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**Litchfield Planning Board**  
**January 15, 2008**  
Minutes approved 2/19/08

**Members Present:**

- Steve Perry, Chairman
- Leon Barry
- Mary Anne Geist (arrived at 8:00 p.m.)
- Edward Almeida, Alternate
- Carlos Fuertes, Alternate

**Members Absent:**

- Jayson Brennen, Vice Chairman
- Alison Douglas
- Raymond C. Peeples, Jr., Selectmen’s Representative
- Marc Ducharme

**Also Present:**

- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

**Agenda:**

**1. Public Hearing for proposed amendments to the Growth Management Zoning Ordinance to extend the sunset date from 2008 to 2010**

**2. Rene Theroux Tax Map 15 Lot 2 and Map 16 Lot 86, 315 Charles Bancroft Highway. The Board will continue consideration of an application to subdivide one lot into three lots and a lot line adjustment with Tax Map 16 Lot 86**

**3. CTAP Application**

**4. Road Bond Reduction – Pinecreek Village**

Chairman Perry called the meeting to order at 7:15 p.m. Chairman Perry appointed the two alternates to vote this evening.

**1. Public Hearing**

In accordance with NH RSA 675:7, the Planning Board held the following hearing to consider the following proposed amendment to the Zoning Ordinance for the Town of Litchfield: Amend Growth Management – Section 2106.00, Sunset; to extend the sunset date from 2008 to 2010 by amending the following text. “This ordinance expires May 1,

1 2010 unless re-adopted prior to that date". Mr. Wagner read the ordinance aloud to those  
2 present.

3  
4 Mr. Perry and Mr. Wagner explained the rationale for the Sunset Clause. The test under  
5 the sunset clause is three consecutive years of less than 75% of the sustainable growth  
6 rate from the previous year (Section 21061). The past three years has had sustainable  
7 rates of development of 122, 152 and 141%.

8  
9  
10 Chairman Perry opened the meeting to public comment.

11  
12 Andy Prolman spoke in opposition stating the ordinance needs to go away. The oncoming  
13 recession and housing collapse will self control growth. He went on to say the  
14 methodology is flawed because the surrounding towns used in the fair share growth  
15 includes Manchester and Nashua which is comparing apples to oranges. It is flawed  
16 because the Town has failed to make any Capital Improvements that the Growth  
17 Ordinance is supposed to provide time for the Town to do. He also feels that the  
18 ordinance needs to be simplified and get away from a number based control and allow  
19 front loaded certificates to pay for infrastructure construction and then phasing for the  
20 remainder of a project over a number of years. He also wants it on a case by case basis.  
21 He said if we continue with the ordinance now a challenge may overturn the ordinance  
22 and also when growth does increase again we may not be able to extend the ordinance  
23 any longer.

24  
25 Chairman Perry closed public comment session.

26  
27 Chairman Perry asked about changing the ordinance to extend for one year instead of two  
28 years. To this, Mr. Barry objected. Alternate Almeida agreed with Mr. Barry.

29  
30 **Vote:** Mr. Perry **MOTIONED** to move this forward to Town Meeting, the Growth  
31 Management Zoning Ordinance, to extend from 2008 to 2010. Mr. Barry seconded.  
32 Motion carried 4-0-0.

33  
34 The Board **Recessed** at 7:48 p.m. Chairman Perry called the meeting back to order at  
35 7:50 p.m.

36  
37 **2. Rene Theroux – Consideration of an application**

38  
39 Mr. Tobin Farwell, Farwell Engineering Services, came forward to speak for the  
40 applicants. Mr. Rene Theroux was present. They are here for a lot line adjustment and  
41 subdivide a lot into three lots. At the last meeting, the Planning Board requested  
42 additional topography for the five acres that was part of the lot line adjustment and  
43 approximate wetlands delineation for that five acres. They have done that and provided  
44 the topo information and the approximate limits of the wetlands. They still have to meet  
45 with the Conservation Commission.  
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Mr. Wagner said for application approval we do have everything. We have the topo data and wetlands data we had asked for.

