

PLANNING BOARD MEETING

TOWN OF LITCHFIELD

Held on November 5, 2013

Minutes approved 12/3/2013

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

MEMBERS PRESENT: Russell Blanchette (Chair), Tom Young (Vice Chair), Michael Croteau, Kevin Bourque (Selectmen's Rep)

MEMBERS ABSENT: Frank Byron (Selectmen's Rep), Joel Kapelson, Michael Caprioglio, Joel Kapelson, Bob Curtis

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

CALL TO ORDER

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

Public Input:

Mr. Jason Guerrette of 11 Perry Court, Litchfield came in front of the Board on October 22nd, in front of the State House a bill was introduced and discussed which has to do with our Regional Planning Commissions (RPC's) and the disestablishment of them. Mr. Guerrette stated that he forwarded to Russ the presentation that was given and he also had a hard copy there with him to enter into the record. Mr. Guerrette stated that the title is Granite State Future and how it bypasses Elected Representation. When municipalities join this and sign up, there is a whole bunch of background information that you are signing up on, and a bunch of unelected people have input and control over a lot of things that come along with signing up with the RPC's. There are a good number of folks in New Hampshire that are very concerned about that and there is a gentleman named Mr. Ken Eyring who has spearheaded this in New Hampshire. Mr. Guerrette stated that he is not sure how he gets all his time to do due diligence and dig up all of the background information and associated documents that go with it, but it is quite disturbing. Mr. Guerrette stated that it is 44 pages long and will submit it for the record and asked Mr. Blanchette to forward it to the members of the Board so they can review. Mr. Guerrette stated that as a resident of Litchfield, it concerns him and asked

that the Planning Board does their due diligence as local officials as to what rights we are giving up when we do choose to allow Federal Agencies to appoint bureaucrats to be in charge of what goes on.

Mrs. McKibben (as a member of the public) asked Mr. Guerrette what he found most disturbing about the report. Mr. Guerrette stated that he finds it most disturbing that Federal Bureaucrats decide what's best for Litchfield residents. When we decide to take Federal money, just like any program out there, there are a lot of strings tied to it. There are a lot of property rights issues that are determined. There is HUD, DOT, etc. Mr. Guerrette stated that it is detailed in the report. Mr. Guerrette stated that he is no expert on it, but he has read it through. Mr. Guerrette stated that the Federal Government does not know the impact it has here in our Town. Mr. Guerrette stated that "This is our Town" and he would much prefer that all decisions are made here and derived from someone that really has no reason other than to socially engineer or craft their idea of what our town should be. Mrs. McKibben asked who the report was published by. Mr. Guerrette stated that it is published by a gentlemen named Ken Eyring who is from Moultonboro and Representative Jane Cormier who is the sponsor of the bill from Alton. Mr. Guerrette stated that there have been several of these that have been pushed back recently, there is one up in Goffstown that they defeated. Joan asked if they have an alternative to RPC. Mr. Guerrette stated yes, the local Planning Board as it was designed in the State. Joan stated that the RPC's are a huge resource in her opinion. Mr. Guerrette stated that he is not in favor of giving up local control to others trying to plan for our Town. Mr. Guerrette stated that he understands that it is nice to have someone to point to, but the problem is that when you sign off into this program, there are volumes of information and regulation that is Federally based that most people have no idea that you are actually signing on to.

Mr. Blanchette stated that he has sent the link out to all the Planning Board members and thanked Mr. Guerrette for speaking.

Public Input Closed.

1. Londonderry Fish and Game expansion - Nov. 6 hearing in Londonderry

Mr. Young stated that he was going to try to make it to the hearing tomorrow night. Mr. Blanchette stated that he has a family thing but will try to make it there. Joan pulled up on the monitor the Londonderry Fish and Game's Plan to let the Board see what it looks like. Joan showed where the Town line was, and where the site was. Mr. Croteau asked how many homes are in that area. Joan stated that there are 4 direct abutters who all got notices, but Lund Street has about 10. Joan stated to the Board that she has the file with the letters. Mr. Blanchette stated the the Planning Board needs to have representation there. Mr. Young stated that he would represent the Litchfield Planning Board. Russ asked the Board if they have any concerns they would like

brought up at the hearing. Mr. Bourque stated that the consensus of the people who live on Lund Street is that they are not happy about it. The board also had concerns about noise limitations, access to sight and an emergency response plan.

