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**TOWN OF LITCHFIELD**  
**April 1, 2008**  
Minutes approved 4/15/08

**Members present:**

- Steve Perry, Chairman
- Jayson Brennen, Vice Chairman
- Alison Douglas, Clerk
- Leon Barry, Bondsman
- Frank A. Byron, Selectmen’s Representative
- Carlos Fuertes, Alternate

**Members not present:**

- Mary Ann Geist
- Marc Ducharme
- Edward Almeida, Alternate

**Also present:**

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider
- Lou Caron, P.E., L.C. Engineering

**AGENDA**

**1. Cutler & Page LLC Rolling Acres IV, Tax Map 2 Lot 88**

The Board will continue consideration of an application to subdivide one lot into four single family one acre residential lots with one remaining non-residential lot of 88 acres

**2. Plex Realty Trust Tax Map 20 Lot 45 450 Charles Bancroft Highway**

The Board will continue consideration of a site plan at the above location for an indoor Laser Tag amusement facility.

**3. Holly Sutherland Tax Map 22 Lot 88, 13 Forest Lane. The Board will consider**

a Home Occupation application for the practice of Hypnosis and Reiki (a Japanese hands on technique for stress relief, relaxation and to promote healing)

**4. Granite State Paintball Tax Map 2 Lot 2, 273 Derry Road. The Board will**

consider an amendment to a previously approved site plan (approved April 2006). The applicant seeks approval to enlarge a previously approved outdoor paint ball field from 85x151 feet to 107 x 210 ft and to seek approval for part-time public use.

**5. Other Business**

- a. Linda Jacobson – Escrow**

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Chairman Perry called the meeting to order at 7:08 p.m.

**Board Elections**

The Board discussed the position of Chairman and Vice Chairman versus Chairman and Co-Chair.

Mr. Barry nominated Steve Perry as Chairman. Mrs. Douglas seconded. Motion carried 5-0-1.

Mrs. Douglas nominated Jayson Brennen as Vice Chairman. Mr. Fuertes seconded. Motion carried 5-0-1.

Mr. Perry nominated Alison Douglas as Clerk. Mr. Brennen seconded. Motion carried 5-0-1.

Mr. Brennen nominated Leon Barry as Bondsman. Mrs. Douglas seconded. Motion carried 5-0-1.

Chairman Perry appointed Alternate Carlos Fuertes as a voting member.

**1. Cutler & Page LLC Rolling Acres IV**

Mr. James Crowley, PE with Maynard & Paquette Eng. Assoc. LLC, and Attorney Andrew Prolman came forward.

Mr. Leon Barry (abutter) removed himself from the Board. Mr. Crowley said he submitted new plans dated March 17, 2008. The full size plans are incorrect; the smaller reduced plans have the correct fees (Sheet 2). The street name Spring Drive still has to be approved by the Selectmen. Mr. Crowley said he just received the plans from the Fire Chief this evening with the street numbers. The easement documents have been reissued; he received a call from Town Counsel today and he believes it is resolved.

Mr. Crowley said he changed Note 24 regarding active and substantial development to begin within three years as approved by the Planning Board at the last meeting. Note 28 refers to no building permits shall be issued until all roadway base course is complete, drainage is functional for both Phase III and IV.

Mr. Caron: There is a question regarding the swale built on Phase I as part of the roadway drainage system that will become part of Phase III. I think Steve Buckley is addressing it.

The Board is in receipt of a letter from Town Counsel Steve Buckley regarding conditional approval.

Att. Prolman: In respect to the easement documents, on March 14, I submitted four

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2 documents: a drainage and flood easement and two drainage easements having to do with  
3 the road drainage system and flood control system we have been talking about. I also  
4 submitted a cross access and construction easements. I spoke with Attorney Buckley last  
5 week and he had no problem. He thought the drainage easements were fine but he  
6 suggested the cross access easements be described as more covenant binding the land  
7 from the landowner rather than cross access easements. What that document was trying to  
8 do is address the modifications for Phase III and IV and working together so that there  
9 would be no building permits for Phase IV until Phase III is addressed. That is what we  
10 have been talking about for six months or so. Att. Buckley suggested a set of covenants  
11 instead of cross access easements. I said fine. This afternoon he suggested that he did not  
12 have a problem with conditional approval. We still have to work out what that document  
13 is going to say...Att. Buckley suggested no final approval of Phase IV until all the  
14 infrastructure of Phase III is built out and I objected to that and explained how critical it  
15 was to get the plans finalized on record so we could start accumulating certificates. I  
16 think he understood and we both left it open that we can work on that document. We can  
17 protect the town such that Phase III is built out and at the same time allow the developer  
18 to get on record and accumulate the certificates. That has not been finalized. I do not  
19 know what the letter says, but our discussion was he did not think there was any reason to  
20 hold up the conditional approval tonight.

