

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
FEBRUARY 10, 2016

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, William Perron, Richard Pitman. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

7:05 Chair McGarry called the meeting to order.

APPROVAL OF MINUTES

Kate Hartnett moved to approve the minutes of January 20, 2016. Fred McGarry seconded. Voted in favor with Richard Pitman abstaining.

Richard Pitman moved to approve the minutes of January 27, 2016. Fred McGarry seconded.

The following corrections were made to the minutes.

Page 2: Paragraph 5: Correct to read "...which could go into effect..."

Page 3: Paragraph 2: Correct to read "...an engineer/surveyor to survey the property and look at the sight distance based on 30mph speed limit on Old Centre Road."

Chair McGarry called for a vote on the motion. Voted in favor.

APPROVAL OF MANIFEST

Richard Pitman moved and Kate Hartnett seconded to approve the manifest for a time sheet for Jane Boucher (18 1/2 hours). Voted in favor.

7:15PM APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT;
RICHARD AND NICOLE TOMBS; SUNSET LANE
James Franklin and abutters Mr. and Mrs. Robinson were present.

James Franklin provided a letter signed by Mr. Tombs authorizing Mr. Franklin to represent him.

Chair McGarry read the notice of public hearing by which Richard and Nicole Tombs, 1-2 Sunrise Terrace Lane, Deerfield, NH, are applying for a Lot Line Adjustment. The properties are identified as Map 207 Lots 39, 30 and 31 and owned by the applicants. The intent of the application is to create a new division line between Lots 29 and 30, and between Lots 29 and 31, and to relocate the 20 foot wide access right of way for Lot 28.

Gerald Coogan provided a Memo recommending that the Board move to accept the application as complete and approve the Lot Line

Adjustment as shown on the plan. A copy of the memo is attached to these minutes.

Richard Pitman moved to accept the application. William Perron seconded. Voted in favor.

James Franklin provided copies of the proposed noting that they are proposing to eliminate the line dividing Lots 29 and 30 and create a new division line from the southwest corner of Lot 30 to the Robinson land on the southeast corner of Lot 30. Mr. Franklin noted that the right of way is owned by Mr. and Mrs. Tombs.

Mr. Franklin gave some background on the parcels noting that this goes back to the time period of 1969. There was a survey recorded in 1969 by True Chesley for property owned by Mr. Zinn. In 1975 the Planning Board approved a subdivision which required a variance (Case 107).

Mr. Franklin said that the right of ways created are almost not usable. Over the course of time, according to Mr. Franklin, paved driveways were constructed.

Mr. Franklin said that they are trying to put new easements on top of the driveways being used, between Mrs. Robinson (Lot 28) and Mr. Tombs who owns Lots 29, 30 and 31.

Kate Hartnett questioned the surface heading toward the lake. Mr. Franklin replied that area was lawn.

Mr. Franklin noted that he has recommended to Mr. Tombs that he combine Lots 29 and 31, which is not shown on the plan. Lot 31 cannot stand on it's own based on the 1975 Planning Board.

Mr. Robinson said that the right of way to the lake is for Lot 38, Mr. Tombs's home and a person on the other side of North Road.

Mr. Franklin reiterated that they are not requesting any changes to Lot 31 right now, but he has suggested to Mr. Tombs that he combine Lot 31 with Lot 29. He said that the approval and recording of the plan will not combine the lots until the deeds are passed.

According to Mr. Franklin, the septic system on Lot 29 also serves Lot 30.

Chair McGarry said that the Planning Board should see the deeds before any approval is granted. He said that the concern he was having is that if Lot 29 stays separate and we are making it less so, a variance is required.

Mr. McGarry noted that part of the Planning Board approval will be to make certain that the new location of the access easement is conveyed to Mrs. Robinson.

James Franklin suggested that the Board, before approving the plan, make a requirement that in order to relocate an easement that it will have to be agreeable to both parties.

Chair McGarry noted that, if Mr. Tombs wants Lot 30 to remain a separate lot, after combining Lots 29 and 31, he will have to go to the ZBA for a variance.

The Board agreed that an access easement be submitted to the Board for approval for Lots 30 and 28. This should be recorded with the approved plan.

William Perron moved to continue the public hearing to May 11, 2016 at 7:15PM for the Lot Line Adjustment for Richard and Nicole Tombs. Richard Pitman seconded. Voted in favor.

At that time both parties will be asked to be present to indicate approval of a deed for access easement.

SPM APPLICATION FOR PUBLIC HEARING; MINOR SUBDIVISION; COREY ROAD; BMI REALTY TRUST
George Chadwick, Patricia Panciocco, Esq., Betsey McNaughten, NH Fish & Game and James Franklin were present.

Vice Chair Kate Hartnett read the Notice of Public Hearing by which BMI Realty Trust, P O Box 4765, Manchester, NH is applying for a minor subdivision for property located on Corey Road, Deerfield, NH (identified as Tax Map 411 Lots 45-8 and 45-0) consisting of 44.2 acres and owned by the applicant. The intent of the application is create three new lots each consisting of 1.3 + acres.

