

MINUTES
PLANNING BOARD
April 26, 2023 7:00pm
In-person/Zoom

Present: Deirdre Daley (Chair), Josh Muhonen (Vice Chair) recused himself for the Accura Construction Hearing, 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.

Citizens in attendance – Fred Kuusisto-in person, Police Officer Marc Frederich,- in person, John Schaumloffel-via Zoom with mother-in-law Janette Jones, wife Tammi and daughters, Jane Elwell-in person, Judy Holmes-via Zoom, Ray Holmes- via Zoom, 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, Sharin Smeeth-via Zoom, Marilyn Stowe-via Zoom, Robin Blackburn Ellis-in person, Nichole Talbot-in person, Bruce Ruotsola-in person, Jeff Muhonen-in person, Chad Branon of Fieldstone-in person, Earl Somero-in person, Ashley Saari- via Zoom, Earl Somero-in person, Michael Christiansen-in person, Thomas and Deborah Rizzo-via Zoom, Chris Allen-via Zoom, Ray & Judy Holmes-via Zoom

6:50pm-7:00pm: Non-Public RSA 91A:3, II (3): Legal advice.

Chair Deirdre took Roll Call and asked Lou Guarino to sit in for Josh. Selectman Talbot shared information noting that alternates on the Planning Board cannot fill in for vacant members. They can only sit in the place of an absent member. Also an alternate cannot ask questions of the applicant unless they are designated to sit in place of a member. Selectman Talbot provided the document to Liz Freeman who is in disagreement and feels we should do further investigation of the regulations and our bylaws, perhaps seeking additional legal counsel.

Public Hearing – Site Plan Review for Accura Construction, Map 11 Lot 6-4 & 6-5 670 Turnpike Road New Ipswich NH 03071, -continued from 1/18/2023, 3/1/2023, 3/15/2023 and 4/19/2023 - Chair Deidre advised that she requested the applicant bring a waiver regarding receiving plans less than 7 days prior to this hearing since the Board did not anticipate a new set of plans would be available for this meeting, which Chad Branon did provide. Chair Deidre asked Chad Branon to begin by overviewing the new plans. The new plans were revised based on the ZBA conditions as well as feedback from the Planning Board engineer Mr. Hamill. There will be a landscaping berm modification added near the building. Chad advised that there will be a merger of the two lots. That is depicted on the plans. A holding tank is being proposed and was recommended by Mr. Hamill to alleviate run-off. Chad advised that the state permit for an Alteration of terrain will be submitted to the Planning Board when completed. Soil testing and state required infiltration is being completed. Chad showed on the plans the two drainage components, storm water management area near the highway for runoff and another in the back to treat run-off. This will meet existing conditions. The alteration of terrain permit requires a 10 year look back. He explained that they completed an existing conditions plan prior to any work being done on the site as well as a post-construction plan submitted to meet the Planning Board criteria.

Chair Deidre responded that we should address the waiver and asked if there is a motion to accept the waiver amending the application with less than 7 day notice. Tim motioned to accept. Craig seconded the motion. Roll call vote. Motion carries.

Chair Deidre advised that the ZBA merger requirement was initially led to a concern about timing, but should be fine as a condition of the approval.

Chair Deidre does have a question about use. The building plans state it would be a shop. Is it an accessory storage building? Chad stated that there was a discussion of multiple buildings and in reviewing the regulations there was nothing found that there is anything about two structures being on a lot. The ZBA felt a merger was needed due to the shared infrastructure, shared access and sharing the well and active drainage that flows southwest to northeast. There would be no need for easements. Intent was that the building would be simply a shop, but a bathroom may be needed for future use. Test pits were done on the front of the site and a septic could

be designed under the parking area on the North side of the building. This was added to the updated plan. Accura Construction occupies the Southside of the (police) building on Map 11 Lot 6-4. The site plan would be an additional Accura building where they maintain the vehicles and store vehicles. Chair Deidre asked how many employees will be there. Jeff Muhonen, applicant advised there will be one or two as needed and no customer facing business. Customers would come into the office, which is at the Police Station building.

Craig asked if Chad envisioned having a traffic light put in. Chad advised that they will not meet any DOT traffic signal. This is State jurisdiction. What will be required for this is a DOT permit for a change in use will be required due to curb cuts to access to the highway.

Chair Deidre asked if either lot has a mortgage. Jeff Muhonen advised that both lots do. Chair Deidre advised that the mortgage holder's need to approve the merger of the lots. The Alteration of Terrain permit should also be a condition of approval.

