

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
OCTOBER 26, 2016

MINUTES OF MEETING

PRESENT: Board members Peter Schibbelhute, Kate Hartnett, Selectmen's Representative Fred McGarry, William Perron, David Doran. Also present secretary Jane Boucher.

7PM Chair Peter Schibbelhute called the meeting to order at 7PM.

APPROVAL OF MINUTES

David Doran moved to approve the minutes of October 12, 2016 as printed. Kate Hartnett seconded. Voted in favor with Fred McGarry abstaining.

APPROVAL OF MANIFEST

Fred McGarry moved and David Doran seconded to approve the manifest for \$193.74 and a time sheet for Jane Boucher. (Upton & Hatfield \$193.74 19 1/2 hours/Jane Boucher). Voted in favor.

NOVEMBER MEETING DATES

The Planning Board will meet on November 9 and November 16, 2016.

UNFINISHED BUSINESS

The Board agreed to leave two items listed on the agenda:

- . Barbara Castor/ Excavation: Board members will view the site and discuss further.
- . Shaughnessy/Burke: Fred McGarry will contact DOT.

CONTRACT/TOWN PLANNING CONSULTANT

No responses have been received for the position. Fred McGarry will check with SNHPC.

7:15PM CONTINUATION OF PUBLIC HEARING; MAJOR SUBDIVISION; TIERRA DEVELOPMENT/CHURCH STREET

Vincent Iacozzi and Aaron Firman were present.

Mr. Firman provided updated plans for the Board's review.

Peter Schibbelhute said he had spoken with Steve Keach, KNA, who indicated that he was satisfied with the information provided.

Fred McGarry said he liked the location of the road and referred to the cross sections .

The following waiver was requested from the applicant; Section IV-7 , requires that utilities shall be buried underground. Burying utilities would be more difficult and

expensive where ledge removal is necessary. Also this is a rural development with large lots in a rural area where overhead utilities would not be as obtrusive and unsightly in a more dense development. We therefore request that the requirement for underground utilities be waived.

Fred McGarry moved and William Perron seconded to grant the waiver to Tierra Development. Voted in favor.

Mr. Iacozzi noted that their attorney is working on a Home Owners Agreement and he will forward it to Town Counsel for review.

A letter was received for Fire Chief Mark Tibbetts indicated that he had no problem with development on Church St.

Chair Schibbelhute said that Steve Keach will determine the amount of the bond and Jeff Burd has satisfactorily addressed Gerald Coogan's concerns.

Mr. Iacozzi said that their existing bond will be amended to cover the new development.

Fred McGarry moved to grant conditional approval to Tierra Investments for a subdivision on Church Street with the following conditions:

- . Establish Home Owners Association
 - . Amend Existing bond based on KNA's determination
- Conditional approval to lapse in 30 days (Nov. 26, 2016).
William Perron seconded. Voted in favor.

REVIEW EXCAVATION PERMIT

It was noted that Fees were included in the permit application. (\$50.00 application fee plus \$7.00 per abutter)

There was some discussion regarding the signature required on Page 8 ie "Accepted by the Town of Deerfield Planning Board ". Board members commented on the fact that it probably should say "Received" although it did not indicate approval, only acceptance.

Fred McGarry said that the statute should be referred to with the signature for acceptance. RSA 676:4 and RSA 155 E3- 1-7, including 6A).

EXCAVATION PERMIT/ROLLINS

Nellie Rollins and Steve Rollins were present.

Chair Schibbelhute advised that the Board had reviewed his application and that he needs to submit a check for \$50.00 plus \$7.00 per abutter.

Mr. Rollins questioned how often he would need to apply for a renewal. Chair Schibbelhute replied that the permit should be renewed every five years and inspections may happen in between.

Mr. Rollins was advised that the Public Hearing will be held on November 16, 2016 and he will be notified by mail.

After Mr. Rollins and Ms. Rollins left the meeting the Board discussed the fact that Earl Sandford could not be present for the meeting on November 16. Chair Schibbelhute will contact Mr. Rollins and ask if he would like to meet at a time when Mr. Sandford could be present. The Board agreed to hold the Public Hearing on Tuesday November 15, 2016, if agreeable to Mr. Rollins.

PLANNING BOARD INPUT/NORTHERN PASS PRE FILED TESTIMONY
Jeanne Menard and Cilla Tyler were present.

