

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
NOVEMBER 19, 2014

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Richard Pitman, Peter Schibbelhute. Alternate member David Doran. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

Chair McGarry called the meeting to order at 7PM and appointed David Doran to sit as a voting member in the absence of William Perron.

7PM PUBLIC HEARING; PROPOSED ZONING ORDINANCES

Chair McGarry read the Notice of Public Hearing to discuss proposed amendments to the Town's Zoning Ordinance. Proposed amendments were presented for:

Add new section: Article II: Section 214 Village District Center; Add definitions for Village District Center: To Be inserted in Article VI Section 602.

Amendments for Article III, Section 330: Pleasant Lake Watershed Protection Ordinance.

Amendments presented for:

330.3 Administration

330.6 Major and Minor Applications

330.7 Hydrologic Study

330.8 Buffer Requirements

330.9 Septic Systems

330.10 Commercial Agriculture Activities

330.14 New Section; Subdivisions and Waterfront Access

VILLAGE DISTRICT CENTER

Chair McGarry noted that according to Chapter 151 (HB1210) Municipality must send personal notice of hearing on zoning amendments if

; amendment would change zoning boundary and affect 100 or fewer properties or;

:amendment would change permitted uses or lot size in a district with 100 or fewer properties.

Chair McGarry explained that, in this particular instance, what the proposed amendment would end up doing is to allow smaller lots within the Village District area.

Peter Prentice questioned what is the objective of allowing smaller lot size. Is it to allow more growth in the center of town?

Chair McGarry replied "yes", that is the intent. Basically it is to focus on development in the area.

Mr. Prentice noted that the minimum lot size is indicated to be 20,000 sq. feet and set back requirements have decreased. According to Mr. Prentice this would benefit only a few people.

Kate Hartnett said one of the beneficial aspects is allowing mixed use. She felt that the Planning Board is trying to bring back the original template that looks like a New England Village. Ms. Hartnett noted that she felt the Planning Board was trying to provide a diversity of options for people.

Mr. Prentice said that his house is on 3.2 acres and that what he can do, if this passes, is level his house, sell 6 lots and make \$600,000. He added that he did not think this was what the Planning Board wants to accomplish, but that is what the Board is opening the door to.

Chair McGarry referred the draft of the Village Center District Ordinance. (A copy is attached to these minutes). Mr. McGarry referred to 414.1 Purpose "The Purpose of this district is to encourage the development and re-development of Deerfield Center in keeping with its historic development pattern, including the size and spacing of structures and open spaces."

Rebecca Whitmeyer said she did not understand the purpose and questioned the cost to taxpayers.

Fred McGarry said the tax rate would not change based on approval of this ordinance.

Kate Hartnett said that based on the Charette back in 2000, Senior Housing was developed which was designed for the Village Center.

Lisa Wolford referred to the Charette picturing trees, sidewalks, etc. She noted that this ordinance does not address how this will happen.

Gerald Coogan referred to "Deerfield Village Center District Design Guidelines", which are on the Town web-site

Kate Hartnett referred to Section 214.5 Conditional Use Standards. "The Planning Board may issue a conditional use permit approving used in Section D provided the Planning Board determines the following conditions are met. (See attached Village Center Draft). Ms. Hartnett noted that this came from an Advisory Committee along with a professional planner. Ms. Hartnett also referred to Section 214.7 "Design Standards".

Lisa Wolford also voiced concern regarding problem with wells in the Church St. area.

Chair McGarry said that an issue had arisen regarding chlorides and nitrates which presented problems with drinking water. He noted that the Community Church and Senior Housing have their own wells. He said that, after looking at the issue, it was determined that it was not as significant as once thought.

Rebecca Whitmeyer questioned who wants this? Who are you trying to please by proposing this?

Chair McGarry said that there is no specific people they are trying to please. An advisory committee worked with a planner and put this together.

A citizen present, who did not give her name, said she liked Deerfield just the way it is, with one store. She expressed concern that people who are most affected by this were never notified.

