

**PLANNING BOARD MEETING**

**TOWN OF LITCHFIELD**

**Held on August 20, 2013**

Minutes approved 9/3/2013

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, August 20 at 7:00 p.m.

**MEMBERS PRESENT:** Russ Blanchette (Chair), Tom Young (Vice Chair), Frank Byron, Michael Croteau, Joel Kapelson, Bob Curtis and Kevin Bourque (Late 7:50)

**MEMBERS ABSENT:** Mike Caprioglio, Steve Perry and Joan McKibben (Administrative 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.

**Public Input:**

**Mr. John Latsha - (Vice Chair) Mosquito Control District (MCD)**

Mr. Latsha came in front of the Planning Board and the public to let the people now that there has been a quite a bit of increase in west nile and the EEE virus in the area. The Litchfield Mosquito Control District has served the Town for the past 7 years; their mission is to try to prevent mosquito borne illnesses, like EEE and the west nile virus as well as tick diseases. Based on recent positive tests of EEE and West Nile in Vermont, Massachusetts and Connecticut and positive west nile in Pelham and Sandown as well as Manchester and Nashua, NH. Mr. Latsha would like to remind the public to try to prevent mosquito borne illnesses by protecting yourself in areas around your home; use bug spray containing deet and use according to the instructions on the label, repair screens that have hole, clear gutters, cover unused pools, a pool without a cover can infest an entire neighborhood with mosquitos, dump anything that holds water at least twice a week (bird baths, wading pools, etc). If anyone has any questions or concerns, please feel free to contract Litchfield Town Hall or the Health Officer (Kevin Lynch) at 424-4592. Mr. Latsha also stated, that if you go to the Town website there is a link on their that goes to a story on a gentlemen that contracted EEE and survived, it is a very

moving and emotional story.

**Mr. Chris Pascucci - 12 Colonial Drive**

Mr. Pascucci came in front of the Board and stated that he is here to comment and questions the ongoing discussion about commercial development in town. At the last meeting, there was a discussion specifically about commercial development, at the beginning at the meeting it was said that it is believed that Litchfield is not a friendly town for businesses. The conclusion at the end of that hour or so long discussion was that we were still not friendly for businesses and one of the solutions would be to simplify our rules to make it easier. Part of the simplification would be to lessen the frontage on route 3A to what it is now and make it a little smaller with a purpose of making it easier to attract business in this town. The question Mr. Pascucci has is what is the end goal and wants to know from the Board members what they are actually trying to accomplish by lessening the rules and lowering the frontage requirements; where are we trying to get to? Mr. Blanchette stated that one of the goals of the Board is to allow property owners to develop their property in ways that suits them and their desires and also the desires and the goals of a community as a whole; there are a few property owners who would like to develop their property in ways that are currently impractical or impossible with the way the ordinance is structured now. Mr. Pascucci stated that he wants to offer his opinion, because those are valid points. Mr. Pascucci asked the board to please go slow, be thoughtful of all parties and don't forget that some people say: for example he knows it is clear that the vast majority of people would like to see this town remain the way it is; they don't want more business coming in; for example the NRPC said that and also believes the frontage should be lessened to make it easier, and they also said at the last meeting if we had a sewer system going down 3A; the good news of that sewer system is that any new buildings could be 55' high as opposed to 35' high. Russ mentioned that he did not recall hearing that. Mr. Pascucci stated that he wrote it down as it was being said. Jen clarified by stating that they were going through case studies, things that other communities allow, and they were just looking at what exists elsewhere in New Hampshire just to get some ideas for what is out there. It was not a direct recommendation, it was that they were trying to look at the full range of what's out there. Mr. Pascucci stated that it was during the discussion where you were comparing towns like Bow and Stratham, Londonderry, Milford and North Conway and it was that sewer system allows taller buildings. Mr. Young stated that it was for that particular town, not necessarily in Litchfield. Mr. Pascucci stated that he is glad they cleared that up. Mr. Byron stated that just to the point of clarification, the 35' height restriction that was placed on the Town; part is for the reason that we don't have Fire rescue equipment capable of going higher than that, so unless we were to purchase a ladder truck or something along that line, there is no thought of increasing the height beyond the 35' limit for that particular reason, it is a life

