

MINUTES
PLANNING BOARD
June 7, 2023 6:30pm
In-person/Zoom

Present: Deirdre Daley (Chair), Josh Muhonen (Vice Chair), Liz Freeman- in person, Craig Smeeth- in person, Tim Somero-in person, Bruce Ruotsala-in person, Michael Christiansen-in person, Jennifer Minckler- in person.

Open meeting with the pledge of allegiance - 6:30PM

Citizens in attendance – Jason Bolduc- Meridian Land Services, INC-in person, Sam Benedict- in person, Jeff Muhonen- in person, Roger Somero-in person, Chad Branon, Fieldstone Land Consultants, LLC-in person, Nancy Clark (Attorney for abutters) -in person, Raymond Homes-in person, Jane Elwell-in person, Abigail Fasanella-in person, Robert Fasanella –in person, Robin Blackburn (Peterborough, NH)-in person, Kathleen Sheldon-in person), John Cooke- in person, Margo Santoro-in person, Stan Zabierek-in person, Cheryl Glavey-in person, Annmarie Fournier-in person, Robert Fournier-in person, Sharin Smeeth-via Zoom, Louise Delpapa-in person, Robert Neal-via Zoom Raymond and June Holmes-via zoom

Selectmen/Chair/Land Use Report: Selectman Shawn Talbot (Ex-Officio) was not present for the meeting. The Selectmen report was not conducted by the Chair or the Land Use Clerk.

Land Use reviewed the hearings for June 21, 2023 which are for Greg Somero subdivision application and the Tower site plan review.

Chair Deidre discussed the meeting held this week with the Land Admin and Land Use Clerk, Building Inspector and Planning Board Engineer to review inspection schedule. The Road agent was not available. Some things may be assigned to the Planning Board Engineer based on the scope of each position and where responsibilities and availability to cover the various inspections. This will be submitted to the Board of Selectmen for review and discussion. There will be another meeting that includes the Road Agent. One of the conversations will be the capacity of the building inspector.

Chair Deidre advised she met the Finance Committee representative last night on the Capital Improvement Plan. The CIP will be placed in a spreadsheet. Looking at the CIP purely as a financial exercise may be limited since the Master Plan is supposed to represent what the town prioritizes which drives the CIP and CIP which drives spending. Chair Deidre asked the FAC and the Planning Board to begin thinking of how to determine what an appropriate value is for community spending after emergency safety spending. Chair will meet with FAC the end of June 2023.

Chair Deidre confirmed the Planning Board will meeting on July 12, 2023 for a work session. The Planning Board Engineer, Bert Hamill will be in attendance to review what the Planning Board feels they need to know about the role they have with the Engineer. This will not be a Planning Board Engineer review. Liz stated that she is more concerned of the process of how the Planning Board works with the engineer in relationship to the Applicant. Chair Deidre advised that Bert advised the Planning Board has a lot of latitude but the Planning Board may not know what that latitude is.

Review of the minutes of May 17, 2023: Motion to approve by Tim. Motion seconded by Josh. Roll call vote. 2 abstentions (Craig and Liz abstained due to Silver Scone hearing as part of minutes reviewed). Motion carries.

Old/new Business: Tim questioned where the state is on Affordable Housing. Chair Deidre will have Shawn Talbot provide an update for the Planning Board. Chair Deidre had previously requested that Nicole and Mike look into fair housing to present to the Planning Board over the next few months.

Public Hearing 7:05pm – Steve Rheaume, Robert Neal & Emilee Spiller, Subdivision of 191 Highbridge Road, Map15B Lot 17, Lot line adjustment of Map15B Lot 20 & 15B-17, continued from May 3, 2023.

Chair Deirdre advised that the Planning Board has revised plans and a revised review from Bert. She also stated that the active voting members for this hearing are to be Craig, Chair Deidre, Josh, Bruce, Liz and Tim. Mike will ask questions but when deliberations start will shift to the public seating area.

Jason Bolduc presented. Jason advised the changes required per Bert's review were revised plans to add page 3 for the slopes for clarification. The driveway profile was completed by the Meridian engineer. Bert suggested pavement on the driveway due to steepness and Jason advised they will have 3" of pavement, 6" of crushed stone and 12" of gravel on sub-grade and along edges to catch additional storm water. Another comment of Bert was the fire truck. Jason reached out to the fire department and did not get a reply but he used a generic fire truck that is 34' to 8' wide to make the turn. The Land Use Clerk advised that the law is changing and that could be the reason for no response until the fire chief researches that. Jason asked if the Fire Department has a detail, like a cad file of the truck. Bert advised the fire department should review the design with a "turning radius template" overlay prior to approval. The Land Use Clerk will contact the fire chief.

A motion to accept the application as complete by Liz. Motion seconded by Josh. Roll Call vote. Motion carries. (42:14)

Liz questioned the driveway and confirmed it is on a state road. The DOT permit set criteria for the driveway. Chair Deidre stated that this is to be the last driveway on this property and that it should be stated that there are to be no further driveways permitted on this lot on the property card. Discussion of the driveway continued.

Chair Deidre asked about security for erosion control on this property. Jason advised Bert requested as-built. There are to be 4 inspections required to be completed by the building inspector or the Planning Board Engineer which would be the owner or developer's expense. The inspections are:

- erosion control
- driveway excavation (removal of top and sub-soil)
- placement of driveway base and sub-base layers,
- check pavement thickness

Discussion of inspection process continued. Liz wanted to know how it would be known when inspections are done. Chair Deidre advised that the building inspector will enter the inspections in Iworq. Liz questioned what that is and the Land Use Clerk advised it is the building inspector's software that is used for everything the building inspector does. The Land Use Clerk advised that she would need to let Susan, Land Admin know the conditions and that no certificates can be provided until those are complete. Chair Deidre advised that we do not know the fire regulations piece. Liz asked if a letter from the Fire Department Chief would be a condition. Tim does not feel that is up to the Fire Chief. Tim asked about **underground utilities and that it needs to be a statement on the plan as a condition**. Chair Deidre questioned the verbiage for the letter from the Fire Chief that should state there are no concerns. Chair Deidre has a list of conditions which are:

- Note on underground utilities per Town of New Ipswich Subdivision regulations
- Fire Chief letter with no concerns about the driveway
- Security deposit in the amount of \$5000.00 regarding erosion control
- Inspections for
 - erosion control
 - driveway excavation
 - sub-grade conditions
 - final grade conditions after paving and vegetation
- as-builts submitted to the Land Use office
- Mylar
- Fees
- Updated deed/s filed within 6 months

Chair Deidre made motion to approve the application with the following conditions: Inspection schedule including erosion control, driveway excavation, sub-grade conditions, final grade conditions after paving and vegetation, as-built security deposit in the amount of \$5000.00 regarding erosion control, note on underground utilities per Town of New Ipswich Subdivision regulations, Fire Chief letter with no concerns, Mylar, Fees. Josh seconded the motion. Roll call vote. Motion carries

7:20pm 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, 3/26/2023, 4/19/2023, 4/26/2023, May 3, 2023 and May 17, 2023

Josh recused himself and sat in the audience. Chair Deidre advised the active members for this hearing are to be Tim, Liz, Bruce, Chair Deidre, Mike and Craig.

