

**PLANNING BOARD PUBLIC MEETING**

**TOWN OF LITCHFIELD**

**Held on February 17, 2015**

minutes approved on 3/17/15

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, February 17, at 7:00 p.m.

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

**MEMBERS ABSENT:** Michael Caprioglio (Chair), Jason Guerrette and Kevin Bourque (Selectmen's Rep)

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

**CALL TO ORDER**

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

**Public Input:**

No Public input.

**1) The Board will hold a public hearing to accept an application by Colby Litchfield, LLC to subdivide one lot into two at 476 Charles Bancroft Highway, Tax Map 20 Lot 21.**

All abutters have been noticed and fees paid. Signed application has been received. Mr. Young stated that the application is complete. The Planning Board will vote to accept the application, this does not approve the application.

***Motion: Mr. Blanchette that the Planning Board accept the application of Colby Litchfield, LLC to subdivide one lot into two at 476 Charles Bancroft Highway, Tax Map 20 Lot 21.***

**Second:** by Mr. Croteau

**Vote Passes: 4-0-0*****Motion: By Mr. Blanchette that this application has no regional impact.*****Second:** by Mr. Croteau**Vote Passes: 4-0-0**

Mr. Andy Prolman Attorney from Prunier & Prolman, PA in Nashua, NH is representing the owners of Mel's Funway Park. The first matter before the Board is a subdivision application, property owned by Colby Litchfield, LLC, also here tonight representing Colby Litchfield, LLC is Attorney Richard J. Maloney, also are the owners of Mel's Funway Park who will be speaking to the site plan application which is the second thing on the agenda (Wayne Caulfield and Michael Accomando). Gregg Jeffrey is the surveyor. Gregg and Andy have worked together with Joan, Jen and Kevin for the past month or so getting plans before the Planning Board tonight.

Mr. Prolman stated that the subdivision is a straightforward subdivision, that provides a division of the land at the Colby Brook with the exception that the proposed property line comes off the Colby Brook as it approaches the Charles Bancroft Highway, so that the remainder tract owned by Colby Litchfield will have the 200 feet of frontage required by the recent change of the ordinance. Mr. Prolman stated that there is not a lot to say about the subdivision application, it meets all the zoning criteria for the Northern Commercial district. Jen's comments from her last memo are all fine. Jen has three comments on the subdivision plan; the first comment speaks to the waivers. The second comment with respect to additional bounding of a certain spot on the westerly side of Colby Brook is fine, they will make that change. The third comment on the subdivision plan is adding a waiver approval in respect to note #12. Mr. Prolman stated that they have to pull that one because early versions of this plan cut off the remainder of tract Map 20 lot 21, the plan the Board has before them shows a little bump out on the plan that shows the entire remainder of the tract. Mr. Prolman stated that they have submitted all the plans the Planning Board has in front of them to all parties: Police, Fire, LMRLAC, Kevin Lynch. Mr. Prolman asked Mr. Jeffrey if there was anything he wanted to add and he said no, it was pretty straight forward.

Mr. Prolman went on to the waivers stating that the waivers for the subdivision are the same for the site plan. They are asking for a number of waivers, but they do so because they are doing very little on this property. The proposal for this subdivision and the proposal for the site plan is a very low intense use and it is going to be a very limited use from early September until early November and the site will remain idle for the rest of the year. Andy stated that they are not putting in any buildings, foundations. They

are not putting anything in other than cutting a path for a hayride, haunts that are not permanent in nature. The requirements of the full compliance with all the regulations are unnecessary and excessive and a hardship on the applicant. With respect to the waivers in particular, for example water, sewer, drainage, erosion control plan, fire protection, curb cut; there is no curb cut for this proposal from DOT. Mr. Prolman stated that they are working Joan and Jen who made a number of changes to the notes that are in front of the Board tonight. Mr. Croteau wanted to mention that LMRLAC will be meeting on February 26th in Nashua, this will probably be on the agenda.

**Public Comment:**

No members of the public wished to speak

Jen mentioned that the next step would be to go through the waiver requests.