Kate Hartnett referred to a memo from Attorney Steven Whitley noting that the Town will have the opportunity to present testimony directly to SEC on the impacts of the project to Deerfield, no later than November 15, 2016. (A copy of the memo is attached to these minutes). Ms. Hartnett also provided information covering several issues to be submitted to Attorney Whitley as Deerfield's pre filed testimony. (A copy is attached to these minutes)

Kate Hartnett asked the Board's permission to submit the information to Attorney Whitley before November 15.

It was noted that any information sent to Attorney Whitley should go before the Board of Selectmen with a recommendation from the Planning Board.

Jeanne Menard advised that the plan is for residents to continue fund raising and the process is playing out. When funds are collected a public hearing will be held to accept the funds. The Board of Selectmen will decide if they wish to continue to fund the SEC project.,

Ms. Menard said that she was present as a resident of Deerfield and was very interested to know what the Planning Board's position is. She felt that, as a community, we would be remiss if we do not respond by the November 15 date and stressed the importance of the Planning Board's participation.

Board members agreed that the information should first go to the Board of Selectmen with the Planning Board's recommendation. The Board of Selectmen will meet next on November 7, 2016.

Kate Hartnett referred to the information the Planning Board will review before sending to the Board of Selectmen noting there was 2 1/2 pages of comments plus direct excerpts from existing documents, the Plan Design Charette for 2000, the Open Space Vision from 2010, the Vision in the Master Plan (2009) and the Energy Chapter from 2013.

Fred McGarry suggested some changes in language noting that he would like to see information specific to Deerfield under Plan Evaluation, Rural, Land Use Analysis and other categories listed.

Mr. McGarry referred to "Land Use Analysis" noting that it should ask to "Explain the difference between the two percentages ". Under "Community Character", Mr. McGarry said we have to ask how the towers proposed for the Town of Deerfield for the Northern Pass Project address and impact landscape attractiveness, rural and community character, and real estate values. Under "Conclusion vs. Vision" he added " Explain the current contradiction between the conclusion and Town of Deerfield's vision statement as discussed in the Master Plan."

Chair Schibbelhute commented that an explanation should be given for each question, not just a yes or no answer. He felt that "explain why" needs to be included.

Fred McGarry referred to "Define Rural" and said that it should ask how "rural" applies to the Town of Deerfield.

Fred McGarry moved to forward the questions as amended to the Board of Selectmen asking them to forward the information to Attorney Whitley as soon as possible after the meeting on November 7, 2016. Kate Hartnett seconded. Voted in favor.

TETRAULT/SUBDIVISION

It was noted that Ms. Tetrault has outstanding invoices for Upton & Hatfield (1194.99) and Keach Nordstrom (270.00).

Kate Hartnett referred to an e-mail sent to Ms. Tetrault on May 19, 2016 from Steve Keach advising that he was waiving the amount of \$270.00. The secretary advised that the invoice was still listed on the monthly statement from KNA. She will contact the book keeper to clarify that the amount has been waived.

Board members agreed that perhaps some of the money owed Upton & Hatfield could be waived, however, they would like to meet with Ms. Tetrault to discuss further.

The meeting was adjourned at 9:45PM.

PLANNING BOARD 10/26/16

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

30 Aug 16 email from S Whitley on Prefiled Testimony

TO: Client Municipalities in NPT

Littleton: Andrew Dorsett-Littleton <adorsett@townoflittleton.org>,

Ashland: Water Sewer <waterandsewer@ashland.nh.gov>,

New Hampton: Barbara Lucas <blucas@new-hampton.nh.us>,

Deerfield: Fred McGarry, Jan Foisy, Jeanne Menard, Kate Hartnett

Woodstock: Judy Welch-Woodstock <admin@woodstocknh.org>,

Bridgewater: Kathi Gickas-Bridgewater <townofbridgewaternh@gmail.com>

Greetings, I have a bit of a homework assignment for all of you...

As some of you may know, your town will have an opportunity to present **testimony directly to the SEC on the impacts of the project on your town**. This is in the form of **Pre Filed Testimony**, and is essentially **written statements from various officials or staff, including attaching any relevant ordinances, regulations, or policies enacted by the town, that relate to the written testimony and the project as a whole**. This testimony is currently due to the SEC no later than **November 15, 2016**. To give me time to review and possibly revise if necessary, please plan to submit to me no later than Monday, **October 31, 2016**. This **testimony is critical** because it will directly address a variety of criteria that the SEC must consider, and factual findings the SEC must make, in order to approve the project. I believe (and hope) that it will be given substantial weight and consideration by the SEC.

