

DEERFIELD PLANNING BOARD  
DEERFIELD, NEW HAMPSHIRE  
DECEMBER 14, 2016

MINUTES OF MEETING

PRESENT: Board members Peter Schibbelhute, Kate Hartnett, David Doran, Selectmen's Representative Fred McGarry. Also present secretary Jane Boucher.

7PM Chair Peter Schibbelhute called the meeting to order.

APPROVAL OF MANIFEST

Kate Hartnett moved to approve the manifest in the amount of \$132.00 and two time sheets for Jane Boucher. (SNHPC \$132.00). Voted in favor.

REQUEST FOR EXTENSION

David Doran moved to grant an extension of three months to David Pelletier for a subdivision on Middle Road. ( March 14, 2017). Kate Hartnett seconded. Voted in favor.

RECOMMENDATION TO BOARD OF SELECTMEN

A letter was received from Jeff Quirk, KNA, advising that, after inspection, he was recommending that the Board of Selectmen accept Hartford Brook (Station 20+00 to Station 36+50), the entire length of Bloomfield Road and Cobbler Trail Road. He advised that the Town of Deerfield currently holds a surety in the amount of \$71,520.24 to complete the roads.

David Doran moved to recommend to the Board of Selectmen that Hartford Brook Road (Station 20+00 to Station 36+50, Bloomfield Road and Cobbler Trail Road be accepted designated Town Roads. Kate Hartnett seconded. Voted in favor.

7:15PM CONTINUATION; PUBLIC HEARING; LOT LINE ADJUSTMENT;  
RICHARD AND NICOLE TOMBS, SUNRISE TERRACE.

Richard Tombs and James Franklin were present along with abutter Ann Robinson.

James Franklin advised of a meeting at the property with the applicant and Planning Board and the consensus was to eliminate the proposed easement relocation and leave the access easement as been approved and granted on the original subdivision plans. Plans and mylars have been changed to reflect this.

Ann Robinson noted that Kate Hartnett had asked her to write something to submit to the Board. Chair Schibbelhute read the letter stating that "I was asked by a board member to write a statement addressing my deeded right of way. I received some paper work from Mr. Tomb's lawyer, Jason Craven, asking me to fill them out and return them to him. By signing the papers I

would be giving up my deeded right of way. I did not fill out or sign the papers, instead called Mr. Craven to inform him that I wished to continue my use of the deeded right of way. I also told him I wanted to be able to open up the blocked part of the right of way in the future."

Board members reviewed the plans. Mr. Franklin showed the location of the existing easement to Ms. Robinson.

Mr. Tombs said that any changes to the existing easement will be handled by both his and Ms. Robinson's attorneys.

Fred McGarry noted that he could see the original lot lines on the locus map on the plan but could not see the original lines on the plan. Mr. Franklin pointed out the lines in question.

Fred McGarry moved to approve the lot line adjustment for Richard and Nicole Tombs on Sunrise Terrace. David Doran seconded. Voted in favor.

7:45PM SHELLY TETRAULT

Shelly Tetrault was present to discuss invoices from Upton & Hatfield for work done for her subdivision on Griffin Road. The work done by Attorney Raymond was primarily for a "Shared Roadway and Maintenance Agreement". The invoices totaled \$1,194.99.

Kate Hartnett referred to a memo from Steve Keach noting that his invoice for \$270.00 had been waived. Gerald Coogan waived his invoice for \$252.00.

There was a question as to the \$500.00 submitted by Ms. Tetrault for payment to the Town Planner. The secretary will review the file and advise Ms. Tetrault.

Ms. Tetrault said that there was a great deal of confusion during the subdivision process.

Chair Schibbelhute noted that he recalled that Ms. Tetrault's concern was that Upton & Hatfield had done work that she never approved.

Board members reviewed the four invoices in question and Fred McGarry moved to waive \$702.00 (3.6 hours) from the total amount, leaving the balance due at \$429.99. David Doran seconded the motion. Voted in favor.

