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Litchfield Planning Board
February 19, 2008
Minutes Approved 3/18/08

Members present:

- Steve Perry, Chairman
- Jayson Brennen, Vice Chairman
- Leon Barry
- Carlos Fuertes, Alternate
- Edward Almeida, Alternate

Absent:

- Alison Douglas, Clerk
- Mary Anne Geist
- Marc Ducharme

Also Present:

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

Agenda:

- 1. The Board to consider acceptance of an application by Susan and Christopher Wagner to subdivide one lot into two lots at 7 Carlisle Drive, Tax Map 13 Lot 157.**
- 2. CIP's**
- 3. Approve Minutes: 11/6/07,11/22/07,12/4/07/12/18/07/1/15/08 and 1/22/08.**
- 4. Any Other Business**

Final Contract for CTAP project

Chairman Perry called the meeting to order at 7:08 p.m. Chairman Perry appointed alternates Edward Almeida and Carlos Fuertes as voting members.

1. 7 Carlisle Drive, Tax Map 13 Lot 157, Subdivide one lot into two lots

Mr. Gregg Jeffrey, Jeffrey Land Survey, LLC, came forward representing Chris and Susan Wagner. Mr. Chris Wagner was present. There were three abutters present: Mr. & Mrs. Guy & Fran Beloin Chamberlin Drive and Mr. Jim Woznica, 2 Carlisle Drive.

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There is an existing house at 7 Carlisle Drive owned by Mr. & Mrs. Wagner and one new building lot is being created. Test Pit data was provided showing ESHWT at 24 inches. The wetlands were delineated showing two small fingers to the rear of the lot. Fees were paid and abutters noticed. They are in process of getting an approved septic design and State Subdivision approval.

Mr. Steve Wagner talked about the waivers Section 530 k and m. He feels they are not applicable because it is an existing lot and there will not be any activity other than the construction of the house. The waiver is for a 25 year storm design, utilities and erosion control. Section 530 k says “the location of existing and proposed water, sewer and drainage systems accompanied by plans for the proposed system indicating inter-connections, profiles and elevations; drainage plans will be based on a 25 year storm”. The other waiver is “erosion and sediment control plans based on a 25 year storm event in accordance with the standards in Appendix D”. Mr. Wagner said this is based on subdivision and construction of roads, drainage ditches, etc. and around the house itself. There will probably have to be silt fences and stuff during excavation.

Mr. Perry: That would not blanket that, would it?

Mr. Wagner: I would say not. It is a flat lot, basically, right?

Mr. Jeffrey: It is a little higher in this area and sort of levels off here. On the plan it shows the 4 k area.

Mr. Woznica: How much is the drop off?

Mr. Jeffrey: At the very corner you are at about 214 and at the wetlands you are at about 196, 198.

Mr. Perry: Could you state your name for the record? Jim Woznica. Mr. Perry: I will open it up to public comment...as soon as we have gotten everything. We try to get as much information as we can so hopefully you can minimize the questions but by all means when I open it up to public all the questions can go.

Mr. Perry: So, Steve you would recommend these waivers?

Mr. Wagner: Yes, Section 530 m. if the subdivision regs. is open for discussion.

Mr. Perry: Because what would you usually get out of them the utilities and erosion control, erosion control is going to be if they wiped out every tree on the site, you would have to have erosion control for that, wouldn't you?

Mr. Wagner: Yes, it is designed for a 25 year storm. The thing we are talking about like say when we did that single house for Jim Crowley and they had drainage control in the

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yard; that would have been designed for a 25 year storm and just putting up silt fences and stuff, it really has nothing to do with design standards.

Mr. Perry: It does not have anything to do with the construction of the house?

Mr. Wagner: No. What I am saying is typically m is for things like public portion of commercial, of a subdivision such as a road, drainage along the right of way, drainage features that would need to be done to properties. This is just a single family lot.

Mr. Wagner said the application is complete except for the waivers. There are three waivers to consider. Section 530 k and m (25 year storm design for utilities and erosion control).

Mr. Perry opened the meeting to Public Comment: “Right now, we are only talking about the acceptance of an application which is the paperwork that goes along with this and if you want a general description of what is going to happen, that is why we can ask Mr. Jeffrey to go through that again. Otherwise, the approval process is when we go through what is being built there and every thing else like that”.

Mrs. Fran Beloin, 7 Chamberlin Drive: You said something about the 25 year plan where if they cut all the trees, can they, where it is wetlands, cut down all the trees?

Mr. Perry: Up to the wetlands buffer.

