

MINUTES
PLANNING BOARD
February 5, 2020

Present: John Schaumlöffel, Chair, Bert Hamill, Lou Alvarez, Nate Sikkila, Deirdre Daley, Craig Smeeth, Lou Guarino and Debbie Deaton

The minutes of December 18, 2019, January 15 were accepted as written. January 29, 2020 Work Session minutes were amended by John to say The Board discussed the Driveway Regulations and made the following "recommended" changes. Deirdre made a motion to accept the minutes as amended. It was seconded by Bert and passed unanimously.

Selectmen's Report:

Bert informed the Board the Deliberative Session was held last night. The budget and warrant articles were amended and approved. He also informed the Board the Road Committee will be re-activated per Deirdre's amendment to the Road Warrant Articles.

The Presidential Primary will be held next Tuesday at Mascenic from 7am-7pm.

Chairman/Land Use Report:

John mentioned he and Debbie had a meeting with Scott regarding the utilization of Dropbox or Google Docs to make it easier for Board members to view relevant documents as opposed to the attachments taking up space in everyone's email.

John also informed the Board Lou A, Nate and Craig all submitted their candidacy to the Town Clerk for the two 3 year terms on the Planning Board. Susan Mallett was in the audience and informed the Board she submitted her candidacy for the 1 year term.

John mentioned he reached out to Gary Kinyon regarding USA Properties asking if he could give the Planning Board an update on litigation and also if the Board must continue indefinitely the continuations for this project that has been before the Planning Board for approximately 15 years. Bert suggested Debbie inquire with NHMA.

Debbie informed the Board the NHMA Planning & Zoning Conference will be held on May 30, 2020. She informed the Board to let her know ASAP as the conference fills up quickly and registration opens in April. Craig, Nate, Lou A and Debbie said they will be attending.

Green Farm/Jacqueline Drive Update:

Debbie told the Board she had received the "Draft As-Builts" for Green Farm/Jacqueline Drive via email from Gary Litchfield. Bert stated there isn't enough information on the plans and are totally inadequate. It also lacks the road profile. Debbie told the Board Peter Goewey had concerns regarding the lack of drainage and cross culverts on the plans and she had informed Mr. Litchfield of this. Debbie will send another email to Mr. Litchfield stating the Board's concerns and will also include a copy of the As-Built requirements per the Subdivision Regulations.

John asked Debbie to email the As-Built PDF to the HOA chair and himself.

Other Business:

John introduced Susan Mallett. She stated she lived on Smithville Road and has a background in project management.

Alex Scribner, 57 Jacqueline Drive also expressed interest in being an alternate member of the Planning Board.

Planning Board By-Laws:

The Board made the following recommended changes:

BYLAWS OF THE NEW IPSWICH PLANNING BOARD

ARTICLE I: NAME

The name of this organization is the New Ipswich Planning Board, hereinafter referred to as the Board.

ARTICLE II: AUTHORIZATION

The authorization for establishment of the Board is set forth in the New Hampshire Revised Statutes Annotated, as amended (RSA), Chapter 36 and by the voters of the Town of New Ipswich at the Town Meeting of March 15, 1974.

ARTICLE III: PERSONNEL

The Board shall consist of seven members, six of whom shall be elected members, elected by majority vote at Town Meeting, in accordance with the Town Meeting vote of March 1979 and the seventh member shall be a Selectman appointed by the Selectmen.

ARTICLE IV: TERM OF OFFICE

In accordance with RSA Chapter 36 and with the Town Meeting vote of March 1979, members are to serve for a period of three years in a manner so that no more than two members, excluding the Selectman member, terms of office shall expire in any one year. Initial terms of office of elected members were two members elected for one year terms, two members for two year terms and two members for three year terms. The Selectman, ex officio member, shall have a term of office to correspond with that Selectman's official tenure.

ARTICLE V: QUALIFICATIONS OF MEMBERS

Members of the Board may also serve on any other municipal board or commission as provided in RSA Chapter 36, except that no more than one Planning Board member shall serve on the same board or commission.

ARTICLE VI: REMOVAL OF MEMBERS

Members of the Board may, after a public meeting be removed by the Board of Selectmen for inefficiency, neglect of duty or malfeasance in office. Selectmen shall file with the Town Clerk a written statement of reasons for such removal.

