

MINUTES  
PLANNING BOARD  
April 19, 2023 7:00pm  
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 and recused herself for the Silver Scone Hearing as she attended as a citizen/abutter, Lou Guarino- in person, Jennifer Minckler- in person, Josh Muhonen recused himself for the Accura Application.

**Citizens in attendance** – Police Officer Marc Frederich,- in person, John Schaumlöffel- via Zoom, Sam Benedict-in person, Jane Elwell-in person, Louise Delpapa-in person, John Cooke –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, Deborah Guerrera-via zoom, Marilyn Stowe-via Zoom, Chris Allen-in person, John Cook-in person, Christopher O’Leary- in person, Robin Blackburn Ellis-in person, Nichole Talbot-in person, Bruce Ruotsola-in person, Jeff Muhonen-in person, John Noonan of Fieldstone-in person, Marcia Murray-in person, Doug Murray-in person, Kirk Stenersen of Higher Design, PLLC- in person, Earl Somero-in person, JF Brandon- in person, , Glenn Kazo-via Zoom, Gregory Hanselman-in person , Ashley Saari- via Zoom  
Anne Brandon- in person

Chair Deirdre took Roll Call and asked Lou Guarino and Liz Freeman to sit in for vacancy of members.

**Public Hearing-** 2 lot Subdivision for Appleton Business Center, LLC Andy Krook Map 11 Lot 112 Temple Road New Ipswich, NH 03071- Kirk Stenersen reviewed the plans and the proposed subdivision. Co-Chair Josh stated there appears to be no issue with the review of the Planning Board Engineer. Deidre motioned to accept the application on completeness. Selectman Talbot seconded the motion. Roll Call Vote. Motion carries. Co-Chair Josh opened the hearing to public comment. Anne Brandon Stated she has not seen the plans so she cannot see where they are planning to put the house. She reviewed the plans and questioned if it is a single family. Kirk Stenersen advised he is not sure what the intent is. Liz Freeman advised this application is a subdivision and if it were to be a multi-family or commercial use, there would be a hearing on that. JF Brandon stated that the existing lot is single family so the new lot would be single family as well. Chair Deidre advised that the lot is zoned as rural with a residential use and could be a single or double without additional permitting. Multi-family structure would be a special exception needing to go before the Zoning Board. Anne Brandon asked if the wetlands will be filled in. Liz explained that the Planning Board is only approving another lot, and Kirk noted wetland setbacks. Co-Chair Josh closed public comment without any objection at 7:20PM. Motion made by Tim and seconded by Dee to approve application as compliant with the following conditions:

1. Mylar(s)
2. Fees
3. Subdivision will comply with underground utilities as outlined in the Subdivision Regulations and must be written as such on the plans and Mylar.

Roll Call Vote. Motion carries.

**Minutes of April 5, 2023:** Motion to accept the minutes as corrected by Josh. Motion seconded by Tim. Liz and Craig abstained. Roll Call vote. One abstension. Motion Carries. .

**Public Hearing** – Site Plan Review for Accura Construction, Map 11 Lot 6-4 & 6-5 670 Turnpike Road New Ipswich NH 03071- Josh Muhonen recused himself from the Planning Board. John Noonan of Fieldstone Land Consultants reviewed and advised that the application was applied for in December 2022. The plans are dated December 13, 2022. The Planning Board meeting was continued by the applicant until it was heard by the ZBA. It was determined that a special exception was required and was approved by the Zoning Board last week with the plans being presented this evening. John discussed the plan that both lots are to be merged with a 5.5 acre total lot line. ZBA requested a bump out in the parking area with trees as screening for the road. The question arose to the ZBA of two buildings on one lot and the ZBA determined there was no variance required. John requested the application be accepted and they would submit revised plans that based on the layout that was presented to the Zoning Board. MDPS will be part of construction permit. DES is reviewing the alteration of terrain and an application will be applied for the end of this month which may take up to three or four months for approval. Fieldstone would

ask for that as a conditional approval. DES required silt fencing and erosion control which have been done. Soils were another item on the checklist. Test pits were done in August 2022. He will submit those with revised plan sets. The overhead wires are to also to be shown along the road. Chair Deidre asked about underground trenches for where the underground utilities will go as she could not find on the plan. John advised they can be added. She also asked if it was their intention to submit the merger as a condition of the approval. John responded that he would like to get the application accepted as complete tonight and return to the Planning Board to vote on the approval of the site plan and on the same night have the hearing for the merger of the lots. If the site plan review doesn't get approved, the merger will not occur. Chair Deidre asked what the intent of the use of the property is. John advised that the new proposed building, which will be 2500 square feet, will be used as a shop for their existing construction business. John will provide building design plans with the next plan set to be submitted. There will be a porch, more of a blend of residential toward the road and toward the rear, not facing the road will be the overhead doors into the shop.

