

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
FEBRUARY 22, 2012

MINUTES OF MEETING

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

7PM Chair Fred McGarry called the meeting to order.

APPROVAL OF MINUTES

Lisa Wolford moved to approve the minutes of February 8, 2012. Kate Hartnett seconded.

The following correction was made to the minutes:  
Page 2; Paragraph 2: correct to read "...an Open Space Subdivision."

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

APPROVAL OF MANIFEST

William Perron moved and Lisa Wolford seconded to approve the manifest in the amount of \$153.00 and a time sheet for Jane Boucher. (Upton & Hatfield \$153.00; Jane Boucher 16 hours.) Motion carries.

APPLICATIONS

Copies of revised applications for Major Subdivisions, Minor Subdivisions and Site Plan Reviews were reviewed by the Board. Each application reflects a charge of \$500.00 to be held in an escrow account with the explanation "This fee includes seven hours of the Town Planner's time. For more complicated applications, the applicant will be billed at \$70.00 per hour. If fewer hours are required, the unexpended fee shall be returned to the applicant."

William Perron moved to approve the applications as revised. Lisa Wolford seconded. Voted in favor.

7:15PM APPLICATION FOR PUBLIC HEARING;REQUEST FOR WAIVER TO EXTEND APPROVAL OF SUBDIVISION; MATTHEW BOGNASKI; MOUNT DELIGHT ROAD

Matthew Bognaski and Attorney John Cronin were present along with abutters Joseph and Caroline Boyle.

Chair McGarry read the Notice of Public Hearing to consider a request from Matthew Bognaski, 127 Beals Road, Bedford, NH for a waiver from the Town of Deerfield's Land use Regulations to extend the approval of a subdivision for a period of two years. ( April, 2014). The Planning Board approved and recorded a

subdivision on Mount Delight Road (identified as Tax Map 411 Lot 10) and owned by the applicant in April, 2006. The period to start active and substantial construction and vest the project lapses in April, 2012.

William Perron moved and Kate Hartnett seconded to accept the application under RSA 676:4 1 b. Voted in favor.

Attorney John Cronin said that they are requesting the Board consider this subdivision be vested and there be no further approvals required.

He said that he felt Mr. Bognaski has handled this subdivision by default rather than by design. Attorney Cronin said that Mr. Bognaski was approached by a developer by the name of Quadstar who wanted a contract to build the project out. Quadstar worked with True Engineering and did a substantial amount of work. This took longer than was anticipated and when the market began to turn, Quadstar walked away from the project. Mr. Bognaski went ahead and finished the project thinking there would be a market for this property.

Attorney Cronin submitted a break down of costs incurred as well as an Agreement that Mr. Bognaski shall not sell any lots in Phase II or Phase III of the Subdivision plan until the road provided access and frontage for said lot is construction. He added that they are asking for an extension for two years.

Gerald Coogan referred to the agreement submitted by Mr. Bognaski noting that he will not sell any lots until the road is constructed. He also referred to a memo from Attorney James Raymond saying that the Board has three options: the first is to find that the project is vested under common law, the second is that the Board could find it has the authority to extend the statutory five year exemption to achieve substantial completion the the third choice, which Attorney Raymond recommends, is to find that is prior finding of active and substantial development related only to Phase I and that it can extend the time for achieving substantial development for Phases II and III "for good cause shown" in accordance with RSA 674:39 IV.

Chair McGarry said that one of his concerns is that the lot in Phase I does not have frontage on Mount Delight Road. He said that the bond being held was for construction a portion of road to make frontage for the lot in Phase I.

Kate Hartnett questioned the expenditures submitted for the project and asked about the \$40,000 paid by Quadstar. Attorney Cronin replied that before Quadstar walked away from the project he paid True Engineering \$40,000. He added that they

can add this to expenditures although it is not Mr. Bognaski's money, it can be attributed to the project.

Lisa Wolford questioned the subdivision itself. She asked if there were any concerns at the time of approval. Ms. Wolford noted that this subdivision does not conform with Open Space which has been adopted. She asked if there were any troubling aspects of the subdivision.

Fred McGarry commented that the Board did approve a waiver for the 2400 feet of roadway. He added that there was a proposal for emergency access and egress which he did not like.

Attorney Cronin noted that Mr. Bognaski, at the time, agreed to put in a cistern which was approved by the Fire Chief.

William Perron voiced concern regarding the lot in PHase I not having adequate frontage.

Attorney Cronin said that if in two years there is no activity, Mr. Bognaski would come in and apply for a Lot Line Adjustment on the balance of the land to add to Phase I to create adequate road frontage. He said that they would be willing to add this stipulation to the agreement.

Matthew Bognaski commented that he would be willing to consult with an engineer to possibly come in before the two year extension lapses and do a lot line adjustment to create the required frontage for Phase I

After reviewing expenditures submitted and KNA's costs Chair McGarry said that cost of construction is \$894,000 and cost of project to date is \$94,000.

Kate Hartnett commented that the challenge she is facing is how long the Planning Board can okay a subdivision that is not acceptable.

Both William Perron and Fred McGarry felt that the extension should be granted for three years rather than two.

Chair McGarry noted that the money being held is sufficient for Phase I.

William Perron moved that the Board find that is prior finding of active and substantial development related only to Phase I and extend the time for achieving active and substantial development for Phases II and III to April 14, 2015 with condition that the Agreement discussed be recorded and filed with the Registry of Deeds, including the condition discussed regarding a Lot Line Adjustment to create required frontage for

the lot in Phase I. At the end of the extension period construction costs will be updated. Lisa Wolford seconded.

During discussion Lisa Wolford commented on the benefits of Open Space Development. Ms. Wolford amended the motion to extend the time for achieving active and substantial development to April 14, 2014. Kate Hartnett seconded.

Chair McGarry called for a vote on the amendment to the motion. Motion carries with three in favor and William Perron opposed.

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

#### CONTRACT AGREEMENT/GERALD COOGAN

Board members reviewed a contract agreement submitted by Planning Consultant Gerald Coogan for one year for a fee of \$18,000 with payments of \$1,500 payable on or about the first of each month.

William Perron moved and Lisa Wolford seconded to authorize the Chair to sign the contract. Voted in favor.

#### ROLLINS EXCAVATION

Gerald Coogan advised that Nellie Rollins and Earl Sanford will meet with the board on April 25, 2012 to discuss the excavation site. Mr. Coogan will write to Ms. Rollins advising of the appointment.

#### AKEY VARIANCE

Copies of a letter from Darlene Cummings regarding an application for a variance were given to the Board. The Board of Adjustment will hear the appeal on February 28, 2012 at 7:30PM.

The meeting was adjourned at 9PM.

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