

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
JUNE 8, 2016

MINUTES OF MEETING

PRESENT: Board members Peter Schibbelhute, Selectmen's Representative Fred McGarry, Kate Hartnett, William Perron, David Doran. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

Chair Peter Schibbelhute called the meeting to order at 7PM.

7PM INFORMAL CONSULTATION; MINOR SUBDIVISION; GILE BEYE;  
NOTTINGHAM ROAD  
James Franklin, Land Surveyor, was present representing Ms. Beye.

Mr. Franklin explained that Gile Beye would like to create a fifteen acre lot off of Map 409 Lot 54 located on Nottingham Road around the old Garrison House.

Mr. Franklin said a good portion of the remaining lot 54 is in the Conservation Easement and he will bring a copy of the recorded plan showing the easement to the public hearing.

Fred McGarry asked Mr. Franklin to provide a dimension and bearing from the drill hole almost to the corner of Lot 54 to the center of the woods road.

Mr. McGarry also asked Mr. Franklin to provide a dimension from the intersection of L14 and L15 to the end of the wall.

The public hearing will be held on July 13, 2016.

7:15PM SITE PLAN REVIEW; STEVE ROLLINS; PARADE ROAD  
Steve Rollins, Nellie Rollins, Earl Sandford and abutters Cheryl Brosnahan and Mark and Deborah Todd were present.

Chair Schibbelhute advised that tonight the Board will be discussing the conditions placed on a Site Plan Approval for building a equipment shed on the property.

Earl Sandford provided copies of a request for waiver of impact fees and also a copy of a letter dated May 16, 2016 regarding assessing of an impact fee. Copies are attached to these minutes.

Mr. Sandford reviewed the conditions of approval from the November 4, 2015 minutes.

1. Eliminate the Saturday hours shown on the plan. Hours of operation to be shown; Monday thru Friday 7AM - 5PM. Plans have

been revised.

2. Include note detailing loaming and seeding in green area on the plan. Note added to plan.
3. Trucks not to be parked on area located on Route 43 and will be moved to location on site. Remove parking area on plan. This has been done.
4. Letter from Nellie Rollins allowing Steve Rollins to act on her behalf. Letter has been submitted.
5. Signed letter of Agreement dated June, 2015. Steve Rollins will submit.
6. Payment of invoices for review by Town Counsel. Steve Rollins will submit check.
7. Earl Sandford will determine Impact Fee for assessment. Mr. Sandford said he submitted a request for waiver of impact fee assessment.

Chair Schibbelhute said that the Board would like to ask Attorney James Raymond to review the information regarding impact fee assessment for non residential use and until the Board receives Attorney Raymond's comments they cannot act on the request.

Steve Rollins asked if the Board has charged commercial impact fees in the past.

Fred McGarry replied that that is the reason the Board would like Town Counsel's opinion as this would be the first assessment for a commercial use.

Steve Rollins questioned the fact that why an assessment that has not yet been established is going to apply to him. Chair Schibbelhute reiterated that the Board will make a decision based on comments from Town Counsel.

Fred McGarry said that the Board could vote to grant conditional approval to Mr. Rollins to build a garage on the property with the condition that, based on advice from Town Counsel, the Board could assess an impact fee for commercial use. He added that if the Board did assess a fee, Mr. Rollins would be able to request an appeal.

Mr. Rollins asked if he would be responsible for Town Attorney's fees. The Board agreed that he would not be responsible.

Chair Schibbelhute agreed with Mr. McGarry's opinion and said that if the Board granted conditional approval, Mr. Rollins could proceed with his building and if an assessment were charged, he could appeal to the Board.

Gerald Coogan asked Mr. Sandford if he had any idea what amount



could be assessed based on Bruce Mayberry's comments. Mr. Sandford replied "Based on peak trips, it could be as much as \$50,000.00. Based on daily average it could go to \$10,000.00."

Both Fred McGarry and Peter Schibbelhute noted that if Mr. Rollins wanted to apply for a building permit he could get approval this evening, however, if he wanted to know if an impact fee was going to be assessed, he would have to wait until Town Counsel gave his opinion. The decision was his.

Mr. Sandford said that the "Truck Parking area 2015" will be removed from the plan.

Kate Hartnett questioned hours of operation and questioned the situation of an emergency. Mr. Sandford will add note "Unless a governmental emergency is declared."

Deborah Todd, an abutter, questioned the stated hours of operation and noted that Sunday, May 22, trucks were entering the pit at 12:25: Sunday May 29, equipment running at 11:25AM; Monday, Memorial Day, equipment running all day.

