

**Litchfield Planning Board  
June 17, 2008**

Minutes approved 9/16/08

**Members present:**

Steve Perry, Chairman  
Jayson Brennen, Vice Chairman  
Alison Douglas, Clerk  
Leon Barry, Bond Agent  
Edward Almeida, Alternate  
Carlos Fuertes, Alternate

**Members not present:**

Mary Anne Geist  
Marc Ducharme  
Frank Byron, Selectmen's Representative (attending Selectmen's meeting)

**Also present:**

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

**Agenda:**

- 1. Rene Theroux, Tax Map 15 Lot 2, 315 Charles Bancroft Highway. The continue Consideration of an application to subdivide one lot into three lots.**
- 2. Kerrie Diers, Nashua Regional Planning Commission, CTAP Contract and talk about "Protecting Groundwater Through a Voluntary Inspection Program".**
- 3. Greater Nashua Area Workforce Housing Coalition Presentation**
- 4. Capital Improvements Program**
- 5. Any Other Business: Heron Drive Bond Reduction**

Chairman Perry called the meeting to order at 7:07 p.m. and appointed Edward Almeida and Carlos Fuertes as voting members.

**1. Rene Theroux Tax Map 15 Lot 2, 315 Charles Bancroft Highway**

The applicant has requested, in writing, a continuation to the July 22, 2008, meeting.

Mr. Perry **MOTIONED** to continue this until July 22, 2008. Mrs. Douglas seconded. Motion carried 5-0-0.

**2. Kerrie Diers, Nashua Regional Planning Commission**

**Litchfield Economic Assessment and Development Plan** - Kerrie Diers, Assistant Director NRPC, came forward to talk about CTAP project. Ms. Diers and Mr. Almeida had met previously to discuss and review the SEED (Seed Equity for Economic Development) Project Report talked about at the last Planning Board meeting. They came to the conclusion that Litchfield already has a good economic development plan that never had an opportunity to be implemented. Ms. Diers: So, we thought to amend the contract that we sent to the CTAP Steering Committee and shift things around to allow for some implementation to occur with this plan.

Ms. Diers referred to a handout dated February 6, 2008. She said that Chapter 5 of the Litchfield 2000 SEED Report can be updated and look at the recommendations to make sure they are still valid and then pick out a couple of projects that would be good to accomplish. They were thinking of splitting it into two phases: revisiting the report and update it and do a couple of projects next year. In the handout, the stuff to keep is underlined and those stricken are to be deleted. Talk ensued. Some of the items in the report were not implement because of resources. It was said that it could be one big project and a couple of small projects. Mr. Almeida referred to Page 4 in the handout where it states Litchfield CTAP Subcommittee be changed to say Litchfield Economic Development Subcommittee.

The next step is to contact those individuals who served on the last economic committee and getting others involved. Chairman Perry said if unable to form a subcommittee that the Planning Board will take it on and do it during their work sessions. They are hoping to get the committee formed by August.

It was asked whether Mr. Peeples is still the Litchfield CTAP representative. Mrs. McKibben said she is willing to stay on as an alternate and Mr. Almeida could be the full member representative. Mr. Peeples has not resigned officially in writing. It was not certain if there is an expiration period regarding Mr. Peeples' term. Ms. Diers will check on this and Mrs. McKibben will check with Mr. Peeples as to his official resignation.

**Protecting Groundwater Through a Voluntary Inspection Program** - Ms. Diers handed out a Wellhead Protection Area Map and copies of a power point presentation entitled Protecting Groundwater Through a Voluntary Inspection Program. The handouts were reviewed and explained. The map shows the wellhead protection areas in Litchfield. They have been working on this program with Pelham. Nashua Regional Planning has a grant from DES to do a pilot program with Pelham to implement this program and it is sort of a model. So, they are doing some education with some other communities that

have a lot of community wells and as communities become more developed and you either have new wells, or subdivisions, or site plans within the wellheads, that it is

something to keep in mind as the Board reviews applications within the wellhead protection areas. She went on to say that 60% of New Hampshire residents rely on groundwater for drinking water. It provides 40% of the total flow in N.H. rivers, estuaries, lakes, and reservoirs.

