

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
OCTOBER 9, 2013

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Alan O'Neal, Lisa Wolford, Peter Schibbelhute. Also present secretary Jane Boucher.

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

APPROVAL OF MINUTES

Lisa Wolford moved to approve the minutes of September 25, 2013. Alan O'Neal seconded.

The following corrections were made to the minutes:

Page 1 Paragraph 8: Correct to read "Voted four in favor with Lisa Wolford opposed.

Page 1 Paragraph 10: Add "Chair McGarry said he would summarize the information on a spread sheet."

Page 2 Paragraph 6: Add to second sentence "and application."

Page 3 Paragraph 9: Correct to read "It was noted that the State Shoreland.."

Page 4 Paragraph 4: Correct to read "and funnel development."

Chair McGarry called for a vote on the motion to approve the minutes with corrections. Voted in favor.

APPROVAL OF MANIFEST

Kate Hartnett moved and Peter Schibbelhute seconded to approve the manifest in the amount of \$1,850.00 and a time sheet for Jane Boucher (\$1,850.00 Jack Mettee; time sheet 15 hours). It was added to the motion that the Chair be authorized to sign any form needed to submit the invoice for Jack Mettee. Voted in favor.

LOT MERGERS

Information was received from Penny Touchette regarding the Lot Merger Form currently used by the Planning Board. Ms. Touchette submitted a sample form to be put in place. She noted that the Town has had to undo Lot Mergers that have been allowed due to issues that have arisen on behalf of the owner. She proposed that the owners, prior to requesting a merger by the Planning Board, have separate legal documents reviewed and signed off that the lots are free and clear of any violations. This procedure would not affect the Planning Board but would require the property owner and town staff to verify that the lots are qualified to be merged preventing any further issues.

7:20 PM CONTINUATION PUBLIC HEARING; DESIGN REVIEW; HARLEY STEVENS; SUBDIVISION PERRY ROAD.

Roscoe Blaisdell and Pete Johnson were present along with several abutters.

Chair McGarry read a letter from Attorney James Raymond offering comments on a proposed four lot subdivision, with three lots having frontage , on Perry Road and one lot having frontage on both Perry and Nottingham Roads. A shared driveway off of Perry Road will serve all four lots. A copy of Attorney Raymond's comments is attached to these minutes.

Roscoe Blaisdell noted that Harley Stevens could not attend this evening, but is looking for the most cost effective way to subdivide .

Abutter Al Jaeger commented that he had found information from the National Institute of Transportation Engineers that the average single family home averages 10 trips per day. He noted that Perry Road currently has 8 houses and with the addition of four houses , Perry Road would have 120 trips per day. He felt the road should be paved at the expense of the developer.

Fred McGarry referred to a letter submitted by Town Engineer KNA dated May, 2008 recommending improvements to Perry Road for this proposed subdivision.

Kathy Shigo noted that after many years Nottingham Road has now been reconstructed and paved and said that paving a road is a long process. She said that Alex Cote, Highway Agent, has commented on alternative ways to better roads. Ms. Shigo also expressed concern regarding the wetlands on the property.

Kate Hartnett said that Town Counsel had commented to Gerald Coogan, Town Planner, that the application was "poor planning but legal". Ms. Hartnett said that she also felt it was poor planning and would like to see a solution to better fit the land.

Norma Koski spoke noting that she would like to Mr. Stevens do something with the Conservation Commission regarding the land.

Kate Hartnett outlined and identified the existing wetlands on the plan with colored pen. Roscoe Blaisdell showed the wetlands and location of shared driveways.

Kate Hartnett felt there was a better way of accomplishing this than putting in long driveways. She suggested that they look at a short 'Smith Road Subdivision'.

Roscoe Blaisdell felt that would not be cost effective.

Al Jaeger showed a plan of the property and adjacent properties

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noting that the would like to Board to consider a "Smith Road" Subdivision.

Kate Hartnett also voiced concern regarding the wildlife crossing.

Roscoe Blaisdell said the he would discuss this further with Harley Stevens and thanked the Board for their time

8:10PM APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; DEBORAH W. THOMAS AND JAMES AND DAWN WHITE; WILD TURKEY ROAD
Chair McGarry read the notice of public hearing by which the Board will consider an application for a Lot Line Adjustment for Deborah W. Thomas and James and Dawn White . The property is located on Wild Turkey Road (identified as Tax Map 406 Lot 43 consisting of 5.71 acres and owned by Deborah Thomas) and (Tax Map 406 Lot 44, consisting of 3.36 acres and owned by James and Dawn White). The purpose of the application is to relocated the common lot line between the lots. Lot 43 (Thomas intends to convey a 3,768 s.f. portion of her property to be combined with Lot 44 (White). The resulting conveyance will reduce the area of Lot 43 to 5.62 acres and increase the area of Lot 44 to 3.45 acres. The frontage and curb cuts on both lots shall remain unchanged.