Mr. Perry noted for the record the Board is in receipt of a certified letter from Donald and Janet Ferren expressing their concerns about the water that stands on the lots. The letter goes into water tables; basement elevations, 150 foot on one of the lots. They are questioning if they have the required 150 foot frontage; subsurface water where the test pits can perk out for septic systems, where the rainfall is going to go considering the amount of water that is in there now; where it would run off of roofs, etc.

Mr. Wagner suggested Mr. Farwell might want to go back to his client to address the items. Mr. Farwell responded that right now we are dealing with the application being complete and then we can deal with it.

Mr. Perry: They also strongly reiterate their desire to have soil scientist check this land before we approve building lots. The letter in total will be read during site plan approval.

Mr. Perry questioned if the fees have been paid and everything required has been presented.

Mr. Farwell: I thought that was discussed at the previous meeting and it came down to the two things that they wanted. We went over that at the last meeting.

Mr. Wagner said the abutters were noticed and the fees paid.

Talk ensued. There are wetlands at the eastern part of the parcel.

Mr. Farwell: The five acres in this area.

Mr. Perry: But we agreed that the rest of the parcel had no bearing.

Mr. Farwell: Right. Mr. Perry: Our concern was the topo lines. In that proposed lot, it does have 150 foot frontage? Mr. Farwell: Absolutely.

They are looking for application acceptance.

Mr. Farwell: We realize we are not going to get approval tonight; if the Board could just accept the application...

Mr. Wagner: If you are close to an approval, it is to the best interest of the applicant to extend...

**Litchfield Planning Board**

**January 15, 2008**

1 Mr. Farwell: If the Board feels it needs additional information, and we force the point  
2 that you must make a decision, it is within your right to deny because you do not have all  
3 the information.

4  
5 Mr. Perry: And the two times I have been told that, that is exactly what we did. Just so  
6 you know.

7  
8 Mr. Farwell: I am okay with that.

9  
10 Talk ensued. Mr. Barry asked about where the lines were regarding the old trolley tracks.  
11 Mr. Farwell showed the two lines and said it is labeled approximate location. He said it is  
12 on the original plan submitted; these are supplemental plans on the information you  
13 wanted. Mr. Perry said the last plan he got it said Page 1 of 2 . Mr. Farwell said that is  
14 right and these are the two pages. That is a supplemental plan to give the information that  
15 you wanted. Mr. Perry said he never received the second plan.

16  
17 This was discussed. Mr. Farwell said that all the copies were submitted prior to the  
18 meeting and pointed to his plan, the original plan submitted and pointed to where it says  
19 trolley easement...there is another easement with these two lines and approximate right  
20 of way. That is a two rod. Page 1 is the recordable plan and Page 2 is the State  
21 Subdivision plan.

22  
23 Member Mary Anne Geist entered the meeting at 8:00 p.m.

24  
25 Talk went on as to plan submittals. Mr. Farwell asked if he needs to provide more copies  
26 to the Board for the next meeting. He was told to check with Joan McKibben.

27  
28 Chairman Perry opened the meeting to public comment.

29  
30 Mr. Thomas Levesque, Sr., asked about Page 2. At the last meeting he did not see Page 2  
31 so subsequently he does not think the application is complete at this time.

32  
33 Mr. Wagner: I do not know what the Board got but I got two.

34  
35 Mr. Farwell said it was all submitted.

36  
37 Mr. Farwell: The original PDF that I sent you had both sheets. I gave hard copies to Joan  
38 and PDF to you (Steve Wagner) as required.

39  
40 Ms. Geist asked what is being questioned at this point. Mr. Perry: The question is, is the  
41 application complete? To the best of my knowledge Joan received a copy but we, the  
42 Board, did not receive copies from Mr. Farwell at the last meeting for Page 2.

43  
44 It was noted that plans are not reviewed until the application is accepted. Mr. Wagner:  
45 Right, I look at them to make sure they are complete to go before you, there is a lot that  
46 could still change.

1  
2 Ms. Geist: So, according to the checklist, we are all set. Is that what you are saying? Mr.  
3 Perry: I am thinking if Steve received both sets of plans, I am sure that Joan did.

4  
5 Chairman Perry **ENTERTAINED A MOTION** to accept the application. Mr. Barry  
6 **MOTIONED** for application acceptance for Tax Map 15 Lot 2 and Map 16 Lot 86, 315  
7 Charles Bancroft Highway to subdivide one lot into three lots and a lot line adjustment  
8 Tax Map 16 Lot 86. Mr. Fuertes seconded. Motion carried 4-0-1.

