

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
SEPTEMBER 12, 2012

MINUTES OF MEETING

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

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

APPROVAL OF MANIFEST

William Perron moved to approve a time sheet for Jane Boucher for 14 1/2 hours. Peter Schibbelhute seconded. Voted in favor with Lisa Wolford abstaining.

APPROVAL OF MINUTES

William Perron moved to approve the minutes of August 22, 2012. Lisa Wolford seconded. The following corrections were made to the minutes.

Page 2: Paragraph 5: Correct to read "..required from all applicants, ie.."

Page 2: Paragraph 6: Add "(Memo attached)"

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

OTHER BUSINESS

Gerald Coogan provided copies of a letter from Tom Brennan, President of the Pleasant Lake Preservation Association. The letter contained comments and suggested changes to Section 330 of the Zoning Ordinance.

Board members will review the information and a meeting will be scheduled with the PLPA.

Mr. Coogan noted that the revised Site Plan Review Regulations should be adopted. Board members agreed to meet with Steve Keach, KNA, to finalize the draft.

Gerald Coogan advised that he had included \$5,000 in the 2013 Budget for a CIP. He provided copies of a letter from Bruce Mayberry outlining a proposed scope of services. Mr. Mayberry quoted a maximum budget of \$5,000.00 and will bill the Town at an hourly rate of \$120.00. Mr. Coogan will meet with Town Administrator Leslie Boswack on Friday, September 14 to review information .

Leslie Wolford advised that some changes have been made to the Energy Chapter to respond to concerns raised by the Board of Selectmen. She noted that two changes still have to be made

and some information from Kate Hartnett included. The Chapter will be put on line and a Public Hearing scheduled for adoption.

Gerald Coogan advised that the 30 day waiting period for the Revocation of a subdivision for Matthew Bognaski is on September 16, 2012. He noted that, to date, there has been no response from abutters.

Peter Schibbelhute moved to release \$61,821.62 which is being held as a road bond to Matthew Bognaski. This release will be effective on September 16, 2012 and after the Declaration of Revocation of his subdivision is recorded. William Perron seconded the motion. Voted in favor.

7:20 PM APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; ARMOND AND PAMELA JOPLIN; CHARLES SPELLMAN; CHO-AE SCHWALLIE; DANIELLE WAY , DEERFIELD, NH
Jeffrey Green, Armond Joplin, Charles Spellman, Cho-Ae Schwallie and several abutters were present.

Chair Fred McGarry read the Notice of Public Hearing to consider an application for a Lot Line Adjustment for Armond and Pamela Joplin, 15 Danielle Way, Deerfield, NH (Map 413 Lot 9.12 consisting of 11.041 acres) and Charles Spellman and Cho-ae Schwallie, 11 Danielle Way, Deerfield, NH (Map 413 Lot 9.11 consisting of 9.646 acre). The intent of the application is to convey .412 acres from Lot 9.11 to Lot 9.12.

Gerald Coogan provided a memo noting that no new lots will be created. After adjustment Lot 9.11 will consist of 9.233 acres and Lot 9.12 will consist of 11.453 acres. Mr. Coogan recommended the Board accept the application as complete, begin the public hearing and approve the Lot Line Adjustment.

William Perron moved to accept the application. Peter Schibbelhute seconded. Voted in favor.

Surveyor Jeffrey Green provided a copy of the plan depicting the .412 acres added to Map 413 Lot 9.12. He noted that because of a disagreement between the applicants, they have agreed to adjust the lot line and a wooded buffer that is in place now will remain in place.

Charles Spellman spoke saying that he was not happy giving up his land. He felt he was forced into this agreement by his neighbor who says he has more money than him. Mr. Spellman said he moved to Deerfield five years ago and constructed a green house where he intends to grow vegetables. He commented that he asked his neighbor and he did leave a tree buffer. He said that Mr. Joplin intends to put up a berm running the

length of his property ,6 feet high by 12 feet wide.

Al Deese, 12 Frances Drive, spoke commenting that what Mr. Spellman described sounded like extortion.

Lisa Wolford questioned the court order. Charles Spellman replied that they feel they are being bullied around by someone with money and who can afford to hire lawyers. He added that the dispute was over the greenhouse. Mr. Spellman commented that there was no size requirement for a greenhouse and no building permit was required.

Almond Joplin spoke saying they went to court because they considered it a violation of the covenants and they sought legal recourse . He said that they did go to court and were offered the chance to go into mediation and reach an agreement among themselves. He said an agreement was reached, that they would not oppose Mr. Spellman's greenhouse if he gave them the land and no longer encroach the property line.

Wendy Bailey questioned that is it normal in a situation like this to see two surveyors. Chair McGarry said one surveyor is required. She also questioned what covenants were in violation.

Chair McGarry felt the question was out of order. He noted that the Board has an application in front of them which has been signed by both parties. He said that the Planning Board does not get involved with the history and the details behind it.

Wendy Bailey said , as an abutter, she is not in favor of the application.

Jeffrey Green spoke noting that the Boundary Line Adjustment is not a dispute. He has met with both owners to survey the property and letters have been signed by both parties.

Mr. Spellman said they feel that they have been bullied to sign the agreement.

Fred McGarry said that the Planning Board is not involved with any negotiations between the two parties. All the Board has is the application before them signed by both parties.

Mr. Spellman said he is not sure he will sign the final draft. Chair McGarry asked if he was withdrawing . Mr. Spellman said he was not sure. Chair McGarry said the Board needs to know before it takes any action.

LISA WOLFORD COMMENTED THAT IT IS IMPORTANT TO NOTE THAT THE LOT LINE ADJUSTMENT COMES UNDER DEERFIELD'S SUBDIVISION REGULATIONS AND THE PLANNING BOARD HAS NO JURISDICTION TO DENY

an application because of a disagreement between parties.