Chad Branon of Fieldstone Land Consultants representing Acura Construction. Chad advised that the last time they were before the Board, there was a lot of discussion on storm water management. There were a number of improvements made to the plan since the last meeting. The Alteration of Terrain permit was filed with DES and the storm water management plan were filed with the EPA. Both of which were requested by the Engineer Bert Hamill. The largest change made per sheet 4 of the plan set, there was an underground chamber system but in going back and forth with the state DES, the decision was made that an open basin design would be more advantageous for this location It address some of the concerns addressed at the last meeting. Chad went into detail of the system. Chad went over the Engineer review and under **process review** section Chad addressed:

1. The merger will be executed as a condition of approval.
2. The special exception has been secured and Chad feels there are no issues with that.
3. AOT permit has been filed.
4. NPDES Permit has been filed. (EPA Storm water filing)
5. Conditions of Approval – In accordance with RSA 676:4, approval of a site plan is typically conditioned pending approval of state and federal permitting. The final “Conditions” should be agreed to in writing and signed by both the applicant and the Planning Board.

Chad advised there are no objections to this.

Technical Review

1. On-site soil testing was submitted and is appropriately located in the drainage areas. This is required for both the drainage systems and the septic system. Chad advised this is satisfied.
2. A “Driveway Permit” must be obtained from NHDOT. Application is pending. This involves a change in use permit. **Chad requests that the driveway permit is to be a condition of approval.**
3. Building plans were submitted the Planning Board.
4. New building must be serviced by water and sewer. Applicant should show proposed utility locations or obtain a waiver from the PB regarding utilities. Chad advised they are detailed in the plan set. Lighting, Landscaping and utilities plan was reviewed
5. Erosion controls appear to be adequate and are detailed on the plans.

Under **Condition Recommendations Prior to Approval:** Chad reviewed

1. All fees, including town and engineering fees, must be paid.
2. Security/bonding for the work should be considered. *Chad does not agree with Bert’s condition of security/bonding. He explains that any work on this project is a private site. You are allowed to build a project and when you pull certificate of occupancy and asking the Town to allow you to occupy the site that is when a security/bond is considered if the work is not completed.*
3. The lot merger, ZBA approval conditions, and PB approval conditions must be recorded at the Registry of Deeds. Chad advised tht there is no issue with recording these.
4. Independent inspections for the site during construction should be made. Fees for inspections should be agreed to and paid by the applicant. *Chad advised that Fieldstone will be doing weekly inspections because it is an AOT and inspections may be required and include storm water management. He advised that if the Board wants to put a condition on the approval that the design engineer provide weekly inspection, they would be happy to share.*
5. Site work must be completed within 5 years of approval. Work must include site stabilization, landscaping, and plantings. Chad and applicant have no issues with that.

6. An as-built plan (both paper and electronic PDF) of the completed site should be submitted to the town prior to the release of the bond (security). The plan should include at a minimum all structures and utilities above and below grade, elevations & inverts, finish grades, fencing, pavement, curbing, and other relevant details. The submission shall include a certification that the project was completed in compliance with the approved plans with exceptions noted and that the landscaping and plantings were installed. *Chad feels that bond is not the appropriate wording. He thinks it should say be submitted to the Town prior to certificate of occupancy. The applicant would be willing to provide as-built plan that show the site is in compliance as a function of getting occupancy approval.*

Liz asked if we have accepted as complete and Chair Deidre confirmed we did. Liz questioned the merger of the two lots and wants to clarify that it is one business. Chad responded that Accura Construction is to occupy a portion of the existing building on 11/64 and they are going to utilize the new building. Liz confirmed that Accura owns and rents to the Police Department. The Land Use Clerk advised the properties are being merged and to sell separately would need to be unmerged. The owner of the Land is Turnpike Properties, the same owner as Accura Construction. Jeff Muhonen is the owner.

Tim questioned the catch basin under the building. Chad explained the information on the lighting and utility plan reflects a holding tank under the parking area with a trench drain in the building. This allows the tank to be pumped without someone needing to be there. Tim questioned catch basin being used for oil changes. Chad stated it is a safeguard for any materials being spilled. Mr. Muhonen will be repairing his vehicles there. This was the request of the planning Board for any spills.

Liz questioned specific activities that are going to be taking place in the new building, Mr Muhonen noted it would be to restore and repair of Mr. Muhonen's equipment. Chair Deidre questioned the number of occupancy. Chad advised the septic design will be over designed at 600 gallons. Chad advised that the growth may be 10 to 15 people but the septic being designed at the minimal commercial standard will satisfy everything. Chair Deidre advised that the ZBA did not approve this as a shop they approved it for a shop and an office building. Chad advised the intention is only for a shop and that is how it was presented to the ZBA, if someone else wants to occupy this site it will be a change in use and would need to come before the Board again.

The materials that will be stored onsite will be job related concrete structures, pipe, fabric, staging for a project and parking of equipment.

Chair Deidre requested Chad review the plan in the upper left hand corner. Chad explained there is an electrical easement with a pad mounted structure. Sheet 4 of 8 is a construction entrance with hatching showing rip-wrap on the ground to clean equipment and prevent tracking onto the highway, drainage culvert capturing swale on the west side of the development. A shallow swale comes around the Northside capturing all the driveway run-off in that location to the storm water area. There will be no storm water leaving the site from the driveway.

Chair Deidre questioned a cross-hatched area that looks like a box. Chad advised it is a storage trailer reflected on the existing conditions plans and it will be removed.

Chair Deidre asked about signage. Chad advised they are not showing a composed sign. The existing sign is to be used that is on the existing site.

Chair Deidre questioned an area that appears bigger with more room to spread out in the rear of the building. The chamber system was there in prior plans was previously in that area, but a perimeter swale had to be designed. The gravel area got bigger by 10 or 15 feet.

Chair Deidre commented that some of the trees will be lost and may not survive with this plan. Chad advised they are maintaining the woodland area. There was discussion at the last meeting of a visual buffer with a landscaping berm at the west side of the proposed building which will visually block the site. Jeff advised that the trees between the catch basin and the current building are going to be retained. Chair Deidre is concerned about the roots and the basin. She is concerned about safety. Chad, as the Design Engineer is not worried about safety, it is a dry basin design not to have standing water. It is an infiltration basin. The only time it will have standing water is when it is doing its job during a design storm. The state has design criteria for these types of systems. Discussion continued on the trees and the need to restrict the view of items from the street side of the building.

The employee parking is now proposed to be in the back not in the front, but there may be visitors who may park in the front.

Chad advised that the state is going to review the storm water system. The reduction of the two year storm is 2.47 cubic ft. per second, 10 year storm the reduction is 5.48 cubic ft. per second and the 50 year storm is 8.38 cubic ft. reduction.

Liz questioned the Blue Spruce for landscaping and states it will die as there is a disease of blue spruce. Chad advised they will plant giant arborvitaes in place of Blue Spruce.

Chair Deidre asked if there is any public comment. There was not. Chair Deidre reviewed the possible conditions with the Board and the applicant. There was discussion of landscaping. Liz requested a condition on signage be added. Chair Deidre advised that the applicant would go before the Board of Selectmen if they wanted a sign. Liz also questioned lighting and asked if it conforms to the Zoning ordinance. Chad advised it meets all the criteria and the Planning board Engineer did not have an issue with lighting. Liz questioned a shared driveway agreement and Chad advised along with Chair Deidre that there already is one. The security amount for landscaping was discussed and determined that it would be in the amount of \$5000.00

Motion to approve the application for Accura Construction for the purpose of a contractor shop with storage of equipment and materials as well as maintenance of owner equipment and vehicles with the following conditions by Chair Deidre. Motion seconded by Tim. Roll call vote. Motion carries.

