify if there are any other concerns the Board might have.

Russ asked the Board if they have any questions or concerns on the utility waiver request. Jen stated that it does make sense.

**Motion:** *by Mr. Byron that the Planning Board grants a waiver to the applicant for the Utility requirements for Sub Division Regulations.*

**Second:** by Mr. Young

**Vote:** 7-0-0

### **Public Input**

Mr. Kevin Lynch stated that he believes that this application should just be approved.

### **Public Input Closed.**

Jen mentioned that there are two outstanding waivers; there is adding a note that residential development on any of the lots will require a variance, there is the addition of the existing fire hydrant and there is the revision to the impact fee note, impervious surface coverage, revision to the aquifer protection zone note and a note about future stump proposal areas.

**Motion:** *by Mr. Byron that the Planning Board will reconvene on March 19<sup>th</sup> at 7:00 pm for continuation of Case Number 1301 LIT SD M2L14 Subdivision by Jasper Subdivision*

**Second:** by Mr. Young

**Vote:** 7-0-0

### **3. Road Acceptance**

Jen stated that at the last meeting the Board looked at some revisions to the Road Acceptance Regulations, they have all been incorporated and are available on the Google Site. Jen mentioned that she has sent them all out to Jack Pinciario, Lou Caron, Jason Hoch and Kevin Lynch. Jen has only heard back from Jason. Jen and the Board went over Jason's recommended changes. Jen will follow up with Kevin, Lou and Jack. Jason will send this to the Selectmen for their next meeting and have comments back for the 19<sup>th</sup>.

### **Approve Minutes of February 5, 2013**

Deferred until next meeting

### **Other Business**

Jen reminded the Board to take their survey for their Master Plan goals and objectives for evaluating what's relevant and not. The revised version is up.

Jen also wanted to mention that they are starting to get more applications and work projects and the way the Board's schedules formulated was that the first meeting of the month would be applications and then the second meeting of the month would always be a work session and if the Board had time some applications as well. Jen stated that the Board did receive their Grant project so there is work to do in the work sessions. The Planning Board did receive their grant to move forward and overhaul their commercial zoning district and come up with some form of agricultural preservation regulation ordinance.

The Board thanked Jen for all her hard work in helping them with getting this Grant Application award. Jen stated that the Board put a lot of time into it.

Impact fees are still pending.

Russ mentioned that the next meeting of the Planning Board on the 19<sup>th</sup> takes place after the Town Voting and Elections and it will be their first meeting as a new Board; Mr. Curtis has informed Russ that he would like to be a regular member and not the Vice Chair, and Russ stated that if anyone else would like to step up and be the Chair, he would be happy to be Vice Chair or a regular member.

Mr. Byron asked Tom where he stands on his NRPC appointment and has he gotten a letter in. Tom stated he has not seen a letter from the Selectmen. Frank stated that he would draft a letter for Russ. Frank asked Tom who the backup was and Tom stated that it is Leon but Leon does not make the meetings so they should have someone else. Joel stated that he would be the backup.

**Motion: by Mr. Curtis to appoint Joel Kapelson as backup to the NRPC.**

**Second:** by Mr. Croteau

**Vote:** 7-0-0

**Motion: by Mr. Young to adjourn.**

**Second:** by Mr. Croteau

**Vote:** 7-0-0

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

**The next Planning Board meeting will be held March 19, 2013.**

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Russell Blanchette, Chairman

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Bob Curtis, Vice Chairman

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Frank Byron, Selectman

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Michael Croteau

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Thomas R. Young

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Leon Barry

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Joel Kapelson

**Minutes taken by: *Donna Baril***