

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
JANUARY 14, 2015

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Richard Pitman, William Perron, Peter Schibbelhute. Alternate member David Doran. Also present Planning Consultant Gerald Coogan, secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7PM.

APPROVAL OF MINUTES

William Perron moved to approve the minutes of November 10, 2014. Richard Pitman seconded.

The following corrections were made to the minutes:

Page 1: Paragraph 7: Correct to read "Mr. McGarry said that the fee calculated by Bruce Mayberry for the school portion of the impact fee for a single family home is \$3,700.00..." Based on depreciation ,the school fee for a Single Family Dwelling would be \$2,400.00."

Page 1: Last Paragraph Correct to read "....said that some other towns..."

Page 2 Paragraph 4: Correct to read "It was unclear if an Advisory Committee..

Page 3 Paragraph 1: Correct to read "...signed by the Select Board which references the excavation permits required by the Planning Board."

Page 3 Paragraph 2: Correct to read "Chair McGarry said that if the intent to excavate permit is limited to 1000 cubic yards or less from a site, a permit must also be granted by the Planning Board."

Page 3 Paragraph 4: Correct to read "Chair McGarry said that part of the problem in this instance is that material has been excavated from Mr. Fisher's property and that a buffer is supposed to be maintained to the property line, 10 feet if Mr. Fisher does not object to the excavation and 50 feet if he does.

Page 3 Paragraph 8: Correct to read "...that excavation must stop at least 50 feet from the property line if Mr. Fisher objects to the excavation."

Page 3 Paragraph 9: Correct to read "...anyone excavating soil..."

Page 3 Paragraph 12: Correct to read " Add "...if Mr. Fisher does not object to the excavation."

Chair McGarry called for a vote on the motion. Motion carries to approve the minutes of November 12 as amended.

Richard Pitman moved to approve the minutes of November 19, 2014.

The following corrections were made to the minutes  
Page 3 Paragraph 6: Correct to read "...in the consistency..."  
Page 5 Paragraph 8 Correct to read "...and Richard Pitman seconded.."  
Chair McGarry called for a vote on the motion. Voted in favor to approve the minutes of November 19, 2014 as corrected.

Kate Hartnett moved to approve the minutes of December 10, 2014. William Perron seconded.  
Page 2 Paragraph 2 Correct to read "...a minimum of 20,000 square feet.."  
Page 2 Paragraph 7 Correct to read "...use and addition..."  
Page 3 Paragraph 5; Correct to read "...design guidelines or requirements.."  
Page 3 Paragraph 8: Correct to read "...what things are going to be."  
Page 5 Paragraph 11: Correct to read "...they can submit a petition according to RSA 675:5. This will require a 2/3 vote in order to pass."

Chair McGarry called for a vote on the motion. Voted in favor to approve the minutes of December 10, 2014 with Richard Pitman abstaining.

QUITCLAIM DEED: JOYCE YEATON; RITCHIE ROAD  
Patricia Dail was present.

Gerald Coogan explained that the Quitclaim Deed is for work to be done along Ritchie Road for drainage and other improvements and should have been recorded in 2013 when the original subdivision was approved. The 30 foot right of way on Sand Pit Road will be defined on the plan. Mr. Stout, the surveyor would like to put the RCRD book and page number for the Quitclaim Deed on the plan.  
Attorney Raymond reviewed the deed and indicated that he had no problem with it.

Board members agreed that Ms. Dail record the plan at Rockingham County Registry of Deeds.

#### APPROVAL OF MINUTES

Peter Schibbelhute moved and Kate Hartnett seconded to approve the minutes of December 17, 2014. Voted in favor with Fred McGarry, Richard Pitman and William Perron abstaining.

#### APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$997.48 and two time sheets for Jane Boucher. Richard Pitman seconded. (Upton & Hatfield \$273.00, KNA \$162.48 Browns Mill, KNA 562.00 Forest Glen) Voted in favor.

REQUEST FOR RELEASE FROM LETTER OF CREDIT/FOREST GLEN

A letter was received from Jeff Quirk, KNA, recommending a bond release in the amount of \$25,080.65 for Tukcor Real Estate/Forest Glen.

William Perron moved to approve the release recommending by KNA. Peter Schibbelhute seconded. Voted in favor.

Peter Schibbelhute moved to authorize the chair to sign the release to Enterprise Bank. William Perron seconded. Voted in favor.

7:30PM APPLICATION FOR PUBLIC HEARING; MINOR SUBDIVISION; MOUNT DELIGHT ROAD; RUSTIC REALTY TRUST  
Don Duval, Surveyor, and George "Skip" Kelley, representing the owner, were present.

Chair Fred McGarry read the Notice of Public Hearing by which Rustic Realty Trust, 9 Billingsgate Drive, Dennis, MA. will make application for a Public Hearing to consider approval of a Minor Subdivision for property located on Mount Delight Road, Deerfield, NH (identified as Map 411 Lot 13-7) consisting of 13.7 acres and owned by the applicant. The intent of the application is to create two new lots each consisting of 3 acres.

