

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JANUARY 9, 2019

MINUTES OF MEETING

Present: Board members Peter Schibbelhute, Gregory Mitchell, Robert Cote, William Perron. Also present Town Planner Sylvia von Aulock and secretary Jane Boucher.

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

APPROVAL OF MANIFEST

Gregory Mitchell moved and Robert Cote seconded to approve the manifest in the amount of \$2,993.90 and two time sheets for Jane Boucher. (SNHPC contract \$993.00; SNHPC \$2,000.00 CIP; time sheets 18 1/2 hours; 18 1/2 hours.) Voted in favor.

MCCARRON SUBDIVISION

The Board discussed the "Letter of Deficiency" from DES to Kevin Cole. A copy of the letter is attached to these minutes.

APPLICATION FOR PUBLIC HEARING; LOT LINE ADJUSTMENT; ANNE BURNETT AND PAWTUCKAWAY VIEW, NOTTINGHAM ROAD

James Franklin, Jeanne Menard, Fran Menard, Anne Burnett and Paul Smith were present.

Gregory Mitchell read the Notice of Public Hearing by which the Board will consider an application for a Lot Line Adjustment for Anne Burnett, 65 Nottingham Road, Deerfield, NH (Map 409 Lot 62 consisting of 33.4 +-acres) and Pawtuckaway View, LLC, 7 Pond View Lane, Deerfield, NH (Map 409 Lot 63 consisting of 3.1+- acres) and owned by the applicants. The intent of the application is to create a new division line between Lot 62 and 63. Lot 62 would then consist of 31.6+- acres and Lot 63 would consist of 4.9+- acres.

Chair Schibbelhute read the memo submitted by Sylvia von Aulock. A copy is attached to these minutes.

Gregory Mitchell moved to accept the application. Robert Cote seconded. Voted in favor.

Jeanne Menard, a management member of Pawtuckaway View addressed the Board noting that in 2003 Site Plan Approval was granted to use Lot 63 for light commercial use, now the family would like to convert it to a single family lot.

Planning Board members reviewed the plan presented and Gregory Mitchell said that the proposed right of way does not meet setback requirements and the applicant will have to go to the Zoning Board of Adjustment to apply for a variance. Mr.

Mitchell noted that the Board can continue the application until an approval is granted by the ZBA or if the applicants wish to leave the existing right of way the Board could approve the Lot Line Adjustment without a variance.

Jeanne Menard asked if the family could have a brief discussion before continuing.

Jeanne Menard said that if the existing right of way allows for the new owner can build a home and not have to go for a variance then they will proceed.

Sylvia von Aulock said that Building Inspector Richard Pelletier had indicated that he will issue a building permit for a home without requiring a variance, as the property is a lot of record with buildings on the property and access.

Gregory Mitchell moved to conditionally approve the Lot Line Adjustment with the following conditions: Certification of monumentation; add dimension to right of way, Robert Cote seconded. Voted in favor . Conditional approval to lapse in 90 days. (April 9, 2019).

APPROVAL OF LOT MERGER

A request for a Lot Merger was submitted by owner David Irish, 145 South Road, Deerfield, NH.

Gregory Mitchell moved and William Perron seconded to approve the request to merge Lot 57-1 and 57-2 on Tax Map 420. Voted in favor.

7:50PM APPLICATION FOR SITE PLAN REVIEW; MARK CRISMAN FOR OWNER DAVID IRISH; 145 SOUTH ROAD/ INDOOR RIDING ARENA
David Irish, Mark Crisman and several others were present

Chair Peter Schibbelhute read the Notice of Public Hearing for a Site Plan Review for Mark Crisman, 7 Beaver Brook Drive, Bow, NH for property located on 145 South Road, Deerfield, NH (identified as Tax Map 420 Lot 57) consisting of 8.06 acres and owned by David Irish, 145 South Road, Deerfield, NH. The intent of the application is to construct an indoor horse riding arena including ten stalls. (108 ft. x 180 ft/ 19,440 SF building).

Gregory Mitchell moved to accept the application. William Perron seconded. Voted in favor.

Board members reviewed plans submitted by Mr. Crisman.

Sylvia von Aulock noted that she had met with Mr. Crisman on January 2 and he has submitted updated plans showing overhead electric, tech sheet on lighting, wetland boundary has been

added and a drainage report submitted.

Gregory Mitchell questioned access to the arena. Mr. Crisman said vehicles entering will come in off of Birch Road. A farm tractor will transfer hay from the barn to the arena.

Peter Schibbelhute said the access from South Road should be available for emergency vehicles should be added to the plan. The Board felt the applicant should contact Road Agent Mark Young for driveway approval.