Motion to accept the application as complete by Selectman Shawn Talbot. Motion seconded by Craig. Roll Call vote. Motion carries.

Compliance of application - Lou asked about the well and if it is residential or commercial. Chad asked if it is town regulation and it was confirmed to be a State regulation. Lou mentioned contour elevation and infiltration and asked if the surface of the infiltration system is level. Chad advised the level grade will be about 5% and the system will be level subgrade. Chad advised they are modeling a 50 year storm but the system does not need to handle a 50 year storm. Chad advised that they have to match the flow which is required in order to get the Alteration of terrain permit through DES which is the governing body. Chad advised that the permit will have a lot more detail regarding soils, permeability tests of the soils, down slope drainage area that ties to the culvert downstream. Chad advised the system is detention and infiltration. Conversation of the system and water flow continued. Chad reiterated that the alteration of terrain permit reviews and approves water quality and storm water management.

Chair Deidre advised that Mr. Nichols has had issue about run-off and she asked if there will be an increase in run-off. Chad said this was an observation report and there will not be an increase of run-off at the boundary line. Chair Deidre asked Chad to review the surfaces of the lot. There will be asphalt and also impervious gravel. Chad advised that per the State of NH any gravel is impervious.

Chair Deidre asked if there is employee parking out back, why can't there be less parking in the front of the building and additional landscaping. Chad advised handicapped parking must be provided and it makes sense to have more additional parking spaces for others. Chair Deidre advised that the regulations state parking on the side and behind the building wherever possible. Chad reiterated that there will be 2 employees onsite. There will be 6 to 10 people accessing the building at any given time. Chad advised business growth needed to be take into account.

Tim questioned the leach field under the paved area and asked if there is any other option for that. Chad advised that the soils are very good on the front end of the site and it was found to be the best area based on the lay out. He stated that this would meet all local and state criteria.

Liz advised that the Planning Board is not allowed to approve something that is less than requirements specified in the regulations but you are allowed to require something that is more than the requirements if you have a good reason to do so.

Motion to continue to a date certain May 3, 2023 at 7:25PM. Chad agreed to the date and time. [Note: the Board members did not make a motion or vote on this, however all parties appeared in agreement without objection]

Co-Chair Josh returned to the table at 8:07PM for the next hearing. Lou Guarino sat in for Craig who recused himself. Liz recused herself and sat in the gallery. Roll call Vote for voting members - Selectman Shawn Talbot, Josh Muhonen, Dee Daley, Lou Guarino for Craig Smeeth and Tim Somero.

Public Hearing –Site Plan Review for Silver Scone-Jane Elwell, Map 11 Lot 128 99 River Road, New Ipswich NH 03071- continued from February 8, 2023, March 1, 2023, March 15, 2023, April 5, 2023 and 4/19/2023 – Chair Deidre stated at the last hearing there were questions of what the timeline may be for formal plans, and if it would be feasible for plans to be generated prior to the statutory application decision deadline of meeting on May 3, 2023, and if the applicant would extend the duration or length of the site plan review. Robert Fasanella stated that a plan was submitted on 4/18/23 prior to the last hearing on 4/19/23 and he would like to hear the Board's comments and if the

plans were reviewed by the Planning Board Engineer. This was one of the objectives coming out of the last meeting to get comment of Bert Hamill and get necessary changes from Bert on the plan. Chair Deidre stated that the feedback received from the Planning Board Engineer was that he did not consider it to be acceptable from a professional engineering perspective. Some of the contours were off, it was hard to see the actual grades with the finished contours as well as some of the plan scale. The planning board engineer feedback also note that the plans should be revised to show the necessary information and felt it could be done within a few weeks. That would give the applicant more time to perfect the submission. Chair Deidre stated that one of the key pieces missing from her perspective is how you are going to get to the end grade. The submitted plan doesn't show how the applicant will transition the parking area from current to end state. From the Engineer's perspective it needs more work. Bob stated that the end grade is less than 5% slope and the way you get there is by excavating and re-grading the surface. Co-Chair Josh advised the plans show the grade, show the parking lot and says what the projected finish grades are but once you do that cut you are obviously going to be changing the grades around the parking lot but the plan doesn't show that grading change. Ray Holmes questioned if Co-Chair Josh was speaking of the slope leading from the woods to the edge of the parking area. Co-Chair Josh confirmed. Ray responded that there is not much difference of what it is going to be from what it is currently. It is about 8% grade from the far corner to the lowest corner. The difference will be about 2 feet. Robert Fournier spoke of the plan with other public members interrupting and countering the grad was 10% and Chair Deidre advised there will not be a debate on the current property grade tonight.

