

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
SEPTEMBER 14, 2011

MINUTES OF MEETING

PRESENT: Board members Kate Hartnett, William Perron, Peter Schibbelhute (arrived at 7:40PM). Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

MEETING WITH THE BOARD OF SELECTMEN

Gerald Coogan advised that the Board of Selectmen will meet with the Planning Board on September 26, 2011.

7:15PM SHORES SUBDIVISION; RANDY ORVIS

Randy Orvis was present.

Mr. Orvis had submitted a subdivision plan to create one new lot from Map405 Lot 53 (Shores ) on Griffin Road. The Conservation Easement, recorded in 1996, allowed for three lots to be created and it was questioned if this lot would be number four.

Mr. Orvis provided information, outlined in the Conservation Easement, that Map 405 Lot 51 and Map 405 Lot 53.1 were excluded from the easement requirement. He also provided maps depicting the subdivisions done previously.

Kate Hartnett asked Mr. Orvis to submit a drawing summarizing his findings.

The Public Hearing for the Shores Subdivision is scheduled for October 12, 2011.

7:30 BROWNS MILL; WAYNE HUSSEY

Mr. Hussey was present.

Mr. Hussey provided copies of a Conservation Easement which he also e-mailed to Attorney James Raymond. Gerald Coogan referred to Attorney Raymond response noting three changes:

1. Top margin at least 3"
2. Property address. The paragraph defining the "Property" on page one should state the town and county.
3. Remedies. There is no grantee on a declaration of covenants unlike a conservation easement. Therefore, the declaration should expressly give enforcement rights to the town , and require the Town's consent to any amendment.

Mr. Hussey noted that on page 1 it states that "Grantee" used herein shall mean any abutting owner of property now or formerly part of Map 411-45 and or the Town of Deerfield.

Kate Hartnett felt the easement as provided was not enforceable and should be delineated on the plan.

Peter Schibbelhute said the plan has been approved and recorded and the Board should not force the applicant to make costly changes.

Kate Hartnett reiterated her concern that the easement as presented was not enforceable because it wasn't delineated on the plan.

Gerald Coogan suggested that he work with Mr. Hussey to provide an acceptable Conservation Easement.

8:07PM CADY SUBDIVISION; MEETINGHOUSE HILL ROAD

Harriet Cady was present along with Aaron Cady, Laura Cady and her husband.

Aaron Cady said he had measured the sight distance and came up with 301.875 feet. He said that they also found that the speed limit is 30mph, not 35 mph, which the required sight distance was based on. He noted that by cutting some trees, they will come up with another 10 feet.

Gerald Coogan provided a memo noting the following:

"2. Condition No. 7 to the Board's July 13 approval requires, as a condition precedent that the applicant demonstrate a minimum of 367 feet of intersection sight distance will be available at the proposed intersection. This dimension was derived from application of AASHTO Policy for the 35 mph design speed based on the design engineer's presumption that the 35 mph was correct posted maximum operating speed coupled by the Subdivision Regulations. Since the applicant is requesting modification of an approval condition, it is our opinion that any future public hearing should take the form of a compliance hearing requested in writing by the applicant. As such, it is not necessary or appropriate for the Board to "vote to reconsider its vote" as there is no legal basis for such action in statute or law beyond the 30 days of its initial vote. That said, in terms of process we recommend that the Planning Board advise Mrs. Cady to: (a) File a written request for a compliance hearing for the purposes of seeking modification of Condition #7 of her July 13th approval to the extent the required measure of intersection sight distance specified in the text of that condition (367 feet) would be reduced to a dimension equal to that calculated for the 30 mph design speed under applicable AASHTO Policy; (b) submit that written request together with technical information prepared by her consultant documenting the modified sight distance dimension sought, an abutters list, payment of applicable notification fees and a written waiver

PLANNING BOARD 9/14/11

request for reduction of required sight distance from 400 feet to the "new" distance calculated by her engineer. Upon receipt of all the above, a public hearing for consideration of her request can be lawfully conducted."

Harriet Cady said she has already spent over \$16,000 for her engineer and the Town's engineer. She expressed frustration that the Town's engineer should have been aware of the speed limit of Meetinghouse Hill Road.

Gerald Coogan commented that the speed limit was changed recently. He noted that Mrs. Cady had requested 13 waivers , 7 of which were granted and 5 withdrawn.

#### APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$1216.00 and a time sheet for Jane Boucher. (KNA \$962.44 (Deerfield Vet), \$253.56 (Browns Mill)); time sheet 13 hours. Peter Schibbelhute seconded. Voted in favor.

#### CORRESPONDENCE

A letter was received from Fran Menard requesting the Board's recommendation for her to serve as an alternate to SNHPC for the Town of Deerfield.

William Perron moved and Peter Schibbelhute seconded to recommend the appointment of Fran Menard to serve as an alternate to SNHPC for the Town of Deerfield. Voted in favor.

The meeting was adjourned at 8:50PM.

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