

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
DECEMBER 28, 2016

MINUTES OF MEETING

PRESENT; Board members Peter Schibbelhute, Selectmen's Representative Fred McGarry, David Doran. Also present secretary Jane Boucher.

7PM Chair Peter Schibbelhute called the meeting to order.

APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest for a time sheet for Jane Boucher (18 1/2 hours). David Doran seconded. Voted in favor.

APPROVAL OF MINUTES

Fred McGarry moved to approve the minutes of December 14, 2016. David Doran seconded. The following corrections were made to the minutes:

Page 1 Paragraph 3: Correct to read "Kate Hartnett moved and David Doran seconded...."

Page 1 Paragraph 8 : Correct to read "...leave the access easement as had been approved...."

Page 4 Paragraph 2: Correct to read "...several hearings on environmental...."

Page 4 Paragraph 6: ADD "No one from the public was present."

Page 4 Paragraph 10: Correct to read "...before a Building Permit is issued."

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

PROPOSED AMENDMENTS TO ZONING

Fred McGarry provided copies of the proposed amendments to the Zoning Ordinance. Copies are attached to these minutes. Board members reviewed the proposed amendments and Fred McGarry moved and David Doran seconded to proceed with the proposed amendments as submitted. Voted in favor. A Public Hearing will be held on January 11, 2017 at 7:30PM.

SNHPC /CONTRACT PROPOSAL FOR TOWN PLANNER

The secretary advised that Board member Kate Hartnett had some issues she felt needed to be discussed. ie:1. Disclaimer Statement;2. Reference to Annual Work Plan;3. Name of Lead Staff. David Doran noted that there was no reference to an hourly rate. It was agreed to discuss the contract further at the January 11, 2017 meeting.

7:15 CONTINUATION; PUBLIC HEARING; EARTH EXCAVATION RENEWAL PERMIT; STEVE ROLLINS, PARADE ROAD; OWNER NELLIE ROLLINS.

Nellie Rollins, Steve Rollins, and Earl Sanford were present along with abutters Ronald and Cheryl Brosnahan and Mark and Debra Todd.

Chair Schibbelhute asked Mr. Rollins if the retention pond had been built and if so, did he have pictures. Mr. Rollins replied that the pond was done but he did not have pictures.

Peter Schibbelhute asked if Mr. Rollins had complied with the State's requests stated in their letter dated October 17, 2016. Mr. Rollins replied yes and he had received a letter from the State advising that work was complete.

The Town has not received a copy and Mr. Rollins did not have a copy.

Peter Schibbelhute noted the existence of a berm on the east side of the property and asked Mr. Rollins if he could extend the berm to help alleviate noise. Mr. Rollins looked at the plan and said he could extend the berm.

Mr. Brosnahan was in agreement with the suggestion.

Fred McGarry said that the Board had previously discussed the change in the definition of "restoration". The Board had okay ed leaving it without any vegetation at all and he felt that was a mistake by the Board and a contradiction to the statute. He noted that it was obvious that correction could not be done now and the Board should be looking at a reasonable time frame for Mr. Rollins to put vegetation in those areas. According to Mr. McGarry these areas should be considered unclaimed and fall under the \$5,000.00 per acre bonding requirement. Mr. McGarry said that currently Mr. Rollins has a \$10,000.00 bond in place which covers two acres.

Fred McGarry commented that the plan says one thing and the permit another. He said that we need a reasonable time frame for Mr. Rollins to complete the reclamation and suggested that he speak with his engineer regarding this and come back to the Board with a recommendation.

Mr. McGarry referred to the Saturday operation hours and noted that the Board will have to vote on that.

The next item mentioned was "Definition of Operation on Monday thru Friday". Currently hours listed are 7AM to 5 PM. He said that "operation" needs to be better defined.

Mr. McGarry continued referring to "sampling of wells". He said he had spoken with someone from DES and they referred to "Best Management Practices" in one of DES's documents. He said

that he felt 2,000 feet , as specified, for wells to be tested was excessive. Wells had been tested on both the Brosnahan and Todd properties. Mr. McGarry felt they should also be tested on Lot 132 and the Shaunessy property.