Mr. Prolman stated that he had a February 23rd letter sent to the Chair of the Planning Board and the first waiver request is hereby withdrawn, Section 530.00(b) Boundary Survey. Mr. Prolman stated that at the time he wrote the letter he didn't have the full survey on there, but since they did the revisions on February 13, 2015 they are showing the full boundary of the remaining tract. Mr. Prolman stated that there are now 4 waiver requests.

The Board went over the 4 waiver requests. 530.00(k) - Water, sewer, drainage; 530.00(m) - erosion control; 530.00(p) fire protection and 530.00(y) Curb cut.

***Motion: by Mr. Blanchette to approve the waivers to the Subdivision Plan. Subdivision Regulations 530.00(k) - water, sewer and drainage, 530.00(m) - erosion control, 530.00(p) - fire protection and 530.00(y) Curb cut.***

**Second:** by Bob Curtis

**Vote Passes: 4-0-0**

***Motion: by Mr. Blanchette to approve Subdivision Application Case No. 1502 LIT SD-SP M20L21 with conditions to approval to include: Plan copies with professional seals and signatures, Original myla with professional seals and signatures, Electronic submission per regulations, all fees paid, and Escrow maintained as required. Offset the survey monument on the westerly side of Colby Brook as an on land representation of the next point along the boundary given that the next point is in the Brook. Add waiver approval dates once available to note #12 and remove waiver request for SD Regulations §530.00(b) - Complete Boundary Survey.***

**Second:** by Bob Curtis

**Vote Passes 4-0-0.**

**2) The Board will hold a public hearing to accept an application by Colby Litchfield, LLC and Mel's Funway Park for a Site Plan at 476 Charles Bancroft Highway, Tax Map 20 Lot 21 to create recreational site improvements (hay ride trail).**

All abutters have been notified, all fees have been paid and the application is complete.

***Motion: by Mr. Blanchette that this does not have regional impact***

**Second:** by Mr. Croteau

**Vote Passes: 4-0-0**

***Motion: by Mr. Blanchette to accept the application as complete***

**Second:** by Mr. Croteau

**Vote Passes: 4-0-0**

Mr. Andy Prolman came in front of the Board to propose a haunted hayride, hopefully to open this fall. Andy stated there is a lot of work to do for this project between now and then. Andy stated that he would like to do two things and then introduce Mike Accomando to talk about the project. Andy asked the Board if they received the email from Police Chief O'Brien for their record. Jen stated that Joan has a copy of the email. Mr. Prolman read aloud the letter stating to Kevin Lynch that the Police Chief does not see any issue. They will coordinate (as in the past) with Mels in regards to any unforeseen issue.

Mr. Prolman also stated that they received today a copy of a memo to the Fire Chief from the Fire Inspector stating that there are no significant issues.

Mike Accomando handed out to the Board members a folder with pictures of what they intend on doing and look at some of the scenes they wish to create. Mr. Accomando stated that Mel's Funway Park has been around 25 years and they added Halloween in 2008. In their business they are dealing with so much electronics and TV, they are constantly trying to reinvent Halloween to make it better to keep families together and groups coming out to their show. Every couple of years, they change out one of their haunted attractions and make it new and different and try to make it better. Competition is growing and growing. Before there were only a few haunted attractions out there, not it appears that major corporations are getting involved in it now and are sinking millions of dollars into their shows turning them into more than what the experience was meant to be, which is a family entertainment show which is what they do and they pride

