

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JANUARY 11, 2017

MINUTES OF MEETING

PRESENT: Board members Kate Hartnett, David Doran, William Perron. Selectmen's Representative Fred McGarry. Secretary Jane Boucher.

Vice Chair Kate Hartnett called the meeting to order at 7PM.

APPROVAL OF MANIFEST

Fred McGarry moved and William Perron seconded to approve the manifest for a time sheet for Jane Boucher for 21 1/2 hours. Voted in favor.

APPROVAL OF MINUTES

David Doran moved to approve the minutes of November 16, 2016. William Perron seconded.

The following corrections were made to the minutes:

Page 1 Paragraph 8: Correct to read "...have submitted an application..."

Page 2 Paragraph 1: Add "A copy of the memo is attached to these minutes."

Voted in favor with Fred McGarry abstaining.

APPROVAL OF CONTRACT; TOWN PLANNER

Board members reviewed the contract submitted by SNHPC. It was noted that an "Indemnification Clause" was not included. Fred McGarry will check with SNHPC. This item will be included on the agenda for January 25, 2017.

7:15 CONTINUATION PUBLIC HEARING; LOT LINE ADJUSTMENT; RUSSELL AND COLLEEN KAATZ; MEETINGHOUSE HILL ROAD

Russell and Colleen Kaatz and Randy Orvis were present. Also present Tom Dunnigan.

Board members reviewed the submitted plans. Kate Hartnett referred to a memo she prepared regarding the proposed Lot Line Adjustment. A copy is attached to these minutes.

Fred McGarry said it appears that the access easement does not go to the property line of Lot 41-3 and terminates at the building setback line. Mr. Orvis did show that the access easement does go to the property line.

Mr. McGarry noted that the Locus Map should show the distance from Swamp Road.

Mr. Orvis said that they are not trying to create a buildable lot , but only trying to define access to the lot.

Mr. Orvis referred to the memo submitted by Ms. Hartnett as follows:

1. Mr. Orvis answered "he did not know". It happened before the Kaatz's owned it. It was noted that the merger was not referred to in any of the deeds.
2. Randy Orvis said that Lot 41-1 was subdivided off on March 28, 2001 and Lot 41-2 was subdivided on June 22, 2011. This will be added to the plan.
3. The mortgage was signed by Eric Reid.
4. AMF is Aaron Frazier whose signature is on the deed.
5. Deed indicates that existing driveway on Map 41 is also used by 41-2.
6. Kate Hartnett referred to Gerald Coogan's Memo dated Nov. 15, 2016 "#2 When a previously approved five acre + lot was reduced in size to less than 5 acres by a LLA, the practice of the Planning Board has been to contact NHDES and request guidance as to what action, if any, at the state of local level is required." Mr. Orvis said that State Approval is not required for a transfer of land. He said that both lots have State Subdivision Approved Septic Systems.

Kate Hartnett questioned the fact that Lot 41 will go from over 19 acres to 3 acres and if State Subdivision Approval was necessary. Fred McGarry said that a three acre lot will be created and will require State Subdivision Approval.

- Mr. Orvis reiterated that there is an existing approved system on the lot. Fred McGarry said that a 3 acre lot is being created and therefore needs State Approval. Mr. McGarry said they should get a letter from DES stating that State Subdivision Approval is not necessary. Fred McGarry will check with DES and advise Mr. Orvis.
7. Mr. Orvis replied that they would like the 50 feet to create a larger access
 8. Mr. Orvis will prepare a draft document for the easement.
 9. According to Mr. Orvis it is a travel way which has been there since the 50's. There is one seasonal runoff near the back line of Lot 41-2 which drains to the south east. Slope grades for the first 500 feet is about 2 1/2 %, then there is a short section about 125 feet at about 7 1/2 % and then it flattens to 2%.
 10. Mr. Orvis said no as there is no building contemplated.
 11. Sight Distance to the north west is 600 feet and the opposite direction 275 feet.
 12. There are no plans. Mr. Kaatz noted that they are doing this to better clarify existing deeds for the future.

The following information will be needed at the continuation of

this application;

1. Subdivisions of 2001 and 2011 added to plan
2. Distance to Swamp Road on Locus
3. Easement Language
4. Opinion from DES regarding Subdivision Approval for 3.1 acre lot.
5. Pins to be set

Fred McGarry moved to continue the public hearing to January 25, 2017 at 7PM. William Perron seconded. Voted in favor

8:20PM PUBLIC HEARING; PROPOSED AMENDMENTS TO ZONING ORDINANCE;

The hearing was scheduled for 7:30. No members of the public were present.

