

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
JANUARY 28, 2015

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Richard Pitman, Peter Schibbelhute Alternate member David Doran. Secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7PM and appointed David Doran to sit as a voting member.

RUSTIC REALTY TRUST

David Doran moved and Peter Schibbelhute seconded to grant the following waivers for Rustic Realty Trust;

- . Section III 3C 3B-2- Two foot contours
- . Section III 3C 3B-3- Two Benchmarks NGVD of 1929
- . Section III 3C 3B-4-Site Specific Soil Mapping

Voted in favor.

BROWNS MILL

Peter Schibbelhute moved and David Doran seconded to release the Letter of Credit for BMI Realty Trust. This was based on the fact that the Board of Selectmen had accepted the roads at Browns Mill on January 12, 2015. Voted in favor.

APPROVAL OF MANIFEST

Richard Pitman moved and Peter Schibbelhute seconded to approve the manifest in the amount of \$173.46 and a time sheet for Jane Boucher. (SNHPC \$130.90; Jane Boucher \$42.56 Mileage). Voted in favor.

APPROVAL OF MINUTES

It was noted that Page 2 of the minutes had not been sent to members.

Kate Hartnett submitted the following corrections , which the Board agreed with.

Page 3 Last Paragraph: Correct to read "Lady Slippers."

Page 4 Paragraph 4: correct to read "...top of the hill open and that development be focused at the more westerly (downhill) end of the property."

Page 5: Paragraph 2" Correct to read"...additional changes to the ordinance."

Page 5: Paragraph 3 Correct to read"...is no ability to enforce..."

Page 5 Paragraph 9 Correct to read"...that joint meetings should start..."

Add "The Board agreed."

Page 2 will be sent to members and approval of the minutes of January 14 will be on the February 11, 2015 agenda.

7:15PM APPLICATION FOR PUBLIC HEARING; MINOR SUBDIVISION NORTH ROAD; DANA AND PAULA MERRILL.

James Franklin, Land Surveyor and abutters Robert Grimard and Maryann and Donald Boyle were present.

Chair McGarry read the Notice of Public Hearing by which Dana and Paula Merrill, 185 North Road will make application for a Public Hearing to consider approval of a Minor Subdivision for property located on North Road, Deerfield, NH (identified as Tax Map 405 Lot 84) consisting of 90 +- acres and owned by the applicants. The intent of the application is to create two new lots each consisting of 3.1 acres.

Peter Schibbelhute moved to accept the application. David Doran seconded. Voted in favor.

Chair McGarry read a Memo submitted by Planning Consultant Gerald Coogan. ( A copy is attached to these minutes). Mr. Coogan recommended that the Planning Board can act on the waiver requests and accept the application as complete and begin the public hearing.

Mr. Franklin provided a notarized letter signed by Dana and Paul Merrill authorizing him to act on their behalf.

Mr. Franklin provided copies of the proposed plan. He also provided two handouts, which he explained that one was an enlargement of the locus which clarified what the shape of Lot 84 would be like once the subdivision is approved. The second sheet is a reduced scale of the subdivision plan and he noted that the excluded area is highlighted. Mr. Franklin also provided a copy of the Conservation Drawing, that is on file with the Town. He explained that although the drawing is incorrect, it does identify the area excluded through the easement.

Mr. Franklin noted that they are requesting approval of the subdivision of the excluded land, not the conservation land itself. He noted that they are requesting subdivision of two lots, both with frontage on North Road (Route 107) . Mr. Franklin said that they have received State Subdivision Approval and the proposed driveway shown for Lot 84-2 has not been approved yet.

Richard Pitman questioned the stone wall across from Old Centre Road and asked if rods had anything to do with the boundaries. Mr. Franklin replied that those were traverse points .

Mr. Pitman questioned if the remaining land could be subdivided . James Franklin felt there would not be adequate land to

create another lot and will remain part of Lot 84.

James Franklin said that the Merrill's wish to create two new lots which will be built on by family members.

Peter Schibbelhute moved and Richard Pitman seconded to approve the following waivers

.Section III 3 C 3 A 7- Boundaries of plotted lots for Lot 84

.Section III 3 C 3 B 2- Two foot contours for Lot 84

Voted in favor.

