

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
SEPTEMBER 19, 2007

MINUTES OF MEETING

PRESENT: Board members Kate Hartnett (arrived at 7:05), John Reagan, Gile Beye, William Perron. Alternate members Fran Menard and Peter Schibbelhute. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

John Reagan called the meeting to order at 7PM.

APPROVAL OF MINUTES

Gile Beye moved to approve the minutes of September 12, 2007. William Perron seconded.

The following corrections were made to the minutes of September 12.

Page 2: Paragraph 3: Correct to read "...Doug Kildore has agreed to adjust the time for lighting at Commerce Corner to go off at 11PM and use less bright light bulbs."

Page 2: Paragraph 5: Correct to read "...for affordable housing zoning amendments."

Page 2 Paragraph 7: Correct to read "...8 new lots each with 1 +- acres."

Page 2 Paragraph 8: Correct to read "...advised that he has met with..."

Page 3 Paragraph 6: Correct to read "...Association and pointed to one..."

Page 3 Paragraph 8: Correct to read "...that a contract will be awarded to a road building firm..."

Page 4 Paragraph 1: Correct to read "...deed restrictions or conservation easements..."

Page 4 Paragraph 5 Correct to read "...said their concern was that ..."

Page 4 Paragraph 6: Correct to read "Mr. Szemplinski stated...."

Mr. Reagan called for a vote on the motion. Motion carries to approve the minutes of September 12, 2007 as printed and corrected.

REQUEST FOR EXTENSION

William Perron moved and Gile Beye seconded to grant the request of an extension of approval to Nellie Rollins for sixty days. (November 14, 2007) Voted in favor.

OTHER BUSINESS

It was the consensus that Gile Beye attend a Housing Conference at cost of \$60.00.

Vice Chair Kate Hartnett reminded the Board of an OSP

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Conference on October 13.

7:10PM Vice Chair Hartnett appointed Peter Schibbelhute a voting member in the absence of Chair Fred McGarry.

Gile Beye noted that Julie and Thomas Kukla had requested she recuse herself from sitting at their hearing. Ms. Beye said she had signed a motion to appeal to the ZBA for a re-hearing for their Case. She added that she does not feel she is prejudice and referred to RSA 673:14 "No member of a zoning board of adjustment, planning board, heritage commission, or historic district commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome ..."

Ms. Beye advised that she had spoken with Attorney James Raymond and he felt it was not necessary to recuse herself.

John Reagan moved that the Board accept Gile Beye's statement and allow her to sit as a voting member. William Perron seconded.

Vice Chair Hartnett called for a vote on the motion. It was a tie vote with John Reagan and Kate Hartnett in favor and William Perron and Peter Schibbelhute opposed.

Ms. Beye recused herself and Vice Chair Hartnett appointed Fran Menard to sit as a voting member.

7:25PM APPLICATION FOR PUBLIC HEARING; MINOR SUBDIVISION; COFFEETOWN AND PERRY ROADS; THOMAS AND JULIE KUKLA
Thomas and Julie Kukla and Richard Turner were present.

Vice Chair Hartnett read the Notice of Public Hearing by which Thomas and Julie Kukla, 87 Coffeetown Road have made application for a Public Hearing to consider approval of a Minor Subdivision for property located on Coffeetown and Perry Road (identified as Tax Map 408 Lot 19) consisting of 17.3 acres and owned by the applicants. The intent of the application is to create one new lot consisting of 3.59 acres.

Gerald Coogan advised that he had contacted the applicants and the surveyor and since the application is not complete suggested that the request the acceptance portion of the Board's action be continued to October 24, 2007.

Richard Turner, Land Surveyor, said the property consists of 17.3 acres and the Kukla's are requested approval of a 3.59 acre lot on Perry Road. Mr. Turner noted that he had met with Mr. Coogan in July and had received a list of items to be added

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to the plan. He said that he hoped by October 24 these outstanding issues and be addressed.

Mr. Turner commented that they have to address the status of Perry Road and the role of PSNH and its approval in the road's improvement. He added that the grades cannot be changed drastically at the PSNH easement. Mr. Turner said there was a small wetland at the easement. He noted that PSNH owns 275 feet and has an easement of 75 feet.

Mr. Turner questioned where he should go to get specific information on the status of Perry Road .

Mr. Coogan said that it is believed that Perry Road is an unmaintained Class VI Town Road. He added that it is the applicant's responsibility to provide that information.

Fran Menard commented that when a Town stops maintaining a road it becomes a Class VI Road and Town records should reflect when that occurred.

Richard Turner referred to a 1975 Town Meeting when Perry Road was declared a scenic road.

Board members agreed that a site visit should be scheduled.

Mr. Turner requested a continuation for acceptance of the plan be scheduled on October 24, 2007.