Ms. Diers: What we are specifically looking at is public water supply systems specifically the community wells which serve 25 residences or more and the non-transient, non-community which means schools, businesses that have the same population that come there every day but they do not live there. 98% of those systems in this State rely on groundwater. One of the things that DES is really trying to do is educate the homeowners and businesses within the wellhead protection areas on best management practices so if you are handling regulated substances, you do it in a proper way especially businesses. We are talking about contamination as a result of human activities and basically there are three main reasons why groundwater becomes contaminated: industrial chemicals, gasoline and road salt. In order to combat this, the State passed the Groundwater Protection Act, RSA485 C and it defines 19 different activities that have the potential to release groundwater contaminants into the groundwater and it ranges from septic systems to vehicle service and repairs, cemeteries, food processing plants, etc. If any of these activities are occurring within a wellhead protection area, as you see on your map those are the yellow areas. Generally any new system since 1999 is required to have an education program in place but some of them don't and you can see this grey area on the map called unprotected WHPA basically it does not have an education program. So, a lot of the ones in Pelham did not have an education program or inspection program and so we worked with town officials to design this program. There are a lot of options that communities can have to protect groundwater and we chose the voluntary method so instead of enacting regulations or going through the State process, communities can have this voluntary program which consist of education and working with businesses to do voluntary surveys. The surveys are set up to help you identify what potential contamination sources there are and then work with the businesses to make sure they are using the best management practices.

Talk continued. Ms. Diers said they worked with conservation commission in Pelham to become versed in the Groundwater Protection Act and the survey. They took all businesses in the yellow areas and drove around to see if they were still there and checked new ones. They looked at storage tanks, drums outside businesses, etc. and came up with a good list of potential contamination sources. They then wrote the businesses a letter regarding a program, sent a flyer about best management practices and asked if they would mind walking through the survey. Most businesses did not have the over five gallons of regulated substance so they are not subject to best management practices. So, they worked with the town and the Pelham Fire Chief got involved because he does inspections annually and he had no problem with adding this program to his list. So, they worked with Fire and Conservation Commission. All in all, it is an ongoing process of education and DES has a lot of available resources.

Most of the wells in Litchfield have a protection program: 7-11, Litchfield Technology

Park, Tabernacle Christian School and Tumbling Tykes. Ms. Diers: If you are looking at subdivisions or site plans in these areas, you might want to incorporate as part of subdivision and site plan regulation information so the applicant is aware they are in a protective area.

Mrs. McKibben asked about groundwater withdrawals. She was told that groundwater withdrawals are under a different law and are treated differently. This program is just for source water, drinking water. Ms. Diers left the meeting at 8:43 p.m.

### **3. Greater Nashua Area Workforce Housing Coalition**

Attorney Brad Westgate, said he is an attorney in Nashua but he is not here as an attorney but a volunteer for Greater Nashua Area Workforce Housing Coalition. Also present were George Reagan (N.H. Housing & Finance Authority) and Denny Nesbitt (Coalition Chairman and former Plant Manager of Anheuser-Busch).

Attorney Westgate mentioned a book by Peter Francese entitled Communities and Consequences. This book came out after they formed the Coalition. Handouts of recent legislation passed as to how the issue is looked at at the State level. Mr. Westgate: The premise of the book is an analysis by the author who is a demographer by profession. He took a lot of surveys, data, got information economics, demographics and said to himself what is going on in N.H. demographically and what he calls the unbalancing of N.H. human ecology. He could see a dramatic shift in the State's demographics; the mix of age from young to old and he tried to analyze why that is happening and what are the consequences of it. In the book you will see a number of very salient facts: one is... you will see the State is not growing in population, the level of the State's population is pretty flat, growing at a slow rate especially compared to the growth of the 60's, 70's and 80's.

Mr. Westgate stated that New Hampshire's growth rate in the 55 and older communities is far in excess of any of the other New England states. Why is this happening? The conclusion the author made is: 1. Favoritism, a bias of 55 plus; a bias for them and anti-bias against people in the work force demographic. In all the towns with 55 and 62 and older housing ordinances have allowed greater density than you do for non-age restricted housing... and because of capital flowing against the path of least resistance... capital meaning the developers will put their money to the path of least resistance and the greatest return and that is going to be in the age restricted housing arena if the density is favorable. Also, the State's real estate tax structure allows for exemptions for older persons, if you meet certain requirements.