Selectman Talbot asked if this is a review of the application. Chair Deidre advised that one of the things in the application is plans of the building. Bert had suggested accepting for completeness even though there may be changes and if plans are going to be resubmitted, the board may need to discuss the need for easement for the back where storm water run-off is to be, if the merger does not occur. If the merger was to occur, there is not a need for an easement. John stated that one of the discussions with the Zoning Board was how messy it would get with crossing easements for utilities, storm drainage, the well that exists would support the proposed building.

Chair Deidre asked about the parking lot, gravel area. John confirmed that the gravel area in the back would be used for equipment, vehicle storage and materials. Jeff Muhonen, the applicant, confirmed that this would be a garage for construction equipment and the doors would be in the back, so it does not look like a garage from the road. Chair Deidre asked about the size of equipment and the issue of containers. The regulations state the parking should be to the side and behind. She asked if there is a way to get the parking behind and not in front. John advised there is proposed landscaping before the parking lot and other areas. Jeff confirmed the equipment would include excavators and loaders. He advised what can be seen now would be in the back behind the shop. The shop is as far forward as it can be as there is a detention pond in the front. Liz asked about the asphalt parking lot to the side of the building and what it is for. John advised smaller trucks would be parked there. There are to be no striped parking spaces. Liz asked what is to be parked there. Jeff advised a 1-ton dump truck mini trailer that will not fit in a parking space. Liz also asked about the driveway. John advised that there is an existing driveway and showed on the plans, of which one is a shared driveway which is already on file. John advised DOT permit would need to approve the change in use for the Driveway and would need to be a condition of approval.

Liz states this is not zoned commercial, it is zoned rural with a use of commercial. Liz states this should be a variance not a special exception since the applicant cannot have two different uses on one commercial lot. Tim asked what storage means. Jeff confirmed it is not long term storage. It is used as the job is being done. Chair Deidre advised that the ZBA provided specific requirement for containment of fuels which she expects to see in the plans. Liz requested landscaping plans. John stated page 5 of 9 reflects landscaping plans as well as lighting. In the upper right hand corner reflects the type of plant and size. Per the Zoning plan there would be additional plantings and the entire plan set will be updated.

Chair Deidre asked the Planning Board for additional questions and feedback. Liz suggested continuing the hearing. There is information needed about what is going to be stored, what is in the parking area, etc. John advised he can add to the plans but that is not a checklist item. Selectman Talbot stated that the sticking point is that the merger has not occurred. John advised that is normally a condition of approval. Liz suggested applying for a variance to have two different uses on one lot and the Zoning Board approves that but the Zoning Board did not approve that. John advised that it was discussed with the Zoning Board that a variance would not be required. Selectman Talbot said it was in the minutes. Liz would like to speak with Counsel because she believes a variance is required and the Zoning Board is in error. She would like legal opinion as she does not believe you can have two different uses on one lot.

Selectman Talbot asked if an application can be complete but still not in compliance and if the board was mixing the two different conversations. Selectman Talbot stated that the board was putting the compliance discussion before the application completeness discussion. Liz stated the applicant can also condition the merger on the approval of the site plan. The Planning Board is having problems doing the site plan because it isn't clear if it is one lot or not. She suggested submitting an application for a merger and that would be a condition of approval the site plan. John advised he would like to have both heard on the same night. Chair Deidre reiterated that it may be best to do the merger and make it a condition of the site plan.

Chair Deidre suggested hearing this next week on April 26, 2023 with a start time at 7pm. Motion to continue to date certain April 26, 2023 at 7:05pm made by Tim. Motion seconded by Lou. Roll Call vote. Motion carries.

