

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
OCTOBER 14, 2020

#### MINUTES OF MEETING

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

7PM Chair Peter Schibbelhute called the meeting to order.

#### APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest in the amount of \$1,329.00 and a time sheet for Jane Boucher. ( \$1,329.00 Upton & Hatfield; time sheet 15 1/2 hours). Robert Cote seconded. Voted in favor.

#### MEETING DATES/NOVEMBER

Fred McGarry moved to schedule November 11 and November 18, 2020 as Planning Board meeting dates. Robert Cote seconded. Voted in favor.

#### APPROVAL OF MINUTES

Fred McGarry moved to approve the minutes of September 9, 2020. Harriet Cady seconded. Voted in favor.

Fred McGarry moved to approve the minutes of September 23, 2020. Robert Cote seconded. Voted in favor.

#### APPROVAL OF 2021 BUDGET

Harriet Cady moved to approve the budget for 2021 in the amount of \$52,802. This approves adding \$8,000 (Master Plan) to the PB Consultant Line Item). Fred McGarry seconded. Voted in favor.

7:15PM APPLICATION FOR PUBLIC HEARING; OPEN SPACE  
SUBDIVISION/RANGE ROAD; EDWARD AND SANDRA CROSS  
Edward Cross and Roscoe Blaisdell were present.

Chair Schibbelhute read the Notice of Public Hearing by which Edward and Sandra Cross, 4 Thurston Pond Road, Deerfield, NH make application for a Public Hearing to consider approval of an Open Space Subdivision for property located on Range Road, Deerfield, NH, identified as Tax Map 414 Lot 71 consisting of 17.5 acres, and owned by the applicants. The intent of the application is to create five new lots each consisting of 1.5 acres.

Board members reviewed copies of the proposed plan.

Fred McGarry moved and Harriet Cady seconded to accept the

application. Voted in favor.

Mr. Cross said that he had gone to the ZBA and applied for a variance to apply for a Conventional Subdivision and was denied. The ZBA felt there was no hardship found.

Mr. Cross added that he will be happy to add a fire pond.

The Board discussed setbacks and Sylvia von Aulock referred to an e-mail she sent to the Board noting "I've been looking at both the open space and the wetland regulations. I see that the new plans identify in Note #8 that the Board waived the 100 foot requirement regarding structure setback for wetlands 1/4 acre or less. I don't see the decision then carries over to this particular case. Second, I can't see how the Planning Board had this jurisdiction; in my view this would require a variance from ZBA."

Fred McGarry noted other issues, the 100 foot setback is part of the Open space. He referred to "Landscape Buffer "E "No construction , with exception of primary access roads, shall be permitted in the buffer, including septic systems, parking areas, driveways and other roads."

Mr. Cross said he came to the Planning Board for direction, and now he would not have gone to the ZBA for a "hardship", because the Board has created a hardship.

Sylvia von Aulock said that Mr. Cross could go back to the ZBA and appeal their decision.

Peter Schibbelhute noted that if Mr. Cross decides to go back to the ZBA, He will have to revise the plans and design a road in order to show a hardship.

Mr. Cross said that when he went to the ZBA he was not aware that it would be necessary to build a road and it was not presented as a "hardship".

Sylvia von Aulock noted that there is another option. The Planning Board can appoint a sub-committee to study the ordinance and review regulations to amend and go to the voters in March.

Mr. Cross said he would be happy to serve on such a committee.

Mr. Cross and Mr. Blaisdell asked the Board to continue the Public Hearing and they were told that they would have to submit a new plan at that time.

Harriet Cady moved to continue the application for Edward and

Sandra Cross for an Open Space Subdivision to November 11, 2020 at 7:15PM. Robert Cote seconded. Voted in favor.

8:20 PM SCENIC ROADS/ SUZANNE STEEL

Suzanne Steel and Kathy Shigo were present. Present by phone were. Stillwell, Eric Berglund, Barbara Mathews, Errol Rhodes, Maureen Quinn, Susan Fiffield,

Ms. Steel addressed the Board asking if all landowners could be notified in the future . She said that not everyone in Town goes on line to the web site and felt there should be a better way of notification.

Harriet Cady said that she felt that there should be a separate section on the web site for public notices.

Peter Schibbelhute noted that any trees to be cut are marked in advance . The Town has been notified that any tree identified as "dying" and if falling , and doing any damage, the Town will be responsible.

Fred McGarry referred to 231:158 V. A town may as part of a scenic road designation under RSA 231:157 or an an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section." Mr. McGarry said that conceivably the Selectmen could put something forward or people could put something forward by petition some additional provisions for scenic roads.

Chair Schibbelhute said that the Board voted to approve cutting on Scenic Roads by Eversource and do not have the jurisdiction to amend that decision.

Sylvia von Aulock suggested inviting Eversource to a meeting to discuss more notification.

Several people spoke via zoom indicating they felt Eversource should notify home owners regarding cutting of trees. Eric Berglund suggested looking at the Town of Durham's regulations. Errol Rhodes suggested that residents be notified by e-mail.

Harriet Cady suggested establishing a sub-committee to study revising the Zoning ordinance.

Peter Schibbelhute agreed, making a motion to do so and naming Harriet Cady to chair. Robert Cote seconded. Voted in favor.

9:30PM Fred McGarry moved to adjourn. Robert Cote seconded. Voted in favor.

PLANNING BOARD 10-14-20

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