

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
AUGUST 13, 2014

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, William Perron, Peter Schibbelhute. Alternate member David Doran. Also present secretary Jane Boucher.

Chair Fred McGarry called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

William Perron moved to approve the minutes of July 23, 2014. Peter Schibbelhute seconded.

The following correction were made to the minutes:

Page 2: Paragraph 5: Correct to read "...that the approved project does not comply with changes made to "Elderly Housing" section of the zoning ordinance and substantial improvements to the project have not been made."

Page 3: First sentence: Add "...and not pursue this issue any further."

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

APPROVAL OF MANIFEST

Peter Schibbelhute moved to approve the manifest in the amount of \$354.70 and a time sheet for Jane Boucher. William Perron seconded. (KNA \$333.42, Jane Boucher Mileage \$21.48, Time Sheet 18 hours). Voted in favor.

THIBEAULT CONSTRUCTION (TIERRA INVESTMENTS)

Vincent Iacozzi was present representing Thibeault Construction.

The Planning Board had sent a letter to Thibeault Construction dated June 27, 2014, a copy is attached to these minutes, advising that the Site Plan Review for property at 23 Church St. was approved in 2006 and permits have lapsed and substantial completion of the project has not occurred. The letter advised that under RSA 676:4-a the site plan approval may be revoked by the Planning Board.

Mr. Iacozzi said that he had spoken with Planning Consultant Gerald Coogan who advised that if the Board were to grant an extension or to be willing to consider the possibility of proposing a warrant article to reduce the age restriction to 55 and over. He noted that they would amend the existing bond to cover construction cost.

Mr. Iacozzi advised that the community water system has been

approved.

Chair McGarry felt that substantial completion has not been accomplished. He said that the ordinance has been amended to address a more "affordability" aspect.

Mr. Iacozzi said that they would support "Workforce or Affordable Housing" and they would be targeting with some of the loan programs available for people making \$45,000-55,000 a year for starter homes or second homes.

Kate Hartnett questioned cost of units. Mr. Iacozzi replied they would be 2 bedroom units at cost of under \$260,000.

Ms. Hartnett commented that \$260,000 seemed high and she said that single family homes were selling for less.

Mr. Iacozzi said that they have some amenities such as two stall garages and gables on roof lines.

Mr. Iacozzi felt that if the age restriction were changed to 55 and over, he felt the units would be saleable and if the Town were to propose "workforce housing" they would be in favor of that change.

Fred McGarry commented that the Board wanted to speak with Mr. Iacozzi before taking any action. The Board can, after consulting with Town Counsel, grant an extension, even past what State Statutes call for. He noted that the Zoning Ordinance as well as Site Plan Review Regulations have changed since approval was given in 2006. Those changes would have to be taken into consideration.

Chair McGarry advised that "Workforce Housing" had been defeated at Town Meeting twice.

Kate Hartnett said that she felt changing to age restriction from 62 to 55 was a good idea as our school enrollment is not expanding.

Mr. Iacozzi suggested that he do a site walk with Steve Keach, KNA, to determine what is in place and what needs to be accomplished.

Chair McGarry said he will speak with Attorney Raymond and Gerald Coogan and the Board will discuss the issue further.

7:45PM APPLICATION FOR PUBLIC HEARING; MINOR SUBDIVISION;
STRATEGIC CONTRACTING CO., MOUNT DELIGHT ROAD
Roscoe Blaisdell and Gene Archibald were present.

Chair McGarry read the Notice of Public Hearing by which Strategic Contracting Co., P O Box 4766, Manchester, NH will make application for a Public Hearing to consider approval of a Minor Subdivision for property located on Mount Delight Road (identified as Tax Map 411 Lot 15) consisting of 6.5 acres and owned by the applicant. The intent of the application is to create one new lot consisting of 3.5 acres.

William Perron moved and Peter Schibbelhute seconded to accept the application. Voted in favor.

Chair McGarry read a memo from Gerald Coogan. A copy is attached to these minutes.

Roscoe Blaisdell provided copies of the plan for the Board's review. Mr. Blaisdell noted that the builder is currently constructing a home on lot 15 and would like to create one new lot. No wetlands will be disturbed. He noted that he has done another layout that will require wetlands crossing and easements as well as a 1000 foot driveway. Mr. Blaisdell provided another layout and noted that he preferred the first plan submitted.

