

PLANNING BOARD PUBLIC MEETING

TOWN OF LITCHFIELD

Held on December 16, 2014

Minutes Approved 1-6-2015

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

MEMBERS PRESENT: Michael Caprioglio (Chair), Tom Young (Vice Chair), Russ Blanchette, and Mike Croteau

MEMBERS ABSENT: Kevin Bourque, Jason Guerrette, Bob Curtis

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

CALL TO ORDER

Mr. Caprioglio called the meeting to order at 7:15 p.m. and led the Board in the Pledge of Allegiance.

Public Input:

No members wished to speak.

1) Public Hearing for zoning changes per NH RSA 675:7

- **A new zoning section 525.00 - 528.00 Multi-Family residential Overlay District to provide an opportunity for multi-family residences within the Town of Litchfield consistent with the Town's single-family character and comply with NH State Law. District Boundaries: The Residential and Transitional districts north of Leach Brook. The Residential, Commercial and Transitional Districts south of Page Road.**

Mr. Caprioglio mentioned that this has been on the ballot before and we are revisiting it again this year. To provide the opportunity for Multi-Family residences within the Town consistent with the Town's single family character, and also to comply with NH State

Law. The purpose is provide opportunity for Multi-Family housing as required by state law, any new multi-family construction shall remain with the existing character of the neighborhood. The minimal lot size shall be 2 acres with 3 dwelling units plus 5,000 square feet for each additional dwelling. There shall be a maximum of 6 dwelling units in any one building and density of 2.5 dwelling units per acre. The district boundary does mention it shall be the residential and transitional districts north of Leach Brook and South of Page Road.

Public Comment:

Mr. Steve Ducharme of 131 Page Road came in front of the Board with a couple of questions: Mr. Ducharme stated that on the Planning Boards October 21st meeting, it was going to be done like it was last time, but now it seems that the area has changed. Jen stated that what has changed was the underlying zoning last year was the boundaries of the transitional and commercial districts at the southern end of town. Mr. Caprioglio stated that the parcels are the same and have not been adjusted. Mr. Ducharme stated that he has spoke on this before and then it was adjusted to be south of Chase Brook, but this does not seem to be the same this time. Jen stated that if you look at the map, it is the same. Jen had the Board look at section 525.02 (c) which states all parcels within the Residential, Transitional and Commercial districts within an area east of Route 3A, south Chase Brook to Albuquerque Avenue, then south of Page Road east of Albuquerque ave, and north and west of the Litchfield-Hudson town line.

Motion: by Mr. Young to send this to Town Meeting.

Second: by Mr. Blanchette

Vote Passes: 4-0-0

- **Repeal Zoning sections 1300.00 Public Capital Facilities Impact Fees, and 1400.00 Public School Facilities Impact Fee. Replace with New Section 1300.00 Impact Fees.**

This proposal repeals the two existing impact fee ordinances and replaces them with a single merged ordinance. Where the existing section 1400 is highly duplicative of section 1300, Section 1300 is used as the basis of the revised Ordinance. Language that was unique to section 1400 has been incorporated into the new Section 1300 where applicable. As part of the work to consolidate both sets of provisions, the proposed language reorganizes content to clarify the process, and update select provisions to meet current practices and standards. A series of housekeeping amendments have been made throughout the ordinance to ensure language is consistent with current statutory provisions.

Motion: by Mr. Blanchette to send this to Town Meeting.

Second: by Mr. Young

Vote Passes: 4-0-0

2). The Planning Board will hold a public hearing to accept an application by Leonard and Jane Vigeant to consolidate two parcels and subdivide the resulting area into 11 residential lots (7 lots with land in Litchfield and the remaining land is in Hudson). Tax Map 1, Lot 1 & 2. 2 and 2A Charles Bancroft Highway.

All Abutters have been notified, all fees have been paid, escrow established, and there is a waiver request.

Jen stated that they have everything.

Motion: by Mr. Blanchette that the Planning Board accept the application. Case No. 141 LIT SD B-1-1 and 2.

Second: by Mr. Young

Vote Passes: 4-0-0

Motion: by Mr. Blanchette that there is no regional Impact with this application.