themselves in doing that. One of the things they pride themselves in also is safety. Mike stated that they work with both Chiefs and also work with the Building Inspector throughout the year because this isn't something that they just throw together in August and it is done, this is something that they start working on in the winter, they meet with all the department heads during the winter, start planning and start putting it up during the spring and summer, they come out and look at everything during the fall and if there are any issues they have at that time that pop up they will make the changes. Mike stated that they hire two of the Litchfield Fire Departments EMTs that come down for everyone of their shows, they have a command center they set up on their show also, so that is where they have their first aid. Mike mentioned that they also enjoy working with the Police department, they have details in there every single night ranging from 2 to 3 on a slow night up to 5 on a busy night. If there is a special thing that they are doing there, they notify the Chief and he comes down and makes sure everything is the way it is supposed to be. Everything that they build is temporary, everything goes up and comes down. Michael went over the pictures with the Board. Michael explained that the hayride is closed in. Michael mentioned that one of the questions brought up was sound, what is the sound impact going to bring on. Michael stated that they do not want the sound to impact the rest of their shows, so it has to be closed in to each individual wagon has its own speaker which is attached to the tractor, so as that tractors driving through; the driver of that tractor is listening to the sound itself and knows he has to be at different scenes when different sounds happen. Each individual wagon has control of themselves. The sound is kept just to the individual wagon not interfering with the rest of the other shows. Looking at the pictures, Michael told the Board that all the scenes that they see have roof tops and sides, there are no backs, everything is upfront with a little side. Michael stated they spend a lot of time and energy putting the scenes together, the lighting they put out is all small LED and it is all down lighting. They like to defuse it to make sure it goes down because once it is too bright, you ruin your show. Michael stated that David Cady is their new director of operations at the park, he started last year and he also works for the Fire Department. He is someone that can speak the language to them, when they sit down and have their meeting with the chief, so they are all on the same page. Michael stated that this has always been beneficial for them, the Fire Department has their little vehicles, they can get into any area of their park, they have never had an issue with that. Looking at the plan, David showed this area will be the exact same, they will be able to get through the park without any problems. Michael stated that they normally run with about 200 employees, at least 50% of them come from Litchfield. They hayride will approximately increase to about 30 more actors. Traffic will remain the way it is. They are not adding this as one more to their show, they are removing one of their haunted attractions and having this as a replacement, because they keep changing it. Michael stated this is also great for families as well,

they have done in the past with the Lions Club a family show on some Saturdays, and this is something that on Saturdays will be great for families to come out, its is daylight, they can sit in the wagon, they can go for the ride, they do trick or treating at the scenes and they come out and play mini golf; it is really a fun day for them. This is one of the things they pride themselves in, bring the families together and have people come out for a fun and safe night. Michael stated to the Board that he really feels this is a benefit and hopes the Board considers it.

Joan asked how many people per wagon. Michael stated that it is approximately 40 people per wagon. It depends on the night, on the slower nights there can be only 20 people per wagon. Joan asked how many employees are on a wagon. Michael stated that there is just one person who is driving the tractor and they have a headset so they are in communication with the managers, police department, fire department and security. Each scene has its own walkie talkie, the actors as well so that they can be in correspondence with anybody throughout the park as well.

Andy wanted go over some points of the plan and then speak to waivers and comments from NRPC. With respect to the hayride pathway itself, he wants the Board to understand that where you see on the site plan approximation where the pathway will go. Alot of this will be determined out in the field exactly the layout. The applicant is looking to get something on 6-7000 feet so people get their monies worth. It is about a 15-20 minute ride. Andy stated that the Board will see that there is a comment from Jen, and you will see on the pathway plan there are portions of the pathway that are shown in the front setback on the Charles Bancroft Hwy, those will come out. Andy stated that he intentionally left those on the plan just to illustrate to the Board that this pathway is going to be shifting and moving around as it gets installed, there will be a note on the plan with the expected setback areas, but there is another portion of the pathway that is on the front portion of Charles Bancroft, Andy pointed this out to the Board and explained what they were going to do to stay out of the wetland buffer area. The Fire Department mentioned that they would like to see the pathway be 18 feet. Andy stated that was fine, 16 feet in sufficient for the tractor and the wagon, but if the Fire Department wants to see that at 18 feet, that is perfectly fine with one exception; that exception is that they are traversing the wetland from the old farming road that the Colby's used over the years. That right now is 14 feet (also note #14 on the plan), they are keeping that at 14 feet, other than clearing trees, shrubs and brush, they are not touching. They are not making it wider, they are not removing any fill, they are not doing anything that would trigger any wetland traversing, if they do they have to come back to the Town and NHDES to do a full wetland permit. With the exception of the dirt drive and the wetland area, note 14; they will be happy to expand the pathway to 18