Chair Deidre asked as a general question, recognizing there was a cease and desist on the property, if the applicant would consider some beautification be done as there have been complaints on the visual and drainage. Jeff advised that nothing can be done at this time until they are good with the State. Chair Deidre states the Planning Board Engineer has given different guidance.

Chair Deidre made announcement of a 5 minute break prior to the next hearing.

At 8:37pm, Chair Deidre advised that voting member are to be Shawn, Josh, Dee, Lou and Tim on this. Liz and Craig have recused themselves.

**Public Hearing-** Site Plan Review for Silver Scone-Jane Elwell, Map 11 Lot 128, 99 River Road, New Ipswich NH- Chair Deidre opened the hearing by advising that there have been additions to the Dropbox which were a couple of visuals regarding light distribution and then a late submission of plan additions, which will probably not be reviewed specifically tonight. A summary of the various types of public comment heard the prior week included measurement and materials of the parking lot, marking comparators, reconsideration of items on parking, views and harmoniousness of site plan with the community. She thought because the planning board is not hearing any new information from the public, the group may be approaching deliberations. She suggested using the proposed development part of the site plan checklist to frame dialogue and that if there are no further questions and input from the public, the board could go into deliberations. Bob Fasanella asked if he can have an opportunity to respond to comments made by Nancy Clark and the public at the last meeting. Chair Deidre advised that this is not designed to be a debate. She asked Bob if he wants to present information he can do that but not as a rebuttal. Chair Deidre stated that she wants items or additional information that will inform the Board. Tim responded and stated the board gets information every week that changes but it is the Planning Board duty to consider all the facts in the matter. Tim feels the board needs to do our Planning Board work.

Chair Deidre reviewed the proposed development of the check list. The first item is proposed grades, drainage systems structures and topographical contours. Tim questioned the plans on grades and drainage and Chair Deidre confirmed they were submitted this week. Tim is not ready tonight to discuss and would like to defer it. Discussion continued on the direction the Planning Board should go. Selectman Talbot feels appropriate to allow for more public comment before the Planning Board conducts any more conversation on the checklist, close public comment and then proceed with deliberations. He feels the board will not get out of the cycle of public comment otherwise and this will never move forward. Chair Deidre responded that the board may need a plan from a professional engineer and to understand the timeline to get that, questioning if there be an agreement to extend the decision timeline. Once the Board goes into deliberations, it loses access to public input. Discussion continued on extending the hearing, public comment and deliberation.

Chair Deidre has a few questions before public comment. She wants to talk about the markings for the parking lot that if there are enough spaces but cannot double park, how does the board begin to reconcile the markings on gravel. Tim stated he feels this is not as important as some of the other items on the list. He feels as long as the area is sufficient. Chair Deidre feels that if it was not in the regulations but asks if the board could work on the intent. She asked the Planning Board to go through the list before opening up public comment. Tim advised the only things he has questions on is where the Board stands on the parking and the lighting. Lou mentioned the letter from the Department of Environmental services and what would actually happen if the DES sent a potential violation. Chair Deidre advised she is going to switch gears and will address that if it comes up during public comment. She asked Lou if the Board should care about the gravel. Lou stated that as discussed at the last meeting there is hard pack that would give you a solid surface and great to drive on with no infiltration. Chair Deidre questioned if it is up to the Board to recommend gravel or is it up to the applicant. Lou responded that it is really up to the applicant. He stated that whatever they chose for driveway must comply in relation to the wetlands. Tim advised that is part of the storm water plan. Co-Chair Josh advised that the new plan shows processed gravel so any processed gravel is hard pack of a 2 to 3 inch minus process. A processed gravel has gone through a processing plant. Chair Deidre advised that if the Board does get a plan, will it need terminology. Tim questioned the community facility impact analysis of the checklist. Chair Deidre read from the site plan regulations on page 13 item 17.

At 9:00PM, Chair Deidre opened up the hearing for public comment and set a 3 minute limit per speaker with an end time of 9:30PM.

