

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on March 26, 2013

Minutes Approved April 16, 2013

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, March 26, 2013 at 7:00 p.m.

MEMBERS PRESENT: Russ Blanchette (Chair) (arrived at 7:40), Bob Curtis (Vice), Thomas Young, Frank Byron, 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. Curtis (acting chair) called the meeting to order at 7:00 p.m. and joined the Board in the Pledge of Allegiance.

Mr. Byron introduced Kevin Bourque who is the newest Selectman to the Town of Litchfield. Mr. Byron explained that with the Reorganization of the Board the other night that he is the ex-officio for the Planning Board. Mr. Byron's Selectman term ends in March of next year and one of the things he felt was that they needed to train someone in the case he is not back on the Board. Kevin is interested and will be here (not as a voting member), but if Frank is not at the meeting, Kevin will take his spot.

Mr. Curtis (acting Chair) asked Mr. Caprioglio to be a voting member tonight.

- 1. Consideration of an application by Konis Corporation and Sousa Realty & Development to subdivide one lot into eight single family residential lots at Tax Map 10, Lot 77, 9 Nesenkeag Drive** – At the request of the applicant to be continued to April 2, 2013.

Motion: *by Mr. Byron to move the Konis Corporation and Sousa Realty & Development request to subdivide one lot into 8 single family residential lots Tax Map 10, Lot 7, 9 Nesenkeag Drive to April 2, 2013 at 7:00 pm at the Litchfield Town Hall*

Second: by Mr. Curtis

Vote: 6-0-0

Mr. Curtis asked Mr. Perry to be a voting Member of the Planning Board

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.

Jen handed out the updated staff review – Jen stated that these were sent out March 18th after the revised plans had been received. The application has already been accepted – all notes changes have been received and the Board needs to look over and act on the two Waiver requests.

Mr. Maynard stated that one waiver request was for onsite soil delineation, and the other was for erosion and sediment control plan. The only property in Litchfield that has potential for development right now would be a site plan and that is when you would address it. These are just technical waivers. The utility information was waived at the previous meeting. Jen mentioned to Mr. Maynard that she did note that the waiver for the erosion and sediment control plan, that they really need to be referencing section 750 of the subdivision regulations, more so than simply the checklist item.

Mr. Maynard of Maynard & Paquette Eng. Associates LLC of Nashua, NH along with the property owner Mr. Jasper came in front of the Board and stated that the first waiver request has to do with soils. On this particular site there are only 2 types of soils, wetland soils and upland soils. There is no need to be doing any full soil analysis. Jen stated that looking at the delineation of where the bounds are between the two, that delineations more accurate done by the wetland scientists who was actually on the property and did that delineation as opposed to the NRCS data which isn't necessarily the most accurate of data sources. In this case, this is only one type of soil outside the wetlands.

Motion: by Mr. Byron that the finding of the Litchfield Planning Board is to waive for the applicant requirements of Subdivision Regulation 403.01 and Appendix G- Application checklist for 530(g) Soil Types and Boundary Delineation.

Second: By Mr. Young

Vote: 7-0-0

Mr. Maynard stated that the second waiver has to do with erosion and sediment control plans. Mr. Maynard said there is no residential construction proposed in the Town of Litchfield and the only potential construction would be a commercial enterprise which would require a site plan that would come before the Planning Board, and at that time that is when the sediment and erosion control plan would be appropriate. There is nothing to protect from erosion in the Town of Litchfield.

Motion: by Mr. Croteau to accept the Waiver for Erosion and Sediment Control Plan Section 750 as amended.

Second: by Mr. Young

Vote: 7-0-0

Mr. Byron asked that the applicant change the documents to note the right section.

Jen mentioned that all the remaining note changes requested at the last meeting have been incorporated.

Mr. Curtis asked if there has been any reply back from the Fire Chief or the Police Chief. Joan stated that she showed the Fire Chief the plan and also the Police Chief and have had no comments back.

Jen stated that the one item that would of needed greater coordination with the Fire Chief was the location of the hydrant or fire protection and they have since located the hydrant on the plans and it more than meets what is required under our regulations.