Second: by Mr. Young

Vote Passes: 4-0-0

Mr. Andrew Prolman, Attorney with Prunier and Prolman of Nashua representing Leonard and Jane Vigeant owners of the project. Mr. Prolman stated that he had a couple of preliminary matters to go through with the board. This plan is moving along, it is a rare case that a Board gets any project that has the town line by intersecting the other line tract of land. The plan has been approved by the Hudson Conservation Commission and the Hudson Zoning Board for wetlands special exception for the road crossing. Last week they were at the Planning Board and they were approved with a number of conditions from the Hudson Planning Board, but they approved the plan that is here before the Board tonight. Mr. Prolman stated that they obtained a variance from the Zoning Board back in June with respect to commercial along residential use in this southern commercial district. Mr. Prolman stated that he has a waiver before the Planning Board with respect to the escrow fee. Mr. Prolman stated that the Town's fee for a project of this size as far as escrow setup is \$10,000, Mr. Prolman stated that he thought this was obsessive and a hardship to the applicant. Mr. Prolman stated they applied for the waiver request and supplied the Board with a \$5,000, which they think is

plenty of money especially considering most of the engineering impact is in Hudson. Andy stated that he hadn't heard any push back or concern from NRPC or Lou Caron. Andy mentioned that they met with Lou Caron about a month ago (Andy, Pat, Jen Joan, Lou) and hashed out a lot of the detail issues. Andy mentioned that they received comments as well as the Planning Board from the Lower Merrimack River Advisory Council. Andy stated that he was with the Chairman of the Lower Merrimack River Advisory Council at the Hudson Planning Board and he presented his case to the Hudson Planning Board. At the end of the day the Hudson Planning Board accepted their offer of a division made with respective provided a Heritage Trail access easement along the top of the bank of the Merrimack River. It did not make sense to have a public boat ramp here on a small cul-de-sac on a 10 lot subdivision because there is no room for any parking, no room to porridge back and forth and the Board didn't think this made any sense. To the extent that the Heritage Trail would actually touch any of the Litchfield Property, the offer remains on the table, they were going to convey it with respects of the Hudson approval and do the same thing here. Andy mentioned that they did offer an emergency access boat ramp to Hudson if the Fire Department wanted it, but they did not want it because they already have one two projects downstream. Andy stated that he spent some time talking with Lt. Nichol from the Litchfield Fire Department and Chief O'Brion from the Litchfield Police Department and they were both satisfied with the project. The 911 system, the mutual aide agreements between Hudson and Litchfield, if there is an emergency for ambulance or fire, more than likely not both towns would be showing up for a site like this. Lt. Nichol didn't have any particular issues from the Fire Department concerns and Chief O'Brion just wanted them to commit to know where the homes are going to be on the lots with the town line bisecting some of the lots, because once they know where the homes are, they will know which Police Department for jurisdictional issues would be the primary response to the police department. Mr Prolman told Chief O'Brion that they would make the commitment and Pat will speak to that. Andy stated that there is a homeowners association addressing stormwater. The stormwater features are going to be privately maintained, they are all in Hudson.

Patrick Colburn, Project Manager at Keach Nordstrom Associates, came in front of the Board and stated that the existing properties are split by the Hudson/Litchfield Town line, with two properties in each Town. In Litchfield they were discussing Map B Lots 1-1 and 1-2. The proposal is to consolidate the existing properties and re-subdivide the consolidated property to create 11 new lots; one of those lots will be occupied by the existing duplex residence and the remaining 10 lots are new building lots. The existing properties total just shy of 17 acres; as Andy eluded; he was here back several months ago with the Zoning Board and received a variance from Litchfield to allow residential