8PM COMPLETE STREETS/SYLIVIA VON AULOCK; SNHPC

Sylvia von Aulock was present and presented a slide presentation outlining the Forest Glen Subdivision. In her presentation she outlined Goals, and Possible solutions. A copy



of the information presented by Ms. von Aulock is attached to these minutes.

#### TOWN PLANNER REPLACEMENT

Sylvia von Aulock , representing SNHPC, provided a resume and noted that she would be interested in serving as Town Planner.

Fred McGarry noted that he was very impressed with Ms. von Aulock's work at SNHPC.

Ms. von Aulock said she had been speaking with Gerald Coogan, who will be leaving the position at the end of January, and felt that because she lived in Newmarket, she could be flexible with hours needed by the Town. She would be able to meet with Gerald Coogan during the month of January to make the transition smooth. SNHPC would charge \$80.00 per hour for her services. Ms. von Aulock said she would be available to attend meetings.

Kate Hartnett said that preparing an "Annual Work Plan" is an issue that a former board member had suggested and she felt would be helpful to the Board.

The issue of the files and records for the Planning Board was mentioned and that they need to be organized.

SNHPC will submit a contract to the Planning Board for Ms.von Aulock's services as Town Planner.

Kate Hartnett thanked Ms. von Aulock and SNHPC for their assistance in correcting the Master Plan approved in 2009.

#### DEERFIELD SUB STATION

James Page was present.

Mr. Page expressed concern regarding work being done by NP/Eversource boring contractors with their tracked vehicles in delineated wetlands. Mr. Page noted that he had taken several photos depicting the wetland crossing and matting consists of 4 diamond aluminum plates, 2 pieces of rubber, and 2 4x 8 pieces of plywood. Less than a mile away contractors have a construction yard that a short while ago had several thousand wood bridging mats and low impact wetland mats. Obviously there is no intention of employing them here.

Mr. Page sent the photos to DES Compliance Jeff Blecharczyk showing no proper wetland protection from the equipment traversing this area. He asked Mr. Blecharczyk to explain why NP Eversource is allowed to disregard Best Management Practice for proper wetlands crossing prior to commencement of work.

Mr. Page advised that extensive cutting has been done and now they went down down the easterly side of the sub station took everything has been removed. He noted that an existing culvert has been crushed and the wetland is literally gone. He said that the area toward Phil Bilodeau's property noting that the area is destroyed. He questioned why no one is overseeing the work being done.

Kate Hartnett advised that she has attended several hearing on environment impact and they said that Normandeau and independent monitors would be on site during any work being done. Best Management Practices would be in place and there would be no erosion or wetland impact.

Mr. Page said that he had been told by DES Jeffrey Blecharczyk of a web site that he could go to to file a complaint.

Kate Hartnett felt that it would be best if Mr. Page filed the complaint noting that the Planning Board does not have the jurisdiction. She noted that the Town Attorney has advised that the Town has until December 30, 2016 to do pre trial testimony. She proposed that she will write something indicating that the Planning Board has been informed ,although they realize that they have no jurisdiction, about the work being done.

Fred McGarry asked if the Conservation Commission should also be involved.

10PM PUBLIC HEARING; PROPOSED ZONING AMENDMENTS FOR 2017  
Chair Schibbelhute read the Notice of Public Hearing. A copy is attached to these minutes.

#### ACCESSORY DWELLING UNITS (ADU)

Peter Schibbelhute said he had a discussion with Building Inspector Rick Pelletier who indicated that he was concerned about the enforcement of the Amendment. Mr. Schibbelhute told Mr. Pelletier that the three issues to be determined are electrical, plumbing and safety.

David Doran asked if Mr. Pelletier gave any specifics concerning enforcement.

Chair Schibbelhute said that Mr. Pelletier has had issues , in the past, where people added larger units than allowed.

