

MINUTES
PLANNING BOARD
March 15, 2023 6:00pm
In-person/Zoom

Present: Deirdre Daley (Chair), Josh Muhonen (Vice Chair), Shawn Talbot (Ex-Officio) - in person, Craig Smeeth- in person and recused himself for the Silver Scone Hearing as he attended as a citizen/abutter (sat with the public), Tim Somero, Liz Freeman-in person, recused herself for the Silver Scone Hearing as she attended as a citizen/abutter, Lou Guarino- via Zoom, Jennifer Minckler- in person.

Citizens in attendance – Louise Delpapa-in person, Kathleen Sheldon- in person, Robert A. Fasanella (Representative for Silver Scone)-in person, Abigail Fasanella-in person, Nancy Cark (Attorney for abutters) – in person, Stan Sabierek-in person, Ann Marie Fournier-in person, Robert Fournier-in person, Abigail Fasanella –in person, Sharin Smeeth-via Zoom, Marilyn Stowe-via Zoom, Chris Allen-via Zoom

Chair Deirdre took Roll Call and asked Lou Guarino to sit in for Craig Smeeth.

6:00- Public Hearing- Site Plan Review for Silver Scone-Jane Elwell, Map 11 Lot 128 99 River Road, New Ipswich NH 03071- Chair Deidre stated the her goal for this evening was for us to go through some of the public comment from last time and see if there is any additional public comment. Robert Fasanella asked to have an opportunity to respond to public comments submitted by Nancy Clark at the last public hearing. She submitted a letter and verbally provided comments. The letter was dated March 1, 2023 and Robert did not have a chance to respond to it the last hearing. Chair Deidre advised that we are not able to officially respond to the procedural objections tonight. We will go through the topics and discuss them. Chair Deidre asked Bob if he would like to add in various areas as we cover them or talk about them altogether. Robert advised that he would like to address them. Chair Deidre reviewed what was brought up at the last hearing in summary format. The review is as follows:

Summary of Comments in Various Topic Areas That Were Raised During the Silver Scones Agenda Item during 3/1/23 Meeting

Application

- That an expedited review is not appropriate and the site plan review encompasses more than 800 sq. feet
- No expansion of existing building and there was an existing area use for parking of logging equipment
- Waiver requests did not specify the article of the Site Regs seeking relief

Engineered Plans

- Formal engineered plans are needed for the application
- Plans were submitted with colored pen markings, which is insufficient for PB to make a decisions about fit of parking lot, size of spaces, maneuvering
- That Meridian did existing conditions plans for current conditions of the property under consideration for this application, there is a note they are not a precise boundary survey which may impact accuracy of plans, and the parking area may encroach on the buffer

Driveway/Parking/Walkway

- Gravel is not suitable for year round use for parking
- There are not plans to gravel/make driveway year round, and conservancy would not allow gravel
- That conservation access only allows maintenance access for maintenance vehicles, so may need additional permission
- The logging road has long existed as well as equipment staging, construction of the logging road may have included some gravel
- Driveway and/or parking lot did not previously exist (parking may be a new structure)
- Proposed plans show snow storage (especially on North side) that may infringe on Conservation land or not be consistent with conservancy agreement/s
- Contention that for 50 people – need 18 spaces instead of 17 since not allowed to count handicapped space as non-handicap use
- The applicant needs to account for parking for those helping serve

- There is a 10% grade on diagonal of parking area and more information is needed on erosion control
- The front driveway that is proposed for handicap parking is not paved (and is only suitable for one car based on size of handicap parking requirements)
- One of the conditions of the ZBA approval was that no street parking is allowed
- Parking lot would need marking for spaces, as well as handicap parking area (as well as confirmed turning radii, direction flow)
- Lights are not positioned correctly and not shown for whole path or appropriate set up, lights secured with rope
- It is unclear if there will be light spillage onto neighbor lots with current set up
- Driveway access/parking decisions by ZBA under appeal, not currently allowed for use (stay in place)
- DES wetlands complaint pending
- Proposed parking lot is well thought out and barely visible to most neighbors and road, use of the parking lot is really for a short period of time and was an attempt to minimize parking on the road

Septic

- DES does not allow residential septic to be used for business operations
- Current septic capacity is not consistent with function room rate for 50 people and needs to account for workers

Facilities

- One of the 2 baths viewed may not be handicap compliant. New bathroom may not be set up with appropriate space/fixtures or sink access if it is for use by individuals requiring a handicap ready facility

General Environment

- The use is not consistent with the Master Plan
- The noise can be disturbing, a neighbor having 50 people for a special event once in a while is different from every weekend
- One neighbor can view
- The parking lot would disturb the beauty of a scenic road
- Parking lot/driveway disturbance on a scenic road with less/equal impact to unregistered cars along the same street or logs in another yard in the area, or sheds in disrepair
- The tea parties are so quiet no one would even know they are happening
- The tea parties are great social activities to allow those from the community and surrounding areas to have a place to meet and have fellowship
- The business is low impact and benefits the community in a wholesome way
- Efforts to retain rural/residential nature of property
- Benefits to community and donations to groups like girl scouts and a great family/children activity (similar feel to Pickety Place)