Chair Deidre advised that another outstanding issue from the last meeting the intent of the ZBA in their dialogue about off-street parking and how was that potentially going to be addressed to ensure clarity for enforcement. When she reached out the Zoning Board of their intent, their response was that they did intend parking to be off-street for patrons at that location. Chair Deidre wants to know how clarity can be ensured in the record so that if there is a need for enforcement, it is understood. Bob Fasanella advised the Zoning Board did recommend off-street parking for patrons. The applicant has also in the plan changes, incorporated additional overflow parking to include an additional 5 parking spaces on the driveway on River Road. Between the 18 in the parking area off Currier and the 5 on River should be sufficient to handle overflow so there is no on-street parking. Chair Deidre asked how that would be communicated to the patrons so they wouldn't just park on the side of the road. Bob advised that the patrons can be notified of that when they make reservations. There can be a general notice to all of the patrons that they cannot park on River Road or Currier that they need to park in area off Currier. Jane advised that a condition of the ZBA was to put out signs directing to parking when she is having the tea party and remove when there is no tea party. Jane went on to explain everyone makes reservations. She knows who is coming, how many are coming, people do not just show up.

Liz advised that she appreciates Chair Deidre reaching out to the ZBA but that is not the legal record of the ZBA and they did not specify that the off-street parking was for patrons only, off-street parking was for the business. Chair Deidre advised that the Planning Board had a question at the last meeting about what the ZBA had identified so the Planning Board was supporting continuity, specifically did the ZBA want the Planning Board to address all parking items or did the ZBA contend the Planning Board would build on the ZBA conditions. Liz advised their condition was off-street parking for the business and it would be up to the Planning Board to approve whatever proposal was presented for off-street parking. Liz reiterated that the ZBA never said off-street parking was only for patrons. The other thing is that if you look under the Zoning Ordinance for commercial use parking, they cannot use the driveway for parking if it blocks the garage. You cannot change this and it would require a variance.

Chair Deidre stated this concludes the questions that were outstanding. Co-Chair Josh spoke of the engineered parking lot plan and asked if the Planning Board would be able to get that plan. He thinks it is a basic enough plan and relevant contours will be shown. Chair Deidre discussed getting a plan for lighting. Bob Fasanella stated that the plan received 10 days ago does provide that. The plan named JE JP Builders plan modification in Dropbox was reviewed. Bob Fasanella showed where the lighting is reflected on the plan. Chair Deidre said the plan gives height and angle but does not give the reach of the light spread. The technical term for a detailed light plan is called a photometric plan.

There was discussion on the new plans and what the Monadnock Conservancy should provide the applicant, but there was discussion and consensus this discussion would need to continue once the new engineered plans are received.

Nancy Clark stated if there are going to be new documents/plans submitted to the Planning Board and if public comment is closed then it would need to be reopened to allow the public to comment on those documents. The second comment is one she addressed last hearing and she guesses it did not register. That the company JT

Builder or any combination of that is not registered with the NH Secretary of State and does not have a business license in the State of New Hampshire and the Planning Board cannot consider that plan. Chair Deidre advised that the plans were submitted to the Planning Board, however if the Planning Board asks for something more formal, those prior plans will be irrelevant.

Liz questioned what the Planning Board is going to do or ask for about storm water management. She stated that the Planning board just heard another Engineer state that gravel is considered by the state as an impervious surface. You are going to have storm water that needs to be dealt with. Chair Deidre thinks the board needs to listen to the Engineer who reviewed the plans and feels this is not a big lift. Liz suggests a second opinion. Chair Deidre believes the regulations state the Board does not require a plan unless it is 10% or more. Liz states the Planning board Engineer stated it is a pervious surface.

Lou asked about the existing woods road, asking for clarification if upgraded what it is supposed to be. He is speaking of the access road from the parking lot to the event. This is the access point? Bob Fasanella advised there is a walking path coming from the parking lot to the back of the house, which is called existing woods road. Bob advised this is in a rough state and the plan calls to add gravel to the existing pathway. Bob clarified that the existing woods road has gravel on it and will continue to the back of the house with additional gravel. Ray Holmes advised this is to be changed eventually. Lou asked if the 8' culvert that is underneath pathway, it connects one wetland to another, was it engineered to the point that it can handle changes made to the parking lot which may add more water to the wetland. Bob advised the DES is reviewing plans of an upgrade to the culvert.