The conditions include:

1. No outdoor storage of hazardous materials
2. Amended driveway permit from NHDOT
3. AoT approval
4. Commercial bathroom/septic will be part of the plan
5. All fees, including town and engineering fees, must be paid.
6. The lot merger, ZBA approval conditions, and PB approval conditions must be recorded at the Registry of Deeds.
7. Provide the town with copies of site inspections during construction.
8. Site work must be completed within 5 years of approval. Work must include site stabilization, landscaping, and plantings.
9. An as-built plan (both paper and electronic PDF) of the completed site should be submitted to the town prior to the Certificate of Occupancy. The plan should include at a minimum all structures and utilities above and below grade, elevations & inverts, finish grades, fencing, pavement, curbing, and other relevant details. The submission shall include a certification that the project was completed in compliance with the approved plans with exceptions noted and that the landscaping and plantings were installed.
10. Correction to the rear pond outlet grate elevation to ~1137
11. No additional structures
12. Substitute Green Giant arbor vitae from Blue spruce
13. Security for 2 years for landscaping in the amount of \$5000
14. Underground utility note consistent with the site plan/subdivision regulations

Note: Accura is not intending office use as noted by the ZBA and would require a change in use if the purpose changes to include offices.

Tim made a motion that the Planning Board vote on the application for voluntary lot merger as an administrative item for the Accura plan. Motion seconded by Bruce and motion passed.

8:05pm 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, April 19, 2023 , April 26, 2023 and May 17, 2023

Chair Deidre advised on the plan for the evening including review the new plans, public comment on the new plans and then deliberations. Active Board members are to be Tim Somero, Josh Muhonen, Chair Deidre and Mike Christiansen.

Robert Fasanella advised that formal engineering plans created by Fieldstone Land Consultants have been provided as requested by the Planning Board as well as comments provided by Bert Hamill on the plan.

Chad provided a brief overview of the updated plans and what Fieldstone has done on this project, and he addressed the details of Bert Hamill's letter of review. The details addressed were grading of the parking area, designing storm water details for the parking area, more detail on the plan as far as how the walkway will meander to the existing residence, and associated lighting. Lighting will only be needed for winter as tea parties will generally only run until 4:00pm in the afternoon. In the northwest portion of the plan there is information on grading, flow patterns, spot elevation and everything for the 18 space parking area. The parking area is now designed with drainage around it and is routed to storm water areas on each side of the existing path that crosses the jurisdiction wetland areas. The parking area has been graded to go towards proposed swales, conveyed through and under the walkway to a culvert which will mitigate and treat all runoff of that parking area.

There is an existing parking area in that location, it is being extended to provide for additional spaces. The Town regulation requires one space per three seats so the parking meets the 50 person maximum. All of the parking per the regulations are satisfied in this one spot. Anything beyond that is extra. The path would come across existing woods road which is actually a path now and would come to the proposed walkway or path which leads to the existing path that goes to the main building entrance.

Destination lighting is being proposed for the walkway. There will be three small lights where people are to walk. The lights are designed to be accent lighting and certainly will have no impact on the surroundings. A point by point was provided to the Planning Board and analysis was completed. There is no light being cast off the property. The light will be lantern style with the light on top of the lantern and down projecting. The goal is for these to be sourced with an equitable solar device.

Chad went on to advise that handicapped parking is a federal requirement and there is no local standard. The site with a sign on the garage or temporary sign will be compliant with ADA who have been contacted. It is noted on the plan. There will be a ramp constructed to the main entrance. With an ADA space, you do the best you can on an existing site.

Employee parking spaces are reflected on the plan as well adjacent to the residence. Two additional spaces are not required and all parking requirements are met so the two spaces can be removed if needed.

Chad reviewed Bert Hamill's letter beginning on page 2 under general comments.

General Comments:

1. The original plans were stamped by a "Wetland Scientist", but not by a professional land surveyor or professional engineer. The revised plans are stamped by a professional engineer, but not by the wetland scientist. The original plans with the wetland scientist appear to be sufficient proof of professional wetland delineation.

Chad stated Fieldstone plans are showing the wetlands per Meridian Land Services but if the Planning Board requires, Fieldstone will go out and verify and have them with scientist stamp

2. Lighting was specifically required by the ZBA. The lighting placement should be shown along the proposed walkway and in the parking area. The lighting submission should include a catalog cut of fixture types, mounting methods, wattages, and wiring locations. In addition, the applicant has shown lighting locations and provided a basic lighting intensity plan.

Chad advised all is detailed on the point by point and again advised solar lighting would be preferred and controlled by remote.

3. Snow removal is essential to the use of the parking area during winter months. Since the parking area and walkway are adjacent to wetlands, the snow removal area should be placed a minimum of 50 feet from the delineated wetlands and should have a minimum area equal to 20% of the parking area. Several snow removal areas were provided on the original submitted plans which met or exceeded the area requirements. The snow removal areas are not shown on the current, but are assumed to be part of the drainage swale on the east side of the parking area.

Chad advised that snow removal is not shown on Fieldstone plan because the area is shown around parking area as a conveyance swale. All areas can be used for snow storage. Snow will go along gravel area. It would meet and drain to the storm water area. If the Board needs the note can be added to the Fieldstone plans as a condition of approval.

4. Construction details for the parking area and walkway are shown. Observation of the proposed parking area indicates an existing topsoil/organic mix with some surface stones (Marlowe fine sandy loam; see attached soil description) in lieu of the proposed gravel parking area. The parking area and walkway should be comprised of a durable and plow able surface. *A 2" thick crushed stone surface over a 4" gravel base is proposed by the engineer of record. A surface comprised of ¾" stones may prove difficult to plow. A more compact surface would be easier to maintain.*

Chad advised that in error it was stated driveway would be built with crushed stone not processed stone so a modification to the plan will be made by Fieldstone to correct that.

5. The proposed slope of the main parking area is 8%. Recommended parking area slopes are between 2% and 5% with extreme limits between 0.5% and 8%. However, New Ipswich regulations do not appear to specify slope limits regarding parking areas.

Chad stated that Fieldstone took existing grades and modified slightly for the grades of 7.8%. There is no standard for parking grades in Town. If the Board wants it to be 6%, it can be adjusted to raise high side a foot and low side 6". From a safety aspect Fieldstone is comfortable with 8%. Fieldstone hopes the Planning Board will consider that as a condition

6. The applicant proposes a HC/van accessible space utilizing the existing driveway off of River Road servicing the main building. The space (in accordance with ADA standards) must be 18 feet long by 16 feet wide with 2% slopes both longitudinally and transverse. Examination of the revised plans indicate a driveway slope greater than 5%. Applicant must demonstrate compliance with this standard which includes appropriate markings/signage and a path from the space to the event not exceeding 8%. *The engineer of record has indicated a HC/van accessible space in front of the existing garage which does not appear to meet ADA slope requirements. Spot grades at the corners of the parking space must demonstrate a maximum slope of 2% slope.*

Chad advised again there is not a local standard but the team has corresponded with ADA and the plan does comply with their requirements with the construction of the ramp and a sign or portable sign on the garage when needed. Chad advised that the use is reservation only and the applicant would know when someone is coming that needs those accommodations.

Chair Deidre advised that the Engineer may not be aware of the information that was presented on ADA at an earlier meeting.

7. The parking area plan shows both a drainage system and a erosion controls. These appear to be both suitable and in compliance with New Ipswich Planning Board Standards. However, Note 6 (Construction Notes, sheet 2) should be revised as follows: "All disturbed non-paved and untraveled areas shall be covered with 2" to 4" of loam and seeded with 1# of grass seed per 400 SF.