Maryann Boyle questioned if land in a Conservation Easement can be restricted. Chair McGarry replied that unless specified in the easement, land in a conservation easement is restricted.

Chair McGarry noted the following conditions be noted in the approval:

. Driveway Permit from State be approved

. Setting property corners

. Setting point on contour 6-70 -6-72.

. Waivers granted to be included on plan

Peter Schibbelhute moved to grant conditional approval to Dana and Paula Merrill with the above stated conditions. Conditional Approval to lapse in 90 Days. Richard Pitmans seconded. Voted in favor.

#### TIERRA DEVELOPMENT

Board members were asked to review information submitted by Gerald Coogan from Attorney James Raymond and Steve Keach.

8:12PM Richard Pitman moved to adjourn the meeting. Peter Schibbelhute seconded. Voted in favor.

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

## MEMORANDUM

January 26, 2015

TO: Deerfield Planning Board  
FR: Gerald Coogan, Planning Consultant  
RE: Plan Review ---- Subdivision Plan Land of Dana L. & Paula J. Merrill, Tax Map 405, Lot 84

**Applicant:** Dana L. & Paula J. Merrill

**Owner:** Dana L. & Paula J. Merrill, 185 North Road, NH Route 107, Deerfield, NH

**Agent:** James E. Franklin, LLS Stamp # 733

**Wetland Scientist:** Bruce Gilday, CWS # 12

**Area:** 90 acres + -

**Location:** 185 North Road, NH Route 107

Purpose: The applicant / owner desires to subdivide Tax Map 405, Lot 84 into three lots (two new lots). This parcel is subject to a conservation easement deeded to the DCC and includes a provision for an "excluded area" of about 9.5 acres + - for future subdivision. With the proposed subdivision of 6.426 acres + -, 3.072 acres remains to be subdivided. The DCC has an unrecorded copy of the "excluded area" on file. The proposed subdivision consists of:

- Proposed Lot 84-1 with 3.122 acres + -
- Proposed Lot 84-2 with 3.306 acres + - with 3,380 SF of wetlands
- Proposed reconfigured Lot 84 with 83 acres

Waiver Requests: The agent requests the following waivers:

1. Section III 3 C 3 A 7- Boundaries of plotted lots – for Lot 84.
2. Section III 3 C 3 B 2 – Two-foot contours – for Lot 84.

Comments:

1. Mr. Gilday's wetland report of December 1, 2014 was prepared for the 9.5 acre study.
2. NH DES Subdivision approval is pending.
3. NH DOT two driveway permits are pending.
4. As noted above, 3.072 acres + - is technically available for a future subdivided lot. However, the land area containing the existing house to the approximate limits of excluded area is about 1.1 acre; the land on the northwesterly side within the approximate limits of excluded area is about 2.4 acres. From the existing configuration, it appears that it would be impossible to create an additional 3 acre lot.

