

PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JANUARY 23, 2008

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, John Reagan, Gile Beye, William Perron. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

Chair McGarry called the meeting to order at 7PM.

APPROVAL OF INVOICES

John Reagan moved to approve the manifest in the amount of \$101.64 (KNA Perron) and a time sheet for Jane Boucher for 15 1/2 hours. William Perron seconded. Voted in favor.

APPROVAL OF MINUTES

Gile Beye moved to approve the minutes of January 9, 2008. William Perron seconded.

The following correction was made to the minutes of January 9, 2008

Page 3 Paragraph 1: Correct to read "commercial land for build outs..."

Chair McGarry called for a vote on the motion. Motion carries to approve the minutes of January 9, 2008 as printed and amended.

7:15PM CONTINUATION; PUBLIC HEARING; MINOR SUBDIVISION THOMAS AND JULIE KUKLA; PERRY ROAD

Thomas and Julie Kukla were present. Also present Cathleen Perron and Al Jaeger.

Gerald Coogan advised that Mr. Roy has completed a plan for road improvements which Julie Kukla will provide. He added that Steve Keech has reviewed the plan and submitted a review. Mr. Coogan provided a memo outlining the requirements of RSA 674:41, I (c) regarding Class VI Roads. A copy of Mr. Coogan's memo is attached to these minutes.

Mr. Coogan also noted that a public hearing will need to be held under RSA 231:158, I and the applicant should advise what trees will need to be cut. He said that the applicant will also need to apply for a CUP.

Julie Kukla provided the engineering plan and explained that there will be no improvements to the wet section (westerly) of the road. She voiced concern regarding their liability for use of snowmobiles and other rv's that currently use the road.

PLANNING BOARD 1/23/08

Chair McGarry said the issue of liability and required signage should be discussed with the Board of Selectmen. He added that the Planning Board could make that a stipulation in the approval process.

Chair McGarry said that the Planning Board will need to conduct a site visit to identify trees that will be removed prior to the public hearing. He advised the Kuklas that their engineer should identify the trees before the site visit.

There was some question as to who should apply for the Wetlands Permit. The Kuklas will meet with the Board of Selectmen on January 28 and will ask at that time. Chair McGarry will also attend the meeting.

Kate Hartnett referred to an e-mail she had sent earlier with her recommendation to maintain a vegetative buffer between any structures and the land in Great Brook Corridor, Burbank Marsh and that area.

Chair McGarry commented that the Board can address the issue of a vegetative buffer during the approval of a CUP.

Kate Hartnett also recommended that the Kuklas to consider choosing windows with exterior screens because of bird collisions.

John Reagan moved and William Perron seconded to continue the Public Hearing for a Minor Subdivision for Thomas and Julie Kukla on Perry Road to March 26, 2008 at 7:15PM. Voted in favor.

7:45PM APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; MICHAEL AND ELIZABETH BUGNACKI/DENNIS WALSH; NORTH ROAD
Michael and Elizabeth Bugnacki, Dennis Walsh and James Franklin were present. Also present Charles Bouchard, Heidi Hutchinson and David Sidmore.

Chair McGarry read the Notice of Public Hearing by which Michael and Elizabeth Bugnacki (Map 405 Lot 66) and Dennis Walsh (Map 405 Lot 65) have applied for a Lot Line Adjustment for property located on North Road. The intent of the application is to transfer 7.890 acres from Lot 65 to Lot 66. Lot 65 would then consist of 3.108 acres and Lot 66 would consist of 12.063 acres.

James Franklin presented plans and noted that pins will be set.

Gerald Coogan provided a memo noting that his only concern is there is no information relative to any wetlands .

PLANNING BOARD 1/23/08

James Franklin said he did not identify wetlands and added that both lots are developed and there will be no further encroachment.

John Reagan moved and William Perron seconded to accept the application. Voted in favor.

Chair Fred McGarry disclosed that he had designed the septic systems on both of the lots for previous owners.