9  
10 **Approval of site plan process**

11  
12 Mr. Farwell said he would like to go forward to talk about the issues mentioned in the  
13 abutter's letter, additional abutter information, so they can be addressed.

14  
15 Mr. Farwell said he received Lou Caron's letter but apparently there is a second letter he  
16 has not received. He had provided Mr. Caron with additional plans but has received no  
17 comment. Mr. Wagner said he received an email from Lou Caron stating the only  
18 changes on the additional plan were wetlands and topography.

19  
20 Mr. Farwell: Since we brought up Lou's letter, he did comment regarding we are showing  
21 the limits of Zone B; it is shown on the plan and labeled and he said he saw it in the notes  
22 but he did not see it on the plans. Of course, you guys have no copies of the plans so.

23  
24 Mr. Perry read into the record a letter (attached) from Mr. & Mrs. Donald and Janet  
25 Ferren.

26  
27 Since it was not certain whether or not the Building Department had received a copy of  
28 the plans, they said they will make sure a copy is forwarded to appropriate areas.  
29 The Conservation Commission needs to get a copy and Mr. Perry said the Historical  
30 Society has asked for a copy to review.

31  
32 Mr. Farwell responded to the abutter letter. Mr. Farwell: We had the wetlands delineated  
33 by a certified wetlands and soil scientist. We had test pits done by a certified septic  
34 designer and they were able to perk. We had suitable 4k areas which is 4,000 square feet  
35 which can provide several leachfield locations for three or four bedroom homes.

36  
37 Mr. Perry asked at what elevation they would be at. Mr. Farwell: They would have to be  
38 high; we have test pits with a seasonal high reading of 41 inches down. Test pit 1, 41  
39 inches down was the seasonal high water table, test pit 2 had an estimated seasonal high  
40 water table of 31 inches, test pit 3 had an estimated water table of 24 inches, 2 feet down.  
41 These will be houses that are mounted up in order to get out of the water table; some less  
42 than others. We are aware of the drainage issue, certainly is the number one problem and  
43 rather than just throwing something out, we are trying to work with the neighbors to see  
44 what our options are and what their problems are trying to work something out so we can  
45 come to a solution; obviously, it is not easy.

1 Mr. Perry: I can tell you right now I will not approve anything that will have water sitting  
2 around the house out there.

3  
4

5 Mr. Farwell: There are no wetlands out there; so there are no jurisdictional wetlands that  
6 we have to set back from...it is not within a floodplain. Certainly we could fill in there  
7 but we have to do away with determining how we contain the storm water from running  
8 off site. There will be very little increase in flow from two residential house lots that have  
9 a house and a driveway.

10

11 Mr. Perry: Well, just think of the water you are going to disperse because you just said  
12 you are going to have to elevate these. You are going to disperse that water everywhere  
13 else.

14

15 Mr. Farwell: This is a large area that it obviously disperses in. So, if you disperse a 1000  
16 cubic yards over 25 acres, that is a very little increase. I guess I realize that is a problem  
17 and we are going to be working with it and I think the number one people that are  
18 concerned are the neighbors. And certainly that is whom we are working with. And we  
19 will provide engineering documents that shows what we are doing; probably making the  
20 situation better and how we are going to do that.

21

22 Mr. Barry said the concern is the people who buy these houses that they should have a  
23 piece of land that they can do more than just have a house on it. If this has to be built up  
24 to a certain level, it is not just the house that gets built up. What takes care of the rest of  
25 the land so they can do something with their land. So, from a Planning Board viewpoint,  
26 we are concerned about the whole lot and not just the neighbors.

27

28 Mr. Farwell: Looking at it, it is a very tricky situation because we all know how to deal  
29 with it if we run into wetlands; we avoid the wetlands...buffers and all that. We all know  
30 how to deal with floodplain but this is an unusual situation. If you guys have run into it a  
31 lot, you should know. It is unusual situation when an area floods seasonally though it is  
32 not a wetland; it is just a known puddle.