safety issue. Mr. Pascucci stated that is fantastic and he agrees with it, that is to his point which is (he was here a few meetings ago and spoke about the sewer issue) and they spoke about the listening session that was here and overwhelmingly the people there want the town to remain as it is because when you start doing things, you will have to purchase other things and spend additional money in order to satisfy it; this is why I am asking you guys to go slow and think through the process because if we do lessen the frontage requirements, now that is one of the things that will make us more attractive to business and now more businesses will come in. When more businesses come in we might need more police, fire, a big safety complex, we will now need that new fire truck, we might need to start our own ambulance system, as opposed to subcontract out of Hudson. Mr. Pascucci stated that he does not believe that growth of business in this town is a good idea, which is his opinion. Mr. Pascucci stated that if it is a choice of some growth he would rather see homes, it is more with the character of the Town, we are not Hudson, Londonderry, Manchester or Merrimack, but they are all close enough, so instead of driving five minutes to the gas station and a dunkin doughnuts we drive 8 minutes, which is his opinion and believes it is the opinion of most of the listening session. Mr. Pascucci stated that he would just also talk to what you said in your answer about the business in Town. Chris stated that they have every right to want to develop or sell their property, but he also heard Jen mention Kim and Kristine from the NRPC making phone calls to businesses and what you got from that is that Litchfield is not very business friendly, so he is guessing there are some businesses that either are in town or maybe want to sell their property, but it is difficult finding somebody because it is not friendly. Chris stated that there are businesses in town so the point is if you want to get here you can get here, you can open up, you might have to come in front of some boards and ask for some changes. Chris stated that he would like to see it stay that way, he does not understand why you would want to make it real easy for people to come in, this is a special town, if people want to be here, let them work a little harder and come in front of a board and go through the motions and let the town speak to it. If it is a business we don't in town, why would we want to make it easy for them, in his opinion; let them work harder to get in here, if you lessen the rules then more business are going to want to come here; as for the businesses that are here and want to sell their property potentially to a distribution center, office building or whatever it might be, they can do that now. We are talking about changing the character of this town and stated that he does not believe that lessening the rule or making it easier, is going to benefit the people of this town so he is asking the Planning Board to think before they just do it. People are allowed to come in here and people are allowed to sell their land, they just have some hoops to jump through in order to get here. Mr. Pascucci stated that there is somebody named Michael Bergeron that was mentioned too, he is a business recruiter; on his website he is called New Hampshire salesman and chief, so he is guessing his job is to entice people to come to certain towns. Mr.

Pascucci asked if we were using him for any reason in this town. Mr. Byron stated that Mr. Bergeron is a resident of Litchfield. Mr. Pascucci stated that he seems to be the go to person to bring business in town and he seems like he does a very good job of it. Mr. Pascucci wants to make sure the Planning Board is listening to the people in this town and not just maybe a handful that say it is difficult to bring business in this town, people that want to sell their land. Mr. Blanchette stated that the outreach is all about getting as many voices before this board as they can so they understand what the residents of the town want from this town. Mr. Pascucci stated that if there is any money left over in that grant that you had for the listening session; there is some confusion with people he speaks with, if you mention do you want new business in this town, you get a lot of yes, people think that their taxes will go lower because of business, we put up a dunkin doughnuts and it will lower taxes; if you ask a simple few questions; one is do you want business in this town, yes or no; do you want business in this town if your taxes would lower, the answer would be yes; then if you ask the question do you want business in this town if your taxes would stay the same or go up, then the answer would be without a doubt no. That might be a good question to ask the public, get the responses from these surveys, because then the debate would then have to be; what will happen to the taxes in this town if business came in. That would be a good debate to have because he does not see that debate happening. Mr. Pascucci stated that they spoke a little about it at Deliberative, where an example was made where a 10,000 sq.ft. office was building was bringing x amount of dollars, but it would be nice to have a good community debate about whether businesses will bring enough money to lower taxes. Mr. Pascucci said personally, he does not think it will, he thinks it will push infrastructure to the limits to where we would need to expand, the police force, fire and other services and also the nuisance of the traffic and other things that come with additional business.