Gregory Mitchell moved and Robert Cote seconded to waive the CUP requirement. Voted in favor.

William Perron moved and Gregory Mitchell seconded to grant conditional approval to David Irish for a Site Plan Review (Indoor Horse riding arena) on

South Road . With the following conditions:

.Add 12 foot gravel driveway access off South Road

.Work with Road Agent on entrance.

Conditional approval to lapse in 90 days. (April 9, 2019).

Voted in favor.

The meeting was adjourned at 8:30PM.

Recorded and transcribed by Jane Boucher

Pending Approval by the Planning Board



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



LETTER OF DEFICIENCY
LRM 18-070

December 20, 2018

Alan Cohen Development, LLC
Attn: Alan Cohen
PO Box 1
Deerfield NH 03037

RE: Land Resources Management File #2011-02869/WPS-7153D, McCarron Road, Deerfield, Tax Map 413/Lot # 7

Dear Mr. Cohen:

On December 3, 2018 and December 18, 2018, personnel from the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program conducted inspections of the above-referenced property. The purpose of the inspections was to determine compliance with Wetland Permit #2011-02869 and Alteration of Terrain Permit WPS-7153D, and applicable rules relative to fill in wetlands and surface waters and installation and maintenance of erosion and sediment controls.

During the inspections, NHDES personnel observed and documented the following:

1. Approximately 12,000 square feet of freshwater wetland and surface waters has been filled without a permit or authorization from NHDES. This is a violation of RSA 482-A:3 and the approved wetlands permit.
2. Erosion and sediment controls are not installed and maintained in accordance approved plans. This is a violation of Wetland Permit condition #7 and NH Administrative Rules Env-Wt 304.06, Env-Wq 1505 and Env-Wq 1506.
3. Portions of the site are not stabilized in accordance with approved plans. This is a violation of Wetland Permit conditions #10 and #11 and NH Administrative Rules Env-Wq 1505.06.

In addition, NHDES review of Wetland Permit #2011-02869 finds that the following conditions have not been satisfied:

4. Wetland Permit conditions #19-#26 regarding the execution of a conservation easement.
5. Wetland Permit General condition #5 regarding transfer of Wetland Permit #2011-02869 to a new owner shall require notification to and approval by NHDES.
6. Wetland permit condition #4 regarding recording the permit with the Rockingham County Registry of

Deeds.

NHDES believes these deficiencies can be corrected by taking the following action(s):

1. Please immediately install and/or maintain temporary erosion and sediment controls on the property in accordance with approved plans. **By December 27, 2018 (7 days)**, please provide photographic documentation to NHDES that this task is complete.
2. Please immediately stabilize areas on the property in accordance with approved plans. **By December 27, 2018 (7 days)**, please provide photographic documentation to NHDES that this task is complete.
3. **By January 3, 2019 (14 days)**, please retain a New Hampshire certified wetland scientist (CWS). Please notify NHDES of the name, address, and telephone number of the CWS retained.
4. **By February 18, 2019 (60 days)**, please submit a restoration plan to NHDES for review and approval. Please have the restoration plan prepared and stamped by your CWS and include provisions for restoration and stabilization of wetland and stream impacts on the property. Please submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions with wetland boundaries delineated in accordance with the *U.S. Army Corps of Engineers Wetlands Delineation Manual* and the *2009 Interim Regional Supplement: Northcentral and Northeast Region*, specifically Chapter 5.
 - ii. Proposed conditions after reestablishing the jurisdictional areas.
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area.
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*).
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
5. Please implement the restoration plan only after receiving written approval from, and as conditioned by, NHDES.
6. **By February 18, 2019 (60 days)**, execute the conservation easement in accordance with Wetland Permit #2011-02869 conditions #19-#26.
7. **By February 18, 2019 (60 days)**, please request from NHDES that Wetland Permit #2011-02869 be transferred to the current owner. NHDES Permit Ownership Change form is enclosed.

8. By February 18, 2019 (60 days), please provide NHDES with a copy of the registered permit from the Rockingham County Registry of Deeds.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from NHDES.

RSA 485-A was enacted to protect water supplies, to prevent pollution in the surface and groundwaters of the state, and to prevent potential health hazards.

If compliance is not achieved within this period, NHDES may take further action against you including issuing an order requiring that the deficiencies be corrected and/or referring the matter to the New Hampshire Department of Justice for injunctive relief. NHDES personnel may re-inspect the property at a later date to determine whether you have come into, and are maintaining, full compliance with applicable laws and rules. NHDES reserves the right to pursue monetary penalties for the deficiencies noted in this letter as well as any deficiencies noted in subsequent inspections of the property.