Gerald Coogan provided a memo (attached to these minutes) outlining the purpose, waiver requests and comments. Mr. Coogan recommends that the Planning Board can accept the application as complete and begin the public hearing.

A letter was received from Tom and Paula Dunigan, 169 Mount Delight Road, bringing to the Board's attention a natural feature on Mount Delight Road that will be impacted by the approval of the subdivision. From the top of Mount Delight near Swamp Road they annually count 65-100 pink Lady Slipper flowers. They asked the Board to consider moving one of the driveways to minimize the impact.

It was noted that Steven Campbell purchased Lot 13-6 in October, 2014 and was not shown as an abutter. Mr. and Mrs. Campbell were present.

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

Don Duval provided copies of the proposed plan noting the location of the cistern and identified the wetlands Mr. Duval indicated that there would be no problem moving the driveway on Lot 13-11 twenty feet to the east to address the Lady Fingers.

Fred McGarry advised that he had been asked and visited the driveway location on Lot 13-6 and found no problems with the property line.

Kate Hartnett confirmed that wetlands will be shown and Page 2 of 2 will be recorded.

Ms. Hartnett also asked that the location for "Possible Building Site" on Lot 13-7 be noted as "Building Site". Mr. Duval and Mr. Kelley had no problem with the request.

Kate Hartnett noted the Regional Watershed Divide at the top of the hill which allows for wildlife to move through and requested that the top of the hill be left open. Mr. Duval and Mr. Kelley indicated they would have no problem with complying with the request.

Chair McGarry noted the proposed conditions for the subdivision

- . corners to be set
- . set pins identifying the easement for the cistern
- . remove the word "possible" from the building site on Lot 13-7
- . move driveway location on Lot 13-11 20 feet to the east

Peter Schibbelhute moved to grant conditional approval to Rustic Realty Trust for a minor subdivision on Mount Delight Road with conditions outlined by Chair McGarry. William Perron seconded. Voted in favor. Conditional approval to lapse in 2 months (March 14, 2015).

8PM Peter Schibbelhute left the meeting at this time and David Doran was appointed a voting member.

#### REQUEST FOR EXTENSION/CATHLEEN PERRON

A request for a one year extension on Phase III of the McCarron Subdivision was requested from Cathleen M. Perron. She advised that the current approval lapses on 1/23/15. All of the permits are in order with expiration dates in 2017 and 2019.

Richard Pitman moved and David Doran seconded to grant the request of Cathleen M. Perron ( Expiration to lapse on 1/23/16). Voted in favor with William Perron abstaining.

#### 2015 BALLOT LANGUAGE

Chair McGarry provided copies of proposed language for the 2015 Ballot pertaining to Pleasant Lake Watershed. This will be forwarded to the Town Clerk.

#### PLEASANT LAKE WATERSHED ORDINANCE

Several members of the Pleasant Lake Association as well as Building Inspector Richard Pelletier were present.

Gerald Coogan advised of comments made by Attorney James Raymond for future revisions to the proposed ordinance. A copy is attached to these minutes.

It was noted that the Water Restoration Plan, to be approved in 2016, will require additional changes.

Richard Pelletier commented that there is no enforce ability for the current ordinance and although the proposed ordinance is somewhat better there is still a great deal of questions.

Onni Irish felt a committee should go through the ordinance line by line for greater clarity.

Richard Pelletier noted that the Conservation Committees deal with enforcement in other towns with lakes.

Kate Hartnett said that the Deerfield Conservation Commission has no authority with enforcement.

Fred McGarry would like to see what other towns do with lake front properties.

Richard Pelletier noted that 90% of what is done on Pleasant Lake requires a variance from the ZBA.

Onni Irish felt that meetings should start in April to address any future changes to the ordinance.

Richard Pitman left the meeting at 8:35PM.

#### TIERRA DEVELOPMENT

Gerald Coogan had provided a memo outlining procedure for plan revocation for Tierra Development. He will send the memo out again to members of the Board.

#### MATTHEW BURKE/SHAUNESSY

Chair McGarry noted that the Board should discuss how to proceed further with Attorney Raymond and Richard Pelletier.

Mr. McGarry noted that Mr. Burke should have come to the Planning Board when he began selling propane and that his approved driveway permit should have noted that other permits may be required.

#### OTHER BUSINESS

Kate Hartnett thanked Gerald Coogan for provided copies of the Deerfield Planning Board Update printed on the Town Web-site.

8:50PM William Perron moved to adjourn the meeting. David Doran

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seconded. Voted in favor.