Motion: *by Mr. Kapelson that the Board approves with conditions of plan copies of professional seals and signatures with Mylar, professional seals and signatures of electronic submission, state permits and subdivision, all fees paid and changes detailed in the minutes for Jasper Subdivision Case Number 1301 LIT SD M2L 14*

Second: by Mr. Young

Vote: 6-0-1 (Mr. Perry abstained)

3. Road Acceptance Procedure's

Jen stated that she sent out for comment and at the last meeting only had comments from Jason and looked at the comments. Since the last meeting she also received comments from Lou Caron. Jen posted to the Google site comments from Lou. Lou stated that the cost factor of \$15 per linear foot made sense. Lou's other comments where on the Site Plan Regs, where there is the one non-binding example language, looked at that as something that was proposed to be changed, it is already there and said that what we have there is fine as long as it complies with AASHTO. In the last comment he had was regarding Appendix A, Section 5.1 Paragraph b. His comment was what happens in the instance that you have a 20 lot subdivision and 18 lots are developed and occupied, which is 90% occupancy and after a few years of no further activity the developer places the final 1" pavement on and just wants to sell the remaining two lots to a couple of private individuals who intent to build homes at some future date, is the developer now released from needing to keep a maintenance bond in place until full occupancy is achieved.

There were comments from the Board. Jen stated that what the Board has set up is more generous than what the Board had. Lou's concern is a little more the opposite in that the bond would be released prematurely. Mr. Caprioglio stated that it should be kept it the way it is to protect the Town. Jen stated that in the instance that things change and the lots are not going to be developed, that is when you can do the waiver process and request that it be released prematurely.

Members of the Board had comments and questions about roads being destroyed if the developer comes back in a couple of years to finish building and at what point are we hanging things on the developer. Mr. Curtis stated that if someone damages a Town road when they are developing a private property, they should be held responsible. Mr. Perry stated that holding a bond over a developers head for an infinite amount of time is ludicrous.

Mr. Lynch stated that when he first arrived, the building department only cared about the house; this is not what is going on now. Mr. Lynch stated that the whole lot is his responsibility, if they

damage the road with the equipment going in and out, that is part of the driveway permit. If they damage the road doing the work, they are responsible to fix it. Kevin mentioned that he will not issue a C/O until all is inspected and fixed if need be.

Mr. Curtis asked Jen, if they are okay with this the way it is written. Jen stated that that is a question then need to ask themselves, what she has is what the Board has talked about and agreed to in the past and if you want to deviate from that you need to think about why. Jen stated they got to this point by sitting down with Lou. Jen stated that the way they have it drafted know is that when the Selectmen should be looking to accept a road. Jen stated that they have made things kinder to the applicant itself, but then held that maintenance bond, not the performance bond, but the maintenance bond after the fact, in place to protect the Town so that in the case of a new development, where the Town is accepting a new liability, that if any of those subsequent houses that go in do damage to the road it is taking care of and the Town does not have to worry about the expense of taking care of that.

Mr. Lynch stated that the maintenance bond should only be for a couple of years. The maintenance bond is only for the road, it is not for damage cone to the road by somebody else after. A person could do damage to a road putting an addition, etc. to his house. It is up to that person to fix the road. Mr. Lynch stated that the once the road is done put the maintenance bond on for two years at the max, because it is for the road.

Mr. Curtis stated that the Chairman is now present so he will relinquish the chair to Russ and Steve Perry will no longer need to be a voting member.

Jen went over the Subdivision Site Plan and stated when the final 1" finish coat could be applied, that is when the 80% street occupancy originally and last time the Board talked about 80% of occupancy permits.

Jen stated that the only reason she hesitates, is because when Lou was here, he felt strongly about having something in place until everything was done. He was saying there are provisions when the maintenance bond amount can be diminished based upon the amount of work that has been completed. His advice was to make sure the Board kept something to protect the Town. Jen stated that if you have an exceptional case you deal with that separately.

Kevin stated that you are not really protecting the town. You still have a road bond in place for two years. The security on the maintenance bond is to ensure that the road with stands the condition it was supposed to be built to. If someone else damages the road, that has nothing to do with it.

Mr. Byron suggested putting the maintenance bond on for two years, to see how the road weathers and how the road will react, and then do your final coat on the road and then somewhere in the regulations, basically state that anybody that damages the road is held liable for fixing the damages to the Town's satisfaction.