Please address all documents, correspondence and submissions in response to the foregoing requests to NHDES, as follows:

David Price
Land Resources Management Program
Department of Environmental Services
222 International Drive, Suite 175
Portsmouth, NH 03801
e-mail: David.Price@des.nh.gov

Should you have any questions regarding this letter, please contact David Price at David.Price@des.nh.gov or (603) 559-1514.

Sincerely,

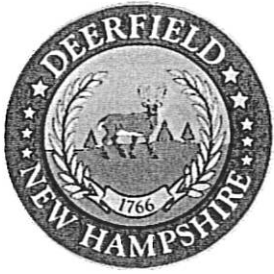


Collis G. Adams, CWS, CPESC
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7017 1070 0000 1781 4190

cc: NHDES Commissioners Office
NHDES Legal Unit
Deerfield Conservation Commission
Deerfield Board of Selectmen
Deerfield Planning Board
Kevin Cole, Cole & Son Excavating & Paving

cc: Rene Pelletier, Asst. Director, Water Division
Jeffrey Blecharczyk, Compliance Supervisor



TOWN OF DEERFIELD, NEW HAMPSHIRE

George B. White Building • 8 Raymond Rd., Deerfield, NH • 03037 • (603) 463-8811
•FAX (603) 463-2820 <http://www.townofdeerfieldnh.com>

Memorandum

To: Deerfield Planning Board
From: Sylvia von Aulock, SNHPC Representing Deerfield Town Planner
Re: Planning Board Meeting for January 9th, 2019
Date: January 9, 2019

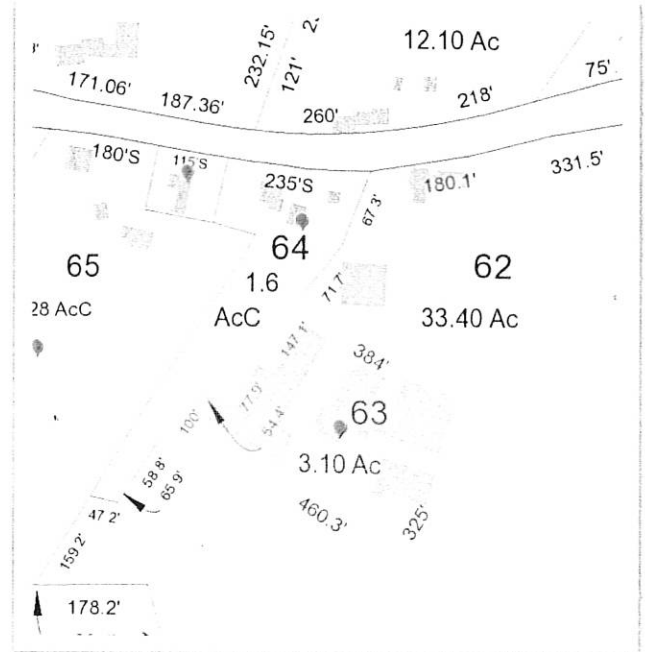
1. **Lot Line Adjustment Map 409 Lots 62 & 63.** The application of Pawtuckaway View LLC, 7 Pond View Lane, Deerfield.

Planning Board Action To Be Considered:

- a. Open case, consider presentation
- b. Open to the public
- c. Review Town Planner comments.
- d. Consider conditionally approving application.

Planners Comments: I have reviewed the LLA with the applicant and with town staff.

- Lot 62 was originally subdivided in 1957, long before zoning existed in Deerfield (1972), resulting in Lot 63 as a non-conforming lot, pre-existing from zoning.
- Lot 63 had been used as a business (industrial manufacturing) in the past and the intent is to develop it as a residential lot – a less intense and more conforming use.
- The existing Map 409 Lot 62 is 33.4 acres; Map 409 Lot 63 is 3.1 acres.
- The intent is to adjust the lot line between Map 409 Lot 62 and Lot 63 where Lot 63 will receive 1.8 acres from lot 62, making Map 409 Lot 62 31.6 acres and Map 409 Lot 63 3.1 Acres. This will allow the septic system for Lot 63 to be located solely on Lot 63.
- From my original meeting with the Applicant, the original access easement/ROW was along the driveway east of the barn but will be moved along the lot line abutting Lot 64. This ROW is approximately 15 feet in width.
- One of the lot lines will be moved further from the existing barn on Lot 62, also making Lot 63 more conforming.



Possible Conditions of Approval:

1. That a monumentation certificate be submitted to the Planning Department with the appropriate fees for recording the plan.
2. All conditions to be met within one year.