

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JULY 13, 2011

MINUTES OF MEETING

Present: Board members Fred McGarry, Kate Hartnett, William Perron, Lisa Wolford, Peter Schibbelhute. Also present Planning Consultant Gerald Coogan, secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7PM.

APPROVAL OF MINUTES

William Perron moved and Peter Schibbelhute seconded to approve the minutes of May 25, 2011.

The following correction was made to the minutes:

Page 1 Paragraph 4; correct to read "...for as-built plans..."

Chair McGarry called for a vote on the motion. Motion carries with Fred McGarry abstaining.

William Perron moved to approve the minutes of June 22, 2011. Peter Schibbelhute seconded.

The following corrections were made to the minutes:

Page 1: Paragraph 6" Correct to read ".....that we can appoint an alternate for SNHPC. he said that Jim Deely has agreed to serve as representative to the Executive Committee of SNHPC for the Town."

Page 3: Paragraph 8: "Chair McGarry said a note...."

Chair McGarry called for a vote on the motion. Motion carries with Kate Hartnett abstaining.

APPROVAL OF MANIFEST

William Perron moved and Peter Schibbelhute seconded to approve the manifest in the amount of \$1631.70 and two time sheets for Jane Boucher. (Upton & Hatfield \$51.00; KNA \$156.00 Deerfield Vet Clinic; KNA \$168.00 Browns Mill; KNA \$1235.61 Cady; Jane Boucher mileage \$21.09; Jane Boucher time sheets 16 hours and 12 hours.) Voted in favor.

7:15PM BMI Realty Trust

Wayne Hussey and Frank Mitchell were present.

Conservation Easement

Kate Hartnett advised that the Brown's Mill Subdivision has a conservation easement noted on the approved plans. She said that she asked Frank Mitchell to review it. She questioned how many lots have been sold and how many houses have been constructed to date.

Gerald Coogan replied that three lots have been sold and two houses built. One house is under construction.

Kate Hartnett asked if it would be possible to change the lines of the easement on the recorded plan if we wanted to.

At this time Frank Mitchell provided a copy of the plan showing the easement.

Mr. Mitchell noted that he had not an opportunity to look at the property.

Ms. Hartnett said that she did not think this conservation easement made functional sense. She questioned the fact that we do not know the condition of land, where it is and who does annual monitoring and stewardship.

It was also noted that the easement drafted by Brown's Mill made one reference to "Concord Conservation Commission".

It was determined that the easement consists of approximately 25 +- acres.

Wayne Hussey said that he used a Conservation Commission from Concord and thought he had substituted "Deerfield" for each reference to "Concord".

Mr. Hussey said that it was it understanding that maintenance would be the responsibility of the land owner. He felt that it would be very costly to have a surveyor go out and flag everything at this time. He added that the jurisdictional wetlands have been flagged. Mr. Hussey felt the Conservation Commission should be arbitrator.

Mr. Mitchell explained how a land trust looks at a potential conservation project and referred to a check list used.

- .size of parcel
- .size of entire lot
- .managing stewardship land
- . cost effectiveness
- .connection to other conservation land
- .development pressure

Wayne Hussey advised that the subdivision consists of nine lots and seven of them cannot be further subdivided. He added that two lots, one with 20 acres and one with 25 acres, can be further subdivided.

Chair McGarry commented that right now we have a Conservation Easement that needs to be reviewed. As far as the easement

lines being better delineated, the Planning Board has already approved the plan.

Mr. Hussey replied that he would be open to listening to any recommendations the Conservation Commission may have.

Frank Mitchell noted that another alternative would be to have deed restrictions on each parcel with the Planning Board named as the enforceable party.

Peter Schibbelhute noted that the plan has been approved and it is what it is. It would be very costly for someone to re-survey the property.

Kate Hartnett asked Mr. Hussey if he would be willing to re-configure the easement at the rear of the lot. Mr. Hussey replied that he would not, if it means giving up future building rights on the two lots.

Chair McGarry asked if this is something the Conservation Commission would like to discuss further with Mr. Hussey or should the Planning Board discuss it with the Board of Selectmen.

Kate Hartnett felt the other alternative, as Frank Mitchell suggested, was deed restriction.

Gerald Coogan will check with Town Counsel regarding this and report back to the Board.

Mr. Hussey will meet with the Planning Board to discuss the easement/deed restrictions on September 14, 2011 at 7:15PM.

Mr. Hussey advised that James Franklin is currently working on the as-built plans. Chair McGarry will check with Steve Chabot, KNA, regarding a bond reduction for BMI. Mr. Hussey will meet with the Board on July 27, 2011 at 8PM.