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

## MEMORANDUM

January 12, 2015

TO: Deerfield Planning Board  
FR: Gerald Coogan, Planning Consultant  
RE: Plan Review ---- Minor Subdivision Plan Map 411, Lot 13-7 prepared for Rustic Realty Trust

**Applicants:** Rustic Realty Trust, Fred Granelli, Trustee with George (Skip) F. Kelley as "attorney in fact" to represent Fred Granelli before the Deerfield Planning Board

**Owner:** Rustic Realty Trust, Fred Granelli, Trustee

**Agent:** Donald E. Duval LLC Lic # 610

**Area:** 11.407 acres

**Location:** Mount Delight Road, Tax Map 411, Lot 13-7

Purpose: The applicant / owner desires to subdivide Tax Map 411, Lot 13-7 into three (two new lots) lots.

- Proposed Lot 13-7 with 3.005 acres
- Proposed Lot 13-10 with 3.001 acres
- Proposed Lot 13-11 with 5.401 acres

Waiver Requests: The agent requests the following waivers:

1. Section III 3 C 3 B – 2 - Two foot contours
2. Section III 3 C 3 B – 3 - Two benchmarks NGVD of 1929
3. Section III 3 C 3 B – 4 -Site specific soil mapping

### Comments:

1. DES Subdivision approval on December 10, 2014; approval # SA2014010596
2. The proposed plan shows no wetlands on the three proposed lots; spoke with Mr. Duval about this and he contacted a Certified Wetlands Scientist who identified 3,209 SF of isolated wetland on Lot -7;
3. The For Sale have been removed; and
4. The Road Agent is satisfied with the proposed driveway locations.

Recommendation: The Planning Board can accept the application as complete and begin the public hearing. Recommend approval of the application with the condition of setting boundary pins.

Cc: Donald E. Duval, LLS

DECEMBER 15, 2014

WAIVER REQUEST  
MINOR SUBDIVISION PREPARED FOR  
RUSTIC REALTY TRUST

DEAR PLANNING BOARD CHAIRMAN

A WAIVER REQUEST IS REQUESTED FROM THE TOWN  
OF DEERFIELD MINOR SUBDIVISION TOPOGRAPHIC  
CHECKLIST

1. TWO FOOT CONTOURS,  
PLAN HAS 5 CONTOURS TAKEN FROM THE U.S.G.S.  
GOOSVILLE QUAD SHEET WHICH WAS USED WHEN  
LOT 13-7 WAS ORIGINALLY CREATED
2. TWO BENCHMARKS BASED ON REQUEST #1  
IF WAIVER #1 IS GRANTED NO NEED FOR BENCHMARKS
3. SITE SPECIFIC SOIL MAPPING  
REGULATIONS MENTION NO USE FOR THE RESULTS  
OF SOIL SURVEY SUCH AS LOT SIZING

THANK YOU FOR YOUR CONSIDERATION

DONALD E. DUVAL LLS

**From:** Gerald Coogan <gicoogan@tds.net>

**To:** mcgarry128 <mcgarry128@myfairpoint.net>; Kate Hartnett <nhkate98@gmail.com>; Peter Schibbelhute <PeteSchib@gmail.com>; Dick Pitman <centerhillbarns@yahoo.com>; Dave Doran <dave@randomorbits.com>

**Cc:** Jane Boucher <f5fy@aol.com>; Rick Pelletier <building@townofdeerfieldnh.com>

**Subject:** Fw: Deerfield - Pleasand Lake Ordinance

**Date:** Tue, Jan 13, 2015 1:28 pm

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FYI.

**From:** [James F. Raymond](mailto:James.F.Raymond)

**Sent:** Tuesday, January 13, 2015 12:37 PM

**To:** <mailto:gicoogan@tds.net>

**Subject:** Deerfield - Pleasand Lake Ordinance

Jerry:

We discussed the proposed amendments to the Pleasant Lake Watershed Protection Ordinance. I have commented on this ordinance in the past. I understand that the Planning Board discussed these amendments with the lake association, and the current proposal is the product of their joint efforts.

I have a few comments that the Board may want to consider for future revisions:

1. Standards: Some of the performance standards give discretion to the building inspector or town engineer, without a clear line on what is required. See, e.g., §330.6 E. and F. I can anticipate that the subjectivity in those determinations could be an issue.
2. Planning Board Approvals: New section 330.8, as well as existing section 330.7 C., requires planning board review and approval. The planning board can be given jurisdiction under the innovative land use controls provisions in RSA 674:21 II, but the ordinance should contain the standards for the board to exercise its powers. The planning board should create regulations for how it will handle these applications, as they fall outside its usual site plan and subdivision jurisdiction.
3. New section 330.14: The term "common area" is defined in subsection B. as an area used by a group of three or more unrelated persons. Is that an appropriate definition? If two of my friends and I buy a cottage on the lake, is the house now a common area? I understand the goal of this section, but the definition of common area may need to be revised.

Recognizing that the Board wants to obtain voter approval of the revised ordinance this year, you might put my comments on the list of clean up items for next year.

Jim

James F. Raymond

Upton & Hatfield, LLP

10 Centre Street

P.O. Box 1090