

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
FEBRUARY 8, 2012

MINUTES OF MEETING

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

7PM Chair McGarry called the meeting to order. Richard Pelletier sat at the table but was not a voting member.

APPROVAL OF MANIFEST

Peter Schibbelhute moved to approve the manifest in the amount of \$276.18. Kate Hartnett seconded. (KNA \$135.00; KNA \$141.18; time sheet for Jane Boucher 14 1/2 hours.) Voted in favor.

APPROVAL OF MINUTES

Lisa Wolford moved and Kate Hartnett seconded to approve the minutes of January 25, 2012.

The following corrections were made to the minutes:

Page 1: Last Paragraph: Correct to read "...ie.item #4..."

Page 2: Paragraph 2: #1 Add "It was acknowledged that there was no field delineation of the Conservation Easement."

Page 2: Paragraph 5: Correct to read "...any deed for any of the unsold lots will reference the approved plan."

Correct to read "...tree cutting..."

Correct to read "...they would have to go to the Conservation Commission beforehand."

Add new paragraph after Paragraph 5 "Mr. Hussey noted that most of the easement issues are tied to the brook, road and property line, except Lot 9. where there was no good way to establish the location. Mr. Hussey also stated that the single lot sold includes the deed restriction."

Page 2 Paragraph 7: Add to last sentence "...to the Code Enforcement Officer."

Page 2 Last Paragraph: Correct to read "...a letter from the..."

Chair McGarry called for a vote on the motion to approve the minutes of January 25, 2012 as corrected. Voted in favor.

REQUEST FOR WAIVER TO EXTEND SUBDIVISION APPROVAL; MATTHEW BOGNASKI; MOUNT DELIGHT ROAD

Attorney John Cronin was present representing Mr. Bognaski .

Copies of a letter dated February 6, 2012 from Attorney Cronin were given to the Board. In the letter, Attorney Cronin requested that the period for active and substantial development, which expires in April, 2012. be extended for two

years (April . 2014).

Attorney Cronin explained that Mr. Bognaski has not been able to sell the property which was approved in April, 2006. He noted that Mr. Bognaski has spent a great deal of money on the survey and has put up money for road security for the project.

Attorney Cronin said that they are aware that zoning in Deerfield has changed and now requires a Open Space Subdivision. He added that there are several large lots where open space is included.

Gerald Coogan referred to an e-mail from Attorney James Raymond regarding procedure:

In his e-mail Attorney Raymond said the Board could:

1. Accept the application for amendment as a completed application under RSA 676:4 1(b). That is done in public meeting, but prior to opening the public hearing. The Board may, but is not required to take public comment on completion, but I see no reason why it should here. Unless the Board has specific procedures for requesting an amendment, it may accept Attorney Cronin's letter as a request.
2. Then, open the public hearing, and take comment on the request, including the presentation by the applicant.
3. Close the public hearing, and discuss the conditions of waiver, which, as required by RSA 576:36 II(n) should include findings that
 - a. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.
 - b. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
4. Then, the Board should issue it's decision as an amendment to a previously approved plan by extending the time for achieving active and substantial development, for purposes of RSA 674:39I (a) until the requested date.

Mr. Coogan noted that a public hearing has been scheduled for February 22, 2012.

Chair McGarry commented that Keach Nordstrom needs to look at the previous estimate and update costs.

Fred McGarry noted that his concern is that Mr. Bognaski can sell any of the lots without starting road construction

Attorney Cronin agreed to prepare a covenant, which will be recorded, that no lots will be sold until the road is constructed. He will ask Attorney Raymond to review it prior to

the public hearing.

Lisa Wolford questioned the costs incurred by the applicant thus far. Attorney Cronin will prepare an expense report reflecting the sale of the existing home and all costs incurred.

8:15PM JILLIAN HARRIS; SNHPC; ETAP
Jillian Harris was present.

Ms. Harris provided copies of a "Memorandum of Understanding" where SNHPC is offering a service as authorized and funded by the State of NH under The Energy Technical Assistance and Planning Program (ETAP). A Scope of Work with the goal to update the Town of Deerfield's Master Plan was also included.

Ms. Harris presented a slide program outlining the proposal.

1. Technical Assistance Available
2. Energy Toll Inventory
3. Enabling Legislation SB 422
4. Why do communities need an Energy Master Plan
5. Components of Energy Master Plan
6. Master Plan Process
7. ETAP Contacts

Kate Hartnett questioned if this was only for municipal buildings. Ms. Harris replied yes and also schools are included.

Kate Hartnett asked Ms. Harris if she had reviewed information sent to her regarding NZE and several other resources. Ms. Harris replied that she did not. Ms. Harris added that she will look into them and add them to the check list.

Kate Hartnett asked if the Memorandum of Understanding was negotiable. Ms. Harris replied "yes". Ms. Hartnett said she is concerned about the content and she felt that SNHPC's responsibility should be doing research, bringing information and providing a sense of what resources are out there for the Town. She felt the information was administrative in content. Ms. Hartnett noted that there are a lot of resources available and felt that it was SNHPC's responsibility to bring them to the Town.

Ms. Hartnett felt that the only responsibility for SNHPC outlined in the Memorandum was administrative. She felt that specific policies with definitions should be added, such as energy as it affects buildings, land use and commerce . Existing energy use for municipal buildings be made available and policies addressing residential and commercial buildings and transportation.

Chair McGarry noted that there is no cost to the Town for this work and asked Ms. Harris how much money they will receive for this work. Ms. Harris replied \$5000.00.

Lisa Wolford moved to authorize the Chair to sign the Memo of Understanding with SNHPC. Peter Schibbelhute seconded. Voted in favor

ESTIMATE PLAN REVIEW

Mr. Coogan provided an estimate of the time involved for the preparation of a Plan Review for a proposed subdivision or site plan. A fee of \$70.00 per hour with travel time and mileage round up to \$500.00. For a one lot subdivision and lot line adjustment the fee would be less. Funds not expended would be returned to the applicant.

Mr. Coogan will add this to existing applications and the Board will take a vote on Wednesday, February 22, 2012.

The meeting was adjourned at 9PM.

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