The wetlands buffer was pointed out on the plan. Mr. Guy Beloin said there seems to be a small brook, an area up there. I guess I can’t visualize this here but would that drain into the brook if there was any disturbed property there, that is excavated?

Mr. Jeffrey: What do you mean if sediment gets into here, is that what you are talking about?

Mr. Beloin: Not necessarily sediment, we get a lot of rain especially springtime at that brook and it does have running water. I was wondering if there would be a drain that would be disrupted somewhere. We have been at our house for 7 years, we’ve never had any flooding; we have a dry basement. What assurances do we have that it won’t happen?

Mr. Jeffrey: Well, there is a wetland system between your property and this parcel right here. A wetland system is probably the best buffer you have because water goes in and it is a big wide system and it raises and lowers accordingly. It absorbs water; that is what a wetlands system does. Absorbs it and slowly drains it. You ask about assurances if it rains and more water goes onto your property, I cannot give any assurances about that. I am not a hydrologist. I can tell you between your property and 7 Chamberlin you have a whole wetland system...it would absorb any rainwater or runoff that you are going to get from this property and you already do get the runoff.

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Mr. Beloin: Right, and I do see at the corner up here an existing drainage easement so maybe that might be part of the brook?

Mr. Jeffrey: The existing drainage easement that is there, that is from a previous plan because this is a pre-existing subdivided lot. This was put on there to encapsulate the wetlands in this area. It was just a provision of the previous plan, pre-existing.

Mr. Woznica: Are there any provisions to prevent runoff from the wetlands if they do cut down all the trees? Is there anything that has to be done by the developer or the homeowner?

Mr. Jeffrey: It is best management practices which when you get on the smaller lots, of course, what you want to do is if you are disturbing the soils, you put silt fences or hay bales around the property or the area to be disturbed. Can I guarantee that the next owner won't cut down trees? I cannot guarantee that.

Mr. Woznica: But those bales are only there during construction process.

Mr. Jeffrey: Right.

Mr. Woznica: So, what happens after the construction process and the homeowner moves in and pulls the bales out?

Mr. Jeffrey: It will be stabilized; after a certain time, the grass grows and it stabilizes.

Mr. Perry: The typical way to stop erosion is to plant grass.

Chairman Perry closed public comment. Talk ensued.

Vice Chairman Jayson Brennen arrived at 7:25 p.m.

Mr. Perry **MOTIONED** to accept the waivers for 530 k which is a 25 year storm design and 530 m is for utilities and erosion control. Motion to be restated. Mr. Perry withdrew his Motion.

At this time, Mr. Jeffrey said there is another waiver Section 403.00 Site Analysis which is to assess positive and negative development characteristics of the site. The applicant is going to request a waiver because it is a previously existing recorded lot and expected to involve minimal impact. It was said site analysis would entail traffic, endangered species, historic, etc.

Mr. Jeffrey submitted the three waiver request in writing to the Board.

Mr. Wagner: 403 is Site Analysis and with larger subdivisions it is more critical where you want to see what the impacts are the site is going to have on the neighborhood, and

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what impact on wild life associated with that site. Typically, it has to do with traffic analysis, look at the availability of water, historical resources, are there any historic sites involved in the parcel, any threatened or endangered species on the site. This one I asked Joan Conservation Commission member) and she does not have a problem with it as long as there is nothing unique or protected say in the wetlands in the back; nothing is going to be disturbed on the site. It is fairly small so it is not like you are disturbing wildlife corridor or anything like that.

Mr. Perry: How would you know unless you did it? Only because of all the conservation land around here. How would you know if you are disturbing anything unless you did a site analysis because you have Grassy Pond at the end of the road to the east, the Stabile property which is currently trying to be acquired?

Mrs. McKibben: The only thing I know of there is it is a high traffic turtle area crossing Albuquerque from Duck Pond over to that site and you have enough corridor for mammals to get around. Mrs. McKibben suggested a no cut area but it would be hard to enforce once people move in. This was discussed. It was said if it is noted on the drawings, there would be something to enforce. It was agreed to hold off on the waiver Section 403.00.

Mr. Perry **MOTIONED** to accept the waivers Section 530 k 25 year storm design for utilities and 530 m for erosion control. Mr. Barry seconded. Motion carried 5-0-0.

Mr. Perry **MOTIONED** to accept the application for Susan and Chris Wagner to subdivide one lot into two at 7 Carlisle Drive, Tax Map 13 Lot 157. Mr. Almeida seconded. Motion carried 4-0-1.

Application approval

One lot will be a little over an acre and the other would be 1.7 acres. A single family unit to be built on the one acre lot.

