

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on AUGUST 7, 2018

minutes approved on 8/21/2018

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, August 7, 2018 at 7:00 p.m.

MEMBERS PRESENT: Mike Croteau - Chairman, Kimberly Queenan - Vice-Chairman
Joe Blanchette - Clerk, Dennis Page, Tyler Perrin, Steven Webber - Selectmen's Rep.

MEMBERS ABSENT: Kate Stevens - Alternate, Tony Turecki - Alternate

ALSO PRESENT: Joan McKibben (P.B. Admin. Assistant), Jay Minkarah (Executive Director Nashua Regional Planning Commission - NRPC)

CALL TO ORDER

Mr. Croteau called the meeting to order at 7:00 p.m. and led the Board in the Pledge of Allegiance. Roll call of members.

Public Input: No Public input on non-agenda items.

AGENDA ITEMS:

1. **Richard Jefferson three lot subdivision map 12 lot 27**
2. **Romano's Pizza amendment to plan to allow outside music**
3. **Release escrow accounts Parkland Estates & Theroux Properties**

1. **Richard Jefferson map 12 lot 27 281 Charles Bancroft Hwy. Three lot subdivision in the residential district.**

Present: Richard Jefferson, applicant and Gregg Jeffrey, Jeffrey Land Survey, LLC
The application was accepted by the board on June 19, 2018.

Since that time the applicant has had a drainage study done by TF Moran Engineering. The study recommends a grass interceptor swale with a driveway culvert to collect any storm water and discharge water to the wetlands on site.

LC Engineering has reviewed the plan and visited the site and concurs with the driveway culverts.

Dennis Page asks if there will be required maintenance on the culvert?

Gregg Jeffrey states that it is a good sized culvert 15”.

Public comment: Edward Dalton Jr. 287 Charles Bancroft Hwy. (direct abutter). Mr. Dalton stated he is fine with the plan as long as water goes south away from his property.

Kim Q. makes a MOTION to grant the waivers to sections 530.00 k,m relating to drainage & 150.00 q storm water drainage plan and to conditionally approve the plan. The plan to come back to the board only if there are changes made to the plan by the Zoning Board on 8/8/18, Also show existing septic and well on the plan and a note there is no development on the large remaining lot (Map 12 Lot 27-2) AT THIS TIME. Steven W. seconds the motion. No discussion on the motion. Motion passes 6-0-0

Joe B. makes a MOTION that the standard notes from the planners review also be incorporated in the plan. State drive permit# added to the plan, addition of protective well radius for lot 27-1, a note referencing the special exception for the construction of the driveway and date approved by ZBA. Kim Q. second the motion. Motion passes 6-0-0.

2. An application for a site plan amendment Tax Map 21 Lot 23, 27 Colby Road Romano’s Pizza, LLC. Applicant seeks an amendment to allow outside music to be played in the patio area.

Present is Wm. Keith Vessels, owner Romano’s Pizza.

A violation of Site Plan Approval was issued by Litchfield to Romano’s Pizza on 6/20/2018. Stating that live or recorded music outside in the porch/patio area is a violation. There was a 2004 Memorandum of Agreement between Romano’s Pizza and Abutters Brown and Frisella. Town Counsel determined this agreement became part of the terms and conditions of approval. Selectman Webber has spoken with town counsel regarding this case and the town attorney indicated that the planning board has complete discretion if they wish to grant an amendment to allow outdoor music or any modifications to the existing site plan.

Mr. Vessels stated he understood the agreement was between Romano’s and the abutters not part of the plan. The abutters that signed the agreement are no longer

abutters. The language in the agreement is not anywhere on the plan. He stated it is unclear what the violation really is.

Mr. Vessels stated he has checked the decibel level and found it to be in the acceptable range below 75 DBA.

Public Comment:

Kyla Luquette 494 Charles Bancroft Hwy., although not a direct abutter, she states she is being impacted by the outside music, being played at Romano's, inside of her home. Her property is north and across Rte. 3A. She has spoken to Mr. Vessels and has called the police several times regarding the noise. She spoke to Troy Brown, town administrator, and became aware of the memorandum between former abutters. She stated the music goes from 8 pm to 10 or 10:30 pm on Saturday nights.

Mr. Vessels commented he had tried to remedy this by turning the speakers towards his parking lot and away from Rte. 3A. He also stated there has been no complaints from anyone else.

Chairman Croteau read an email in support of Romano's outdoor music from Jayson Brennen 23 Aldrich St. and former member of the Planning Board.

Zoning section 403.02 was discussed and states "All noise, except that generated by normal human or vehicular activity, shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. At property lines, noise levels shall not exceed 75 DBA."

Discussion continued.

Joe B. makes a MOTION to amend the conditions of the site plan for Romano's Pizza to allow outdoor music within the parameters of zoning section 403.02.

Steven W. seconds the motion. Motion passes 6-0-0.

Release of Escrow Accounts

Parkland Estates was approved 11/2017, Theroux Properties approved 12/2017.

Joe B. makes a MOTION to release the remaining escrow funds mentioned above back to the applicants. Kim Q. seconds the motion. Motion passed 6-0-0.

Committee Reports

Conservation Commission to meet 8/22 at town hall 7:00 p.m.

Lower Merrimack River Local Advisory Committee (LMRLAC) 8/23 Nashua Public Library 7:00 p.m.

Heritage Commission three members have been appointed, Kim to call Troy about scheduling a meeting date.

Approval of Minutes

Kim Q. made a MOTION to approve the July 17 minutes as amended. Steven seconds the motion. Motion passes 5-0-1

Other Business

Jay mentions that the Litchfield regulations are not up to date with recent changes regarding agri uses and agri business. When time allows the board should look at updating the site plan regulations.

A MOTION to adjourn was made by Joe B. seconded by Steven W. Motion passes 6-0-0. The meeting adjourned at 9:00 p.m.