

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
JULY 28, 2021

MINUTES OF MEETING

PRESENT: Board members Peter Schibbelhute, Selectmen's Representative Fred McGarry, Donald Wyman. Also present Cameron Prolman, SNHPC, and Jane Boucher, secretary.

7PM Chair Peter Schibbelhute called the meeting to order.

EVERSOURCE

Two representatives from Eversource were present. Also present Dennie Greig and Joanne Bradbury, Erroll Rhodes, Edward Cross.

Fred McGarry said that Eversource had met with the Board of Selectmen to discuss proposed access to the G 146 Transmission Line to replace Structure 65,. It was determined that it would make more sense to come from north of Mount Delight Road to Thurston Pond Road. Eversource was meeting with the Planning Board to revise the CUP and discuss any changes to the road bond.

Eversource representative noted that construction representatives will be on site to oversee how the vehicle traffic and staging area. Matting will be brought in by truck and nothing will go over the bridge.

Donald Wyman noted that trucks will not have to turn around and will back in and out of the site.

Fred McGarry moved to increase the amount of the bond to \$45,000.00 for potential bridge repair and repair to the road..Donald Wyman seconded. Voted in favor.

Mr. McGarry suggested that still photos and videos be taken before the during work being done.

7:20PM APPLICATION FOR PUBLIC HEARING; ,MINOR SUBDIVISION;  
WELLSTONE LLC; MOUNT DELIGHT ROAD  
Erroll Rhodes, James Franklin, Jason Franklin and Edward Cross were present.

Chair Shibbelhute read the Notice of Public Hearing by which Wellstone LLC, 8 Mount Delight Road, Deerfield, NH (Map 410 Lot 8) is making application for a Minor Subdivision on Mount Delight Road, consisting of 76.08 acres and owned by the applicant. The intent is to subdivide the "Excluded Area" as shown on plan D-34393 recorded at the Rockingham County Registry of Deeds and create one new lot consisting of three acres.

Fred McGarry moved to accept the application. Donald Wyman seconded. Voted in favor.

Fred McGarry recused himself at this time.

James Franklin provided a copy of the State Subdivision Approval.

Mr. Franklin said that this is an application for a Minor Subdivision. The original boundary plan was done by Peter Landry which created the area shown on our plan as Lot 8-1 which is excluded from the Conservation Easement. Mr. Franklin noted that this plan will make a lot of record of the excluded area. The boundaries on the application plan are identical to the boundaries that are shown on the plan that created the easement. Mr. Franklin noted that they did do a boundary topographic survey. Wetlands have been identified. Mr. Franklin said they do have some housekeeping notes that need to be added to the plan.

Peter Schibbelhute moved to grant conditional approval to Wellstone LLC for a Minor Subdivision. Conditional approval to lapse in 30 days. (August 28, 2021). Donald Wyman seconded. Voted in favor.

#### APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest in the amount of \$5,176.66 ( SNHPC May Contract \$\$1,117.34; SNHPC June Contract \$909.84; SNHPC Dues \$3,149.48; time sheet for Jane Boucher 17 Hours). Donald Wyman seconded. Voted in favor.

#### APPROVAL OF MINUTES

Fred McGarry moved to approve the minutes of July 14, 2021. Peter Schibbelhute seconded. Voted in favor with Donald Wyman abstaining.

#### 7:35PM DEERFIELD ZONING AMENDMENTS

Sylvia von Aulock , Joanne Bradbury, Dennie Greig, Erroll Rhodes, Edward Cross were present.

Cameron Prolman said he, Sylvia and Rick met to discuss zoning amendments.

Joanne Bradbury questioned why the Conservation Commission was not represented. She said the minutes of July 14 clearly said the Conservation Commission would be included.

Peter Schibbelhute said the Board is just talking about it right now and the DCC will be involved. A working group has not been established.

Cameron Prolman provided copies of what was discussed at the meeting. He reviewed the information. A copy of the information is attached to these minutes.

Peter Schibbelhute felt "vernal pools" need to be addressed.

Fred McGarry questioned the "isolated wetland less than one quarter acre in area" and liked the reference that the applicant submit an environmental impact assessment".

There was a great deal of discussion regarding the 75' setback on lots created prior to 2006 and 100' setback for lots created after 2006. Those present felt that it was very confusing.

