

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on August 17, 2021

minutes approved on 9/7/2021 as amended

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, August 17, 2021 at 7:00 p.m.

MEMBERS PRESENT: Michael Croteau - Chairman, Kate Stevens - Vice Chairman, James Boffetti, Ronn Stephens, Kimberly Queenan - Selectmen's Rep.

MEMBERS ABSENT: Curtis Sampson, Joshua Smith

ALSO PRESENT: 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. Brookfield Acres, Declaration of Covenants and Restrictions for Conservation Purposes Map 15 Lot 14-15

Present representing the applicant: Attorney Morgan Hollis; John Noseworthy, Trustee; Richard Charbonneau.

There is a question on the restrictive covenants that have been recorded on the plan that was approved by the Litchfield Planning Board on 11/5/2019.

Attorney Hollis went over the hi-lighted plan copies he issued to the Board along with copies of the covenants.

Attorney Hollis explained that there has been some confusion on the plan pertaining to where the area of deed restriction is. There was no legend on the plan. They want to be able to farm what has always been farmed and is not in the wetlands. The wetland area would not be touched.

Attorney Hollis explained that they have gone to the Conservation Commission.

Chairman Croteau reads a letter from the Conservation Commission supporting farming in the area that was previously farmed.

If the area can't be farmed it will become overgrown.

They are hopeful the planning board will vote to agree with the intent of the approval of 2019 to allow agriculture in the area between the trolley track easement and power line, the area that has always been farmed and not in the wetland.

Questions from the Board:

Selectmen Queenan: Questions what appears to be a conflict on the deed in perpetuity, between section 1, where it states on the deed you are not allowed to have commercial activity, and sections 2A and 3A, where it lists what certain commercial use activities are allowed. Selectman Queenan asked if covenants 2A and 3A overruled item 1 – and she was told by Attorney Hollis that 2A and 3A did overrule item 1.

Attorney Hollis: When creating the covenants we start with the state standard which lists the limitations and then in section 3 the specific reserved rights are listed.

Selectman Queenan has a concern about traffic vs. agricultural use, a general question on open space use. Selectman Queenan cited an example that if commerce is allowed on agricultural open space land (like this lot in perpetuity), then if 20-to-40 cars a day visit the site, that is approximately 100-to-200 cars per week, which is about 5K-10K cars per year using this site. She said she found it hard to believe that NH Fish and Game, NH Forestry, and NH Lawmakers crafting Open Space laws, would want 5,000 to 10,000 cars a year on an Open Space property.

Attorney Hollis has run into this scenario in other towns for example horse farms or U-pick sites. In this specific case the applicant has to come back to the Board if they put up a building, so the Board has control. Attorney Hollis agreed that in the future, perpetuity deeds can be written to not allow commercial use on Open Space agricultural use land.

Jay Minkarah commented that the State definition for agriculture is very broad, it includes agritourism. The Conservation Open Space Development does allow farming on open space. The Town does have the option to narrow the definition.

James B. asks for clarification on the area that is being discussed. Kate S. shares her laptop to show the area.

Rich C. It is clear we want to farm what has always been farmed.

Morgan Hollis: We would propose to say the area of deed restriction excepting those areas not in the wetland.

Any structure is required to come back to the Planning Board.

Chairman Croteau asks for public comment, hearing none closes public comment.

A **MOTION** was made by Kate Stevens to use the same language as the Conservation Commission (to support farming on Map 15 Lot 14-15 as was presented on the plans) adding to restrict the building (when it is proposed) to the west of the railroad (old trolley bed), James Boffetti seconded the motion. The motion passes 5-0-0

Work Session on Zoning Permitted Uses

Present: Attorney Morgan Hollis, residents Rick Charbonneau, & John Noseworthy, Matt Lepore and Jayson Brennen, Conservation Commission, Jim Petropulos, P.E. Emily Coughlin

Jim Petropulos: We put together a brief power point presentation for informal discussion. We are primarily looking at the northern commercial area.

The northern commercial code was written in 1989 and they thought it could use updating.

The northern commercial district is approximately 311 acres 22% is undeveloped. We did look at Litchfield's Master Plan so we wouldn't go against the ideas in the master plan. We would support mixed use and support for multi family housing. Also supportive of conditional use permits issued by the planning board to give the board more input and control on design. We would like to be involved in further discussions.

Attorney Morgan Hollis: Stated how and why they started looking at the process of zoning.

Rick Charbonneau: Commented on the fact that 3A right now does not have the traffic to support a strip mall or commercial stores. Without sewer connection it is difficult to get any development. We also do not have the road network to support a volume of traffic.

Mixed Use Development was discussed by the Board and Mr. Hollis along with conditional use permits.

Rick mentioned his engineer could put a sketch together on a possible scenario for the land at Albuquerque Ave. and Route 3A.

Jayson Brennen: The trends are different today than they were in 1989. Through working around the country mixed use is the way to go for all types of housing including people that may want to down size. This is also an opportunity to inter connect neighborhoods for pedestrian and/or bike traffic.

The Board should be looking at planning beyond 2021 into 2030.

Committee Reports

8/23 Board of Selectmen 6:30

9/15 NRPC Commissioners 30 Temple St. 7:00

8/26 Lower Merrimack Advisory Committee

Capital Improvements Committee working on getting a meeting date

8/5 Conservation Comm. first Thursday of the month.

Approval of 8/3/2021 Minutes

Kim Q. made a **MOTION** to approve the August 3 meeting minutes. Kate S. seconds the motion. The motion passes 5-0-0

Jay mentioned that Wilson Farms will be coming in for three farm buildings.

Further Discussion re: Zoning

Kim Q. has done research on past warrant articles regarding zoning. She will report on her findings.

9/21 the Board will hold another work session regarding zoning.

A **MOTION** to adjourn was made by Kim Q. seconded by Ronn S.

All in favor. The meeting adjourned at 8:55 p.m.

Meeting transcribed by
J. McKibben from video