David Doran said that plans should be available for reference before a c/o is issued.

The Board noted that Proposed ADU dated 11/22/16 was submitted by Gerald Coogan and has been posted and copies available for the public. The information on the sheet "Proposed Accessory



dwelling Unit Zoning Amendment" was submitted by David Doran who incorporated changes submitted by Fred McGarry. Copies of both are attached to these minutes.

Peter Schibbelhute said that one important aspect is that the ADU does not have to be attached.

David Doran said that the definition Article VI 602 for Accessory Apartment should be removed.

Fred McGarry will incorporate David Dorans comments into the information in Rev2-11-22-16. Under Article VI 602 the definition for an ADU will refer to Section 331.

Proposed Zoning Amendment Section 207.B1. "Intent" Copy attached to minutes

Proposed Zoning Amendment Section 319 Sign Ordinance. Correct numbering by changing 319.5 to 319.4.

A Public Hearing on Proposed Amendments to Zoning will be held on January 11, 2017 at 7:30PM.

The meeting was adjourned at 10:30PM.

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

## Deerfield Road Design Challenge – Forest Glen Subdivision:

### Facts:

Hartford Brook Road is 22 ft. in width with no lines, is steep and curving. There are no signs and it is a link between a South Road (arterial) and Middle Road (busy residential but dirt road). Vehicles tend to drive fast and use the road as a speedway. Existing recreation field has no separate walking path/trail for residents to access the ball field.

### Goals:

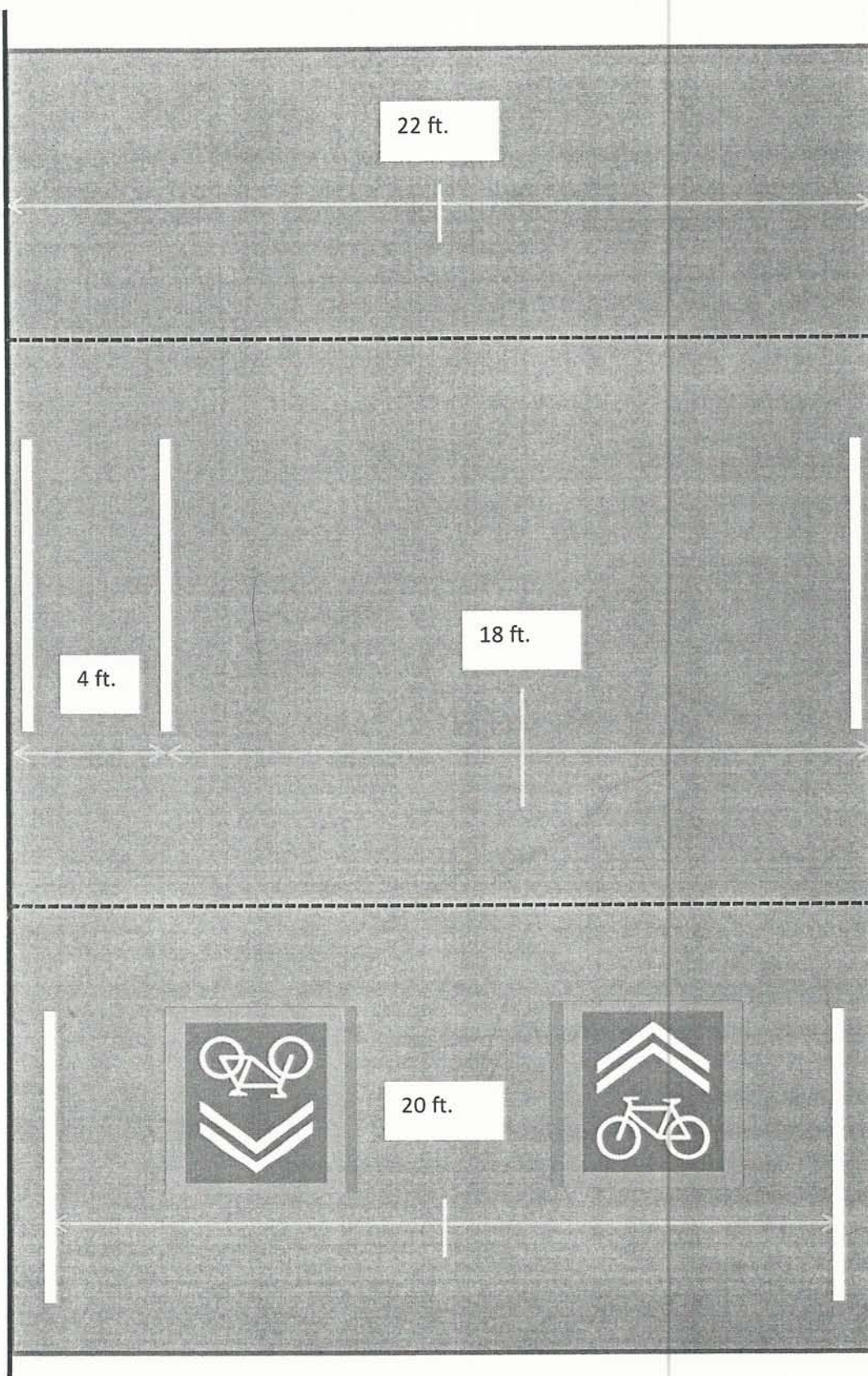
1. Make the road safer for all users
2. Promote walking and biking
3. Reduce speed of vehicles
4. Keep impervious surface to a minimum