Chair McGarry asked that the configuration for labeling Kettle Rock Road be changed.

Both Peter Schibbelhute and William Perron indicated that they would prefer to see the first plan submitted.

Chair McGarry noted that he does not like the "dog leg" on Lot 15 as proposed on the first plan.

Peter Schibbelhute moved to grant the following waivers:
Section III 3 C 3 B-2- Two foot contours
Section III 3 C 3 B-4- Site Specific Soil Mapping.

William Perron seconded. Voted in favor with Kate Hartnett abstaining.

There was some discussion regarding the woods road on the property. Roscoe Blaisdell said he is recommending that the owner block off the road.

Peter Schibbelhute moved to grant conditional approval for Plan A submitted by the applicant with the following conditions:

1. Change configuration for Kettle Rock Road
2. State Subdivision Approval
3. Setting boundary pins

William Perron seconded. Voted in favor with Fred McGarry opposed.

Conditional approval to lapse in 90 days. Chair McGarry asked that the plan show the waivers granted.

EXCAVATION: B. CASTOR/MOUNTAIN VIEW ROAD
Donald Fisher was present.

Chair McGarry advised that he and Richard Pelletier had gone to Donald Fisher's property to view excavation that was occurring on abutter Barbara Castor's property. Mr. Fisher was concerned regarding excavation on Ms. Castor's property.

Chair McGarry provided pictures of the site. He noted that Ms. Castor has never received approval from the Planning Board but has filed an intent to excavate with the Board of Selectmen who approved the intent.

Mr. McGarry said that he had spoken with Town Administrator Michael Wright and advised that before approving any request for intent to excavate, a memo from the Planning Board should be received advising that either the site is grandfathered, in compliance with requirements for an Earth Excavation Permit, or that the Planning Board has looked at the site and determined that no permit is required.

Chair McGarry advised that Richard Pelletier had visited the site with Mary Pinkham-Langer from the State and she agreed that Ms. Castor is proceeding without adequate approval. According to Ms. Pinkham--Langer you can have 1000 yards exclusion from collecting any fees.

It was noted where Mr. Fisher's property line was located and that excavation had occurred on his property.

Kate Hartnett asked who was doing the excavating. Chair McGarry replied it was Steve Rollins.

Chair McGarry provided copies of a letter to be sent to Barbara Castor and asked the Board to approve sending it advising that no further excavation is permitted and if approved any further excavation must be 50 feet from property line.

Kate Hartnett questioned if Mr. Rollins should be held responsible in any way. Chair McGarry said that the responsibility lies with the property owner.

Kate Hartnett moved and William Perron seconded to authorize Fred McGarry to send a letter to Barbara Castor advising her to cease excavation on her property. Voted in favor. A copy of the letter will also be sent to Donald Fisher.

PROPOSED AMENDMENTS TO ZONING

The Board will discuss proposed zoning at the September 10, 2014 meeting.

SAFETY CONCERNS

Kate Hartnett voiced concern regarding the new meeting room and emergency access.

Chair McGarry will speak with Michael Wright regarding this.

David Doran said that a security camera and alarm buttons could be installed to address the issue.

The meeting was adjourned at 9:15PM.

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

**TOWN OF DEERFIELD
PLANNING BOARD
PO BOX 159
DEERFIELD, NH, 03037
603-463-8811**

June 27, 2014

Mr. Ernest J. Thibeault III
Tierra Investments LLC
603 Old Mammoth Road
Londonderry, NH 03053

Re: Tierra Investments Project
23 Church Street

Dear Mr. Thibeault:

Several months ago, the Board received a notice that Berkley Insurance Company is assuming responsibility for the bond for the Tierra Investments development at 23 Church Street in Deerfield. This notice prompted the Planning Board to review the overall status of the project. The project was approved by the Board in 2006. Since then, the State approvals for the sewage disposal systems, CA 2005072756 and CA 2005072757 have expired, as well as the Alteration of Terrain approval 20050119-01. The bond, which was determined by the Board to be sufficient in 2006 for the restoration of the site, may now be underfunded to complete the work.

Although some site work has been conducted at the site, i.e., stripping of topsoil, grading some of the building pads and rough grading of the sub base of the access roadway, these activities combined do not constitute substantial completion of the project, which is required for vesting under RSA 674:39. That statute provides for a period of five years after the date of approval for the project to “. . . be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town . . .” Therefore, the project is not vested, and it does not conform to current zoning and site plan requirements.