Gerald Coogan provided a memo regarding the proposed subdivision noting that "After consolidation and subdivision, three new lots will be created. Corey Road is town owned and maintained. After subdivision, the proposed OSD will consist of"

- . Proposed Lot 45-8 2.478 acres
- . Proposed Lot 45-9 1.503 acres
- . Proposed Lot 45-10 1.345 acres
- . Proposed Lot 45-11 3.866 acres
- . Proposed Lot 45-12 5.038 acres
- . Proposed Lot 45-13 28.391 acres (Conservation Open Space)

A copy of Mr. Coogan's memo is attached to these minutes.

Mr. Chadwick said that Lot 45-8 is an existing lot off of Corey

Road and 45-9 is also an existing lot off of Corey Road. He noted that he had met with the Conservation Commission in January when they approved an Expedited Wetlands Permit, which he has forwarded to the State.

Mr. Chadwick referred to the Yield Plan originally showing nine lots. He noted that since that time they have found additional wetlands and the rear property line has been reconfigured. The rear property line has been readjusted and the yield plan now shows seven lots.

William Perron moved and Richard Pitman seconded to accept the application for BMI Realty Trust. Voted in favor.

George Chadwick said the proposal is to consolidate the temporary turn around with the existing Corey Road right of way to meet Town standards.

Kate Hartnett questioned if any reclamation was required previously. Attorney Panciocco replied that none was required.

Chair McGarry said that the Board will be requiring some reclamation.

Mr. Chadwick said that all lots will be serviced by individual wells. He, at this time requested two waivers:

. Sub Regs Article III-3C.3.b.4 Site Specific Soils. Reason based on the submitted SCS Soils (Canton gravely find sandy loam), lot sizes and the well-drained and deep SI-IWT nature of the soil, a Site Specific soils map will not give the designers or Planning Board any additional information that would alter the design.

. DZO Article III Section 325.4.D.1.a.1- 100 feet OSD from setback. Section 325.4.D.2 allows the Planning board to reduce any design standards if it finds that the purpose and objectives are not adversely affected by the reduction. Reason: Allowing the homes to be constructed closer to Hidden Drive and Corey Road, will enable the development to grant a larger block of open space to the rear of the property. Reducing the setback to 50 feet will not devalue the surrounding parcels.

Mr. Chadwick noted that four legal documents have been submitted; Common Driveway Easement for Lots 45-12 and 45-11; Open Space Conservation Easement ; Association Documents; and Corrective Road, Drainage and Cistern Easement Deed. These have been submitted for review.

Mr. Chadwick showed plans depicting approximately 3 acres of disturbed open space land. They understand that the Board will require reclamation of this piece.

George Chadwick commented on the access to the right of way off of Corey Road noting that they would like to see no vehicular access.

Betsey McNaughten referred to the Easement Deed which said "The purpose of the above conveyed easement and right of way is to allow the public vehicular and pedestrian access to Corey Wildlife Management Area"

Attorney Panciocco said that public access is a real concern. She said that if they could get another access and mentioned Whittier Road.

Ms. McNaughton said that Whittier Road does not have any parking available.

Mr. Chadwick said they would be willing to work with Fish and Game and have parking available on Corey Road.

There was some discussion regarding the status of Whittier Road. Chair McGarry suggested that they check with the Building Inspector.

8:50 Richard Pitman left the meeting at this time.

Chair McGarry said they need to request a waiver from the 50 foot buffer on the easterly side and also on 100 foot on the front portion.

Mr. McGarry noted that the Board will need a restoration plan for the areas required and will require a bond as well.

Mr. Chadwick asked if reclamation could be done before the plan was approved. Mr. McGarry said that could be done, however, the board would need to see a restoration plan before approval.

Gerald Coogan noted that he had spoken with Fire Chief Mark Tibbetts, who has recommended a 20,000 gallon cistern be installed. Mr. Chadwick said he felt that there was a 10,000 gallon cistern already in place. He will talk with Chief Tibbetts.

Mr. Chadwick requested approval of a Conditional Use Permit for a driveway to Lot 45-8. He was asked to put something formal in writing.

William Perron moved and Kate Hartnett seconded to continue the Public Hearing for BMI Realty Trust to March 23, 2016 at 7:15PM. Voted in favor.

The meeting was adjourned at 9:40PM.

PLANNING BOARD 2/10/16

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

MEMORANDUM

February 8, 2016

TO: Deerfield Planning Board
FR: Gerald Coogan, Planning Consultant
RE: Plan Review ---- Richard & Nicole Tombs Lot Line Adjustment (LLA)

Applicant: Richard & Nicole Tombs

Owner: Richard & Nicole Tombs

Agent: James L. Franklin, LLS

Wetland Scientist: NA

Land Area: Tax Map 207, Lot 29, 30 & 31 has 1.724 acres + or -

Location: 1 and 23 Sunrise Terrace Lane, Deerfield, NH - Tax Map 207, Lot 29, 30 and 31

The purpose of the Lot Line Adjustment Plan (LLA) is to:

1. Relocate right of way;
2. Combine Lots 29 and 31, both owned by Tombs; and
3. Combine a portion of Lot 29 (i.e. leach field) with Lot 30

The LLA plan will adjust the lot lines in the following manner.

