

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
NOVEMBER 9, 2011

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, William Perron, Lisa Wolford, Peter Schibbelhute. Also present Planning Consultant Gerald Coogan, Secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7PM.

APPROVAL OF MINUTES

William Perron moved and Peter Schibbelhute seconded to approve the minutes of October 12, 2011.

The following corrections were made to the minutes:

Page 1: Paragraph 6: Correct to read "Saturday , October 29, 2011 at 9AM."

Page4: Paragraph 2: Correct to read "1. Section III.3 C(a)(7)"

Page 4 Paragraph 5: Add to first sentence"...Lisa Wolford seconded."

Page 5: Paragraph 12: Correct to read"...30mph..."

Page 6: Paragraph 3: Correct to read "recommend the nomination of..."

Chair McGarry called for a vote on the motion. Motion carries.

William Perron moved and Peter Schibbelhute seconded to approve the minutes of October 26, 2011.

The following corrections were made to the minutes

Page 3: Paragraph 8: Add after last sentence:"It was noted that the last condition (c) will no longer apply."

Page3; Paragraph 9; Correct to read "John Reagan seconded."

Chair McGarry called for a vote on the motion. Voted in favor with Lisa Wolford abstaining.

APPROVAL OF MANIFEST

William Perron moved and Peter Schibbelhute seconded to approve the manifest in the amount of \$408.00. (Upton & Hatfield \$408; Time sheet for Jane Boucher 17 hours). Voted in favor.

ROLLINS EXCAVATION

Gerald Coogan will contact Steve Rollins and schedule a meeting for him to come in to the Planning Board to address the remaining issues for his project. Mr. Coogan added the Mr. Rollins indicated that he had dropped off a plan to the Town offices , although no one has seen it. He said that he had spoken with Earl Sanford and told him the Planning Board wanted to see an as-built plan.

MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding was received from SNHPC to create an updated Hazard Mitigation Plan for the Town of Deerfield.

William Perron moved and Peter Schibbelhute seconded to authorize the chair to sign the document on behalf of the Town of Deerfield. Voted in favor.

7:15PM CONTINUATION PUBLIC HEARING; Compliance Hearing; Waiver of sight distance condition; Harriet Cady; Meeting house Hill Road

Harriet Cady was present along with Laura Cady and her husband. Abutter Jason Dionne. Fran Menard and John Leighton were also present.

Chair McGarry read a letter received from Jones & Beach Engineering requesting a waiver from Section IV-4-B.b.6 "Safe Sight Distance. The letter advised that 307 feet of sight distance is provided. A copy of the letter is attached to these minutes.

Gerald Coogan provided a memo noting that when the Planning Board considers the waiver request, the Board should follow NHRSA674:36II(n) and the Town's Subdivision Regulations.

Gerald Coogan said, until this evening, the Board has never received a letter from Mrs. Cady's engineers specifically requesting a waiver for 307 feet. Mr. Coogan noted that he asked the engineer to make a comment as to the criteria.

Peter Schibbelhute referred to Attorney James Raymond's letter of October 26, 2011. "Therefore the Planning Boards decision to grant this waiver, under current New Hampshire law, would not create a liability for Deerfield."

Lisa Wolford commented that she does not see any way they can achieve the required sight distance. She questioned the fact that this is a Smith Ordinance Subdivision and questioned if it makes a difference.

Peter Schibbelhute moved to grant the request to waive the sight distance requirement to 307 feet based on 1. the spirit and intent of the Smith Ordinance to allow small subdivisions (not to exceed 4 lots) on Private Roads. 2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the Regulations. William Perron seconded.

During discussion Lisa Wolford noted that Mrs. Cady was advised that she can petition the Board of Selectmen to reduce the speed limit to 25mph, which would bring the 307 feet of sight distance into compliance.

Steve Keach, who was also present, suggested that an "Intersection Ahead" sign be positioned coming down the hill.

Both John Leighton and Jason Dionne expressed concern regarding the rate of speed traveled on the road.

Chair McGarry called for a vote on the motion to grant the waiver to reduce sight distance requirement to 307 feet.

It was a tie vote. William Perron yes; Peter Schibbelhute yes; Fred McGarry no; Lisa Wolford no. Chair McGarry cast the deciding vote no. Motion fails.

Lisa Wolford explained that her vote was based on significant deviation from regulations.

Harriet Cady spoke noting the inconsistency of the Board and the fact that the chair should have recused himself.

Chair McGarry replied that he does not consider himself biased.

Mrs. Cady said that she intends to approach the Police Chief and will petition to have the speed limit reduced to 25mph. She requested a continuation of the Public Compliance Hearing.

Gerald Coogan said that he felt that another public hearing would be cleaner.

The Board agreed. No continuation was granted and a new public hearing, if necessary, must be requested

8:15PM STEVE KEACH/SITE PLAN REVIEW REGULATIONS
Steve Keach provided copies of a Draft of Site Plan Review Regulations, which he and Gerald Coogan have been working on.

Mr. Keach explained that there are five articles. He noted that the one article, which is a work still in progress, is Article IV "Design and Construction Standards".