I'd like your town to get the following information assembled and submitted by the Oct 31st deadline, and I've included suggested authors for each:

1. ZONING, SPR, SUBDIV & PREVAILING LU: Whether the project as proposed is consistent with local zoning, site plan, and subdivision regulations. Is the project consistent with the prevailing land uses where it will be located, including what is permitted by these local regulations? Please explain why or why not with reference to the local regulations ordinance provisions that support your answer. Testimony by BOS (or designated board member) with assistance from Code Enforcement Officer or Town Planner, if those positions exist. PLAN BD?
2. MASTER PLAN: Whether the project as proposed is consistent with the master plan and any other land use initiatives your town has undertaken within the last 10 years. Please explain why or why not with reference to the master plan, including any progression in master plan versions that speak to this question of consistency. Testimony by Planning Board (or designated board member) with assistance from Town Planner, if those positions exist.
3. ORDERLY DEV: Whether the project as proposed would unduly interfere with the orderly development of the region. This is a specific criteria/finding the SEC must make, and by SEC regulation, the views of the host community governing body, i.e. BOS, must be considered. See Site 301.15(c). This one probably overlaps with several of the others listed in

this email, but this is the governing body's chance to state directly to the SEC whether the project will have unduly interfere and why. So feel free to list and explain whatever you feel is an appropriate consideration. Testimony by BOS (or designated board member).

4. **ECON IMPACTS:** Whether the project as proposed would create an undue influence of the economy of the region. More specifically, how the project would impact and potentially affect the economy of your host community, during construction and operation, and also how it would potentially impact tourism and recreation, and employment. Testimony by Board of Selectmen or Community Development Staff is that position exists.

5. **ENV:** Whether the project as proposed would serve the public interest by examining its impact on environmental resources within your community. More specifically, examining the projects potential impact on air and water quality, use of natural resources, and public health and safety. Testimony by Conservation Commission.

6. **CMTY SVCES & INFRASTRUCTURE:** Whether the project as proposed would create an undue influence on the cmty services and infrastructure of your town. More specifically, examining the projects potential impact on municipal roads, and sewer, water, electrical infrastructure. Testimony by municipal road agent, and engineer if that position exists.

7. **TAXES PROP VALUES:** Whether the project as proposed would create an undue influence on tax revenues and property values. More specifically, examining the potential impact of the project on tax revenues within your community, as well as the potential impact on real estate values. For the tax revenues portion of this, I believe it would be appropriate to take into consideration PSNH's past practice in seeking abatements and the consequential monies municipalities are forced to expend defending the assessment in court or before the BTLA. Testimony by the Assessor and/or Board of Selectmen.

8. **HISTORIC SITES:** Whether the project as proposed would serve the public interest by examining its impact on historic sites within your community. More specifically, examining the projects potential impact on historically sensitive/significant locations within your community. Testimony by a Historic District Commission or similar municipal subcommittee, or even the local historical society, and maybe the Board of Selectmen too.

9. **LOCAL STUDIES:** Lastly, if your community has conducted any studies on your own that might speak to any of these issues, for example a wetlands assessment or engineering/geotechnical assessment, that study should be provided so we can assess whether it should go before the SEC, and the author should be contacted to see if he/she will agree to speak to the study in question as a witness for your community. If speaking as a witness, the author should be aware that NPT would have an opportunity to cross examine.

Lastly, I should note that the persons providing this testimony may be required to speak before the SEC as a witness to answer any questions that the SEC may have. The flip side of this is that NPT's attorney's would have the opportunity to question or cross examine too.

I realize this is a lot to ask, which is why you are getting this in late August, to start thinking about this and start working on it as well.

Please let me know if you have any questions. Thanks, Steven
Steven Whitley, Esq. Mitchell Municipal Group, P.A. 25 Beacon Street East Laconia, NH 03246

For Deerfield PreFiled Testimony prepared by Atty Whitley for Town of Deerfield, responding to Normandeau PreFiled Expert Testimony in App 41 *Review of Land Use and Local, Regional, and State Planning, Jun 2015*:

Deerfield has had a *Master Plan* for many years. The previous one began with the first known use of a UNH Coop Extension "Community Profile" to inform the master planning process, and garnered extensive participation. The update in 2009 benefited from additional broad community input through a Townwide Survey prepared and analyzed by the UNH Survey Center. We also have an additional chapter in 2010 for our *Open Space Plan*, and in 2013 for *Energy*. Based on that background, the Deerfield Planning Board respectfully requests additional consideration of the following points:

