

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
NOVEMBER 16, 2011

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, 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

Lisa Wolford moved to approve the minutes of August 24, 2011 as printed. Fred McGarry seconded. Voted in favor with William Perron abstaining.

William Perron moved and Lisa Wolford seconded to approve the minutes of November 9, 2011.

The following corrections were made to the minutes:

Page 2: Paragraph 7: Correct to read "...make a comment as to the waiver criteria."

Page 3: Add to first paragraph "Lisa Wolford noted that the suggestion was not intended as a way to circumvent the sight distance but to address the concerns of abutters regarding excessive speed."

Chair McGarry called for a vote on the motion. Voted in favor.

APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$21.09 and a time sheet for Jane Boucher. (Mileage Jane Boucher \$21.09, time sheet for 17 hours). Voted in favor.

WORKFORCE HOUSING/QUESTIONS/ANSWERS

The Board reviewed the information submitted by Lisa Wolford. This will be published in the Communicator and also in the Forum.

7:15 REQUEST FOR EXTENSION; MATTHEW BOGNASKI

Matthew Bognaski and Attorney John Cronin were present.

Gerald Coogan gave a brief history of the subdivision noting that:

1. The Deerfield Planning Board gave the Bognaski plan approval in April, 2006, the Chair signed the approved plan and it was recorded.
2. To date, no improvements have been made to this development
3. The development is vested to April, 2012
4. The Town's Subdivision Regulations do not define "active and substantial development"

5. Some Towns consider posting of security to be "active and substantial development" but this approach is not mentioned in the Deerfield Subdivision Regulations.
6. Since the Bognaski subdivision was approved the Town enacted mandatory Open Space Development for parcels over 12 acres in 2007; The Deerfield PLanning Board adopted new Subdivision Regulations on January 26, 2011.
7. If vesting does not apply, the Bognaski subdivision could be subject to those two new requirements.
8. Mr. Bognaski is attempting to sell the approved subdivision.

The Planning Board has two options:

1. If April 30, 2012 passes and no substantial work occurs at the development, The Board could determine the approved subdivision is no longer vested and new changes in Section 325 Subdivision Regs apply;
2. The Board could grant a 1 to 2 year extension with the understanding that the applicant./owner would achieve "active and substantial development" on the subdivision.

Mr. Coogan recommended that Mr. Bognaski made a formal request in writing to the Planning Board and the Board should consider and act on his request at a properly noticed public hearing.

Attorney Cronin addressed the Board commenting that they are requesting an extension for two years. Mr. Bognaski has been unable to sell the development.

Attorney Cronin noted that Lot 1 with the existing home have been sold and that may be considered vesting. He added that no road work has been done at this point.

Chair McGarry commented that the wetland permits have expired and the bond will need to be looked at again.

Gerald Coogan will speak with Town Counsel regarding this and the Board will discuss it further at a future meeting.

7:40PM BILL POLLOCK/AKEY PROPERTY

Mr. Pollock was present.

Mr. Pollock noted that he was here to discuss procedure not specifically for any decision.

He noted that he had questions on Section 330.8 Buffer Requirements. He provided a plan showing the proposed house, which did not meet setback requirements. Mr. Pollock commented that because of the setbacks they would need to go to the ZBA for a variance.

Mr. Pollock noted that when they apply for a Building Permit ,

it will be denied and they must go to the ZBA. He questioned if, procedurally, they would have to come to the Planning Board for a decision.

Gerald Coogan referred to Section 330.8 B "A reduction in the required buffer zone width down to an absolute minimum of 50 feet may be granted by the Planning Board upon presentation of a hydrologic study that provides documentation and justification acceptable to the Planning Board that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full width buffer zone."

Lisa Wolford referred to Section 330.3 Administration General: With regard to subdivision and site plan proposals, the Deerfield Planning Board shall have the primary authority to administer the provisions of the Watershed Protection Ordinance. All development proposals, exclusive of subdivision and site plan proposals, and any potential activity that may cause a source of pollution to the water body occurring wholly or partly in an area within the Watershed Protection Overlay District shall be subject to this Ordinance and to review by the Town's Code Enforcement Officer. Such review and approval shall be properly documented before issuance of any building permit by the Town."

Ms. Wolford said that this clearly states that the Planning Board only has jurisdiction over Subdivisions and Site Plan Reviews, otherwise, it is subject to the decision of the Code Enforcement Officer. Board members agreed.

Mr. Pollock will approach the Code Enforcement Officer and go to the ZBA to appeal for a variance.

PROPOSED AMENDMENTS TO ZONING; WORKFORCE HOUSING  
PROPOSED WORKFORCE HOUSING OPTION FOR OPEN SPACE DEVELOPMENT  
SECTION 325

Gerald Coogan provided copies of Section 325 which included the Workforce Housing Option. This was an amendment that was proposed in 2011. Board members agreed that it be included in proposals for 2012.

PROPOSED MULTIFAMILY WORKFORCE HOUSING OVERLAY DISTRICT  
SECTION 311

Mr. Coogan provided copies of Section 311 and reviewed some changes

311.4 Standards and Requirements:

The number of workforce housing units in a multifamily building shall not be less than 50% of the total units.

311.6 Other

C. Maximum amount of workforce housing units; The total number

of dedicated workforce housing units approved under this section shall not exceed five percent (5%) of the total number of dwelling units in the Town of Deerfield at the time of application.

Copies will be available at the Town Clerk's office and at the public hearings.

APPLICATION FEES

The Board discussed including fees for Town Counsel and the Planning Consultant on applications. Money collected from applicants will be held in escrow accounts for payment.

Gerald Coogan will get information from other Towns who are charging for these fees.

The meeting was adjourned at 9:15PM.

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