21  
22 Mr. Perry: The other part of the letter is resulting in the drainage easement behind all the  
23 lots on Phase I. The fact that it still has not been repaired.

24  
25 Att. Prolman: After that he started talking to me about the pole at Spring Drive and I said  
26 since when did you become the Code Enforcement Officer...and he said just doing his  
27 job; just raising the issues. He did mention the drainage swale in back of the lots in Phase  
28 I; that is news to me. But I said make your recommendation it is a work in process if that  
29 is an issue, we will deal with it.

30  
31 Mr. Perry: The original Phase I, you have it set so it is a 30 foot swale, 15 foot swale on  
32 the front lots and 15 foot is on the back lots. So, in theory that would not abstain you  
33 from doing improvements to that because it is still part of your clients.

34  
35 Att. Prolman: Oh, yes. If I may, that swale in back of the lots, is there an easement for  
36 that?

37  
38 Mr. Caron: Yes.

39  
40 Att. Prolman: A drainage easement, right. So, we could still do it on the existing lots.

41  
42 Mr. Perry: If you remember, it is probably a year ago that we had that whole issue and we  
43 were asking it to be fixed; it still has not been fixed.

44  
45 Att. Prolman: I think there was some work done, whether it was done well, I do not  
46 know. I will agree with you the sides of that slope, of that swale never vegetated as well

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as it could have.

Mr. Perry asked Mr. Caron if he had been informed of work being done. Mr. Caron said no.

Mr. Perry: That was the main concern consulting the attorney to see what we could do today. I know you are trying to get the conditional approval.

Att. Prolman: There is still work to do but I think it is more Code Enforcement than anything but if this Board wants to take that up, that is fine.

Talk continued. Mr. Perry: This is still on your client's property. We almost have to put a condition in there to make sure this is done. So, if it got done beforehand by the developer that purchased the front lots, that would be great but since it has not been done yet, we have to make sure it is going to get done. Unfortunately, that will fall on the lap of your client and he can chase the other developer.

Att. Prolman: You are exactly right as a matter of fact...my client will do it and then chase down Starter Homes.

Mr. Wagner: I want to be clear that there would be an agreement before we give conditional approval on this project to whatever drainage features. If there is something you are contesting that you think does need to be done, that is an issue beyond...

Att. Prolman: No, no, please don't mistaken me. I think the note says it best but Att. Buckley wants additional documents recorded at the Registry to protect the issue but the intent is to make sure that everything is working for Phase III before building permits is obtained for Phase IV. It is lawyers bickering about what type of document; it is not the drainage easements or anything that is built out there.

Mr. Wagner: I know we talked about Phase III and I think we are all clear on that...make sure that is fixed also.

Att. Prolman: That is fine; if that is a condition here tonight let's go back out address that to Town Counsel's satisfaction; the Board has every right to do that.

Mr. Crowley: If I could ask, essentially one of the conditions would be to upgrade Phase I swale to satisfactory conditions.

Mr. Caron: Bring it to the point it was designed initially.

Mr. Crowley said at the last meeting it was said to record Phase III with the new addresses from the Fire Department. His surveyor said to do one plan and call it a corrective plan. This plan would be recorded with the new addresses.

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Mr. Caron: Over the past meetings, there have been changes and we have not gone over every sheet in detail, and cross sections to make sure the resubmitted plans agree with the old ones. It is a problem sometimes with CAD drawings and sometimes layers get omitted. So, we need to make sure when they get plotted and submitted the various iterations over the last six months that things approved continue to stay plan set subsequent plot.

Mr. Caron said the construction fence that was recommended is not on the plan for detention basin a to delineate the buffer.

Mr. Wagner: When we discuss a sheet on the plan, that we are clear what the phase number and revisions are on that sheet so it can be recorded for the minutes.

One condition for approval is to review the plans for accuracy before recording. Mr. Caron said every thing else is okay.

Mr. Wagner said the vernal pool needs to be verified. Att. Prolman said he will have Mark Jacobs (soil scientist) check it and asked when the Board wanted him to go out there. It was said between now and April 15 and to report back by May 31, 2008. Mr. Crowley said if it is a vernal pool, all the things we are proposing out there are allowable; it is allowed according to the regulations.