feet as the Fire Department requested. Andy stated that with respect to that comment, they would expect that the Fire Department, if there is an emergency on the front portion along Charles Bancroft Hwy. the pathway that they would be accessing from the CBH, as opposed to if there is an accident and someone is injured towards the Merrimack side on the back half of the parcel, they would be accessing from the emergency station that Michael talked about on site and would use that path when they get there. Even though we have 14 feet at the wetland area, we don't think that is an issue for the Fire Department. Andy stated that some other things to point out is that there was some discussion back and forth about where the nearest water supply is. Andy showed on the plan, on the very left hand portion where it says hayride end, there is an existing water supply there. Andy stated that they have pulled a pathway out of the shoreland protection at a 150 setback from the Merrimack River. Initially there early drafts on the pathway had the pathway within the 150 feet and Jen quickly suggested that we pull that out of there, which makes all the sense in the world. Mr. Jeffreys stated that as far as the path goes, he wanted to reiterate that it is sort of representing the meandering nature of the path. Field conditions are going to dictate the actual location.

Mr. Prolman wanted to talk about Jen's memo; On page 2 of 4 of the memo, on the 1st site plan section with respect to the waivers; they are requesting a waiver on fire hydrants cisterns, etc. Mr. Prolman stated that they have a memo from the Fire Department and in addition they have note on the plan which is note #13; each haunt shall maintain fire extinguishers as directed by the Litchfield Fire Department.

Mr. Curtis asked if there was temporary lighting out there if there is an emergency, do you just flip the light on. Michael stated that they do flood lights throughout the whole path, they do that with all of their attractions, so with one switch, it lights up like an arena, we also have some highway lights, we have one in the center of our field that we kick up if there is ever an emergency like that, it just lights up. Michael stated that they put that together with the Fire Department years ago.

Mr. Prolman stated that on Jen's note, Site Plan #6 on page 3. We are requested to add a note or amend note #15 that locations are approximate and will not be placed within the building or wetland setback. They will definitely do that. Andy stated that the haunts are definitely approximate, they move these haunts around. They will be modifiable. They are also happy to add that note. Andy stated that there was also a note to add the hours of operation to the site plan. Andy stated that he is not sure he necessarily wants to add the hours, they have a note (#16) that the hayride operates September through November in conjunction with the recreational activity at Mel's

Funway Park. The idea is that when you go to Mel's you buy one ticket and so the hayride is just one of the attractions, it is not a separate facility that is going to have separate hours and staff, one ticket is going to get you through the whole thing. Mels operates in the evenings, the last ticket is sold at 11:00 at night. Michael stated that the ticket booth since 2011 opens up at 6:00pm and the last ticket is sold at 11:00pm and then they like to give every customer the opportunity to get through the park, so it can take that customer from an hour to 2 hours to get through the show, it comes down to quality, you work hard for your money you want to enjoy the show and they do not want to throw anybody out. Andy stated that they can say on the note that the ticket booth will close by 11:00 pm. Mr. Blanchette said he does not see the need for putting that on the notes seeing it has been operating like that for years already. The note to add the waiver approval date once available to note #18, will be added.

Mr. Prolman stated that they have a little bit of tweaking to the notes. Mr. Prolman stated that they do have another waiver and the waiver argument is because this plan presents a very limited use in the fall for a couple of weeks, he believes the Town is familiar with Mel's at this point. From November to September it will be idle, they have waiver request with regards to the traffic study, internal circulation, stormwater management, hydrants and have requested the fee schedule (escrow) be reduced to \$5,000.

Jen stated to Andy that as a clarification on the complete boundary survey, because this was put together with the subdivision plan; and denoted as lot 20-21 which was the full pre-subdivided parcel, as depicted on your site plan it did not show the entirety of lot 20-21, you are actually looking at now given your subdivision approval of about 20 minutes ago, is lot 21-1, for that now subdivided parcel you do have a complete boundary, but at the time of submission it was not subdivided and was not a complete boundary at that time.

