

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on October 15, 2019

minutes approved on 11/05/2019

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, October 15, 2019 at 7:00 p.m.

MEMBERS PRESENT: Kimberly Queenan - Vice-Chairman, Kate Stevens, James Boffetti, Tony Turecki, Joshua Smith, Ronn Stephens - Alternate, Curtis Sampson - Alternate

MEMBERS ABSENT: Michael Croteau - Chairman, Kevin Lynch - Selectmen's Rep.,

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

CALL TO ORDER

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

Vice-Chair Queenan appointed Curtis Sampson as a voting member for this meeting.

AGENDA ITEMS:

- 1. St. Francis Electronic Sign Map 22 Lot 100**
- 2. Estate of Fred/Janet McQuesten Map 15 Lot 14, 16 Lot Subdivision, 124 Hillcrest Rd.**

Public Input on Non-Agenda Items:

Rick Charbonneau, 401 Charles Bancroft Hwy. was present to discuss Mel's Funway and Spooky World (run by Mel's).

Rick: As you know Mel's (Spooky World) is open for the season. You (Planning Board) went through the parking last year (Jan. '19) So some of the parking is getting better but now they are parking on the grass area across the street from the Laser Plex, south of the house they own (east side of 3A). People are again walking across the road (not in designated crosswalk). Traffic is out of control. They say they don't need a traffic study, but they should study it when Spooky World is operating.

They are blowing up something at all hours of the night. He feels this is not right even though we do not have a noise ordinance. When the quarry was allowed (by the Planning Board) he had to prove what the decibels were at the property line.

The point is (in his opinion) they (Mel's) demonstrate changes on the plans and then do what they want.

If they do come back with any plan amendments the planning board has to pin them down to EXACTLY what they are going to do, and then it is critical they adhere to the plan the board has approved.

Jay M.: The Planning Board can have a compliance hearing (public hearing, with notice) to make sure they are adhering to the conditions of the plan.

Kate S. questions if the Board can put dates on the conditional approval items.

Jay M.: Yes they can.

James B.: There should be a list of conditions, investigate if they are meeting the conditions if they are not then a public hearing.

Jay M.: It is not an enforcement action, but to see if the conditions have been met. There are several courses of action the Board could take.

James B.: Who enforces the conditions? Jay M. Code enforcement.

Jay to review conditions of approval of the site plan.

James B. to Rick Charbonneau: Can you give us a list of items from your perspective, what You think they haven't done.

Kim Q. We can compare to the site plan, review the conditions, see what Troy has done with this site also. See what applies to Spooky World and what applies to the c/o for the Bumper Boats.

James B.: Give the owners (of Mel's) a chance to say why they are or are not in compliance with the plan.

James B. makes a **MOTION** for the Board to do the research and review the plan for compliance. Mr. Charbonneau to provide a list of items that he feels is not being upheld on the plan. Joshua S. seconds the motion. Motion carries 6-0-0.

**1. St. Francis Church/Roman Catholic Bishop of Manchester
Offsite Electronic Sign, Map 22 Lot 100**

Emily and David Baker Map 22 Lot 2, 506 Charles Bancroft Hwy (CBH).

Laura Gandia is present for the applicants.

The applicants have received two variances from the Litchfield ZBA to allow an electronic message board with amber lights, offsite at 506 Charles Bancroft Hwy.

Laura G.: The ZBA approved electronic message sign, amber lights on the lettering, message to change periodically but no scrolling letters.

A plan was shown for the location of the sign at 506 CBH.

Kate S. asked if the electronic section of the sign could turn down the brightness of the lettering at a certain time.

Laura didn't think that was an option.

Tony T. made a **MOTION** to approve the sign permit for St. Francis parish, sign located at 506 CBH. Curtis S. seconds the motion. Motion carries 6-0-0.

2. Estate of Fred/Janet McQuesten Map 15 Lot 14, 16 Lot Subdivision, 124 Hillcrest Rd.

Tucker McCarthy from Keach-Nordstrom Assoc. and John Noseworthy, executor of the estate are present. Tucker M. describes the project, a 16 lot subdivision, one existing house and one lot on Rte 3A, 14 lots on a new road off of Hillcrest Rd.

This application is a 16 lot Conservation Open Space Development (COSD) section 575.0.0 in the Litchfield Zoning Regulations. 14 lots off a new road, one existing house, and one lot on Rt. 3A.

The wetland crossing has been approved by the Litchfield ZBA.

They received LC Engineering comments and have answered the questions and cleaned up the plan. Waiting for State permits.

The applicant is asking for a variation from the COSD on three lots. A variation from the 250' setback on Route 3A to 150'. A variation on two lots abutting Hillcrest Rd. from 150' to 50' setback to match the existing house on Hillcrest Rd.

James B. questions the history of the 250' setback in the COSD ordinance.

