

MINUTES
PLANNING BOARD
November 6, 2019

Present: John Schaumlöffel, Chair, Liz Freeman, Vice-Chair, Bert Hamill, Lou Alvarez, Lou Guarino, Craig Smeeth, Deirdre Daly and Debbie Deaton

The meeting was called to order at 7:00 p.m.

John asked Craig to sit in for Paul and Lou G to sit in for Nate.

The Board reviewed the minutes of October 16, 2019. John recused himself, asking Liz to chair the minutes review because he resides on Jacqueline Drive. Page 2, Paragraph 2 should read Bert asked Mr. Litchfield to speak to Peter Goewey regarding the signs he had ordered and the installation of the signs. Bert made a motion to approve the minutes as amended. Lou A. seconded the motion and it passed with 1 abstention (John).

John returned as chair for the meeting.

Selectmen's Report:

Bert told the Board there are issues going on regarding the Smithville Cemetery but can't elaborate because the discussion was held in a non-public session.

He also stated the Selectmen are not comfortable accepting roads and will refer any petitioners to write a Petition Warrant article.

Chairman/Land Use Clerk Report:

John told the Board January 1, 2020 is the first Wednesday of the month. The Board will cancel this meeting and if needed will have a meeting on January 29th.

Gravel Pit inspections were done on October 23rd by Deirdre Daley, Lou Alvarez and Steve Griffin (NH Gravel Pit Assessor). Deirdre stated she would like to have a non-public session regarding the pit inspections.

John and Craig informed the Board of interesting facts from the NHMA Land Use Conference they attended on October 5, 2019. John shared there was a discussion regarding off-site improvements, impact fees (Capital Improvement Plan needs to be updated) and public use of municipal land.

Craig stated the classes he attended were very informative. Use of email is frowned upon. Debbie said she now uses BCC for email so no one can use "reply all"/

Public Hearing-Glavey Cell Tower:

John opened the public hearing. He stated the Town has reviewed the concerns and collaborated with Mr. Parisi regarding the amount of space Vertex is willing to lease to the Town for \$0. After speaking with the Radio specialist and making some calculations with regards to the specific needs of the Town, Mr. Parisi will grant an 8' x 8' area on the pad and a 3' x 3' area for the propane tank needed for the generator.

If a light becomes required for the tower, it was initially determined to be a remote/aircraft activated light. Mr. Parisi said they don't anticipate needing a light but after doing research, it is a very cost prohibitive option. He went on to say they have done a series of analyses and the only way the Tower should need a light would be if the FAA changed their regulations or the Town did something that would require lighting, i.e. a heliport or an airport. Liz asked how many feet the Federal regulations allow to increase the tower. Mr. Parisi responded 20 feet but they will not raise the Tower because the Town will have a 20' antenna on the top which brings it to 195 feet. Mr. Parisi agreed to a Dark Sky Shrouded light if the FAA determined at a later date a light would be needed.

Drainage- Bert said the drainage issue had been addressed, revised and agreed upon.

Removal bond draft- The bond will be in the amount of \$28,000 for the first 5 years and revisited every five years and adjusted if needed. Scott will forward to Town Counsel for review.

Scott informed the Board, after discussing the needs of the Town with Tim Carpenter (Police Chief) and Lee Lemone (Modular Communications), this site will have to be the Primary antenna due to the fact it is the primary link to Hillsboro County. All other antennae locations in Town are too low. The Town is looking to the future for

emergency communications and the specs are worst case scenario to get the most bang for our buck. There are other options as far as the specs but we should get the space for our anticipated needs while we can. Bert asked if the Town has the right to run conduit to the tower. Mr. Parisi said the Town will install it. Vertex reserves the "space" for the Town to run the conduit and should meet with Vertex when the time comes for installation.

Bert also asked if the Tower has a salvage value. Mr. Parisi replied he had no idea. Bert clarified the reason he asked was because the antenna will be the Town's sole contact with the County and should Vertex decide they no longer need the Tower, would the Town be able to assume ownership of the Tower as opposed to having it deconstructed? Mr. Parisi replied he had never been asked that question and will explore the option, especially if it saves in deconstruction costs. This is something that can be worked out at a later date.

Liz asked if the Easement for the no-cut zone has been reviewed by Town Counsel. Scott replied it had not. Debbie said the revised version had the verbiage recommended by Steve Buckley. Bert asked Debbie to forward it for review by Gary Kinyon.