Andy stated that the entire plan set has been provided to the Fire Department, and the only comment back was the 18', and specifically have not had the discussion about the 14' within the wetland area, but Andy stated the he expects they would take access to the front portion from Charles Bancroft and then access to the back portion. Andy stated that the goal of the haunt as the carts are making their way through there won't be two carts coming across the wetland area at the same time, it is staggered so they don't even see each other.

**Public Comment:**

None

***Motion: by Mr. Coteau to approve Site Plan Application 1502 LIT SP M20L21 Site***

***Plan Waivers SP Regulation 150.4 - Traffic Study, SP Regulation 150.5 - Internal Circulation, SP Regulation 150.7q - Stormwater Management Plan, SP Regulation 150.7z - Location of Fire Hydrants, Cistern, Well, etc., and Appendix F 180.1 - Fee Schedule (\$5,000 escrow instead of \$10,000)***

**Second:** by Mr. Blanchette

**Vote Passes:** 4-0-0

***Motion: by Mr. Croteau to approve Application 1502 LIT SP M20I21-1 with conditions of approval to include: Plan copies with professional seals & signatures, Original Mylar with professional seals & signatures, Electronic submission per regulations (as-builts required), All fees paid and escrow maintained as required. For Site Plan add note or amend note 15 to specify that haunt locations are approximate and will not be placed within the building or wetland setbacks, Add the waiver approval date once available to note #18, all paths will be 18' not 16' except at dirt drive, see note 14 to be corrected in note 15, any interest in providing water in this new site shall follow the National Fire Prevention at 1142.***

**Second:** Russ Blanchette

**Vote Passes:** 4-0-0.

### **3) Review Land Use Regulations**

Jen mentioned that at the last meeting they talked about filing deadlines for applications (21 days before - drop dead date 15 days) to be considered for completeness and to be placed on the agenda, the purpose of the 21 days is to ensure that there is time for Joan and Jen go go through and make sure all the administrative pieces are complete and are in place, follow up with the applicant in time that Joan can still get the notice out, so that the notice is published 10 days before the hearing. If things do not come in until 15 days before, the newspaper notice is going out that day so there is not time to do that administrative review. The idea is to go in and make everything 21 days and keep it simple. Jen started with those changes. Jen went through other changes with the Board made in the regulations: Section 200: Definitions - Active Substantial Development and Building, Substantial Completion. The Board discussed Section 850 in the Subdivision Regulations: Post Approval Procedures - Expiration of Approved Plans (Vesting). Jen mentioned that the vesting statute has changed several times over the last few years. Jen mentioned that the Site Plan Regulations have a definition of Active and Substantial Development, the Subdivision Regulations do not. Jen went over what the Site Plan definition for Active and Substantial development reads. Jen went over examples from other Towns. Jen and the Board went over section 320.01 Application Filing, Section 320.02 Waivers, Section 320.03 Preliminary Review, Section

320.05 Submission and Acceptance. Jen also went over with the Board; Section 402: Compliance with Federal, State and Local Land Use Regulations.

**Approve Minutes of February 3, 2015**

***Motion: by Bob Curtis to approve the minutes of February 3, 2014 as written***

**Second:** by Russ Blanchette

**Vote Passes: 2-0-2**

**Any Other Business**

Tom Young mentioned that Jason Hoch would like the Board to update Matt Shoemakers appointment and to have it read that he will be appointed a full member following Town Meeting.

***Motion: by Russ Blanchette to appoint Matthew Shoemaker as a full member of the Planning Board effective following Town Meeting.***

**Second:** by Bob Curtis

**Vote Passes: 4-0-0**

Mr. Croteau wanted to let the Board know that the LMRLAC is meeting next Thursday on February 26th at 7:00 pm at the Nashua Public Library. This meeting is open to the Public.

Mr. Croteau also mentioned that he received an email from Mr. Porter, thanking the Board for providing the information about the project presented here tonight.

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

**Second:** by Mr. Croteau

**Vote Passes: 4-0-0**

**The Next Planning Board meeting will be held on Tuesday, March 17, 2015 at 7:00 pm. All welcome to attend.**

The meeting adjourned at 9:00 pm.

**Minutes taken by: Donna Baril**