

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on November 5, 2019

minutes approved on 11/19/2019

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, November 5, 2019 at 7:00 p.m.

MEMBERS PRESENT: Michael Croteau - Chairman, Kimberly Queenan - Vice-Chairman, Kate Stevens, James Boffetti, Tony Turecki, Joshua Smith, Kevin Lynch - Selectmen's Rep.

MEMBERS ABSENT: Ronn Stephens - Alternate, Curtis Sampson - 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.

AGENDA ITEMS:

Public Input

1. **Lobster Boat Restaurant** Map 2 Lot 2, 273 Derry Rd. Applicant is requesting to construct a 20' X 50' roof over the existing outdoor seating and patio and an addition to the existing kitchen.
2. Estate of Fred D. and Janet **McQuesten Tax Map 15 Lot 14**, 124 Hillcrest Road to subdivide one lot into 16 lots in the residential district.

Public Input: Rick Charbonneau, 401 Charles Bancroft Hwy.. At the last planning board meeting (10/15/19) the Board had asked him to make a list of his concerns. He is submitting the following items referring to site plan dated 2/6/18 last revision of the plan 1/18/19.

Items Mr. Charbonneau believes were part of the above mentioned plan that were not completed prior to operation:

1. Fence enclosure for carnage

2. Fence across from Colby Rd. for haunted hayride
3. Siding on pavilions do not match rendering for siding that was submitted
4. Sidewalk was not completed from Colby Rd.
5. There have been cars parking along Route 3A in front of their paved parking lot on landscaped areas around Lazer Plex

Below are items Mr. Charbonneau believes are not part of the site plan approval:

1. They are parking cars on Lot 443- Tax Map 20 without site plan approval from the planning board. People are crossing and walking down Rte. 3A.
2. Up until midnight they are blowing off a horn and making a bomb type sound that can be heard clearly over half a mile away.
3. There are porta potties located all over the site that are not on the site plan.
4. There are vending trucks and trailers located on site that are not shown on the site plan.

Mr. Charbonneau encouraged board members to visit the site the evening of Saturday, November 9 to see in person the above concerns.

There was no comment from the Board.

Chairman Croteau read an email into the record from Attorney Andy Prolman:

I appreciate that the Board takes in public comment at the beginning of every hearing, but I think it is entirely inappropriate for the Board or the public to take up any discussion of Mel's without a formal hearing being noticed and most importantly, without our being in attendance. As the Town well knows, Mel's is contentious and subject to litigation. This isn't benign public commentary such as an upcoming kids soccer tournament at Darrah Pond, or use of the Merrimack River boat ramp. We're soon coming in with an amended site plan application for Mel's. If the Board is predisposed against us as a result of repeated public comments, Mel's due process rights for a fair hearing have been violated. I'm not saying that this is the case, but am only pointing out the consequences of not conducting proper public hearings - especially given the current legal posture against Mel's.

On behalf of Mel's Funway Park, LLC, I respectfully request that should public comment start to raise concerns about the park, that the Board politely decline the discussion until a formal application is before the Board.

Lobster Boat Restaurant Map 2 Lot 2 site plan

Richard Maynard, engineer from Maynard and Paquette Engineering Associates, LLC and owner Ben Workinger, Jr. of BWSV, LLC are present to explain the plan.

Abutters have been notified and fees paid, necessary paperwork submitted.

James B. makes a **MOTION** to accept the plan for discussion. Kim Q seconds the motion. Motion carries 7-0-0.

Mr. Maynard explains the site is 5.7 acres with various businesses. They are not planning any changes to the site.

The proposal is to cover the existing open terrace with a roof only, the area would still be seasonal. They are also adding 365 square feet to the existing kitchen.

There is no new lighting. There are currently two fans on the roof, one added fan would be to the back of the building.

The can divert snow/rain off the roof away from the handicap access.

Jay M. Overall there is minimum impact to the site. The patio area is already an impervious area. Jay also mentions it will enhance and improve the functionality of the site. Kate questions landscaping. Ben W. We will replace landscaping after construction.

Several waivers are requested.

Section 150.4 Traffic impact study, small addition will not

150.5 Internal Circulation Plan - no changes proposed

150.7 f and r Contour Intervals and

150.7 q Stormwater The 365 sf addition to the building for the kitchen represents only 0.1% of the site area. There will be no storm water runoff changes or impacts.

James B. makes a **MOTION** to approve all the above waivers. Tony T. seconds the motion. Motion carries 7-0-0.