Vice Chair Hartnett read the Notice of Public Hearing. A copy is attached to these minutes.

The Board reviewed the proposed changes and the following corrections were made:

Amendment # 1: Correct to read 331.1 Definitions, Correct to read 331.2 Provisions.

Amendment # 2: 319.1 Standards for All Signs (In bold print)
319.1 D Change to read "Signs may not be animated, flashing, cause distracting glare or have intermittent illumination.

William Perron moved and Fred McGarry seconded to approve the proposed amendments to the Zoning Ordinance according to RSA 675 3.VII. Voted in favor.

The meeting was adjourned at 8:45PM.

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

P5 Jan 2017

TO: Deerfield Planning Board (DPB) members, Coogan, Von Aulock FROM: Kate Hartnett

RE: Kaatz Lot Line Adjustment (LLA) on Mt Delight

Kaatz LLA: This is presented as a LLA, and "access easement." Also it appears to be the first boundary survey of Lots 41 and 41.3. It is possible that the next step may be proposal to build on the landlocked lot, and perhaps the new 41.1.

Overview: According to NHRSA Ch. 674, the main duty of the Planning Board is to promote municipal planning. And the Master Plan is the guide to fulfill that duty. Zoning, Subdivision, SPR, etc. all are in service to implementing the Master Plan. Each Town goes through a transition in character as it declines or grows, which usually is predictable. Per the Master Plan, Deerfield still self-identifies as a Rural Town, primarily "Agricultural/ Residential." I observe that DPB is experiencing an increase in unusual development proposals as Class V road frontage available for residential subdivision shrinks. However, I am not aware of any development proposal for a landlocked lot in the 30 years I have been on the DPB. And, after a decade, we are in transition to a new planner, so there will be a learning curve all around. For all these reasons, I suggest that the DPB both exercise due diligence, and consider the ramifications of such proposals, rather than take them case by case, as precedents may be set.

After some discussion, Fred and I thought that some answers would be helpful before going to the Town Attorney. Here is an initial list of issues that Fred and I identified:

- 1) When was 41.3 merged with 41?
- 2) When were lots 41.1 and 41.2 subdivided off Lot 41?
- 3) Who is JCC Holding Co LLC? And when did they buy 41.2?
- 4) Who is AMF LLC?
- 5) Is there any formal arrangement for the shared driveway servicing 41 and 41.2?
- 6) Why is Comment 2 on JC memo of 15 Nov 2016 relevant to this case? No boundary is being corrected or conformed. However, although no building is contemplated, the future Lot 41 will go from 19.5 acs to 3.1 acs. So is it not prudent to consider subsurface disposal on Lot 41?
- 7) Why is the proposed access easement across 41.1 for the benefit of 41.3 fifty (50) feet wide?
- 8) Has DPB received the language of that easement?
- 9) Does a road already exist along that proposed access easement? If so, what is its history? Are there any wetlands or water crossings? What about slope grades?
- 10) Have Fire Chief or EMS or Police reviewed the route for life safety access?
- 11) What is sight distance at entrance onto Mt Delight?
- 12) What are the owner's plans for the 10 acre 41.3? And for the new 41.1 at 20 acres?
- 13) This project is at the top of the regional watershed divide. It is in the regionally important and ecologically significant Lamprey Headwaters, identified as highest priority in the Deerfield Master Plan Open Space Plan. Except for Browns Mills, there is no development that fragments the largest open space left in southeastern NH. The Headwaters provide flood storage and water quality and quantity essential for downstream communities all the way to the coast. How would development on Lot 41.3, which access could provide, not be premature and scattered?

Thank you for your consideration.

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 at 7:30PM on Wednesday, January 11, 2017 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:

1. Section 204, Table 204.1 ; Permitted Uses Item 12
Section 304 , Dwellings on Lots
Section 331 Accessory Dwelling Units
Section 325.1 Definitions
Section 325.2 Provisions
Section 602 Term Definitions
2. Add a statement of intent to Section 207 1 B (aka" Smith Ordinance")
3. Changes to Section 319 Signs in response to the U.S. Supreme Court decision, Reed v Gilbert 2016)
4. Amend Section 201 Establishment of Districts

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