

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE

APRIL 28, 2021

MINUTES OF MEETING

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

7PM Chair Peter Schibbelhute called the meeting to order at 7PM.

APPROVAL OF MANIFEST

William Perron moved to approve the manifest in the amount of \$2,759.06 (SNHPC Land Use Books \$158.40, SNHPC Contracts \$1051.34, \$1549.32, Jane Boucher Time Sheets 16 1/2 hours/19 hours). Fred McGarry seconded. Voted in favor.

APPROVAL OF MINUTES

William Perron moved to approve the minutes of March 24, 2021. Robert Cote seconded. Voted in favor with Peter Schibbelhute abstaining.

APPOINTMENT OF ALTERNATE

Fred McGarry moved to appoint Richard Pelletier to serve as an alternate member of the Planning Board for a three year term. William Perron seconded. Voted in favor.

It was noted that Harriet Cady volunteered to serve as an alternate. The Board will vote on her appointment in June after her term of office has expired.

TOWN BUDGET

Robert Cote questioned if the Board should post something on the web site regarding the increase in the Planning Board's Budget for 2021.

Peter Schibbelhute noted that it was part of the Town's budget and the increase was due to updating the Town's Master Plan.

Mr. Cote will prepare something in writing for the Board's review at the next meeting.

7:15PM APPLICATION FOR PUBLIC HEARING; MAJOR SUBDIVISION/ R & C EASTERN DEVELOPMENT/ MCCARRON DRIVE, DEERFIELD, NH
Ryan Taber and Cathleen Perron were present. Scott Frankiewicz participated via zoom at 7:35PM.

Chair Schibbelhute read the Notice of Public Hearing by which R & C Eastern Development, P O Box 10018, Bedford, NH is making

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application for a Major Subdivision for property located on McCarron Drive, Deerfield, NH consisting of 27.70 acres and identified as Tax Map 413 Lot7 and owned by the applicant. The intent of the application is to create six new lots which would amend a residential subdivision conditionally approved in 2013. (Lot areas; Lot 7-8 = 3.57 acres; Lot 7.9 = 3.27 acres; Lot 7.10 = 8.60 acres; Lot 7-11 = 3.03 acres; Lot 7-12 = 3.85 acres; Lot 7-13 = 3.68 acres). The formal application will be submitted to the Planning Board of the Town of Deerfield on Wednesday, April 28, 2021 at 7:15PM, and if accepted will hold a Public Hearing at that time.

Fred McGarry moved to accept the application. William Perron seconded. Voted in favor.

Ryan Taber noted that he received an Inspection Report from Jeff Quirk, KNA, that the Preston crew has built the three proposed sediment basins. Also the men have installed filter fabric and erosion stone to the inlet and outlet areas of the 5 ft arched CMP culvert and they have set several feet of new silt fencing at various locations along the slopes to help prevent any further erosion. The three new sediment basins are partially filled with water and appear to be working as designed and water flowing through the 5 ft. culvert is clear and free of sand or silt. The work is neat and professional.

Mr. Taber noted that David Price, DES, also received copies of inspection reports from KNA.

Fred McGarry questioned access to lots; Lot 7-10 it appears that you have to go through wetlands to access the building sites. Mr. McGarry noted that the plan will have to show the approved location and add the wetland approval number.

Peter Schibbelhute said that the whole driveways for Lot 7-10,, 7.11 and 7.12 should be shown on the plan.

Fred McGarry said that a plan profile for roads need to be shown.

Abutter Claudia Libis questioned if the property lines have changed.

Chair Schibbelhute advised that the property lines have not changed on the proposed plans. The developer is working on cleaning up issues that the previous contractor has created.

Fred McGarry said the proposed culvert to the cul de sac needs to be shown on the plans. Also a profile of the proposed road needs to be shown. A Center line station should be shown on the

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profile. We will need detail for head wall as well as cross section of pavement detail.

Mr. Taber was asked to contact the Deerfield Conservation Commission regarding the easement shown on the plan.

Tina Anderson, abutter via zoom, questioned a 50 foot ROW.

Cathleen Perron advised Ms. Anderson that the ROW no longer exists.

Several abutters were speaking and Chair Schibbelhute advised that, at this time the Board is reviewing the plans, and abutters will be allowed to ask questions later.

Fred McGarry said the ROW is not shown, however, he questioned if it still exists.

Kevin Verville, an abutter via zoom, questioned the current wetland setback regulation in Deerfield.

Chair Schibbelhute replied it is 100 feet.

Mr. Verville questioned the plan showing 75 foot setbacks.

An abutter on Middle Road asked the Board not to make any decisions as this does not seem like a fair and democratic process with respect to the current wetlands regulations.

Chair Schibbelhute said that lots are set up to meet current setbacks.

Fred McGarry said that we may need Town Counsel to review the plans and comment. He asked Town Planner Sylvia von Aulock to check with Town Counsel regarding the wetland setbacks at 75 or 100 feet.

Scott Frankiewicz, NH Land Consultants, spoke via zoom said he did check to see if the 75 foot setback was okay.

Fred McGarry felt that a letter from Jim Raymond, Town Counsel, would be necessary to confirm the 75 foot setback.