The signs are not changing at this time.

After some discussion Tony T. makes a **MOTION** to conditional approve the additions to the building. Seconded by James B. with the following conditions.

1. Landscape design complies with the character of the area/town..
2. Hours of operation 10 am - 10 pm

The motion carries 7-0-0.

Estate of Fred and Janet McQuesten Map 15 Lot 14, 124 Hillcrest Rd. Subdivide one lot into Sixteen Lots

Tucker McCarthy, engineer with Keach-Nordstrom Assoc. and John Noseworthy, executor of the estate.

Tucker goes over the changes from the last meeting.

The street name "Firefly Way" is pending approval by the Fire Dept. and Board of Selectmen.

The application is going from 16 - 15 lots. Lots 2, 4, 6, are slightly reconfigured.

The 16th lot on Route 3A will be deed restricted a non-liveable lot but possible barn and agricultural use in the future.

Lot 14-7 is going back to its original size of 2.1 acres.

LC Engineering letter of 11/4/19 some bookkeeping items to correct on the plan.

Lou Caron, Town Consulting Engineer, I was adding a little more detail for construction crews in the field.

Kim Q. questions the deed restriction and possible future of lot 16.

Tucker M. A driveway and barn are allowable on lot 16 per zoning on designated open space. Lot doesn't need to be deeded to the town.

Jay M. A deed restriction can be any number of things, the lot is designated open space by ordinance in perpetuity. Section 575.8.0

Town Counsel and the Planning Board will review and approve the deed restrictions for the open space. Lot 16 (access from Rt. 3A) to be privately held with rights to put a barn on that parcel.

The plan should be updated to say agricultural easement on lot 16.

Lou C. There are two other deed restrictions for drainage and slope the property owner will maintain on lots 14-9 and 14-10.

James B. makes a **MOTION** to conditionally approve the subdivision at map 15 lot 14 for the estate of Fred and Janet McQuesten, one lot into sixteen lots. Kevin L. seconds the motion.

Conditions are as follows:

- LC Engineering notes of 11/4/19 incorporated on the plan
- Easement language for open space lot subject to review by the Planning Board and Town Counsel
- Easement language for drainage easements reviewed by Town Counsel
- Easement for the sidewalk in front of 124 Hillcrest on plan
- Street name pending approval by Litchfield Fire and Board of Selectmen
- Plan copies (3 copies) with professional seals & signatures
- Original Mylar with professional seals & signatures for recording
- State permits listed on the plan
- All fees paid, and escrow maintained as required (escrow should be brought up to \$10,000 currently \$478.00 in the account)

Chairman calls for public comment, hearing none public comment closed.

Jay M. to review deed restrictions on open space lot before sending to Town Counsel.

Kate S. brought up the idea of putting a sidewalk in front of 124 Hillcrest to go towards the existing town bike path.

Hillcrest is a state road so it would have to be an easement across 124 Hillcrest for about 250'. The Board of Selectmen would need to agree that it is town maintained.

Tucker M. We can show a 5' wide easement of the plan.

Chairman calls for a vote. The **MOTION** to approve conditionally carries 7-0-0.

Committee Reports

Nov. 7 Conservation Commission 7:00 p.m.

Dec. 18 7:00 p.m.the next NRPC meeting in Nashua.

Kim Q. reports that the buildings that were submitted to the State by the Litchfield Historical Society have been accepted by the State Division of Historical Resources.

They include the 1851 Old Litchfield Town Hall

1924 Aaron Cutler Memorial Library

1930 Litchfield Grammar School

1958 Old Litchfield Fire Station

1844 Litchfield Presbyterian Church

Approve Minutes of 10/15/2019

James B. makes a MOTION to approve the 10/15/19 minutes. Tony T. seconds the motion. Motion carries 5-0-2.

Other Business

Robin Corbeil was present to ask the Board if students could come before the Board and do a presentation as part of the process of their problem solving robot competition.

The students were charged with "make something better in your community".

They will come before the Board at the Nov. 19 meeting.

Chairman Mike C. had mail from Troy Brown regarding the formation of the Capital Improvements Program (CIP). A volunteer from the Planning Board is needed for the short lived committee.

Nov. 19 the Board will go over the Master Plan chapter for Transportation.

Also potential ordinance changes for the 2020 Town Meeting.

A MOTION to adjourn was made by Kevin L. and seconded by James B.

Motion carries 7-0-0

Meeting adjourned at 8:53 p.m.

Respectfully submitted

J. McKibben