

**PLANNING BOARD MEETING**

**TOWN OF LITCHFIELD**

**Held on July 16, 2013**

Minutes approved 8/6/13

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, July 16 at 7:00 p.m.

**MEMBERS PRESENT:** Russ Blanchette (Chair), Tom Young (Vice Chair), Bob Curtis, Frank Byron, Michael Caprioglio

**MEMBERS ABSENT:** Steve Perry, Kevin Bourque, Michael Croteau, Joel Kapelson and Joan McKibben (Admin. Assistant)

**ALSO PRESENT:** 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. Tanager Way - Owner: Homes by Paradise**

Homes by Paradise - Mr. Amos White and Peter Paradise who are two of the three principals in Homes by Paradise. Mr. White stated that they were hoping that the road would be final action on acceptance of the road and was not sure if the Board was lacking any information to date. Mr. Blanchette stated that they have the information they need and asked Jen if she was missing anything. Jen stated that she did not have anything. Jen stated that the purpose of having Tanager on the agenda was that perhaps the Planning Board would recommend acceptance of the road to the Board of Selectmen. Joan forwarded the as-builts to Lou today and had hoped that he would get back to her today but does not know if that has happened. Joan has a copy of the road deed and maintenance bond that the Selectmen approved in January and concurred that the bond is in place. Mr. Blanchette stated that without further information from Lou regarding the as-builts he doesn't believe there is much they can do this evening. Jen stated that she would recommend that they at least have Lou's confirmation that he has them and everything looks good. Mr. Byron stated that there are a couple of things that may be worth reviewing is the status of the road, and also to make them aware that there has been a change to the road acceptance criteria that has been put in place about a week ago. Mr. Byron stated that one of the issues that is being dealt with is the issue of acceptance of the road in that the school does not send school buses down there and it has become an issue with the parents. Mr. Byron asked Amos to update them on where that road stands and what is

going on. Amos stated that last year they were asked to pave the road so that the road could be accepted, and plowed by the town. Last year they went in and finished the road, paved the road, finished the punch list from Lou, got the as-built to the Town and there was no acceptance of the road and they were forced to plow it last year and they were told they would not have to if they put the finish coat on. Amos stated that last year they did everything they were supposed to do under the understanding that the road would get accepted and be plowed by the Town. Mr. Byron asked if Lou has gone back out and inspected the roads. Amos stated they did the punch list and they finished the road and they went out and looked at it after they took care of it and it definitely need something from Lou stating that they did, but the road has finish coat and everything has been brought up to par and ready for acceptance which it has been for almost a year. Mr. Byron stated that the Planning Board needs to address with Lou getting that information so that the Planning Board can make a decision for recommendation. Mr. Blanchette stated that they just need to hear from Lou and at the next meeting make a recommendation.

## **2. Moose Hollow Rd - Amos White**

Mr. Blanchette asked where they are at with Moose Hollow, there is a cul-de-sac that should be removed. Amos stated that there is a long history with the cul-de-sac and what has transpired is that cul-de-sac would be removed after the final paving, at one point they were going to try and leave it, there were a lot of hurdles in that it was a temporary cul-de-sac and in order to pave it and keep it as a permanent cul-de-sac they would have to involve the lot owners to sign off (which they were all willing to) but also who ever they financed their property with sign off as well and that proved to be a pretty major hurdle because there was nothing there for them and they would have been giving up interest in part of the land, so they did decide that prior to putting down the finish coat, they would remove the cul-de-sac per the original plans. That is their goal right now. Mr. Blanchette asked if there was any estimate to completion on that and any hope for a timeline. Amos stated that they had hoped to finish (there is one more house to be built on the street) and so they have been waiting for that house to be built and thought it would've been built years ago, the land is still there for sale. Typically you wait until the subdivision is completed and then you finish the road. Jen stated that was one of the changes that was made in the Road Regulations that were adopted last week in that you do not have to wait for full completion. At this point it is 80% complete. Amos asked what happened if they come in a month after they finish the road and scar up the road, because they are responsible for it for two years. Mr. Young stated it would be the building department, if they do damage before the CO is issued, it will be repaired. Who ever did the construction is responsible. Mr. Caprioglio asked Amos if there was a timeline on when they would want to finish the road because residents want to get the street plowed, school buses, etc. Amos stated they would love to get resolution of the plowing services because they have been plowing it for years. Mr. Byron stated that the way it would work now is that once the road is accepted, which at this point it could be, once it is reconfigured and checked by Lou, then the Town takes over plowing even though it may be under a maintenance bond for two years, the Town will take over the plowing. Frank stated that it is in the regulations. Amos stated that if the Town is looking for a

