

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
DECEMBER 12, 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.

7PM Chair Fred McGarry called the meeting to order.

APPROVAL OF MINUTES

William Perron moved to approve the minutes of November 28, 2012 as printed. Peter Schibbelhute seconded. Voted in favor with Lisa Wolford abstaining.

APPROVAL OF MANIFEST

William Perron moved and Peter Schibbelhute seconded to approve the manifest. (time sheet for Jane Boucher 12 hours.). Voted in favor.

JOPLIN/SPELLMAN/SCHWALLIE LOT LINE ADJUSTMENT

A copy of a Motion to Request a Hearing was received from Charles Spellman and Cho-ae Schwallie. The Board approved a Lot Line Adjustment Plan for the properties on Danielle Way on November 28, 2012. At that time Jeffrey Green and Armond Joplin were present and advised the Board that a Court Order had been received.

Gerald Coogan advised that he had been in contact with Mr. Green and asked for a copy of the order from Mr. Joplin's attorney.

The Board discussed the issue and noted several options among them was revoking the approval and holding another public hearing. Gerald Coogan said that he did anticipate hearing from Mr. Green soon. It was agreed to put this on the agenda on January 9, 2013 for further discussion. The final plans for the Lot Line Adjustment were not signed at this meeting.

7:15PM CONTINUATION; APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; DORAN FAMILY TRUST; SOUTH ROAD AND ISLAND ROAD
James Franklin was present representing Mr. Doran.

Gerald Coogan advised that he had met with Attorney James Raymond. Attorney Raymond provided a memo regarding the application.

The memo stated "In summary, this is a difficult situation, in part because in the past the Board allowed the creation of other lots on Island Road. Because the Lot Line Adjustment will

moved the frontage for the existing home to Island Road , the application raises zoning questions , but those can be deferred until the next subdivision application. The Board should, though, consider requiring as a condition of final approval that the applicant enter into a municipal agreement, as described in RSA 674:41 I(c)."

James Franklin advised that DES Subdivision Approval has been received for the 3.9 acre lot.

Mr. Franklin noted that Mr. Doran was currently out of the country and he did not feel he could agree that Mr. Doran would be willing to sign a municipal maintenance agreement. He said he would like to discuss it further with Mr. Doran.

Peter Schibbelhute moved and Lisa Wolford seconded to continue the public hearing to January 23, 2013 at 7:15. Voted in favor.

LOT LINE ADJUSTMENT/ SIDMORE

Mr. Franklin advised that the conditional approval granted by the Board on August 22, 2012 had lapsed on October 8, 2012 (45 Days). Mr. Franklin asked if another public hearing would be necessary.

Chair McGarry felt that it was not on the Agenda for this meeting and could not be discussed. It will be put on the January 9, 2013 agenda for further discussion.

RELEASE OF ROAD BOND; FOREST GLEN SUBDIVISION PHASE I

A letter was received from Steve Chabot, RNA, advising that he had visited the site with Alex Cote and all work has been satisfactorily completed. He noted that the maintenance bond being held can be released. (\$7, 617.13).

Peter Schibbelhute moved to release the maintenance bond being held for Forest Glen Subdivision Phase I. William Perron seconded. Voted in favor.

7:45 CONCEPTUAL CONSULTATION; CATHLEEN PERRON/MCCARRON SUBDIVISION PHASE III

Cathleen Perron was present. At this time William Perron recused himself.

Gerald Coogan provided a memo noting that Map 413 Lot 7 consists of 62.54 acres. He noted that on April 26, 2006, the Planning Board granted conditional approval creating a total of 8 new lots. On October 25, 2011 the board approved a plan amendment to reduce the number of lots from eight to six. The applicant would like to discuss two plan amendments at this time. The first is to create a two lot subdivision (one lot for the farmhouse and the second lot for the balance of the

property; and the second amendment to conditionally approve the balance of the remaining land with the six approved lots.

Mr. Coogan reiterated:

First Step: A plan amendment for a two lot subdivision to separate the farmhouse from the balance of the land.