33

34 Mr. Perry: In Litchfield there are a lot of those and unfortunately every time we approve  
35 a house that gets built on a lot that gets subdivided with even within range of it they end  
36 up with water no matter how many times you say you are going to seal the basement  
37 foundation, no matter how many times you are going elevate six inches above, no matter  
38 how many times any great technique comes through here they get water in their  
39 basements because from here to the house being built there is about four miles of  
40 difference in the amount of caring that happens. Unfortunately we have to make sure that  
41 is not going to happen. I have more than once before disapproved a plan because I felt a  
42 house would definitely get water in it. You are going to have to convince me you are  
43 going to take care of the water issue. That is all I am trying to tell you. Mr. Farwell: That  
44 is what I am looking for. Mr. Perry: And most of this is coming from me but it is the  
45 same concern I am hearing from everyone else.

46

1 Mr. Wagner asked about the wetlands delineation. Mr. Farwell: As you know wetlands  
2 delineation you can do it in the spring or in the fall. Mr. Wagner pointed out that there  
3  
4  
5 are questionable wetlands delineated in the wintertime; that you should require a re-  
6 evaluation; that you should double check in the spring on a case-by-case basis. Mr.  
7 Farwell said that Gary Flaherty is a soil scientist and wetlands scientist and he has told  
8 him time and time again as long as he can see the plants. It was said the wetlands were  
9 delineated in December 2005.

10  
11 Mr. Barry mentioned walking the land; the last time they were here there was snow on  
12 the land and they could not walk it. He further stated he would not approve anything until  
13 he can see the land; that would be the true test of how wet it is.

14  
15 Mr. Farwell: If we can tell you what the elevation floods to, you have contours out there  
16 so you have the limits.

17  
18 Mr. Farwell said there will be some fill that goes on, the battle of displaced water...and  
19 that started the process of how we are looking at this problem.

20  
21 Mr. Wagner: I do not question the wetlands delineation but perhaps it is in the floodplain  
22 because the data from 1970 is not accurate any more.

23  
24 Mr. Wagner was not sure that the new flood maps are out yet.

25  
26 Mr. Perry: I guess the best thing to say is we know this is a problem lot, we know it  
27 and you will need to prove to us that it is not going to be a problem. If it is not wetlands,  
28 it is not wetlands. A lot of people see a puddle and automatically assume it is a  
29 wetlands...but I think with your whole correction of this property that we are going to  
30 need to see, you are going to need to tell us where this water is coming from and how you  
31 are going to mitigate that water from not getting over here.

32  
33 Mr. Farwell: Obviously, there is water coming here, it is puddling it up. That same  
34 amount of water if we displace it by filling it, is rolling off the land and how we are  
35 detaining it and where we are directing it to.

36  
37 Mr. Perry: I do not want to sound like we are ganging up on you; there is a lot here. The  
38 thing that I question is you do not have a whole watershed that that it is coming from; you  
39 might not have one defined area.

40  
41 Mr. Farwell: It is pretty defined and I noted it on my additional topo. This is quite a bit  
42 higher here; here is Westview Drive it falls down prior to the overhead electric. It splits;  
43 this is a large flat wetlands in here and it splits. There is actual watershed divide...some  
44 goes this way and forms a nice brook and crosses Charles Bancroft Highway on the north  
45 side and this one goes down goes a little bit further and also crosses Charles Bancroft  
46 Highway and here are some area photos that depict that. Here is the edge of this one that I

1 was saying flows to the north, that is Rene Theroux's house; here is the power line. You  
2 can see these threads of these wetlands brook and that goes off to Page and flows that

3  
4 way. While in the back of the neighbors this is the area in contention; this is the other  
5 brook that flows this way. Here is the neighbor who has the ditch, this flows and crosses  
6 3A south. So, there is a nice split; obviously anything on the other side of these ditches  
7 goes into the ditch and leaves. So, we are within our ditch; we have enough topo to know  
8 where the break is. So, this is flowing towards this ditch and this is flowing this way and  
9 eventually...

10  
11 Mr. Perry: I do not want to tell you how to do your job but with a relatively flat parcel, I  
12 think you may run into an issue of finding how exactly this water is getting there and I  
13 think until it happens, you might not know how to exactly correct it.