**Bob Fasanella** was the first to speak. He advised that he is not licensed in New Hampshire to practice law as he has said in the past. He stated this at the 2/8/2023 hearing and it is recorded. He wants to make sure that none of Board members believe that he has held himself out as being licensed in New Hampshire. He is an Attorney who has practiced for 35 years in Massachusetts as a land use, environmental and property law. He has been accused since the last meeting of holding himself out as a NH attorney to the Planning Board and had a grievance filed against him by Nancy Clark on behalf of the opposition. He wants to make sure that everyone understands that he is not representing himself as a licensed New Hampshire Attorney and will deal with the grievance outside of this proceeding. He also wants to address a statement made by Nancy Clark in which she said that Bob has stated to this Board that a parking lot has existed and there is no evidence of the existence of this parking lot. Bob advised that he has never stated that a parking lot has existed. He has stated on the record, very clearly that there is a parking area. He has shown through evidence of the 1950s and 1962 site plan aerial photograph by USDA that showed a cleared area. Also, Bob would like to note a statement ready by Miss Clark regarding Patty Hoffman, acknowledged that this area was probably used for logging and may have been a logging area. He noted that same statement through the Monadnock Conservancy documents that the road in this area have been used for logging. The Planning Board has also been able to inspect the site and see an existing parking area has existed for some time. David Lage of the ZBA hearing has also stated that he saw a number of cars parked there through the years. Tim stated Bob has reached his three minutes. Chair Deidre advised what she would like to do is come back around to this if there is time. She stated as a reminder that comments need to stick to the site plan topic, criteria and how public comment can add to the discussion. Chair Deidre asked Nancy to speak next.

**Nancy Clark** stated that the parking area that are proposed by the applicant, is actually two major parking areas. One accessible off Currier Road and one that is accessible through the main, original driveway. The most recent proposal includes 18 parking spaces accessible off of Currier Road and 6 parking spaces off of the main driveway. Two parking spaces in the garage itself, a handicapped space in the front of the garage, an employee parking space to the right of the garage and two employee parking spots located behind the mailbox. The parking area that is proposed for the main driveway will require two new variances from the Zoning Board. Article XIII (G)(3) states that: *A garage or carport qualifies as a parking space, but a driveway qualifies as a parking space only to the extent that the portion of the driveway used for parking does not block the garage or another vehicle parked in the driveway.* We also need to see adequate snow storage area provide for that parking area that is also part of Article XIII (G)(3). The second variance needed from the Zoning Board is Article XIII(G)(4) and is in regards to the two spaces proposed behind the mailbox, which states: *All parking areas containing more than 4 spaces and driveways thereto shall be surfaced for year round use and must be graded so as to carry off all surface water.* The two parking spots located behind the mail box are in a grassy area so is not surfaced for year round use. Nancy stated she will yield her time and wait for another opportunity.

**Liz Freeman** spoke next and questioned the surface being addressed on the driveway. It was her impression that the driveway was not in the Planning Board purview. She suggests it is very much within the purview of the Planning Board. Chair Deidre interjected and said she does not think the Planning Board stated it was not in their purview, but that the Conservancy determined if the drive off Currier could be graveled or resurfaced. Tim requested clarification of the place where individuals park cars and the driveway is used while going to business and back to access to the road. Liz confirmed the access on Currier Road to the parking lot. Chair Deidre said the original concern was that there was no permission from the Conservancy for the applicant to do anything there. The Conservancy has allowed it and the assumption the Planning Board has made is would the same cross-section be added. Clarification is needed. Liz advised that it is the Planning Board responsibility to ensure public safety and the pathway from the parking lot to the house, how will that be kept clear of ice and if salt has to be used, will that run into the wetlands and how easily will that be cleared and kept safe for the public. She suggests the Planning Board look to the General Standards and Requirements of the Site Plan regulations beginning on page 30. Chair Deidre noted she plans to review that when the Planning Board reviews the harmonious topic.