Second Step. A second plan amendment to the previously plan amendments of 2006 and October, 2011 to "conditionally approve" the balance of the land with the six proposed lots.

Both plan amendments should have the appropriate plan notes referring back to Planning Board approval in 2006 and 2011. (two lots eliminated)

A Memo was received from Attorney James Raymond concurring with Mr. Coogan's memo.

Ms. Perron provided plans depicting the proposed amendment. It was noted that conditional approval for the six lot subdivision will lapse in October, 2013. Ms. Perron advised that she has a buyer for the parcel and he is not ready to begin developing it at this time.

The Board reviewed the plans and Chair McGarry commented that there was not 200 contiguous feet of frontage on a Class V Road. He felt that Ms. Perron would first have to go to the ZBA for a variance before coming to the Planning Board.

Ms. Perron noted that a section of the prepared plan is not correct and not reflected in approved Phase II. Chair McGarry said, if that were the case, she would not have to go to the ZBA as there would be 200 contiguous feet of frontage. Gerald Coogan will review Phase II and advise.

PROPOSED ZONING AMENDMENTS SECTION 330 PLEASANT LAKE WATERSHED ORDINANCE

William Perron returned as a voting member.

Gerald Coogan provided suggested amendments to the ordinance. A copy is attached to these minutes.

The Board reviewed the proposed changes and agreed to schedule a public hearing on January 9, 2013 at 7PM. Notice must be posted by December 21, 2012.

LIGHTING REQUIREMENTS

Gerald Coogan submitted copies of Lighting Requirements for the Town of Sandown for the Board's review.

Board members agreed that lighting requirements be included in the proposed Site Plan Review Regulations. Mr. Coogan will

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revise the requirements and submit to the Board for further review.

RESIDENTIAL GROUP HOME

Information was received from Neuro Restorative, NH regarding interest in establishing a group home for brain injured people. They are interested in purchasing property located at 98 Nottingham Road.

The Board agreed that this would be a change of use and a Site Plan Review would be required.

UPDATE IMPACT FEE WORK SHEET

William Perron moved and Lisa Wolford seconded to authorize Fred McGarry to sign a contract with Bruce Mayberry to update the Impact Fee Work sheet. Contract not to exceed \$2,500.00. Voted in favor.

The meeting was adjourned at 9:30PM.

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

Proposed Draft Changes for clarification purposes --- 12/10/12
Section 330 Pleasant Lake Watershed Ordinance (Adopted March 13, 2007)

330.1 Authority and Statement of Intent

A. Pursuant to RSA 674:21, The Town of Deerfield adopts a Watershed Protection Overlay District and accompanying regulations to ensure adequate protection and preservation of Pleasant Lake and its watershed from the effects of point and non point source pollution, including sedimentation. these regulations are intended to:

1. Protect Public Health
2. Protect aquifers that serve as existing or potential water supplies and the aquifer recharge system.
3. Protect surface waters and wetlands by minimizing storm water runoff.
4. Protect the natural areas and wildlife habitats within the overlay district by maintaining ecological balance.
5. Protect water quality degradation through the regulation of land uses and development.
6. Protect property values that affect the town tax base.
7. Minimize storm water runoff.

B. In the event of a conflict between the requirements of this section and other provisions of the Town of Deerfield Zoning Ordinance or state law, the more stringent requirement shall prevail.

330.2 Applicability

A. The provisions established herein shall apply to all development proposals and subdivision and site plan review proposals and to potential contaminating activities within the Watershed Protection Overlay District and all such proposals and activities shall be subject to the review requirements set forth in Section 330.6. The Watershed Protection Overlay District is displayed on the Pleasant Lake Watershed Map on file at the Town Office.

B. The boundaries of the Watershed Protection Overlay District are identified on the Pleasant Lake Watershed Map

330.3 Administration

A. With regard to subdivision and site plan proposals, the Deerfield Planning Board shall have the authority to administer the provisions of the Watershed Protection Ordinance.