Chair McGarry said that Notices regarding Public Hearings are published, posted and printed in the Communicator and on the Town web site.

Peter Prentice said the concept was good but it was kind of piecemeal and expressed he had no confidence in the consistence of the proposed ordinance. He said that although this may have a small impact, his property rights are being infringed on and limited.

Fred McGarry said the intent of the Design Guidelines are to protect the rights of property owners.

Lisa Wolford questioned why do the Design Guidelines apply to three acre lots and asked if building a garage would be not allowed. She noted that this is a real problem. Ms. Wolford said there should be a clear exception for existing buildings.

Ms. Wolford said that, unless the Board reconsiders, this Zoning Amendment will be on the warrant. She added that her concern that the Board then add, draft, or address some of the concerns mentioned. She continued that one is exempting existing single family residences from the Design Requirements. Another is parking. She added that another concern is sidewalks.

Lisa Wolford referred to the change in the definition of "Restaurant".

Chair McGarry said it was changed to not allow drive up windows at a restaurant.

Lisa Wolford felt that franchises should not be allowed in any

case.

Chair McGarry said that by not allowing franchises, the Town would be open to a law-suit.

PLEASANT LAKE WATERSHED ORDINANCE

Chair McGarry read the Notice regarding the proposed amendment. This was read and is printed at the opening of the Public Hearing on these minutes.

Lisa Wolford asked if Pleasant Lake Association has been involved in this proposal.

Kate Hartnett replied that members have been present at previous meetings and have given their input on the proposed amendment.

Gerald Coogan noted that some members have been sent each draft for their review after each meeting.

Chair McGarry closed the Public Hearing at 8:25PM. He noted that the next hearing will be held on December 10, 2014 at 7PM and encouraged those present to attend.

8:25PM APPLICATION FOR PUBLIC HEARING; LOT CONSOLIDATION/MINOR SUBDIVISION/ JOYCE A. YEATON, REVOCABLE TRUST; RITCHIE ROAD Joyce Yeaton, Patricia Dail, F. Webster Stout , LLS and abutter Paul Beauchamp were present.

Chair McGarry read the Notice of Public Hearing by which Joyce Yeaton Revocable Trust, Joyce Yeaton Trustee, 138 Route 107, Epsom NH will make application for a Public Hearing to consider approval of a Lot consolidation and Minor Subdivision for property located on Ritchie Road, Deerfield NH (identified as Tax Map 201 Lot 12 and 12-1) consisting of 34.1 acres and 3.504 acres and owned by the applicant. The intent of the application is to consolidate Lot 12-1 into Lot 12 and subdivide one new lot consisting of 3.417 acres. Lot 12 would then consist of 31.2 acres.

Gerald Coogan provided a memo recommending that

1. The Board act on the waiver request
2. Accept the application as complete and begin the public hearing
3. If the Board is satisfied with the presentation, the Board can act on the Lot consolidation request and the subdivision request.

A copy of Mr. Coogan's memo is attached to these minutes.

Peter Schibbelhute moved and Richard Pitman seconded to accept

the application. Motion carries.

Mr. Stout presented the proposed plans showing the Lot Consolidation and subdivision. He noted that improvements to Ritchie Road have been completed.

Mr. Stout said that Sand Pit Ave. does go through the proposed lot. There is a note on the plan showing that this is an existing right of way for lots on Northwood Lake. He noted that they do have State Subdivision Approval.

Chair McGarry questioned if there was a defined width of Sand Pit Avenue. He asked if easements are provided on deeds to those properties on Northwood Lake.

Paul Beauchamp, an abutter, who lives off of Sand Pit Ave. He said he constructed the road and maintains the road. He expressed concern if someone buys the lot and putting up gates to keep him and others off the road.

Chair McGarry said he would like to see a layout of right of way defined on the plan.

Mr. Beauchamp said that the road is currently about 15 feet wide. He reiterated that this is his only concern regarding the proposed subdivision.

David Doran moved and Richard Pitman seconded to grant a Waiver Request for Joyce Yeaton for Section III3 C 3 B-4 Site Specific soil mapping; the agent will use SCS soils mapping. Voted in favor.