The alteration of terrain permit has not been submitted due to financial circumstances and until that is received, they cannot apply for the subdivision approval.

Mr. Wagner reviewed items to be completed: Fire Department letter and addresses on plan; Selectmen to approve Spring Drive; Sheet 8 splitting traffic to be discussed at the preconstruction meeting and impact fee amount corrected. Other than the post approval things copies of the mylars, fees, electronic submissions and bond estimate.

The bond estimate was discussed. Since they may not do the subdivision for three years, it was asked how they would calculate the bond amount. Mr. Caron explained it can be adjusted through a system set up by the DOT. It has unit prices developed by the DOT and an engineering index so when they come back to do an adjustment, it does not change the inner prices on the spreadsheet but change the engineering index. Mr. Perry: How do we do that so they know it has to be revised prior to posting? Mr. Caron: Probably just associated conditions. I can make the adjustment real quick and they can do it by going to the engineering news record magazine.

A condition that the bond is recalculated prior to the preconstruction meeting.

Mr. Brennen: Lou, are you satisfied with the drainage situation there?

Mr. Caron: Yes. Actually the project will comply with the new rules that are coming out that address volume as an issue with drainage and not only peak flows. The rules today deal with peak flows and then when it is coming out, they are going to deal with volumes.

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Mr. Brennen: Are you okay with the drainage if that site ever gets improved further?

Mr. Caron: Any further improvements would need to be evaluated at that time depending on what is proposed. This is not designed for a full build.

At this time, the Clerk read the letter from Attorney Buckley dated April 1, 2008. “In addition...the other conditions that should be imposed as part of the conditional approval would be as follows: a binding covenant imposed that would compel the owner of Rolling Acres Phase III to construct the revised drainage improvements in Rolling Acres Phase III that are necessary and required by Rolling Acres Phase IV Subdivision. In addition the owner of Phase IV would have to affirmatively agree that the changes to Phase III are a necessary condition of approval for Phase IV and that covenant would further provide that no building permits would be issued for Phase IV until all Phase III improvements are constructed and accepted by the Town”.

Attorney Prolman: My only objection to the letter is the very last line of the last sentence. It is not what we talked about as an applicant, as a board. It speaks that Phase III improvements are constructed and accepted by the Town. If that acceptance means to find a course acceptable to our town engineer, that is fine; that is what we have been talking about. If it means acceptance as a completed road by the Board of Selectmen, that is not what we have been talking about as a group. If the last portion, with respect to Phase III improvement acceptable to Code Enforcement and Town Engineer to base course and functioning as we talked about, that is fine...I don't like the language without it being discussed tonight. That language left there it could be interpreted down the road as being fully accepted by the Board of Selectmen and completed and that is not what we talked about.

Mr. Perry: What is your recommendation?

Att. Prolman: The last line of Attorney Buckley's letter there will be no building permits issued for Phase IV until the Phase III infrastructure, being the road and drainage system are functional, being binder course and the drainage system being functional not accepted by the town that is a term as a road acceptance.

Talk ensued. Mr. Byron suggested checking with Town Counsel for his interpretation of his letter.

Chairman opened the meeting to public comment.

Mr. Barry, resides on Cutler Road, asked about putting a time frame on Phase III. Mr. Barry: In reference to the letter, it seems it would be nice if they would put a time frame on fixing Phase III because Phase IV could take forever and people moving in to III they might not have any roads. They might not have the structure in there that is pleasing to them by giving them the ability not to do any work. Mr. Perry: They still have to comply with all the regulations. They can't just build houses without putting all the

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roads in. This is solely for Phase IV to secure Phase IV; that Phase III infrastructure is in prior to Phase IV. Mr. Barry: I guess with everything that has to be done on Phase III they can't start Phase IV until Phase III is done. Could the infrastructure take a long period of time on III because they are not looking to do IV for two years? Mr. Wagner explained Phase III is approved if the dwelling was dependent or had drainage that passed by his property that put that property at risk, I think the Town would not grant a Certificate of Occupancy until that drainage is in place.

Mr. Barry referred to drawings Sheet 4 Horizon Drive should it give us a grade line at basins. Mr. Caron: Not necessarily. This was discussed.