All development proposals, exclusive of subdivision and site plan proposals, and any potential activity that may cause a source of pollution to the water body

occurring wholly or partly in an area within the Watershed Protection Overlay District subject to this and review by the Town's Code Enforcement Officer. Such review and all conditions attached to the approval issuance of any building permit

330.4 Definitions

A. Buffer Zone: undisturbed natural area

B. Contamination: Sedimentation, point and non point source pollution, septage or the discharge of hazardous materials.

C. Development: Any construction, change in use, external repair, land disturbing activity, grading, road building, pipe laying, or other activity resulting in a change in the physical character of any parcel of land not include the installation, expansion or improvement of lawns

D. Hazardous Materials: As defined in Superfund Amendment and Reauthorization Act of 1986 and Identification and Listing of Hazardous Wastes 40 CFR:261 (1987)

E. Hydrology: The study of the earth's waters, their distribution and the cycle involving precipitation, infiltration into the soil and evaporation.

F. Impervious Surface: An area whose water greatly reduced as compared to the natural land paved roads, driveways, parking lots, sidewalks, roofs, patios and decks.

G. Infiltration Rate: The amount and time for the surface water to filter into the soil.

H. Contaminating Activity: activity that has the potential to create a new discharge of contaminants or to increase the discharge of contaminants to surface or ground waters.

I. Runoff: The surface water a storm event.

J. Sedimentation: The deposition of sand, silt, soil or other matters into a watercourse or wetland, including that resulting from a post development surface runoff.

K. Storm Event: A period of sustained rainfall with a minimum total accumulation of 0.25 inches of precipitation over 24 hours.

L. Tributary Stream: Any perennial or intermittent stream that flows into a surface water.

M. Watershed: The area lying within the drainage basin of the lake.

N. Non Point Source Pollution: Contaminants including, but not limited to, pesticides, fertilizers, animal waste, sediments, nutrients, and heavy metals that are deposited on the ground surface and that may flow into and pollute nearby surface waters.

O. Best Management Practices: As defined in "Innovative Storm water Treatment Technologies" Best Management Practices to Control Non-Point Source Pollution, a Guide for Citizens and Town Officials", January , 2004 prepared by the New Hampshire DES and "Buffer for Wetlands and Surface Waters, A Guidebook for New Hampshire Municipalities" May 1997 and subsequent amendments and revisions.

330.5 Use Regulations

A. Permitted Uses, special exceptions uses, dimensional standards and special requirements established by the underlying zoning district shall apply, except as modified below.

B. The following uses shall be specifically prohibited within the Watershed Protection Overlay District.

1. Storage or production of hazardous materials.
2. Disposal of hazardous materials or solid wastes
3. Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this ordinance.
4. Dry cleaning, dyeing, printing and photo processing
5. Disposal of septage or septage sludge, as defined by New Hampshire Solid Waste Rules Env-Wm101-300 & 2100-3700.
6. Establishment of Salt Storage Areas.
7. Junkyards and Salvage Yards.

330.6 Review requirements for development in the Watershed Protection Overlay District

A. General:

1. Applications for subdivision of land and for site plan review and approval are subject to all review requirements of this section, including the requirement 330.6 B
may a hydrologic study.
2. Applications for construction activities that require soil or site disturbances like new homes, additions, modifications and repairs of existing homes be accompanied by an erosion and sedimentation control plan.

B. All development within the Watershed Protection Overlay District will be evaluated by the Town's Code Enforcement Officer to ensure that:

1. Non point source pollution is prevented to the maximum extent possible.
2. Storm water runoff associated with new development or other land disturbance activities shall not discharge untreated directly into any wetland or local water body.

3. Best Management Practices (BMP) are in place to remove pollutants that present a potential impact to the water body.
4. Grading, grubbing and removal of vegetation at a development site is minimized and erosion and sedimentation control measures are in place and properly installed.
5. Activities involved in potential contamination within the Watershed Protection Overlay District, but which have received a special exception, must submit a spill prevention control and countermeasures plan (SPCC Plan).

330.7 Hydrologic Study

1. For proposed subdivision hydrologic study or other qualified professional information site plan performed by a licensed professional engineer and shall include, at a minimum, the following information.