Mr. Rollins noted that both his wells had been tested and both were fine. He indicated that he would be willing to test frequently .

Mr. McGarry felt the Board should consider sending letters to those property owners mentioned advising that wells should be tested frequently and asking if owners had any objection to having a representative of Mr. Rollins do the testing. Mr. McGarry said that the Board should decided on the frequency of testing.

Mr. McGarry mentioned fueling and maintenance of excavation equipment is also mentioned in Best Management Practices. This should also be included in the Permit.

According to Mr. McGarry dust is definitely an issue and DES has a specification for monitoring equipment to measure dust. He noted that part of the permit requirement would be to identify the water source for controlling dust.

Another issue stated by Fred McGarry was that the Planning Board required the property line on the South Side be flagged.

Peter Schibbelhute asked Mr. Rollins when he planned to move the crusher to Phase II. Mr. Rollins said he hoped to do it by mid summer.

Mr. Schibbelhute asked Mr. Rollins if when he moved the crusher could he start vegetating Phase I B. Mr. Rollins replied "yes". Peter Schibbelhute asked if there was a location on the plan he could indicate where he would be moving it. Mr. Rollins indicated on the plan where he intended to move the crusher.

Chair Schibbelhute asked if Mr. Rollins could come up with a firm date. Mr. Rollins said that he could not, depending on what he would be able to move material. He said he was 15,000 yards from being able to move.

Steve Rollins noted that another choice is needing more hours to move the stockpiles.

Fred McGarry said the final item he had was that the permit include the sprinklers and hoses on site to use when necessary.

Cheryl Brosnahan said that watering has be be consistent.

Mr. Rollins referred to the letter he received from the State. David Doran said that the Board does not have the letter and asked if Mr. Rollins had a copy of the letter. Board members agreed that they did need to see the letter from the State.

Steve Rollins said they are monitoring weather conditions and water when necessary.

Mr. McGarry said he will draft a document incorporating what has been discussed this evening as well and incorporate what items are listed in the letter from the State.

Steve Rollins said that he will water all week as well as Saturdays and Sundays. He said he would like to open on Saturdays in order to help local residents.

Fred McGarry moved to maintain the hours of 7AM to 5PM Monday through Friday and for emergencies determined by State and Municipal Government on Saturday and Sunday. David Doran seconded.

During discussion Peter Schibbelhute said that because Steve Rollins did not take care of some things that he should have, such as discussing this with abutters we are now faced with these problems.

Steve Rollins said he had tried to speak with abutters several times and they did not respond. Debra Todd disagreed saying he never approached them.

Mrs. Todd said that they had agreed, in the beginning, to sit down and talk with Mr. Rollins and that never happened.

Peter Schibbelhute called for a vote on the motion made by Fred McGarry and seconded by David Doran. Voted in favor.

Steve Rollins and Nellie Rollins left the meeting at this time.

A person who was present said that she has never seen a Board that was so disrespectful and noted that she will write a letter to the Town. She noted that Steve Rollins has always tried to help people in Town.

Peter Schibbelhute said that he had spoken with Steve Rollins over a year ago asking him to speak with his abutters and he never did so. He said that he did not like telling people that they could not open on Saturdays.

The resident present said the Board had no right to "yell at Steve Rollins and bow to every abutter present". She said she was disgusted with the Planning Board and their disrespect.

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Mr. McGarry said he will draft a permit listing the requirements discussed and send it to Mr. Rollins and Mr. Sanford for their review. Abutters will also be given copies if requested.

David Doran said that Mr. Rollins should have provided copies of the letter from the State.

Fred McGarry moved to continue the public hearing to February 8, 2017 at 7:15PM. David Doran seconded. Voted in favor.

The meeting was adjourned at 9:50 PM.

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

**PROPOSED AMENDMENT NUMBER 1 TO THE DEERFIELD ZONING ORDINANCE  
2017 DEERFIELD TOWN MEETING**

**Section 204, Table 204.1**

**Permitted Uses, Item 12**

Delete "Accessory Apartment" and replace it with "Accessory Dwelling Unit."  
"

**Section 304 Dwellings on Lots**

Delete the existing text in this section and replace it with the following:

"Unless permitted for a detached Accessory Dwelling Unit, there shall only be one dwelling on a lot."