Mr. Perry stated that if you get that application from the developer to say they want you to accept the road, the right thing to do is to call them in and ask them why they would want us to accept

the road so early. They could say they are all done building and want to hold on to the rest of the lots. Mr. Perry stated that to him it makes perfect sense to accept the road. Mr. Byron stated that the Selectmen should be asking the Planning Board if they recommend the acceptance or not of this road. Mr. Lynch stated that Lou is our engineer to inspect the road; he brings that recommendation to the Planning Board and says the road is done to the satisfaction of the plan and approved. The Planning Board blesses it based on Lou and then you bring it to the Board of Selectmen saying it is all set to go based on our engineer, they now have the ball in their hands saying yes or no.

Jen went over Appendix A; Section 5.4 Part C. and stated an applicant can come in with a waiver request. Jen stated that the maintenance bond is a condition of the Planning Boards application approval. Jen stated that it is the Selectmen's decision to ultimately release the bond.

The Board went over the revisions they would like to make. Jen will make the revisions to Appendix A and send to the Board for review as well as Lou, Kevin, Jack, Jason and Town Counsel.

4. Community Planning Grant Application

Jen handed out copies and stated that the Boards number one step was to put together their scope of work and send it to New Hampshire Housing, after which they will send the Town a contract to consider. Jen pulled together the scope of work using their template and pasted in from the grant application. The project summary and deliverables are edited versions of what the Board had in their application designed to meet their maximum word limits. The only other changes incorporated is under Task 2; we did have reference to the Multi-family ordinance at Town meeting and Jen was e-mailed back and because it did not pass Jen cleaned out the Town Meeting piece. Jen stated that they still need to figure out the Multi-housing piece moving forward. Jen stated that the Board might want to consider while they are asking folks where commercial development belongs and where our important agricultural sites are that we want to preserve; they simultaneously say "where would you be willing to tolerate multi-family housing". The Board needs to work on selling the Multi-family ordinance as much as they can. Jen stated that the opportunity they have with the grant, is that they have approximately \$5,000 for outreach and not all has to go to staff time, some can go to printing postcards and additional information that they get into each household that states what the planning board is proposing and why they should vote yes for these items. Joan and Jen will go through and send back to New Hampshire Housing.

5. Master Plan Review

Jen stated that she pulled the results from survey monkey. Jen proposed they skip doing anything on this tonight.

6. Impact Fee Update

Joan mentioned that she sent Mr. Mayberry the entire housing assessment from the assessment data and he thought that it looked good. Joan just finished with the age restricted housing and just sent that to him as well as the old road study from 2002. Mr. Mayberry will be in contact with the School Superintendent's Office.

7. Election of Officers

Mr. Blanchette mentioned that he heard from Leon Barry that he would like to step down from the Board as his term is expiring. Russ also mentioned that Joel's term was also expiring.

Motion: by Mr. Blanchette that the Board reappoints Joel Kapelson for another term.

Second: Mr. Young

Vote: 7-0-0

Motion: By Mr. Blanchette to nominate Mr. Caprioglio as a full member of the Board

Second: Mr. Young

Vote: 6-0-1

Motion: by Mr. Caprioglio to nominate Russ Blanchette as Chairman

Second: Mr. Young

Vote: 6-0-1

Motion: by Mr. Blanchette to nominate Mr. T. Young as Vice Chair

Second: J. Kapelson

Vote: 6-0-1

Motion: by Mr. Blanchette to nominate Mr. Caprioglio as clerk

Second: Mr. Young

Vote: 6-0-1

Approve Minutes of February 5, 2013, February 19, 2013 and March 5, 2013

Motion: by Mr. Young to accept the minutes of February 5th as amended.

Second: Mr. Blanchette

Vote: 7-0-0

Motion: by Mr. Caprioglio to accept the minutes of February 19th.

Second: Mr. Young

Vote: 7-0-0

Motion: by Mr. Kapelson to accept the minutes of March 5th.

Second: Mr. Young

Vote: 6-0-1. (Mr. Byron abstained)

Other Business

Mr. Young mentioned that he sent everyone a link to the new forum for the Nashua Regional Planning Commission.

Joan mentioned to the Board that the 19th Annual Spring Planning & Zoning Conference will be held on Saturday, May 11, 2013 at the Radison Hotel in Manchester.

Mr. Perry stated that after the election we have a new piece of property in Town that is zoned residential, there is one owner to that property and the Board should probably kick around the idea of contacting him and politely asking him what he plans on doing.

Mr. Croteau mentioned that the Lower Merrimack Advisory meeting is Thursday at 7:00.

Motion: by Mr. Byron to adjourn

Second: 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 April 2, 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