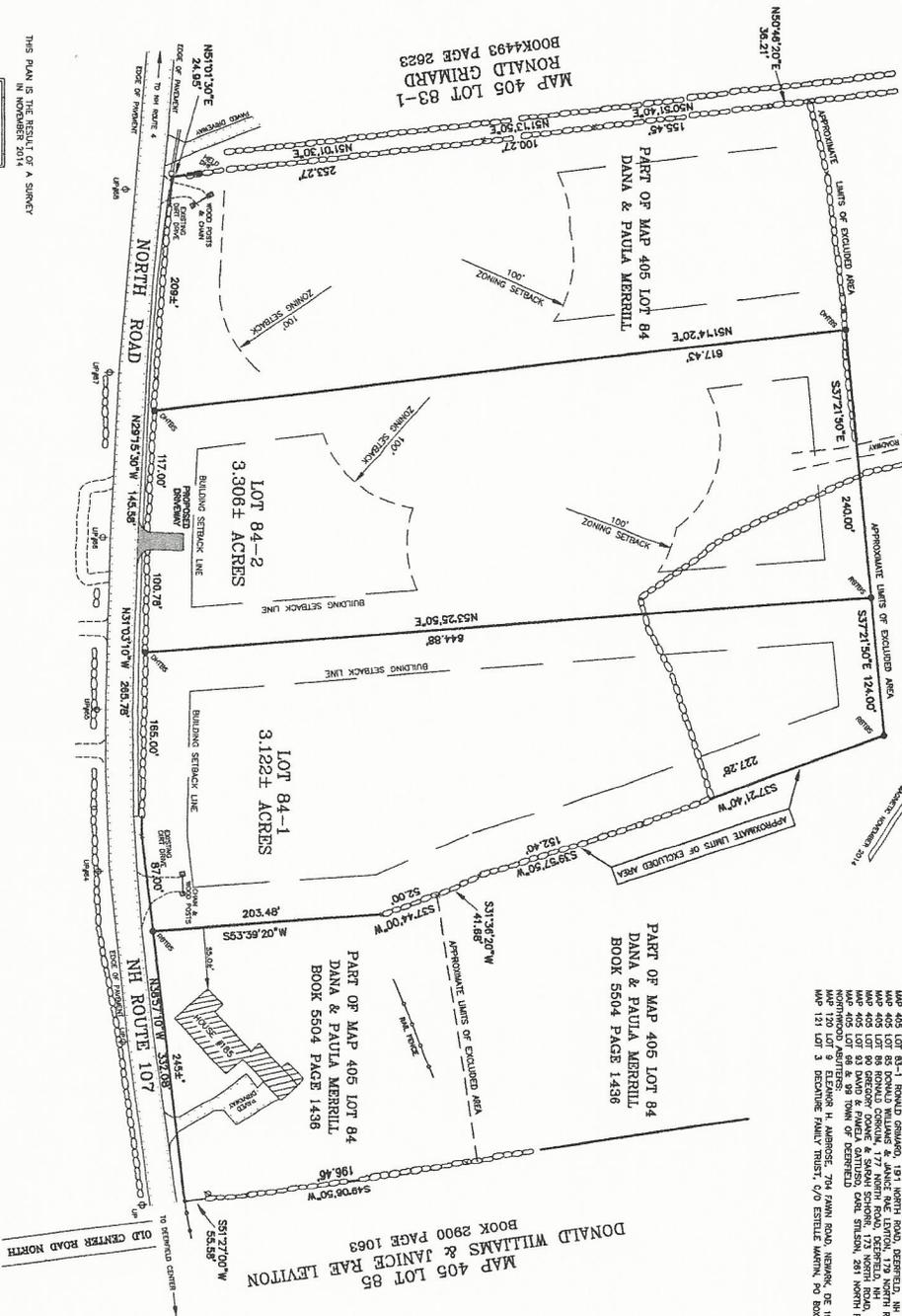
Recommendation:

- The Planning Board can act on the waiver requests and accept the application as complete and begin the public hearing.

- Recommend approval of the application with the condition of setting boundary pins.

Cc: James E. Franklin, LLS

**PART OF MAP 405 LOT 84  
DANA & PAULAJ MERRILL  
BOOK 5504 PAGE 1436**

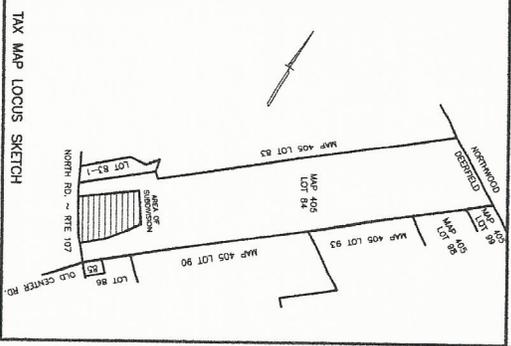


MAP 405 LOT 83-1  
RONALD GIRMARD  
BOOK 4493 PAGE 2623

PART OF MAP 405 LOT 84  
DANA & PAULAJ MERRILL  
BOOK 5504 PAGE 1436

MAP 405 LOT 85  
DONALD WILLIAMS & JANICE RAE LEVITON  
BOOK 2900 PAGE 1063

- LIST OF ADJACENTS:**
- DEERFIELD ADJUTERS:
  - MAP 405 LOT 15 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 16 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 17 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 18 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 19 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 20 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 21 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 22 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 23 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 24 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 25 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 405 LOT 26 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
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  - MAP 405 LOT 100 RANBY'S CORNER BARN, LLC, 34 PLYMOUTH HILL ROAD, DEERFIELD, NH
  - MAP 120 LOT 9 ELEVATOR H. ADDRESS: 704 PINE ROAD, NEWARK, DE 19711-2411
  - MAP 121 LOT 3 ELEVATOR FAMILY TRUST, C/O ESTELLE MARVIN, PO BOX 242, ALTON, NH 03809



THE NH JURISDICTIONAL WETLANDS DELINEATION WAS PERFORMED BY BRUCE A. GILMAN, INC., 100 WINDY HILL ROAD, DEERFIELD, NH, 03033, 603-228-5775, IN NOVEMBER 2014.