- a. Description of the proposed project including location and extent of impervious surfaces, on site processes or storage of materials, the anticipated use of the land and buildings, site description, including topographic, hydrologic and vegetative features.
- b. Characteristics of natural runoff on the site and projected runoff as a result of the proposed project, including runoff volumes and velocities and other characteristics necessary to provide a water quality assessment.
- c. Measures proposed to be employed to restrict the rate of runoff and pollutant loading from the project areas both during and after construction.
- d. Proposed runoff control and watershed protection measures for the site. These measures shall be designed with the goal of ensuring that the velocity of surface water runoff from the site does not exceed pre-development conditions and that the runoff quality will not be less than pre-development conditions.
- e. Where the developer of property subject to the of this Watershed Protection Overlay District seeks to utilize existing or planned off site storm water quality management facilities, the developer shall provide a written certification that the owner of the off-site facilities will accept the runoff and be responsible for its adequate treatment arrangement be recorded with the Rockingham County Registry of Deeds and run with the land in a manner acceptable to the Town's Code Enforcement Officer.
- f. The study, when applicable, will make use of existing Pleasant Lake Watershed Study and other appropriate information.
- g. The study shall be submitted to the Planning Board for review and approval concurrent with the submission of applications for review and approval of site or subdivision plans.

330.8 Buffer Requirements

A. 100 foot buffer zone shall be maintained along the edge of any tributary stream discharging into Pleasant Lake and along the edge of any wetland associated with those tributary streams. The required setback distance shall be measured

from the high water mark of such tributary stream and from the delineated edge of a wetland. Streams and wetlands shall be delineated from their mean high water mark. The buffer zone shall be maintained in its natural state.

B. A reduction in the required buffer zone width down to an absolute minimum of 50 feet may be granted by the Planning Board upon presentation of a hydrologic study that provides documentation and justification, acceptable to the Planning Board, that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full width buffer zone.

C. All buildings shall be located outside of the required buffer zone.

D. The following uses shall not be permitted within the buffer zone:

1. Septic tanks and drain fields.
2. Feed lots or other livestock impoundments.
3. Trash containers and dumpsters which are not under a roof or which are located so that leachate from the receptacle could escape unfiltered and untreated.
4. Fuel storage in excess of 50 gallons.
5. A permit is required for the cutting of trees within the designated buffer.

E. Installation of or improvement of a lawn is allowed with the condition that the property owner follow appropriate Best Management Practices for such activity.

330.9 Site Construction

A. The impervious surface area of any single building lot is limited to 30% of the lot.

330.10 Commercial Agricultural Activities

A. Livestock are not allowed direct access to public water bodies, streams that flow into public water bodies, or associated wetland. Drinking water for livestock shall be provided by the use of a container located a minimum of 100 feet away from public water bodies, streams that flow into public water bodies or associated wetlands.

B. Application of fertilizer or pesticides is not allowed within 200 feet from the public water body high water mark, streams that flow into public water bodies, or associated wetlands.

C. All livestock grazing and feeding areas shall be a minimum of 200 feet from public water bodies and streams.

D. No spreading of animal manure on fields or pastures is allowed closer than 200 feet from public water bodies, streams that flow into public water bodies, or associated wetlands. Manure stockpiles be placed on a covered impervious surface and contained to prevent the release of leachate.

E. Unless stricter setbacks or operational requirements are outlined above, all agricultural operations shall be conducted in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. Agriculture,

June, 1993, as amended, and in accordance with all appropriate sections of the NHDES Comprehensive Shoreland Protection Act, as amended.

330.11 Commercial Forest Activity

A. An undisturbed natural vegetated buffer shall be maintained within 40 feet of the mean high water mark of public water bodies, streams, or associated wetlands.

B. Unless stricter setbacks or operational requirements as outlined above, all forestry operations shall be conducted in accordance with the Best Management Practices for Erosion Control for Timber Harvesting Operations. In NH, per NH Div Forest and Lands, Feb. 2000, as amended, and in accordance with appropriate sections of the Comprehensive Shoreland Protection Act as amended and the latest edition of Forestry Operations in accordance with "Good Forestry Practices in the Granite State".