Topics Decided Via Other Boards, Committees or Departments

1. Commercial use limits (for tea parties only) - ZBA
2. Operating constraints - ZBA – hours (9-6), number of guests (50 guests), frequency of parties (4 per month)
3. Business consistent with public interest/Master Plan – ZBA
4. Driveway from Currier to parking area/driveway permit – Select Board and ZBA
5. Exterior signage permit approval – Condition of ZBA, Select Board
6. Temporary signage to guide parking lot only for duration of the event and should be removed immediately after - Condition of ZBA, Select Board
7. Handicap access, ramps, signage – ZBA and Code Enforcement
8. Internal inspection conducted by the building inspector/code enforcement officer – ZBA and Code Enforcement
9. Wetland crossing – DES
10. Use of Conservancy land – Conservancy Agreement – prior letters on use of the driveway to access area designated for parking, pending request for information on gravel driveway composition and snow removal
11. Types of vehicle access – Conservancy
12. Changes to driveway on conservation land – Conservancy
13. Snow removal encroaching on conservation land – Conservancy

Chair Deidre advised that we have boundaries of things we can decide and places we do not have purview. Chair Deidre asked Nancy Clark to speak of her correction and then stated Robert can speak. Nancy has other things to discuss so she asked that Robert speak. Robert asked for what Chair Deidre had read. She advised she can send him bullets without Attorney comment but it will also be in the minutes. Robert stated he wanted to have an opportunity to address points raised as well as Nancy's letter that she raised at the last meeting. Chair Deidre advised that we have an hour to discuss but have other items on the agenda to discuss. Liz Freeman questioned the waivers. Chair Deidre advised that legal counsel suggested she contact Mr. Fasanella to resubmit the waivers and he has but not within the 7 day window so we cannot address that until the next meeting.

Robert Fasanella addressed the comments made by Nancy Clark on behalf of the 13 people she represents. He asked that the site plan be put up to assist in addressing comments. He stated the waiver was addressed and those are Section IV. A. 2 and IV.A.5. The reasons for seeking the waiver is because there was no need for that because the essential structure is a parking area that has existed for over 70 years (aerial photos were previously provided from 1952 and 1963). There was also a photo from Bert Hamill showing the existence of the parking area. Because of the existence, a detailed engineering plan is not required to make the modifications that are called for of the parking area. The plans were reviewed by Bert Hamill, who is a PE and he felt the waivers of those two sections were appropriate and the Planning Board did vote unanimously to approve those waivers. Cross-sections showing the parking modifications and removal of 800 sq. ft. of trees and stumps, the whole area would be regraded, 6" of gravel, 4" of 1 1/2" gravel followed by 3/4 gravel put down on parking areas. The parking area plan also showed the wetlands more than 50' away, a buffer zone area that would be planted.

Robert advised that Ms. Clark indicated a second comment that there was not sufficient clarity with the parking lot plan that was presented to the Board regarding the parking space and the number and distance. Robert states that is incorrect. The specifications are clear. It is 60' x 80'. 80' on the Eastern side and 60' on the western side. The plan show 16 parking spaces in the parking area in the back and a handicapped parking area to the right of the house or to the east of the house. The spaces in the larger parking area are 18' x 9' wide. 18' is much longer than a conventional parking lot. The handicap space is 16' wide by 18' long. There is no requirement that handicapped area be paved. That comment is incorrect. The distance between the two rows in the larger parking area are 24' between each row, which is more than sufficient for a car to back up and turn around and to enter or exit the parking area. The slopes are shown on the plan by Meridian. If the slopes were not shown, Robert would say that it was impossible for the abutters to comment that certain areas of the parking area exceed 2% slope. The slope that is planned to be constructed will be much more level once modification are done. Gravel is proposed and has been reviewed and approved by Bert Hamill who said there are many parking areas that use gravel in town. Gravel is a better year round feature than asphalt, which would cause more run-off of storm water to wetland areas.

The third item Ms. Clark addressed was claiming that the septic plan does not meet a commercial business operation and cited a regulation that relates to full time food establishments not the type proposed by Silver Scone proposed for 4 times a month. The Septic system was reviewed by a licensed Engineer, Carl Hagstrom who designed the existing septic system as well as the modifications to the system in the event of failure. He certified the septic will support 50 guest per day. He also showed the setbacks from the drinking water wells being more than 75'. He also indicated the setback of wetlands being more than 50'. These meet current standards. The current septic system has two 1250 tanks, which is more than sufficient to handle 600 gallons per day if you assume each guest generate 12 gallons per day. The DES approved this septic system. Robert states this issue should not be a concern for the Planning Board.

Robert stated the third item Ms. Clark address was the expedited review. Robert advised this is a moot point. He has given up that point. We are now into month 3, going into month 4, that certainly does not constitute an expedited review and the Planning Board has stated they do not have those type of regulations. He states this is a no-issue.

The next issue she raised (MS. Clark) was there are insufficient parking spaces as shown on the plan. Robert stated the plan requires no more than 17 parking spaces (non-handicapped or handicapped) for 50 guests as

assumed under the state regulation 1 car to 3 people. There will probably be more available in the existing primary driveway that serves the residence, which could hold up to an additional 6 parking spaces but is not specified in the plan. The plan only needs 17 parking spaces. The Zoning Board stated there should not be parking on Currier or River Road but there is no local ordinance that prohibits parking on either road. There could be parking on the road and is completely legal but probably won't happen because of the parking lot that already exists as well as the driveway. It was also noted that the helpers need parking. Robert advised that we heard from one of the helpers who said she could easily have someone drop her off and people could commute. The size of parking area and spaces is not an issue.