At this time Mrs. Spellman, Charles Spellman's mother, voiced displeasure over a berm being put up on her son's property and voiced concern over the possibility of water coming onto the property.

Chair McGarry asked Mr. Spellman if he would like a continuation. He replied "yes".

Peter Schibbelhute moved and William Perron seconded to continue the public hearing for a lot line adjustment to October 24, 2012 at 7:15PM. Voted in favor.

7:45PM NORTHERN PASS

Opponents to Northern Pass, George Wright, Tom Mullen and Heather McLean were present along with several interested parties.

Chair McGarry explained that the Board had met with PSNH in April and opponents had requested a meeting with the Planning Board to discuss issues that should be addressed.

George Wright commented that PSNH is actively pursuing land in Coos County and then come south. He said that they need 225 row feet to construct these towers. PSNH is also pursuing land in the Groveton and Campton area. Mr. Wright said that PSNH is purchasing as much land as they can.

Tom Mullen said that PSNH is approaching people to purchase land and if they do not want to sell, PSNH tells them that they will put the towers right next to property line.

Steve Boyson, Cate Road, said that PSNH has told them that the power line will be constructed closer to their home. They are not interested in his property, according to Mr. Boyson, but have purchased an easement from an abutting farmhouse.

Tom Mullen showed, on the map provided, that they are coming across the border into Pittsburg. The right of way comes down a 40 mile stretch up north which they plan to use. Mr. Mullen said the Society for Protection of NH Forests have been talking with five individuals who have been approached by PSNH to purchase their land. The Society has entered into agreement with these individuals. This will successfully block the route that Northern Pass plans to use. Mr. Mullen said that the Society has until the end of October to raise \$2,500,000 and is well on their way to raising that money.

MR. MULLEN EXPLAINED OTHER REASONS THAT PSNH NEEDS TO accomplish their goal. He said that Presidential Permits are

required to cross the border. He said the Department of Energy needs to approve a crossing. Mr. Mullen said that the process of getting approval to run a power line through the White Mountain National Forest is very complex. Mr. Mullen said that the current power line running through the White Mountain National Forest is a rated power line paid for by taxpayers .

According to Mr. Mullen an other obstacle is to get a Special Use Permit from the Site Evaluation Committee made up of 15 NH State Department heads.

Mr. Mullen continued saying that it is important that Towns pass ordinances saying that high voltage lines are not acceptable. Currently there are thirty Towns that have passed such ordinances. He added that although the Site Evaluation Committee is not required to go by that, they are obligated to weigh the evidence.

Mr. Mullen showed a map depicting all of the State of NH right of ways which they would like PSNH to use. They could have multiple lines in one trench.

Chair McSavvy questioned the fact that 30 towns have passed ordinances and asked if they were Zoning ordinances.

Mr. Mullen replied that some Planning Boards have passed Planning Board regulations and some Towns have passed ordinances at Town meetings.

Lisa Wolford said that the problem she sees is that ordinances are not enforceable.

Mr. Mullen said that ordinances are enforceable but can be over ruled by the Site Evaluation Committee. He said that the Site Evaluation Committee must consider the preponderance of the evidence.

Peter Schibbolhute questioned using State owned right of ways. Mr. Wright said there is a State Commission in place studying the feasibility of using underground lines on State owned right of ways.

Mr. Mullen said that SB 361 passed and this commission has been formed.

Mr. Mullen said that PSNH has always made the argument that it would cost them 10 times more to put the lines underground . He said that PSNH is not telling the whole story when they say they are going to produce all of this incredible tax revenue but they are not telling you how much they are going to damage property values.

Lisa Wolford questioned tax revenue. Mr. Mullen said that the proposed power line would change the character of Deerfield and property values would depreciate.

Mr. Mullen then read testimony from Donna Gamache, PSNH, at a recent meeting of the State Commission. He noted that it was clear that Ms. Gamache did not really answer the questions asked.

Mr. Mullen said that PSNH will be charging rent to Hydro Quebec for their right of way. The value of the right of way, based on the profitability of project, is somewhere between \$80,000,000 and \$100,000,000 per year. He added that is the revenue that would go to the State of NH if State right of ways were used.

Mr. Mullen then showed a map of New England depicting each state and numbers representing amount of power that is produced in each state on an average day as a % of what that state uses. NH shows producing 1.88% power which is used on an average day. He added that NH does not use all the power it produces.

Tom Mullen commented that the State of Ct. has passed a law saying there shall be no new overhead transmission lines in the State of Ct.

Mr. Mullen further commented on tax abatements which should be considered, depreciation of land values and effect on real estates sales. He also noted the concern of EMF radiation and it's effect.

Mr. Mullen spoke saying that PSNH should not be spending money on Northern Pass until the State Evaluation Committee approves the project.

Erick Berglund asked how do we contact PSNH to find out if they are spending money.

Mr. Mullen replied that the Board of Selectmen and Town Counsel should contact PSNH for an answer.

Heather McLean stressed the importance of how this will effect property values.

Mr. Mullen provided information on what other Towns have done in ordinances. Chair McGarry will review and the Board will discuss, with the Board of Selectmen, drafting a warrant article to require underground lines be installed.

REPRESENTATIVE TO ENHFC

PLANNING BOARD 9/12/12

Leslie Wolford moved to nominate Fran Menard to serve as Deerfield's Representative to SNHPC. Peter Schibbelhute seconded. Voted in favor. This information will be given to the Board of Selectmen for appointment.

The meeting was adjourned at 9:30PM.

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