

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
OCTOBER 28, 2015

MINUTES OF MEETING

PRESENT: Board members Kate Hartnett, William Perron, Fred McGarry (arrived at 7:45PM). Alternate member David Doran. Secretary Jane Boucher.

Vice Chair Kate Hartnett called the meeting to order at 7:05PM.

PLEASANT LAKE ASSOCIATION

Tim Mallette and Anne Schultz were present.

Mr. Mallette and Ms. Schultz presented a proposal to correct a problem area on Gulf Road to correct runoff issues. They noted that the Pleasant Lake Watershed Preservation Association is applying for a Grant 319 in the amount of \$90,000 which they hope to submit by November 23, 2015. They said that DES is in favor as well as Road Agent Mark Young. They noted that a match is required in the amount of \$60,000 which they hope the Town can provide equipment and labor to help meet that amount.

William Perron said that any amount for equipment and labor would have to come from the Highway Budget and suggested that they meet with the Board of Selectmen who would be responsible for that Department's budget.

Kate Hartnett noted that if it is necessary to remove trees from a scenic road, the Planning Board is required to conduct a public hearing.

APPROVAL OF MANIFEST

David Doran moved and William Perron seconded to approve the manifest in the amount of \$21.85 for mileage and a time sheet for Jane Boucher. Voted in favor.

ROLLINS EXCAVATION SITE

William Perron reported that he and Fred McGarry had visited the site and spoke with abutter Ron Brosnahan. They felt that adding out buildings to the site would help with dust. Mr. Rollins is scheduled to meet with the Board for his Site Plan Review on Wednesday, November 4 at 8PM.

REQUEST FOR EXTENSION

A letter was received from Harold Wood, on behalf of Paul Smith, requesting an extension of 30 days for his subdivision on Blakes Hill Road. (November 26, 2015).

William Perron moved and David Doran seconded to grant an extension of 30 days to Paul Smith for a subdivision on Blakes

Hill Road. (November 26, 2015). Voted in favor.

REQUEST FOR RELEASE OF BOND

Jeff White was present.

A letter was received from Jeff Quirk, KNA, recommending the release of \$199,260.71 to Tukcor Real Estate and Development for work completed on Phase IV, Forest Glen Subdivision.

William Perron moved and David Doran seconded to authorize the release of \$199,260.71 to Tukcor Real Estate and Development. Voted in favor.

PROPOSED ZONING AMENDMENTS 2016

Kate Hartnett referred to her comments regarding the Commercial Overlay District. (A copy is attached to these minutes). Ms. Hartnett noted that she approves of the current Rating and Evaluation system omitted, but she feels that we need more effective performance based criteria. She also said she feels that there is a role for the Deerfield Center Design Guide in the proposed changes.

ROLLINS/IMPACT FEE ASSESSMENT

When Mr. Rollins submitted his application for a Building Permit for a mobile home on property on Parade Road he questioned if the impact fee assessment could be considered as a commercial assessment.

Chair McGarry noted that it does indicate that it will be a residence for a night watchman and he questioned how this will affect the existing business on Raymond Road. Mr. McGarry said the operation on Raymond Road will technically be moving to Parade Road and questioned if the Planning Board can request that the existing operation on Raymond Road cease.

The Board agreed that Chair McGarry request an opinion for Town Counsel regarding this issue.

PROPOSED ZONING AMENDMENTS 2016

Chair McGarry provided proposed changes, based on James Raymond's email, to Section 330 Pleasant Lake Watershed Ordinance. A copy of both is attached to these minutes.

The following change was made to Paragraph F: "The proposed controls shall conform with the practices contained in the Manual as necessary to insure that erosion and sedimentation are effectively controlled."

Chair McGarry noted that he did not address Attorney Raymonds comments on "common area". He asked the Board what they would like to see as a definition of "common area".

Kate Hartnett suggested that the Board ask the Pleasant Lake Association for their opinion as to a definition.

Chair McGarry's comments and Attorney Raymond's comments will be sent to the Pleasant Lake Association asking for their input.

Kate Hartnett suggested adding a reference to Section 325 referring to The Town of Deerfield's Open Space Plan. This will be added to Section 325.1 "D".

"Applicants proposing an Open Space Development shall review the Town of Deerfield's Open Space Plan dated August, 2010 and demonstrate to the Board how their project will support the Open Space Plan."

Kate Hartnett referred to Section 210.3 District Boundaries questioning whether to remove or revise the 1/4 AC exclusion of poorly drained soils from 210.3A Wetland Conservation District boundaries. She added that she wanted to make sure we are not nuking vernal pools in the interest of expediency. The Board agreed to add "vernal pools " to 210.3 A after "bogs.

Gerald Coogan provided a memo regarding "clarification of Section 207.B" (aka Smith Ordinance. Chair McGarry said that Attorney Raymond felt, after discussing the recent conditional approval for property on Griffin Road, that the Board's initial idea of coming in 200 feet to access the two lots complied with the current ordinance. It was agreed to further discuss Section 207.1 and Gerald Coogan's memo when Mr. Coogan is present.

Chair McGarry will prepare a letter to be sent to residents of the Village District asking if they would support an Historic District. The way to proceed is to put in on the Ballot and if approved, the Board of Selectmen would appoint an Historic District Commission who would make regulations proposing the District which they would submit to the Planning Board. Chair McGarry will draft a letter which will be sent to residents of the District.

The meeting was adjourned at 9:10PM.