Mr. Perry: Why is this existing drainage easement all of a sudden stop right here. Why doesn't it carry on?

Mr. Jeffrey: It is from the previous plan.

The Board reviewed the previous plan.

Mr. Jeffrey: The stream sort of gets defined right here...what they were trying to do is encapsulate the stream portion of it.

Mr. Perry: So, they delineated all of this as wetlands. How can they delineate it before and it is not now wetlands?

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Mr. Jeffrey: We brought this up to the Conservation Commission. The homeowner had it re-flagged at her expense and using the criteria, we have the letter from Gove about the criteria, it was delineated to this size, what you see on the plan now.

Mr. Perry: What separates the wetlands delineated back then as to now?

Mr. Jeffrey: The criteria that was used, I am not a wetlands scientist, but I have supplied letters to Joan how they flagged it.

Mrs. McKibben: Actually they are the same criteria.

There is a letter from the Conservation Commission. Two members walked the site and had no issues.

Mr. Wagner said that there is an issue he overlooked with the wetlands setback, the number is not correct. It should be 50 feet non-disturbed area and they have to make sure they meet the new building envelope of 17,400 square feet and a 75 foot building setback and 100 foot septic setback from wetlands and 75 foot setback from Albuquerque Avenue. Mr. Jeffrey asked if the no cut would affect the building envelope. Mr. Perry: We would probably ask you to leave trees that would be in the building envelope but would it affect your total numbers, no not at all.

Mr. Perry asked where the test pit data is. Mr. Jeffrey said he gave a work sheet. The test pit is at 24 shwt. They did not do a test pit where they propose to put the house.

Mr. Perry: The issue we are going to have is you have to put your basement floor elevation minimum 6 inches above and the only way to get that is a test pit. This was discussed.

Chairman Perry opened the meeting to public comment.

Fran Beloin asked what is a test pit. Mr. Jeffrey explained it.

Chairman Perry Closed public session.

The Board reviewed the comments by Steve Wagner. They need to correct the setback line. They need to provide existing parcel size in acres and square feet. Provide acres for area of parcel A and B (530 d). Lot numbers to be assigned as a condition of approval. The street number is #1.

Mrs. McKibben said two members of the Conservation Commission visited the site on 12/7/07 and is in agreement with the new delineation done on 9/07.

They need to provide stamp and signature of Surveyor, Soil Scientist and Wetland Scientist. Owner signature on plan. Basement floor elevation to be a minimum of

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6 inches above ESHWT and basement floor elevation shown on plan. Letter from Fire Department as to distance to hydrant and lot numbers. Mr. Jeffrey said there is a hydrant on the corner of Albuquerque and Cutler. Mrs. McKibben said she sent the plans to the Fire Chief on January 17, 2008, and asked for his comments. Septic and State Subdivision approval is pending. The bounds are to be set and they need to determine the building envelope.

Mr. Perry explained the reason for the building envelope requirement. The .4 acres envelope was instituted for every lot developed in Town there has to be a minimum of .4 acres of a buildable area which means anything outside of any setbacks, easements, etc. so people have a place to have a yard. Mr. Barry said it has been customary that they walk the property to see if it is okay. Mr. Barry: Does the Board think we should walk the property? He is concerned because Joan has points about the wetlands in the back. Mrs. McKibben: No, we agreed with their new delineation...what we did notice is a lot of red oaks and it would be nice if they saved those and I do not know exactly where they are.

Mr. Wagner asked if the applicant is agreeable to a temporary construction buffer; it would not be a permanent buffer. Mrs. McKibben: How much regrading would need to be done. Mr. Jeffrey: You have 213 right now, you will have a 2 to 3 foot reveal here on an 8 foot foundation so you will need a retaining wall in this area. Mr. Wagner: A temporary that follows the line of the septic setback.

Mr. Jeffrey: If the applicant is agreeable to that, I would have no problem putting it on the plan. It would be no cutting within 100 foot of delineated wetlands.

Mr. Chris Wagner: I would not object as long as it does not interfere with the proper building of the house. I am not about cutting trees.

Talk continued. The applicant agreed to a temporary no cut along the 100 foot until the completion of the house. Mr. Perry said he is looking for some sort of no cut zone on the plan so when the house gets built not all the trees are going to disappear. Mr. Chris Wagner: I would have no objection to that.

Mr. Perry: I think there will be plenty of room to build.

Mr. Jeffrey: It is a lot of room. That is 70 feet from the back of the foundation to the closest 100 foot.

Mr. Perry added that if the lot is sold and they find they do not have enough room, they can come back to the Board to change it.