Liz asked if the pathway going to be part of the engineered plan? Chair Deidre advised the board has not asked for that or discussed that.

Chair Deidre wanted to review gravel for a better understanding. Gravel was reviewed by Lou. Hard pack is highly non-technical. If technical you would have to use one of the general soil classifications systems. Gravel is poorly graded, articles are the same size. Well grade has all different sizes. The hard pack that is used in a parking area has different size particles. The void space would be filled by larger particles and smoother. It would be far less pervious. In a rain event, it will all run off right away. Chair Deidre questioned what is proposed by this plan and Bob responded that 2" of $\frac{3}{4}$ minus processed gravel with a finished surface with 4" base which is 1 1/2 minus processed gravel. Lou states the minus is technically inaccurate. He would say this is highly impervious because you are looking at stability. Jane stated Bert Hamill advised that there should be 6", 4" at the base and 2" at the top.

Nancy Clark stated that the new work on the modified culvert has to be part of any engineered plans that the Planning Board requests. Chair Deidre asked the applicant if they have heard from DES specifically that they will need to change that. Jane advised that they have all the plans drawn but it has nothing to do with the parking lot. Ray stated that it is not going to be done right away. Co-Chair Josh stated that if the Planning Board has the plans showing the potential modification of the culvert and the applicant has the plans already, the plans could potentially be part of the conditions as long as DES approves the plan. Jane noted construction may be limited to when the property is dry. She can't make it a condition of work being done on the culvert to take the cease and desist off to use the parking area. This has nothing to do with it. She can drive her tractor across it. It is fine until then. When the property dries up enough to build new culvert, Jane will do that. Co-Chair Josh advised he is speaking from himself. The approval from DES of the culvert size and the work that needs to be done. The board is waiting for that approval. Bob advised that is a separate permitting process. Chair Deidre advised the board cannot advise DES what to do and can only work with what is in the Planning Board purview.

Liz stated she has two comments. She advised that this is a site plan review for the entire site not just the parking lot. Second, a request that any approval should be conditional on the resolution of the appeal of the granting of the variance in front of the Housing Appeals Board. It would be a shame to see a parking lot built at an expense and an alteration of terrain then have the variance denied. That would not make any sense.

Selectman Talbot asked that the board move to require professionally drawn plans.

Chair Deidre asked if there is a motion. Bob Fasanella asked what the purpose was of the 4 waivers that were granted following the plan application deemed being complete on March 1st. Chair Deidre advised that was for completeness not for compliance. Bob stated again the plan was deemed to be complete on March 1st. Then two hearings after that the Planning Board granted 4 waivers, 2 of which did not require detailed engineered plans. Chair Deidre advised that went back to the original submissions that were not necessarily compliant for our format. They were for completeness. The Planning Board can ask for additional materials and the Planning Board is looking

at a focused area on the driveway parking area. The board is trying to focus on where there is most need for additional plans. The initial decision the board makes is can the board hear the application, was it complete enough that the board could deliberate. After accepting waivers for completeness, yes, was it deemed there was enough information to proceed, but the board determined there is a hole in what our knowledge about how things are going to happen. Therefore, the Planning Board is looking for this specific area to be developed more thoroughly with formal plans. Co-Chair Josh advised the waiver was for a full engineered site plan for the whole property as much of the land was in conservancy. The Planning Board is now focused on the specific improvements of the site and not focusing on the whole property.

Nancy Clark stated this is a rare occasion that her and Bob are going to agree. Nancy is giving this feedback because she thinks it is an area that the Planning Board needs improvement and she thinks the process for considering the waivers was extremely unclear. Ray was in agreement.

Jane and Ray both felt that if they need engineered plans they will not be able to submit them by the next hearing. Chair Deidre advised that it was the applicant's choice not to grant an extension tonight and to see where the board is next week. She advised the applicant if the applicant extends the decision deadline, the Planning Board will work to set up a time certain for a meeting in as soon as the applicant feels it is reasonable to get plans. Jane advised the Planning Board left it to the very last moment of the 65 days to tell Jane she needs engineered plans. Chair Deidre stated the applicant was advised plans may be requested several meetings ago and asked the applicant to consult with her engineer at the hearing last week. Discussion among the Planning Board continued on the motion and what is required on the engineered plans.