time table from them as to when they would finish the road he will tell them that once they get a copy of the new road acceptance regulations, he would say that by this time next year they would have the road completed. Mr. Byron asked Amos if there was any opportunity to try and reconfigure the cul-de-sac now. Amos stated that they could possibly look at getting that done. Frank asked when they think they would have a better handle on their schedule. Amos stated that they could probably let the Board know within a month or so, whether they intent on getting in there this year or not. Amos stated that he can promise that by this time next year everything will be completed. Frank mentioned that the Town did remove the dirt pile because of safety concerns. Amos asked when they could be back on the Tanager piece. Jen stated probably at the next meeting in two weeks. The next meeting of the Planning Board will be August 6th.

### **Public Input:**

Chris Pascucci of 12 Colonial drive stated that he attended the listening session the Planning Board held a few weeks ago and just wanted to ask a couple of questions: 1. the board had said as the result of that meeting worked out to be the people attending wanted Litchfield to remain the way it is. Mr. Blanchette stated that was the overwhelming response of the group of people he was working with, they were very satisfied with the existing sets of ordinances and saw some opportunities for modest improvements to the existing set. Mr. Pascucci stated that the group he was in, they heard the same type of thing. The reason is if you build it they will come and if business comes you need a bigger police force and fire station and a lot of other things. Mr. Pascucci stated that he was just there to state and get it on record that it is also his opinion that he would like Litchfield to stay the way it is because, the reason why he moved here is because it is not like Hudson, Nashua, or any of those other Towns. Mr. Pascucci stated that it is a benefit that this town does not turn into some of the other towns. The reason he is bringing it up now is because you still continue to hear throughout the year and at Deliberative and you have warrants on the ballot where we keep hearing people want to see growth and so far he does not see it, and even at the ballots these things have been turned down overwhelmingly and he thinks that this Board being what they have learned at that meeting we can speak about a little bit more. Mr. Pascucci stated that he does recall that survey and believes he has an explanation; when you ask people what they want in a survey; if you say would you like to have this, this and this, it is asking him would he like to have a ferrari and the answer would be yes, but when you say your insurance is going to be 4 times as much, you would have to give up something else in your household to pay for it, well he does not really need a ferrari, so he thinks that is the reason why the survey doesn't really match. When you get people in a room and you're talking then you get to talk about it and come to a conclusion. A survey about what do you want and you check boxes, he thinks thats probably the reason why there might be that disconnect. Mr. Pascucci stated that he does know that meeting or this whole process that the Board started in the meeting had to do with some grant that we accepted. What was the reason why we did choose to accept this grant and go through this process, did we really not know the direction or the feeling or were we trying to look for certain information, even though it is so called free money, why do we go through the exercise. Mr. Blanchette stated that it is because it has been quite some time since they have reviewed all of these ordinances in mass and we have not updated our master plan in over a decade, it is time to get a read of the communities