use in a commercial zone. Mr. Colburn took the Planning Board through the roadway design as shown on the Plans, Sheet 6 of 23. Mr. Colburn stated that the road is totally situated in Hudson, there are no engineering related issues in the Town of Litchfield. Mr. Colburn stated that all of the lots will enjoy frontage in Hudson. Mr. Colburn mentioned that several homes will be built in Litchfield so permits will be pulled. Those lots are 1-1-2 all the way through to 1-1-6. Mr. Colburn stated that this project originally started out as a 10 lot subdivision total which would be 9 new lots and the existing duplex being the 10th. When they went to the Town of Hudson for review with Planning, Engineering and Fire; they were told that the accommodations they had made for emergency access in Hudson. Hudson has a 1000 foot cul-de-sac length requirement, therefore their original cul-de-sac which was 1,141 feet needed a waiver from Hudson Planning. At that time they had proposed a 30,000 gallon fire system about one third of the way down the proposed circle, when they received their first round of comments from Hudson Fire, those comments included a second 15,000 gallon system at the end of the cul-de-sac and the requirement that the 3 back lots all be equipped with emergency sprinkler systems; that letter also stated that they were not in favor of the Planning Board granting the waiver request for the 1000 ft. cul-de-sac. What they suggested and Engineering supported in Hudson was the extension of municipal water to the project. What they found is basically within 1000 feet in either direction there is access to municipal water. What this plan proposes is to extend municipal water from Plaza Avenue in Hudson, northerly along Webster Street to the project site and then all the way through the project. It will include 2 fire hydrants, one at the entrance and one about 2/3rds of the way down and municipal water service to all new houses that are developed. Mr. Colburn stated that he prepared those plans and during his internal review at the office of those plans, it dawned on him that one of the constricting factors when designing and laying out the subdivision the first time, was soil based lot sizing as required by the DES, so they have lot size requirements based on soil type and land slope; in many instances the State based soil lot sizing led to larger lots in than Litchfield and Hudson, However that was primarily because he did not have municipal water proposed at the time, he had private wells and when you are calculating your lot size, you take out your protected well radii. When you bring municipal water to the site, the State lot size and requirement is cut by 50%, so that brought him back to the drawing board a second time and this leads to the plan the Board sees tonight. Mr. Colburn stated that for the applicant he was able to reduce the roadway to 1000', therefore not requiring the waiver in Hudson and because of the reduced lot sizing by bring in municipal water to the site, he found an 11th lot. Mr. Colburn stated that this project pretty much requires every permit at the State level and because of the 2 Towns a subdivision approval from both municipalities. Pat mentioned that Andy had mentioned to the Board that they received subdivision approval from the Town of

Hudson and at the State level they have also received the Alteration of Terrain permit for the project as well as the Shoreland permit for work within the 250 foot protective shoreline. what is pending is their State subdivision approval, State wetland permit and their DOT driveway permit. Mr. Colburn mentioned that if the Board has any questions, he would be happy to go over what they need to.

Members of the Board did not have any questions.

Public Comment:

No members of the public wished to speak.

Mr. Caprioglio mentioned that they needed to address the waiver concerns. The Waiver request was to reduce the Escrow fee from \$10,000 to \$5,000.

Motion: by Mr. Blanchette that the Planning Board approve the waiver request to reduce the escrow from the \$10,000 to \$5,000

Second: by Mr. Young

Vote Passes: 4-0-0

Motion: by Mr. Blanchette that the Litchfield Planning Board approve the application, Case No. 1410 LIT SD B-1-1 and 2 with conditions of approval to be:

- ***Plan copies with professional seals & signatures***
- ***Original Mylar with professional seals & signatures***
- ***Electronic submission per regulations (As-builts as required)***
- ***NPDES NOI***
- ***State Permits - Curb cut, Subdivision (Subsurface/Septic), Wetlands - Dredge and Fill, Alteration of Terrain, Shoreland Protection (permit #2104-02812, amendment required)***

