

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
NOVEMBER 14, 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.

APPROVAL OF MINUTES

William Perron moved and Fred McGarry seconded to approve the minutes of October 24, 2012.

The following corrections were made to the minutes:
Page 2 Paragraph 5: Correct to read "...of individual bicycle racking positions..."
Page 2 Paragraph 8: Correct to read "...but not mandatory."
Page 3: Paragraph 1: Correct to read"...performance criteria side to it."

Chair McGarry called for a vote on the motion. Motion carries with Lisa Wolford abstaining.

APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$662.25 and two time sheets for Jane Boucher. (KNA \$662.25 Jane Boucher 23 1/2 and 13 hours). voted in favor.

PSNH SUBSTATION LIGHTING

Chair McGarry advised that he had driven by the PSNH substation and saw no significant lighting.

Gerald Coogan advised that he had reviewed the minutes regarding the Site Plan Review for PSNH and said the only reference to lighting was in the minutes of June 10, 2009. "Ms Games said there will be no adverse environmental impact from the project. There will be no tree cutting on the site, no increase in access traffic , lighting or runoff."

The approved plan and application for PSNH will be available at the November 28 meeting for further discussion.

7:15 APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; DORAN FAMILY TRUST; SOUTH ROAD AND ISLAND ROAD

David Doran, his son, and James Franklin were present along with abutter Daniel Briggs.

Chair McGarry read the Notice of Public Hearing by which the Doran Family Revocable Trust, 10 South Road have applied for a Lot Line Adjustment . Map 423 Lot 9, consisting of 6.84 acres

and Map 423 Lot 10 consisting of 6.03 acres and owned by the applicant. The intent of the application is to convey 3+- acres from Lot 9 to Lot 10. Lot 9 would then consist of 3.099 acres and Lot 10 would consist of 9.909 acres.

Gerald Coogan referred to his memo dated November 1, noting the at the August 22, 2012 meeting the Board referred to RSA 674:41 and advised Mr. Doran to meet with the Board of Selectmen regarding an agreement to ensure the landowner is responsible for maintenance of the road.

Mr. Coogan recommended
.Accepting the application as complete
.Begin the Public Hearing
.Discuss the requirements of NHRSA 674:41 and proposed agreement
.Approve the Lot Line Adjustment

William Perron moved to accept the application. Lisa Wolford seconded. Voted in favor.

James Franklin advised that Lots 9 and 10 are existing lots of record approved by the Planning Board after the road was discontinued. He said that they are requesting to adjust the lot line so that the existing home now on Lot 9 will be on Lot 10. Island Road is a Class VI Road closed subject to gates and bars. Mr. Franklin commented that he is waiting for more information regarding an easement from NH Electric.

Chair McGarry questioned if they had State Subdivision Approval for the three acre lot. Mr. Franklin replied that is not necessary because they are not creating a new lot, just moving the line between them.

Mr. McGarry felt that because they are creating a lot less than five acres, he questioned if DES approval is necessary.

James Franklin noted that if the lot were sold and a house constructed, State Subdivision Approval would be required. At this point in time there are no plans for constructing a house.

Fred McGarry will check with DES to see if State approval is necessary.

James Franklin said the second question is the access to the existing house on Lot 9. He noted that they are not requesting any change in access to the existing house which will now be on Lot 10. Mr. Franklin said that he felt signing a maintenance agreement is unreasonable. The subdivision was approved in 1979.

Mr. Doran was not certain when the building permit was issued. He estimated 1993-1995.

Chair McGarry said that now the house will have frontage on Island Road and typically before a permit is issued for construction on a Class VI Road , the applicant must go before the ZBA.

Chair of the ZBA, Joshua Freed, was present and said that either a variance is granted by the ZBA or a waiver is signed by the Board of Selectmen.

James Franklin commented that access to the Class VI road was approved when the subdivision to create Lot 10 was approved in 1979.

David Doran commented that signing an agreement, at this point in time, seemed to be redundant. The Town voted to stop maintaining Island Road in 1945.

James Franklin questioned the Planning Board's jurisdiction in requiring an agreement to be signed.

At this time Chair McGarry suggested that Town Counsel be asked for an opinion.

Gerald Coogan will meet with Attorney Raymond to discuss

- . An agreement for access
- . State Subdivision Approval
- . Issue of Driveway permit by State DOT
- . Access to Lots on Island Road

Mr. Doran agreed to pay the fee for the attorney. He asked if he could attend the meeting with Attorney Raymond. Board members felt that, if Attorney Raymond had no objection, it would be acceptable.

William Perron moved to continue the Public Hearing to December 12, 2012 at 7:15PM. Lisa Wolford seconded. Voted in favor.

SPM AMENDMENTS TO PLEASANT LAKE WATERSHED ORDINANCE; PLEASANT LAKE PRESERVATION ASSOCIATION
Tom Brennan, Linda Brennan, Joshua Freed, Darlene Cumming and Chuck Reese were present.

