

**PLANNING BOARD MEETING
TOWN OF LITCHFIELD**

Held on May 7, 2013

Minutes Approved 5/21/2013

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

MEMBERS PRESENT: Russ Blanchette (Chair), Mike Caprioglio, Bob Curtis, Frank Byron, Selectmen's Rep. and Joel Kapelson

MEMBERS ABSENT: Steve Perry, Tom Young (Vice), Michael Croteau

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

CALL TO ORDER

Mr. Blanchette called the meeting to order at 7:05 p.m. and joined the Board in the Pledge of Allegiance.

1. Sign Application at 323 Charles Bancroft Hwy. for Karla Benjamin Doggy Day Care

Ms. Benjamin came in front of the Board to show what the sign graphics would look like and where the sign would be located. Karla showed that it would be located in her front yard where her mailbox is and they would extend the mailbox post up which is four feet tall and it would extend another two feet and the sign is 2' x 2'. Mr. Byron asked what the design of the sign was. Karla stated that that it is a 2 sided vinyl sign, and they mounted it onto a piece of plastic and she will drill holes for the attachment underneath the sign. Mr. Byron asked if the sign was within regulation. Joan stated that the regulation is 2 square feet. Jen stated that on Appendix F, the home occupation maximum for a sign is 2 square feet. Karla stated that the sign would be whatever size the Board approved. Mr. Blanchette asked if her proposed location was going to cause a sight distance as you are trying to leave your property to have a clear view up and down the road. Karla stated that there is a clear view and where the mailbox is there is a large mound of grass and it is in that one area that is off the road and off the driveway.

Motion: by Mr. Kapelson to accept the sign application for 323 Charles Bancroft Hwy for Karla Benjamin Doggy Day Care.

Second: by Mr. Byron

Motion: 5-0-0

2. Continuation of an application by Konis Corporation and Sousa Realty & Development to subdivide one lot into eight single family residential lots at 9 Nesenkeag Drive, Tax Map 10 Lot 77. Pinewood Subdivision

Mr. Tony Basso came forward and stated that he got additional comments from Lou and Jen, and stated that there was really nothing new to present except for the comments Lou and Jen had. Jen stated that in reference to the two driveways in lieu of a cul-de-sac, there was concerned that as proposed that the driveways wouldn't meet the regulations at the time of constructing driveways and pulling driveway permits and some type of waiver would be needed or some alternative solution. Jen stated that she knows that Kevin Lynch does not like a common driveway which would easily meet the requirements of the driveway regulations, but has its own baggage to do a shared driveway from a maintenance perspective. The issue is with the two driveways that close together, they do not meet the minimum separation between driveways within the driveway regulations. Jen stated that the other concern was the minimum distance for a driveway from an intersection is 100 feet and as you are driving that section of the road, you don't feel like it is an intersection, it is directly into that intersection. Tony stated that at this driveway they have a separation between all the way down to the end, it is not a high thing, and it is just a low separation just to create a definition between the two driveways. The alternative that Tony spoke to Kevin about was to just pull this back to the right of way line which they were willing to do if that is what the Planning Board wanted. Mr. Basso stated that the driveway would not be common; it would only be the entrance. Tony stated that it is up to the Planning Board; he does not have a problem asking for the waiver, but does not think it is necessary. Tony mentioned that under the driveway regulation in the Land Use Laws and Regulations, says the Planning Board or authorizes the administrator/Building Inspector in consultation with the road agent to administer the standards and regulations. Mr. Caprioglio asked how wide the space is between the driveways. Tony stated about 10' wide. When you get down into the right of way it tapers from 10' to a 2' wide point.

Jen stated that administratively, the Land Use Regulations are the Planning Boards and the planning Board is the only one who can waive those standards administratively. The administrative review that Kevin is required to do as part of having the authority to issue driveway permits, is he is to check and make sure and confirm that they conform with the regulations and or any stipulations, constraints, waivers, etc. that the Planning Board issued when they reviewed the plans. Jen stated that it comes down to what the Planning Board thinks is the safest design for future residents and citizens of Litchfield. Mr. Basso stated that it is his believe that the shortening is the best approach and his recommendation. Jen agreed that this was a good compromise. The Board also agreed this was a good approach. Lou made a comment that he would suggest going a little further back. Tony stated that the further back you go the more it becomes a common driveway. Mr. Byron asked what the width was of that common driveway piece. Tony stated that it was 28' wide at the edge of the road. Jen stated that we need to make sure that the paved section in the right of way is 14- 16 feet wide, sign as a private driveway. Mr. Byron asked what has been decided. Jen stated that it has been decided to pull the driveway back to the right of way or possibly a little bit further, it be signed as a private driveway, the throat would be narrowed to 14 – 16' wide within the right of way area, the island would get pulled back as needed and there would be two parallel driveways. Jen also mentioned that there is also a turnaround at the end of each driveway. Mr. Basso stated that the comment he had about one of Jen's concerns was about the fence along one of the lots, Mr. Basso mentioned that the owner of the land cut the trees even on his clients land and they don't have the right of way there and the fence would belong to the town. Jen stated that was a good point.

