

**Litchfield Planning Board
December 15, 2009**

Minutes approved 1/5/10

Members Present:

Alison Douglas, Chairman
Edward Almeida, Vice Chairman
Marc Ducharme, Clerk
Leon Barry
Steve Perry, Selectmen's Representative
John Miller, Alternate

Members Not Present:

Jayson Brennen
Carlos Fuertes

Also present:

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

AGENDA:

1. WORK SESSION - Open Space Subdivision (Conservation Subdivision)

2. WORK SESSION - Inclusionary Housing

3. BLACKBIRD LANE BOND

ANY OTHER BUSINESS

- **Approval 12/1/2009 Minutes**
- **Correspondence**

Chairman Alison Douglas called the meeting to order at 7:29 p.m. John Miller appointed as a voting member.

1. CONSERVATION OPEN SPACE SUBDIVISION

Chairman Douglas read aloud Town Counsel's letter dated December 15, 2009, regarding recommended changes to the ordinance. Mr. Wagner then went over the changes recommended by Town Counsel. Talk went on as to conservation subdivisions being a requirement for parcels consisting of 10 acres or more.

Planning Board

December 15, 2009

1 **VI. A.3.** Changed to agree with the Statute...the setback from the Merrimack River shall
2
3 be 150 feet from the *mean high water level*.
4

5 The roads within conservation subdivisions would be public roads. Talk ensued as to
6 ownership of the land and if the Town owns it, the Selectmen would have to approve the
7 transaction. At 7:20 p.m. Selectmen Perry entered the meeting and confirmed that the
8 Selectmen would have to approve it.
9

10 Mrs. McKibben questioned if a parcel is 30 acres, how do you know what you end up
11 with for lots because you could get 20 house lots in a conventional subdivision. Mr.
12 Ducharme explained a conventional subdivision sets the number of house lots to
13 maximum. So, you take the number you get conventionally and that is the most you can
14 get and once you put in your setbacks, you should get the same number.
15

16 Mr. Perry said that he is not in favor of mandating ten (10) acres for open space
17 subdivisions. He was told that is what the Board wants to see at first but there are plenty
18 of outs that are available if the developer did not want to do an open space subdivision.
19 Some members felt that it is not really mandating because the developer has the option of
20 doing something else. Mr. Wagner indicated that the information was taken from the
21 model from the State so it is believed it can be mandated. Mr. Perry indicated that he
22 would like to see twenty (20) acres if it is going to be mandated. After discussing it
23 further, it was agreed to change the ordinance to twenty (20) acres.
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25 At 7:55 p.m. Mr. Miller left the meeting.
26

27 **2. INCLUSIONARY SUBDIVISION**

28
29 Chairman Douglas read Town Counsel’s comments as stated in his letter dated December
30 15, 2009, of which he had no changes to the ordinance. Mr. Wagner told the Board that
31 he did make additional changes since the last meeting and Town Counsel was informed
32 of those changes.
33

34 **475.7.1** - Mr. Wagner said that he took out the requirement that Litchfield had to be the
35 lien holder. A lien holder shall be approved by the Planning Board and where a lien is to
36 be held by the Town, the Selectmen would have to approve it.
37

38 **475.5.3** - Mr. Wagner also cleaned up the table on page 3 and added another header for
39 road standards. On page 4 added 1. and 2. is to satisfy the Town and 3. Is to satisfy the
40 police because of the mandate no on street parking so appropriate signs would be needed
41 in order for the police to enforce it.
42

43 Mr. Wagner further stated that the Fire Chief is okay with 22-foot wide roads as long as
44 the roads are kept clear. Talk ensued as to enforcement.
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Planning Board

December 15, 2009

1 **475.7 Assurance of Continued Affordability** - Mr. Wagner pointed out that it states
2 enforced contractual arrangements would be required so the Town would not manage this
3 but it would be another entity. Mrs. Douglas: Who makes that decision? She was told
4 that the Town would make that decision and a report would have to be filed with the
5 Town every year. In order to get approval, the developer would have to get Planning
6 Board approval so the burden is on them to get a third entity. Talk ensued as to
7 subdivisions going bankrupt, etc. Mr. Ducharme said that the homeowners eventually
8 become the owners of the project.

9
10 Mr. Wagner: Worse case scenario is a developer comes in with say 10 units, a minimum
11 of two units have to be affordable so even if we never get into the affordability clause to
12 continue affordability, we have two new affordable units in Town and they can't
13 complete the project and get the CO's for the final two units or whatever, until all the
14 affordable units get built. I am pretty sure we will insure at least the affordable units get
15 built and it would be a pretty tough legal challenge not to uphold the liens with the
16 affordability covenant.

17
18 Talk continued. Mr. Barry: If we lose control of those people buying those homes and
19 then selling them for a higher profit, who is going to watch out that it does not become a
20 slum area in Town. Mr. Wagner replied that the affordability is 100% or less of the
21 median income or sale price and the median sale price is \$279,000; so a \$278,000 home
22 is not a slum.

23
24 A public hearing will be held on January 5, 2009, at 7:00 p.m. It was said that the
25 Building Code should also be on the ballot. Mr. Perry will notify the Code Enforcement
26 Officer.

27
28 **3. ANY OTHER BUSINESS**

29
30 **Blackbird Lane Bond** - Mr. Barry read a letter from Lou Caron stating that all the items
31 in the July 30th letter had been taken care of and he recommends the bond reduction.
32 Mrs. McKibben said she would check with the owner regarding a pin location on Lot 2.

33
34 Mr. Barry **MOTIONED** to reduce the bond to \$28,000 as a two-year maintenance bond.
35 Mrs. Douglas seconded. Motion carried 5-0-0.

36
37 **Blackbird Escrow** - Mrs. McKibben reported that all the bills have been paid, deed
38 recorded, everything has been completed and she is asking to return the escrow money,
39 which is about \$6,000. Mrs. Douglas **MOTIONED** to return Sanborn's escrow money.
40 Mr. Barry seconded. Motion carried 5-0-0.

41
42 **Inclusionary Ordinance** - Back to the inclusionary ordinance, Mr. Wagner said he
43 already put the section numbers in the zoning book as 475. There was no objection from
44 the members.

Planning Board

December 15, 2009

Impact Fee Study - Chairman Douglas informed the Board that Mr. Bruce Mayberry (hired to do the study) has been waiting for information from public safety and said that he had talked with Chief Schofield regarding the information. The money for the study will be requested to be encumbered.

Default Budget - Mr. Perry talked about the 2010 Default Budget and what cuts were made in the planning board numbers: Line item for ads was reduced to \$750, recording fees reduced to \$50, postage to \$150 and equipment repair to \$0. As to the special project the Selectmen will need a copy of the commitment letter from the State.

Minutes - Mr. Barry **MOTIONED** to accept the December 1, 2009, minutes as amended. Mr. Almeida seconded. Motion carried 4-0-1.

Annandale Fields - In reference to a letter from Lou Caron, Mrs. McKibben told the Board that Tony Basso of Annandale Fields said they will be coming in with the changes and building movement. When they paved the road, they made it higher so they will explain to the Board as to why it was changed and not in accordance to the plan.

Annual Report - Chairman Douglas is working on the Annual Report submittal.

There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mrs. Douglas seconded. Motion carried 5-0-0. The meeting adjourned at 9:00 p.m.

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Marc Ducharme, Clerk

Leon Barry

Steve Perry, Selectman

John Miller, Alternate

Lorraine Dogopoulos
Recording Secretary

Planning Board

December 15, 2009

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