- SUMMARY: How would you summarize your report findings (generally and for Deerfield)?
- ORDERLY DEVELOPMENT: We couldn't find a definition of "orderly development" in your report or the RSA's. Can you please tell us what definition you are using in context of this session?
- PLAN EVALUTION: In Sec 2 on Methodology you say that "all goals, objectives, and recommendations in local ...plans were reviewed, summarized, and evaluated." May we have a copy of that info for Dfld?
- DEFINE RURAL: "Rural Character" is often cited and important to NH communities. Deerfield identifies as a rural town. Our definition of rural is both quantitative and qualitative, and is described in the *Open Space Plan* (see Section C attached), as well as in other statewide studies. Does your report define "rural" anywhere?
- NPT vs DEERFIELD'S VISION AND GUIDING PRINCIPLES:

"The Town of Deerfield, New Hampshire desires to maintain its character as a small, rural, but vibrant place with open space, natural beauty, and a strong sense of community. People live and move to Deerfield because of its rural and small town character, its quietness and privacy, its scenic qualities, and where a balanced mix of residents including age, economic abilities, education, professions and beliefs are valued and appreciated. These community qualities and values make our town a desirable and special place."

And that Vision is further defined by some **Guiding Principles**:

- A well-managed town that **controls its growth and development, keeping it in line with the existing character, appearance and beauty of the town** as well as the town's tax base and ability to provide necessary services and facilities, **while protecting and enhancing its existing community, cultural, educational and natural resources**

- **An attractive town that values its history, environment, scenic beauty, open space, clean water, clean air, and wildlife and seeks to protect these and other community resources through managed growth and careful planning.**

Do you see at least the potential for conflict between the intensity of NPT towers and substation expansion and the community qualities, values, aesthetics, and character described in the Vision and Guiding Principles?

- **CONCLUSION vs. VISION:** In the Normandeau report, Sec 1 Introduction says *“This assessment demonstrates that the impacts of construction and operation of the Project will not have an adverse effect on prevailing uses.”* And then you list those typical land uses. But Master Plan Visions guide future land use decisions, implemented by evolving Zoning Ordinances, and Subdivision, and Site Plan Review regs. So “no adverse effect on prevailing land uses” does not address the aspirations in a Town’s Vision, nor its evolution as it shapes development through ordinances and regulations that address growth. Why isn’t the Town’s Vision, or aspirations as reflected in the *Master Plan*, a significant contradiction to your assessment?
- **LAND USE ANALYSIS:** In Section Prevailing Land Use, 4.3 Residential of your report (page 7), Dfld is included as having 22-29% of land in residential uses (RKG 2011). Existing Land Use in our *Master Plan* uses a Parcel Based Land Use Analysis which links Tax Map and Assessment data, and shows almost 50% (Vol II, Table 11, p 14). Can you help us clarify the difference?
- **COMMUNITY CHARACTER:** In Sec 5.1.1 (pp13-14), NCC is summarized as identifying the importance of “landscape attractiveness, rural and community character, tourism, and real estate values.” The report then says that those concerns are addressed by siting NPT within existing corridors, except 60 miles which now will be buried. While tourism may be less of a driver in Southern NH and in Deerfield, how does your report address the impacts of NPT on “landscape attractiveness, rural and community character, and real estate values”?
- **NPT vs SPECIFIC DEERFIELD PLANNING:** In section 5.7 on Muni Plans and Ords, you report that generally, these plans contain broad goals about development topics such as land use, economic development, and the environment. Can you help us understand how NPT fits into specific Deerfield planning statements (*excerpts attached*), informed by broad resident input, about:
 - Maintaining the existing rural character where the natural landscape predominates over the built environment?
 - The intent to minimize oil and other energy imports?
 - Keeping more money in the local and regional economy by using more local

sources of energy...?

- Diversifying energy supplies to include more local supply such as wood and renewables for energy security?
- A desired for a quiet town with minimal noise (vs. existing and expanded substation hum)?
- The recognition that the best strategy to meet energy needs is with energy efficiency, as the cleanest, cheapest, most readily available resource?

EXCERPTS FROM DEERFIELD NH PLANNING DOCUMENTS

- **PLAN NH DESIGN CHARENTE FOR DEERFIELD CENTER (2000):**

The charrette found that Deerfield Center has character and is a Town Gathering Place, with a good mix of uses. General recommendations included:

- Respect the existing structures and integrity of Deerfield's Center
- Connect the pieces of the Center
- Respect the qualities of the built environment already there

Since that work, a gazebo has been built in the Town Fields, GB White Town Offices upgraded, Senior Housing has been built and fully occupied, and The Lion Café flourishing. Work continues on complete streets / traffic calming, and resolution of the issue of a Safety Complex. The Center would be totally altered by the presence of NPT Tower along the northern boundary of The Center.