Mr. Keach reviewed the draft:

1. Article I General Provisions
 - a. Purpose: Taken verbatim from RSA 674:44
 - b. Applicability; Appeals; Waiver Provision

Gerald Coogan noted Applicability D.

"No tree cutting or land disturbance shall occur in anticipation of site plan approval; such activity may only occur after the Deerfield Planning Board has granted final site plan approval."

Both William Perron and Peter Schibbelhute questioned the legality of this provision.

2. Article II Word Usage and Definitions
 - a. Additional words may need to be added
3. Article III Application Procedures & Requirements
 - a. General Provisions
 - b. Classification of Application
 - c. Non Residential and Multifamily Development
 - d. Site Plan Determination
 - e. Issuance of Decision, Plat Certification & Recording
 - f. Application Fees and Costs
4. Article V Performance Guarantee Requirements
 - a. General Requirements
 - b. Performance Guarantee Requirements & procedures
 - c. Inspection Requirements and Procedures

Mr. Keach then addressed Article IV Design and Construction Standards noting that this section is not final and will require Mr. Coogan and himself to spend more time on it.

He asked the Board to review the entire draft, especially Article IV and report. Mr. Keach will meet with the Board after they have had an opportunity to review.

PUBLIC HEARING; PROPOSED AMENDMENTS TO ZONING ORDINANCE
The Board will schedule Public Hearings on December 14, 2011, December 28, 2011, and if necessary, January 11, 2011.

The meeting was adjourned at 9:50PM.

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

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November 9, 2011

Frederick J. McGarry, Chairman
Town of Deerfield Planning Board
8 Raymond Road
Deerfield, NH 03037

**RE: Sight Distance Analysis – Cady Subdivision
28 Meetinghouse Hill Road, Deerfield, NH
JBE Project No. 11005**

Dear Mr. McGarry:

We respectfully request a waiver from the following sections featured in the Town of Deerfield, New Hampshire Subdivision Regulations:

1. **Section IV-4-B.4.b.6 – “Safe Sight distance.”** A minimum of 400-feet of all season safe sight distance shall be provided at all intersections involving one or more Collector or Arterial Streets. A waiver is requested from providing 400’ of sight distance to 307’.

In those instances where the Planning Board finds that strict conformance with one or more certain requirements of these Regulations may not be appropriate or necessary when applied to a specific application, the Planning Board may modify or waive one or more of the requirements of these Regulations pursuant to RSA 674:36, II(n) provided the Board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver(s) would not be contrary to the spirit and intent of the Regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the Regulations.

The unnecessary hardship is that this owner has 35 acres of property, desires to subdivide it into 4 house lots using the Smith Ordinance. Since she does not have 400’ of sight distance on a rural road, she cannot subdivide. The spirit and intent of the Smith Ordinance is to allow small subdivisions on private driveways to provide rural living within the Town. However, the 400’ sight distance requirement in this case is preventing

this rural small development from happening. This regulation is requiring this landowner to obtain easements, purchase additional properties and expand the size of the subdivision in order to provide a different entrance location.

The other hardship is that the paved portion of the existing roadway, Meetinghouse Hill Road has been moved closer to Mrs. Cady's property. You can tell on the plans that the road is not centered within the Right of Way and is much closer to her property than the opposite side of the street. This relocation unfairly affects her sight distance.

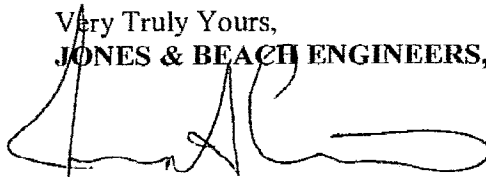
Furthermore, if this was one driveway to a house, we would only need 200' of sight distance. But because we have four houses, we are required to have 400' of sight distance. If 200' is safe for the vehicle leaving a residential driveway, it must be safe for the vehicle leaving our residential driveway also. When driving on these back roads in Deerfield, there are very few subdivision roadways and therefore you are forced to look for vehicles backing out of driveways or pulling out of every house along every road. I barely have 200' of sight distance at my house and we have never had an accident or even a close call. I believe with all the driveways in Deerfield where only 200' of sight distance is required, there does not seem to be an overwhelming number of traffic accidents in my opinion and my experience living in Town.

We are providing 307' of sight distance, which gives drivers enough time to slow down to allow the exiting vehicle to maneuver into the roadway. An oncoming vehicle does not have to completely stop in order to avoid a car pulling out; they simply have to slow down.


Our driveway intersection is safely designed with an asphalt apron at the entrance to prevent slippage when exiting the driveway. We are willing to install any signage necessary or requested along the roadway notifying drivers of the upcoming 4 lot driveway. We are also willing to install a large mirror across from our driveway to assist in the sight distance issue. The owner plans to cut all the trees along the frontage of their lot to improve the situation.

Please contact our office with any questions or concerns. Thank you very much for your time.

Very Truly Yours,
JONES & BEACH ENGINEERS, INC.



Joseph A. Coronati
Vice President



Jonathan S. Ring, P.E.
President