**Robin Blackburn Ellis-** She asked why there is no parking on the street. Can't she park on the street if she were to help out? Is there any reason why anyone can't park on that road in front of that building? Chair Deidre advised that the dialog at the last meeting was that a commitment that the applicant made to the Zoning Board would be no street

parking so that becomes part of the Planning Board conditions. As the applicant manages the business, then they should be managing people not parking on the road. If there are complaints and enforcement then that would go to a separate body when this is all done. The grounds of what has been agreed to, is up to the applicant to meet those conditions. Robin stated that if she were to park on that street any other day that is fine as long as it is not the party. Chair Deidre stated that is not the Planning Board purview. Co-Chair Josh reiterated that the Zoning Board said that it is on-site parking and the Planning Board is stating it is on-site parking. Selectman Talbot stated that the way it was written in the Zoning Board decision was that off road parking will be required and part of the Planning Board's determination. Chair Deidre thought she had brought up last week that there may be a need for a policy and procedure manual. Selectman Talbot asked if this was part of the working it out aspect he feels it is going too far at this point. That is what the ZBA said. Chair Deidre asked him to clarify. Selectman Talbot stated that they (ZBA) said it was the Planning Board determination. He confirmed that it is up to the Planning Board. Co-Chair Josh read the decision again and Chair Deidre thinks that means that off-road parking will be required and the Planning Board has to support that. There was more discussion of what the decision of the ZBA was and will address at a later time. Chair Deidre wants clarity for any future enforcement.

**Chris Allen** - spoke and said that he lives next to the property in question for the last 20 years and has a couple comments. Regarding off-street parking, he read in the regulations that businesses should all be off-street parking. The other comment regarding the parking area having been there for so long, he observed that there was not parking there since the current resident moved in in 2015 and at least from the time he has been there from 2003. He believes that observation was backed-up on the picture that was taken in 2015 submitted to the Planning Board and shows two large rocks that are in the pathway. The final comment is that there has been some discussion of that area being used for logging. He states he was living there when the land was being logged and there are actually two entrances in that conservation area and the one currently being discussed is the one closest to River Road and there is another one about 100 feet down on Currier Road is a much larger entrance where they take the equipment in and out of. He never saw logging equipment in the front most area. He said those are just his observations.

**Ray Holmes** stated that he has been in town for 30 years and there has been logging on that property and did use that section.

**Stan Sabierek** stated that he has lived there for 22 years and is in agreement with Chris Allen and the entrance was opened up by Jake Elwell who cleared it all out, put a culvert across the wetland to get tractor out and opened the wall to get tractor in and out.

Chair Deidre stated she wants to keep away from arguing about what has been and concentrate on the current application. She asked Nancy to speak again based on speaker queue.

**Nancy Clark** stated that the septic design that was submitted to DES is inadequate to account for the number of employees. Table 1008-1: Unit Design Flow Figures Requires that Food Service, Function Room requires 12 gallons per day per seat plus 20 gallons per day per employee. Based on the parking design the applicant is planning on 5 employees based on the parking lot proposed. The current septic design only accounts for 50 guests per gallon per day plus the residential portion of the septic which means that 20 gallons per day x 5 employees means that the septic design is short by 500 gallons per day. In addition DES regulations require that a gravity grease interceptor is installed. Env-Wq 1002.29 "Gravity grease interceptor" means a tank or series of tanks into which wastewater that contains grease is discharged, where grease floats to the water's surface and is retained while the water below is discharged, previously called a "grease trap". Env-Wq 1012.01 Gravity Grease Interceptors required. A gravity grease interceptor shall be used for kitchen waste only in the ISDS (individual sewage disposal system) serving: (a) Any commercial facility in which any food handling and preparation occurs; and (b) Any dwelling where food handling and preparation is undertaken for any business purpose. In this case we are under item b. which requires a gravity grease interceptor be installed, which was on the original septic design but is required to be installed.

Chair Deidre asked the group to return to order, and resist side commentary or talking out of turn, noting she would ask people to leave interjectory comments continue.

**Bob Fasanella** responded that the revised parking plan with additional spaces in the front of the house was designed in response to the oppositions request for overflow in the event of 3 people not using one car. Secondly, the plan that was submitted by a licensed engineer to DES and Bob believes the plan was approved and Bob does not think the requirements of the septic system are the jurisdiction of the Planning Board and lies with the DES. Finally, there are not 5 employees being proposed or that Silver Scone has 5 employees. That figure is based on extra parking spaces

proposed to account for overflow. To assume that there are 5 employees is based on no actual facts. There are people who help occasionally.