Peter Schibbelhute moved and Richard Pitman moved to grant conditional approval to Joyce Yeaton for a Lot Consolidation and Minor Subdivision for property located on Ritchie Road with the following conditions:

1. Define Sand Pit Road as a right of way 30 feet wide
2. Set iron pins on Lot 12-3 at the north and westerly ends.
3. 10 feet wide utility easement.

Conditional approval to lapse in 60 days. (January 19, 2015)

Motion carries.

FOREST GLEN DEVELOPMENT
Jeff White was present.

Mr. White provided an e-mail asking the Board to consider release of the bond being held for his project on Bloomfield and Hartford Brook Roads. Mr. White noted that because, the board will not meet again until December 10, he requested that they authorize Chair Fred McGarry to release money based on the

recommendation of Jeff Quirk, KNA, after inspections.

Peter Schibbelhute moved and David Doran seconded to authorize the chair to release money based on recommendation of Jeff Quirk, KNA after inspections. This amount to be 13% less than the recommended amount, not to exceed \$217,000.00. Motion carries

9:25 Richard Pitman left the meeting at this time.

VILLAGE DISTRICT

Gerald Coogan will ask Jack Mettee for minutes from meetings of the advisory committee.

It was agreed not to make any changes to the proposed Village Center Draft until after the December 10, 2014 hearing. A third hearing will be scheduled.

APPROVAL OF MANIFEST

Peter Schibbelhute moved and Kate Hartnett seconded to approve the manifest in the amount of \$350.00. (Neatline Associates \$350.00). Voted in favor.

LETTER OF CREDIT

Peter Schibbelhute moved and David Doran seconded to authorize the chair to sign acceptance of a Stand By letter of Credit for Brown's Mill from Eastern Bank. Voted in favor.

The meeting was adjourned at 10PM.

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

New Section of Article II--Village Center

TO BE INSERTED IN DEERFIELD ZONING ORDINANCE AS A NEW SECTION.

214 Village Center District

214.1 Purpose:

The Purpose of this district is to encourage the development and re-development of Deerfield Center in keeping with its historic development pattern, including the size and spacing of structures and open spaces. Such development shall:

- Provide a mix of uses including a variety of housing styles and types;
- Encourage pedestrian-friendly amenities including safe routes for pedestrians and bicyclists, safe crosswalks, sidewalks, and quality landscaping;
- Preserve the existing historical and architectural character of Deerfield Center;
- Retain existing buildings with historical or architectural features that enhance the visual character of the community;
- Encourage a safe and aesthetic environment for vehicular travel;
- Provide opportunity for greater economic activity and vitality; and
- Provide consistency with Deerfield's master plan.

214.2 Applicability:

The Village Residential District is identified on the Town of Deerfield Zoning Map entitled Deerfield Village, February 3, 2014, as amended, and shall include the following properties: Tax Map 210, Lots 1 through 22 and lots 55 through 61; Tax Map 414, Lots 103, 104, 152; and Tax Map 415, Lots 1, 2, 3, 4, 6, 27, 28, 29, lots 31 through 39, 44, 45, 46

214.3 Permitted Uses:

1. Single-family detached dwelling
2. Two-family dwelling
3. Accessory use outbuilding
4. Multi-family housing not to exceed five units
5. Home occupation
6. Senior housing up to 20 units
7. Accessory apartment (or Accessory dwelling unit)
8. Bed & Breakfast
9. Art gallery
10. Professional or medical office
11. Municipal facilities
12. Public parks or open space
13. Bakery
14. Restaurant
15. Artist live/work space
16. Antique shop

17. Day care for no more than 3 children
18. Family Day Care Home
19. Family Group Day Care Home
20. Group Child Day Care Center
21. Pre-school and School Age Program—~~will need definition~~
22. Personal services

214.4 Conditional Uses:

1. Meeting hall
2. Multi-family housing greater than five units
3. Inn
4. Outdoor recreational facilities open to the public involving the construction of structures
5. Business and professional offices
6. Bank
7. Retail sales
8. Theater or cultural center
9. Neighborhood convenience store, excluding the sale of motor vehicle fuels and allowing a restaurant area of no more than 5 seats.