**Mr. Jason Guerrette - 11 Perry Court**

Mr, Guerrette came in front of the Board and stated that the was at the listening session and he asked a question and he wanted to re-ask that question to the NRPC (Jen). Mr. Guerette stated that he asked if you are affiliated with Granite State Future and you had said you were not. Mr. Guerette asked if that was indeed true, or are you affiliated or tied to Granite State Future in any Way? Jen stated to clarify; Granite State Future is merely the name of the collaborative efforts of the 9 Regional Planning Commissions to work together on their regional plans which is an independent and separate effort from the work that the town of Litchfield is doing. Mr. Guerrette stated that he was asking about the organization Jen works for. Jen stated that all nine Regional Planning Commissions in the State of New Hampshire are simultaneously working on updating their regional plans and yes we are all collaborating with what we have called Granite State Future. Mr. Guerrette stated that that was his question. Jen stated that Granite State Futures is just the name of a project.

**Public Input Closed.**

**1. Public Hearing per RSA 675:7 and as required by Litchfield Zoning sections 1309.00 and 1410.00 for the annual review and public comment of the Impact Fee Schedule: Russ read aloud the formal notice: The Litchfield Planning Board will hold a public hearing on Tuesday , August 20, 2013 in the Town Hall at 2 Liberty way at 7:00 pm for the annual review and public comment of the Impact Fee Schedule. A full copy of the proposed impact fee schedule is available at the Town Clerk's office during normal business hours.**

**Mr. Blanchette asked if there were any members of the Public who wish to provide input on the impact fee schedule.**

**Public Input Closed - No members present.**

Jen explained that the Board needs to wrap up and decide if they are officially submitting their recommendation to the Selectmen. Russ stated that he did receive the status update from Bruce Mayberry of BCM Planning (which is in the folder for this evening). Russ stated that Phase 1 is still underway. Russ asked the Board if they had any question about Mr. Mayberry's work or the letter that he provided. Mr. Byron stated that he had a couple of questions: Why would we not adjust the impact fees to reflect the numbers? Jen stated that the thought was they are going to get replaced all together. Frank stated that what he took is that Mayberry is only going to be done with two sections of impact fees. Jen stated they found that out after our last meeting. Frank stated that the two sections that he is going to have done is going to be school and roads, but we have the other sections, which we don't know when he will be complete on and thats one are Frank wanted to discuss and the other area was that it mentions in the letter that you are going to be proposing changes to the impact fee ordinances and wants to know what changes are you proposing? Jen stated that they talked about this and it has been a year now, that they worked on how to merge the two sets. Jen stated that it was put on hold because they needed to make sure that they aligned any work that Bruce Mayberry was doing into the revisions. Frank stated that if you get this in September it probably won't be approved until December, between that period of time the fees would stay the same, is that what we really want to do. Frank mentioned that the only fees that would be put in place in January would be the new fees for the Road and Schools. Jen went over with the Board the quick version of how the escalator factors would change. Jen mentioned that the first page is just looking at what the factors are and second page is how that would impact the public school facilities and capital facilities. Jen and the Board further discussed the impact fee