Jay M. explains at the time probably to codify the long term goals of the town for setbacks.

Tucker M. There are existing houses close to the road we are trying to keep in character with the area on Route 3A.

Kate S. wonders if having a house there at all goes against the objective of the ordinance.

James B. wanted to know how does the variation from the standard meet the objective?

The Chair is reconvening the public hearing.

Joan McKibben representing the Conservation Commission stated the 150' setback would create less impervious area and there would be no benefit with a setback of 250' putting the house up against the wetland.

Marion Colby, abutter, reads a statement in opposition to creating a house lot on Rte. 3A

My name is Marion Colby and I own the abutting property at 323 CBH. My property is a historically significant house from the 1760s and one of the oldest homes in town. I have gone on the record with my opposition to the part of this plan that includes a house being built north of my property on CBH.

I am not clear that the survey that was completed is correct and it does not seem to agree with the property lines from my deed. I had a talk with another abutter, Bettye McQuestion Guay, who unfortunately has passed away....and she did not agree with the lines of the new survey either. I am also curious about the amount of frontage that is required on CBH....in the zoning hearing it was mentioned that the requirement was 150 ft....but I was under the impression that on 3a the frontage required is 200 ft.

The proposed plan calls for several houses being built off of Hillcrest Road that will not affect the rural nature of the Charles Bancroft Highway and the agriculture nature of our town. These are not in question at this time and will give the property owners a chance to profit from their land.

As a member of Litchfield Historical Society I have sat in on several meetings in years past when the master Plan for the town was being developed. I have reviewed the plan and there are many references to keeping open space in the town as an important goal. Maintaining the rural and agricultural nature of the town is important to the citizens and has been mentioned as one of the reasons people have moved into Litchfield.

The Zoning laws and planning board of the town were instituted because the citizens realized that they did not want development in every square acre in town. Building on lots that do not

meet the zoning laws and the planning board's vision will change the nature of the town and eliminate open space. As the master plan indicates - Farm houses, farm buildings and open spaces present a strong image to residents and visitors. Other towns in the area have lost their traditional appearance due to over development. It is not too late for us to preserve the nature of our town.

The zoning ordinances are now the laws of the town and they should be adhered to. They were passed for a reason.....to protect our community....and the laws should be obeyed! The master plan was developed to plan for further growth of the town. If an exception is granted every time someone comes forward and asks....pretty soon this town will have no open spaces and what is the point of the master plan? As it is stated in the plan....preservation opportunities lost today may never be available

Again.

Thank you for the opportunity to speak and I hope my concerns will be considered.

Rick Charbonneau discusses open space, who is taking care of it? It will just grow up to be unsightly in his opinion.

Kate S. states there is value in woodlot/forest it would still be open space.

8:35 Chair closes public comment.

Discussion continued on the merits of the different setbacks on 3A for a COSD lot

Deed restriction discussed for the wetland area, it would be a protected area.

Variation #1 Curtis S. made a **MOTION** to allow a 50' setback on Map 15 Lots 14-1, 14-14, and Map 15 Lot 14 where a 150' foot setback would be required in a COSD.

Kate S. seconds the motion. Motion carries 5-1-0.

Variation #2 Curtis S. made a **MOTION** to allow the frontage and access for lot 15-14 (existing house) to come from Hillcrest Rd. Joshua S. seconds the motion. Motion carries 5-1-0.

The applicant has agreed to 250' setback on lot 14-15 (fronting on Route 3A)

Variation #3 James B. made a **MOTION** to deny access and frontage on route 3A for lot 14-15.

Kate S. seconds the motion. MOTION carries 4-1-1.

Waiver for 150.4 Traffic Impact Study James B. made a **MOTION** to waive the need for a traffic impact study. Joshua S. seconds the motion. Motion carries 6-0-0.

Tucker M. requests a continuation of the application to go over the variations/waivers and resubmit the plan..

Tony T. makes a **MOTION** to continue the application to November 5, 7:00 pm. Kate S. seconds the motion. Motion carries 6-0-0.

Committee Reports

Joshua Smith attend the NRPC meeting, he would like to become a representative to NRPC from Litchfield.

James B. made a **MOTION** seconded by Kate S. to recommend Joshua Smith to the Selectmen for an appointment to NRPC. Motion carries 6-0-0.

Kim Q.: The Heritage Commission by-laws are on line.

Litchfield Historical Society has had all 5 buildings approved by the owners (town, school, & NE Presbytery) to be submitted to the NH Historical Resources for State designation of historic buildings.

Approval of Minutes

James B. made a **MOTION** to approve to September 17, 2019 minutes seconded by Tony T. Motion carries 6-0-0.

James B. seconded by Kate S. make a motion to adjourn. All in favor.

Meeting adjourns at 9:04 p.m.

Respectfully Submitted by

J. McKibben