Point 6- Robert advised that the applicant's driveway permit issued on September 15, 2002 has been stayed as a result of pending litigation. Ms. Clark cited to regulation RSA 676.6 stating that because there is an appeal, any permit is stayed. She is misquoting the regulation. It says that permits are stayed when they are presented to the Zoning Board of Appeals. There was no use of the permit. ZBA heard the driveway permit and decided in favor of the applicant to grant the driveway permit. There is no additional stay that is required or caused by RSA 676. That only applies to the period from an appeal to the ZBA not beyond. If beyond this, if any stay is requested, the abutters would have to seek a preliminary injunction from the court, which he doubts they will receive

Point 7- There is no surface improvement to the driveway off of Currier. Meaning that there is no gravel or surface improvement proposed for the access off of Currier. He states that is correct. The area was reviewed by the DPW Director, the Board of Selectman and the ZBA. Currently there is no improvement that is either requested or needed. If it becomes apparent, after the use of the parking lot, that some sort of improvement is needed, then of course the applicant will reach out to the Monadnock Conservancy and request for any kind of an improvement, which would be nothing more than adding additional gravel. If people saw on the onsite, photographs, there is gravel that has been added over the years, over the decades to the drive off of Currier. If any additional gravel is needed, Ms. Elwell would contact the Monadnock Conservancy to get that approvals as she has a good relationship the with Monadnock Conservancy and he believes they would continue to work with her.

Point 8 –Essentially is a replication of Point 7. Talking about gravel parking lots by definitions not meeting the standard of surface year round. We heard from Bert Hamill. He does not agree with that point. He told the ZBA about the subsurface that exists and the plan to increase the amount of gravel that it will be added to the larger parking area. It will be a total of 6" of gravel and be a pervious surface and work better with this type of condition because most of the water will absorb into the gravel as opposed to sheeting off directly into the buffer zone. In addition we have a buffer zone proposed 50" before it hits the wetlands. Chair Deidre advised that this is redundant and asked Bob to collapse.

Point 9- Objection to the fact that snow storage is proposed on the land of the conservation easement managed by Monadnock Conservancy. The plan shows three areas of snow storage-two on the non-restricted area and the third on the Conservation restricted area. Mrs. Elwell has been in contact as well as the Conservation Commission with the Monadnock Conservancy and they have no objection to snow being stored in the area where the driveway access is. The snow would come from the driveway access and would be store in it. Robert has an email he submitted which is correspondence between Bob Boynton of the Conservation Commission and the Monadnock Conservancy approving the use of the snow storage.

This email states:

*From: Alex Metzger <Alex@monadnockconservancy.org>
Date: March 7, 2023 at 2 24:55 PM EST
To: Bob Boynton <Bob@gopcc.com>
Subject: Your message RE: Hoffman easement concern*

Hi Bob,

Thank you for reaching out I just listened to your message about Nancy Clark's concern over snow being pushed onto the easement area from the excluded parking area. I agree with your assessment that this would likely have no impact on the easement. The only possibility I can think of is a small amount salt or sediment making its way over with the snow, but this would likely be a trivial amount We will be monitoring the area, however, so we would be able to address this directly with Ms. Elwell ii there ever appears to be an issue. Thanks for reaching out to let me know of Nancy's concern.

Best,

Point 10- Robert advised that Ms. Clark said there was insufficient information regarding soil erosion or sediment control. The plan itself shows the information that you need to review regarding soil erosion or sediment control. The plan shows siltation fences first of all, proposed around the downgrading side of the larger parking lot as well as on both sides of the walking path upgraded and downgraded. That siltation fence is part of the design. The design of the parking area called for a cross-section of gravel both 4" larger gravel and smaller. Also, stabilization is planned for the buffer zone. As mentioned at the last presentation, there will be a conservation or wetland mix added to the buffer zone that is used by most environmental consultants in this application. A standard mix that is often recommended by Meridian Land Surveyors would include a mix that is not less than 1.1lbs. of seed per 1000 sq. ft. A seed mix that Meridian typically recommends includes 12 fescue, creeping red fescue and tree soil mixed in generally a 45 and 15% mix. This is typically what you see in most erosion control methods before the Planning Board and if necessary, we can add this as a condition to the site plan approval and if a different mix is recommended, we can add that.

Point 11- Robert states this was a comment regarding a request for a wetlands permit from the NHDES for a culvert that exists under the existing walkway. This was an application that was applied for by Meridian in the fall of 2002. It is a retroactive permit for a culvert that was added underneath the existing walkway by Ms. Elwell's ex-husband. This is now under consideration by the NHDES. There is no local approval required and there is no reason for the Planning Board to hold up their decision for they can simply make this a condition of the approval, that the permit be obtained. That is something they expect to occur prior to the end of this site plan review.

Point 12- Storm water drainage comment made that there is not enough information on storm drainage systems. Robert states that is because there is no storm drainage system proposed, no catch basin, no culverts, not discharging water into the wetlands, the use of pervious gravel base eliminates the need for a detailed, complex storm water drainage system. Most of the precipitation would move through the gravel. If any percolation outside of the gravel, would go into the buffer zone. The plan describes it. There would hardly be any excess drainage in to the wetlands. The wetlands on the property would absorb any minimal runoff that is not captured by the gravel parking lot or the buffer zone.

Robert has addressed the 12 points raised by Ms. Clark and he feels he has a good response to all of them and should not be concerned with her letter based on his response.

Chair Deidre said we will respond to the letter. We need to go through the content as we have not had time to discuss due to the opening of public comment. Chair Deidre asked Nancy if she would like to go next.

Nancy Clark had a question as she has objections to the new waiver requests that were submitted and given that we were going to be taking those up at the next meeting, due to the 7 day waiting period, Nancy wanted to reserve discussing at the next meeting. Chair Deidre suggested to Nancy to speak about any waiver concerns at this time to allow the topics to be addressed.