Talk ensued. The author also looked at entry-level housing and what he seen is very high costs because of land costs issues, because of regulatory process to get properties approved because of large lot size requirements, lack of municipal water and sewage, and all of that is sort of a bar to younger people staying in N.H. or moving in N.H. In the

later part of the book, the author says what is the consequence of all of this? The consequences is the unbalanced where the older population is rising dramatically and the

younger population is dropping is that you have a lot of polarization that can occur and a lot of unattended consequences. The polarization occurs with the school issue because you have one group opposed to certain school expenditures and another group that want it to happen and so this can be a deterrent to young buyers. That is one consequence. The other is the need for services for the aging population and the lack of people to provide the services because if you do not have workforce housing, you will not have the bodies to service the needs of the older population. Also, economically younger people spend more money than older people and also they generate more jobs, create businesses.

Mr. Nesbitt spoke to say he has been involved in United Way since he moved to N.H. The formation of a coalition began with the Mayor's Task Force in 2003 on housing for lack of affordable housing in Nashua. They announced the workforce housing initiative in 2004. It was business driven because in Hanover they could not get people to come to Dartmouth because it was too expensive. They have done a lot of things up there with workforce housing and told them to be patient because it would take a couple of years before you see any progress. They have received grants from N.H. Charitable Foundation and N.H. Housing to fund this endeavor for three (3) years and they are at the end of the funding. They are trying to get some legislation passed.

It was said that affordable does not mean low income. It means not paying more than 30% of your income to live some place. It is to have affordable stock of housing at each income level, at every level.

Mr. Reagan spoke to say that the Nashua Coalition is one of eight in the State and enlists business leaders, developers, etc. It is has been a complicated issue and the book does a great job explaining the matter. Hanover was business as well as community driven recognizing an issue. They are trying to bring the kids back to live here and work here. Senate Bill 342 passed in the State, a joint effort by lots of folks and it is about trying to clarify and codify what workforce housing is. If you go back to the roots of this, 1991...Britain vs. Chester case tried to get at what do towns need to do to provide reasonable opportunities for workforce housing. So, 342 is waiting a signature from the Governor. Workforce housing is safe housing that is available to folks making up to 100% of the area medium income. A lot of that data comes from HUD and from the census. It is basically saying that a town needs to look at its residential zoning and say are there opportunities to provide workforce housing. Also, it does not mean that an entire housing development is entirely workforce housing. It can be a mix use of market rate, mix of workforce house purchase and work force housing rental using a smart growth design. This law in July will become operational so towns are looking at what is their fair share. There is a lot of work that will have to go into this.

It was also said that cost of houses has gone up but not income. When you look at the market now, folks got into homes because of lax (poor) credit and got into homes that were above what they could afford. He said the funding is frozen now but the Housing

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and Conservation Planning Program which are funds available through the Office of Energy and Planning, that is frozen but if it comes back on line, it is trying to help communities

deal with dealing with their Master Plan using smart growth principles. N.H Housing has a grant program for the Inclusionary Zoning Implementation Program to help a community look at their zoning ordinances and write in some inclusionary zoning.

It was said that in terms of Senate Bill 342, a \$300,000 house in Litchfield, the medium affordable house would be \$262,000. The handout was reviewed. There is a film of the book available and a DVD can be provided to the Cable Committee for viewing.

Talk continued. Amherst has an ordinance and it gives a density bonus to the developer. Mr. Westgate: The system is you put a deeded covenant on the property that requires the property sells for no more than the affordability criteria that it was governed by the first place. I think in Amherst that sunsets after a period of time.