Under RSA 676:4-a, a site plan approval may be revoked by the planning board under certain circumstances, including when the applicant has materially violated a condition of the approval, has failed to perform conditions of the approval within five years, or has failed to provide for the continuation of adequate security, or if the plan no longer conforms to the zoning ordinance or regulations and is not vested. Several of those conditions have occurred.

Tierra Investments LLC

June 27, 2014

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Before the Board takes a formal action to revoke the prior approvals, the Board is willing to meet with representatives of Tierra Investments to discuss the status of this project. Please contact the Board's secretary, Jane Boucher, at 463-8811 to schedule an appointment if you wish to discuss the Board's position. Should the Board not hear from you within 30 days of the date of this letter, the Board will issue a formal notice of the reasons for revocation, in accordance with RSA 676:4-a II, and, if requested, will schedule a revocation hearing. Tierra Investments will be notified of the hearing date and time once one is scheduled.

Sincerely yours,

DEERFIELD PLANNING BOARD


Frederick J. McGarry, P.E.
Chair

Cc: Michael Wright, Town Administrator
James Raymond, Town Counsel
Steven Keach, P.E., KNA

MEMORANDUM

August 11, 2014

TO: Deerfield Planning Board
FR: Gerald Coogan, Planning Consultant
RE: Plan Review ---- Subdivision Plan for Strategic Contracting, LLC, Tax Map 414, Lot 15 and 15-1

Applicant: Strategic Contracting, LLC

Owner: Strategic Contracting, LLC, P.O. Box 4766, Manchester, NH

Agent: Roscoe Blaisdell, Blaisdell Survey, LLC Lic # 642; in addition to being a land surveyor, the agent is a certified wetlands scientist and a designer of subsurface disposal systems

Area: 6.5 acres

Location: Mount Delight Road, Deerfield, NH, Tax Map 411, Lot 15

Purpose: The applicant / owner desires to create subdivide the 6.5 acre into two lots a 3 acre lot and a 3.5 acre lot.

Existing Lot 15 has a home and no wetlands. Proposed Lot 15-1 will have 2.8212 acres of upland soils and 0.5973 acres of poorly drained wetland, jurisdictional wetland so noted in the lower left of the plan.

Waiver Requests: The applicant seeks the following waiver requests:

Section III 3 C 3 B-2- Two foot contours. 5 foot contours provided

Section III 3 C 3 B-4- Site Specific soil mapping; the agent will use SCS soils mapping.

Comments:

1. As a result of the plan, Lot 15 will have a “dog leg” shape. The agent will provide justification for the shape of the lot. See from Section IV Subdivision Regulations.

Section IV-1 Lots

- A. The arrangement of all platted lots within any subdivision shall conform to all applicable requirements of the Deerfield Zoning Ordinance and shall, in the judgment of the Planning Board, be appropriate in terms of orientation and location for their intended use. To the extent practical, all lots shall be configured so as to have ordinary geometric shapes (such as rectangles, triangles and trapezoids), with sidelines substantially perpendicular or radial to the street(s) upon which they front.
2. The proposed driveway is adjacent to the existing driveway.
3. The agent as the wetland scientist will stamp and sign the plan.

4. After the Planning Board meeting, the agent will forward the plan to the NH DES for state subdivision approval.
5. First subdivision in this area in over 15 years.
6. The statement regarding Section 325 Open Space Development is not needed and will be removed.

Recommendation:

1. Act on the two waiver requests;
2. Accept the application as complete and begin the public hearing;
3. If the Board is satisfied with the presentation, the Board can condition the approval on: a) NH DES subdivision approval and b) setting of the boundary pins.

Cc: Roscoe Blaisdell, LLS

WAIVER REQUEST – provided by the applicant

Town of Deerfield Planning Board

Dear Planning Board:

My client, Strategic Contracting Co., LLC would like the following waivers for their subdivision on Mount Delight Road:

Section III 3 C 3 B-2- Two foot contours.
Section III 3 C 3 B-4- Site Specific soil mapping.

I would like to show 5' contours and soils from the county soil map. These are the State of NH DES standards and we feel they adequately show the features of the property on this 1 lot subdivision.

Sincerely,

Roscoe Blaisdell, LLS