Mr. Barry: If I look on 30 it shows the front of the yard at 184 and to the top of the floor is 192 so they are bringing in fill. Mr. Perry: Yes. Mr. Barry: Then it drops at 182 so that is going to be a drop off back there. Mr. Caron: It will be a walk out basement. Mr. Perry: The reason these are built up like that is the groundwater...basement floor elevation 6 inches above shwt so they have to build these houses up so they are not in the water.

Mr. Barry then questioned a basin, comes out detention basin: The water is going to drain naturally or a swale because is that enough to take all the water coming through there when close to the 100 year flood plain?

Mr. Crowley: If you look at that, if that was the only basin in the network that would be true but there is also retention basin b and other basins not shown on this drawing that would accept the 100 year flows and it has been reviewed by Lou as well...That basin flows to the other ones. Essentially that basin is set up to do water quality for a two year storm and then up to 25 year and 100 year floor you have massive amounts of volume and at that time you are overflowing to these other areas and you are trying to store that volume.

Mr. Barry asked about a comment in the March 4, 2008, minutes where Mr. Crowley mentioned best storm water management. He said he took it right out of the regulations Section 1.5 Appendix d.

Chairman Perry closed public session.

Conditions for approval: Interpretation of Town Counsel's letter; report from Marc Jacobs by May 31 2008. To this Att. Prolman said the vernal pool report is not a condition for approval. Mr. Perry: What else would it be? Att. Prolman: As a courtesy. It has no bearing on the application. Mr. Perry: But if we make it as a condition, it is the only way we know it is going to be done. Att. Prolman: We will get that back to this Board.

Back to the conditions: Bond estimate and note to recalculate prior to preconstruction meeting; pending State subdivision approval and alteration of terrain permit; street

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addresses on the plan; Note 17 to be added; revaluation of complete plan by Steve and Lou prior to recording; construction fence note on the plan; conditions in Att. Buckley's letter.

Mr. Brennen: There is quite a list of conditions.

The Board agreed to have the applicants come back. Mr. Perry: When would you like to come back? Att. Prolman: We don't. We were here last time...it is minor stuff that you have. Mr. Perry said that before having them come in he was leaning to give the attorney more time for review so he can draw up the covenant documents prior to giving an approval. So, the fact that there are other things, that would be my recommendation. Att Prolman: We were here last time.

Mr. Perry: Will you provide an extension to May 6? Att. Prolman: I am not happy but we have no choice, obviously we will. There is very little to do on the plan. Buckley and I have to work it out. No reason you can't approve it tonight. Mr. Perry: Are we going to get an extension to May 6? Att. Prolman: Yes.

Mr. Crowley questioned the results if he did not get an answer on the street name from the Selectmen in time.

Mr. Perry said that if they do not get a street name approval from the Selectmen, it will not be held against them. The changes to the plan will be submitted 15 days in advance of the meeting.

Mr. Brennen **MOTIONED** to Table to May 6, 2008. Mrs. Douglas seconded. Motion carried 5-0-0.

Mr. Leon Barry returned to the Board.

**2. Plex Realty Trust Tax Map 20 Lot 15**

At 8: 25 p.m. Mr. Gregg Jeffrey, Jeffrey Land Survey LLC, and Attorney Andrew Prolman came forward representing the applicants. Applicants Wayne Caulfield & Michael Accomando were present. Application for acceptance and approval for a proposed site plan converting the former Crofters Pub into a Laser Tag Game facility. The site is located adjacent to TEE OFF at Mel's and will be under the same ownership.

Mr. Wagner's notes were reviewed: 2. Provide both parking calculations. Mr. Jeffrey said there are two criteria for parking. One is based on occupancy and one on square footage, employees and he has provided both of those on the plans. 5. Location of leachfield. They will be acquiring the land where the leachfield is located (Durocher's land) They are in process of acquiring it and it would take care of the encroachment of the septic. 6. Spaces marked to be eliminated need to be deleted. Mr. Jeffrey: As you see on the plans, I put the 11 spots to be moved and one spot. I have them on the plan. I

1 showed the plan those spaces to be removed because to show they are going to be  
2 removed and that gives the Board or enforcement the ability to say that they are to be  
3 removed. If I did not show them, there would be no forcibility. 9. Lights off at 10:00 or  
4

