

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JANUARY 25, 2012

MINUTES OF MEETING

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

Chair Fred McGarry called the meeting to order at 7:05 PM.

APPROVAL OF MINUTES

William Perron moved and Lisa Wolford seconded to approve the minutes of January 11, 2012.

The following corrections were made :

Page 2 Paragraph 3: Correct to read: "...nor was he involved in the court case..."

Page 2 Paragraph 3: Correct to read;..."they did not affect his decision..."

Page 3: Paragraph 3: Correct to read:.."revise application forms..."

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

APPROVAL OF MANIFEST

William Perron moved and Peter Schibbelhute seconded to approve the manifest in the amount of \$335.89. (Upton & Hatfield \$170.00; SNHPC \$118.80; Jane Boucher mileage \$21.09; Rockingham County Registry \$26.00; time sheet for Jane Boucher 12 1/2 hours). Motion carries.

ROLLINS EXCAVATION

Board members reviewed copies of a letters and photos provided by Nellie Rollins. A letter dated 8/8/11 from Earl Sandford was included.

Gerald Coogan commented that DES had visited the site in May of last year and several comments were made regarding improvements. He said it would be helpful if Mr. Sandford would provide an updated plan showing the current conditions.

Mr. Coogan referred to Mr. Sandfords letter ie. #4. The activity of the pit is comprised of: 2 acres of active excavation and material processing and 2 acres of stabilized staging area consisting of a relatively flat surface of 3" crushed gravel per NHDOT item 304.3 with temporary stockpiles and re-fueling pad; 0.9 acres of berm, access road, and drainage swales. Recommendation Maintain a "drain to the pond" excavation strategy and make sure that all steep ledge cuts meet safety standards for hazard protection.

Board members will be provided with a copy of the Memo of Understanding and discuss this further at a future meeting.

7:15 CONSERVATION COMMISSION/WAYNE HUSSEY BROWNS MILL:
CONSERVATION EASEMENT
Serita Frey, Wayne Hussey and a members of the Conservation Commission were present.

Gerald Coogan provided some background on this issue referring to a letter from the Conservation Commission dated 12/12/11. The letter suggested that the Planning Board do three things:

1. Add deed restrictions with reference to the easement boundaries as shown on the plan and in the recorded easement.
2. Reference the deed restrictions on the plan.
3. Consider suggesting that local owners voluntarily do the annual inspections.

Mr. Coogan noted that the plan was approved and recorded in 2006. Copies of a letter from Attorney James Raymond referred to statutes RSA477:45 and RSA 477:47 noting that this is a conservation restriction and can be created in the same manner as any other interest in the property, with a deed of similar conveyance. Therefore the Town can contend that the property is subject to conservation or development restrictions that the Town may enforce.

Mr. Coogan noted that the plan does show the shaded area designated as conservation.

Wayne Hussey commented that any deed from here on will reference the approved plan. He added that anyone wishing to do any cutting they would have to go to the Conservation Commission for approval.

Mr. Hussey read the deed restriction appearing on all deeds. "General maintenance of the woodland habitat within the easements may be permitted, subject to prior approval from the Conservation Commission." This language appears on the approved plan as well.

Kate Hartnett questioned how the Town would be aware of any violations that may occur. It was agreed that concerned neighbors need to be aware and report any violations.

The Conservation Commission will receive copies of e-mails from Attorney Raymond as well as a copy of the plan and minutes of this meeting.

CORRESPONDENCE

Chair McGarry read a letter from the Attorney General's Office

referring to Ettinger v. Town of Madison Planning Board. The letter advised that if documents from legal counsel are discussed during a non-public session, counsel must be present.

M. BOGNASKI/MOUNT DELIGHT ROAD

Board members reviewed a letter from Attorney John Cronin requesting an extension of two years for the approval itself as well as the period to start active and substantial construction.

Board members discussed increasing the amount being held as security for the project and also the possibility of requiring an open space subdivision when the approval lapses in April, 2012.

It was agreed to invite Attorney Cronin and Mr. Bognaski to the February 8, 2012 meeting and that a vote be taken on the request during a noticed public hearing (February 25).

ENERGY ASSISTANCE & PLANNING PROGRAM (ETAP)
SNHPC forwarded a copy of a Memorandum of Understanding and Scope of Work where SNHPC is offering a service to the Town of Deerfield funded by the State of NH to create an Energy Chapter for Deerfield's Master Plan.

Copies will be mailed to Board members. Fred McGarry and Gerald Coogan will discuss this with Town Administrator Leslie Boswak on February 2.

SITE PLAN REVIEW REGULATIONS

Gerald Coogan asked the Board for input in regards to the Site Plan Review Draft submitted by Steve Keach. Mr. Coogan will meet with Mr. Keach to finalize the draft and Mr. Keach will meet with the Board.

The meeting was adjourned at 8:20PM.

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