input, what does the town feel about where we are and where we are going, what does the town see for our future and we had an opportunity to fund that with some grant money. Mr. Pascucci asked if that process was now completed and does the Board have the information they were looking for. Mr. Blanchette stated that they have a lot of information that they are still trying to aggregate and understand and they are going to look for more information and keep bringing more information to us. It is a continual process, and even after this process is complete and we have settled on what their approach will be if any to change anything or keep things the way they are, keep bringing forward opinions of the community to us. Mr. Pascucci stated that we hear about people who say they want all of this stuff and growth, Chris would like to see them sit right here also, so anything to get them out, he would love to see them here. Mr. Blanchette stated that is what this process is trying to do, get those voices into the mix. Mr. Pascucci stated that he does have to admit, watching it from home, it does take a lot to understand what is going on here, it takes awhile to get to know how the process works. Mr. Pascucci stated he had one last question; He know that the NRPC plays a big part, but what is the role of the commission at these meetings, what is the role or responsibility? Mr. Blanchette stated that NRPC backs them up, they act as facilitators as advisors, secretaries, basically whatever the Board needs, if they need maps generated they have fabulous map making folks. Mr. Caprioglio stated that they are the experts about the state, if the Board is going down the wrong road then Jen is there to help them. Mr. Pascucci stated that he is asking the question going from his education as well as anyone else that is watching right now, the meeting is controlled by the Planning Board. Mr. Blanchette stated that it is his meeting and he is the one that runs the show. Mr. Byron stated that he had one statement and a question for Mr. Pascucci: 1. to your comment earlier about building sewers and other things like that: there was never a proposal that has come to the town to build sewers, there was only a proposal(which was explained at the time) to try and study what would be needed for sewers so that a intermunicipal arrangement could be made if ever it came to that in terms of development, that was the only purpose for doing that warrant article last year which seems to be a concern. Mr. Byron stated that his second point is is that he would like to hear from Mr. Pascucci how the Town should address the issue that we are sitting upon, which is going to be a huge issue in the subsequent years if we don't address it and that is the farmland. Right now farmland is sitting there idle (really being farmed) but as we have seen already with at least one farmer, one large farm in town, once they want to get out of farming, they are going to sell their property and that is going to potentially be developed into single family house lots and all of that is going to bring children who are going to attend Litchfield schools and everything else, how should we address that? Mr. Pascucci answered by saying that is obviously the question on the table and something he is trying to work through himself. This farm is a farming town and you can't force people to farm on the land, everything that comes into the town has cost to it, obviously just like you said you bring in a bunch of houses and that is a lot more children for the school, the first choice for him (as they talked about at the meeting about farms and then houses, small business) we don't want the large business or industrial that comes in with it, thats what he got from the meeting. Obviously someone can come in and do whatever they want with the land but we don't have to make it easy for a walmart etc. to come in. If a huge farm want's to sell to a walmart, well walmart has to make the decision if they want to go through all the hoops to build on route 3A. Mr. Pascucci stated that he does not know the answer to the question, but someone in the room