**Add the following section to Article III, General Provisions–**

**Section 331 Accessory Dwelling Units**

**325.1 Definitions:**

As used in this article, the following term shall have the meaning indicated:

*Accessory Dwelling Unit.* An "accessory dwelling unit" (ADU) is a residential living unit that is within or attached to or detached from a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

**325.2 Provisions:**

An accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- C. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior

door.

- D. The ADU can be attached to the principal dwelling unit, or it can be detached.
- E. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
- F. The ADU may have a habitable floor area of up to 35% of the primary dwelling unit's living space, or 750 square feet in habitable floor area, whichever is greater. An ADU may be less than 750 SF.
- G. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- H. An interior door shall be provided between the principal dwelling unit and the ADU. The door may be locked or unlocked.
- I. The ADU shall not contain more than two (2) bedrooms.
- J. Adequate parking shall be available on the lot for both the primary dwelling unit and the ADU.
- K. The ADU shall be designed and constructed to maintain the aesthetic continuity with the principal dwelling unit as a single-family dwelling.

### **331.3 Minimum Lot Dimension Requirements:**

An attached ADU shall not be required to meet additional lot area requirements other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.

### **Section 602, Term Definitions**

Delete Accessory Apartment and its definition and replace it with the following:

**Accessory Dwelling Unit (ADU)** – An "accessory dwelling unit" (ADU) is a residential living unit that is within or attached to or detached from a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

**PROPOSED AMENDMENT NUMBER 2 TO THE DEERFIELD ZONING ORDINANCE  
2017 TOWN MEETING**

Amend Section 207, Dimensional Requirements, 207.1 Minimum Frontage by revising the first full paragraph to read in part:

***“Intent:*** This provision allows for a reduction in road standards for a subdivision of four lots or less and provides the opportunity to create new lots of record in an economical manner for family members. The term “private way” means a private road consistent with NH RSA 674:41. Those proposing to use this provision shall meet with the Planning Board for a Preliminary Conceptual Consultation. If, in the opinion of the Planning Board . . .”

**PROPOSED AMENDMENT NUMBER 3 TO THE DEERFIELD ZONING ORDINANCE  
2017 TOWN MEETING**

Delete Section 319, Signs in its entirety and replace it with the following:

**Section 319 Signs**

Signs as defined in Article VI are specifically prohibited except as herein provided:

**319.1 Standards for All Signs:**

- A. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. Signs may only identify or advertise uses for the property on which the sign is located.
- C. Signs shall not obstruct the view of traffic.
- D. Signs may not be animated, flashing or have intermittent illumination.
- E. Signs shall not project over public rights-of-way or property lines.

**319.2 Residential Properties** – Signs for residential properties may not exceed four (4) square feet and may announce the name, address, or professional or home business of the occupant of the premises on which said sign is located.

**319.3 Temporary Signs** - A temporary real estate or construction sign, not exceeding twenty square feet is permitted on the property being sold, leased, or developed. Such sign shall not obstruct the view of traffic and shall be removed immediately following the sale of the property or the completion of construction.

**319.4 Other Uses** - Signs are permitted in connection with any other legal use located on the same premises and meeting the following requirements:

- A. No more than two signs are permitted for any lot; one may be free standing.
- B. Signs on structures shall not extend above the roof or parapet of the building. The height of a free standing sign shall not exceed 15 feet.
- C. Maximum square footage of any sign is 32 square feet.

**PROPOSED AMENDMENT NUMBER 4 TO THE DEERFIELD ZONING ORDINANCE  
2017 TOWN MEETING**

Amend Section 201, Establishment of Districts by revising the paragraph beneath AR Agricultural-Residential District to read as follows:

The Floodplain District, Business Overlay District, Senior Housing Overlay District and Groundwater Protection Overlay District shall be considered as overlays of the above-listed districts. The floodplain development regulations cited in Section 211 shall be applicable within the Floodplain District.

Amend Section 212, Deerfield Business Overlay District, Section 212.2 by deleting

“d. Mixed use development”

and reordering the list.