14  
15 Chairman Perry opened the meeting to public comment.

16  
17 Mr. Kevin Lynch: Are you talking about my lake in front of my house that comes in  
18 every year? You are wondering where that water is coming from...the field sheds that  
19 area. Years ago it used to shed down in front of the Colby's house till Schricker who  
20 bought that land filled it with sand and then dispersed it down in front of Clement's house  
21 which is now Stokes' house. It used to run behind Stokes, behind Joe Morin's house, and  
22 go along the swale...Joe Morin filled in part of his land in back and blocked it. Stokes did  
23 some work on his land. The pumps used to run in his basement for years. He has always  
24 had the pumps. Where they go now, I do not know; he has been fixing up his yard. How  
25 the water got there, it used to pond to the north a little bit and when Schricker bought the  
26 land and filled in what used to be a huge shed. He tore it down and dumped a lot of sand  
27 there. Everybody used to get stuck on 3A...where the water is coming, it is off the fields  
28 because the car track is higher...always has been higher. Kurt West got in there and built  
29 his house a little structure going up the hill. Now there is a pipe in there. It used to be a  
30 wetlands; we used to cross to go through there. It never used to be a culvert. I was just  
31 telling him tonight I do not know where that 15 inch pipe came from. The brook itself  
32 which is McQuesten's brook we call it comes down and picks up from above; that is  
33 spring fed. There are a lot of springs that come up on that piece of land that you bought  
34 on one side of the brook. That is all spring fed; it has been like that for years because the  
35 McQuesten Farms he used to feed the milk cows with the lead pipe going up to the brook  
36 and that used to feed the water supply. It went all year round, the best water in town until  
37 lead was found to be bad for you. The water itself is coming off the main property; it is  
38 not coming from Stokes per se. There is a cross over pipe on 3A that allows his  
39 foundation to drain onto my land along the back. He has that same thing. That pipe  
40 broke years ago. Everything used to flow towards my house but I have the dry basement  
41 now. I do not have water...

42  
43 Mr. Perry: It just runs through your yard. The road is a good enough barrier for you?

44  
45 Mr. Lynch: The road is a good barrier and putting on the 8 foot porch that keeps it away  
46 from the house. My problem is ground water against the house and I solved that

1 with the porch. There has been talk that there used to be a culvert pipe across Route 3A  
2 just north of me. I have never seen a pipe in there... and there is no culvert pipe that I  
3  
4 know of that crosses Route 3A. There is an old well that used to be on the edge of  
5 Route 3A that they plowed out...that well is gone; that has been filled in but stone is still  
6 in the area...That is where the Grange Hall was and it used to have a dug well, that is  
7 gone; they filled in that foundation...they never really had a septic system there...they  
8 just had a dock house. Water was coming from the dock house at the time. Since Kurt got  
9 in there and changed the terrain more on that house...what I am hearing tonight is storm  
10 water management. What comes off the site does not flow onto the other site. You  
11 cannot discharge more water onto somebody else's land as long as you can contain it.  
12 Now, as to the blockage before Joe Morin was there, it never was filled back there; you  
13 could have water flowing all the time...there is nothing to drain the whole site.

14

15 Mr. Stokes: It is not there.

16

17 Mr. Lynch: I know where it comes out.

18

19 Mr. Stokes: I can' find it on my place.

20

21 Mr. Lynch: I have been controlling the water in my own backyard. The ditch line that I  
22 had there last year filled in...I had it cleaned it out. The water is basically coming from  
23 his site over the years certain terrain changes, blockage. Mr. Stokes trying to protect his;  
24 his backyard floods all the time and it used to flood over my father's house where the  
25 pool is now between Joe and his house that is where the water ponds, too. Tom  
26 remembers that ducks used to swim around his house before you were in and George  
27 Clement was involved with that... and the Morin's...I am familiar with the site. It is the  
28 hydrology of the site that bothers me. Yes, you are right water ponds, the water table is  
29 fuzzy, the soil guy says it is 44 inches today a lot of that sand was spread out across that  
30 field made that even better perk but it perked better when you get down to the low end  
31 against his side because that is where that low part of that field is. It is all about  
32 entrapment. That soil is black soil, 18 inches of soil...The history is I grew up  
33 there...there is storm water management coming off the site, wet basements. Kurt had  
34 water in his basement, you had water. He thought he was up higher that foundation is  
35 just about on top of the ground. You have issues downstream, blockage, there is more  
36 water coming across the field now on Ferren's land where it never used to drain as much.  
37 It was always ponding. He has been fixing his yard, Joe jumped in years ago to fix his  
38 yard, it formed some blockage. You are talking 25 years ago. Current events today were  
39 caused twenty-five years ago when one lot was filled in which was your lot...