5 after last employee leaves. He put this as Note 9 on the plan. 10. Also added 2 foot  
6 contours, the existing topography, also added spot elevations at the entrances, centerline  
7 of road, specific parking spaces. 11. Storm water drainage plan – We talked at the last  
8 meeting about a drainage letter because we are not changing anything. We are not  
9 changing any permeable, not changing any impermeable, and not doing any earthwork.  
10 Copy of drainage letter. 12. Changed waiver request to granted. 13. In lieu of a traffic  
11 study a letter from the Police would suffice. Mr. Jeffrey said they are reducing the  
12 intensity of the usage. Letter has been provided. 14. Site plan regulation Section 120.14  
13 (landscaping) requesting a waiver.15. Provide an existing conditions plan. Mr. Jeffrey: I  
14 think it is superfluous and there would not be anything on the existing conditions plan  
15 that isn't on this right now because we are not doing any earth work, adding any  
16 structure. Any post construction structure or part of the building is already shown and  
17 labeled: the ramp and the deck in front of the building; so they are the only proposed  
18 features. 16. Detail with the luminaries' fixture/lamp type and wattage. Mr. Jeffrey: It  
19 does not show it on this plan but what I propose to do pending conditional approval is to  
20 put that at say 1000 watt lamp; it does have a reflector. It was said it is the same as the  
21 other lights that were put in by the electric company. They wanted the same lights so they  
22 look identical. 17. Parking dimensions – Mr. Jeffrey: You will see on this space a typical  
23 parking space is 9x18 and I also dimensioned the handicap spaces in the access zone. For  
24 the isle width I labeled them here and here, we proposed to stay with the existing spaces  
25 so I listed them out as existing. 18. Second floor use – Mr. Jeffrey: I did not show it on  
26 the plan but I did show it in the calculations as 540 square feet 15x36. There is a second  
27 story office area. The only access to the second floor area is a set of stairs in the rear of  
28 the building. It was questioned if there is a problem with the one exit from second floor.  
29 This was discussed.

30  
31 Talk ensued about the time for the lights to be shut off. The applicant said that the last  
32 tokens for Mel's are sold up until 10:59 p.m. so they are allowed to use them up to  
33 midnight. So, it is opened until midnight. Everything will be shut off at about the same  
34 time. It was agreed to put lights out at midnight and add to Note 9. The security lights  
35 will stay on.

36  
37 The ramp will be ADA compliant and additional egress for someone that is handicapped.

38  
39 Lou's comments: Green space and tree cover - looking for a waiver. Mr. Jeffrey: There is  
40 a landscape area out front that has more than enough area to cover green space  
41 requirement. The date of the driveway permit will be added to the plan. Mr. Perry talked  
42 about the letter from the State on the driveway permit which he believes says that the  
43 driveways have to be 14 feet wide. This will need to be interpreted by the State.  
44

**Litchfield Planning Board**

**April 1, 2008**

1 Parking calculations – Lou’s letter says the calculation for the required parking is flawed.  
2 Section 120.14.y of the regulations specifies 1 space per 200 s.f. of office space where  
3 the calculation uses 1 space per 100 s.f. The required spaces are 40 not 43 shown.  
4

5 Back to items not discussed previously. Parking spaces showed spaces to be deleted.  
6 Mr. Caron: There are existing paint markings out there that have to be removed.  
7

8 This was discussed. The applicants suggested black out paint to remove the lines. Mr.  
9 Caron prefers the whole parking lot be done. The applicants agreed to seal coat the whole  
10 lot. Take the note off the plan about lines to be removed. The shading on the plan will be  
11 taken out. Mr. Jeffrey said he cannot record a plan with shading anyways.  
12

13 Att. Prolman: The applicant would agree not to use the second floor for office, anything  
14 other than storage. They will have to come back for a lot line relocation when they  
15 acquire that back lot and then at that time take up the issue with the second floor with the  
16 Fire Department. It may never happen.  
17

18 As to the sign, Attorney Prolman said this Board approved the sign in 1996. He handed  
19 out the approval. They are going to repaint the sign and put in Mel’s Laser Tag and clean  
20 it up. Regarding tree coverage, the applicant is not proposing to do any subsequent work  
21 to the site other than change in use; no landscaping is proposed. The dumpster will be  
22 moved to where the others are located by Tee Off’s and the dumpsters are hidden.  
23