214.5 Conditional Use Standards

The planning board may issue a conditional use permit approving uses in Section D provided the planning board determines the following conditions are met.

1. The use is specifically authorized in this ordinance as a conditional use;
2. If completed as proposed by the applicant, the development in its proposed location will comply with the purposes and requirements of this Article;
3. The use will not materially endanger the public health, safety, or welfare;
4. The use will be compatible with the village area and with adjoining or abutting uses in the area in which it is to be located;
5. Architecture and landscape design shall contribute to the Purpose of this Article and comply with the Design Standards in the Site Plan Review Regulations;
6. The use will provide an environment to ensure both vehicular and pedestrian safety;
7. The use will be compatible with the natural, environmental, and historic resources of the town; and
8. The use will be adequately serviced by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

214.6 Dimensional Standards:

Developments in the Village Center District are subject to the following lot, dimensional and building separation requirements in Table 1.

Table 1. Dimensional Standards

Dimension	Standard ¹
Lot Size ² :	Minimum of 20,000 sf
Frontage:	Minimum of 100 feet
Lot Cover:	Up to 50%
Height:	At least 1 ½ stories, but no more than three stories or 35 feet of habitable space except as provided for in Section 207.5: B and C
Set Backs:	
Front Yard:	10 feet minimum depth. A building with a business on the first floor shall have a front yard setback no less than 20 feet. Where there are buildings on adjacent properties, the set back shall be consistent with, but no closer than buildings on such properties.
Side Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots
Rear Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots
Off Street Parking:	
	No parking lot shall be located between the street and the front line of the principal structure of the lot.
	One (1) parking space per dwelling unit
	One (1) space/300 square feet of gross floor area for office or retail.
	Restaurants, cafes, church/meeting hall (public space) and bed & breakfasts/inns shall comply with Section 318 of this Zoning Ordinance
	Minimum of 10 ft x 20 ft space

Notes:

1. The Planning Board may authorize variations from the above standards, except for any requirement provided by state regulation or mandated elsewhere in this ordinance, by up to 25 percent by a Conditional Use Permit issued pursuant to Section 214.5 for the purpose of providing flexibility in the design of the subdivision to meet the objectives of this section.
2. Minimum lot size will depend on compliance with the provisions found in the DES “Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Wq 1000”, as amended and may be satisfied through the use of an off-site system that is specified through an easement and agreement between the owner/applicant for the proposed activity and the owner of the site on which the system is to be constructed. NH DES will employ a soil-based minimum lot size and where it determines that where the lot size is greater than 20,000 sf, then that will be a permitted lot.

214.7 Design Standards

Final DRAFT

Any development or redevelopment within the Village Center District will be consistent with the design standards in (Town of Deerfield Site Plan Review Regulations or the Deerfield Village Design Guidelines Manual) and the following design principles:

- Buildings should be compatible with their surroundings and traditional New England architecture, expressing a dignified architectural identity.
- All building elements should be integrated into a coherent unified design.
- Buildings should be pedestrian-oriented and incorporate elements and site planning that create pedestrian interest and easy access.
- The reuse of existing buildings with special historical value is strongly encouraged. Additions to the side and rear should have compatible styles to the original building.
- All new uses should conform to the visual character and physical patterns of Deerfield Center.

Village Center District December 5, 2013; October 6, 2014 – 214.2

The proposed Village Center District is presented in two parts—1) Definitions and 2) a new Zoning District. The definition section suggests either new or modified definitions that currently exist in Article VI of the Zoning Ordinance and are used in the proposed Village Center District. The Village Center District section proposes new language for a potentially new or added zoning district.

TO BE INSERTED IN ARTICLE VI, SECTION 602

Definitions:

These definitions are proposed as either new or modified definitions for those that already exist in the current Article VI of Zoning Ordinance

Dwelling, Multi-family: Any structure containing more than two (2) dwelling units as per RSA 674:43.I.