### Possible Solutions:

1. Utilize complete streets/traffic calming methods
  - a. Provide visual separation for various users
    - i. Paint fog lines to create boundaries
    - ii. Paint bike/ped lane
  - b. Provide awareness that other users may be present
    - i. Install signage
    - ii. Paint sharrows
2. Design Alt #1
  - a. Provide visual separation for users
    - i. Paint white line separating vehicles and other users
    - ii. Paint fog lines 1 foot off edge of pavement
  - b. Create a 4 ft. bike lane on one side of the road
  - c. Designate 18 ft remaining as vehicle travel lanes
    - i. Requires an off-set crown for the road
  - d. Install signage designating bike lane at each intersection
3. Design Alt #2
  - a. Designate lanes as multi-use lanes
    - i. Install sharrows per MUTCD requirements
    - ii. Install signage designating bicylists and other users share the road
  - b. Create visual boundaries for vehicles
    - i. Paint fog lines 1 ft off edge of pavement
  - ii. Paint centerline







Existing Conditions: 22 ft. wide to edge of pavement, no lines, no visual cues, crown at 11 ft.

#### Limiting Factors:

MUTCD requires bike lanes at 4 ft. wide, ADA requires pedestrian way at 5 ft. wide  
Law to drive 3 ft. from cyclist

#### Alt. 1.

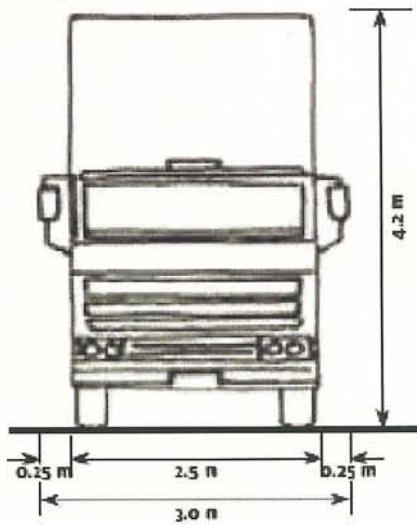
18 ft. wide travel way (crown at 9 ft.), 4 ft. wide one-way bike lane, fog lines at 6 inches from EOP, bicycle signage  
Issues: bike lane limited to one side of the road