40

41 Mr. Perry: So that is the way things are now. Mr. Lynch: That is the way the flow is. Mr.  
42 Perry: So you are not passing your problem onto somebody else.

43

44 Mr. Lynch: It is the old story storm water management. Mr. Perry: There is a lot of water  
45 out there in the springtime and I cannot imagine the amount of work it is going to take to  
46 try to mitigate that.

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Mr. Thomas Levesque: Going over this piece of property, I have only been in Town since 1971 but we have watched that field flood every year, all the years I have been here; some years is worse. In recent years since Grif built that house there he changed the spot where his house is now; he changed the water. There is obviously more water. The water has been running across that driveway for the last couple of years. My only concern as a Conservation Commission member whatever we are going to do on this property or whatever water is on the property does not leave that property. As you read Don's letter here a few points if you read it carefully referring to pipes, etc. and certain things have been placed in certain places for certain purposes in recent years. It is a bad situation unless they can find a way to retain the water on that site...no way it should be approved unless there is a way to retain that water on that site because other than that, that field across the street from Mr. Ferren...Charlie McQuesten literally almost lost a tractor down there and all we could do literally 1,000 of yards of topsoil down there that washed off that field into the river in the April flooding last year from the increased flow that came off the two adjoining pieces of property coming off several properties through there and across that new road into that field. I think anyone that went by would have seen the tremendous trenches that were dug from the runoff. That runoff cannot be expanded it is not fair to the Ferrens and to the Smiths. And also as Kevin described it, the storm water management literally 1000 yards of topsoil into to the river. That has to be taken into consideration as part of the project as well.

Mr. Lynch mentioned over the past two to three years there have been flash flooding situations. On the Ferren's piece and the old Colby's piece...erosion here that Tom is talking about, that is the problem, it is the outfall. On the other side of that, there has been some beaver activity in the back and that has diverted some of the water; the beavers have been taken care of...they flood the fields and the farms and they flood that flat land wetlands in the back so they have to be watched.

Mr. Wagner: Going back to the West property, your place now, is there anything that could be done to the terrain to improve the situation more towards what it was?

Mr. Lynch: The trolley car is your main cross section right here that is the high ground. When they built that thing they raised it up and it diverted both sides. There used to be ditch lines on both sides of the trolley car years ago where you had ditches...behind Joe's house and Mr. Stokes and...the water used to split so now behind the old brick house there is a pond back there. There is an elongated pond, an old irrigation ditch that was put in by the Colby family years ago and that used to pick up the flow on half the power line track on the other side. Coming down through there, there is a culvert. I do not know the condition of the trolley car. With the terrain changing and the stripping of the trees, cutting the runoff is more significant than it ever has been. Kurt did not like pine trees...here is a culvert. I do not know the condition of the trolley car...where the terrain changes that all changed.

**Litchfield Planning Board**

**January 15, 2008**

1 Ms. Geist asked Mr. Stokes if he has to have pumps running out of his cellar all year  
2 round?

3  
4 Mr. Stokes: Yes. No, wait I have to rephrase that. During the winter you don't but this  
5 has been a mild winter. If you go in my yard you are going to see 6 inches of water on top  
6 of the snow...late summer it dries up. I do not agree with a lot of the things that was said.  
7 The water comes from 3A when the beavers dam it up...I can stand in the back of my  
8 house and I can watch the water come from the back so it has to be coming from around  
9 the woods.

10  
11 Mr. Lynch: It used to be in the bottom until Kurt bought one of those big machines and  
12 graded.

13  
14 Mr. Stokes: Where my fence is on the side of his property, the water builds up there that  
15 comes right over so my water well goes down your road. Once his is down below mine, I  
16 don't have his water any more. He has it built up; he is street level.