Chair McGarry noted that Code Enforcement Officer Richard Pelletier was unable to attend but he did discuss issues he had regarding the ordinance with him.

Gerald Coogan advised that the Watershed Ordinance came before the Board from Joe Farrally back in 2007. At that time the

Planning Board did not make any changes to the proposed ordinance.

Mr. Coogan noted that the Planning Board has jurisdiction over Site Plan Reviews , Lot Line Adjustments and Subdivisions and the Code Enforcement Officer has authority to issue any Building Permits. Mr. Coogan commented that Section 330.3 Administration is not clear. He added that when we make any amendments to this Ordinance we have to be cognizant of the Comprehensive Shoreland Protection Act and whatever we come up with needs to go before Attorney Raymond for review.

Tom Brennan advised that currently Northwood is working on developing a Watershed Ordinance. He suggested coordinating with Northwood on this project.

Darlene Cumming said that the Comprehensive Shoreland Protection Act has nothing to do with boundary lines but with impervious surface. She felt the Town should look closer at setbacks.

Joshua Freed said that the ZBA only looks at what is denied when hearing an application for a variance. Any applicant coming before the ZBA must have a denial indicating what section of the ordinance is denied. He added if the Code Enforcement Officer did not cite Section 330, the ZBA cannot consider it.

Darlene Cumming asked what the Code Enforcement Officer felt was not enforceable.

Lisa Wolford felt that Richard Pelletier's comments should be heard first.

Joshua Freed commented that many people have done numerous things including plantings, drip edges, culverts to improve their properties and protect the lake. He stressed the importance of improving the dirt roads leading to the properties. Mr. Freed felt the ordinance should address improvements to the road.

Chair McGarry referred to discussions with Richard Pelletier who said the first involvement comes with the issuance of a Building Permit. He said that typically for lots within the watershed area would require erosion and sedimentation control for the house being constructed. Mr. Pelletier said he does not require the homeowner to have an erosion and sedimentation plan prepared. According to Mr. McGarry , he would require a silt fence and require hay bales.

Mr. Pelletier said that there is criteria for permits to cut

trees. Mr. McGarry referred to Section 330.8 c -5 which states "A permit is required for the cutting of trees within the designated buffer."

Darlene Cumming referred to Section 330.6 B "All development within the Watershed Protection Overlay District will be evaluated by Town's Code Enforcement Officer to ensure that....

Chair McGarry cited 330.6 B 2 "Applications for construction activities that result in soil or site disturbances like new homes, additions, modifications and repairs of existing homes need to be accompanied by an erosion and sedimentation control plan.

Joshua Freed commented that siltation barriers and run offs barriers can be problems and felt that we should allow Rick enough leeway to apply judgement to make sure there is a siltation barrier in place where it is appropriate.

Fred McGarry also noted that Mr. Pelletier had pointed out some recommended changes that would require permits that no one else in Town would need a permit for , such as putting in a patio.

Chuck Reese suggested getting a few people together to work on this.

Kate Hartnett commented that we do have a time table to consider.

Gerald Coogan said we should have a public hearing by late December to allow for three public hearings to be held if we need them.

Darlene Cumming suggested working with Northwood to better coordinate.

Tom Brennan felt there are some things already in place that should be enforced, such as requiring an erosion and sedimentation plan.

Kate Hartnett felt that requiring an erosion and sedimentation plan be added to 330.1 A.

Darlene Cumming said that recent cases heard by the ZBA, Section 330 has not been mentioned.

Joshua Freed reiterated that the ZBA can only address what is denied.

Lisa Wolford suggested that the Planning Board develop a list of things in Section 330 that the Board feels are enforceable

and send it to the Code Enforcement Officer.

Joshua Freed suggested that Richard Pelletier be asked for a list of things he feels are unenforceable and suggestions what could be put in the ordinance to make it clearer.

Lisa Wolford questioned if the Shoreline Protection Act could be used as a guideline to amend the ordinance.

Kate Hartnett commented that the Shoreline Protection Act, is perceived by some, as being extremely micro-managing and aggressive.

Tom Brennan felt that we should give Richard Pelletier the opportunity to work with Section 330 by listing those sections that are enforceable. He felt it was important to enforce what we have.

Fred McGarry commented that we should work on a list of items that the Code Enforcement Officer should be enforcing. Mr. McGarry will draft a letter to Richard Pelletier outlining those sections of the Watershed Ordinance that the Board feels are enforceable.

- . Section 330.6.2
- . Section 330.1 A
- . Section 330.8
- . Section 330.9
- . Section 330.10
- . Section 330.11

Chair McGarry noted that there are several areas that need clarification. Gerald Coogan felt that clarification can be done without a public hearing. He will check with Town Counsel.

The meeting was adjourned at 10PM.

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