Peter Schibbelhute advised that the State of NH DES is currently overseeing the clean up of the land in question.

An abutter felt that the wetlands should be restored before any approvals are granted for this property.

Fred McGarry noted that three stone bounds need to be set.

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Scott Frankiewicz spoke noted that the previous developer had walked away from the project. Ryan Taber has hired Mark West to implement the Wetland Restoration Plan and approved by the Wetland Bureau and David Price. The Wetlands are being restored at this time.

An abutter from Middle Road spoke noting that Mark West and David Price both highly recognized wetland scientists commented that precipitation regime have changes when the first proposals came in for this project and there should be consideration involved for the changes.

Sylvia von Aulock spoke , noting she did find an e -mail from town Counsel regarding this subdivision:

"Since the Planning Board did not revoke the conditional approval, and the PB knew it was being reviewed by NHDES (who had jurisdiction over the wetland violation) the PB suspended the any further consideration of acting on an extension.
2. Therefore the Applicant can come in under the regulations that existed from 2006. This allowance would not create a precedent because of the unusual situation. When he comes back to the PB the record needs to show the unusual situation.
3. He will be coming in as an amendment of the final plan and additional conditions can be required.

Fred McGarry noted that KNA will need to prepare a bond estimate.

Scott Frankiewicz noted that the profile has not changed. He was advised that the profile has to be included.

Tina Anderson questioned the 50 foot ROW was shown on the original plan

Fred McGarry suggested that she check her deed.

At this time Fred McGarry moved that William Perron seconded to continue the Public hearing for R & C Eastern Development to May 26, 2021 at 7:15. Voted in favor.

8:15PM CONTINUATION; PUBLIC HEARING/MINOR SUBDIVISION EDWARD AND SANDRA CROSS; RANGE ROAD
Edward Cross and Roscoe Blaisdell were present.

Board members reviewed the proposed plans.

Roscoe Blaisdell explained that there are two plans, one depicting an Open Space Subdivision and the other a Conventional Subdivision. He noted that they will be submitting a plan for a Lot Line Adjustment at the May 12, 2021 meeting.

Fred McGarry said there was two access roads coming in which should show a 400 foot sight distance in both directions for both roads. Setback from the wetland should also be shown.

Lot-4 needs to show 20% grade of slope and the 50 foot running parallel to the property line.

Edward Cross said that after speaking with Sylvia von Aulock and Rick Pelletier we came to the conclusion that they could be Private Roads. Mr. Cross noted that a private way or road would be the best way to proceed.

Fred McGarry said the Ordinance does not have provisions for private roads.

Mr. Cross said that after talking with the Town Planner who suggested this , he would have to ask her.

Sylvia von Aulock referred to the regulation and said she would look it up.

Fred McGarry noted that they did refer to Fieldstone Drive and concluded it was a Town Road.

It was also noted that the Fire Chief prefers to see a cistern on the property. Mr. Cross said that during the drought last year it leads him to believe the waterway stays full.

Mr. McGarry said that the Fire Chief wants to see a 30,000 gallon fire pond for the area.

Edward Cross said that he feels that the natural source at the site is far better than one we can create.

Fred McGarry said that 8 feet of water would be necessary.

Chair Schibbelhute said that the Fire Chief would need to approve the fire pond.

At this time Sylvia von Aulock shared information with the Board. She referred to the Ordinance Open Space; 325.4 Standards and Conditions: D Design Standards: 1. Setbacks: Open Space Development are subject to the following setbacks and building separation:

She noted #2. Waiver The Planning Board may reduce any of the Design Standards if it finds that the purposes and objectives of this ordinance are not adversely affected by the reduction.

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Ms. von Aulock then referred to "Landscape Buffer". "No construction, with the exception of primary access roads, shall be permitted in the buffer, including septic systems, parking areas, driveways and other roads."

Sylvia von Aulock said that we can ask Attorney Raymond to comment. It does not say what it means by a "primary access road". She said when she and Richard Pelletier reviewed this they felt it made sense that ordinary access roads, could be a 50 foot ROW, whether it is a public ROW or a private ROW.

Ms. von Aulock then referred to C Objectives 2. " Encourage a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities and fosters less consumption of rural and/or agricultural land."

She noted that she has spoken with several lawyers regarding this and they felt if it is specified in zoning , then leave it open for interpretation.

Fred McGarry questioned the slope of the driveway for Lot 71-5. Roscoe Blaisdell said it was 14%.

Peter Schibbelhute said they would need to show grading of the driveway. He noted that it would be best to pave the driveway.

It was agreed that Sylvia von Aulock check with Attorney Raymond regarding clarification of a "Private Road".

Edward Cross commented that he felt this would be a great compromise which is fair and reasonable.

Chair Schibbelhute said that the Board cannot vote on this proposal until clarification comes from Attorney Raymond .

William Perron said that he personally likes the plan.

William Perron moved and Fred McGarry seconded to continue the Public Hearing for a Minor Subdivision for Edward and Sandra Cross on Range Road to Wednesday , June 9, 2021 at 7:15PM. Voted in favor.

The meeting was adjourned at 9:15PM.

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