

**Deerfield Planning Board
May 19, 2008**

Minutes

Meeting convened at 7:11 P.M. in Room 130 at Deerfield Municipal Offices.

Members Present: Peter LaBarbera - Chair, Lynn Rose, Elizabeth Schmidt, John Waite

Others Present: Mark Wightman, Attorney Ken Kahn

Wightman ANR Site Plan

Mr. Wightman presented an ANR proposal for 3 building lots on Conway Street for endorsement by the Planning Board.

Mr. LaBarbera reported that he, Mr. Waite, and Mr. Sadoski visited the proposed building site on May 8, 2008, with Mr. Wightman and Attorney Kahn and that he photographed areas of the property. Mr. LaBarbera reported the legal opinion of the Town attorney that endorsement of an ANR must be based on current conditions; and he advised against endorsing Mr. Wightman's ANR plan, because only Lot #1 is currently buildable and Lots #2 and #3 are not viable, because their frontages are illusory due to their steep grade.

There was a discussion of legal precedent on ANR approvals. Mr. Wightman read aloud a written legal opinion from Attorney MacNicol.

Having not previously known of the involvement of Attorney MacNicol, Mr. LaBarbera provided a verbal statement pertaining to a possible conflict of interest and explained that there is a letter on file with the Town Clerk pertaining to the possible conflict and he stated that he would submit another letter with regard to the Wightman plan, as soon as possible.

Mr. Wightman stated that he was scheduled to go before the Zoning Board of Appeals on June 5, 2008 to request a variance to allow him to construct a shared driveway to serve all three lots in order to address the issue of the steep grade. He requested a letter of support for that variance from the Planning Board. Mr. Wightman and the Board discussed the conditions under which the Board would endorse his plan. Mr. Wightman agreed to provide a letter from the Natural Heritage and Endangered Species Foundation in support of his ANR plan.

Mr. LaBarbera explained that the Planning Board was legally obligated to make a decision on the ANR endorsement within 20 days of submission of the plan and only two days remain of that time. Mr. Waite moved to deny an endorsement of the ANR plan. Mr. Wightman offered to extend the required 20 days by which the Planning Board must act on the plan in order to allow time for the Board time to draft a covenant for the plan which would address the Board's concerns.

Mr. Waite amended his motion: I move that the Planning Board accept that the applicant extends the time for the Planning Board to approve or deny the ANR plan to June 4, 2008 in order to allow the Planning Board to draft a Covenant for Mr. Wightman's ANR and draft a letter which conveys to the ZBA the Planning Board's conditioned preference for Mr. Wightman's proposed 3 lot shared driveway for his ANR plan. Ms. Schmidt seconded the motion. The motion passed unanimously.

Meeting adjourned at 8:45 P.M.

Respectfully submitted,
Karen Herold