#### Alt. 2.

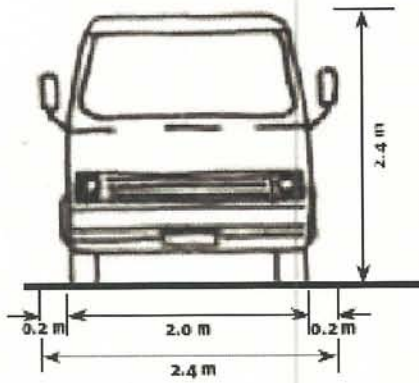
20 ft. wide travel way, 1 ft. shoulders with fog lines, sharrows each direction, bicycle signage at each junction of the street signifying bicyclists can share the road.  
Issues, no designated bike lane.



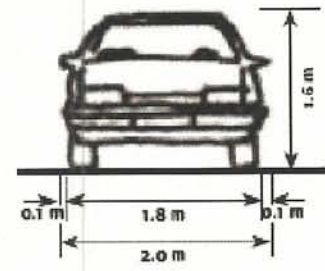
Lorry



Van/mini bus



Family saloon



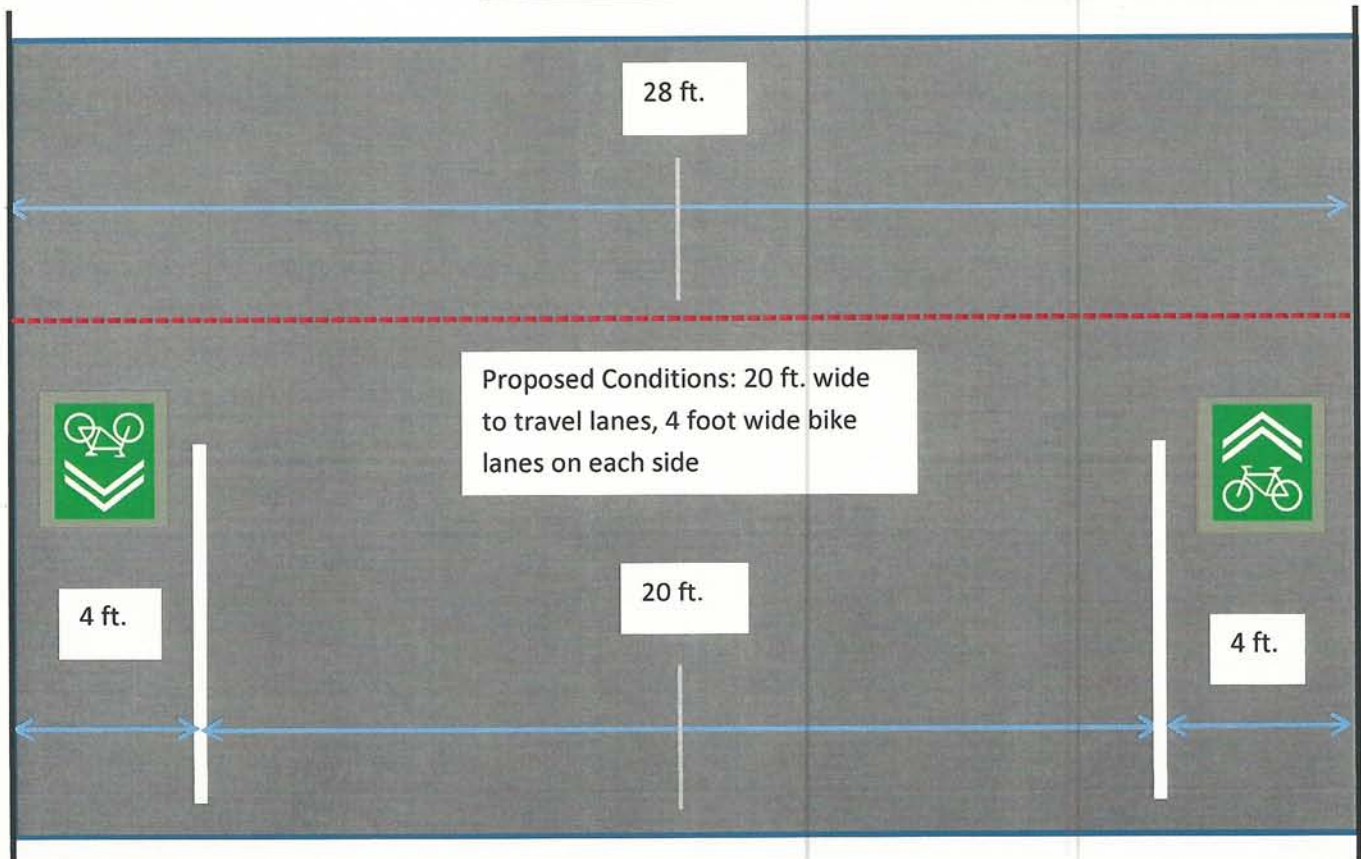
Truck widths vary substantially, 7.5-8 ft +