Mr. Perry: We are going to want that test pit on where the house is being built so if somebody came in and wanted the house somewhere else inside that building envelope, we are going to ask for a test pit in that spot. We, typically, get it on the plans now and we usually get two to three test pits.

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They only did one test pit because they did not know the Board wanted more. Mr. Jeffrey: Is it required that we have the test pit on there, the foundation test pit or can that be a note on the plan about required to be 6 inches above shwt.

Mr. Perry: That is a good question to you because we have been asking for it all along prior to approval because we want to know where the house is going to sit.

Mr. Wagner: He has a good point; somebody could site it somewhere else. We could require an as-built that shows the elevation.

Talk went on as to who checks to verify that it is 6 inches above shwt. At the moment, there are no procedures set up and that is why it is always done this way.

Mr. Jeffrey asked if a soil scientist has to certify the seasonal high water. This was discussed.

Mr. Perry: My issue is where the test pit was done, you go up hill 10 feet and that 10 feet might get them clear of all water but that 10 feet might still reveal that it is 2 feet down. If it was a flat lot, this would be easy.

Talk ensued. Mr. Wagner said the ordinance leaves some discretion to the Board and says that all dwelling commercial and industrial buildings approved after March 13, 2007, as part of the subdivision or site plan approval or amendment shall not be constructed within a designated floodplain, which is a 100 year Flood Hazard Zone in additional lowest floor elevation, basement or slab shall be a minimum of 1 foot above the 100 year Flood Hazard Zone or 6 inches above the estimated shwt, whichever is greater. It does not say how you determine it.

Mr. Barry: Is this lot going to be developed in the next year? Chris Wagner: I do not know. Mr. Barry: Then, see, my concern is if we have these questions, I would not approve it and I would wait for the test pit to be done. And also it is customary for us to walk the site we are going to approve and if we have to wait until spring when there is nothing on the ground, then we should wait especially because we have questions and I think to take and move on it at this time would not be advantageous to the Board.

Mr. Perry: I would be fine not walking the site if I had the test pit...if you had another one within this 210 line, I would have been okay with that.

Mr. C. Wagner: I will do it; I do not care.

Mr. Jeffrey: We do have the finish floor elevation here...if that is too far then we extrapolate.

Chris Wagner said he is okay with doing another boring. Talk ensued. Mr. Perry said they do need to do a certified test pit.

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Mr. Perry: I would like to see a test pit somewhere in the range of 208 to 210 contour lines and I would say with that and cleaning up of everything we set forth. Mrs. McKibben to contact the Fire Chief to respond to the Board. Mr. Perry: Do we have an agreement of no cut at the 100 foot radius? Mr. Jeffrey: Can I say it is temporary construction, no cut zone? The Board agreed with a temporary construction, no cut buffer to be noted on the plan.

Mr. Barry: What does temporary mean, let's define?

Mr. Jeffrey: Process of construction until the completed construction and stabilization of the site.

Back to the waiver Section 403.00 site analysis, Mr. Perry: It seems clear that the Conservation Commission does not have any worries.

Mr. Perry **MOTIONED** to grant the waiver for request of Section 403.00 Site Analysis. Mr. Barry seconded. Motion carried 5-0-0. Mr. Jeffrey asked to conditionally approve the plan but the Board not being certain they will meet the building envelope, did not grant the request. Mr. Perry **MOTIONED** to continue to March 18, 2008. Mr. Fuertes seconded. Motion carried 5-0-0.

2. Capital Improvement Plan

The Board reviewed the schedule of capital improvement projects submitted by different departments.

Changes made to spreadsheet provided by Mr. Wagner:

- Recreation - Gym, \$250,000. Agreed to start 2012 and a 5 year bond. This amount to be updated. It was said that the Recreation Commission has over \$300,000 in impact fees.
- Town Clerk /Tax Collector – Addition, \$286,000 in 2012
- Library - \$35,000 Impact fees available. \$15,000 masonry in front of building, front porch floor and steps, making it larger in 2009; \$5,000 parking area extension towards Stage Road using \$5,000 from impact fees and \$15,000 taxation 2010; \$3,120,000 for a new Library at Liberty Way as proposed in Master Plan. It was agreed start in 2014. It will be a 10 year bond.
- Planning Board - Mr. Brennen suggested putting in \$30,00 for aerial mapping, engineering in 2013. An application will need to be filled out. Chase Brook Watershed Study \$50,000 in 2009
- Cemetery - \$135,000 for Pinecrest fencing and it was agreed 2011.