Chad advised that he agrees and will add that as condition for approval.

In closing, Chad noted the Planning Board Engineer stated the following: "In my professional opinion, the proposed work generally complies with the New Ipswich Planning Board Site Plan Regulations except as noted above."

Chad stated that he will answer any questions. Chair Deidre asked the audience if anyone had any questions. There were none. Chair Deidre advised she had a couple of questions. Chair Deidre stated there is not a key on the plans. Chad stated they would add a legend to the plans. Chair Deidre also questioned if there was a shed to the right house where there are two side parking spaces proposed. Chad responded and stated yes there will only be one space there and the plans will be updated. There is a shed on the side of the home. Two spaces could be on the lawn. There would be 22 total spaces of which 17 are required.

Tim asked about material on the parking surface and if extended to Currier Road and the walking path? Chad confirmed it would be a 4" gravel base. The driveway will be 2" of ¾ processed stone and 4" of 1½ processed stone. Chair Deidre had Chad confirm that the Scribner error was only for the parking area when stated crushed stone not processed stone.

Chair Deidre opened public comment. Nancy Clark questioned Chad on the drainage area(s) in addition to rain garden, where are the storm water drainage areas? Chad is keeping a list of question. Chair Deidre asked Nancy to continue with questions. Nancy asked what the arrows represent that are on the plans, concentric circles are not labeled and as Madam Chair advised a legend is needed. Nancy argues the plan is insufficient as it gives petitioners the inability to look at the plan and understand it. Nancy wants to know the capacity of the rain garden and the other storm water runoff areas, the design of rain garden and how constituted. Nancy has additional comments but needs these answers first.

Chair Deidre asked Liz to speak. Liz mentioned that the Planning Board Engineers stated this complies with the subdivision regulations but he did not state it complies with the zoning ordinance. The conservation overlay district under the wetlands, permitted use is any use that does not result in the erection of any structure or alter the surface configuration by the addition of fill or dredging. The rain garden and walkways are within the 50" buffer so that does not comply with the New Ipswich Zoning ordinance and a variance would be required to approve the plan.

The other way in which it does not comply with the New Ipswich Zoning ordinance is under parking. The ordinance allows the use of the driveway for a parking space as long as it does not block the garage. The handicap parking space does block the garage. Liz advised this would require a variance.

Liz assumes the parking lot will be treated with salt or sand. She stated so the snow storage will be next to the wetlands and goes into the wetlands. Chair Deidre advised this is an outstanding question.

Liz asked about drainage from the walkway, where does it go and if this is going to be treated with salt and sand and does that drain into the wetlands?

Chad addressed the storm water questions. A storm water system has a number of components-conveyance practices like the drainages swales proposing along the perimeter of the parking area, to collect and convey, a settlement area. Nancy interjected that she does not see anything that is labeled as a storm water swale and asked Chad to explain what it is. Chad explained that a storm water swale is a collection device that you are grading an area off the driveway to a low point so that it captures and collects and conveys the storm water and is shown on the grading plan. It is a typical standard practice on all site developments. It is normally not called out but depicted as drainage flow arrows that show how the grading is done and conveyed through the system. Chad shows on the plan the area is a culvert that goes under the walkway and the inland area is slightly cupped out, that is the sediment area that goes into the rain garden. Rain garden has a construction detail on sheet 2

of plan set that details what that is designed to do. Nancy interjected and advised she has an objection for the plan was not submitted, is not in Dropbox and the petitioners have not had a change to examine it or to discuss it so we should not be discussing this at the meeting tonight. The Land Use Clerk advised that Nancy did receive it from Chair Deidre. Nancy advised she did not. Chad Branon stated the plan she has is the same plan he is reviewing. Nancy again said it is not. Chad advised that he colored it (with highlighter) and showed her the same features he is reviewing on her plans. Nancy asked where the storm water swale. Chad showed Nancy where it was on the plan and Nancy responded that it is not labeled. Chad Branon advised it doesn't need to be and Nancy advised it does. Chair Deidre interjected and advised that the color coding allows the Board to see what is on the plan. She asked that we carry on and get through the topics.

Chair Deidre asked Chad to continue. He advised that he was just explaining from the drainage swale will go through the culvert under the pathway of the rain garden area. The rain garden area will consist of similar to infiltration basin spoken about in the prior application. There will be a small berm on the downhill side, there will be a stowaway so during a larger storm, water will spill over and there will be infiltration that occurs and there is landscaping associated with the rain garden area. This area has been sized to handle the improvements to the site and what Chad means by that is the existing parking area is being expanded to meet the parking need so that has been sized appropriately for that area. It is Chad's understanding and thinks the Planning Board Engineer has supported that the design does meet the subdivision regulations for the site plan regulations defer to the subdivision regulations for storm water management. The Criteria is met.

Nancy asked what is spilling onto what. Nancy stated they have a serious lack of information here. Petitioners need to have the information to know what is being proposed and without any sort of detail of how the storm water is going to flow, where it is going to go, there is no information on this plan of any spillover that is going to happen, do we have a wetlands permit now that we are having the talk of storm water being dumped into the wetlands. None of that information is on that plan. Chad Branon stated to Madam Chair that it is not his job to explain for someone who is objecting. They have to understand what is required. We are here to answer questions but the reality is, we don't need a wetland's permit. There is no impact to the wetlands. It needs to be a physical impact in order to need a wetland permit.

Chair Deidre advised that there should be no back and forth, she has asked for questions/comments but the intention is not a debate. Chad suggested going through the list of questions for the questions that keep getting asked address the number of questions being asked. Chair Deidre was in agreement. Chad is going in the order of the notes he took. He advised that the arrows on plan actually reference drainage flow. So drainage flows perpendicular to contours. These arrows represent how the drainage is flowing based on proposed grading and how it is getting to the storm water management practices.

Chad advised that the concentric circles on the plan represent the lighting that is projected from the lights. Fieldstone provided point by point. Often those profiles are adequate for small site plans like this but in the event the point by point was necessary, Fieldstone did come prepared to show that. The goal of point to point is to show there is no light extending off the property. It is a pretty simple analysis. There is no technical design standard for minimum lumens or uniformity or something like that associated for the use they are proposing.

Chad remarked about that the statement that the plans are insufficient. He advised that the goal was to provide additional data that the planning Board asked for. This is not the applicant coming forward with a complete site plan application. Fieldstone and the applicant are supplementing additional detail asked for at the last meeting. It has to be taken in context and if the Board wants to build on that Fieldstone is happy to do that.

Chad went on to discuss the design of the rain garden. The design of the rain garden itself, are kind of a multi-function element which fits into this project, which has a lot of gardens and nice esthetically pleasing features. Rain garden is a low impact development practice where there is a landscaping component that takes up some

of the nutrients that come from run off. The rain garden area will capture sediment as needed and it is designed so there is a berm around the rain garden that promotes infiltration and that any intense or larger rain event will bleed through the spill way which is a controlled outfall of the rain garden area. There is no state permit needed for the construction of the rain garden. It would be promoted by the state regulations as the state would like to see whenever possible, some sort of treatment addressing runoff from a parking area prior to making its way to jurisdictional wetland area. Nothing on the plan requires any additional state permitting.