24 Written waivers - Mr. Caron said he still feels the existing conditions plan has value.  
25 They will seal coat the pavement. They need a waiver request for the green space and tree  
26 cover. Mr. Caron: The Board does have power to request enhancement of the site whether  
27 it is just a change in use; it is a new application per se. The DOT driveway permit needs  
28 to be clarified, parking is okay just a flaw in the calculation, the issue of spaces to be  
29 removed goes away when seal coated, however the dimensions and parking spaces, aisle  
30 widths need to be on there for whomever is doing the pavement marking (some of the  
31 aisle widths may not be wide enough what is out there today), they may be okay. As far  
32 as the lights, typically what you see with a site plan is a long width plan and you get a  
33 picture of what it looks like so later on you will know what they look like. Add that as  
34 part of the plan; you can get these on line on PDF files, etc. the model, make and  
35 manufacture, a detail.  
36

37 At this time, the Clerk read a letter from the police department regarding a traffic study  
38 requirement. Mr. Caron said he will call the State on driveway permit for clarification.  
39

40 Mr. Brennen **MOTIONED** to grant a waiver for traffic impact study regulation Section  
41 150.4. Mr. Barry seconded. Motion carried 6-0-0.  
42

43 Mr. Fuertes **MOTIONED** to grant a waiver for storm water drainage Section 150.7 q.  
44 Mrs. Douglas seconded. Motion carried 6-0-0.  
45

**Litchfield Planning Board**

**April 1, 2008**

1 Talk went on regarding green space and tree cover. The regulation was reviewed. Att.  
2 Prolman said the language is for new construction and it does not apply to this site. Mr.  
3 Perry asked to put in a few trees to the south side and then it could be waived. It was  
4 agreed to add a few trees. Need a note on the plan to add three 1 1/2 to 2 inch caliber  
5 shade trees on the south end of the parking lot.

6  
7 Mr. Barry **MOTIONED** to grant a waiver for 120.14 green space and tree cover. Mr.  
8  
9 Byron seconded. Motion carried 6-0-0.

10  
11 They will add a detail for the luminaries' fixtures/lamp type. Mr. Brennen **MOTIONED**  
12 to grant a waiver of Section 163.5 lighting. Mr. Byron seconded. Motion carried 6-0-0.

13  
14 Clerk Alison Douglas read a letter from the Conservation Commission stating that they  
15 feel the use is less intense than the previous business, and they have no problem with the  
16 use in the aquifer protection district.

17  
18 Review: 1. Detail for luminaries' fixtures, same as what is presently there. 2. Applicant  
19 will add three (3) trees 1 1/2 to 2 inch caliber at south end of parking lot. 3. Note to Seal  
20 coat and restripe parking lot by July 1, 2008. 4. Note any use of second floor only  
21 following consultation and approval by Fire Department. 5. Note 9 lights out by  
22 midnight. 6. Driveway permit clarification 7. Existing conditions plan not for recording  
23 at time of Mylar. This will say sheet 2 of 2.

24  
25 Talk about the sign. It was said they already had approval from Code Enforcement. The  
26 clock on top will stay per their attorney. They will provide a copy of the sign.

27  
28 Chairman Perry opened the meeting to public comment. There was no public comment.  
29 Public comment closed.

30  
31 Mr. Barry **MOTIONED** for acceptance of approval for the proposed site plan regarding  
32 the former Crofter's Pub into a Laser Tag facility with the following stipulations:

- 33  
34 1. Detail of lights  
35 2. Three (3) 1 1/2 to 2 inch or greater caliber trees planted south end of parking lot  
36 3. Seal coating and re-stripping of parking area by July 1, 2008  
37 4. Second floor no use unless under discretion of the fire department  
38 5. Lights off by midnight  
39 6. Clarification of driveway permit  
40 7. Copy of plan with professional seals and signatures  
41 8. Mylar  
42 9. Fees paid  
43 10. Escrow maintained as required  
44 11. Plat as detailed in the minutes and this report  
45 12. Submission of existing conditions plan  
46

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1 Mrs. Douglas seconded. The use of the second floor space may not be a Planning Board  
2 issue but a code issue; need to consult with Fire Department if it is a usable space with  
3 only one egress. Mr. Caron said it is a good idea to have it stated on the plan what the  
4 proposed use is, so if there is a change in use there is no confusion. Applicant said that  
5 they did meet with the Fire Chief and they were told to put heat detectors up there so he  
6 is aware they were going to use it. They will indicate office/storage. Motion carried 6-0-  
7 0.

8  
9 With this they left the meeting at 10:06 p.m. The Board recessed and returned at 10:10  
10 p.m.