Jen also mentioned that the easements were sent to Town Counsel for review and they did get a not back which stated "That assuming that Easements C, D, and E are going to be plugged into identical easement deed forms, those are fine in verbiage. If the Planning Board would like him to review the actual descriptions of the easement areas, he would need the plans". Mr. Basso stated that what they were talking about was the legal description inside the easement and they actually provided that to the attorney that drafted the easement; They prepared them as part of the document and gave it to them in a word document and they put them into the standard easement language. Jen asked Joan if they usually send these plans to Town Counsel and Joan stated no they don't. Jen mentioned that her last item was just a couple of typos: on sheet 1, where they had noted to keep the proposed 50' vegetated buffer; Jen recommended to strike the word proposed, because they are intending to keep a 50' buffer. Mr. Basso stated that they put the word propose because they are proposing this it is not a standard feature. Sheet 1, note 15: Correct NHPES Notice of Intent to NPDES NOI. Sheet 1, Note 18: Cite correction section of the subdivision ordinance (§ 415 Irregular Shaped Subdivision Lot) and that the waiver was granted on April 2, 2013. Mr. Basso stated that he will correct them all. Joan stated that the Conservation Commission had one note which was limited salt use on Hamel Circle. Mr. Basso will add this to the note on the plans.

Lou Caron Comments: Plan Sheet 10. Hamel Circle Cross Sections; Spot elevations have been added to the cross sections. It appears that a proposed 181' contour line from station 4+50 to the drive at 5+10, Right, needs to be added to the plan sheet. This elevation represents the top of the drainage ditch berm at this location.

Easement: Slope and Drainage Easement: Easement B is located on the land belonging to the Konis Corporation. The Sousa Realty and Development Corp. is listed in the easement as Grantor. The Konis Corp. should be the Grantor. The Easements listed as "C" and "H" are both slope and drainage easements along Hamel Circle and both are located on proposed Lot #77-3. Lou recommends these two easements be combined into a single easement. Mr. Basso stated that they will make those corrections. Lou stated that the only word of caution he had, on lot 77-1 and 77-3 there are some ditch lines in there and if you compare what's proposed to what is out there, there will be a driveway that goes on lot 77-3 that will probably be a couple of feet above the ground; everything out there is at elevation 180, the detention basin is at elevation 180 and he doesn't think the water will ever get into it, but this driveway will create a dam because generally the water is flowing from Nesenkeag down towards the power lines, so there may be a need that the developer or contractor needs to just be aware to put some additional drain pipes under there to let the water pass through depending on where they build a house.

Jen stated that the other thing in the conversation that was going to be changed was the merger of the two easements "C" and "H" and just a change of the name on easement "B", Lou's comments and correcting the plan for the finish grading to match the cross section.

Mr. Blanchette opened the floor for Public Comment.

No members of the public present. Public comment is closed.

Mr. Blanchette read the list of the conditions for approval.

Motion: by Mr. Curtis that the Planning Board conditionally approves the application by Konis Corporation and Sousa Realty & Development to subdivide one lot into eight single family residential lots a 9 Nesenkeag Drive, Tax Map 10, Lot 77. Pinewood Subdivision. Application Case No. 1301 LIT SD M10L77 based upon the following conditions: 1) Reduced road salt use on Hamel Circle, 2) Driveways accessing Map 10 Lots 77-6 and 77-7: signed as private driveways, 14-16' wide at throat, pull island back as needed and turnarounds at end of each driveway. Sheet 1 (and all subsequent sheets as applicable): Note on Map 10, Lot 77 should be revised to read 50' vegetated buffer, striking the word "proposed"; Sheet 1 note 15: Correct NHPES Notice of Intent to NPDES NOI; Sheet 1, Note 18: Cite correct section of the subdivision ordinance (§ 415 Irregular Shaped Subdivision Lot) and that the waiver was granted on April 2, 2013. Plan Sheet 10. Hamel Circle Cross Sections: Spot elevations have been added to the cross sections. It appears that a proposed 181' contour line from station 4 + 50 to the drive at 5 + 10 Right, needs to be added to the plan sheet. This elevation represents the top of the drainage ditch berm at this location. Easements: Slope and Drainage Easements: Easement "B" is located on land belonging to Konis Corporation. The Sousa Realty and Development Corp. is listed in the easement as the Grantor. The Konis Corporation should be the Grantor. Easements listed as "C" and "H" are both slope and drainage easements along Hamel Circle and both are located on proposed Lot #77-3. These two easements need to be combined into a single easement. In addition there will be plan copies with professional seals and signatures; original Mylar with professional seals and signatures; Electronic submission per regulations (As-builts as required); bond estimate (where applicable); State Permits for Subdivision (Sub Surface/Septic); all fees paid and escrow maintained as required.