Lot	Existing	Proposed	Change area
Map 207, Lot 29	1.312 +- acres	1.309 +- acres	0.003 +- acres
Map 207, Lot 30	0.185 +- acres	0.415 +- acres	0.23
Map 207, Lot 31	Combine w 29		

Waiver requests:

None

Recommendation:

1. Move to accept the application as complete
2. Move to approve the Lot Line Adjustment Plan as shown on the plan.

Cc: James L. Franklin, Surveyor

MEMORANDUM

February 8, 2016

TO: Deerfield Planning Board
FR: Gerald Coogan, AICP, Planning Consultant
RE: Plan Review – BMI Open Space Development (OSD) Subdivision Plan for Corey Road, Tax Map 411, Lots 45-8 and 45-9

Owner: BMI Realty Trust, P.O. Box 4765, Manchester, NH 03108

Applicant: BMI Realty Trust, P.O. Box 4765, Manchester, NH 03108

Agent: George A. Chadwick, PE, Bedford Design Consultants; James Franklin, LLS; Craig Francisco, LLS

Wetlands scientist: Joshua Brien, CWS, Bedford Design Consultants

Lot Area: 42.8 acres

Location: Corey Road, Deerfield, NH, Tax Map 411, Lot 45-8 and 45-9

Project description: The applicant proposes to consolidate existing Tax Map Lots 45-8 and 45-9 and then subdivide the 42.8 into five lots plus an open space lot using Section 325 of the Deerfield Zoning Ordinance (DZO) the Open Space Development (OSD) provision. This is a Minor Subdivision. After consolidation and subdivision, three new lots will be created. Corey Road is Town owned and maintained. After subdivision, the proposed OSD will consist of:

1. Proposed Lot 45-8: 2.478 acres
2. Proposed Lot 45-9: 1.503 acres
3. Proposed Lot 45-10: 1.345 acres
4. Proposed Lot 45-11: 3.866 acres
5. Proposed Lot 45-12: 5.038 acres
6. Proposed Lot 45-13: 28.391 acres (Conservation Open Space Lot)

Comment: The Planning Board is familiar with this proposal having met with Mr. Chadwick on two occasions.

Waiver Requests: The agent requests two waivers.

1. Sub Regs Article III-3.C.3.b.4 Site Specific Soils.
Reason: Based on the submitted SCS Soils (Canton gravely fine sandy loam), lot sizes and the well-drained and deep SHWT nature of the soil, a Site Specific soils map will not give the designers or Planning Board any additional information that would alter the design.
2. DZO Article III Section 325.4.D.1.a.1 - 100' OSD Front Setback. Section 325.4.D.2 allows the Planning Board to reduce any design standards if it finds that the purpose and objectives are not adversely affected by the reduction.
Reason: Allowing the homes to be constructed closer to Hidden Drive and Corey Road, will enable the development to grant a larger block of open space (conservation land) to the rear of the property. Reducing the setback to 50 feet will not devalue the surrounding parcels.

The Planning Board can act on these two waivers. These two waiver requests are reasonable and recommend favorable Board action.

Comments:

1. Reviewed Checklist for a Minor Subdivision; complete
2. Agent provided a Yield Plan; KNA to review and provide comments.
3. Drainage Analysis submitted; KNA to review and provide comments.
4. Existing cistern opposite Corey Road;
5. Road access; seek comments from the Town's Road agent.
6. Agent should provide cost estimate for proposed restoration of the abandoned excavation area;
7. Regarding restoration of the excavation area, suggest posting of security (i.e. a bond, letter of credit) for the work to be done or requiring the restoration to be completed before the plan is signed.
8. DES Wetlands Permit # 2005-553 lists as a condition # 5 of approval: "This permit is contingent upon the transfer of an access easement to the NH Fish and Game Department to provide access to a currently land-locked parcel."
9. Access to open space: PB discussion - Ms. McNaughten from the NH Fish & Game will attend the hearing.

Recommendations:

1. Act on the two and accept the application as complete;
2. Open the public hearing

Possible conditions of approval:

1. Options for clean-up of the abandoned pit:
 - a. Provide security (i.e. a bond, letter of credit) for the restoration work to be done;
 - b. Require the restoration to be completed before the plan is signed; and
 - c. Require completion or security prior to any building permit being issued; this could be both a plan note and provided in each deed.
2. Receive approval for the NH DES subsurface subdivision
3. Receive approval for the NH DES wetlands permit
4. Continued adherence to DES Wetlands Permit # 2005 - 553.
5. Ensure public access to the Corey Wildlife area
6. Set pins