2. Future Land Use Map - review final draft, and possibly send to public hearing

The Board reviewed the final draft of the Future Land Use Map. There were questions about the Albuquerque Bike path and the gas lines being on the map. Jen stated that they are on the map but they had a question on that, Jen stated that they were part of the sets that they were working and pulling from but were not on the final sketch so they wanted to know whether that meant pulling them off or were they just missed, so for now they put them on there because they are easy enough to just remove. The Board decided that they would like to see the bike path on Albuquerque and the gas lines running along route 3A on the map. The board also stated that they would like to see streets like Albuquerque, Pinecrest and Hillcrest labeled on the map just as a reference as to where you are in Town when you are looking at the map. Jen will make the changes. Joan asked about sending to public hearing. Jen stated that one of the things they talked about at the last meeting was that because a future land use map, it is not a regulatory element, it has some latitude for what you formally do with it, the Board can if they wanted to formally adopt it they could adopt it as an addendum or appendix to your Master Plan it goes to further the visioning section or Land Use section of your Master Plan; that would be one option, if the Board wanted to formally adopt it, it would require a hearing as you would do for a Master Plan or you could just say it was a process document that the Board went through leading up to and as part of their information gathering for the zoning changes that they had been working on, in which case it would not require a hearing. Russ stated that this map is a tool for visioning and not an official document. Jen stated that a disclaimer should be added stating that this is a visioning plan and not an official document.

3. Zoning Map - draft boundary changes

Jen and the Board went over the draft boundary changes. Jen stated that the solid color polygons are based upon the revised boundaries that the Board drew at the last meeting, the purple fat lines are the current existing boundaries for each of the districts, the green fat lines is the agriculture overlay and the brown fat lines are the multi-family overlay. The Board agreed that they thought the map looked good and caught everything they had been working on at the last meeting and the boundaries made sense to them. Mr. Young asked if this was going up for the hearing. Jen stated that the map is only an illustration in their zoning ordinance, the official boundaries are part of the ordinances themselves, so this is a change that is not incorporated in the non-residential yet, so what they need to do is if this is good they need to make sure the draft ordinances reference the correct district bounds and this just illustrates what is in the ordinances so it is the ordinances that would get sent to hearing and the map would

just get updated to reflect what is adopted in the end. Jen stated that in the end this just becomes an illustration in the zoning ordinance and what actually changes on that map is dependent upon what changes as a result of Town meeting, so the main thing is to make sure they have it digitized and available so that it can be seen. Jen stated that in the end, the changes were not huge.

4. Non-residential Zoning Revisions and Site Plan Review Regulation Amendments, Aquifer Ordinance Revisions

Russ asked the Board if they had any questions about any of the changes to the non-residential district or ordinance. Joan asked if the boundaries for the revised zoning would be in here yet. Jen stated that they are not in here yet. but she does have a flag on it. Joan stated that Kevin wants to work on setbacks and how much time does he have to do that. Jen stated that time is running out. Talking about scheduling, the first hearing of anything needs to happen in December. The first meeting in December is on the 3rd. Jen stated that she will not be here on the 3rd but either Jennifer or Camille, from NRPC, will attend in her place. Jen gave the background on Jennifer and Camille. Jen stated that on the first meeting of December they could do a hearing or they could continue working. Jen stated that to be able to hold a second hearing and meet all of the deadlines, the first hearing would have to be at one of the two December meetings. Jen mentioned that they have two more meeting that they can do some more work. Joan mentioned that Kevin basically already knows what he wants. Jen stated she can call Kevin and get him to talk things through and get from him what he is thinking. Tom stated that the rest of it looks good.

Jen stated that there is a lot of repetition because there is identical language that repeats in each of the non-residential districts so it would have to be changed six times. Russ asked how they could tighten things up and reduce the number of repeating items. Jen stated that was part of the changes. She explained that there was some of the language that repeats verbatim in the draft is proposed pulled out of the individual sections and then placed in section 400 as general requirements for non-residential uses. Jen stated that it says it once and then applies all across the board to non-residential uses. Jen stated that part of what they have in front of them is that they have to show the strikeouts the six times it is mentioned as part of the amendments. Jen mentioned to the board that she would appreciate their direction on this while they have it in front of them. They have complete text because she thought if she stripped it down to just the elements that were being proposed to be amended it lost context of the bigger picture, but the consequence is you have 33 pages in front of you, but there are not 33 pages of amendments. Jen stated to a certain degree they can avoid some of it. Looking at page 1 and 2 there are place where Jen put ... there are no amendments proposed.... Jen stated that this can be done in other locations. On page two, Jen kept the headings, but then where the body would be said no amendments