Steve Rollins showed on the plan where tree plantings and paving had been done.

Cheryl Brosnahan, an abutter, complained about the dust on her property was not acceptable. She asked if the pile of existing dirt could be removed.

Fred McGarry said that tonight Mr. Rollins is here tonight for his garage. He will be coming in for renewal of his earth excavation permit later.

Ms. Brosnahan continued saying that she cannot live comfortably in her own home.

Mark Todd referred to a letter from DES to Mr. Rollins noting "Enclosed is a NHDES fact sheet and brochure presenting information on fugitive dust. As a business manager, taking action to eliminate burning of non-conforming materials is an important step in protecting public health and the environment. Please be advised this matter is being referred to Enforcement for further review. The NHDES reserves the right to initiate formal action against you, including proposing administrative fines, and/or referring this matter to the NH Department of Justice."

Deborah Todd commented that the Board had recommended that Mr. Rollins sit down with abutters to discuss differences and concerns. She noted that Mr. Rollins has never contacted them.

Chair Schibbelhute commented, again, that the Board is here tonight to discuss the building of a garage. The renewal of the Excavation Permit will be discussed at a future public hearing.

Abutters present complained about trucks idling and parked in areas that were disruptive to their way of living.

Peter Schibbelhute noted that the meeting tonight has nothing to do about parking of trucks, that will have to come in for discussion under the renewal permit for the pit.

Steve Rollins showed the parking area for trucks on the plan. He asked the Board if he could move the sand pile out back. He indicated on the plan where the pile would be removed. Mr. Sandford will show the area on the revised plan.

William Perron moved to grant conditional approval for a Site Plan for Steve Rollins to build a garage on Parade Road with the condition that the Board will discuss the assessment of an impact fee based on comments from Town Counsel, after he reviews information, and determine if an impact fee should be assessed. Mr. Rollins will be able to appeal the decision of the Board, if he wishes to do so. Fred McGarry seconded. Voted in favor.

Chair Schibbelhute urged Mr. Rollins to meet with his abutters prior to coming in for his Excavation Permit.

#### TOWN PLANNER AGREEMENT AND TRANSITION

Town Planner Gerald Coogan submitted a letter of resignation to the Board noting that he wishes to leave his position in late 2016 or early 2017. He said his intent was to have an orderly and smooth transition. Mr. Coogan provided a contract to expire on December 31, 2016.

David Doran commented that he respected Mr. Coogan's decision and was sorry to hear it.

Mr. Coogan will help in the search for someone to replace him.

Fred McGarry moved to authorize the chair to sign the six month extension for Gerald Coogan. David Doran seconded. Voted in favor.

#### ROLLINS EXCAVATION PERMIT

Fred McGarry noted that the following items should be considered for the renewal permit

1. Re-claimed area/ grass of wood chips
2. State is sampling neighbors wells
3. Possible requirement of fence



4. Identify hours of operating under hours of pit or equipment being repaired.

Peter Schibbelhute said that we have Earth Excavation Applications for the Towns of Pembroke, Allenstown and Henniker. Mr. Schibbelhute will review and bring suggestions to the Board for further discussion.

REQUEST FOR RELEASE FROM LETTER OF CREDIT

Jeff Quirk, KNA, submitted recommendations for releases from Letters of Credit being held for Tukcor Real Estate and Development held by Enterprise Bank.

Fred McGarry moved to release the amount of \$31,826.54 from Letter of Credit #25697 and release \$23,343.50 from Letter of Credit #25697-1 to Tukcor Real Estate & Development. William Perron seconded. Voted in favor.

REQUEST FOR EXTENSION

Fred McGarry moved to grant a six month extension to conditional approval for David Pelletier for a Open Space Subdivision of Middle Road. Approval to lapse on December 8, 2016. David Doran seconded. Voted in favor.

Mr. McGarry commented that the cistern plan needs to be approved by Mark Tibbetts and the Board.

SHELLEY TETREULT/ MARY AUSTIN

Fred McGarry moved to approve the "Declaration of Covenants and Agreement" for a subdivision for Shelley Tetreault and Mary Austin on Griffin Road. William Perron seconded. Voted in favor.

COMPLETE STREETS

Gerald Coogan asked Board members to review information he submitted on "Complete Streets" and e-mail comments to him.

APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest (time sheet for Jane Boucher ). William Perron seconded. Voted in favor.