11  
12 **3. Home Occupation – Holly Sutherland**

13  
14 Holly Sutherland, 13 Forest Lane, came forward to discuss a home occupation, for  
15 hypnosis and Reiki. Abutters have been noticed and fees paid. She is the only employee  
16 and will be utilizing 11 x 9 feet of space. There will be no sign. Mr. Perry reviewed the  
17 home occupation regulation: no exterior storage, sufficient off street parking, she is  
18 planning on having two appointments a day for one hour. No hazardous chemicals. No  
19 State license required but she is certified. A sketch of the light location submitted. She  
20 was told the Home Occupation permit is renewed annually.

21  
22 Chairman Perry opened the meeting to public comment. There was no comment.  
23 Chairman closed public session.

24  
25 Mrs. Douglas **MOTIONED** to grant the Home Occupation permit to Holly Sutherland  
26 for Reiki and hypnosis. Mr. Fuertes seconded. Motion carried 6-0-0.

27  
28 **4. Granite State Paintball Tax Map 2 Lot 2**

29  
30 At 10:20 p.m. Mr. Jason Farrow came forward, owner of Granite State Paintball. Fees  
31 paid and abutters noticed. The Board reviewed the site plans for Fur & Feathers of which  
32 Granite State Paintball is also located.

33  
34 Mr. Farrow said he is increasing the field size to regulations as determined by the  
35 National Paintball and wants to allow public groups to use the facility. He is not  
36 extending the hours of operation. He is proposing to expand the netting size from 107 feet  
37 to 210 feet. Inside the netting, the actual playing field will actually be 100 x 180 feet. The  
38 buffers on all sides are due to insurance regulation and for referees, not spectators, to  
39 have some buffers.

40  
41 He is planning to move poles on two sides only; bottom right hand side (faces the kennel)  
42 and the 102 side. He also plans to increase the overall netting pipe size from 12 feet to 20  
43 feet. He said it is not that he has any issues; just making it higher as a precaution. The  
44 larger field will provide a regulation size and it will be the same amount of players on the  
45 field at the same time. Our rules will not change or how we are playing.

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1 The current mound of earth running along the 102 side of the field, is the mound where  
2 the grass ends, will be extended, the length and poles on top to give an extra five feet of  
3 netting above where the playing field will be. This was discussed. It looked as if some of  
4 the items, netting, were not on the property. This was reviewed. Mr. Farrow: The actual  
5 field will be ten feet further from our top right position where the park is and the  
6 apartments. Even though we are increasing the net size, we are increasing the distance  
7 from where we are playing...so the paint will actually be further away than it is now. The  
8 dirt mound which is now on the bottom is being used to extend the current mound that is  
9 there and will give us the added height of the poles.

10  
11 Mr. Perry: So, you are going to expand that field right up to the parking lot?

12  
13 Mr. Farrow: Fairly close, to Chappy's lot.

14  
15 He said he has offered to cover the cars at Chappy's (owner knows). A routine check is  
16 done Mr. Roy's trailer for paint, pick up any mess in the parking lot, and spray down the  
17 new fence.

18  
19 Mr. Perry: Somehow this leads me to believe that maybe this is a little too intense for  
20 this area? Mr. Farrow: It doesn't because of the 20 ft netting that we use. The same  
21 amount of people are going to be on the field at the same time as previous with the 12  
22 foot netting so with the added distance of 10 ft on either end and the 3 ft on each side, I  
23 do not see any issues.

24  
25 Talk ensued. Mr. Farrow said he is doing everything he can to make everyone happy. If  
26 there is an issue, he will take care of it. The Clerk read a letter from an abutter, Mr. Rob  
27 Roy, dated March 31, 2008. Basically, the letter reads that he is in opposition to the  
28 proposal and expressed his concerns with the proximity of the well which serves both the  
29 commercial entity and the residential apartments. He states that the portable potty near  
30 the well has been knocked over spilling onto the ground and more use and traffic will  
31 only increase potential well contamination due to possible gas leaks, etc. He also  
32 questioned the content of the paint. There is also an issue with speeders. He further sates  
33 he found paint splashed on his vehicle and back buildings, and there is a problem with  
34 litter. He feels maybe the business should be relocated.

35  
36 Mr. Farrow said that he spoke with Mr. Roy today. This is the first he hears about the  
37 portable potty and he will relocate it closer to the entrance to the field as far away from  
38 the well as he can get it. He said the vehicles from now on the entrance where they park  
39 will be closer to the netting and he will not allow people or vehicles near the well or well  
40 house. As to the paint content, Mr. Farrow said the paint is nontoxic. Mr. Farrow said  
41 there has been as many as 30 cars on the large field. Mr. Perry: If we allow the extension  
42 of this field, it would block the road that would get you down to the well. Mr. Farrow:  
43 According to that... actually that corner will follow the path to the road. We will lose our  
44 extra three (3) feet that goes into the road...we will chain the portable potty, close to the  
45 property line. Chappy's has offered use of their parking area.