Another way to do it is the town does not want to get involved in looking at people's income so this model you can use a non-profit organization, or form a housing commission, or N.H. Housing could do it. If you have a bonus to allow developers to take some of their units and make work force housing so there is a subsidy component, that component would stay with that unit and every time it was sold then that housing organization could look at it and look at the affordability of it and if it can't meet the criteria, that subsidy would go back to the town or organization to put it back out again. So, it floats with the market and helps keep the unit affordable because the model takes into account growth using CPI. Essentially, the developer has gotten what he can out of it and essentially the \$20,000 or whatever that amount is, is held as a soft second mortgage so the person can own a home, put work into it and get the benefit to sell higher if it sells higher that means the market has gone up and wages have gone up and that model will still help keep it at an affordable number. This was discussed.

Mr. Westgate: The issue of density has to be thought through. Litchfield is more complicated because you do not have sewage and some water but without both it is tough to increase density but why should density be tied to who lives in the unit? Why should zoning care about the age or who lives in the unit? Why shouldn't the density be whether the land can handle it and how you design the project to make the land handle it? That is what it boils down to for developers what can I get out of this piece of property for my infrastructure and upfront cost? What do I have to layout upfront and how much can I get in return and if I have to lay out too much upfront because the lots are big and the infrastructure cost is tremendous, I can't do much and what I do do it will be smaller numbers and high in price.

Mr. Westgate said to analyze the land and figure out what it can handle and what it can't and try to push towards development that minimizes the infrastructure costs, minimizes length of roads, utility installation, maximizes open space integrates it and keeps things more cluster and cheaper to build on the development side.

Ms. Diers said that the Town has to design what it wants. She mentioned the Isaac Program and to look at the assessment tools they are putting out to help look at the numbers and see what is appropriate for the Town and then look at the different avenues.

Mr. Andy Prolman, Chase Brook Circle, spoke to say that Senate Bill 342 is effective July 2009. The author says the key is density as it translates into open space and work force housing. We have to break away from these large lots and the constraints. It is a slow process to get this done at town meeting because people are going to think an explosion of kids.

Talk went on as to transferring development rights. Chairman Perry said this is definitely something the Board will be looking over. They left at 8:45 p.m.

Mr. Barry asked about development rights. Mr. Wagner: The example would be take a 120 acre farm where you could put 100 houses on the lot. That has a market value but you do not want them to put houses there so you can use the value of the land, the rights he would have to develop that land the way he wants and allow that to be sold to a developer somewhere else, say Lot 98 that Andy keeps talking about, and allow that 100 houses to be built there in a more condensed and open space fashion and preserve the farmland. There is a give and take involved and you would be increasing the density to pay for it.

Talk shifted to wellhead protection. Mr. Wagner suggested the Town should adopt a wellhead protection ordinance.

#### **4. Capital Improvements Plan**

Mr. Perry informed the Board that the Recreation Commission wants to review their CIP. The Recreation Commission has not reviewed what had been submitted by the former Chairman. Chairman Tony Schaffer is concerned the Recreation is going to be left out of things they deserve. After reviewing the CIP, it was noted that it does include expansion of the soccer and baseball field. The Board agreed that if the Recreation Commission has changes that they be provided to the Board by July 1, 2008. Mr. Wagner to email Mr. Byron regarding his comments at the last meeting about CIP justification. The CIP Hearing will be July 22, 2008.

#### **5. Any Other Business**

**Granite State Paintball Application** - Mrs. McKibben said that they will not be expanding the business as previously stated. The only change will be to open the place to the public.

**Heron Drive Bond Reduction** - Bond Agent Leon Barry read out loud the requested bond reduction as recommended by L.C. Engineering.

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Mr. Barry **MOTIONED** to accept the bond reduction to \$44,500 on Heron Drive. Mrs. Douglas seconded. Motion carried 5-0-0.

**NRPC** - Mr. Barry will be attending the quarterly NRPC meeting tomorrow. He asked if there is anything the Board wants him to bring up as to what is happening in Litchfield.

Talk went on as to membership in NRPC. Mr. Barry is a member and Mr. Brennen is an alternate. Some of the items to mention at the NRPC meeting are the storm water management program, redoing the CIP, and economic development plan, GIS mapping system coordinated with NRPC, and that the Planning Board is now televised.

There being no further business, Mrs. Douglas **MOTIONED** to adjourn the meeting. Mr. Barry seconded. Motion carried 5-0-0. The meeting adjourned at 9:15 p.m.

Lorraine Dogopoulos  
Recording Secretary