The parking is in compliance with the regulations. Chad feels it is important to understand the use that is being proposed. The parking requirements established within the ordinance suggest 1 space for every 3 seats. This criteria is exceeded without accounting for any parking that is in proximity to the home. Yes, the ADA is proposed in front of the garage but is not a full time commercial use. It is an infrequent use on the property, an accessory use if you will. It's the appropriate location for someone to park, as long as no one is in the garage or no one needs to leave the garage, you should be able to count that spot. The concept of not counting parking behind the garage is when it is needed. When you are pushing the envelope or the limits. Chad thinks the reality is if someone makes an arrangement to come to the tea party and needs the parking space, there does not need to be any one in the garage to satisfy the requirement. This is an open area for the small timeframe that the tea party is going on. The applicant would like to keep in that location. Chad questioned if it could be shifted to the side maybe but the applicant would like to keep it in that location.

Regarding the setbacks, Chad advised that if there is an issue with the walkway placement, the applicant would be willing to eliminate the walkway adjacent to the wetlands on the east side. The applicant feels the whole area is gardens and improved and putting a nice meandering walkway in there would be a compliment to the landscaping but if for some reason not permitted in that configuration, the applicant would be happy to have the existing walk utilized and come down the back yard and connect to the existing walkway if necessary.

Chad feels he has touched on the comments on his list but would be happy to keep going. Tim asked about the compliance with New Ipswich Zoning, no additional dredge or filling variance would be needed. Chad advised they are not proposing anything in the wetlands. Josh advised that was for the wetlands and Liz stated the rain garden is within the 50'. Chad believes the rain garden is within the area that has historically been improved and would be a restoration of that area. Nancy stated it is a new structure within the 50" set back. Ray Holmes questioned if we are going to blurt out whatever we want to say. Chair Deidre stated no we are to go back to one step at a time. Chair Deidre asked Nancy Clark if she had any more comments.

Nancy Clark stated the arrows Chad stated are in directional flow of the water and there is an arrow at 962 pointing at 965 and questioned Chad if it is his assertion that this plan is correct and we have water flowing uphill? Chair Deidre pointed out where on the plan Nancy is referring to and stated to the center of the upper retaining. Chad stated yes it flows to the invert of the culvert so yes he is suggestion the plan is correct. Nancy states water does not flow uphill. Chad stated it is not flowing uphill. It is flowing to the culvert.

Nancy stated that Chad also referenced ADA regulations and asked what regulation Chad is referring to? Chair Deidre advised that we are going back n forth again and advised the small business ADA guidance that was followed and she is not sure Nancy will find a regulation. Nancy responded that Chad has asserted that according to the regulation a handicapped parking space can temporary and be used as needed so she is asking him to cite the regulation because she is asserting that that information is actually incorrect. Chad asked that Nancy provide that regulation because conversations have occurred with ADA and again there is no reason to have this discussion before this Board because it is a Federal requirement not a local requirement. Chair Deidre advised the Planning Board has received a packet from the small business resource from the applicant's correspondence with ADA of the small business primer and that may be what was referenced as regulatory guidance since it came from ADA. Chair Deidre feels we are spiraling into technicalities in the form of arguments that may not add to the information the Board can consider.

Chair Deidre called on Liz who stated that the assertion that any handicap parking space can go in front of the garage would require a Zoning Board variance as it does not comply with the Ordinance. Chair Deidre wants to continue to hear more topics but not back and forth, but trying to group the topics.

Nancy Clark stated she wants to continue on the variance topic. In addition to the handicap parking, she stated this was raised at an earlier meeting and proceeded to say that the two spaces located behind the mail box that are on the lawn are not located that are suitable for year round use and will also require a variance. The walkway that goes across the court that is across the wetlands, there is improvement being done to that walkway and so that in and of itself falls under the ordinance that Liz mentioned that would also require a variance as well as the location of the rain garden. So we are talking about 4 variances that would be required. Chair Deidre states the culvert is under the purview of DES. Nancy responded that she is talking about the walkway and Chair Deidre said that there is a pathway there and Nancy interjected that if it is being improved then it would fall within the ordinance that Liz mentioned. Bob Fasanella states that all is being proposed for an existing walkway that has existed for decades which is additional gravel to a surface that already has gravel so this would not an improvement that would require a variance.

Josh asked Chad that he has stated the portion of woods road would not be upgraded. Is that the case because we are talking about the section that goes across the culvert. Is that actually proposed to be upgraded or is that existing? Chad responded by advising it is existing and it is his understanding that DES is requesting that the drainage connection currently there connecting the northern wetland to the southern wetland has to be improved but the applicant is not proposing any widening or improvements to the walkway. Chair Deidre stated what she is hearing is that DES is requesting changes. Chad confirmed and stated the applicant did not initiate any modifications to that culvert. Nancy questioned that there is no gravel going on that portion of the walkway. Chad is not proposing gravel plans. Chair Deidre advised that the parking area and walkway could not be modified (or the culvert area) until DES made a decision and if DES is requiring changes that is a whole different animal. Bob Fasanella stated the walkway itself shown on the existing path to the house can be eliminated if there is an objection from the abutters. There will be no alteration. Bob showed the walkway on the plans.

Chair Deidre asked Craig to speak. He asked if there was a comment on salting or not salting the parking area. Chair Deidre requested information from the applicant, who advised there will be no treatment would be done to the parking area or the walkways. Craig advised potential for 50 people coming and it snows what happens if someone slips and falls. Craig heard Chad say that the 17 parking spaces and two in front take care of all requirements. Chair Deidre advise no, Chad said the current proposed parking which is 18 spaces takes care of the 17 because Chad did not know we rounded up not down so there are 18 not 17. Craig stated with that in mind then that means there is no parking on the street because the parking area takes care of all the requirements. Chair Deidre advised that has been the assumption.

Chad questioned the section of the regulation for parking in front of the garage. It is page 37, Article 13 section G paragraph 3 which Chad quoted

Dimension Requirements: Each parking space shall contain not less than 162 square feet (9 x 18) exclusive of driveway and turning areas. 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. Adequate snow storage area must be provided.

Chad advised that if not parking in the garage, you can count the driveway space.

Nancy stated she did get her answer sufficiently regarding the specification on how the rain garden was going be built. She thinks there may be set back issues with regard to the rain garden and the two parking spaced behind the mailbox being too close to the edge of the property.

Liz stated the zoning ordinance has very specific technical requirements for lighting. She advised that Chad misread the zoning ordinance and reread the following:

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.

Chad advised she needs to read the first part of that which is important.

Liz read the following:

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.

Chair Deidre said that they could say the handicap parking is in the garage. You can count one or the other but not both.

Liz advised that the plans should have a wetland stamp on it and she understands the original plans have the stamp but it is unusual that there are two plans. Chair Deidre responded that she would like the Board to weigh in, the Board asked for a supplemental plan. Even regarding snow storage we did not ask for that on the plan. What was asked for was brought to the Board. Chair Deidre asked if the plans disagree. She does not think so yet. There is no gross difference. Liz stated the original plan should reference this as a supplemental plan. Chair Deidre states the goal of having the plan was to sort and solve, not replace the prior plans or be considered a full set of engineered plans.

Nancy states there is a setback for structures in feet from the boundary of the property of Village District 1 as 20' so the rain garden needs to be confirmed that it is more than 20' from the edge of the property. Nancy advised she would like to hear about the rain garden. Chad asked if a garden is a structure. Chair Deidre stated you can look up the definition of a structure. She also thinks it exceeds the stone wall set back so she doesn't know how it couldn't be further than 20'. The most furthest corner of the rain garden is back behind the rock wall so she needs to go back to the original plan to see how far back the rock wall is set. Nancy stated the other plan wasn't surveyed. Chair Deidre said the plan states that the entirety of the property was not surveyed. She stressed that the entire 30 acres wasn't surveyed but the 3 acres were. Nancy responded by stating we do not have a survey of the 30 acres and Chair Deidre advised that is correct. The Planning Board waived that. Nancy stated this goes to Liz's point as well. The wetlands has to be on a surveyed plan because part of the issue here is we are talking about the 50" setback. So if the wetland location is not verified on this survey plan, it needs to be.