John Reagan moved to continue the application for acceptance of a plan for Thomas and Julie Kukla to October 24, 2007 at 7:45PM. William Perron seconded. Voted in favor with Fran Menard opposed.

It was agreed to conduct a site visit on September 20 at 9AM.

Gerald Coogan said that an escrow account needs to be established in order for Steve Keach to review the plans.

Fran Menard stepped down as a voting member and Gile Beye returned to the table.

8:05PM PRELIMINARY CONCEPTUAL CONSULTATION; MAJOR SUBDIVISION; MATTHEW PERRONE; MOUNTAIN ROAD
Matthew Perrone and James Franklin, Land Surveyor , were present.

James Franklin provided copies of a proposed subdivision on Mountain Road for property owned by Matthew Perrone. Mr. Franklin said the property is adjacent to the intersection of Mountain Road and Tandy Road where the Public Service line

crosses. The property consists of 37.5 acres and bounded on the north by the Melinda Geddes Trust conservation land, bounded on the west by land owned by Mrs. John Smith..

Mr. Franklin advised that they have done a wetland delineation for the southerly edge of the wetlands, a boundary and topographic survey and soil mapping is done. According to Mr. Franklin a water course traverses the property from west to east and has been delineated.

Mr. Franklin referred to sheet two saying they have prepared a yield plan and if the land were going to be subdivided as a conventional subdivision five new lots could be created based on the topography that has been done.

Mr. Franklin commented that sheet three shows the proposed subdivision shows that Lot 66 would have 4.3 acres, Lot 66-1 1.4 acres, Lot 66-2 1.6 acres, Lot 66-3 1.7 acres and Lot 66-4 2.3 acres. He added that all the land north of the wetlands would be designated as common land, tying into the Geddes Conservation area . He noted that he has shown where wells can fit into each site, frontage, house site and 4K areas.

Mr. Franklin said they have asked for this meeting to be certain they are on the right track. He said they have enough frontage on each lot and can maintain 150 foot setback from the right of way on Mountain Road. He questioned if a road was necessary and said by doing it this way they do not have to impact the wetlands.

Mr. Coogan said this plan has it's pluses and minuses, by using frontage on Mountain Road impact to the wetlands will be avoided and the down side is that in OSD we try to avoid sprawl and have homes set back.

Gile Beye questioned what the frontage would be for each lot. Mr. Franklin replied Lot 66-1 has 157 feet of frontage, Lot 66-2 172 feet of frontage, Lot 66-3 174 feet if frontage and Lot 66-4 350 feet.

Gile Beye asked if they would consider putting the common land into a conservation easement. Mr. Franklin said that would be up to the owners and the Board.

Kate Hartnett referred to the ownership of the common land and asked if Mr. Perrone's family was going to retain ownership of the common land and put an easement on it or does the common land become jointly owned. James Franklin said they are looking to the Town for an answer to that question although he felt the common land has to be owned by the homeowners.

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Kate Hartnett referred to 325.L Protection of Common Land "Open space, common areas, common facilities, private roadways, and other features within the open space development shall be protected by permanent covenants running the the land, deed restrictions or a conservation easement and shall be conveyed by the property owners to a homeowner's association or, if mutually agreed upon, may be deeded to the Town" Ms. Hartnett said she thought, and suggested input from Counsel, that if you have a conservation easement the only thing you are deeding over are the development rights, not the ownership of the property.

Ms. Hartnett said that she believed that Mr. Perrone could put the land into a conservation easement and still retain ownership.

Kate Hartnett suggested that Mr. Perrone to look into the development of a Forestry Management Plan.

Peter Schibbelhute questioned the necessity of a Homeowners Association.

Kate Hartnett referred to 325.E "Mandatory Homeowners Association" and asked Gerald Coogan to obtain an opinion from Counsel as to if it is a requirement.

James Franklin asked the Board if they have to build a road, because that seems to be the way OSD is envisioned, or can they proceed with the proposal as presented this evening.

Kate Hartnett referred to 325.1 Purpose " The purpose these OSD provisions is to encourage flexibility in the design and development of land in order to preserve open space and traditional character and to promote the most efficient use of land in harmony with its natural features and protecting the natural resource base."

James Franklin questioned the 150 foot setback for buildings from the road and asked if septic systems could be placed within the setback requirement. Mr. Coogan replied that septic systems were not structures and would be permitted.

OTHER BUSINESS

A Public Hearing/Zoning Workshop will be held on November 14.

Representatives from DBVC will be invited to attend the October 10 meeting with SNHPC.

Peter Schibbelhute volunteered to represent the Planning Board on the Brownfields Committee if meeting dates permitted.

The meeting was adjourned at 9:15PM.

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