

MINUTES
PLANNING BOARD
November 1, 2023 7:00pm
In-person/Zoom

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

Citizens in attendance – Sam Benedict, Heather Leel, Butch Leel, Margie Brown, Roger Somero, Ed Rogers- Rogers Engineering Solutions, L.L.C. and Mike Maki- via zoom who left the meeting at 7:40pm prior to being announced.

7:00pm Open meeting with the pledge of allegiance

Roll Call taken by Chair Deirdre.

Selectmen/Chair/Land Use Report: Selectman Talbot reported that at the October 24, 2023 Selectmen meeting, Old Beaver Road was approved to be a town maintained road. The effective date is August 1, 2024 but that date may be revised. There is an agreement for the people who live on that road to pay a 50% betterment tax for any road upgrades that happen over the coming years.

Selectman Talbot advised that Vertex has applied for their building permits for the proposed cell tower.

Selectman Talbot mentioned that phase two of the old highway garage brownfield assessment is being conducted on Friday at 8:00am to find out what may be underground. The company conducting this is called Ransom.

The Land Use Clerk advised that she provided Tim with the sample letters for the gravel pit inspections.

The Land Use Clerk reviewed the documents to be added to the website. Building permits are not to be added to the Planning Board Website. The campground ordinance will be provided by Liz and uploaded. The Positioning of a Building, per Chair Deidre is a one pager and is in the regulation book

The Land Use Clerk advised of the error issue of enrollment of members for the conference.

Chair Deidre asked Tim to overview the gravel pit inspections. Bruce Ruotsala and Tim Somero inspected six gravel pits on 10/21/23 between 9:00 am and 12:30 pm ET. Tim provided a verbal review of the gravel pits inspected and advised he will be drafting letters to be sent to each.

Chair Deidre suggested reaching out to Jim Coffey or the Assessors to see about the taxation process following reclamation to allow the gravel pit owners to time their reclamation choices wisely if they are closing a pit. The Land Use Clerk believes that any change must be by April 1 of next year or if not, the Assessors will not assess the property until 2025.

Chair Deidre advised that she was part of a meeting that discussed the combination of the Fire Chief, Code Enforcement Officer and Building Inspector. The group looked at costs/options and decided it should be presented to the voters for transparent consideration.

Minutes of October 18, 2023: Motion to approve minutes with minimal changes by Josh. Motion seconded by Craig. Roll Call vote. 3 Abstentions. Motion carries.

Minutes of September 20, 2023 amended for verbiage of application for waiver of subdivision/site plan review requirement and October 18, 2023: Motion to approve as amended by Josh with one change as a typographical error. Motion seconded by Craig. 1 abstention. Motion carries

7:30 Public Hearing – Oremos (Davis Village Properties, LLC) Gravel Pit Map 7 Lot 11 Turnpike Road.

Chair Deidre confirmed this meeting as a follow-up to a meeting in August. A letter was found that this gravel pit was already deemed abandoned. Ed Rogers confirmed he did receive the letter from the Land Use Clerk. He advised that there was a goal to submit a new plan or application but there were difficulties with the Wetland Scientist being able to visit the property. There is a need to delineate wetlands from 20 years ago and continue delineation onto the northern property across the boundary line. In light of the letter received, Ed states they need to apply for a special exception with the Zoning Board unless the Planning Board intends some other path or getting this pit back up and running again. Chair Deidre advised the Board had no immediate intention to intervene with a prior board decision but would like an explanation as to why a special exception is relevant would be helpful. Ed explained that if the Board feels the use has lapsed then Ed assumes new pits in Town require a special exception. Chair Deidre confirmed that to be, if the intention is to begin the process again. Chair Deidre assumed they were looking for a special exemption because of the letter. Ed advised they should be prepared to submit an application to the ZBA in December to be heard in January. Chair Deidre advised that if this is to begin again then the existing pit should be reclaimed. The materials that are not allowed to be stored there should be reconciled and 85% vegetated prior to consideration of another pit permit. Chair Deidre advised there is a lot of wetland between the two pits. Ed advised that there is no need to cross a wetland to the other pit.

Tim advised that he and Bruce did visit the Oremos pit during inspections and there is an access where cars, vehicles and trucks go in and out, from what can be called a storage area. There are metals and construction materials. Tim feels there could be useful material without disturbing any new areas, wetland or not. Chair Deidre asked if it slopes, as was mentioned previously, so that it meets the safety criteria where the original pit was to be. She states the letter of 2010 states there is stuff on the property but may not be there anymore. Tim does not believe the letter reflects what he saw on the site. Liz asked if we should have a reclamation plan. Ed Rogers advised that will be a part of the plan being prepared. Ed also advised the alteration of terrain will be part of the application as well. Ed will keep the Planning Board informed on the process and the Land Use Clerk will confirm with Ed on a hearing date in March or April of 2024.

Old/New Business: Chair Deidre advised that she inquired with Walker, the ZBA Chairman about the number of ADU that came before them and he advised about 8 to 10 applications in the last year and he finds that most go smoothly. Most people know what they need. Craig asked if the conversation arose regarding square footage that people are requesting. Chair Deidre advised that the regulations state

that the ADU cannot be larger than the residence and that a barn or a garage is subsidiary. The topic of more than one ADU per lot was addressed, and this would be a multi-family dwelling per our current regulations. Selectman Talbot advised the ZBA is in charge of enforcing the regulations but it is the Planning Board who creates the ordinance.