changes and cost escalation factor sheets. Frank mentioned that we are going to only get revisions on 2 of the 7 fees collected. Jen stated that perhaps the followup question to Mr. Mayberry would be how soon would be proceeding into phase two and what would the timing of phase two be. If he perceives moving immediately into that with no significant delays, then the current strategy might make sense. Mr. Blanchette stated that he will follow up with Mr. Mayberry to see what he anticipates for scheduling for phase two. Jen said they would touch base on this at the next meeting to follow up on the next steps. Mr. Byron stated that if they do that they are going to have to re-hear the notice of Public Hearing. Jen stated that this wouldn't likely happen at the next meeting because they would need to find out what is going to happen first and there would not be time for a notice. The Board further discussed what they wanted to do as far as the impact fees. The board decided to go ahead with the current cost escalators and recommend to the Board of Selectmen and readjust when needed. Russ will write a revised letter to the Board of Selectmen with the Planning Board's recommendation and convey to them what they are doing. Jen stated that they can give the Selectmen a status report and state that they did hold a hearing and after further discussion the Board after receiving a complete update from BCM on Phase I the Board has reconsidered and is on the process of preparing updated fee schedules and will be holding a second hearing. Mr. Byron asked why would they do that, what he thought he heard the Board saying was that they wanted to adjust the fees per the schedule and stated that all they have to do is adopt the schedule. The letter does not need approval of the whole board. This is just a letter from the Chairman to the Board of Selectmen. Jen stated that she wants to make sure that she can dot out what the status today is and what the Board's plan of attack is and what they plan to do. Jen stated that the numbers she had was just for July. Jen stated that in terms of getting the revised numbers, she does not know that she can promise getting the revised numbers in time for Joan to notice for a hearing at the next Planning Board meeting. Jen's recommendation was that the Board get an update from Mr. Mayberry on Phase II projected time line and she will work on the final set of numbers for the next meeting and the following meeting can be a public hearing.

Mr. Bourque is now present 7:50 pm.

## **2. CPG Rough Draft of the Agricultural Overlay Ordinance**

Jen handed out a rough draft of the Agricultural Overlay Ordinance and went through the draft with the Board. Jen stated that this was a rough draft and nothing is written in stone. Jen stated that about a month ago they went through the discussion guide where they went through the different bits and pieces that go into an agricultural overlay district and talked about what they liked and did not like and how it should or should not work. They also looked at how some of those ideas fit and work with the existing

conservation open space district which applies to all developments 20 acres or more. Jen stated that what she has here is just trying to work with that conservation open space and that for the areas that are agricultural; identify those features that make it unique as an agricultural property, place emphasis on those as preserving those qualities, it is still preserving the development rights and potential of the underlying district that is there. Jen stated that they have two conflicting bits of feedback that they have heard; from residents who want to keep it agricultural and don't let it change. From the people who own the property, they do not want that, they have invested a lot in this property and this is their retirement plan, they stated they don't have a retirement plan otherwise. From those conversations, they have heard that there are some farms that are actively working on succession plans which means making sure they keep their farm, continuing into the next generation as agricultural. There are others that are not necessarily feeling that that is an option for them. The goal was to try and come up with a compromise that keeps the agricultural character yet still keeps the flexibility for the property owners. Jen went through the objectives, definitions, permitted uses, performance standards for agricultural uses, performance standards for non-agricultural uses, lot sizing, density, required open land and application review. The Board expressed what they liked and did not like and Jen will make revisions to the draft with the changes recommended by the Board.

### **3. Londonderry Fish and Game Site Plan Amendment - Regional Impact Determination from the Londonderry Planning Board:**

Mr. Frank Byron and Mr. Bob Curtis recused themselves from the meeting due to conflict of interest.

Mr. Blanchette stated that there has been a determination from the Londonderry Planning Board that this site plan amendment does have regional impact. A letter and link to their website for the whole plan was sent to the Litchfield Planning Board.

Staff Input: Jen stated at this point what they are looking for is just to identify any questions that the Board might have that can be forwarded on to the staff in the Town of Londonderry so that they can follow up and get the Board additional information. This has not been submitted for formal review by the Londonderry Planning Board, it is just been through their design review process which is a preliminary review process. When this does happen, the Board will receive the formal notification by certified mail and alerted as to when a hearing is scheduled. Jen stated that Londonderry has a policy that as soon as they know of or hear of something that might potentially have impact; they do like to notify their neighbors to give them as much advanced time as possible rather than being stuck within the 14 day window that statute requires, so this is their

