

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
NOVEMBER 13, 2019

MINUTES OF MEETING

PRESENT: Board members Peter Schibbelhute, Selectmen's Representative Fred McGarry, William Perron, Robert Cote, Harriet Cady. Also present Sylvia von Aulock, SNHPC, Cameron Prolman, SNHPC, and secretary Jane Boucher.

7PM Chair Peter Schibbelhute called the meeting to order.

APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest. (time sheet for Jane Boucher). William Perron seconded. Voted in favor.

APPROVAL OF MINUTES

Fred McGarry moved to approve the minutes of October 23, 2019. William Perron seconded. Voted in favor.

CAPITAL IMPROVEMENT PLAN/MEETING 12/11/19

Sylvia von Aulock noted that representatives of both the Police Department and Fire Department will attend the meeting on December 11. She said that this will give Board members the opportunity to ask questions and she stressed the importance of holding this meeting.

Board members agreed and felt that this issue should be addressed.

APPROVAL OF MINUTES

Robert Cote moved to approve the minutes of October 26, 2019. (Site visit Gulf Road). Fred McGarry seconded. Voted in favor with William Perron and Harriet Cady abstaining.

7:15PM CONTINUATION; PUBLIC HEARING/GRANT CONDITION OF APPROVAL FOR ACCESS TO FIVE LOT SUBDIVISION ON GULF ROAD, NORTHWOOD, NH  
Charles Zilch, David Storey and Attorney Charles Cleary were present.

Chair Schibbelhute noted that a site visit was held on October 26 and viewed the situation. He added that they had spoken with Town Counsel who advised that the Town would not be held liable for approving development on "Insufficient highways" per RSA 231:90.

Charles Zilch said that his client has agreed to a three lot subdivision. ( two new lots and the parent lot).

Fred McGarry said that the Northwood Planner had noted that the applicant was not told that approval was also required from the

Town of Deerfield when the original plans were submitted. Mr. McGarry felt that the applicant should have been told of this before plans were submitted. He said that the Deerfield Board of Selectmen will be sending a letter to Northwood Board of Selectmen advising them that the Town of Deerfield could not support any additional development taking place in Northwood that would require access on Gulf Road unless another access was constructed by the Town of Northwood.

Harriet Cady said that when she was Town Administrator in Northwood they were discussing the fact that they needed to build a road then. She added that she would like to know if there was any discussion regarding all of the building they have allowed to go on and have they collected any impact fees.

Peter Schibbelhute replied "no". He added that they did not get into that but he assumed "no".

Sylvia von Aulock referred to her memo regarding Gulf Road noting that "Additionally, the Town of Deerfield should notify the Town of Northwood that for any future development, including an application for a building permit, that the Town of Northwood comply with RSA 674:53, II; II Upon receipt of an application for a permit or approval under this title for the subdivision, development, change of use of, or erection or alteration of any structure upon any lot, tract, site or other division of land whose boundary or portion thereof is a municipal boundary line, or whose sole street access or sole maintained street access is via a private road or class IV.V.or VI highway located in an adjoining municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality, the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under paragraphs I, III, or IV of this section or otherwise, would preclude or affect such subdivision, development, construction or change of use."

Ms. von Aulock said that right along, the Town of Northwood should have notified the Town of Deerfield. She added that she thought that the applicant agreed to create one new lot and felt that no accessory units be allowed.

Peter Schibbelhute said that the applicant did not know that Deerfield's approval was necessary when he applied. Mr. Schibbelhute felt that we can shut down further development from here.

Sylvia von Aulock also noted that, at this time, the Board does not have the authority to say no to building permits, only to

subdivisions.

Harriet Cady said that if the town is going to write a letter to the Town of Northwood it should go to the Northwood Board of Selectmen, Planning Board, and Building Department.

Fred McGarry said that initially he shared Sylvia von Aulocks comments but knowing the background he changed his mind and felt that the Board should approve two new lots along with the parent lot and require no accessory dwelling units be permitted.

Harriet Cady said that future memos indicating comments by Jim Raymond should refer to "Attorney Jim Raymond".

Board members agreed that caution signs be put on Gulf Road on both the Northwood and Deerfield sides.

Charles Zilch asked if the following note be added to the plan would be acceptable to the Board. "No accessory dwelling units or further subdivision be permitted".

Fred McGarry moved and Robert Cote seconded to Grant Conditional Approval to create two new lots (Map 117 Lot 1, Northwood NH) with the following conditions.

.No accessory units be created

.Signs be erected

.Two new lots created along with parent lot

.Note on plan

.Signature block on plan

Conditional approval to lapse in 180 days (May 13,2020)

Voted in favor.

#### 8PM PROPOSED ZONING AMENDMENTS

Haley Andredzzi,Conservation Commission was present.

Sylvia von Aulock provided copies of proposed changes to Section 210 Wetlands Conservation District. She noted changes in yellow.

Peter Schibbelhute questioned what are we trying to gain by amending the Wetlands Conservation District.

Ms. Andredzzi said that State Regulations fall short regarding buffers and they wish to limit land uses .

Peter Schibbelhute felt that this will make our current zoning even more restrictive.

Sylvia von Aulock apologized for providing the wrong version of

the proposed amendments and said the correct version will be sent to the Board by the end of the week.

The Board will discuss proposed zoning for Section 210 at the November 20, 2019 meeting. A Public Hearing to discuss proposed Zoning Amendments will be held on December 11, 2019.