Nancy stated she is revisiting item 1 of the letter she submitted at the last meeting which cites what the requirements are of a written waiver request. Nancy read **(in bold)** item 1 of letter submitted to the Planning Board March 1, 2023 (and then commented on each topic) which states:

The Planning Board will grant a waiver to a provision of these regulations only if the Board finds, by majority vote, that 1) strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. Nancy states that the applicant has made no assertion what so ever about unnecessary hardship, therefore it would be impossible for this Planning Board to find that there is an unnecessary hardship.
2) specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Nancy states that the submitted waiver request does not address that item. There is no information in there addressing how the spirit and intent of the regulations that the waiver would properly carry this out.

An applicant must submit all waiver requests individually and in writing. Nancy states this has been done.

Each waiver request must identify the specific article of the regulation from which a waiver is requested, - Nancy states this has now been done.

why the waiver is needed, and why the waiver should be granted within the guidelines established above – Nancy states the waiver does not state why it is needed and why granted within the guidelines.

Chair Deidre asked Nancy to confirm this last statement and said we continue to have homework. Nancy advised she is not done. Chair Deidre let her continue.

Nancy would like to address the statement again that there was an existing parking area going back to 1952. We have heard that statement repeatedly both in the Zoning Board hearing as well as this meeting but Counsel for the applicant has failed to present a single bit of physical evidence showing that an actual car has been parked on this so called parking area that he keeps referring to. We presented at the last meeting, a letter going back to 1973 demonstrating that there has been knowledge from present day all the way to 1973 that no parking lot has ever existed in the area in question. Nancy submitted another photograph that supports the assertion that this parking lot has never existing, showing that there are historical stone walls that are where the current parking area exists that would making a parking area impossible.

Nancy proceeds to state as to the number of parking spaces, the variance that was issued from the Zoning Board, specifically states that off road parking will be required. It does not say that there has to be a certain number of spaces, although we have information from the zoning ordinance. But, there has to be a sufficient number of parking spaces for all cars that show up on any given day for an event. The variance that was issued makes it clear that cars cannot be parked on Currier and River Roads and the applicant when asked repeatedly about her plans for overflow parking both in the Zoning Board hearings and in this proceeding has outright refused to provide a response. Now, we heard this evening that perhaps there would be a plan for 6 parking spaces in the main driveway. The problem with that is it would block the handicap parking space and that is a violation of state law. You can't do that. The bottom line is that the parking lot, if there's going to be one off of Currier Road, has to accommodate 100% of all cars every day that show up for a tea party event.

Note: Power surge at 6:45pm and internet was lost for Zoom Viewers. Those on Zoom were contacted with exception to Marilyn as her spouse did not have a phone nor her number. Chair Deidre asked someone in audience to text Marilyn. Chair Deidre suggested a break for all.

Selectman Shawn mentioned that there is a warming station at Boynton from 6:00PM-6:00AM and will be reviewed tomorrow morning to see if it needs to remain open. People in the audience expressed their appreciation to Selectman Talbot for doing that.

Internet was restored at 7:01PM and audio was tested at 7:03PM and discussion continued. Liz advised that those on Zoom did not hear Nancy's discussion. Chair Deidre asked Nancy if she wanted to go back and Nancy stated it would be in the minutes and these are her clients so if they have questions, they can ask her. Nancy said to go back from when we went offline, the variance and the Zoning Board issued item # 8, condition that says off road parking will be required. It is not sufficient for the applicant to refuse to address the question about where overflow parking will be located and state that it will be on Currier and River roads, because that is a violation of the variance that was issued. She needs to have an adequate number of parking spaces for all guests who show up on any given day for any given tea. It must be some number that includes 18 regular spaces including the handicap space, which by State law can only be used by a handicap person. We heard from the applicant at the last meeting that she is going to use some sort of sock to put over the handicapped sign in her driveway. That is impermissible. She cannot do that. A handicap parking space is a permanent handicap parking space whether she is having a business event that given day or a regular day for residential use. She cannot put a sock over it. It is either a handicap parking space or it is not. We need an adequate number of spaces to account for the guests, anybody that is going to be there on any given day that is working for her. There has to be adequate parking if there isn't going to be 3 people for every one car. There has to be parking for her and her boyfriend or anyone else who will be there that day. A statement that she is going to use Currier Road and River Road for parking is not acceptable. We were not the ones to say that, the Zoning Board was the one that said that.

Nancy stated that they heard at the last meeting that there are many gravel lots in town. Yet no examples were given whatsoever. Nancy states she knows of none that are the size or contain the number of parking spaces of the current proposed lot. If the Board is going to reply on this information that there are other gravel lots in town that are comparable to this one, then present the information, have a discussion about it and have specific examples given. We gave the Board information we had had about the parking lots in Town that are similar in size and are all paved.

Nancy is raising a new issue tonight that she did raise during the Zoning Board process which is that, a gravel parking lot for the type of events the applicant is having is completely impractical, especially during times of the

rainy season. She is going to speak for herself that if she has a nice dress and nice shoes on, she certainly is not going to throw car door open and step out to a massive, muddy, sludgy pit of a parking lot. She is going to park on the road, walk along the street and walk up to the front door on the brick walkway. Having a gravel lot with girls and their fancy dresses with their mother's in Sunday best is completely impractical. Currier Road is a disgusting road on a regular basis and a gravel parking lot, when it rains, all the gravel lot will runoff to the southeast corner of that lot and no one will want to walk in a nice pair of shoes and quite a good distance to her house and show up with mud all over their feet.

