

MINUTES
PLANNING BOARD
June 21, 2023 6:30pm
In-person/Zoom

Present: Deirdre Daley (Chair), Josh Muhonen (Vice Chair), Shawn Talbot (Ex-Officio)-in person, Nichole Talbot-in person, Liz Freeman- in person, Craig Smeeth- in person Tim Somero-in person, Bruce Ruotsala-in person, Lou Guarino-via Zoom, Jennifer Minckler- in person.

Citizens in attendance – Sam Benedict- in person, Michael Ploof- Fieldstone Land Consultants, LLC-in person, Nancy Clark -in person, Francis-Parisi Vertex Tower Assets, LLC, Tim Johnson-Engineer Vertex Tower Assets, LLC, Greg Somero- in person

Open meeting with the pledge of allegiance – 7:05PM

Chair Deidre reviewed those voting members of this meeting to be Tim, Craig, Shawn, Dee, Josh, Bruce, Liz. Bruce advised he will be recused for the Greg Somero hearing

Selectmen/Chair/Land Use Report: Selectman Shawn Talbot (Ex-Officio) advised the HOA members of Old Beaver Road came before the Board of Selectman last night to see about the Town accepting the road. This is under review by the Select Board and there may be a public hearing. The Select Board along with the road agent and his replacement will complete a walk the road next Tuesday at 4pm. This will be posted on the Board of Selectman's agenda and does not require to be noticed.

The Selectmen are in the process of researching past policies and procedures in order to formalize new ordinances. Packets with this information will be produced and released so the public, Police Department and Planning Board can review and give input. It was noted that this road was originally subdivided in 2005. It was suggested that it would be beneficial to look at old minutes for original plans, acceptance, and testing procedures. The conversation will continue after road inspection is complete.

It was announced that on July 11, 2023 at 6:30 pm, there will be a pinning ceremony for Gary Somero as he will be accepting the honor of Fire Chief. It is in the works to book this ceremony at the Mascenic high school auditorium, but currently the venue is to be decided.

Town of Greenville has informed the Selectmen that there is potential space available in the SAU building in Greenville. It was offered to New Ipswich as well as Greenville to utilize this space for community needs. There will be a combined meeting to discuss how this space could be utilized and if the offer will be accepted.

The Land Use Clerk had nothing to report.

Chair Deidre advised she has an update from last week that she will discuss under old/new business.

Review of the minutes of June 7, 2023: Liz mentioned that the minutes were a mammoth effort and the Land Use Clerk responded that the citizens of the Town suffered. Typos were corrected and the motion to approve minutes was made by Tim Somero. Seconded by Josh Muhonen, Roll Call Vote. Motion carries. Three abstentions by Liz Freeman, Craig Smeeth, and Shawn Talbot.

7:20 PM - Francis-Parisi Vertex Tower Assets, LLC, Matthew W. Glavey Property owner Map 6 Lot 13-3, 16 Old Peterborough Road: Francis Parisi presented, but had Tom Johnson (Site Engineer) on call in case any technical questions come up and because he has physically been to the site many times. The discussion tonight is about seeking a “special permit” to construct a telecommunications facility (aka cell phone tower). Mr. Parisi mentioned that he had worked for the town on the same project in 2019. Back then, there were four planning board meetings that resulted in a positive outcome and approval of past permit. The site is located on the corner of Old Peterborough Road and Old Rindge Road, but because of Old Peterborough Road being a discontinued Class VI road the project halted. There was no access to the site. The past few years were spent trying to get land rights to use Old Peterborough Road which was unsuccessful. There is frontage on Old Rindge Road so it was decided to redesign the driveway for the site to come off of Old Rindge Road. Other than this one change, the new proposal/permit is identical to the permit applied for in 2019 that was approved. That old application did expire

in 2019. It took some time to design the new driveway. The Town did retain a second engineer in the past (Brown Engineering) to go over the plans for the site created by Vertex. As a result, some recommended changes were added. If the Planning Board approves this permit, Vortex would like to start construction as soon as possible because they have received a commitment by Verizon and so construction can be finished before the snow comes. Originally there were conditions that needed to be in the proposal. They are still in the proposal and are applicable.