Family Group Day Care Home: - An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. (RSA 170 E:2)

Group Child Day Care Center: - A child day care agency in which child day care is provided for preschool children and up to 5 school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name. (RSA 170 E:2)

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to 10 lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. "Inn" includes such terms as "guest house," "lodging house," and "tourist house."

Replace:

Personal Service Business - *Includes kindergartens, barber shop, hair dresser, and businesses of a similar nature.*

With:

Personal services: An establishment which offers goods and services purchased frequently by the consumer. Including, but not limited to, barbershops, hairdresser/beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, tailoring, shoe repair, and other similar establishments.

Final DRAFT

Replace:

Restaurant: *A building or other structure used principally to provide refreshments or meals to the public for consumption, principally on the premises at tables, booths or a counter. It shall include cafes, lunchrooms, cafeterias, coffee shops, sandwich shops and the like. Take-out refreshments are only incidental to the main purpose of the establishment: Add the following: Definition of a restaurant does not include a building or other structure used principally to dispense prepared food and/or beverages to the public for consumption on or off the premises, the major attributes of which are assembly line preparation of food and speed of dispensing, self service by the customer by standing in line, and/or service to the customer in automobiles, and which generates a large volume and rapid turnover of entering and exiting motor vehicle traffic.*

With:

Restaurant: *A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building or premises which does not include a drive-up window and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.*

MEMORANDUM

November 18, 2014

TO: Deerfield Planning Board
FR: Gerald Coogan, Planning Consultant
RE: Plan Review ---- Lot Consolidation / Subdivision Plat, Land of The Joyce A. Yeaton Revocable Trust of 2008, Tax Map 201, Lot 12

Applicant: The Joyce A. Yeaton Revocable Trust of 2008

Owner: The Joyce A. Yeaton Revocable Trust of 2008

Agent: F. Webster Stout, LLS, Lic # 693

Area: 37.617 acres

Location: Ritchie Road, Deerfield, NH, Tax Map 201, Lot 12

Purpose: The intent and purpose of this Lot Consolidation/Subdivision is to annex Lot 12-1 from the previous subdivision to Lot 12, the parent lot and then to subdivide another single family lot from Lot 12 (proposed Lot 12-3). This plan enables the applicant to maintain the ability to subdivide the parent lot (Lot 12) one final time under the exemption provision of Section 325 Open Space Development.

History: The Planning Board approved the original Yeaton subdivision on November 20, 2013. At that time, the applicant / owner subdivided the 6.5 acre into two lots a 3 acre lot and a 3.5 acre lot.

Waiver Request:

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

In a letter dated November 1, 2014, Mr. Stout states:

“We are asking to waive (b) Topographical Subdivision Plan, Item #4.....Site Specific Soil Mapping and to allow the soils to be shown using the data from the USDA – NRCS – Natural Resource Conservation Service.”

Comments:

1. The reconfigured Lot 12 will wrap around the existing Lot 12-2 and the proposed Lot 12-3. The agent will provide justification for the shape of the lot. See from Section IV SRs.

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. Requested a plan that shows the entire 37 acre subdivision.
3. Improvements to Ritchie Road have been made.
4. The agent will have the wetland scientist stamp and sign the plan.
5. NH DES state subdivision approval received: approval number SA2014010573
6. Note # 6 includes notice regarding Section 325 Open Space Development; there could be one more 1 lot subdivision under the exemption provision.
7. Area Synopsis

Lot	Total Area	Very Poorly Drained Solis	Upland Area
Proposed 12-3	3.147 acres	0 acres	3.09 acres
Reconfigured 12	34.2 acres	2 acres	10 acres

Note: acreage is + or -

Recommendation:

1. Act on the waiver request;
2. Accept the application as complete and begin the public hearing;
3. If the Board is satisfied with the presentation, the Board can act on the Lot Consolidation request and then the subdivision request.

Cc: F. Webster Stout, LLS