advanced warning to Litchfield, that this might be coming down the pipeline. Jen stated that in general without doing a formal staff review on this; some of the things for the board to think about and look at would be traffic impacts to your community, visual impacts and acoustic impacts would be the things that have direct impact and lastly any other public impact safeties that the board feels there might be. Jen stated that looking at the site layout; and showed the Board the best map to get an idea of what new work is proposed. The new work that is proposed is in the portion of the lot that is furthest to the east away from the Town boundary. Mr. Blanchette stated that one concern that he does have is that there is quite a bit of noise from that operation already and saw no noise mitigation features on the plan as he was reviewing it. Mr. Blanchette asked if there was any anticipated traffic counts. Jen stated that she did not see traffic counts. Russ stated that access to that sight is through a residential neighborhood in Litchfield. Mr. Bourque stated that he knows of people that live on that street which he also used to live on and the concern expressed to Kevin is the noise factor that these people have to encounter with the people shooting on Saturday and Sunday mornings. Kevin also stated that another issue is the traffic, people who are not familiar when coming out of the facility take a left and Lund street is the cul-de-sac at the end. The cars are coming out and going right and going down to the cul-de-sac and that neighborhood is full of kids, so that is a big concern. Jen stated that another question to ask is about the hours of operation. Jen asked if there were any other preliminary questions, comments or potential concerns? Jen stated that it is not incumbent for the Board to point out solutions, but points like you know the area and people will mistakenly take the wrong turn and end up in the cul-de-sac, is not suited to a large volume of vehicles; that sort of insight into your community that you can provide the Londonderry Planning Board with to help them in their review process is helpful. Jen stated that the reality of it is that its is Londonderry's application and their decision, but it is Litchfield's opportunity to just point out how the application interacts with your community and concerns that your residents may have. Mr. Bourque stated that he understands what these residents are going through, he lived through it. Noise and traffic are the biggest concern as well as the safety of the CHildren. Jen stated that they have three options with how to proceed now. The Board can have direct staff to call their staff and just get more information and report back at a future meeting, as Chairman, Russ can write a note to their Chairman saying that just looking at the preliminaries here are some things that we are thinking about and concerned about, or you can say we are going to do nothing at this time and wait for a formal application to be filed. Russ asked Jen to help him draft a letter to the Londonderry Chairman with some of the points that they have pointed out already. Russ stated that when they do receive notice that they are going to have a hearing on this he will be in attendance and stated to the board if they have any additional concerns or anybody else wants to attend he would be happy to let the Chair know.

Mr. Curtis rejoined his seat on the Board. Mr. Byron left the meeting.

#### **4. 2014 Budget Review:**

The Board looked over the draft 2014 budget. Russ asked the board if they had any comments for the 2014 budget. Russ stated that he made a request for a \$500 budget for training and seminars so they may attend additional training; for the 2013 budget they were allocated \$300. Russ stated that he has not checked the expenditures to date on that line item yet, but he is sure they are pretty close to that number. Russ stated that they had originally requested \$500 for that line item for 2013, but the Town is operating under a default budget and the way it worked out they were allocated \$300 based on 2012 expenditure on that line. Mr. Blanchette stated that he believes it is reasonable for them to get to as many trainings as they can take advantage of. Russ stated that is the only change he has recommended to the budget, everything else seems more or less a fixed cost. Russ stated that if there was no further discussion on the budget they can move on to the next item on the agenda. Russ stated that the Town administrator is adjusting and will update the line item for health insurance for the administrative assistant. The Board will further review the budget at the next meeting.

#### **Approve minutes of August 6, Approve minutes of the June 25th Listening Session**

***Motion: by Mr. Young to approve the minutes of the June 25th Listening Session as written***

**Second:** by Mr. Kapelson

**Motion passes:** 4-0-2

***Motion: by Mr. Young to accept the minutes of August 6th as written.***

**Second:** by Mr. Croteau

**Motion passes:** 4-0-2

#### **Any Other Business**

The next Planning Board meeting will be held on September 3, 2013.

***Motion: by Mr. Curtis to Adjourn***

**Second:** by Mr. Young

**Vote:** 5-0-0

The meeting adjourned at 9:30 pm

**Minutes taken by: Donna Baril**