Chad advised it is on the surveyed plan and said with all due respect Madam Chair someone needs to be able to read plans to appropriately ask questions. The process for the local review involves your town engineer for a reason because he has qualifications. He is able to review a plan and able to understand rain garden. He has asserted that Fieldstone meets the drainage standards so he is not going to spend all night explaining to somebody that does not want to accept he technical aspects for no reason. Nancy stated she is an Engineer and knows how to read a plan and Chad should not throw insults at her. Chad advised he is not talking to Nancy, he is talking to the Chair. Chair Deidre advised that all comments come to the Chair and we are going to move on and continue.

Josh found information from DES NH for rain garden. They call out design considerations and setbacks. Be sure to locate the rain garden at least 10' away from building with basement to prevent seepage into the basement. At least 15' away from septic tank or leach fields. They do not say anything as far as structure. Chair Deidre advised she will go to our own regulations for the specific definition. Josh advised that the New Ipswich Zoning regulations for a structure state "Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in

the ground, including, but not limited to, parking lots, streets, and driveways, but exclusive of fences We are back to what the composition of a rain garden. Liz advised the rain garden involves a riprap apron, 4' wide spillway a berm. It is not just a garden. Chair Deidre advised it is controlling water flow. Riprap will be a part of that. Liz advised that is a structure. Chair Deidre stated that the Planning Board does not consider the riprap in the plan we just approved prior to this application to a structure. Liz advised you just read the definition of a structure and read definition of a structure again" *anything constructed or erected with a fixed location on or in the ground*". Chair Deidre advised by that interpretation of the definition a typical garden would be a structure, but we do not consider a garden a structure. Nancy stated a typical garden isn't fixed in location. Chair Deidre stated it is fixed you dig a hole you plant stuff. Nancy responded you can rip it out.

Chad advised that he would be happy to answer some of the questions raised. He stated Fieldstone would eliminate the two parking spaces that were within the setbacks. They were added to a plan prior to Fieldstone's involvement. Those are close to the property line and although he feels adequate for the majority of time, they can be removed and he suggested that earlier.

As it relates to the rain garden, Chad would argue that it is not in fact a structure. It is an appropriate location for that use. The rain garden is detailed on the detail sheet and was reviewed by the town engineer. It shows essentially the materials Fieldstone is specking in the footprint of the rain garden. It shows the slide slopes that are anticipated. Emergency spillway detail on the plan as well. It talks about the specifications for that rain garden that is a standard detail. It addresses a number of elements as well as some landscaping that you would typically see. So, the reality is that this system is designed to handle the improved area and to treat and meter that flow. This was discussed in some detail and the town engineer reviewed that and believes the local criteria is met for this minor adjustment and improvement. This is the detail Chad can share. The construction details are in the plans. It can be built and serve a valid purpose. If there isn't a standard that someone thinks we do not meet he thinks it is important that it is discussed in detail. Fieldstone has done its best to address the outstanding concerns were to be. That did take into account addressing Mr. Hamill's initial letter for this project which did contemplated some recommendations on how to handle the storm water for this project which is exactly what has been done.

Chair Deidre asked Chad to speak on 50' versus 25' setbacks. Chad said the 25' setback is on the plan and these are the same wetlands that were on the original plan. We are not proposing any improvements inside the 25' as it relates to storm water. When we were rounding the corner for new path, we were within the 25' setback. We have since this evening talked about eliminating the pathway along this alignment. Just using the existing path across the 25' buffer and coming into the back yard. He asked if that answers the question, Madam Chair. Chair Deidre advised it does but one of the questions is does it need to be 50" or 25'. The parking lot was beyond the 50" buffer. Can we go between 25' and 50' to work on these retention/detention areas, does it have to be outside 50' or 25'? Chad advised that he was under the impression it was allowed. If you have a non-disturbance buffer then an additional buffer, typically inside that 50' buffer you would be allowed to have storm water practices because what is the buffer for? It is typically for filtering and treating run-off before it goes to jurisdictional wetland area. Generally that is a pretty accepted practice for a wetland buffer area. If you are collecting and treating storm water runoff in that same vicinity you are completing the same goals and objective. That is why storm water is allowed inside a less restrictive buffer like the 50'. The 25' is a non-disturbance buffer he believes in the regulations so that is black and white. Chair Deidre, while looking for our setbacks asked Nancy to speak. Nancy advised that she is going to ask the question for the 3rd time, what the capacity of rain water is for the garden, we have been given zero information about what type of capacity that garden can tolerate and madam Chair, without that information this proposal of the storm water mechanism is simply a check the box so the applicant can say she provided storm water plan to you all without any adequate plan being proposed. Chair Deidre does not consider this check the box because they are multiple things trying to address storm water between swales, retention ponds, etc.. Nancy interjected and stated she needs information on what the capacity is and without that you have no information upon which to base any

assessment, including any Engineer being Bert and Fieldstone making any statement as to whether or not this garden is going to be adequate for storm water run-off.

Chair Deidre asked Tim to speak. Tim asked Chad consider 10, 25, 50, 100 year storms where is that referenced? Chad advised he does not have subdivision regulations but should be there. Tim just wanted a point of reference. The difference between this hearing and the last is because we do not have a full set of plans, we asked for supplemental set of plans. Chad advised calculations were done for the prior hearing since it included an alteration of terrain permit.

Liz questioned if you would like to know the capacity of the rain garden in order to know whether or not it would function as desired? Liz advised Chair Deidre that if she is looking for setbacks for wetlands, you would need to look in the conservation overlay. Chad asked to look up the appendix B of the subdivision regulations and he believes they do not call out design storm criteria because it is actually triggered by the alteration of terrain permit. What we designed this rain garden for is the first flush, you are taking the 2 year storm capturing and handling that and larger storms would be metered out through the spill way. In reviewing that with the Town Engineer, he deemed that to be consistent with the regulations. Chad is not speaking in great detail on that as he does not have access the regulations right now. Chair Deidre read the regulation that stated *Open ditches shall be designed for over 10-year design storms. When velocities exceed 5.0 feet per second (fps) in the ditch for 10-year design storms, the ditches should be stone-lined. Treatment swale velocities should not exceed 1.0 fps for 2-year storms. Detention pond design shall use 25 yr. design and provide a minimum one (1) foot freeboard for 50-year storm.* Chad believed Fieldstone thought the details of the storm water drain were prepared detail to level requested based on understanding of prior meetings and reviews. Chad would have to get additional detail to share but does not have that tonight. Chad would be happy to produce that as a condition as well if the Board would entertain that.

Chair Deidre reviewed issues that arose during the hearing and whether or not addressed or concerning. Chair Deidre confirmed with Chad that the parking area behind the mailbox would be removed. Information on the rain garden is that what Chad doesn't have access to? From a capacity stand point he does not have that data. Chad advised the town engineer said Fieldstone complied with the regulations. He would just need to supply additional data if the Board wanted that. Chair Deidre questioned page 2 being the whole central column is the rain garden set of details. Chad confirmed. Josh reiterated what DES NH stated on rain garden that they should not be located close to basement or septic system. Chair Deidre asked the Planning Board members if they need more information on the rain garden, no one sought additional details. Chair Deidre asked Liz what the zoning requirements were for lighting and if she had additional concerns. Chad believes the plan does meet all the zoning criteria.