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- Conservation Land Fund, 1 million in 2009 and 1 million in 2010.
 - School - GMS new construction 15 year bond to start in 2009. Portable classroom if GMS is not replaced 2013
 - CHS storage building and garage work room 2013
 - Track resurfacing \$130,000. It was said it was put in the budget. The Board agreed to eliminate it from the CIP (considered maintenance). It probably should be a warrant article.
 - LMS emergency road access from Stage Crossing, \$50,000
 - GMS/LMS roof and boiler replacements. Okay
 - Emergency generator \$98,000 in 2010
 - SAU office space \$700,000 in 2014
 - GMS parking lot expansion and lighting \$150,000
 - CHS field fencing. This was put into the budget and wait to see if the budget passes. If budget passes, it will be taken out of the CIP.
 - CHS Locker room expansion
 - CHS Sports field realignment \$22,000
 - CHS Addition 6,000,000...put it out past six years.
 - CHS stadium seating in 2012
 - Replacement pick up truck lease \$10,000 a year in 2010. This was eliminated; not a capital item.
 - Press box storage area \$10,000 in 2012
 - GMS swale reconstruction \$90,000
 - Stadium lighting \$130,000 to 2012
 - Dewatering site \$1 million 2009 and 2010
- Mr. Wagner will calculate the final totals.
- Cable Committee's CIP - Mrs. McKibben will contact Cable Committee Chairman.
- Continuation of CIP review at the March 18, 2008, meeting.

3. Impact Fees

- Mr. Perry discussed an email from Bruce Mayberry regarding impact fee update.
- Mr. Perry: He said updating for the share fact of re-plugging in numbers was not worthwhile unless we restructure it. Isn't that what we are doing?
- Mr. Wagner: He was talking about restructuring the impact fee to see if they are still valid. So, he would look at our CIP, the updated CIP, to see how it relates to what the impact fees are saying.
- Mr. Perry: So, he is waiting for us to finish this until we go any further with him?

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2 Mr. Wagner: I do not know if he knows anything about the CIP. I think what he was
3 saying look at the most recent CIP and see if those capital issues are still there that you
4 collect the impact fees for.

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6 Mr. Perry: So, under my impression when we get this finish is the time to contact him
7 and have him re-look at it. Right? Mr. Wagner: I guess. Mr. Perry: We have it in the
8 budget as long as the budget gets passed. Mrs. McKibben: I will email him to see if that
9 is his understanding.

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11 **4. Training**

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13 Mr. Perry mentioned training to be held March 13, 2008, at 7:00 p.m. for planning board
14 members. It will cover planning board rules and procedures as well as site plan and
15 subdivision review. It is being hosted by Nashua regional Planning Commission. It is free
16 and those interested should respond to NRPC by March 11, 2008.

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18 **5. Approval of Minutes**

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20 Mr. Perry said that the Board needs to develop a policy where the minutes are read and
21 then the Board should be able to approve them within a few minutes.

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23 The Board discussed the January 22, 2008, minutes. Mr. Barry mentioned on page 9 the
24 swale situation and this should be looked at. Talk went on regarding Rolling Acres.

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26 Mr. Perry **MOTIONED** to approve the November 6, 2007, minutes. Mr. Brennen
27 seconded. Motion carried 2-0-3.

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29 Mr. Barry **MOTIONED** to accept the minutes of November 20, 2007. Mr. Barry
30 seconded. Motion carried 4-0-1.

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32 Mr. Perry **MOTIONED** to accept the December 4, 2007, minutes as submitted. Mr.
33 Barry seconded. Motion carried 4-0-1.

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35 Mr. Brennen **MOTIONED** to approve the meeting minutes of December 18, 2007. Mr.
36 Fuertes seconded. Motion carried 5-0-0.

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38 Mr. Perry **MOTIONED** to approve the minutes of January 15, 2008. Mr. Almeida
39 seconded. Motion carried 4-0-1.

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41 It was said to put that swale situation, Rolling Acres, on the agenda for the next meeting.

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43 **CTAP CONTRACT**

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45 Mr. Perry **MOTIONED** to accept the application for the request for the CTAP
46 discretionary fund for the use of Litchfield Economic Assessment and Development Plan.

Litchfield Planning Board

February 19, 2008

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Mr. Barry seconded. This was discussed. Mr. Perry reworded the motion. Mr. Perry **MOTIONED** to submit the application as written for the use of the Litchfield Economic Assessment and Development Plan from the CTAP Discretionary Fund. Mr. Barry seconded. Motion carried 5-0-0.

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

Lorraine Dogopoulos
Recording Secretary