The meeting was adjourned at 9:30PM.

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

Chairman  
Deerfield Planning Board  
P.O. Box 159  
Deerfield, New Hampshire 03037

8 June 2016

**Re: Impact Fee Related to the Proposed Equipment Shed for Deerfield Sand and Gravel Operated by Steve Rollings at 35 Parade Road, Deerfield, New Hampshire.**

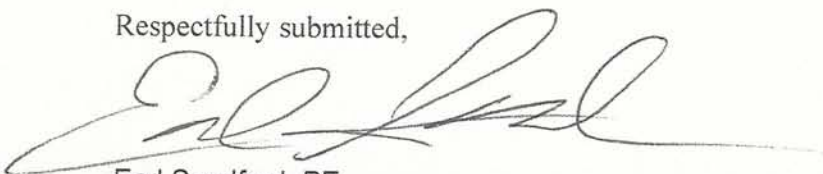
Dear Chair,

On behalf of Steve Rollins I request that the Impact non-residential Fee for Highways be waived. The following are factors to support this waiver:

- 1) The worksheet for computing the fee specifies that the fee be applied to "new" PM peak trips. The trucking and traffic related to the gravel pit is ongoing and there are no "new" trips anticipated due to the proposed truck garage.
- 2) The PM peak is generally accepted as being between 4pm and 6pm, after the normal closing time for the pit, that being 4pm (occasionally open till 5pm and often closed up by 3:30pm). The formula recently provided appears to use an arbitrary 10% of daily trips to define peak trips. This makes little mathematical sense as the formula in that case should have been set up to simply be daily trips x \$164.60.
- 3) Requests for examples of how this fee has historically been applied have gone unanswered, with the impression given that it has seldom if ever been applied. The planner relayed that approximately 15 businesses have started up in town over the last decade so in the interest of fairness, my client should be able to compare the formula used for those 15 businesses before committing to the fee.
- 4) The fee is for "development". The site received planning board approval to be developed as a gravel operation nearly a decade ago, and the addition of a truck garage is a natural progression of the "existing" development that was approved initially. The business is expanding in terms of building but not in terms of traffic.
- 5) The above comment is further supported by Mark Young of the highway department who stated in an email to me on May 15, 2016 "I see no traffic increase due to the truck shed construction"
- 6) See my letter of May 16, 2016 which concluded that there was no increase in PM trips and therefore no non-residential fee. That letter was prepared per the directive from the planning board as one of the conditions of approval.

Thank you for your consideration of this request to waive the non-residential portion of the impact fee (please note that the residential portion has already been paid and is not part of this request).

Respectfully submitted,



Earl Sandford, PE  
Sandford Surveying & Engineering, Inc.



# SANDFORD

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Chairman  
Deerfield Planning Board  
P.O. Box 159  
Deerfield, New Hampshire 03037

16 May 2016

**Re: Impact Fee Related to the Proposed Equipment Shed for Deerfield Sand and Gravel Operated by Steve Rollings at 35 Parade Road, Deerfield, New Hampshire.**

Dear Chair,

The changes to the Rollins plan as per the conditions of approval were submitted last week.

This letter is a response to the the statement in the minutes "Mr. Sandford will determine what the commercial assessment will be..."

Mr. McGarry had stated that if Deerfield Sand and Gravel did not give up it's rights to operate out of 30 Raymond Road, it would be subject to the: "Commercial aspect of the Impact fee" adding "Commercial Operations were subject to the Highway portion of the Impact Fee".

On 5/12/2016 I received a form Titled "Town of Deerfield Impact Fee Assessment Worksheet 2015? Update". Under Part 3: Impact Fee For Highways, Non-Residential, the fee is \$1,646 Per New PM Peak x New PM Peak Trips. As this is under Fee for Highways I called Mark Young for his opinion how to compute the number of trips. Mr. Young responded by email as follows:

Email Date: 15 May 2016

Mark Young roads@townofdeerfieldnh.com to Earl esandford@sandfordsurvey.com

RE: Rollins Traffic  
Earl,

I see no traffic increase due to the truck shed construction  
thanks  
Mark young

Based on that email (and an abundance of confusion on how this fee is, or is not, implemented), my determination is that there are no "New PM Peak Trips", and  $\$1,646 \times 0 = \$0.00$

So there is no fee.

Please don't hesitate to call if we may provide further assistance in this matter.

Sincerely,



Earl Sandford, PE  
Sandford Surveying & Engineering, Inc.