Nancy went on to say that Mr. Fasanella stated that there was some kind of language in the statute about the septic being distinguished between a full-time business and a temporary business that operates 4 times a month. That is simply not true. She stated that Dee advised she reached out to DES and Nancy is sure she did and is sure they can get this figured out. It is either a business property or it is not. The septic is required to meet the commercial standards Nancy mentioned at the last meeting.

Nancy stated Mr. Fasanella mentioned there could be six parking spaces in the main driveway for overflow. That is unacceptable as it would be blocking the handicapped parking space, blocking the garage and blocking each other which are all violations of the Zoning ordinance.

Nancy stated one item she wants to correct, she made inadvertent mistake at the last meeting which is not consequential for this Boards work. She said the driveway permit off of Currier Road was stayed on January 3 that was an error, it was stayed starting on November 2, when she filed the appeal from the Board of Selectmen to the Zoning Board. The reason she was confused was because January 3 was the day she filed the appeal for the variance to the Zoning Board. The stay on the driveway permit was initiated on November 2 not January 3. Mr. Fasanella assertion that the stay is no longer in effect is incorrect because that driveway permit has been appealed to the Housing Appeals Board and so that stay of the driveway permit is still in effect and her points that the applicant needing it to be reinstated are still applicable.

Nancy stated that Mr. Fasanella said something about the year 2002 related to the culvert and she doesn't know if he made a mistake but the culvert was not there in 2002 so she is not sure what that was in reference to. He did state that the applicant's ex-husband put the culvert in and that is correct. The applicant and her ex-husband bought the house in 2014, so the culvert could not have been there in 2002. Nancy does not know what that was about.

Nancy states, finally as related to the storm water drainage system, Mr. Fasanella stated that there was no storm water plan submitted and Article XIII, Subsection H per Nancy's submission at the last meeting: requires that "[a]n adequate surface storm water drainage system shall *be designed in order to minimize erosion and sedimentation both during and after construction*". It is not an option and is something that needs to be submitted.

Chair Deidre advised that we have not had a chance to ask any questions. There are two things Chair Deidre needs clarification on and asked the Planning Board members if there is anything they need to ask. Selectman Talbot wants to discuss some of the findings. Chair Deidre now knows where the snow areas are, however she wanted to clarify the proposed handicapped parking is not in the driveway, it is to the side of the house beyond the driveway. Robert Fasanella confirmed.

Liz Freeman spoke and advised that a pervious surface in the winter, when frozen, it is no longer pervious. Her house is on a hill with unsealed fieldstone foundation and with a rainstorm in March a couple of years ago, she had two feet of water in her basement. The water has to go somewhere. Regarding the Driveway permit, she thinks, that the Selectmen were granting a second driveway for residential use and were very clear that it was not for business use. In any case, the granting of that driveway permit does not trump the Planning Board opinion as to whether the driveway is adequate for the purpose. In terms of the waivers, the 2nd waiver of the proposed plan, she thinks it is 6" of new gravel (whether it exists or not) with 6200 sq. ft. constitutes a new structure.

Chair Deidre reviewed the summary again.

The first area was **application** related. As a reminder, she advised we do not have a specific expedited review process but do have some latitude regarding waivers and the final plan regarding whether plans can be registered at the Hillsborough Registry of Deeds.

The **Engineer** gave feedback again, reiterating engineer plans can be expensive and are often waived by the Planning Board for home owners who are establishing a “cottage industry”. The Meridian plan showing the current conditions, it did have a note on the boundary survey because they only did a survey of the immediate area, not the entire boundaries. Tim asked for confirmation, they did not go all the way to the 33 acres for a boundary.

Regarding **gravel**, the Zoning regulations specifically state that parking lots over 4 spaces have to be surface treated year round but do not specify what that is. Gravel driveways are at Warwick Mills, Green Center, Be-Fit before it was paved, Transfer station and even Souhegan country Club which is not open in the winter which Chair Deidre feels is more of choice than restriction.

Year round Driveway-Conservation or Conservancy needs to be consulted to see if the driveway can have gravel. Chair Deidre is not sure if we have to contact the Conservancy. The applicant will need to resolve this. Chair Deidre also advised Robert Fasanella that DES also advised the applicant to call the person who did the septic to petition the state for an updated approval, as the approval document was not written correctly. It is best that Robert Fasanella file an official request with the engineer to pursue an updated approval.

Conservation Easement- approval needed from the Conservancy for commercial/maintenance use as it appears maintenance access allowed only. Applicant needs to resolve this with the Conservancy.

Lou spoke about the two letters from the Conservancy August 18, 2022 and October 17, 2022. Lou references the August 18 letter from second paragraph which addresses access with some examples of conditions. The October 17 letter addresses one aspect. He believes we should have an approval from Monadnock of what they will allow on the access area and parking lot. Robert Fasanella states that Monadnock Conservancy attached the plan to August 18 letter so they must have known a parking lot was proposed. They conclude they agree to permit access to the degree that it will not degrade the wood road. He feels the letters clearly shows that the Conservancy knows what the parking lot is being used for an approve it. He states that he will get verification form the Conservancy on gravel parking and snow storage. Lou states the August 18 letter address access in the 2nd paragraph that the Conservancy has the right to revoke permission. Selectman Talbot states that in this letter they clearly are aware that the applicant has a business. This topic to be discussed at a later time.

