

LITCHFIELD ZONING BOARD
TOWN OF LITCHFIELD, NEW HAMPSHIRE
APRIL 16, 2009
CASE 2009-01 SPECIAL MEETING FOR SITE WALK

ZBA Members Attending (Indent if Absent):

Richard Riley, Chairman

Laura Gandia, Vice Chairman

John Regan

Albert Guilbeault

Tom Cooney, Clerk

Gregory Lepine (alternate)

John Devereaux (alternate)

Eric Cushing (alternate)

John Brunelle (alternate) John was present but not appointed to the Board

I. Call to Order

- Mr. Riley delayed the start of the meeting to allow the applicant time to contact their wetland consultant. After learning that the applicant's consultant was running 45 minutes to an hour late Mr. Riley announced that the meeting would begin without the consultant to insure there was sufficient time to conduct the site walk before night fall.
- Richard Riley calls the meeting to order at 6:15 pm.
- Richard Riley takes attendance.

Additional attendees at meeting:

Joan McKibbon from the Conservation Commission

Sharon Jones from the Conservation Commission

Tom Levesque from the Conservation Commission

Tom Schofield, Litchfield Fire Chief

Mario LaPlante, owner of the property

Mr. Riley starts meeting off by announcing that this meeting was scheduled to conduct a site walk on 27 Cutler Road, Tax Map 2, Lot 128. Mr. Riley states that the meeting notice was published at town hall and at the town library on Friday April 9, 2009. Mr. Riley passed out copies of the Tracy Tarr's resume for the Board to review. Tracy Tarr is a wetlands consultant that Mr. Riley has spoken to with regard to the lot on 27 Cutler Road. Mr. Riley is hoping to have a quote from Tracy by next Monday, April 20, 2009 for her services as a consultant to assist the ZBA on this case. This quote will be sent to Morgan Hollis, the attorney for the applicant. This will allow Mr. Hollis time to pay for Ms. Tarr's services before the May 13, 2009 meeting. Mr. Riley also stated that he has

requested the town attorney attend the May 13, 2009 meeting at 6:15 p.m. to consult with the Board prior to the start of the meeting.

Mr. Riley discussed the protocol for special meeting to all attendees. He reiterated the intent of the meeting is to do a site walk only.

Mr. Riley announced that the ZBA might ask questions of the applicant or Conservation Committee. He stated that the public must refrain from speaking unless called upon. No input from the public is needed and Mr. Riley stated that if the public has any new evidence on this matter they could bring it to the May 13, 2009 meeting as they would not be taking any evidence from the public during this special meeting. He pointed out that for the sake of taking the minutes, one person should speak at a time to ensure proper documentation.

John Regan asked if photos should be taken. Mr. Riley replied that no photos would be taken by the ZBA.

Mr. Riley informs the applicant that he had some specific instructions which he had intended to request the applicant's consultant specifically address during the site walk. Mr. Riley communicated those instructions to the applicant and members of the Board: that as they go through the walk to be mindful of the setback encroachment into the wetlands (plus any fill); point out any culverts while explaining the size and why they are needed; point out the wetland areas that were surveyed by the applicant's consultant and when they were surveyed; point out where their wetland specialist found the single egg mass during a survey (the March minutes reflect that Jeff Pantera testified to finding one egg mass) and lastly point out which trees would have to be taken down to make way for the proposed driveway.

SITE-WALK

Joan McKibbon told the Board that the centerline of the driveway is staked. Joan McKibbon headed up the group with the site plans in her hand to explain any questions ZBA may have. The Board walked the entire area concentrating on the markings for the center of the proposed driveway which were clearly marked.

Joan commented that she had been in the area in early April and clearly heard wood frogs which are a vernal pool indicator. She has a concern that the driveway does not have a 200-foot buffer from the wetlands. Joan pointed out areas of concern on the site map where eleven vernal pools were documented in an earlier survey. Mr. Riley asks for clarification of the shaded areas on the site map. Joan replied that the shaded area markings on the site map are the wetlands that exist on the applicant's property. She points out that the wetlands shown on the map extend onto the abutters property and that those areas were not tested by the applicant.

Joan pointed out the first area of concern located on Map 2 between lot 82 and lot 81. She states there is an active vernal pool. Joan indicates to the Board the individual

markings and what they mean. Joan states she believes the trees marked with blue tape would be the trees to be cut down. The Board poses a question regarding the trees marked with yellow tape. The Board wonders if these trees are also to be taken down. The Board would like clarification of these markings at the May meeting.

The Board takes notice of exactly where the driveway will run. The Board noted how closely the markers appear to Al Guilbeault yard and asked him to define his property line in relation to the proposed driveway. Mr. Riley pointed to a large tree that appeared to sit right on the edge of the proposed driveway and Al's yard. Mr. Riley asks for clarification to markings regarding wetlands. Joan replied that the pink and blue markers delineate the wetland areas. Mr. Riley asks about the location for the culvert. Tom Levesque remarks that this is the driest spring we have had in a long time and explains that under normal circumstances the culvert would be needed. Mr. Riley asks about the location where the single egg mass had been found. Mr. Guilbeault points to an area where he believes the single egg mass was identified by the applicant's consultant in 2006. Mr. Riley also mentions that a prior study was done in 2004 which discovered 14 vernal pools in the large wetland area to the back of the property.

Mr. Riley and Mr. Regan review the section of driveway that is ten to fifteen feet from the wetland delineation markers. Joan explains the importance for having a buffer. Mr. Riley verifies that most of the proposed driveway would site within the 50' buffer and that there are wetlands on both sides. Joan then pointed out an area that abuts the back corner of the property that she would like to have looked at. She believes this area is where the wood frogs reside.

As the group reached the end of the driveway markings some members of the public began to identify markers for the proposed house. Mr. Riley reminds the Board that they are here to talk about the driveway ONLY and should not concern themselves with the placement of the house at this time.

At the conclusion of the walk Mr. Riley asked for any questions from the Board. Mr. Riley himself wanted clarification on exactly what flood storage is. He stated that Tony Marcotte reported at the March meeting that there is plenty of flood storage. Joan replied that there are functional values that wetlands have and one of the values is flood storage. Flood storage prevents water from seeping into unwanted areas. It provides an area for water to go. The low-lying wetlands are a place for excess water to go. Mr. Riley asks if changing of the flood storage could impact the surrounding areas and Joan said yes it could because you have less area for the water to be absorbed. Joan also stated that the National Wetlands Inventory Map shows wetlands through the entire area of the lot in question. Mr. Riley said that at the meeting in March a Class A flood zone was mentioned for this area. Joan stated that the Conservation Commission never tells an applicant that they are in a flood zone as far as getting flood insurance. She said the bank would have to make that decision. She viewed the new flood maps for the area and states it does not appear to be in a flood zone but she could not swear to that. A member of the public asked to speak about the flood zone issue and Mr. Riley responded that if they had any new evidence on this point, they could bring it to the May meeting.

Mr. Riley asks for any further questions from the Board. No other questions posed at this time.

Adjournment

Richard Riley makes a motion to adjourn/conclude meeting.

John Regan seconds the motion.

*The Board votes **in favor** of adjourning at 7:02 pm, 5-0-0.*

*Respectfully submitted,
Karen McCloskey*