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Litchfield Planning Board
August 19, 2008
Minutes approved 9/16/08

Members present:

- Steve Perry, Chairman
- Jason Brennen, Vice Chairman
- Alison Douglas, Clerk
- Leon Barry
- Frank Byron
- Edward Almeida, Alternate
- Mark Ducharme

Members not present:

- Mary Anne Geist
- Carlos Fuertes

Also present:

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

Agenda:

- 1. Lower Merrimack River Local Advisory Committee presentation of Corridor Plan**
- 2. Rene Theroux Tax Map 15 Lot 6, 315 Charles Bancroft Highway. The Board to continue consideration of an application to subdivide one lot into three lots. (Applicant requests continuation of case)**
- 3. Outstanding Topics:**
 - a. Growth Management**
 - b. Open Space Conservation Overlay District**
 - c. Work Force Housing/Accessory Dwelling Units**
 - d. Impact Fees (by consultant)**
 - e. Fee schedule - change/building code with reference to State Code**
 - f. Low Impact Development and LEED design incentives**
 - g. Storm water update – Town regulations compared to current model**
 - h. Source Water Protection (using the model)**
 - i. Vehicular Circulation Driveway regulations**
- 4. Any Other Business: Approval of minutes: 6/17/08; 7/8/08 and 7/22/08**

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Chairman Perry called the meeting to order at 7:00 p.m.

1. Lower Merrimack River

Members of the Litchfield Conservation Commission were present. Mr. Bob Robbins from the Lower Merrimack River Local Advisory Committee (LMRLAC) came before the Board and made a power point presentation of the Lower Merrimack River Corridor Management Plan. Mr. Robbins will return at a later date once the Planning Board and the Conservation Commission have reviewed the information. The corridor consists of ¼ mile each side of the river. The Shoreline Protection Act has jurisdiction of about 250 feet back from the river. RSA 483:10 is the enabling legislation for the long range plan of the river. Mr. Robbins said he hopes the Board will read the recommendations and get back to LMRLAC with suggestions as a working document. Access to the river is an issue and so they encourage low impact development techniques. Also, there are water quality issues to be considered. Chapter 2 Goals and Objectives came from many people along the river from a survey that was done by LMRLAC. They would like to see the recommendations incorporated into the Litchfield Master Plan and referenced in the zoning.

It was said that there should be three representatives on the LMRLAC and currently Litchfield has only one representative. They meet the fourth Thursday of the month at the Nashua Public Library from 7:00 p.m. to 9:00 p.m.

2. Rene Theroux Tax Map 15 Lot 6, 315 Charles Bancroft Highway

A **MOTION** was made to continue the application to September 16, 2008. It was seconded. Motion carried 6-0-0.

Chairman Perry appointed Edward Almeida as a voting member this evening.

3. Outstanding Topics

Impact Fees - Mr. Wagner said on his list of things to consider is the requirement of reviewing impact fee schedule and recommending it to the Selectmen for approval. This is ready with a draft letter to the Selectmen and it includes the new cost escalator factor. There will be a public hearing on the fee schedule on September 16, 2008.

Talk went on regarding collection of impact fees for a new elementary school that has not been built. It was said that the fees cannot be used for anything other than the new school facility. Mr. Byron said the school utilized the elementary impact fees, as far as he remembers, for engineering studies, etc.

Mrs. McKibben said that Cecile Durocher has volumes of impact fee documents regarding what has been collected and spent but it is not certain whether it is being

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updated since she retired. The consultant who will be reviewing the collection of impact fees to determine whether they are still justified to be collected is Bruce Mayberry. Mr. Byron said it his understanding that impact fees can only be applied for improvements spelled out in the CIP. It was discussed that the school has spent impact fees on musical instruments stating increase of capacity of the school because they did not have that offered as a subject before. If it says in the ordinance “facilities and equipment” then they can use it.

Talk continued. Mr. Wagner said the Board needs to know how many units can be applied to the old impact fees. The Board needs to get the scope of work from the consultant on the impact fee review. If the Board has a signed contract with the Consultant before December 31, 2008, the money can be encumbered for 2009.

Mr. Perry **MOTIONED** to put this (impact fee schedule) to public hearing on September 16, 2008. Mrs. Douglas seconded. Motion carried 7-0-0.

Growth Management – Mr. Wagner explained to those present the formula by which he derives the distribution of the allocations. The list of allocations to be distributed was reviewed. Fallon II requested three (3) duplexes so they will need two certificates per unit for a total of six allocations.

Mr. Ducharme **MOTIONED** to conditionally approve the building permit allocation sheet as documented with conditions of approval that we update the total certificates remaining for the Fallon II project to add parenthesis for six (6) noting that they are duplexes and they need six for three buildings. Mr. Barry seconded. Motion carried 7-0-0. The allocations will be distributed September 2, 2008.

Talk went on about rescinding the growth ordinance that will sunset in 2010.

NRPC - Mr. Barry read a letter from NRPC about participation in the National Community Planning month which is designed to raise awareness of planning achievements across the country and recognizes the many local projects that makes communities a wonderful place to live and work. To celebrate planning achievements NRPC is holding a Great Places contest. The Board of Selectmen has picked Darrah Pond as its great place to be submitted for Litchfield.

CTAP - Mr. Wagner said they need more people to volunteer on the Litchfield Economic Development Subcommittee. Letters will be forwarded to the businesses and the community and a press release. The Planning Board will act as the subcommittee if they can’t get enough volunteers. This was discussed. The project has to be completed by May 2009. The letter was reviewed. This will be the first item on the agenda for September 23, 2008.

It was suggested that Mrs. McKibben call some of the business owners and business

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2 people to give them heads up that the letter is coming and see if they are interested in
3 serving on the CTAP subcommittee.
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5 **Workforce Housing** - The Board discussed ordinances. Mr. Wagner said the key one is
6 the work force housing because it takes affect in 2009. It has not been determined if
7 Litchfield meets the requirements of having a certain percent of affordable housing. This
8 needs to be determined. Mrs. McKibben to call Town Counsel to ask his attendance at the
9 October 7, 2008, meeting to discuss HB342 and HB126.
10

11 **L.C. Engineer** - Talk went on as to the consultant engineer's fees. As stated in the
12 ordinance the fee is above what he is actually charging. Mr. Byron said that what Lou
13 charges is one thing but there is also the work you have to do to transfer those costs to
14 the developer, so whatever Joan's time is, has to be counted. Mr. Perry said as he
15 remembers when the fees were approved that there was a reason for the extra amount.
16 Talk ensued. Mr. Perry also said that he had sat down with Al Raccio and Cecile to get
17 the billing procedure in place and now nothing is being done.
18

19 **Theroux Subdivision** - Mr. Perry said to re-notify the abutters.
20

21 Mr. Barry: When Kevin (Kevin Lynch, speaking as an abutter) was in here I said to him
22 is there enough place in the back for the water to go and he said if Stokes does not
23 continue pushing out his property in the back and filling it in. He said Stokes is filling his
24 back yard in. Mr. Perry: That is Kevin's problem. Mr. Barry: It is not the problem it is
25 you know we are sitting here and all saying oh yes the water will flow down there
26 without any problem where they want these house lots but if they keep filling in their
27 back yard...
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29 Mr. Brennen: I think it is his immediate back yard that he is talking about it is not a
30 wetlands. Stokes' back yard.
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33 There being no further business, Mr. Perry **MOTIONED** to adjourn the meeting. It was
34 seconded. Motion carried 7-0-0. The meeting adjourned at 9:12 p.m.
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37 Lorraine Dogopoulos
38 Recording Secretary
39 (transcribed from tape and notes)