Charles Bouchard, an abutter owning Lot 64, said that he may put a septic system on the property (Lot 65). He provided copies of his deed granting the "right and easement to construct and maintain a leach field on Lot # 1". Mr. Hutchinson and Heidi Hutchinson, also owner of Lot 64, voiced concern over available space if this lot line adjustment is approved.

James Franklin said that the Lot Line Adjustment will not eliminate the rights. He added that by Mr. Walsh deeding a portion of Lot 65 over will not eliminate the rights of the owners of Lot 64 from using Lot 65 as it stands before the Lot Line Adjustment.

Chair McGarry said in order to clarify this a note will be added to the plan identifying this right.

Mr. Franklin commented that anything in the area is impacted by their easement but where it can go may be a different matter. He added that "reasonable" use may be an issue.

Heidi Hutchinson voiced concern about limitations regarding the location and the possibility of further subdivision .

James Franklin reiterated that the Lot Line Adjustment will have no effect on the rights of the owners of Lot 64.

Dennis Walsh suggested that Mr. Bouchard and Ms. Hutchinson contract with a septic designer and work this out before the Lot Line Adjustment is approved.

Heidi Hutchinson said she did not want to make that decision at this point in time.

Gile Beye asked Mr. Bugnacki what his plans were for the property. He replied that they have no plans now.

Elizabeth Bugnacki said they were not aware of this until this evening and asked Ms. Hutchinson if there was anywhere on Lot 64 that a septic system could be located. Ms. Hutchinson replied there was wetlands and ledge making it not suitable for

a septic system.

Kate Hartnett commented that it might be advisable to take some time and let these people work together.

James Franklin said that he saw no reason not to approve the lot line adjustment. He noted that the septic system for Lot 64 has not failed and the owners are under no obligation to put in a leach field at this time.

David Sidmore commented that a note needs to be added to the plan regarding the deed.

Chair McGarry agreed with Mr. Franklin that by adding a note to the plan describing the easements should be sufficient.

James Franklin said that an additional note can be added to the plan ie if any structures are to be built on Parcel A or Lot 65, Lot Loading Calculations will be submitted to the State in accordance with the easement as recorded.

Chair McGarry asked those involved what they would like to do at this point. Options are to approve the plan with a note or wait until a location can be found for the disposal system.

Heidi Hutchinson said she was not one to make quick decisions and would like time to think about it.

James Franklin said he did not think it was wise to limit the location of a septic system until a septic design is completed.

Chair McGarry asked the applicants if they would like to continue the hearing to a date in February.

James Franklin noted that even if the plan is granted conditional approval this evening it still is not recorded and would not require the applicant to come to another meeting. He added that because of this situation the Bugnacki's may decide not to purchase the property.

Gerald Coogan said he felt a note on the plan would be sufficient. He added that he felt this was a civil matter and the Planning Board was trying to be accommodating however he agreed with Mr. Franklin .

Heidi Hutchinson said she would like to speak with her attorney before the plan is approved.

John Reagan said that Ms. Hutchinson should go ahead and speak with her attorney but the applicants have the right to have

PLANNING BOARD 1/23/08

this plan approved.

William Perron felt that the Board should approve the plan conditionally.

John Reagan moved and William Perron seconded to grant conditional approval to Michael and Elizabeth Bugnacki and Dennis Walsh for a Lot Line Adjustment for property located on North Road (Map 405 Lot 65 and Lot 66) with the following conditions:

1. Pins to be set
2. Revise graphic scale
3. Revise Legend
4. Note on plan: "Future construction of septic on parcel A and Lot 65 may require Lot Loading Calculations for parcel 64." Also a note referencing the Deed granting an easement for the owners of Lot 64 to construct and maintain a leach field on Lot 65.