Chair McGarry read a memo from Gerald Coogan recommending the Board accept the application as complete and move to approve the Lot Line Adjustment.

A letter was received from abutters James and Patricia Sullivan supporting the application.

Surveyor David Vincent provided plans.

Peter Schibbelhute moved to approve the application for a Lot Line Adjustment. Alan O'Neal seconded. Voted in favor.

APPOINTMENT OF LISA WOLFORD TO REPRESENT PLANNING BOARD
Kate Hartnett moved and Alan O'Neal seconded to appoint Lisa Wolford to represent the Deerfield Planning Board at a meeting with the Northwood Planning Board to discuss the Pleasant Lake Watersed Ordinance. Voted in favor.

OTHER BUSINESS

Kathy Shigo questioned the Rollins Excavation Site. Chair McGarry noted that trees had been planted. He said a representative from KNA had conducted a site visit and the Board has not received a report at this time.

The meeting was adjourned at 8:50PM.

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

We discussed the subdivision application filed by Harley F. Stevens, shown on a plan by Blaisdell dated 6/18/07. As you described, the application was originally filed several years ago, but was withdrawn at Mr. Stevens' request after the tomado. He now wishes the Board to approve the application. The current lot runs between Nottingham Road and Perry Road. Mr. Stevens proposes a four lot subdivision, with three lots having frontage on Perry Road and one lot having frontage on both roads. A shared driveway off of Perry Road will serve all four lots. You requested our advice on several specific questions:

1. **Legal Frontage.** You inquired whether the lots have frontage as required by RSA 674:41 and Ordinance § 207.1, especially as actual access is provided by the shared driveway. The answer is that they do. The ordinance defines frontage as "the width of a lot measured along its common boundary with the street line." Ordinance @ 79. Street Line is defined as "the right-of-way of a street." Ordinance @ 81. We did not find a requirement that the frontage must give actual access. RSA 674:41 similarly requires frontage on a street abutting the lot, but does not require actual access from the street. See RSA 674:41 III. Without commenting on the merits of this plan, there are times when some form of shared driveway or access may be desirable, to avoid excess curb cuts, so the board may reasonably find that the frontage requirements are satisfied.
2. **Shared Driveway.** We did not find that your ordinance and regulations address shared driveways or clearly define how they should be treated, for zoning or for design standards. The definition of driveway in the subdivision regulations is phrased in the singular, suggesting that a driveway is limited to servicing only one house. Regs @ 8. The Ordinance suggests that a driveway serving multiple houses is a "private way," and is subject to the design standards in section 207.1. Ordinance @ 6. The Subdivision Regulations do not discuss private ways, but do define "Road/Street Private," @ 11. Therefore, the Board may reasonably conclude that it can allow this shared driveway, but that, as a private road, it must be built to standards beyond the minimum driveway standards in section IV of the Subdivision Regulations, @ 32.
3. **Off-site Road Improvements.** You asked if a developer can be authorized to work on a town road. Yes, but that authorization comes from the Board of Selectmen, not the Planning Board. The Planning Board may approve the application subject to the applicant's reaching an agreement with the BOS for that work. We recommend that the Board require that the applicant deposit the funds for payment the contractor in advance, the contractor agree in writing to look solely to the applicant for payment, and the applicant post a bond for the road improvements.
4. **Scenic Road.** The project may involve tree cutting along a scenic road. The planning board may authorize the tree cutting and other alterations, but only after a public hearing with notice as described in RSA 231:158 II. The landowner may cut trees on its own property without planning board consent. RSA 231:158 IV.
5. **Open Space.** The original application, if submitted in 2007, predated the Open Space Ordinance, in section 325, but the application was withdrawn and is not grandfathered. The lot exceeds 12 acres and is therefore subject to the OSD. §325.3 A. The OSD allows a three lot exemptions from lots created by the subdivision. § 325,3 C.1. The town had interpreted this exception as allowing three additional new lots to be created from the parent lot, for a total of four lots. With that interpretation, this proposal is limited to four lots, and is exempt. Any new lots will be subject to the OSD.

Jim

James F. Raymond

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