Second: Mr. Young

Vote Passes: 4-0-0

3). Proposed change to Accessory Dwelling Zoning Ordinance Section 507.04 b

Kevin Lynch, 312 Charles Bancroft Highway and Litchfield Building Official came in front of the Planning Board to propose to increase the maximum square footage of an Accessory Dwelling Unit by 150 sq.ft., from 650 to 800 square feet. Kevin stated that he has been dealing with different ones for the last two years, since this has been in place, and finds that the 650 sq.ft. works well with single occupancy, but when it gets into an ADA, which is a wheelchair bound person (which he has dealt with), you start getting into the size of the bathrooms, bedrooms, living rooms, etc, trying to get around a 650 sq.ft. dwelling with a wheelchair is not working, most often you are also dealing with

another person. Kevin mentioned that sometimes you also deal with a mother and child, the 650 sq.ft. just does not seem to fit in. 800 is a good number and found it works for two people and also found that mom and dad may live with son and daughter and sometimes after a certain age they need their own space. Kevin mentioned that with the bedrooms you can shrink them down and get 2. The bathrooms need to be a little bigger, when you get into an ADA situation you need a much bigger size. Kevin mentioned that he has found other additions built that do not have a cooking area, but they were built for Mom or Dad and only stay during the summer. Kevin stated that he is looking for the 150 sq.ft. expansion of the accessory dwelling unit.

Mr. Caprioglio for the record read aloud the letter from Kevin Lynch which states:

What I am proposing is to increase the maximum square footage for an accessory dwelling unit from 650 sq.ft. to 800 sq.ft. When a homeowner presents a design for an accessory dwelling unit, what I am finding is the 650 sq.ft. is too small in provide a good layout for a two person unit. For example two elderly people require more space, or if there is a child the 650 sq.ft. is a struggle to fit the needs into that square footage

In proposing the increase the area from 650 sq.ft. to 800 sq.ft. an increase of 150 sq.ft.

What I am seeing is there are units that had been built in town prior to the regulation and most have been 750 to 800 sq.ft. and they are for two people. The 650 sq.ft. for a single occupancy fits with no problem. From what I am seeing is that 800 sq.ft. is a good area that I feel will fit all needs.

507.04 Performance Standards. Accessory Dwelling Units shall meet the following criteria:

- b. Is incidental and subordinate in extent and use to the primary dwelling and dwelling unit approved for the subject parcel of land, and is not less than 500 sq.ft. or more than 650sq.ft./800sq.ft. of gross living area above ground

Mr. Caprioglio asked why the 650 was picked when it was and how long ago? Kevin stated that it was picked 3 years ago and it was just a baseline number to get through.

The Board discussed this further and felt they had no problem changing the Accessory Dwelling Unit from 650 sq.ft. to 800 sq.ft.

Motion: by Mr. Young to send this to Public Hearing

Second: by Mr. Blanchette

Vote passes: 4-0-0

Approve Minutes of December 2, 2014

Motion: by Mr. Blanchette to approve the minutes of December 2nd

Second: by Mr. Croteau

Vote Passes:4-0-0

Joan stated that she had a request for an approval bond estimate for Hamel Circle. Joan stated that Lou created this bond amount for Hamel Circle Extension. The letter read: *At the request of the developer, we have calculated a bond estimate for the completion of Hamel Circle Extension. The project is substantially complete to the base course of hot bituminous pavement. The landscaping (loam and seed) is not complete and there are still some miscellaneous construction items to finish. The length is 1,740 feet and the bond estimate is \$46,000.*

Motion: by Mr. Croteau to approve the bond estimate of \$46,000

Second: by Mr. Blanchette

Vote passes: 4-0-0

Any Other Items

Mr. Caprioglio wanted to remind the public that they are looking for alternates to join the Planning Board. Please come to the meetings on the 1st and 3rd Tuesdays of the month at 7:00 pm here at Town Hall.

Jen wanted to let the Board know that their 2015 calendar and submission deadlines are on the google site under the calendar link. Jen also mentioned that she did forward to everyone this evening an email received today from Mr. Mayberry just with a little bit more information about the Impact Fee methodology. Jen stated that she sent an email to Jason Hoch, but has not been in contact with him yet.

Joan mentioned that the hearing for the Accessory Dwelling will be on the 20th.

Motion: by Mr. Blanchette to Adjourn

Second: by Mr. Young

Vote Passes: 4-0-0

The Next Planning Board meeting will be held on Tuesday, January 6, 2015 at 7:00 pm.

The meeting adjourned at 8:05

Minutes taken by: Donna Baril