- **DEERFIELD'S VISION in *Master Plan* (2009):**

“The Town of Deerfield, New Hampshire desires to maintain its character as a small, rural*, but vibrant place with open space, natural beauty, and a strong sense of community. People live and move to Deerfield because of its rural* and small town character, its quietness and privacy, its scenic qualities, and where a balanced mix of residents including age, economic abilities, education, professions and beliefs are valued and appreciated. These community qualities and values make our town a desirable and special place.”

To maintain these qualities in our community now and in the future, Deerfield residents desire these **guiding principles**:

- A town that recognizes the interdependence of its residents, businesses, government and natural resources with each other, and both encourages and protects that interdependence in all aspects of the town **through communication, participation, cooperation and careful planning.**

- **A well-managed town that controls its growth and development, keeping it in line with the existing character, appearance and beauty of the town** as well as the town's tax base and ability to provide necessary services and facilities, **while protecting and enhancing its existing community, cultural, educational and natural resources**
- **An attractive town that values its history, environment, scenic beauty, open space, clean water, clean air, and wildlife and seeks to protect these and other community resources through managed growth and careful planning.**
- A safe town with well-maintained public roadways lined with stone walls and trees, where speed limits are enforced, traffic and **noise is reduced**,...
- **DEERFIELD OPEN SPACE PLAN VISION STATEMENT (2010) of Master Plan:**

“A Deerfield with **sustaining rural* character**, where homes and businesses, services and recreational opportunities are set within a **functioning network of wild lands, managed forests, and working farms.**”

And DEFINING RURAL CHARACTER (from *Open Space Plan*):

Residents of the Town of Deerfield see open space as a significant component of rural character. The question of what is rural versus urban is one that challenges towns across the nation. At least two approaches to defining that rural* character are: quantitative and qualitative...:

Quantitative: *The Center for Rural Pennsylvania* ... defined “rural” based on the U.S. Census definition. ... Using a modification of this definition for the state of New Hampshire, the quantitative definition of rural* could be described as follows: “A municipality is considered rural* when the population density within the municipality is **less than 145 persons per square mile** (US Census 2004) ... **Deerfield has a population density of 85.9 persons per square mile**, according to the most recent population figures available (NH OEP 2008), placing it well below Pennsylvania’s chosen population... Therefore, **Deerfield meets Pennsylvania’s quantitative definition of rural.**

In 2003, a collaborative study by The Jordan Institute and Audubon Society of New Hampshire analyzed all 259 municipalities and unincorporated places in New Hampshire, categorizing them by number of housing units and whether there was municipal water service. Deerfield was among the 41% (or 106) of communities defined as “rural*.”

Qualitative: A qualitative “rural” definition often embodies what residents see and feel, fitting less with a rigid, quantified statement. Some members of the Deerfield Open Space Committee associate “rural” character with the definition provided by *The Center for*

Rural America: "Relationship to nature is a key determinant of what is rural. **When development destroys or seriously degrades the natural environment, it destroys the core basis for ruralness.**"⁴

Rockingham Planning Commission land use planner, Jill Robinson, defines "rural" as: "involving working landscapes including forestry and agriculture, where ways of life and livelihood are connected to stewardship of the land. **Rural areas include a mix of different settlement densities, interspersed with unmanaged areas, and economic uses such as tree farms, managed forests, and active agriculture....**As opposed to suburbs, rural towns include mixed land uses, mixed incomes, and mixed ages. ... **Above all, the natural landscape and areas of open space predominate over the built environment ...**

- **ENERGY CHAPTER of Master Plan (2013):**

U.S. energy policy has had the same two goals since the days of the Oil Embargo in the 1970's:

- (a) Sustain economic growth for improved quality of life;
- (b) **Minimize oil and other energy imports.**

From the 2009 Deerfield *Master Plan*: "The Town of Deerfield recognizes that energy Efficiency is the cleanest, cheapest, most readily available resource to meet energy needs.

- **Keeping more money in the local and regional economy by using more local sources of energy, services, and food supply;**
- **Diversifying energy supplies to include more local supplies such as wood and renewables for more energy security.**

2. **Reduce energy use and increase renewable and low carbon dioxide emitting sources of Energy**

3. Encourage new construction or renovation that **encourages energy independence;**