17  
18 Mr. Perry: Truthfully, according to Litchfield regulation, anything that would be built  
19 there, he would have to take care of all the water in that area. So, if anything your  
20 problem should get better.

21  
22 Mr. Stokes: I see no reason why he can't subdivide it. But you have to get this problem  
23 solved though. I do not see a reason why he can't go and subdivide but I still want to get  
24 the problem solved. Mr. Perry agreed he sees no reason why it can't get subdivided but  
25 questions if this water can be controlled.

26  
27 Mr. Stokes: I think the only way it can be controlled you have to have something going  
28 across the street.

29  
30 Mr. Perry: That can't happen.

31  
32 Mr. Stokes: That is the only way it can be controlled.

33  
34 Mr. Lynch: The only way that could happen it would have to be abutter agreement.

35  
36 Mr. Perry: I do not know if our regulations would allow that because our storm water  
37 management states that water cannot leave the site.

38  
39 Talk continued. Mr. Farwell said it is in the subdivision regulations that it could be  
40 waived if it is acceptable to the abutters to allow that to happen.

41  
42 Mr. Perry: I am pretty sure you are not going to get that feeling from this Board.

43  
44 Mr. Farwell: You do not think that is a good solution handling it by sending it into the  
45 brook? Can you elaborate?  
46

**Litchfield Planning Board**

**January 15, 2008**

1 Mr. Perry: We have a regulation that says storm water must be retained on the site and  
2 you have reiterated the fact that this is surface water and surface water is storm water that  
3 means it can't leave the site.

4  
5 Mr. Farwell: Every site is unique and I doubt if you would get many abutters that would  
6 be willing to accept increase flow. The intent of the regulation is to prevent one person  
7 from developing the site and harmfully impacting their abutter.

8  
9 Mr. Perry: Again, that is your job.

10  
11 Chairman Perry closed public comment

12  
13 Mr. Barry asked about changing the lots to two lots, not three, if this becomes an issue,  
14 this 6-2. Mr. Wagner suggested one of the lots be used as a retention area. To this, Mr.  
15 Farwell responded that there are all kinds of options. Mr. Farwell needs to get together  
16 with Lou Caron. Mr. Barry then asked if the trolley line that runs through the lots should  
17 be noted on the plan and does it come under historic district. Mr. Farwell said it is noted  
18 on the plan; it is an abandoned easement but it will be noted that the rights have been  
19 reverted back to the owners but at one time it was an easement.

20  
21 Mr. Perry said to do the best they can and have everything in order before they come  
22 back; the more preparation the less time it will take. He further stated that they be  
23 cautious with the amount of water that is there. "I hate to see you put a lot of money into  
24 something with no results".

25  
26 The plans are to be distributed to Joan and she will distribute them and make sure she has  
27 enough copies to distribute. The Board will want to do a site walk when the snow is gone.

28  
29 Mr. Perry **MOTIONED** to continue to March 4, 2008. Ms. Geist seconded. Motion  
30 carried 5-0-0.

31  
32 **CTAP**

33  
34 The Board discussed the application for the CTAP funds. Ed Almeida had provided  
35 email comments that the I-93 widening was more, with bus service and light rail being  
36 discussed and the impact on the airport needs to be discussed.

37  
38 Mr. Barry wants the document to properly list Litchfield organizations not included and  
39 remove those not in Litchfield. He wanted the contact(s) to be from the Board(s) rather  
40 than Joan and NRPC because they can benefit from the experience gained. He thought  
41 that churches should be included in the business commercial involvement.

42  
43 **Land Development**

44  
45 Talk went on regarding developing large parcels of land.

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**Bond Reduction – Pinecreek Village**

The Board discussed a request for a bond reduction and reviewed a letter from L.C. Engineer recommending the reduction. Mr. Barry **MOTIONED** to approve a bond reduction for Pinecreek Village. Ms. Geist seconded. Motion carried 5-0-0.

There being no further business, Mr. Perry **MOTIONED** to adjourn the meeting. It was seconded. Motion carried 5-0-0. The meeting adjourned at 10:30 p.m.

Lorraine Dogopoulos  
Recording Secretary  
(transcribed from tape and notes)