Septic was again discussed and that a pocket approval is needed as was mentioned at the last meeting. Requirements of a multi-family dwelling were reviewed by the Chair.

Chair Deidre began discussion of promoting multi-tiered housing and how to develop the language. Cluster development was discussed and Liz advised that the ordinance needs to be redone. In regards to the ADU, Lou questioned how the regulations address those who go away for six months out of the year. Chair Deidre advised that regulations do state owner occupied but the regulations for the Town Of New Ipswich do not require full time residency. Considering that not all homes are owned by an individual, consensus was that property in Trust should be occupied by a Trustee.

Chair Deidre and Nichole advised that work force housing is a technical term that approximates 30% of median income. Roger Somero commented about the multi-unit and land being in current use. Other topics discussed included if ADUs implicates current use, etc. The Land Use Clerk advised that normally for the building up to 2 acres is taken out of current use and 10 acres is required for land to be in current use.

Lou mentioned that a large portion of taxes go to the school and housing will bring more children into the school system. Selectman Talbot advised that the school has had declining enrollment so the Town must contribute more because the State is paying less based on the number of enrollments. If the schools were fully enrolled, there would be more state funding.

Chair Deidre suggested going over the site plan review with the checklist document for revisions.

Changes to the current application are:

- A reason for the application
- Zone and Building use was added
- Agent's contact information was added

The review checklist was revised and there has been an effort to group similar topics (such as parking/traffic flow and erosion/storm water flow. The checklist temporarily does not have yes/no questions (they will be reintroduced when proposed revisions are complete). All shown information was the same as the original checklist but all categories are rearranged. Anything underlined on the document is new and the letter to the applicant has had enough revisions it is primarily all underlined just to be on the safe side. There are 35 items on the checklist of which some were reviewed by the Board.

- Liz suggested item number 6 be under proposed development and that the steep slopes overly be colored and submitted with the application.
- Tim feels that item 3 should have bullet points with information provided on items 4 through 8.

- The Land Use Clerk requested limiting the number of copies of the plans required.
- There was discussion of the need for an erosion control plan and Liz advised that Appendix C of the subdivision regulations provides the information. Chair Deidre advised it is not clear when erosion control plan is required. Liz quoted from the subdivision regulations which states on page 41: *C:02 Activities Requiring an Erosion and Sediment Control Plan:*
A. A soil erosion and sediment control plan shall be submitted with any application for a subdivision when the disturbed area of such development is cumulatively more than one-half acre. Liz found in the site plan regulations which state “*The applicant may be required to submit a soil erosion and sediment control plan, maps and information and otherwise comply with the provisions of the New Ipswich Subdivision Regulations Erosion and Sediment Control Plan.* “. Chair Deidre advised this is a “may” and does not state when required and the Board is attempting to make requirements clear to an applicant. Liz suggested changing the checklist item to use the word required and reference the Appendix C of the Subdivision regulations. Chair Deidre stressed the need for consistency and clarify since Appendix C only mentions one small item in the whole appendix that is related to erosion.
- Conversation changed to steep slopes under item 26 (actually item 25) which states *Identify any processes that use water resources at a high intensity.* Chair Deidre did some preliminary research on this based on prior comments of the Board and there is a criteria from the state that can be added or referenced to the regulation as a reminder to ask the question of how much water is used in commercial operations.
- Item 27 (actually item 26) is new (again based on prior Board discussion), asking for plans to secure well head from potential contaminants. Lou advised that the state requires 75’ distance from a contaminate source like a leach field. Lou does not know why every well is not grouted. Discussion continues as to how this item should be worded and legal counsel will be sought for this.

Item 32 (actually item 31) improves the granularity of identifying provisions for the storage and control of materials requiring containment or remediation depending on business type. Chair Deidre states this is within the subdivision regulations but is not on the checklist and needs to be. Discussion of verbiage on this item continued among the board to be discussed at a future date. Liz questioned excavation regulations that deal with contaminants and if those would help the Board develop relevant wording. Chair Deidre will review the excavation regulations and prepare an overview for the next meeting. Tim suggested referencing the regulation that the items come from for all items in the checklist. Chair Deidre asked the Board to review the checklist prior to the next meeting.

Chair Deidre reviewed the Application letter for subdivision/site plan review. For item B under the steps in the application which state that a complete application must be submitted at least 21 days prior to the meeting (not including the day of the meeting) at which the application will be submitted (in compliance with RSA:676:4.I.(C)(1).) Jen will research specific language since the written state requirements may influence the final wording and the Board should make efforts not to be inconsistent with the State.

Tim suggested a timeline breakdown of regulatory requirements and the Land Use Clerk will research to see if there is already one available.

Chair Deidre advised that historically for item 11 of the application (regarding applicant requests to extend a hearing date) that we have used communication of phone, email or written letter for applicants who have delays. The Land Use Clerk requests elimination of the phone call option and that since mail can be delayed the applicant would be responsible to ensure a physical letter is received prior to any deadline. The suggested verbiage discussed included that the applicant may request a continuance or later scheduled hearing date via email or letter by mail or hand delivered. Discussion continued on the wording of this item and the 21 day timeframe.

Chair Deidre advised that at the next meeting, the Board that we will go over the conditions checklist, and the flood plain ordinance should be read by planning board members.

Motion to adjourn at 9:45 by Chair Deidre. Motion seconded by Craig

Respectfully submitted,
Jennifer Minckler
Land Use Administrator