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1 As to the noise study, he said he there was a study and it was submitted by the original  
2 owner and resubmitted for the kennel. He does have a copy.

3  
4 The poles will be at least six feet down on the mounds so as not to blow over. Points of  
5 egress: one main and one emergency.

6  
7 Mr. Perry talked about Section 602.06 site coverage. The regulation says a maximum of  
8 65% of the gross area of the site can be occupied by building structures, parking areas,  
9 driveways, roads and other site improvements excluding landscape. Mr. Perry: This site  
10 looks maxed out now and the fact that you sell the paint with no building and a portable  
11 potty. There are a lot of open ends. Mr. Farrow said that a lot of these businesses are in  
12 the woods and acceptable, and have portable potties.

13  
14 Mr. Farrow did not submit a new plan for his proposed changes. He needs to provide  
15 calculations of the site coverage, number of parking spaces for the whole site. Mr. Perry  
16 feels the site is pretty dense. Mr. Barry did not think it looked that cluttered.

17  
18 Mr. Perry: The parking spaces are delineated on the plan in the grass so theoretically this  
19 site has enough parking spaces for what they are proposing but my issue is that  
20 expanding this field that puts you right up to the parking lot for the automobile facility  
21 and that much closer to the dog kennel, which the dogs have an outside area to be in. So,  
22 now there is that much more noise closer to them and the fact that the site is pretty maxed  
23 as it is. And you might not meet that 65% coverage maximum space used. He needs to  
24 find that out before paying for a plan.

25  
26 List of what he needs to have. A plan; rear setbacks; show location of the portable potty  
27 and anchored; parking; not changing hours; more cars show where they are and site  
28 coverage. There will be supervision at all times. He also needs to provide a release of  
29 liability and reviewed by Town Counsel. He may put in two portable potties, gender  
30 based and also provide specifications for the poles and fence.

31  
32 Mr. Perry **MOTIONED** to continue to May 20, 2008. Mrs. Douglas seconded. Motion  
33 carried 6-0-0. Mr. Farrow was told to submit plans fifteen days in advance of the  
34 meeting. Mr. Farrow left at 11:20 p.m.

35  
36 **5. Other Business**

37  
38 Mrs. Douglas read the letter from Linda Jacobson requesting return of her escrow money  
39 and asking for an accounting report of expenditures.

40  
41 Mrs. Douglas **MOTIONED** that we refund Linda Jacobson \$579.99 of the \$1,200  
42 retainer. Mr. Brennen seconded. Motion carried 6-0-0.

43  
44 **NRPC Meeting**

45  
46 Mr. Barry said he attended the NRPC meeting last week. He could not sit at the main

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1 table because he is not an appointed member. He would like to be a commissioner. There  
2 is also an alternate position and Mr. Brennen has expressed his desire to be an alternate.  
3 Mr. Barry talked about how Brookline holds meetings with people to discuss what their  
4 town needs are, etc. He told the Board that he will be attending one of their meetings to  
5 see how things work.

6  
7  
8 A letter to the Selectmen regarding the appointments will be forwarded and Mr. Barry  
9 will meet with the Selectmen.

10  
11 Mr. Perry **MOTIONED** to recommend to the Selectmen that Leon Barry be appointed as  
12 commissioner for the open commissioner's spot to NRPC as a representative for  
13 Litchfield. Mrs. Douglas seconded. Motion carried 5-0-1.

14  
15 Mr. Perry **MOTIONED** to recommend to the Board of Selectmen that Jayson Brennen  
16 be the alternate commissioner to NRPC for the Town of Litchfield. Mrs. Douglas  
17 seconded. Motion carried 5-0-1.

18  
19 **April 15<sup>th</sup> Meeting**

20  
21 Angie Vincent, NRPC, will be attending the April 15, 2008, meeting to talk about CTAP.  
22 The Board will also review the 2008 Home Occupations, finalize the Capital  
23 Improvement Plans and approve minutes.

24  
25  
26 There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mrs.  
27 Douglas seconded. Motion carried 6-0-0. The meeting adjourned at 11:30 p.m.

28  
29  
30  
31 Lorraine Dogopoulos  
32 Recording Secretary  
33  
34