Josh made a motion to require the applicant to provide a licensed engineer stamped plan of site structures including the parking area, both driveways, and access path, with measurements, data including elevations across the parking area, existing grades, finished grades, existing slopes, finish sloped across parking, drainage, storm water management, materials used, erosion control plan, recommended vegetation and light boundaries. Motion seconded by Shawn. Chair Deidre asked Tim if he had an amendment to the motion. Tim advised that the board should use feature for walking path not structure. Chair Deidre advised the areas should be front drive, driveway for Currier, parking area behind the house, walkways. Motion to amend to replace phrase structures with front driveway, driveway from Currier, parking area to walkway, from parkway to the venue made by Tim. Seconded by Lou. Roll call vote. Motion carries.

Chair Deidre asked if all in favor of the engineered plans of the two driveways, parking area and the path. Roll Call vote. Motion carries.

Bob Fasanella asked when the Planning Board is going to start discussing the proposed conditions. Chair Deidre responded as soon as the Planning Board goes into deliberation. Discussion continued and it was decided to continue to a date certain on May 17, 2023 and hear no other business that night. Plans will be due on May 10th and if not received, the Planning Board may be able to have a special meeting to work with the applicant. Jane questioned when the plans are received, will that meeting be open to the public hearing again and will the Planning Board allow those speaking against the application to comment for three more hearings complaining what is wrong with the new plans before the board goes into deliberation. Chair Deidre advised the Board should go into public hearing but the discussion will need to be new topics and perhaps 30 to 40 minutes of public hearing as topics should be getting clearer with specific plans. Motion to continue to date certain May 17, 2023 at 7:05PM by Josh. Seconded by Shawn. Roll call vote. Motion carries. Applicant agrees to the continuation to May 17, 2023.

9:29PM Break until 9:35PM

There was a discussion on the document Shawn provided regarding alternates and their role with the Planning Board. This is to be continued once more so research can be conducted on this topic.

Planning Board Vacancies- Chair Deidre advised there are two vacancies which are a two year term and a three year term. Chair Deidre asked if anyone is interested. Selectman Talbot clarified that regarding 2 year term and 3 year term this will be for a one year term for both positions and then go for an election. Liz Freeman would like to add her name to the list for being appointed for a one year term and that is when her alternate position ends so she will retire.

Michael Christiansen provided his background to the Planning Board and would like to be an alternate.

Nichole Talbot is interested in a vacancy or an alternate and provided her background to the Planning Board.
Nancy Clark is interested in an alternate position and provided her background to the Planning Board
Bruce Ruotsola is interested in a vacancy and provided his background to the Planning Board

There was a discussion of the Master Plan and CIP for the benefit of the new potential members.

Chair Deidre advised that there are 5 people willing to join the Planning Board in some capacity. There are three people that would like to fill the vacancies and two that want to be an alternate. Nicole, Bruce and Liz would like to fill the vacancies. Nancy is not able to serve on the Planning Board at this time. Chair Deidre asked if the Planning Board would like to complete a voice vote. Voice vote was conducted.

Motion for Liz to be a member for a one year term by Tim. Motion seconded by Craig. Roll call vote. Motion carries. Liz resigned as an alternate member.

Motion to appoint Bruce to a one year term for a vacant position for a one year term by Josh. Seconded by Tim. Roll Call vote. Motion carries. The Clerk asked Bruce for contact information-phone number and email address. He will create a new email address for Planning Board purposes.

Motion to appoint Michael Christiansen and Nichole Talbot as alternates for a one year term by Josh, seconded by Chair Deidre. Roll Call vote 1 abstention, 1 nay, 3 yea.

Michael Christiansen acknowledge that Nancy Clark is a Lawyer and he would step aside if she would like to be appointed. Nancy advised that she ineligible at this moment is representing clients before the Planning Board currently and that matter has not been resolved yet. The New Hampshire Professional conduct that applies to lawyers prevents her from taking a spot on the Planning Board until that is resolved and that does not include the court cases.

Old Business/New Business- Chair Deidre asked if anyone else wants to come to the Town office for training. Planning Board members will be doing it from home. Planning Board Land Use books were provided to Bruce, Michael and Nichole. The three of them need to be sworn in.

Josh motioned to adjourn. Tim seconded the motion. Vote passed unanimously
Adjourn 10:30PM

Respectfully submitted,
Jennifer Minckler