John read the proposed conditions of approval:

- 1) Executed Lease Agreement 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
- 2) 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.
- 3) Deconstruction Performance Bond in the amount of \$28,000 for the first 5 years (to be reviewed for possible increase every 5 years).
- 4) Dark sky shrouded lighting if, in the future, the FAA requires lighting on the tower.

It is our understanding a Building Permit will not be issued until items 1-3 are finalized.

Deirdre made a motion to approve the cell tower with the above listed conditions that will be satisfied before issuance of a building permit. Lou A seconded the motion and it passed unanimously.

Off-Site Improvements:

Liz asked to table this discussion until November 20, 2019 for 30 minutes.

Underground Utilities:

Debbie distributed the May, 2007 Amendment to the Subdivision Regulations regarding Underground Utilities which was not properly given to members in 2007 (Even numbered pages were missing).

There were several comments regarding roadways and Liz suggested everyone read "A Hard Road to Travel". Debbie will email the PDF copy to the members.

Debbie stated the amendment is very vague and needs clarification. It doesn't state whether the underground utilities are to be for subdivisions with new roads, small subdivisions with shared driveways, where the underground utilities need to begin, etc. Kent Brown's translation is the underground utilities should be in subdivisions in which new roads are built. If towns keep making people do this, the expense will bring new subdivisions to a halt. Deirdre said we need to at least have a standard until such time the Board clarifies the amendment. Liz stated she needs more information in order to modify this...look up the minutes from 2007 to see if the Board could determine the intent of the amendment. Craig volunteered to do some research with Debbie's assistance. John continued the discussion to December 4, 2019.

Enforcement:

Bert mentioned there is a question regarding the culvert in the driveway for the Douglas Drive subdivision next to Dollar General. Liz stated the building inspector should never issue an occupancy permit without checking with the Planning Board first. The Planning Board needs to start enforcing the Zoning Ordinances and Subdivision Regulations. Scott, Debbie & Lori will be meeting to discuss a procedure for code enforcement. Scott stated we do not have a well-funded Building Inspector. Bert said the Board should re-write the regulations to give the Building

Inspector the teeth and authority to enforce the regulations (along with funding). Scott said the Town needs to consistently enforce the regulations because if they can't be enforced consistently, it is impossible to defend the Town in court if there is a lawsuit.

John will look at the culvert installed on Douglas Drive and report back to the Board. Liz stated the Occupancy Permits should be withheld if culvert is not correct.

The Board agreed to continue the discussion of enforcement on December 18, 2019 for 30 minutes.

Commercial District:

The Selectmen have expressed an interest in designating a commercial district so people wouldn't have to go before the ZBA to get a special exception if they wished to have a commercial or light industrial business. Bert mentioned they are interested in Town owned property near the Transfer Station. He continued by saying this has been presented to the Town a few times by Warrant Article and been voted down. The Selectmen are looking for outlying areas that may be more acceptable.

Liz said the ZBA has the ability to look at each use on a case by case basis which is good for the Town but on the other hand, the developer has to spend more time and money with no guarantee it will be approved. Deirdre said she has done some research on this topic and there are a lot of concepts that may make it more palatable for the residents of the Town. She will bring the information she has found when the topic is being discussed.

The Board agreed to continue this discussion on December 4, 2019 for 30 minutes.

Road Acceptance:

The Board agreed to continue this discussion on December 18, 2019 for 30 minutes.

Driveway Regulations:

Debbie stated the Planning Board must have Driveway Regulations according to RSA 236:13. She also said she had written a draft Driveway Regulation in March. This discussion will be continued on November 20, 2019 for 1 hour.

Gravel Pit Inspections:

Deirdre made a motion to go into non-public session regarding the Gravel Pit Inspections under RSA 91-A:3 I (c). Bert seconded the motion and it passed unanimously.

John made a motion to come out of non-public session. Deirdre seconded the motion and it passed unanimously.

Deirdre made a motion to seal the minutes. Lou A seconded the motion and it passed with 1 abstention (Bert).

Deirdre stated the inspections went well with the gravel pit inspections. Steve Griffin was very helpful.

She went on to say Steve said the Board did not need to send letters after the inspection. Deirdre said she will do a report for each of the files. She continued saying 1 property has had a change in ownership and another location may have a change in status before the next inspection. She mentioned there is one property that has safety issues because the land hasn't been terraced and has very steep slopes.

Deirdre made a motion to adjourn at 9:45 pm. Bert seconded the motion and it passed unanimously.

Respectfully submitted,

Debbie Deaton
Land Use Clerk