SUV width: up to 6.5 ft.

Car Width: up to 6 ft

### Windham Example:

Existing Conditions: 28 ft. wide to edge of pavement, no lines, no visual cues, crown at 14 ft.





TOWN OF DEERFIELD, NH  
PLANNING BOARD  
NOTICE OF PUBLIC HEARING

In accordance with NH RSA 675.7, notice is hereby given that the Deerfield Planning Board will hold a Public Hearing on Wednesday, December 14, 2016 at 7PM and, if necessary, Wednesday, January 11, 2017, at 7:30PM, at the George B. White Building, 8 Raymond Road, Deerfield, NH to discuss proposed amendments to the Town's Zoning Ordinance.

Information can be found on the Town's web site and copies of the full text of the proposed amendments are available at the Town Clerk's Office during normal business hours. Full copies of the proposed amendments will also be available at the Public Hearing.

Proposed amendments will be presented for:

- . Add a new provision to the Deerfield Zoning Ordinance entitled Accessory Dwelling Unit (ADU) in order to comply with the new state requirement.

- . Add a statement of intent to Section 207 1 B (aka " Smith Ordinance")

- . Changes to Section 319 Signs in response to the U.S. Supreme Court decision, Reed v Gilbert 2016)

You are invited to attend this Public Hearing and offer your comments. If you are unable to be present, the Board will accept your comments in writing prior to the hearing and read them aloud at the hearing.

DEERFIELD PLANNING BOARD  
Peter Schibbelhute  
Chairman

# **Proposed Accessory Dwelling Unit (ADU) Zoning Amendment (Rev 2 – 11 22 16)**

## **Add to DZO Article III General Provision - Section 331 Accessory Dwelling Units**

**Section 1. Definitions:** As used in this article, the following term shall have the meaning indicated:

***Accessory Dwelling Unit.*** An "accessory dwelling unit" (ADU) is a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

## **Section 2. Provisions.**

An attached accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- C. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- D. The ADU can be attached to the principal dwelling unit, or it can be detached.
- E. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
- F. The ADU may have a habitable floor area of up to 35% of the primary dwelling unit's living space, or 750 square feet in habitable floor area, whichever is greater. An ADU may be less than 750 SF.
- G. Adequate parking shall be provided on site.
- H. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- I. An interior door shall be provided between the principal dwelling unit and the ADU. The door may be locked or unlocked.
- J. The ADU shall not contain more than two (2) bedrooms.
- L. The ADU shall be designed and constructed to maintain aesthetic continuity with the principal dwelling unit as a single-family dwelling.

**Section 3. Minimum Lot Dimension Requirements:** An attached ADU shall not be required to meet additional lot area requirements other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.