Conditional approval to lapse in 60 days. March 23, 2008

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

OTHER BUSINESS

Gerald Coogan advised that Jeff White (Tukcor) maintains a LOC in the amount of approximately \$44,000. KNA needs to perform 2 to 3 inspections in the spring. The Planning Board needs to retain 10% of the total security as a Maintenance Guaranty (about \$38,000) for one year after site improvements are completed. KNA will provide the Board with an updated memo on anticipated inspections and approximate costs which Mr. Coogan will share with Mr. White

Mr. Coogan also advised that he met with James Freda and Joseph Maynard. Mr. Freda desires to transfer one lot (1.1 acres) to Mr. and Mrs. Moore who wish to merge the land with their parcel. If acceptable to the Board, Mr. Freda will lose one approved lot. Mr. Coogan showed the Board a copy of the proposed plan and he will submit it to Steve Keach for his opinion.

The meeting was adjourned at 9PM.

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

MEMORANDUM

January 23, 2008

TO: Deerfield Planning Board
FR: Gerald Coogan, Planning Consultant
RE: Plan Review ---- Subdivision Plan for Thomas & Julie Kukla, Coffeetown & Perry Road,
Tax Map 408, Lot 19

Owner: Thomas & Julie Kukla,

Agent: Mr. Richard E. Turner, LLC, Licensed Land Surveyor, NH Lic No. 853

Wetland Scientist: David J. Allain, CWS, NH Lic # 013

Land Area: 17.3 acres

Location: Tax Map 408, Lot 19

As noted in my November 28, 2007 Memo to the Planning Board, the applicant and agent provided much of the requested information. The outstanding item is adequacy and acceptability of the proposed improvements to Perry Road to serve the one proposed lot. The KNA review letter was received today.

In the January 23, 2008 review letter, KNA noted the following major issue:

“Correspondingly, in order for a building permit to be issued for residential construction on platted Lot 19-1 the provisions of RSA 674:41, I(c) will require the following:

- “The local governing body (Select Board) after review and comment by the Planning Board has voted to authorize the issuance of building permits for the erection of buildings on said Class VI highway or portion thereof; and
- The municipality neither assumes responsibility for maintenance of said Class VI highway nor liability for any damages resulting from the use thereof; and
- Prior to issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds”.

Correspondingly, we (KNA) recommend the Planning Board, as part of their actions in regard to the current application, provide the Board of Selectmen with their comments regarding Perry Road as described above. As a minimum, we (KNA) recommend the Planning Board recommend that the full scope of improvements to Perry Road, as may ultimately be approved by the Planning Board, be complete prior to the issuance of a Certificate of Occupancy for any dwelling constructed on platted Lot 19-1.

We (KNA) understand the segment of Perry Road to be improved in order to provide access to platted Lot 19-1 was designated as a Scenic Road by the Deerfield Town Meeting pursuant to the provisions of RSA 231:157 in March of 1975. Correspondingly, the full scope of improvements to Perry Road currently contemplated by the applicant is

subject to review and approval by the Planning Board pursuant to the provisions of RSA 231:158. In order for the Planning Board to properly consider the applicant's request, the project plans will need to be expanded to depict and define each tree (as by under RSA 231:158, I) to be cut, damaged or removed, as well as define the full extent to which existing stone walls will be impacted by the work. The full scope of impact to trees and stonewalls along the Perry Road corridor presented to the Planning Board for consideration should include not only those impacts necessary for the planned roadway improvements, but also any impacts required in order to facilitate any planned utility accommodations."

Recommendation: Based on the KNA review letter, the Planning Board can approval the proposed subdivision with the following conditions:

1. The applicant fully complies with **NH RSA 674:41 I c**
2. The applicant agrees to and actually makes the proposed improvements to Perry Road prior to the issuance of a Certificate of Occupancy (CO):
3. The applicant complies with the provisions of **NH RSA 231:158 Effect of Designation of Scenic Roads:**
4. The applicant apply for and receive a Condition Use Permit (CUP) for the wetlands impact and
5. The applicant / agent update the engineered plan showing the proposed improvements to Perry Road by addressing the concerns identified under **Planning / Design Matters** in the January 23, 2008 KNA review letter

Cc: Thomas and Julie Kukla
Steve Keach, P.E.