

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
AUGUST 12, 2009

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Gile Beye, Walter Hooker, William Perron. Alternate member Fran Menard and secretary Jane Boucher.

7PM Chair Fred McGarry called the meeting to order and appointed Fran Menard a voting member in the absence of Kate Hartnett.

APPROVAL OF MINUTES

Walter Hooker moved to approve the minutes of July 22, 2009 as printed. William Perron seconded. Voted in favor.

APPROVAL OF MANIFEST

Fran Menard moved to approve the manifest in the amount of \$465.74 and two time sheets for Jane Boucher. (Upton & Hatfield \$170.00; Keach Nordstrom \$295.74 DeFranzo. Jane Boucher time sheets 7-9/22 18 1/2 hours, 7-23/8-5 11 1/2 hours.) William Perron seconded. Voted in favor.

CORRESPONDENCE

An e-mail was received from Jack Munn, SNHPC, asking if the Board is planning to submit an application for a second CTAP grant in the amount of \$10, 000.

An e-mail was received from Cindy Heon advising that the following have volunteered to serve on the Open Space Committee. Katherine Hartnett, Erick Berglund, Will Draper, Anne Deeley and Maria White.

CANDIA ROAD

Chair McGarry commented that he had spoken with Alex Cote who does not feel that an invoice from KNA in the amount of \$435.00 belongs to the Highway Department. Mr. Cote said that the Planning Board had requested the inspection and letter from KNA.

The Board will discuss this further at their August 26 meeting when Gerald Coogan is present.

WORKFORCE HOUSING

Gile Beye advised of a meeting with Jack Mettee who would like to know how the Planning Board wishes to proceed with zoning for workforce housing. Ms. Beye noted that she felt that the focus should be on inclusionary housing .Village centers and accessory dwelling should not be included.

Walter Hooker disagreed saying that he felt the same proposed zoning changes should be on the ballot.

William Perron agreed noting that we should look at it again.

Gile Beye commented that our zoning already addresses accessory dwellings and reiterated that the focus should be on inclusionary housing with a density bonus.

Chair Fred McGarry agreed with Ms. Beye.

The Board agreed to invite Building Inspector Rick Pelletier to the August 26 meeting to discuss this further.

7:15 PM APPLICATION FOR PUBLIC HEARING MINOR SUBDIVISION:
CHRISTOPHER STILLBACH, BROWN ROAD
Christopher Stillbach and James Franklin were present.

Chair McGarry read the Notice of Public Hearing by which Christopher Stillbach, 36 Brook Drive, Simsbury Ct. is making application for a Public Hearing for approval of a Minor Subdivision for property located on Brown Road, Deerfield, NH (identified as Map 424 Lot 23) consisting of 80 acres and owned by the applicant. The intent of the application is to create two new lots each consisting of 3+ acres.

Copies of the proposed subdivision plans were provided by Mr. Franklin.

Fran Menard moved and Walter Hooker seconded to accept the application.

Chair McGarry read a memo from Gerald Coogan. A copy is attached to these minutes. In his memo Mr. Coogan addressed the condition of Brown Road, the inclusion of names and property lines, soil types, Wetlands, references to the Conservation Easement.

Mr. Franklin submitted a request for three waivers.

1. The requirement for a topographic survey of the entire 78 acres, because only 6 are being subdivided into two parcels. A topographic survey of the 6 acres is provided.

William Perron moved to grant the request for a waiver for a topographic survey of the entire 78 acres. Fran Menard seconded. Voted in favor.

2. The requirement for a soil survey of the entire 78 acres because only 6 acres is being subdivided into two parcels. A soil survey of the 6 acres has been provided. William Perron moved and Fran Menard seconded to grant the request for a waiver for a soil survey of the entire 78 acres.

Voted in favor.

3. The requirement for a perimeter survey of the entire 78 acres. The property was surveyed in 1997 by RSL Layout and Design.

William Perron moved to grant the request for a waiver for a perimeter survey on the 78 acres. Fran Menard seconded. Voted in favor.

James Franklin addressed the Board noting that there is no possibility of further subdivision of Lot 23 as it is in a Conservation Easement. He limited work to the six acres which is excluded from the Conservation Easement. A topographic survey and boundary survey has been completed. Information was then given to Nancy Rendall a soil scientist from Blue Moon Environmental. Ms. Rendall did soil mapping and test pits. According to Mr. Franklin, Ms. Rendall walked the site and has certified that there are no wetlands on the site. Mr. Franklin also noted that there is nothing to limit building as long as set backs are met.

James Franklin commented that the property is on a gravel road which seems to be adequate for people living on the road. He noted that he has spoken with Mr. Stillbach about providing a public easement/turn around easement on proposed lot 23-2.

William Perron said the turn around being used is on the property and is adequate.

James Franklin suggested putting a permanent cul de sac easement on the drawing.

Chair McGarry read an e-mail from Highway Agent Alex Cote. Mr. Cote said the road needs to be cut back and widened, ditches established, and the road base issues need to be addressed. He added that there are times in the spring that the section of Brown Road cannot be plowed due to mud issues.

Chair McGarry commented that one of Mr. Coogans recommendations was to visit the site. He added that the Board could require offsite improvements which would be proportional to the number of lots created.