**Nancy Clark** addressed the plan that was submitted even though the Planning Board is not discussing it tonight. The plan was submitted by JT Builders Drafting and Design. This is a 100% bogus company and is not registered with the New Hampshire Secretary of State, googling the company reveals no information whatsoever, they do not exist in New Ipswich and are not licensed to do business here. Per the plan itself, it is lacking engineer stamp, there is no storm water control mechanism or storm surge protection. The elevations shown in black ink versus gray scale ink are inconsistent. The black ink elevations are shown as 965 to 972 feet, the gray scale elevations are 360 feet, so there is some sort of major error in the information presented here which Nancy can only contribute to the company is bogus and not licensed to put this work together. The parking lot has been expanded to an additional 10 feet, which is going to increase the grade of the slope over what was originally submitted months ago. On the plan itself, it says that the grade would be less than 5% but there is no data on this plan to support that. There is no true lighting plan on this at all. Nancy asked and advised Madam Chair, that the Board needs to be completely ignore the submission.

Bob Fasanella would like to remind the Planning Board that a waiver was requested of engineering plans and the Planning Board did accept the waiver. The reason it was requested, was based on the existence of the parking area. The plan that was submitted recently should be reviewed by Bert Hamill as he is a certified engineer. The applicant not holding out the plan submitted as being stamped by an Engineer. Whether or not an erosion control plan is adequate should really be left to the licensed Engineer. Bob was not prepared to talk about the plan tonight as it was not submitted within the 7 day period. He hopes it will be submitted to Bert Hamill to get more qualified comments at the next meeting.

Chair Deidre advised that the waivers that were accepted, were for completeness so the Board has the right and reserves the ability to ask for additional studies. Bob was not required to have engineered plans for completeness. Chair Deidre wants to make sure everyone is aware of the difference in completeness versus compliance. Chair Deidre advised that there was not a waiver request for design/compliance requirements versus completeness.

John Schaumlöffel asked if this was still the public comment period. Chair Deidre responded yes. John Schaumlöffel stated it seems like a debate between the applicant and the opposition.

Liz Freeman commented that it is the Planning Board responsibility to ensure that the surface is adequate to the proposed use. Liz also advised that typically an engineered plan is a plan stamped by a licensed engineer and Bert Hamill is not the applicant's engineer. Chair Deidre stated discussion is focusing on something that really is not on the floor yet but conceptual talk about what should be on the plans, to determine what the board may or may not ask for.

9:35PM- Chair Deidre asked if there was a desire to extend public comment. Nancy stated she has novel issues. Chair Deidre stated it needs to be new and asked Nancy to continue.

Nancy Clark stated one of her clients has observed Blanding and Spotted turtles on the applicant's land which are threatened endangered species. Any approval by the planning Board would need to be subject to a New Hampshire Fish and Game permit from these animals which requires posting and protection oriented measures during construction to protect species. Bob asked to address this point and Chair Deidre asked Nancy to continue since she had the floor. Nancy stated Madam Chair Woman I would like to dispute a point you made earlier this evening and the last meeting concerning the March 29, 2022 Monadnock Conservancy letter. It has been stated a number of times that the March 29, 2022 Conservancy letter gave the applicant permission to gravel what has been referred to repeatedly in this forum as the driveway and that is not the case. The letter gives the applicant permission to gravel what is repeatedly referred to as woods road. The Monadnock Conservancy submitted their own map and defined what woods road is. (Nancy submitted the document that Bob Fasanella submitted a couple of meetings ago) noting that the Monadnock Conservancy defines the existing 6 foot woods road to be something that starts quite a long way from the intersection of Currier Road based on where the labeling line is shown on the map. So if it was in fact the Conservancy's intention to grant permission to the applicant to gravel the driveway, then the applicant should have no problem obtaining clarification that the permission was for the driveway and not only for the woods road as defined on the map.

Per Tim, Nancy has gone over her 3 minutes allotted. Chair Deidre asked if she had anything else novel. Nancy continued stating that at the last meeting, the Planning Board Chair had asked her to conclude remarks about Nix

Gym parking lot and the storm water system and she didn't get a chance to finish the point she was trying to make. There was a table from the applicant listing gravel parking lots and that Nancy disputed that many had materials that were not actual gravel parking lots but millings and were for business that were not of a consumer product or social services type business. While Nancy had focused on Nix gym because it is gravel and has a storm water system, she did note a number of businesses that have paved parking lots which include T.D. Bank, Be fit. Island Bowl, New Ipswich Market, Moss Hill Building, the School Yard, Exodus. Nancy stated that it would be a novel decision by this Planning Board to allow the applicant to have a gravel parking lot without a storm water management system. There are no other businesses in town that established a gravel parking lot after zoning went into effect that are either not paved, comprised of milling or storm water system in place.