Note: these are the letter discussed above:

August 18, 2022

Jane Elwell
99 River Road
New Ipswich. NH 03071

Dear Ms. Elwell:

I am writing to you on behalf of the Monadnock Conservancy to follow up on our meeting on August 9, 2022 to discuss parking restrictions on the conserved area of your property at 99 River Road in New Ipswich, which we refer to as the Hoffman Conservation Easement (Map 11 Lot 128). We were concerned by recent reports that cars were being parked on the conserved land in connection with events at the business you operate out of your residence. I greatly appreciate you taking the time to meet with me and your willingness to address our concerns in a collaborative manner. To summarize, we reviewed the conservation easement terms that limit parking on the conserved area of your property, including restrictions on commercial activities in Section 2.A. We also reviewed the survey map of the property to ensure the clarity of the easement boundaries. You agreed to locate all parking related to your business on the non-conserved area of the property. I have enclosed a survey map of the easement indicating the easement boundary and my understanding of where you plan to locate the parking area for your business.

We also discussed the Conservancy permitting access to the planned parking area through currently existing openings in the stone walls along the woods road that enters the southwest section of the conserved area from Currier Road. I have indicated the access route we discussed on the enclosed survey map. The Conservancy has agreed to permit this access, subject to the conditions that it will not degrade the woods road (ex: erosion or rutting); entail altering or improving the woods road (ex: widening or paving the road); or entail altering or expanding openings in the stone walls. Continued permission is contingent upon these conditions being met, and the Conservancy maintains the right to revoke permission if they are not or if other concerns arise.

Thank you again for your willingness to work with us in this matter. If you have any questions or concerns, don't hesitate to contact me at

alex@monadnockconservancy.org or (603) 357-0600 ext. 104. I look forward to continuing our partnership in protecting this very special property!

Sincerely,

Alex Metzger
Stewardship Director
CC: Bob Boynton. New Ipswich Conservation Commission

October 17, 2022

Jane Elwell

99 River Road

New Ipswich. NH 03071

Dear Ms. Elwell,

I am writing to you about the recent alteration of a stone wall on your conserved land on Currier Road in New Ipswich. NH. which we refer to as the Hoffman Conservation Easement (Map 1 1 Lot 1 28). Thank you for informing us that you had recently removed some large rocks from the stone wall adjacent to the woods road leading into the conserved land from Currier Road (see attached map and photos).

This woods road has historically facilitated access onto the property for land management activities including agriculture, forestry, and recreational trail maintenance, which are allowed by the terms of the conservation easement. You stated that the large rocks of the stone wall adjacent to the woods road posed a safety hazard to vehicles entering and exiting the conserved land, including your tractor and mowing equipment used to maintain the property's trails and fields. Upon inspection, we determined that this was a reasonable concern and agreed to allow this alteration. This opening in the stone wall has been successively widened over time for similar reasons with the approval of the Conservancy. We consider the current opening sufficient for safe entry and exit and request that there be no further removal of the stone wall without our written approval.

Similarly, the Conservancy previously allowed creation of an opening in the stone wall east of and parallel to the same woods near its intersection with Currier Road. This opening allows access to your non-conserved land where equipment used to manage your conserved land is stored. The Conservancy also considers this opening to be currently sufficient to accommodate access and requests that there be no further removal of the stone wall without written approval of the Conservancy.

Thank you again for your open communication in this matter. If you have any questions or wish to discuss further, please contact me at (603) 357-0600 Ext. 104 or alex@monadnockconservancy.org.

Sincerely,

Alex Metzger, Stewardship Director

Attachments: Annotated Map and Photographs of stone wall alteration

Chair Deidre reviewed the updates again and stated that the Zoning regs say **offstreet parking** provided restaurants and theatres 1 space for each 3 seats. Chair Deidre stated she is not sure how much we want to get involved in this moving forward. We may need to decide how we want to proceed with this. The land use Clerk quoted what the ZBA minutes stated about the off road parking which was "Off road parking will be required and part of the Planning Board determination" (December 1, 2022 ZBA minutes).

Chair Deidre remarked on the **10% grade on diagonal parking** and she states it is probably less than 10% per the Engineer. It is probably 8 %. We may want to consider getting a final grade plan. 8% may be functional but not ideal. Optimal should be greater than 1% and less than 5%. Tim asked who would provide that type of plan. Josh responded stating that an Engineer would but the applicant can provide.

Handicapped parking space- The requirements are not for a paved area but must be firm and stable. We may want to inquire what options could be presented. The grade should be 2% or less. Gravel or pavement is acceptable. Pavers might be a suitable alternative. It must be clearly marked with a handicapped sign that is not less than 5'. One of the things that came up tonight, if the ZBA allowed for temporary ramping and signage how is that going to be reconciled with permanence. We need to find out how to reconcile that. Tim asked about the research for handicap is mostly Federal and we can research American Disability Act. Chair Deidre advised that the space must be clearly marked. Chair Deidre advised that markings on a gravel surface are not viable so would need to find out other options.

Lighting –The Engineer felt the lighting could be mapped and using calculations to show that it is not creeping or spilling onto neighbors properties and there could be permit fixtures not rope. We can set as a condition or get applicant feedback on what they want to do .

Septic -DES wetlands are not prime wetlands but there is something in process that could be a condition. When Chair Deidre spoke with DES, they advised that residential septic for commercial business in this nature is not inherently prohibited. The permissions are based on the approval and this property is approved for a mixed use property. They said that having a plan on file is not unusual for handling this type of thing. There was an error on the approval and Chair Deidre noted that earlier. The Engineering feedback was that the residential system has a surge capacity of 1414 gallons which is above the 1050 gallons a day required for the full calculation of the tea house.

Noise- an event can generate noise levels in the 60-70 decibel range. At the property line it is to be approximately 35 decibels and that can be monitored.