#### RESTRICTION OF BUILDING ON SUBSTANDARD ROADWAYS

Sylvia von Aulock provided copies of proposed zoning regulations. A copy is attached to these minutes.

Sylvia von Aulock noted that she had some discussion with Attorney Jim Raymond as well as Code Enforcement Officer Rick Pelletier regarding changes .

Harriet Cady referred to a map provided by Ms. von Aulock noting that road around Freese's pond. She was concerned about people building on Class VI roads and if they signed forms which needs to be recorded

Sylvia von Aulock said the purpose of this is to identify substandard roads not private or Class VI roads.

Harriet Cady noted that Old Coffeetown Road, listed as a substandard road, is a Class VI road and not maintained by the Town.

Fred McGarry said that Perry Road should only be identified as what is Class V.

Peter Schibbelhute commented that there are a number of roads that money will never be available to fix them and what they are discussing is if people are allowed to build on them.

Harriet Cady questioned impact fees collected. Mr. Schibbelhute said that impact fees only maintain what we have.

Fred McGarry said that the Town does have a list of Class VI roads on the web site.

Sylvia von Aulock said that she and Cam have spent this time identifying Class V sub standard roads because of the Gulf Road Subdivision. This would allow a review of building permits with adopting a CUP for building.

Fred McGarry said that any Class VI roads need to be identified and removed from the list. He also said that regulations need to be adopted as to what is inadequate.

Sylvia von Aulock said that they will try to search out some ideas in defining what is inadequate, outlining what is needed

. This will be further discussed at the November 20 meeting.

CONTINUE PUBLIC HEARING/CURRIER ROAD

Fred McGarry moved to continue the Public Hearing for Currier Road Subdivision to December 11, 2019 at 7:45PM. William Perron seconded. Voted in favor.

The meeting was adjourned at 9:10PM.

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

**Draft Deerfield Zoning Regulations**  
**Restriction of Building on Substandard Roadways**

**1.1 Authority:** This Article is authorized by New Hampshire RSA 674:21 as an innovative land use control. This innovative land use control is supported by the 2008 Deerfield Master Plan. The administration of this Article shall be the responsibility of the Planning Board. The Planning Board may adopt regulations consistent with and in furtherance of this Article.

**1.2 Purpose and Intent:** As provided in RSA 674:17, Purposes of Zoning Ordinances, zoning ordinances shall be designed in part to facilitate the adequate provision of transportation, to secure safety from fires and other dangers, and to promote health and the general welfare throughout the municipality.

The intent of this regulation is to require that new dwelling units are built on roads that will safely and conveniently accommodate transportation and access needs of current and future residents and the public and will provide reliable access for fire-fighting and other essential public and private services, and to provide against premature and scattered development that may involve danger or injury to public health, safety, or prosperity.

**1.3 Building Permit Requirement:** As a condition to issuance of a building permit for any new dwelling unit that is located on a Substandard Class V Road, as defined below, the applicant must obtain a conditional use permit from the Planning Board.

**1.4 Substandard Class V Roads:** A Substandard Class V Road is a class V road, or a portion of a road, that is not built and maintained to the standards for new road construction described in the Design and Construction Standards of the Deerfield Subdivision Regulations, as amended, and is listed on Table I ("Substandard Class V Road List").

**1.5 Conditional Use Permit:** Any building permit for a dwelling unit on a Class V road listed on Table 1 requires a conditional use permit from the Planning Board. In order to grant a conditional use permit for construction of a dwelling unit on a Substandard Class V Road, upon a like showing by the applicant, the Planning Board must find that the road giving access to the dwelling: (a) is passable in all seasons in a safe manner by the public; (b) does not have or create safety hazards that are not reasonably avoided; and (c) allows for reliable year-round access for fire-fighting and other essential public and private services. The Planning Board may grant conditional approval, in accordance with RSA 676:4 I (i), which may include conditions precedent to final approval and conditions subsequent, the performance of which may be required for continued occupancy of the dwelling.

**1.6 Review of Substandard Class V Road List.** The Planning Board shall periodically review and may amend the Substandard Class V Road List by adding roads or portions of roads that

it determines are in a condition that do not meet the purposes of this article, and deleting roads from the list. Any proposed change in the Substandard Class V Road List shall be submitted to the Board of Selectmen and Highway Agent for comment at least thirty days before the Planning Board's final consideration of the proposed change, and may be made only following a public hearing for which notice is given in accordance with RSA 675:7.

**1.7 Appeals.** A party aggrieved by a decision of the Planning Board under this Article may appeal the decision to the Rockingham County Superior Court, as provided by RSA 676:5, III, and RSA 677:15.

*Table 1*

Class V Roads not to Town Standards needing CUP	Specific issue known
Blakes Hill Road	Substandard Road, bridge concerns and weight limitations- Dirt portion
Brown Road	Substandard Road – Dirt portion
Candia Road (between Cole and Middle Roads)	Substandard Road - Dirt portion
Coffeetown Road	Substandard Road- Dirt portion
Gulf Road	Substandard Road, no secondary access, road width issues
Harvey Road	Substandard Road- Dirt portion
Mountain Road	Substandard Road, no secondary access- Dirt portion
Perry Road	Substandard Road- Dirt portion
Perkins Road	Substandard Road, Dirt portion
Saddleback Mountain Road (short stretch to UNH Gate)	Substandard Road- Dirt portion
Old Coffeetown Road	Substandard Road- Dirt portion