APPROVED BY THE TOWN OF  
DEERFIELD PLANNING BOARD  
ON: \_\_\_\_\_

THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE TOWN OF DEERFIELD, NEW HAMPSHIRE, ARE HEREBY REFERRED TO IN THIS PLAN. THIS PLAN IS COMPILED IN ACCORDANCE WITH ALL OF THE REQUIREMENTS OF SAID ZONING ORDINANCE AND SUBDIVISION REGULATIONS. THE TOWN ENGINEER HAS REVIEWED THIS PLAN AND HAS ISSUED THIS CERTIFICATE OF CONFORMANCE, WHICH MAY BE ACKNOWLEDGED IN NOTES ON THIS PLAN.

THE FOLLOWING INFORMATION IS REQUIRED BY THE DEERFIELD ZONING ORDINANCE:

A. PAYMENT OF LOT 84, BY THE LOTS CREATED BY THIS SUBDIVISION THAT ARE EXCEPTED FROM THE TOWN OF DEERFIELD ZONING ORDINANCE (THE THREE LOT CONSUMPTION) SHALL BE PAID BY THE DEERFIELD ZONING ORDINANCE (THE THREE LOT CONSUMPTION) OF THE DEERFIELD ZONING ORDINANCE. THE TOWN ENGINEER HAS REVIEWED THIS PLAN AND HAS ISSUED THIS CERTIFICATE OF CONFORMANCE, WHICH MAY BE ACKNOWLEDGED IN NOTES ON THIS PLAN.

ANY STRUCTURE CONTRIBUTION ON THE PROPOSED LOTS SHALL BE SUBJECT TO AN IMPACT FEE FROM THE TOWN OF DEERFIELD. SAID FEE SHALL BE CALCULATED ACCORDING TO THE TOWN OF DEERFIELD ZONING ORDINANCE AND PAID AT THE TIME OF CERTIFICATE OF OCCUPANCY.

**SUBDIVISION PLAN**

**LAND OF**

**DANAJ. & PAULAJ. MERRILL**

**ASSESSOR'S MAP 405 LOT 84**

**185 NORTH ROAD, DEERFIELD, NH**

**SCALE: 1"=50' 12/8/14**

THIS IS A SUBDIVISION OF THE ENCLOSED AREA DESCRIBED IN BOOK 5504 PAGE 1436 CONVEYED TO DANAJ. MERRILL & PAULAJ. MERRILL BY DEED DATED 12/8/14. THIS PLAN IS THE RESULT OF A SURVEY IN NOVEMBER 2014.

THIS LAND IS ZONED RESIDENTIAL WITH THE FOLLOWING MINIMUM REQUIREMENTS: LOT SIZE ~ 3 ACRES; FRONTAGE ~ 200'; FRONT YARD ~ 40'; SIDE YARD ~ 37.5'; REAR YARD ~ 37.5'; WETLANDS ZONING SETBACK IS 100'

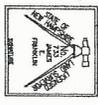
FOR ADDITIONAL RESTRICTIONS AND REQUIREMENTS, REFER TO THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS. THIS LAND IS IN CURRENT USE.

80% ± OF THE LAND ON LOTS 1 & 2 IS FIELDS

STATE OF NEW HAMPSHIRE SUBDIVISION APPROVAL, NO. (PENDING)

GRAPHIC SCALE: 1"=50'

TO CONVERT DISTANCES SHOWN TO METERS, MULTIPLY BY 0.3048006



James B. Franklin, LLC  
Licensed Land Surveyor  
New Hampshire - Massachusetts - Connecticut  
175 South Main Street, Suite 203  
Tel. (603) 483-3088