Chair Deidre stated the rain garden is not an issue, arrows and their indication were answered. Nancy stated arrows indicate water flows up hill. Chair Deidre advised that there is a tear drop connecting to the next area. Chad advised there is a 962 contour pointing to southwest and an invert in of 961.8. That is the direction it is going. It is not going uphill. The capacity of the rain garden has not been answered.

Drainage on the walkway, Chair Deidre states she has never seen drainage on a walkway so finite as the walkway. There are no concerns from the Planning Board on this. Tim questioned clarity on direction of a new path or existing path. The new path proposed which partially encroaches on the wetland buffer will be redesigned. **A condition of approval will be to relocate walkway out of the wetlands buffer.**

Chair Deidre advised there were four initial concerns on setbacks. Nancy stated there are only two, rain garden and parking. She stated there is not data to determine if the rain garden location satisfies the setback requirement. Chad stated it is not deemed a structure so there is no set back issue. Chair Deidre advised it is behind the rock wall so she is good with where we are.

Liz asked that if the Planning Board is to approve this plan including that you will condition on the resolution of the appeal of the variance otherwise the parking could be built for no reason. Chair Deidre stated the integrity of the Zoning conditions would have to be met and if overturned it would be an assumption the Planning Board based their decision on. Chad advised that typically applicants are allowed to proceed. They have an appeal against an approval and as long as the Planning Board meets those conditions of that approval, the applicant can move forward at their own risk. If the Zoning appeal does not go in the applicant favor then that would cease the whole process and the applicant would return to the (ZBA and the) Planning Board.

Motion to close public comment at 11:25pm by Josh. Motion seconded by Tim. Roll call vote motion carries. Mike recused himself due to lack of knowledge on this hearing.

Chair Deidre advised we are to deliberate on what is before us. She advised that there are so many conditions that the Chair put on a worksheet so that we could work from it if the Planning Board would like to go that direction. She is opening the floor for deliberation. Tim asked for the list but Chair Deidre wants to know if the conditions are needed and if there are conditions add them to the list. Tim mentioned to document from the conservancy and wants to make sure that is on the list. He wants the ZBA notes listed on the plan or the decision of the ZBA on the plan. He wants to refer to their findings. Chair Deidre advised that if there were changes to those things we would still have to incorporate into a future decision. The Land Use Clerk suggested adding the ZBA conditions on the decision letter so that is a reference point for both ZBA and the Planning Board.

Chair Deidre notified the applicant that the voting strength of the Planning Board is only just at a quorum and the applicant would need three of the four possible votes to obtain it is an affirmative decision. It is customary to ask if the applicant would like to continue with this group or postpone to the next meeting. Jane Elwell, the applicant requested to continue.

Tim spoke of the position he holds and feels the master plan is insufficient to accommodate what the applicant wants to do. He does not feel this is consistent with the master plan that is 18 years old. We are protecting the historic worth of a village. He feels this is negatively impacting the village district. Bruce feels this is the type of business that has to take place in the village district. It would not be a business for Newest Mall. It would not work. Josh feels the village district is part of the town and feels this is preserving the village district.

Chair Deidre was surprised when she went through her notes to see some of the items proposed as conditions and she wants to go through some of the items considered prior to discussing the conditions, to foster more dialogue-

This 30+ acre property has been a long standing residence for over 100 years with historical records of logging on the property. More recently there was a partitioning of the property with a significant amount of the property placed in conservancy. The current owner is seeking a site plan review for commercial use of the residence for tea parties. The owner had operated the property as a tea house for a limited time prior to a cease and desist order that followed several complaints related to road traffic and inappropriate parking, as well the operation of a business not specifically listed for permissible land use in the village zone where the property is located.

The property is unique since the area identified as suitable for a parking area may only be accessed off Currier Rd. via the beginning portion of an old logging road that briefly crosses a section of the property placed in conservancy that abuts the rear of the remaining residential parcel.

The ZBA approved the site for commercial business consistent with the public interest/Master Plan, as an Occasional Food Service Establishment limited to Tea Parties (with conditions noted later in this decision letter). The Monadnock Conservancy and historical documents note prior use of the property for logging with an access road and an area for staging/parking. The Monadnock Conservancy agreement and recent correspondence provides for cars to move between Currier Rd and the applicant's property, as well as snow storage options and

enhanced gravel between Currier and the proposed parking area. The conditions retained the authority of the Conservancy regarding access, allowing limited use of a small portion of the Conservancy land while requiring behaviors consistent with maintaining the integrity of the Conservancy.

The purview of the ZBA is to determine if a commercial business is appropriate, while the purview of the PB is to assure the orderly, safe, attractive and proper design, use and layout of sites consistent with the public health, safety, comfort, and welfare of the town of New Ipswich.

Chair Deidre addressed the neighbor concerns some of which have been addressed by the ZBA and others that may fall to the planning board the following:

- Noise- ZBA set conditions to limit duration of noise and town regulations are also addressed. An event can generate noise levels of 60 to 70 decibel range typical of a vacuum cleaner. The required ambient day time noise level of the property line of New Ipswich is approximately 35 decibels.
- The ability to view tea party activity- while the ZBA noted additional landscaping, no specific landscaping or screening information was provided. No suggestions were provided by the neighbors for additional screening or vegetation. However, additional vegetative screening on the west side of the parking area was proposed in the most recent revision of plan. The nature of the business will result in brief egress/ingress periods and limited seasonal activity that have been proposed with restrictions on seating by the ZBA.
- Reports of high traffic periods and parking as well as parking in inappropriate places, part of the cease and desist order were frustrating neighbors. Identifying the parking area behind the home on 99 River Road is consistent with zoning regulations extending behind the building. This increases the safety by reducing parking and traffic irregularities and moving patron travel away from the roadway where there are no sidewalks.

The proposed parking area is accessed via Currier Road. A large chunk of the applicant property is in Conservancy and a small portion of that property must be cross to access the parking area. The conservancy and historical documents no prior use of the property for logging with an access road and an area for staging and parking. The Monadnock Conservancy agreement and letters provide for cars to move between Currier road and the applicant's property as well as snow storage and enhanced gravel between Currier and the proposed parking area. The conditions provided by the Conservancy allow limited use of a small portion of the conservancy while requiring behaviors consistent with maintaining the integrity of the Conservancy.

There was an objection of the driveway permit issued by the Road Agent regarding Currier Road access to the proposed parking area on behalf of the Select Board. Since the driveway permit was the purview of the Select Board and was appealed to the ZBA, the Planning Board considered that topic decided and did not pursue the topic further. The Select Board representative to the Planning Board did hear the topic of the driveway, the topic was not deliberated by the Planning Board.

The property does abut a scenic road but regulatory language is not intended to restrict homeowner from acting on their property. RSA 231:139-156 talks about not affecting the rights of the landowner with respect to work on his/her own property except to the extent that the trees have been acquired by the municipality. The fact that the land within the highway is usually the property of the abutters leads to an understanding of the limitations of the scenic road law.

The applicant requested an expedited review which is appropriate when external modifications to the footprint of a structure are minor with less than 100 square feet and/or when the proposed activates are to create little or no impact such as factors of traffic, parking, noise lighting and the environment. The site has not been

reviewed as a commercial property previously. The house and porch square footage exceeds 1200 feet and the driveway construction is approximately 4800 square feet. The New Ipswich Planning Board became aware of limited process specifics for an expedited review then end of last year and the application exceeded the level of changes appropriate of size and impact as evidence by the lengthy public input.