Second: by Mr. Kapelson

Motion: 5-0-0.

3. Update on CPG

Tracking Time: Jen provided spreadsheets on Google docs so that the Planning Board can track their time. Jen mentioned that after Russ and Tom had visited the organizers for the Strawberry festival, Russ e-mailed her to ask if they have a way to track their time. Jen stated that what they have is essentially a replica of what they pass out as a sample for time tracking and chatted quickly with Karen White who is going to be doing some of the administrative end of things at Town Hall and tallying everything up and submitting the reports to NH Housing. Jen explained how the time sheet worked and that there were tabs for each month. Karen White (TOL) will report monthly.

Outreach - Jen mentioned that under outreach there is a Strawberry Fest overview, Jen typed up a little summary for Russ to go and talk with the folks from the strawberry festival for a possible pitch for the outreach event. Joan found out after the last meeting that the Strawberry Festival is on June 22nd. Jen stated that she will not be available that day but she will send other staff from NRPC to help out. The pitch is to do a quick easy opportunity for folks to give their feedback. The boards discussed the different ways to be able to have the people give them feedback on what they want for the Town and How the Board members can split up their time. The Board discussed what materials they will have out. Russ mentioned that the Strawberry Festival is on June 22nd from 11:00 am to 3:00 pm. at the Litchfield Community Church.

Jen mentioned that she outlined a more formal listening session and was thinking about an 11x17 handout with map results from the survey and also maybe a survey of what the people want in Town and what the current visioning goals are and what the Planning Board is trying to do.

Listening Session: Jen mentioned that she went through and outlined everything that goes into it and flagged and highlighted some of the pieces they still need to discuss and identify and find out a date, time and location. Jen mentioned that this should be done sooner rather than later. Jen went over the agenda for the session and what they should do. The Board also discussed various ways to let the people know when their listening session is and how to get them there. The board discussed June 25th at 7:00 as a tentative date and time for the Listening session.

4. **Sign final plans for Jasper Subdivision** – The Chairman will sign the final plans

Return of escrow for Jasper Corporation –

Motion: by Mr. Curtis that the Planning Board returns the complete escrow fund to Jasper Subdivision to close out the escrow fund.

Second: by Mr. Kapelson

Motion 5-0-0

5. **Moose Hollow Road cul-de-sac/round-about** – Joan mentioned that this has been hanging out there for a long time and they were told by the owner/developer that they would take it out last fall, which never happened. Joan mentioned that she just wanted to alert the Planning Board and wanted to know if she could pursue this with the developer and see what is happening, it was a cul-de-sac and now it is a through road but they left the cul-de-sac. The situation was they were supposed to get permission from all the banks that owned land on the mortgages and they never were able to accomplish that. Mr. Caprioglio asked if the original plans had the cul-de-sac taken out. Joan said yes it did. Mr. Caprioglio mentioned that a lot of the residents think it is staying. Joan stated that the developer was supposed to talk to the people one the cul-de-sac. Joan stated that the road agent wants it out of there. Joan will check into this and get back to the Board for the next meeting.
6. **Slope easement removal Hemlock Court** – Joan mentioned that Kevin did not feel that this needed a motion, just a signature. Mr. Byron stated that he would not suggest the Planning Board do that, he would suggest you have a motion, if you are going to extinguish and easement, then we need to have a Public Meeting, notices and everything else. Jen stated that it is a plan change. Jen asked if the existing easement has been recorded. Joan stated yes. Mr. Byron mentioned that this is now a part of the Registry of Deeds, you can't just sign off on this. The Board will need to talk to the new Attorney. Mr. Byron stated that this is now a part of people's deeds. If you don't take the proper actions to create that change, you are in trouble because it is already recorded.

Home Occupation Registrations – Joan mentioned that she received all but one and there is no change on any of them, can either Joan or the Chair sign them, they are just registering them again. The regulations say to register them with the Planning Board every year. Mr. Blanchette stated that he had no problem signing them.

Approve Minutes of April 16, 2013

Motion: by Mr. Caprioglio to approve the minutes of April 16th as amended.

Second: by Mr. Curtis

Motion: 3-0-2

Other Business

Russ mentioned that real estate prices are supposedly bouncing back slowly, we are in compliance with workforce housing requirements, because of the real estate market as a whole and the value of properties within our town. As the market picks up the Planning Board should be aware of that and be ready with some sort of change to their ordinance. Just something to keep in mind.

Motion: by Mr. Curtis to adjourn

Second: Mr. Caprioglio

Vote: 5-0-0

There being no further business before the Board, the meeting adjourned at 9:25 p.m.

The next Planning Board meeting will be held May 21, 2013.

Minutes taken by: Donna Baril