proposed, so you at least know what the amendments were. Tom asked if it would make sense on the boundaries to put them all in one area. Jen said she would keep them the way they are because it is easier to keep the boundaries with the districts. Tom stated that other than that he thinks Jen did a good job. Tom mentioned that they should probably put this aside until they get the updates from Kevin instead of going through the whole thing again. Russ stated that there are no concerns with what they have there so far. Jen went through a couple of spots where she had a few questions one being on Page 8 which was just a margin idea at the bottom; didn't know if the board wanted to look at more of a preface, language or purpose statement that sets the intent for the district or the tone. Jen stated that this was just a sample and something that they could do. Jen stated that it is something that just helps the reader understand what the Board's intent is. Russ stated that it does get up front what is allowed and what is not allowed. Jen also mentioned that one general question she had was the Southwestern Commercial (700) page 8. One of the things she wanted to double check is how that interface with the Agriculture Overlay and the fact that a lot of the southwestern part of the town, there is currently Agricultural and so looking at that character and whether this is complement that character. Jen stated that she thinks they are fine and that she asked Kim in the office who was drafting the draft overlay, just to look at it and see how she thought it might interlate and said nothing jumped out at her; the only thing she flagged was the uses allowed by special exception. (gas stations, automobile service) as not necessarily being compatible with having that next to a farm. Jen stated that is the only concern that she had pointed out and that is more just getting at were there to be contamination how it would impact produce. Russ stated that he would think if something like that was developed it would be held to performance standards before it was ever allowed to break ground. Tom stated that it is also in there, not allowing automotive service or gasoline sales, under 701.00. Jen stated that they are listed as special exceptions. Jen stated that was a good point and are they conflicting within the districts. Jen stated that under 703 they would be allowed under special exception. Jen stated that maybe it just means that under those conditions for being granted a special exception, they add a buffer to any residential or agricultural uses. Jen asked what an appropriate buffer would be. The board discussed what they thought an appropriate buffer would be. Jen mentioned that she knows there is data out there that addresses appropriate buffer space upon the actual understanding and potential hazard and knowing how far contamination generally travels underground so she can put 500' for a placeholder and then will follow up and do a little research to see if she can find what the general scientific standard is for a protective radius. Jen stated that the only other question for the aquifer piece (which are on the last few pages) Jen mentioned that on the site plan they have interdistrict buffer yards which are buffers required between zoning districts and uses and those range from 20' to 100' under the existing regulations as buffers. Mike stated that he

knows the Conservation Commission had mentioned keeping the 15% for the non-residential districts, which they did not want to change and on the the definition, which is the third definition which reflects some of the feedback from the Conservation Commission . Mike stated that one of the things had to do with the infiltration of water and the Commission felt that water was too restrictive, so they wanted to broaden it to serve substances and stuff that could seep into the ground, and to change that to reflect this. Jen stated that she thinks part of the concerns was that the proposed revised removed the discussion of regulated substances and instead just referred to whether water can infiltrate or not and the important factor for the aquifer protection district was to make sure that those regulated substances don't make it into the water. Jen stated that what she did using that feedback was to take and simply make a couple of smaller changes to the existing to clarify that impervious is a modified surface that can't absorb or infiltrate water and through which regulated substances can not pass. Jen stated there was one piece in here that just was for a scientific perspective was inaccurate so that impervious surfaces include concrete unless unsealed, crack, or holes are present and the bottom line is that even if you have a few cracks and holes present it does not guarantee that it is actually going to be pervious. Joan mentioned that Kevin had a question on conditional use under 1255 B. They were calculating out, it says 15% on 2500 square feet of any lot and though you should take out the 2500'. Joan stated that they had calculated what 15% of an acre is. Jen stated that however, if you have a very large lot 15% of it could be significantly more than 2500' , so the 2500 was setting a bottom line. . Joan mentioned that if you had a very small lot, then you would need 2500. Joan stated that if it was a large lot you would take the 15% (whichever is greater), if you have a small lot you would have to use the 2500. Jen mentioned that the question is to keep the or 2500 square feet or just use the percentage. Joan mentioned that the question is are you going to keep the 15% or go higher. Jen stated that she thinks that part of what the Conservation Commission's had flagged was that one of the things the Board had talked about previously was keeping 15% for residential but allowing non-residential to go up to 25% as the base line that was permitted and so that was where the conservation commission was saying don't increase it for non-residential, keep it at 15 as well. Jen stated that would also carry through again on 1255 under conditional uses. Jen mentioned that the other piece was that as part of the Board's conservations they had said to match the area allowed as impervious under the conditional use permit to match the underlying zoning district, so that where she had drafted here; the original language said up to 60% for non-residential districts. The conservation commission said no, keep it at the existing 60% as opposed to the 65 or 75% that was part of the underlying zoning district. The board decided to keep it at 60% for the aquifer districts. The Board also agreed to keep the 15% for non-residential. Jen stated that the bottom line the only changes that are really left with the Aquifer District after going through the dialogue is the sentence fragment added to the

end of 1254 d which says “unless a conditional use permitted is granted under section 1255” below. Jen stated that she needs to get input from Kevin on setbacks.