Parking Lot- The scenic road was not made a scenic road in 2021 but in 1988 under Article 24 but the maintenance responsibility shifted from the Planning Board to the Conservation Commission in 2021. Scenic road is a designation that confers upon it a mandate how maintenance, repair, construction and paving is done to protect the contents of the road and not meant to govern the private property aspect. RSA 231:157 speaks of scenic roads. Folks may want to review that. The parking lot is approximately 40 feet from Currier Road.

Chair Deidre advised that some things have not yet come back from the Conservation Commission.

Chair Deidre authorized Robert Fournier to speak. He advised that the handicapped parking space is a van accessible space, which requires a handicapped symbol to be painted on the paved surface as well as a hashed out mark of the van access. So if you have a gravel driveway how can you have pavement markings

Nancy Clark asked to address Chair Deidre's comment of the Scenic Road and that it doesn't apply to land owned by a private citizen. Nancy states in general Chair Deidre's statement is correct however that is not true as it relates to boundary markers and stone walls. In that case, it does apply to boundary markers and stone walls. The stone wall for the property along Currier Road involves a boundary marker that is both a stone wall and a boundary marker. The scenic road regulations do apply and the regulation does state that. Chair Deidre didn't want to go into all the details but stated under that regulation 231:158 designation of a road as scenic "shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156 and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls. Chair Deidre said in this case, the stone wall is part of the driveway. Nancy states this is part of our appeal to the Housing Appeals Board and this is why there is a stay of the driveway at present, because the applicant removed portions of the stone wall that is also a boundary marker, which is why those regulations that Chair Deidre just read apply and it was illegal. Chair Deidre states from our perspective she does not see us touching that topic. Lou Guarino feels this is predicated on Monadnock Conservancy allowing this access. Liz Freeman questioned if the Planning Board is aware of the noise ordinance in the zoning ordinance. Chair Deidre responded yes and thinks we may need to set the boundaries of where some of our decisions are like the rock and the driveway, that is being litigated and pre-dates us, we do not need to be part of that and worry about estoppel.

Craig Smeeth stated that it has been pointed out that the Scone's parties will not be seen by anyone. As a long time New Hampshire resident of a whole 5 years, he has noticed the leaves fall in October and don't reappear until April. That is a whole 7 months out of the year, which is more than half. Mr. Fournier can clearly see the parking lot from his house right from the back yard. The proposed driveway aims lights right at the back of his house. He said at the last meeting it was stated that the abutters have a large share in how things should go as it affects them the most. You have 13 abutters, which is probably the vast majority of people in this village that are adamantly opposed to this. Mr. Fournier stated it will forever change the character of the Village. Robert Fasanella asked to respond to the last points. He stated these comments were addressed at the ZBA meeting and is their jurisdiction not the Planning Board. Also, please understand that most of the events take place inside the house. It is only rarely that events take place in back courtyard. The parking lights would only be an issue in the winter time because the time frame that you can have under the Zoning Board is 9-6. Because people can see a few people having a party is that really an offensive invasion of somebody's privacy?

Selectman Talbot stated he has never gotten a definitive date of when the Tea Party started. He asked when the Tea Party began, what month, what year the business had begun? Louise stated they began during Covid. She started doing the boxes, you pick them up and take them away. They were called Partea boxes. Then when Covid got better, last summer basically, Mother's Day she served 126 people in one day. Talk about traffic in our Village, people turning around in our driveway and parking all along River and Currier Roads. She actually became an LLC in 2021. Nancy Clark stated tea parties for Valentine's Day in February, tea parties starting in the spring in April. Selectman Talbot interrupted Nancy stating he wanted to know when first started, not necessarily the business, was it 2019, 2020? Nancy responded like we stated, she started the partea boxes first in 2020 because it was Covid. Once she was able to have people in her house in 2021, she had a Valentine's party event in 2021. That was when the first big tea party occurred.

Josh needs to continue looking at the information especially the ADA information. Tim asked how we are going to talk about this. Chair Deidre said we will work in segments at the next meeting, the Planning board will chat and then do public comment. We haven't had the chance to talk. Selectman Talbot stated some of his questions do not have to do with what is in front of us for objections and different points. He would like to get to the timeline, core issues, why abutters became irritated at a certain point. He asked if it was okay to have that conversation with the abutters. Chair Deidre asked Selectman Talbot to proceed. Louise stated she (Jane) is already advertizing in the Monandock Ledger for bridal showers and provided Chair Deidre with the paper article. Selectman Talbot advised he has not spoken with anybody on either side outside our meetings since this all began. A follow-up question, he feels irritation point started coming out of last Spring and asked what brought this on. Louise stated parking, you talk about 30 cars on River and Currier Road, these are Saturday and Sundays. Sometimes she does two seatings. Traffic is going in and out. They pull into your driveway because they go by and can't find a place to park, they turn around in her driveway. They park on front lawns. Selectman Talbot asked if this is lack of consideration. Louise responded definitely and just to start a business without researching it, what you need to start a business, money, and approvals from the Town. She started a business without any approvals. Nancy Clark stated all 13 individuals that she represents made extensive statements during the Zoning Board process of this exact same question about what initiated all of this group coming together to file a complaint with the town about this business and what happened to each individual person, based on their own unique properties, base on individual circumstances. For example, Marilyn Stowe had somebody at one of the early teas completely block her driveway so she was unable to leave. The applicant did not care. These are the events that caused the 14 of us, me and 13 of our neighbors to come together and adamantly oppose what is going on here because the applicant has been completely dismissive and obnoxious about how she runs her business and does not care to any degree whatsoever as to how she impacts all of us. All of these statements of how she [Ms. Elwell] is going to do XYZ whatever Zoning Board and Planning Board want her to do, she will do. We do not believe her. We don't believe anything she says. Josh then stated that, with that being said, if it did go through the Zoning, that was all part of the Zoning decision, would that be something we would even be even looking at that? We are looking at the parking lot, we are looking at the site review. Selectman Talbot is trying to allow each Board and committee to have the discussions. He didn't go back into the Zoning minutes to read everyone's individual statements and he apologizes which do not have any bearing on this but wanted a brief idea. Marilyn spoke stating she personally feels that their concerns as abutters have been largely ignored. She has lived in this town with her husband for more than 20 years. She loved this town until this all came down. She doesn't understand half of the decisions being made. If you talk to anybody on the street and say my neighbor in my small neighborhood wants to put in a restaurant that goes 4 times a month and 50 people every time, that is 200 people a month, they are shocked that this would even have legs. Shawn you say you have not talked to any of us. We have been very careful of not approaching the Board and not saying things publically. Marilyn cannot say the same for the other side who have denegated them on facebook for the entirety of this period and someone at last meeting said they were sympathetic, that individual happened to be one of the first people who called us absolutely atrocious names. We have been wished harm. It has been outrageous. Are we upset? I know I am. Thank you for your time.