The Board will meet at the Brown Road location on Saturday, August 22, 2009 at 10AM.

James Franklin voiced concern regarding cost of road improvement and also cost of the town's consulting engineer. He requested that the Board ask Keach Nordstrom for a quote.

Mr. Stillbach said he has done construction work for several

PLANNING BOARD 8/12/09

years and asked if it were possible for him to complete the work.

Chair McGarry commented that the first step is for the Board to conduct a site visit and then determine what, if any, work needs to be done.

Walter Hooker moved to continue the public hearing for a minor subdivision on Brown Road for Christopher Stillbach to August 26, 2009 at 7:15PM. William Perron seconded. Voted in favor.

Mr. Franklin questioned why a note would need to be added saying "no further subdivision" because the land is in a conservation easement. He also questioned why it would be necessary to include a note regarding Section 325 OSD. He said what would happen if the present easement holder decides to sell. Gile Beye said that could not happen.

OTHER BUSINESS

A letter of resignation was read from Gile Beye. Chair McGarry thanked Ms. Beye for her time as a Planning Board member.

Walter Hooker moved to appoint Fran Menard as a member of the Planning Board, term to expire in March, 2010. William Perron seconded. Voted in favor.

DATES FOR SITE VISITS

The Board will schedule dates for visits to Candia Road and Rollins Excavation Site at their September 9, 2009 meeting.

The meeting was adjourned at 8:30PM.

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

UPDATED MEMORANDUM

August 10, 2009

TO: Deerfield Planning Board
FR: Gerald Coogan, Planning Consultant
RE: Plan Review ---- Subdivision Plan for Land of Christopher J. Stillbach, Trust, Brown Road, Tax Map 424, Lot 23

Owner: Christopher J. Stillbach, 36 Brook Drive, Simsbury, CT
Agent: Mr. James E. Franklin, LLC, Licensed Land Surveyor, NH Lic No. 733
Wetland Scientist: Blue Moon Environmental, Inc. (Nancy B. Rendall)
Land Area: 78 +/- acres
Location: Tax Map 424, Lot 23

The applicant, Mr. Stillbach, purchased approximately 402 acres, of which approximately 78 acres lies in the Town of Deerfield and 320 acres + or - in the Town of Nottingham. This property shares 7,000 feet of boundary with Pawtuckaway State Park. In December 1997, Mr. Stillbach, placed 72 acres + or - in conservation easement managed by the Society for the Protection of NH Forests (SPNHF). Mr. Stillbach excluded 6.2 acres + or - from the conservation easement for future subdivision. The SPNHF and the Deerfield Conservation Commission provided this information. A copy of the conservation easement deed (December 1997) is in the file. The applicant / owner desires to subdivide the property into two proposed lots as:

- Tax Map 424, Lot 23 -1 3.008 +/- acres
- Tax Map 424, Lot 23 - 2 3.104 +/- acres

Issues of note regarding the proposed subdivision and plan:

1. Broad Road: The Brown road right of way (ROW) is about 37 feet wide and the gravel road traveled way appears to be about 15 feet. There is a gravel turn around for road maintenance which is part of proposed Lot 23-2. In addition to being narrow, Brown Road is muddy in the spring. I expect comments from the Road Agent. The Planning Board should consider possible improvements such as an additional 13 feet ROW, improved drainage and an improved road base.
2. Conservation easement: Based on the conservation easement deed, it appears that further subdivision of the remaining 72 acres is precluded. Suggest a plan note such as: "No further subdivision shall be allowed."
3. Names and property lines: The plan should include both the Tax Map and property owner and property lines on the sheet showing the proposed plan for subdivision. The land to the southeast (across Brown Road) is missing the Tax Map Lot number and property owner's name.
4. Soil types: Assume the dots (.....) indicate the boundaries of the soil types but this symbol is not included in the legend.
5. Wetlands: The wetland scientist, Blue Moon Environmental, states "there are no wetlands or vernal pools on the land being subdivided." Add the exact reference to Ms. Rendall letter's of June 17, 2009 as a plan note.

Mr. Franklin is requested to:

1. Provide additional information on the plan.
2. Provide written waiver requests for complete boundary survey, soils survey and topography; he will present the waiver requests in writing on August 12th;
3. Reference the conservation easement deed showing the balance of the land, approximately 72 acres, is subject to the conservation easement and that the two proposed lots are excluded from the conservation easement and
4. Contact and coordinate with Alex Cote regarding the proposed driveway location and any necessary improvements.

Recommendation:

1. The Planning Board should review / approve three waiver requests;
2. The Planning can accept the application as complete and begin the public hearing;
3. The Planning Board should review the Road Agent's comments on Brown Road and discuss possible road improvements and the if the applicant / owner should be responsible for these improvements; the Board should consider a site walk;
4. Items to be discussed prior to conditional approval include:
 - Existing condition of Brown Road and its ability to accommodate two new lots; potential for further subdivision of land across Brown Road opposite the proposed Stillbach subdivision;
 - Receipt of state NH DES subdivision approval;
 - Plan notes regarding exemption Section 325 OSD;
 - Discuss plan note: "No Further Subdivision can occur due to the conservation easement."
 - Reference the conservation easement deed and its limitations as a plan note.

Cc: James E. Franklin, LLC, Surveyor
Alex Cote, Road Agent