even said they would be willing to pay more in taxes just to have the town stay the way it is, so he thinks at least the feeling that you get from the people in this town is that you don't want to see the growth, so lets not make it easy. Mr. Pascucci stated you are right, he might of misstated it, the Board of Selectmen did not bring up a proposal to build sewers, but the Board of Selectmen brought the proposal to start this step of building sewers, which is lets do a study, it was overwhelmingly turned down and he thinks that is just people telling you, they don't want to start that step to make it easy for business to come in. You can't stop them , but let the walmart fight really hard to build a store here. Mr. Byron stated that he is not talking about Walmart, he is talking about residential development, how are you going to stop residential development, you have farmers there who are sitting (who used to be property rich) and now thats potentially starting to crank back up again, so you have two choices, you can either take away their ability to have that property developed into residential homes which decreases the value of their property and as he recollects, back in the 1990s was something the Planning Board had proposed at one point. Or we end up dealing with somehow trying to accommodate all of those people that are going to move in. Mr. Byron stated that he does not see any other choices based upon the way it is being presented to leave it the way it is and guess that is his concern, you can't make it difficult, you have to make it according to the zoning ordinances. The zoning ordinances are quite clear on what is or not acceptable. If somebody comes to the Planning Board with a plan that meets all the requirements of the zoning ordinance, we as a Planning Board have to approve it, so its not a matter about making it hard, its a matter of what are we going to do. Mr. Pascucci stated that he agrees, but getting back to what he first said; a sewer and gas lines coming in is making things easier for businesses. Mr. Pascucci stated that his statements revolved around the businesses. He does not believe that housing developments never came up at the meeting he attended, he said they were talking about big businesses coming into town, then route 102 came up and people thought that was fine. He believes they were talking about 3A. Mr. Pascucci stated that Frank was right about housing developments, you can't make it hard for them to come in, but that is not what he was talking about, they were talking about the businesses. Mr. Caprioglio stated that residential needs to be in here. Mr. Caprioglio stated that the bigger issue is with reaching out to the community is talking about multi-family. It has to be addressed and allowed. There was further discussion about the survey and what it meant. Mr. Pascucci stated that the purpose of him coming here tonight was because we do hear a lot of times that people do approach either the Board of Selectmen and say they want stuff and he does not see those people behind the microphone talking to the Board and in fairness he does not hear the people coming and saying they don't want stuff. It is the mood of most people in this town, even the way they vote, and voted down a study for sewer, that they don't want the big stuff here. You have to obey the law, housing has to come in and we have to find a place to put it if that is what the law says; they would prefer not to , but you can't break the law. Mr. Pascucci stated he will be watching more meetings and hopefully he will learn the laws of what we have to do and maybe he could provide his opinion to some answers. Right now he does not have an answer, he was just stating the mood of what he gathered at the meeting, in his own opinion. Mr. Pascucci stated that he knows people watche these meeting, which is why he is asking the questions.

**Public Input Closed.**

### **3. Rules of Procedure (By-Laws)**

Jen stated that she has not had time to make the revisions as of yet because it has only been a week. This will be added to the agenda for the next Planning Board meeting on August 6th.

### **4. Community Planning Grant**

Jen stated that for the last meeting she posted for the summary of comments from the June 25th event, and went back after that meeting and added to the end of it just the summary of some of the written comments from the Strawberry Festival. The Board discussed having this available for the public, so they know what they brought to them is being worked actively and this is what they are producing from it. Mr. Blanchette stated that they should probably take a little more involvement in the Planning Boards section of the Town's website just so they can structure it and make it a bit easier to find stuff like this. Mr. Caprioglio stated that they should put a marker on the front page and make an announcement of the facebook page.

Jen stated that last week she handed out the results, and the big thing now is using the results and just having them here to guide them in starting their next steps. Jen stated based on what they heard at the last meeting, they put together a draft survey. Based on what they heard at the meeting and trying to find out what the correct course of action is to help narrow in. If they are going to try and revise zoning provisions, (starting with the commercial piece) to make sure that commercial development occurs in the way that people want it to. Jen pointed out a couple of different means that they can do so. Some of the ways they listed out as ways to get what you want out of commercial zoning: 1. setting up design guidelines; another option would be performance zoning (restructuring the commercial zone to function more as a performance zone where it puts out more standards in saying, you can have a little bit more flexibility if you do things to look and feel this way, or to perform in this way. Jen stated for different neighborhoods you can do different standards, in this one neighborhood this is how the existing territory development is and customize the regulations to meet that area and in the south you can do a separate set of standards to match what you want to get out of the southern end. Jen stated that to come up with a revised commercial district with more of a village style commercial district just to tweak the regulations to make sure that the size of development matches that of a traditional village. For access management; Jen stated that one of the possible ways to deal with this is to say listen, the commercial zone is pretty much the way it is, it works but there are some minor tweaks. Jen stated the biggest issue that she heard was that the frontage requirement is 500 feet, in making it so that it is not feasible for folks to utilize the land that is currently zoned as commercial. The problem with reducing that frontage is access management. Jen stated you can set up an access management which looks at shared driveways or other ways to minimize the number of curb cuts you have on 102 to prevent traffic issues and potential for accidents. Jen mentioned that those are some of the things they wanted to get out there and get feedback on for course of action for how to implement some of those ideas. The next piece which is assuming performance zoning might be something of