Site Plan Review Regulations:

The Board started going through some of the draft changes and decided to discuss at a later meeting when all board members were present.

5. Revised Agriculture Ordinance

Russ asked if these match the map that they were looking at earlier and Jen stated that they should. Jen will double check them. Jen went through the amendments with the Board. After digitizing the boundaries, Jen looked at what the underlying zoning districts are and what the potential overlaps could be and recognized that for the development standards, it wouldn't necessarily be just residential that could be an application and would fall into the agricultural overlay, so just making sure that the overlay as drafted acknowledges that it wouldn't necessarily be residential and didn't restrict it to be residential so she made sure it had some language to refer to non-residential standards. and the open space standards as set forth here. Jen mentioned that the board had also asked that they follow up with a couple of farms in town just to get feedback and they heard back from one and there was particularly the conversation about the list of permitted uses, whether it was onerous or restricted as drafted and there was no conflicts identified. They said they could foresee that anything that they currently do or might do in the future would be permissible under the list of permitted uses and there were no concerns that arose relative to best management practices. Jen mentioned that before voting to send it to hearing it should be sent to counsel. Russ made a recommendation to send to counsel.

6. Multi-Family Housing Overlay

The Board went through and reviewed the multi-family housing overlay district: Section 525.02 District boundaries (a), made a small change to the wording. Jen stated that part c, had a question as drawn at the last meeting the way the boundaries were drawn for the southern portion it incorporated all parcels east of 3A, south of Page Road and north and west of the Hudson town line, however that includes within it the commercial/industrial district and she knows in the past the Board felt very strongly about not allowing multi-family within the commercial/industrial district, because of the incompatibility of the potential incompatibility of uses, so in (c) Jen stated that all parcels within the residential, transitional and commercial districts within that perimeter and excluded the commercial/industrial. The Board mentioned that they discussed that that was the way they wanted to go. Tom made a recommendation to send this to counsel.

Approve minutes of October 15, 2013

Motion: by Mr. Young to approved the minutes of October 15, 2013

Second: by Mr. Croteau

Motion approved: 3-0-1

Any Other Business

Mr. Young mentioned they are still looking for alternates for the Planning Board. Mr. Blanchette will put an ad on the cable channels and also reach out to Mr. Perry.

Mr. Blanchette mentioned that they were invited to appear in front of the Zoning Board for their December 11th meeting concerning some survey results. Russ Blanchette will attend the meeting to represent the Planning Board. Russ asked the Board if they had any questions they would like to have answered to send them to him in an e-mail so he will be prepared with the questions when he arrives. Joan will contact Mr. Riley to let him know.

The next Planning Board meeting will be held on November 19 2013 at 7:00 pm.

Public Input:

Mr. Jason Guerrette came in front of the Board to comment on Londonderry Fish and Game.

Mr. Guerrette stated that with regard to the Londonderry Fish and Game expansion and the noise, he lives very close by in the north end of town and quite honestly the folks that he talks to believes we live in NH and while we certainly hear it and every now and then there is a cannon going off, it really does not bother everybody. There are folks that it does bother and there are folks that really don't care and believes that it should be equally weighed. Mr. Guerrette stated that some people like himself, say good for them, they have their own thing going on, it is a membership and a club thing. Mr. Guerrette stated that for him what is more annoying is the constant noise of motocross racing, which he used to do and is not adverse to it, but what he is saying is that is far more disturbing than the gun shots which are sporadic, whereas the big 4 stroke motors that are running 4 hours straight is far more disturbing than any gun range. To mitigate the noise at a gun range, the distance that they want to go makes no bearing, there is no bigger gun than they can shoot there, they shoot them now, they just want to put a target further out and sighted out further is the point so they shoot the same guns and make the same noises, the length of the range is more for different fun. The only thing you can do at an outdoor range is to put birms and really that is not going to impact the noise here at all, because we still have housing.

Mr. Guerrette also stated that he sat there confused a minute ago when Russ said that he saw Multi-Family Housing on the agenda. To him it sounded like Russ didn't know it

was on there, so his thoughts were who was making the agenda. Russ mentioned that he knew it was on there and it has been on there. Mr. Guerrette stated that it sounded like Russ does not make the agenda, someone else may and he wanted to make sure that Russ was the guy that was doing the agenda.

Motion: by Mr. Young to Adjourn

Second: by Mr. Croteau

Vote: 4-0-0

The meeting adjourned at 9:10 pm

Minutes taken by: Donna Baril