All conditions were discussed and it was agreed that there are in fact four to be met. Topics included execution of lease agreement between the Applicant and the Town of New Ipswich, a No-Cut Zone Landscape Easement, posting of a deconstruction performance bond, and commitment to dark sky shrouded lighting if the FAA ever requires lighting the tower. Mr. Parisi states that all four of these are in the works and being addressed as quickly as possible. If permit is approved, these conditions would need to be completed first before construction. The Chair noted that if approved, project would need to go before BOS prior to receipt of a building permit as the proposal involves building on a class VI road. It was also mentioned that if there is any damage to Old Rindge Road during the construction of tower, Vortex will be accountable for those damages. This verbiage would be included in the agreement that needs to be finalized.

The Planning Board went over the checklist items discussed by the Planning Board Engineer related to this project. It was noted that some dates need to be revised on the plans. Mr. Parisi noted that there will be no lights on the tower. Notes/Comments about the checklist included the following:

#4: On the ground, a survey was completed which locates the tower. The survey supports items in the lease agreements, setbacks, construction, etc.

#6: there is a small shed located on the property that is not relevant to the application.

#6 under proposed development: Light on Building for Tower – Mr. Parisi explained, but needs to be added to final plan for building inspector.

#9: Size and location of public and private utilities/landscaping – Previously, a survey was not conducted because it was not required as the site was fully contained. The site was now proposed to have one light. Mr. Johnson advised that there is existing utility poles along Old Rindge Road on the site plans (See P-1 sheet). The pros/cons of underground wires were discussed. Mr. Parisi states that the agreement includes spaces for generators with the purpose of being used for emergency reasons and a propane tank for the town to have as backup power. Requirements have been met, #9 is complete. A potential waiver list was started.

#10 under Existing Data and Information: Vicinity sketch of site boundaries (see C-1 sheet) – A wetland biologist had been to site in the past. Biologist looked in the area of the existing location and driveway. No wetlands were found. A biologist still need to certify this statement. Vortex has committed to documenting this.

#11 under proposed development: Location of common lands/easement – this needs to be finalized.

#14: Drainage – the change in driveway does not affect drainage design plan originally proposed (See P-1 and P-2 sheets). It was discussed that there is a culvert on Old Peterborough Rd, but since there is no access to this road the drainage used for the site will be maintained on Old Rindge Road where there is also an existing culvert. The Planning Board engineer did not note a need for additional drainage.

#2 under Proposed Development – Tower foundations are very site specific, so if approved, Vertex would perform a Geotechnical analysis to confirm what is in the ground at site in order to tailor what materials are used for the foundation. The Tower designer will then create a design made specifically for the soil found at site. This design plan is then submitted to the building inspector. At this point in the project, #2 is premature.

Josh Muhonen motioned to accept the application as complete. Craig Smeeth seconded. No abstains. Roll Call. Motion carries.

Liz Freeman motioned to continue hearing till after the next hearing. Tim Somero seconded. No abstains. Motion carries.

The applicant requested to continue the hearing and proceed with the design/compliance portion of the hearing, but the Chair noted that there were other applicants/business before the Board, but the applicant was welcome to wait until other business was complete and evaluate if there was additional time.

8:40 PM – Michael Ploof Fieldstone Land Consultant representing applicant (Greg Somero) of a two lot minor subdivision application seeking conditional approval application. Parcel number: 11/46 Address: 45 Thayer Road Acres: 7.8 Frontage: 645 feet

Proposing a subdivision of two lots, lot 11/46-1 will contain the existing house and improvements. This lot will be 3.2 acres with 200 feet of frontage. Lot 11/46-2 will be 4.6 acres with 445 feet with the remaining frontage along Thayer Road. Zoning on this site is rural with a minimum size of 2 acres with 200 feet frontage. There is a proposed access easement at the existing driveway location. The applicant did not submit an erosion control plan since the plans could change and there are still moving variables. Land Consultants is at the beginning of this project and would like to achieve subdivision and access to these lots. Based on that, Land Consultants hopes for a conditional approval. In which time, a state subdivision can be completed. Next step in this process would be to create a building and septic design. Once all conditions are met, an erosion control plan will be made. Standard details, silt fencing, stone settlement, and driveway easements were all also submitted tonight. Mr. Ploof states the checklist sent from the Planning Board was completed.

Comments/Questions from Board –

The legend on maps submitted have errors and need corrections. For example, wetland description. For clarity reasons, it was requested that an annotation for building/wetland setback lines to be represented in the legend in order to stay compliant and not get confused with buffers. These edits must be included in revised plan. Liz Freeman mentioned that there is not a colored supplemental plan of setback slopes included in application. Shawn Talbot feels it won't be needed. There was discussion about if these colored plans needed to be provided, they are not always required, but the Planning Board engineer generally has an understanding of the properties and perhaps the verbiage in the application could be clearer. The Planning Board will talk to the Planning Board engineer about this at another time for other future applicants.