**Bob Fasanella** stated that the determination of the turtle being endangered is the jurisdiction of the NH DES and is part of the application that is before the DES with review by Meridian Engineers who are consulting with the Fish and Wildlife Department to determine if there are any endangered species. That is a process that he asks the Planning Board to refer to the DES. Bob continued to state that the second comment Ms. Clark made about the Conservancy letter and whether or not the Conservancy meant to state that they were okay with gravel going off Currier to the parking area. He said the Conservancy could revise the letter (or the person who was contacted who wrote the letter. His name is Alex). There is no question based on their contact with Conservancy that they allowed gravel to be on the short area of wood road that goes from Currier to the parking area. Bob advised the applicant could get a clarification. He continued to address the table of gravel parking lots. They provided 14 examples of gravel parking lots and 13 did not have storm water management systems. He assumes they were all pre-zoning. Many of the parking lots are 4 and 5 % which is the finished grade of the parking area on Ms. Elwell's property. One of the parking areas is 15% which is Warwick Mill, and another Nix gym is a full time business and storm water management deals with the parking area, roof and the building itself. There are other considerable parking areas in Town that are gravel.

Chair Deidre asked the Board if they have answers to deliberate and how to handle the enforcement issue. Selectman Talbot asked if enforcement is part of deliberation and if the board was going to ask if an extension is okay or not. Tim asked about the extent the board is ready for deliberation. Chair Deidre stated that if the board moves to deliberations, it will be limited in asking for a formal plan and require certain things of that plan, such as how long it will take for formal plans to be generated. Chair Deidre asked Bob if there is a DES update on the wetlands. Bob stated that the plans are being worked on by DES but not yet resolved - Meridian is handling that and there is no update at this time. Discussion continued about asking for extension and deliberation. Tim suggests that the Planning Board ask for an extension due to the time it may take for the plans to be completed. Bob Fasanella questioned if the Planning Board wants the applicant to extend when there are two more hearings between now and the time the extension is up. Chair Deidre advised that the Engineers are backed up now and the Planning Board wants to know what the applicant feels is reasonable to get plans by the May 3<sup>rd</sup> meeting. Bob feels the applicant would be willing to extend if it is for a good reason but cannot commit tonight without knowing that the Planning Board does need an engineered plan. They have been working with Meridian and Carl Langstrom as the septic system PE. Bob would need to consult with them as to whether or not extension will be needed. Discussion between the Planning Board continued on what is needed for the engineered plans that the applicant needs to submit. Chair Deidre suggested the Planning Board discuss with the Planning Board Engineer what is needed in the plans. The Planning Board will leave public comment open. Lou Guarino suggested a set of standards may be needed for Monadnock Conservancy as documentation speaks of the right to rescind.

Motion to continue Silver Scone to a date certain April 26, 2023 at 8:05PM. Motion made by Tim. Motion seconded by Josh. Roll call vote motion carries.

Chair Deidre went over training for the Planning board members and asked that those enrolling let the clerk know. The Clerk advised that any training with a cost need to be submitted a couple of weeks prior to the training.

**Selectmen/Chair/Land Use Report:** Selectman Talbot had nothing to report. The Land Use Clerk advised the Planning Board of time management issues at this time.

**Old/new business-** The Planning Board will discuss changing the July 5, 2023 meeting to July 12 and if Conservation Committee is being held the Planning Board can meet downstairs and not provide Zoom for that meeting. The Planning Board reviewed the agenda for April 26, 2023.

Chair Deidre explained the misunderstanding of the write in votes of the election and suggest entering the process in the Planning Board Bylaws in the future. Discussion continued on the election process and the vacant positions on the Planning Board. This discussion is to continue at the next meeting.

Josh motioned to adjourn. Tim seconded the motion.  
Adjourn 11:05PM

Respectfully submitted,  
Jennifer Minckler