8:05PM CONTINUATION; PUBLIC HEARING; MAJOR SUBDIVISION; HARRIET CADY, MEETINGHOUSE HILL ROAD

Harriet Cady was present along with Aaron Cady, Laura Cady and her husband, abutter Jason Dionne, Attorney Paul English and Joe Coronati, Jones & Beach.

Joe Coronati presented copies of revised plans and addressed comments sent by Steve Keach in his July 7, 2011 letter.
.NHDES Wetlands Permit; Will be submitted within two weeks (If all goes well)
.Received letter from Deerfield Fire Department; Water Pond will be constructed on the site which the Fire Department can

use.

.Performance Guarantee: Condition of final approval.

.CUP Permit: Mr. Coronati provided an application for a CUP. William Perron moved to approve the Conditional Use Permit per Section 210.6 of the Deerfield Zoning Ordinance submitted for the Cady Subdivision. Voted in favor.

.Acceptable proposal for insuring on going maintenance and repair. Mrs. Cady is working on a proposal for each owner.

.Identify each platted lot by numbers assigned by Deerfield Assessor's Office and street numbers assigned by the Town of Deerfield. Mrs. Cady has obtained this information and it will be added to the plan.

. Drainage easement over a portion of Lot 1 to Town of Deerfield. Mrs. Cady has talked with the Road Agent who has not commented. William Perron said we should have comments from Alex Cote. Gerald Coogan will speak with Mr. Cote.

.Recommends that appropriate slope and drainage easements of lots be depicted on final plat. The Board agreed that the drainage easements be included in the deeds.

. Recommend the design engineer recheck the specified centerline off set dimensions for both the inlet and discharge ends of Culvert 1; and a note on the plan identifies Cady Lane as a "private way". Mr. Coronati will revise the plans to reflect these recommendations.

. Sight Distance: Mr. Coronati showed two profiles reflecting 305 feet sight distance and 367 feet sight distance. He spoke with Steve Keach and agreed with him for the 367 feet distance. Aaron Cady noted that they will have to come up with an agreement with Jason Dionne to grant an easement to cut vegetation. Mr. Dionne noted that he would like to see what needs to be cut. Mr. English spoke saying that he and his client have concerns and before making a decision would like to see the area of trees to be cut. He said they will work with Mrs. Cady to come up with an agreement.

William Perron moved and Peter Schibbelhute seconded to grant a request to waive the 400 feet of sight distance, a requirement of section IV-4.B(4)(b)(6) of the subdivision to 367 feet of sight distance. Voted in favor.

Kate Hartnett left the meeting at 8:50PM.

Peter Schibbelhute moved and William Perron seconded to grant conditional approval to Harriet Cady for a Major Subdivision on Meetinghouse Hill Road with the following conditions:

1. Receipt of the NHDES wetlands permit and notation on final project.
2. Add a note to the final plan acknowledging that the Planning Board granted the applicant a CUP pursuant to Section 210.6 of the Deerfield Zoning Ordinance.
3. Provision of a performance guarantee, a form and amount

acceptable to the Board, to serve as security for the Town of Deerfield for the successful installation of all proposed roadway and infrastructure construction; or Construction of the roadway and all other necessary improvements in a satisfactory manner prior to the Planning Board's signing and recording of the subdivision plan.

4. Receipt of an extended instrument, in a form acceptable to Town Counsel, which specifies the intent to convey and undivided interest in the ownership of Cady Lane to each of the four parcels created by this subdivision and provides for on-going maintenance and repair of Cady Lane pursuant to the requirements of Section 207.B(4) of the Deerfield Zoning Ordinance.

5. Revise the final project plans to identify by lot numbers assigned by the Deerfield Assessor's Office and the street address of each lot assigned by the Town of Deerfield.

6. Receipt of an executed Grading and Drainage Easement Deed, in a form acceptable to Town Counsel, for conveyance of the Grading and Drainage Easement over a portion of platted Lot #1 as shown on the plat to the Town of Deerfield, if approved by the Road Agent.

7. Revise the final project plans to comply with the 367 feet (ASHTO standard) of all season safe sight distance (Requires a waiver from Section IV-B(4)(b)(6) in the Deerfield Subdivision Regulations) and receipt of executed easement deeds, in a form acceptable to Town Counsel, for the conveyance of Line of Sight Maintenance Easements over subdivision Lot #1 and abutting Lot 209-9

8. Receipt of confirmation from the Board's secretary that all application, recording and technical review fees have been paid in full

9. All the above items shall be in place with the exception of item 3, prior to further work on the roadway.

Conditional approval to lapse in six months (January 13, 2012) with the exception of Item 3. The applicant may request an extension as needed.

Chair McGarry called for a vote on the motion. Motion carries.

The meeting was adjourned at 9:10PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board