Sylvia von Aulock noted that it was their intent to clarify the issue.

Erroll Rhodes said that he was confused, the voters voted in 2006 to change the setback to 100feet and why is the Planning Board trying to make a change to something the voters have clearly approved .

Joanne Bradbury noted that information published by UNH Cooperative Extension that is available and important to consider.

Fred McGarry said that is important to note that vernal pools is included in this, but it not exclusive to vernal pools.

Sylvia von Aulock said that not every small wetland is a vernal pool.

Dennie Greig questioned if wetlands or vernal pools is really a problem.

Fred McGarry replied that the number of wetlands identified on a Range Road Lot made it very difficult to work with.

Edward Cross said that he is in favor of looking at this. 100 foot setbacks really limit someone from doing something on their land. Mr. Cross also noted that Conservation Commission needs to be involved.

Sylvia von Aulock said that what she is hearing right now is concern about about #1, #3, about vernal pools. She said they will go back to the drawing board with this information, meet again. She indicated that she will be happy to meet with the Conservation Commission and will contact Serita Frey to schedule a meeting.

PLANNING BOARD 7/28/21

Joanne Bradbury said that at the last meeting of the Planning Board, it was clearly stated that a committee would be formed with a member if the DCC, a member of the Planning Board. Rick Pelletier and Sylvia von Aulock and Cameron Prolman.

Cameron Prolman explained that he and Sylvia felt that it would be beneficial for himself and Sylvia to meet with Rick Pelletier to discuss the issue and come up with some suggestions before forming a committee.

Edward Cross said that he agreed with what was done. You have to first have to identify issues and then a committee be formed. He felt it was not out of order but the most practical way of proceeding.

#### OLD HOME DAY

Cameron Prolman advised that he has signed up for the Planning Board to have a display at Old Home Days on August 21. He will set up the display to include information on the Master Plan. Members of the Board will be asked to participate.

The meeting was adjourned at 8:45PM.

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

## Deerfield Zoning Amendment Discussion (Rick, Sylvia, Cam)

1. Include in Section 602 Term Definitions: **"Low Impact Accessory Structure** – Any detached accessory structure less than 200 sq/ft."
2. Include in Section 210.5 Permitted Uses in the Vicinity of Wetlands, new allowance for low impact structures, uncovered decks, or garden style structures:

"Elevated, uncovered decks attached to an existing structure, free-standing gazebo or garden-type structures, and storage sheds not exceeding 200 sq/ft. in size when elevated on blocks, Sona tubes or similar footing provided they maintain a minimum ten-foot (10') setback from the edge of the wetland. "

3. Revise Section 210.2 Wetlands Defined by adding lakes, and ponds. The full text to read:

A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration that supports, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, bogs, **lakes, ponds** and similar areas. This definition is in accordance with the current State of New Hampshire Wetlands Regulations which uses the definition established by the U.S. Army Corps of Engineers.

4. Remove "lakes and ponds" from Section 305 Set-Back from Water Bodies:

"No building permit will be issued for any structure having a set-back of less than 75 feet from any river or stream, ~~lake or pond.~~"

5. Discussion on proposed section 210.8

"For isolated wetland less than one quarter (1/4) acre in area, the Planning Board may reduce the wetland buffer to not less than 50 ft. Prior to considering such a reduction, the Planning Board shall consult with the Conservation Commission and take into consideration their recommendations. The Board and the Commission will evaluate the wetland for " its protection, unique or unusual natural features; its impact on groundwater recharge and flood protection' unique or unusual natural features' and surrounding vegetation, topography and soil conditions which might offset a reduction in the buffer."

### Concerns:

- a) What is the definition of an isolated wetland? How far from another water source would it need to be to be considered "isolated". One solution is to remove the word "isolated". Another would be to provide a minimum distance from another water source, ie 500 ft.
- b) Vernal pools have a great deal of function and value but are often small. It is likely, most vernal pools would fall into this category. Other communities have a specified vernal pool buffer such as 75 ft. in Exeter.
- c) How is the Planning Board qualified to evaluate the wetland? Under section 210.7.C. the Planning Board with Concurrence of the Con Com., may require the applicant to submit and environmental impact assessment when necessary to evaluate and application. This stipulation would be a possible solution for this amendment.