

TOWN OF DEERFIELD
PLANNING BOARD
NOVEMBER 17, 2010

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Fran Menard, William Perron, Peter Schibbelhute. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7PM.

APPROVAL OF MINUTES

Fran Menard moved to approve the minutes of October 27, 2010. William Perron seconded.

The following corrections were made to the minutes:

Page 2 Paragraph 4: Correct first sentence to read: "Mr. Munn provided maps delineating NH DES Recognized Protective Radii for well head protection areas."

Page 2 Paragraph 7: Correct to read: "...is septic systems and salt."

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

APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$270.66 and two time sheets for Jane Boucher. Fran Menard seconded. (Upton & Hatfield \$221.56 and \$49.10, time sheets 17 1/2 hours 10-14-10-27 and 15 hours 10-28-11-10.) Motion carries.

DEERFIELD TRANSPORTATION PLANNING PROJECT

Steve Keech submitted a proposal to perform Tasks 1, 4, 5 & 7 as submitted by Keech Nordstrom on February 8, 2010 in the amount of \$10,000.00.

Fran Menard moved to accept the proposal in the amount of \$10,000.00. William Perron seconded. Voted in favor.

TIERRA INVESTMENTS

Vincent Iacozzi was present.

Mr. Iacozzi was present to re-submit the application and plans for Deerfield Place Subdivision which was previously approved for a 44 Unit 62 + condo project. He noted that they would like to convert the development from Age Restricted to Workforce Housing. Mr. Iacozzi asked the Planning Board for guidance.

Chair McGarry said that Tierra could go to the Board of Adjustment for a Variance. Mr. McGarry added that once a

proposal for Amendments to Zoning is posted, amendments are in compliance and once an application is accepted it is considered grandfathered regardless of the outcome of the vote in March.

The Board will discuss proposed amendments to the Ordinance, including Work Force Housing, at their December 8, 2010 meeting. Public hearings could then be scheduled for December 22, 2010 and a second hearing in January, 2011.

Gerald Coogan will check with Counsel for interpretation and advise Mr. Iacozzi.

7:45 PUBLIC HEARING; DEERFIELD OPEN SPACE PLAN
Erick and Kathy Berglund, Amy Kizak, SNHPC, and Kathy Shigo were present.

Chair McGarry read the Notice of Public Hearing to consider the adoption of the Deerfield Open Space Plan.

Chair McGarry commented that at a previous public hearing, it was pointed out by Harriet Cady that there was not a complete copy of the plan at the Town Clerk's Office. The Board decided to hold a second hearing if anyone wanted to review the plan.

Amy Kizak summarized an overview of the plan identifying;

- . The process
- . Base Map Information
- . Delphi Process and Co Occurrence Mapping
- . Defining Green Infrastructure
- . Implementation Plan
- . Recommendations

Chair McGarry noted that adoption of the Open Space Plan would make it part of the Master Plan.

Kate Hartnett commented that there are 33,350 acres of land in Deerfield, 19% is classified as being in conservation, 10% is State Land and 9% is in Town conservation land.

Chair McGarry read the letter from Harriet Cady in which she protested adoption of the plan for the illegalities in regards to the Right To Know and on the basis that there was not a cross section of community members involved in the process. A copy of the letter is attached to these minutes.

Kate Hartnett commented that the process to develop an Open Space Plan has been ongoing since 2002, when an UNH Cooperative Extension Community Conservation Assistants Program outreach that went up to three years. She added that NROC process that went for two years, also the Deerfield Master Plan town Wide Survey Update in 2006. Kate Hartnett said the OSP Volume I has

been draft for 4 years and the Conservation Commission has been hoping to get public comment.

Kathy Shigo commented that a lot of people have not participated because they are afraid that the Conservation Commission will take their land especially people with land along the Lamprey. She felt the DOSC was not fulfilling the needs of people in Deerfield. Ms. Shigo commented that the OSC needs to meet people half way to help eliminate fears. She felt that Ms. Hartnett's strong feeling regarding conservation was a conflict of interest.

Kate Hartnett said that there is a lot of misinformation out there. She added that she has spent 23 years trying to get people involved.

Fred McGarry felt there was no conflict of interest. Peter Schibbelhute said that perhaps "agenda" would be a better word than "conflict of interest".

Kate Hartnett commented that the work done by the Conservation Commission to moderate taxes.

Amy Kizak noted that the Open Space Plan is not a legal document but a guide.

Gerald Coogan commented that the plan is purely advisory.

Fran Menard moved and Peter Schibbelhute seconded to close the public hearing.

Fran Menard moved to adopt the Open Space Plan as an advisory document as part of the Master Plan. William Perron seconded. Motion carries.

SNHPC provided four copies of the Open Space Plan. Kate Hartnett questioned if more copies should be ordered. The Board felt that four copies is adequate. One copy for the Planning Board, one for the Conservation Commission, one for the Library and one in the Town Clerk's Office.

Gerald Coogan will provide comments on Mrs. Cady's letter for the Board of Selectmen.

COTTONWOOD ESTATES CONSERVATION EASEMENT

Copies of the Easement were available for members to review.

Gerald Coogan noted that it was a private easement and referred to D under Breach of Agreement "Grantor shall in no way be responsible for and Grantee agrees to hold harmless Grantor from any third party breach of the provisions contained

therein." Board members agreed that the Town of Deerfield is the Grantee.

Kate Hartnett advised that the Conservation Commission was contacted by the Crank Pullers, a snowmobile club, who met with the Conservation Commission to discuss the damage being done to the open space at Cottonwood by ATV's and illegal dumping. Peter Schibbelhute advised that he had been working with representatives from the snowmobile club to repair and clean up the areas.

Kate Hartnett provided a copy of the approved Cottonwood Plan dated 1998 and noted that the easement was not noted on the plan. It was noted that in the section of the Conservation Easement "Grant of Easement" outlines the open space sections with acreage.

Board members agreed that the Town of Deerfield was responsible for the open space at Cottonwood Estates and members of the snowmobile club interested in cleaning the areas should meet with the Board of Selectmen.

The meeting was adjourned at 9:15PM.

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

To The Planning Board regarding the Open Space Plan

I have not had time to review all o the plan but will comment that the Open Space Plan requiring developers to declare conservation space is unconstitutional in that the NH Supreme Court stated in Louis Builders v Atkinson that to require land be given in order to obtain approvals is akin to "Blackmail."

That said the plan did not have a variety of townspeople as even Kate Hartnett mentioned in the minutes and it was stated that a Public Hearing would be held but to have a plan that must be read at the Town Clerks office or online where you cannot see the maps clearly is akin to denial of a persons ability to be able to have a document they may sit and read at their leisure and thus write comments on it.

I have obtained copies of all minutes on file with the town clerk and point out first that not one meeting was posted until last Monday night.

The emails between members and the SNHPC are not available with the minutes and are illegal for a committee to do business outside the public meeting.

The OSP Committee did not post meetings but also did not have in a public building ie 63 Nottingham Road.

The OSP committee had Anne Deeley listed as a member but the selectmen never appointed her and I have copies of the appointed members.

The committee did not have a quorum of members at two of the meetings.

I therefore lodge my protest to this plan for the illegalities in regards to the Right to Know and on the basis that there was not a cross section of community members involved in the process.

Sincerely,

Harriet E. Cady