interest, this goes with some of the different things that go into performance zoning district or design guidelines. What type of commercial uses should be allowed in Litchfield, those list came from going through the results from both events. Jen stated they then get into the agricultural piece and try to get some feedback for an agricultural preservation ordinance and get a feel for what folks in Town think is most important, what type of agricultural operations and ask really basic questions as to whether farms should be protected. The Board discussed as to how the question should be worded or asked. The Board also discussed conservation easements and what it actually means and what happens when the landowner sells. The Board also discussed different ways to reword the writing so the the people understand what it actually means. Jen stated in the overlay district you can structure it in a way that says, we will still let you develop it as residential in the future, but we want is some trade off that says we will still let you have that density and the name number of houses (but do it as a cluster) or do something that makes sure the area still looks and feels agricultural. Jen stated you can do it voluntarily or mandatory, because you already have the existing conservation subdivision which is required for subdivisions over 20 acres, so it wouldn't be a significant change from what is already there. Jen mentioned the way our current conservation subdivision ordinance is structured, it focuses on the natural resources and focuses on developing in a way that does not disturb the existing natural resources that maintain that rural character. Jen also went over with the board if they do create an agricultural overlay, what are the purposes beyond just maintaining that agricultural farm town feel and what it means. Jen also went over the maps that came out of the Strawberry festival and work session. Regarding Multi-family housing jen stated that "by Statute ALL Town's must allow multi-family" and failure to do so risks being challenged and occurs substantial legal cost and not having control over where such development would occur. Given the need to need the multi-family, where would you support such development. The Board continued discussions regarding multi-family housing. Jen and the Board discussed having staff members talking to different business, farms and land owners in town and getting specific input from them on their take on how things work, do not work, or what could be better. Jen mentioned that on the outreach page there is a discussion guide and a contact list. Jen mentioned that the goal is to get three or four off of each list and sit down and get some input from them.

Jen stated that the next item she has is on the agricultural page. Jen stated that Kim (from NRPC) sat down and went through typically what goes into a agricultural preservation district. The first thing that goes into that is stating your objectives. Kim went through and pulled through the master plan some of the stated objectives that the board has and has also looked at more objectives and some benefits. Jen discussed with the Board what this is and what it means and went through what a couple of other Towns did. Jen and the Board went through the objectives. Jen and the Board discussed what they want their bottom statement to be. Jen and the Board also went through the next question; boundaries, location, applicability, voluntary or mandatory. Jen went over permitted uses. Jen stated that the existing underlying district: the single family, duplex, two family, farming and related agricultural uses, utility structures, home occupations, sand and gravel excavations, manufactured housing, independent living/open space housing development for older persons and fences are permitted use. This would be to further expand on what related agricultural uses are. Jen mentioned that the lesson learned is

making sure what you define your related agricultural uses as truly does encompass what you would like to see. Jen also went over the performance standards piece with the board. Jen also went through the additional requirements for subdivision site plan approval applications, which is getting into the design standards. The Board will further review this for the next meeting.

**Approve minutes of July 9, 2013**

Deferred to next meeting

**Any Other Business**

Mr. Byron reminded the Planning Board that the Board of Selectmen need a review of the impact fees for the upcoming year. Jen stated that there are no changes because they are working with Mr. Mayberry to get an update. Mr. Blanchette stated that he has an email into Mr. Mayberry and is waiting to hear back.

Mr. Byron stated that they continue to provide the property owners if the parcels with money back that has been collected for elementary school. Mr. Byron asked the Planning Board if it was their intention to continue to collect those fees. The Planning Board will discuss this at the next meeting.

The next Planning Board meeting will be held on August 6, 2013.

***Motion: by Mr. Tom Young to Adjourn***

**Second: by Mr. Caprioglio**

**Vote: 5-0-0**

**Minutes taken by: Donna Baril  
transcribed from tape**