Some specific comments were made on-

#22 on the Planning Board's checklist is complete. There is a proposed easement.

#26 is complete.

#35 the Planning Board questions how the proposed driveway will be located in order to avoid wetland setbacks, etc. Mr. Ploof shows where the plans for driveway. The driveway itself is 12 feet wide and two feet from wetland buffer. Ms. Freeman points out that the proposed easement and driveway would be within 50 feet of the wetland setback, and the driveway is considered a structure. This would require a variance from the Zoning Board. Dee Daley noted that underground utilities be shown to be feasible outside of the 50 foot setbacks. The engineer noted the subdivision should just need to show the driveway is feasible, but the Chair noted without crossing the wetland (which would require ZBA approval) there was limited ability to demonstrate a driveway was feasible without specific information. The applicant noted based on his measurements, there was room to revise the plans to allow for a driveway without infringing on the setbacks, although it may mean moving the driveway closer to the existing home.

Liz Freeman motioned to continue discussion to July 19, 2023 at 7:30 PM. Seconded by Josh Muhonen. Motion Carries.

9:33 PM Francis-Parisi Vertex Tower Assets, LLC: Application for Site Plan Review (continued)

Page 2 Article III-1 Section G.1.B of the application has petitions for waivers. There is only a need for one waiver not two. There was a condition to resolve this error from packet. Also, a condition to clean up the verbiage for the reason for waiver which is needed because of a state height requirement of the tower. Shawn Talbot motions to grant waiver as stated in the packet. Bruce Ruotsala seconded. All in favor, motion carries. There is also a waiver for underground utilities that is not in writing. There was a request for this to be in writing and the applicant chose to draft it during the meeting. Dee noted deconstruction is estimated to cost \$30,000. The drainage plan is adequate and all drainage calculations were previously provided. Liz Freeman asks, what is the impact on Old Rindge Road of the construction? What kind of agreements are in place with current users of the road? Mr. Parisi states, there is minimal construction and does not foresee any damages. The tower is not man powered so there will not be much traffic to the tower (even winter plowing would not be necessary, in the event access was needed, snow machines could be trailered into the area of the tower). Again as previously noted, the road agent will look at any damages caused by construction.

Vertex Tower Assets, LLC submitted a waiver to requirements for underground utilities. The reasons are ledge, landscape easement, tree buffer, and a limited need for power with backup battery and generator availability. Craig Smeeth motions to accept the waiver. Bruce Ruotsala seconds. All in favor. Motion carries.

Josh Muhonen motioned to approve application as compliant with the following conditions:

Before Final Approval:

1. Change note 11 on page C-1 to state there is no wetland impact with a stamp by wetland scientist

Before a Building Permit:

2. Executed Lease Agreement with the TONI which is satisfactory for both parties and will include space at the top of the tower for antennae, 8'x8' area on pad plus 3x3 area for propane tank
3. 175 foot No-Cut Zone deed recorded at the Hillsborough County Registry of Deeds with verbiage "neither Grantor nor Grantee shall be permitted to terminate and release this Easement prior to removal of the facility as set forth in the Agreement without the prior written consent of the Town of New Ipswich Planning Board" which shall be approved by Planning Board Counsel prior to recording.
4. Deconstruction Performance Bond in the amount of \$30,000 for the first 5 years (to be reviewed for possible increase every 5 years).
5. Dark sky shrouded lighting if, in the future, the FAA requires lighting on the tower.
6. Class VI Road agreement approved by the Select Board (include pre/post walk)

Subsequent Condition

7. Light on structures will comply with TONI Lighting Ordinance

Bruce Ruotsala seconded the motion. Roll Call vote. Motion carries

Old/New Business: Rheaume decision letter – discussion about Fire Chief's response letter that the largest fire truck has a 35 foot wheel base. The driveway in this application must be 12 feet wide in order to fit a firetruck in an emergency situation, which is the width in the submitted plans. Dee will inform the applicant that the Fire Chief email that arrived today meets the condition in the decision letter.

Motion to adjourn at 11:00 PM by Shawn Talbot. Seconded by Josh Muhonen. Motion Carries.

Respectfully submitted,
Jenny Worth & Jennifer Minckler