Chair Deidre responded that we have tried to do is try and keep tone civil. The topic is not easy but we have been trying to direct things towards, if you are going to be angry, be angry at me, not anybody else in the room.

Our goal has been to keep it civil and also recognize where our limitations are. Whether or not that a business can be there is not something we are going to decide. Our purview is very limited. That is one of the reasons why when she read the summary she said these are the groups involved and where is our niche. There is some overlap and it is our job to know where those things are. It is hard enough without all the politics and trying to navigate it all. Every meeting, you will see us slow down, instead of speed up. We want to make headway on the application but when some body throws a wrench in the whole process, we have to respond and that means that sometimes we look a little odd because we are trying to find the best way. Chair Deidre asked Selectman Talbot about when we talked about Dixie's area and there was discussion of parking, she questioned where the boundaries are for limited parking. Selectman Talbot noted the limitations were near the Bridge [on Old Country Road].

Stan Sabierek spoke and advised regarding the parking lot, contrary to Mr. Fasanella's suggestions, was never a parking lot. Stan has been there 22 years and it was a wooden area that Jake Elwell cleared out with the intention of building a barn there. Stan is not sure if he went through the process of getting that done. He cleared it out then things went south with the marriage and now Jake is gone but he cleared out after he bought it.

Chair Deidre stated this (Silver Scone) is to continue to a date certain April 5, 2023 at 7:45PM.

At this time of the meeting those in the audience left. Craig Smeeth came back to the Planning Board Table and Liz Freeman removed herself from the meeting via Zoom

Accura Construction is to be continued to April 19, 2023 at 7:25PM.

Selectmen/Chair/Land Use Report- Selectman Talbot reported that the election was postponed to March 28, 2023 at Mascenic 7AM to 7PM. He also wanted to advise that the school will be open on voting day whereas it has been closed in the past and we as voters, must be cognizant of that. It will be a busy area during certain times of the day. Emergency Management has opened a warming station at Boynton Middle School from this evening at 6:00PM to tomorrow at 6:00PM. There will be another meeting at 4PM tomorrow afternoon to determine whether to keep it open for another 24 hours or not. Right now the SAU has given us whatever we need for our community members but again school will be open and restricted to gymnasium and bathrooms. Selectman Talbot hopes people use it if they need it. He mentioned rebuilding and trying to reconnect all Emergency Services in order to save lives.

Josh asked what is offered at the warming station, who is doing volunteer work? Selectman Talbot stated that there is no solid plan to have it staffed by an employee or volunteer. It is a warming station not a shelter. A shelter has a cot. This is simply a space to get warm, charge devices, set up and take a nap and utilize bathrooms. Selectman Talbot went on to discuss the status of the Emergency Management Services and the lack of communication (even text messages), the command center downstairs of the Town Office, use of Souhegan Valley Ambulance and their communication. Chair Deidre asked what the experience is of the Emergency Management Director because of the CIP and challenges finding a single Coordinator for things like trailer refurbishment. Selectman Talbot responded by providing detail. Deidre asked if the Planning Board provide assistance. Selectman Talbot advised that the Emergency Management Director has worked with other departments and it should improve with the experience of the current Director.

Land Use Clerk had nothing to report other than the increase in storage for Dropbox at a lower cost than what we paid for basic which was \$14.99. We are now paying per month \$9.99 and it was paid for 1 year for that cost.

Chair Deidre reported that the letter of recognition for Nate Sikkila is to be mailed.

Old/new business- Tim asked what the process is for Silver Scone for filing. Chair Deidre advised that the conditions will be in the minutes. This is to be discussed at a later time.

Minutes of February 8, 2023- Josh motioned to adopt the minutes. Craig seconded the motion. Minimal changes were made. The change made was under the last paragraph which originally read as **application is incomplete based on the late submission of documents** revised to state **application is incomplete based**

on the late submission of documents for the application on 2/6/2023. Roll call vote unanimous. Motion carries.

Minutes of March 1, 2023- Tim motioned to adopt the minutes. Josh seconded the motion. Roll call vote. One abstention. Motion carries. The once change made was the correct spelling of Heather Shaw to Heather Schoff.

Josh motioned to adjourn. Craig seconded it.
Adjourn 9:39PM

Respectfully submitted,
Jennifer Minckler