The applicant requested and received a waiver of formal engineered plans for completeness for the completeness phase determination. The base Meridian plans were completed by Meridian with iterations of manual and ink colored marker overlays indicating items such as parking and snow storage.

The NH Municipal Association advised the Planning Board they need to work with the applicant representing themselves and not necessarily requiring formal plans. While there was an objection to the early waiver process, the basic presentation of the waiver content was approved by the Planning Board regarding completeness of the application consistent with attempting to work with the client. The extensive public comment period allowed the Planning Board to provide the applicant the opportunity to update their waivers to be more consistent with specific requirements for a better procedural alignment. But the Planning Board did request additional formal design plans during the design compliance phase specific to the proposed parking area based on different perspectives on grades, storm water management and how construction would be integrated in the surrounding area.

One of the ZBA conditions that has been met was to require the applicant to provide stamped engineered Septic plans showing septic design should the existing septic design need to be replaced in the future. ZBA required the plans be stamped and signed. The plan was reviewed and approved by the state. Questions about suitability of converting an existing residence to an occasional food service establishment which considered the plans appropriate and noting it was not unusual for a backup septic plans for a mixed use facility that can be acted on if there is a failure of the existing system. The nature of the business means food prep will be minimal during the business operation.

There has been significant time focused on parking with multiple plan updates as well as a request for formal engineering plans to supplement less formal plans. Topic of discussion have included:

- calculations on the number of parking spots
- requirement of material suitable for year round use
- grade of parking area and drainage,
- handicap parking and site access
- Lights and light spillage.

The Planning Bard requested more details on parking, walkways, including items as topographical features, wetlands, grades, drainage, siltation fencing as well as proposed lighting.

The new plans provide additional clarity regarding:

- 18 spaces plus a handicap space
- 18 feet parking space depth, 24 foot central isle
- finished grade, silt fencing and drainage
- additional landscaping
- lighting and light distribution
- Sequencing notes on the plans.

The new plans do not show snow storage however that was addressed in prior plans and was not requested as part of the supplemental plan submitted by Fieldstone.

Concerns about the interior building handicapped access, safety and regulatory needs have been raised. The applicant has been consulting with code enforcement with the following items will be included under the code enforcement purview with the building inspector as part of the consideration of the certificate of compliance and maybe occupancy regarding:

- Building access ramps exterior and interior including ramp grades and relevant specifications noted since future improvements may be undertaken.
- Handicap bathrooms were brought up regarding safety and equipment.
- The need for a grease trap or gravity grease interceptor and the relevant installation of applicable.

Relevant specification should be formally reported as changes in handicap accessibility are anticipated over time. What is feasible now and in the future so to be able to track changes over time, we need to have something documented.

There have been a number of additional items outside the purview of the Planning Board related to wetlands. The Planning Board should recognize the role of state agencies regarding any wetland crossing and reported turtle siting in any decision.

The applicant has continued to note gravel is the surface for the parking area and walkways. As noted earlier, gravel has been allowed and the site will not be used daily. The choice of materials is partially a business decision which has been chosen by other business in town. While some sites have eventually paved or altered the surface for easier plowing, gravel is not restricted for winter use. The choice of a surface used may reflect different levels of effort to prepare for guests maintain safety. However, this is not a public establishment and the guests are receiving information on parking as part of their reservations.

Different owners have chosen different land uses for the property considering this application, while the prior owner may have sought to establish a land conservancy, it does not inherently bar the current owner from choosing a different course of action, especially in light of the findings of the conservancy and the ZBA. The applicant has shown attempts to compromise and work with the community in establishing a small business.

She doesn't know if this spurred the Planning Board members to think about anything else that is worth discussing. Josh said it reminded him about the inside conditions and what the conditions should be. Chair Deidre suggested, with a number of conditions that we move forward with this application.

The Land Use Clerk passed out paper copies of conditions to the Planning Board and members of the public who wanted them.

Chair Deidre asked if we are going to continue this evening. Jane Elwell requested the hearing continue and a decision be made tonight.

Chair Deidre reviewed the handout of conditions with the Planning Board and revisions were made based on the discussion and the **final conditions** are to be the following:

1. Continued standing of ZBA conditions (**ZBA approval 2/20/2023**)
 - a. Silver Scones Teas shall operate not more than 4 days per month
 - b. Silver Scones Teas operate as an "Occasional Food Service Establishment" to hold tea parties to guests by reservation and not to the general public
 - c. The operating hours shall be from 9 am to 6pm on any day of the week, but limited to 4 days a month.
 - d. Each tea party shall have no more than 50 guests. If multiple events on the same date, total guest shall not exceed 50 guests.

- e. The business shall primarily take place inside the residence, except in the summer when tables and chairs shall be set up in the back courtyard behind the house. An existing or improved vegetative buffer shall screen the public view. No tables or chairs shall be set up in the front or side yard bordering River Road or Currier Road during tea parties.
 - f. Noise shall be kept to a minimum and follow New Ipswich Town Ordinances.
 - g. Guests of the tea parties shall not park on the Monadnock Conservancy easement.
 - h. Off road parking will be required
 - i. There shall be a walking path from the parking area to the back, side and/or front of the house that will have low impact ground lighting to provide a safe walking path so guests so that they do not have to walk on Currier or River Roads for the guests safety
 - j. The interior conditions required by the Fire Chief and code enforcement must be met
 - k. The approval shall be for tea party events only
 - l. When having exterior signage, a signage permit shall be applied for and approved. Temporary signage to guide parking to the lot shall be removed immediately after the event has ended.
2. Continued Conservancy access/use permissions from the Monadnock Conservancy (or Successor organization)
 3. The Applicant will notify the Town/Land Use Office of any changes in conditions or permissions regarding access to conservancy land within 10 days of notification.
 4. The Conservancy and the Road Agent should be notified by the Applicant 3-5 days prior to any work starting following receipt of a building permit. The Conservancy shall also be notified 72 hours prior to any scheduled inspections involving Conservancy land.
 5. Final inspection prior to Certificate of Completion
 6. Parking signage approved by the Select Board (if applicable)
 7. Parking to include a sign indicating right turn only onto Currier Rd when leaving the parking area
 8. The applicant will address parking in the lot off Currier road during the reservation process with Clients
 9. Resolution of DES wetland crossing complaint
 10. Resolution of potential turtle sightings with DES and /or NH Fish & Game
 11. Code Enforcement inspection and Certificate of Compliance. Documentation of conditions re: handicap accessibility, accommodation and readiness should be provided to the Land Use clerk (starting reference) so improvements can be tracked over time on this property.
 12. Code Enforcement Officer will address the need for/installation of a grease trap as appropriate
 13. Removal of the two parking spaces behind the mailbox on the Fieldstone plans
 14. Relocate the walkway out of the wetlands buffer on Fieldstone plans
 15. Revise note 6 on sheet 2 to "all disturbed non-paved and untraveled areas shall be covered with 2"-4" of loam and seeded with 1# of grass seed per 400 sf
 16. Add key to the Fieldstone plans
 17. Correct Scribner error; correcting stone type on Parking area and Walkway from crushed stone to processed gravel

Motion to accept the application as compliant made by Josh. Motion seconded by Chair Deidre. Roll call vote. Motion carries.

Motion to accept the Silver Scone Teas LLC application with the above conditions that will also be on the decision letter, by Josh. Motion seconded by Bruce. Roll call vote. 1 opposed no abstentions, motion carries.

Motion to adjourn at 12:51 by Josh.

Respectfully submitted,
Jennifer Minckler