# Proposed Accessory Dwelling Unit (ADU) Zoning Amendment

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- G. For an ADU, adequate off-street parking shall be provided.
- H. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- I. ~~Except for a detached ADU, a~~ interior door shall be provided between the principal dwelling unit and the ADU. The door may be locked or unlocked.
- J. ~~The ADU shall not contain more than two (2) bedrooms.~~
- K. ~~Adequate parking shall be available on the lot for the ADU.~~
- L. ~~The ADU shall be designed and constructed to maintain the aesthetic continuity with the principal dwelling unit as a single-family dwelling.~~

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## **Proposed zoning amendment for DZO Section 207 B. 1.**

### **Section 207 Dimensional Requirements:**

The following dimensional standards shall apply:

#### **207.1 Minimum Frontage**

- A. Frontage - Every building lot shall have a minimum frontage as specified in Section 204 provided that where lots are located on the exterior of a curving street, a shorter front dimension may be permitted provided that the width of the lot measured along the front setback line shall be the minimum specified in Section 204.
- B. In the alternative, provided all requirements for lot dimensions of this Ordinance can be met, up to four (4) single family dwellings may be constructed on lots which front on a private way.

Intent: This provision allows for a reduction in road standards for a subdivision of four lots or less and provides the opportunity to create new lots of record in an economical manner for potential family members. The term "private way" means a private road consistent with NH RSA 674:41. Those proposing to use this provision shall meet with the Planning Board for a Preliminary Conceptual Consultation. If, in the opinion of the Planning Board, considering the topography and land ownership in the vicinity, it is likely that the private way could be extended to serve additional dwelling units in the future, the layout of said private way shall be done in such a fashion that all of the geometric layout specifications of the subdivision regulations for a public street could be met.

If the private way is unlikely to serve more than four (4) dwelling units, it shall be constructed following minimum specifications:

1. The right-of-way shall be at least 50 feet in width to accommodate upgrading of the road should future owners choose to dedicate it to the Town;
2. The roadway specifications shall be graduated based upon standard traffic calculations (e.g.- a private way for one dwelling unit generates 10.1 vehicles per day and thus would require a 12-foot wide gravel way);
3. The private way shall provide adequate access for emergency vehicles to said new dwellings;
4. Both the private way and the arrangements for paying the costs of maintenance and repair of said private way, as well as provisions for turning over said way to the Town as a public street should the Town so request, shall be described in instruments referred to in said deeds.

5. The applicant shall provide the Planning Board with a nonbinding conceptual plan of the parcel. This plan would show the parcel as it would appear if built out to the maximum number of lots allowed by current zoning and would show how such growth could be accommodated.



## **Deerfield**

### **Sign Ordinance -Proposed Amendments**

**12/5/2016**

#### **Section 319 Signs**

Signs as defined in Article VI are specifically prohibited except as herein provided.

##### **319.1 Standards for All Signs.**

- A. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. Signs may only identify or advertise uses for the property on which the sign is located.
- C. Signs shall not obstruct the view of traffic.
- D. Signs may not be animated, flashing, or have intermittent illumination.
- E. Signs shall not project over public right-of-way or property lines.

**319.2 Residential Properties.** Signs for residential properties may not exceed four square feet, and may announce the name, address, or professional or home business of the occupant of the premises on which said sign is located.

**319.3. Temporary Signs.** A temporary real estate or construction sign, not exceeding twenty square feet is permitted on the property being sold, leased, or developed. Such sign shall not obstruct the view of traffic and shall be removed.

**319.5 Other Uses.** Signs are permitted in connection with any other legal use located on the same premises and meeting the following requirements:

- A. No more than two signs are permitted for any lot; one may be free standing.
- B. Signs on structures shall not extend above the roof or parapet of the building. The height of a free standing sign shall not exceed 15 feet.
- C. Maximum square footage of any sign is 32 square feet.

### **Definition from Article VI**

**Sign** - Any structure constructed or erected with a fixed location on the ground, or attached or applied to something having a fixed location on the ground, which serves as a permanent or temporary advertisement or identification, designed to be seen from outside the building.