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

**For 28 Oct 15 DfId Plan BD: Kate 's initial notes on proposed changes to CIO by Planner Coogan**

I am so grateful that Jerry is working on this. I am fine with the current Rating and Evaluation system going away. But we need effective performance based criteria (that mostly are NOT prescriptive requirements). Also, I do think there is a role for the DfId Ctr Design Guide somewhere in here.

**PURPOSE AND NAME:** Our reasonable intent is to encourage "flexibility and creativity for compatible C & I uses throughout town, etc" (see 212.1—its pretty good as purpose). We want them to locate, expand, and fit in here. So I wonder, why not make it ANY business (rather than just "Commercial/Industrial"?) Why not "Deerfield Business Overlay"?

**INITIAL SPECIFIC THOUGHTS:**

1) Purpose & intent need more from 212.1 as rationale, and Permitted uses, if we want to go there, might have its own section, and include: "Other"

4) Standards are too brief. Community character is very important, but vague. What about all the other criteria on the Absolute Criteria Chart (P 30 of 2015 Zoning)? They do need a little reorganization and tweaking, but might include:

- Compliance with existing plans? So are the location and site for the proposed use appropriate given master plan and open space plan?
- Resilience to extreme weather, power loss by requiring efforts beyond current code, with progress to minimizing energy use by conservation and efficiency and attaining Net Zero via 2030 process? (Net Zero Buildings make more energy than they use, annually, and use only renewable supply to meet their O&M needs. (Seems like a reasonable PLANNING bd concern...)
- Public services & stds (utilities, emergency access, LID/drainage/storm wtr mgmt./vegetated buffers for all surface waters and wetlands, lighting?)
- Shouldn't Resource Protection stds include: geology incl aquifers, topography, flood plain/hazard, soils incl Prime Ag/Soils Statewide Importance, mineral deposits, vegetation?
- What about stone walls, views, roadside character?
- Environmental Std address: Air quality, noise, glare heat etc.
- Shouldn't Historic Area get its own consideration?
- Same for "Flora & Fauna" = Plants & Wildlife (including known or possible ecologically important NH Fish & Game Wildlife Action Plan updates, vernal pools, etc?)
- Where are the Site design that fit the use to the site and minimize any negative impacts on neighbors & the Town? And encourage passive solar orientation for bldgs & parking? And want active renewables (esp PV)?
- Where do we promote mixed uses that minimize traffic and increase amenities (trails, other recreation)?

- Fred will probably want some sort of consideration of VTPD, parking needs, hours of operation, etc. Kate thinks we might include: innovative parking (share, minimize or shade impervious surface, minimize curb cuts, provide access & egress for vehicles, peds, & bicycles).

Above a quick scan and summary FYI for tonight. See ya then.

## 2016 Zoning Amendments

### Pleasant Lake Watershed Protection Ordinance

Amend Section 330.6 Review Requirements for Development in the Watershed Protection Overlay District, Paragraph E to read in part:

“ . . . or a qualified professional who is familiar with erosion control measures and procedures and acceptable to the Town Engineer. *The qualified professional shall demonstrate to the Town Engineer that he/she has knowledge and training in erosion control measures and has previously prepared erosion control plans. The erosion and sedimentation control plan . . .*”

Paragraph F to read in part:

✓ “ . . . erosion and sedimentation controls proposed by the applicant and acceptable to the Building Inspector. *The Building Inspector, in determining the acceptability of the proposed controls, shall compare the proposed controls with the New Hampshire Stormwater Manual, Volume 3: Erosion and Sediment Controls During Construction as prepared by the New Hampshire Department of Environmental Services (Manual). The proposed controls shall in general conform with the practices contained in the Manual in order to be approved by the Building Inspector.*” These types of applications shall . . . ”

Amend Section 330.8, Buffer Requirements, Subsection C to read as follows:

“Any proposed development within the required buffer zone shall require approval of the Planning Board. *In determining if the development should be approved, the Board shall take into consideration the following:*

1. *The development proposed is the least intrusive possible;*
2. *The hydrologic study shows the water quality protection by the development equals or exceeds that which would be provided by the full 100-foot wide buffer;*
3. *The applicant proposes to plant additional vegetation to demonstrably supplement and improve the existing vegetation present within the buffer which will slow the rate of runoff;*
4. *The applicant proposes to redirect the runoff from the development to extend the runoff route to the tributary; and*
5. *The applicant proposes to place other permanent obstructions to demonstrably slow the rate of runoff over what would occur within the existing buffer.*

**From:** Gerald Coogan <gicoogan@tds.net>  
**To:** mcgarry128 <mcgarry128@myfairpoint.net>; Kate Hartnett <nhkate98@gmail.com>; Peter Schibbelhute <PeteSchib@gmail.com>; Dick Pilman <centerhillbarns@yahoo.com>; Dave Doran <dave@randomorbits.com>  
**Cc:** Jane Boucher <f5fy@aol.com>; Rick Pelletier <building@townofdeerfieldnh.com>  
**Subject:** Fw: Deerfield - Pleasant Lake Ordinance  
**Date:** Tue, Jan 13, 2015 1:28 pm

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FYI.

**From:** James F. Raymond  
**Sent:** Tuesday, January 13, 2015 12:37 PM  
**To:** [mailto:gicoogan@tds.net](mailto:mailto:gicoogan@tds.net)  
**Subject:** Deerfield - Pleasant 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