ARTICLE VII: FILLING OF VACANCIES

Vacancies in the membership of the Board, other than those of a temporary nature of those occurring as the result of expiration of elected/appointed term, shall be filled until the next regular town election and shall be appointed by the Planning Board. ~~excepting that~~ A vacancy in the Board of Selectmen member (Ex Officio) ~~which~~ shall be appointed by the Board of Selectmen until the next town meeting election.

ARTICLE VIII: ALTERNATE MEMBERS

The Board may appoint five alternate members in accordance with RSA 673:6 and they shall serve a term in accordance with RSA 673:5. Alternate members should attend and participate in all meetings and hearings of the Board but shall vote only when designated by the Chair~~man~~ to serve in an absent member's place. To provide clarity for the applicant, the Chair~~man~~ shall specify those members who are authorized to vote at any given hearing. Alternate members may be removed from office as stated in Article VI. Vacancies among alternates shall be filled for the unexpired term.

ARTICLE IX: ORGANIZATION

At the first regularly scheduled meeting following the annual Town Meeting elections, the Board shall elect its Chair~~man~~ from its members and such other officers as the Board deems necessary for its work, to include but not limited to a Vice Chair~~man~~. ~~a Secretary and/or Treasurer.~~ The term of office shall be one year with eligibility for re-election.

ARTICLE X: MEETINGS

The Board shall conduct at least one meeting per month and shall post in at least two appropriate places in town, as certified by the Chair~~man and the Secretary~~ or designee, notice of time, date and place of the scheduled meetings.

Also, at least five days before each meeting, except for emergency meetings, an agenda of those scheduled meetings shall be positioned in the same two places in town as are posted notice of all scheduled meetings. Anyone wishing to transact business with the Board may have such matter of business place on the agenda by notification to the Board Chair~~man or Secretary~~ prior to publication of the agenda.

A quorum to transact business of the Board shall be necessary and shall be so noted in the minutes of the board and shall consist of not less than four members including the Selectmen's representative and such alternate members as may have been appointed and present, except that alternated members shall act only in absence of specific members whom they have been appointed to replace at a meeting.

Voting shall be by voice vote except that a roll call vote may be requested by any member. Rules of Order shall be as provided in Robert's Rules of Order.

~~Order~~ **Conduct** of business at meetings shall ~~be include~~:

- ~~A.~~ Call to order
- ~~B.~~ Roll call
- ~~C.~~ Reading of minutes of previous meeting and action thereon
- ~~D.~~ Communications
- ~~E.~~ Reports, including financial reports
- ~~F.~~ Old business
- ~~G.~~ New business
- ~~H.~~ Adjournment and notification of next meeting

Any and all hearings call by the Board shall be at the time, date and place as provided for in notice of such hearing. ~~and shall include and follow A and B above and conclude with H above.~~

All meetings and all voting shall be done in public with executive sessions only as permitted in RSA 91-A, as amended, Access to Public Records.

Special meetings may be called by the Chair~~man~~ or any four members of the Board, providing first that proper public notice (or notice of emergency meeting) is posted in accordance with RSA 91-A.

In absence of the Chair~~man~~, the Vice Chair~~man~~ shall act in place of the Chair~~man~~, the **Secretary Designee** ~~and then the Treasurer~~ being next in line of temporary succession. In the absence of all officers and provided a quorum is present (including appointment of alternates as above and in Article VIII), those present may elect a temporary Chair~~man and Secretary~~ to act on behalf of the Board.

ARTICLE XI: STAFF AND FINANCES

The Chair~~man~~ may appoint, subject to the limitations of funds available to the Board and on approval of the Board of Selectmen and/or by vote of the Town Meeting, a person to serve as Clerk to the Board who will not be a regular or voting member of the Board.

The Chair~~man~~ may appoint such other employees as are deemed necessary for the Board's work, the appointment and removal of such employees and/or Clerk being subject to the same provisions of law as govern other employees of the Town of New Ipswich.

The Chair~~man~~ may further appoint, subject to approval of the Board, or may contract with city or regional planners, engineers, architects and other consultants for such services as the Board may require.

Only the Chair~~man~~ or member of the Board designated by the Chair~~man~~ for a specific purpose, is authorized to contact the ~~Town~~ Planning Board attorney, the Town engineer or any other service provider who charges a fee for service.

Expenditures of the board, exclusive of gifts, fees and reimbursements, shall be within the amounts appropriated for the purpose by the Town at Town Meeting, which may provide such funds, equipment and accommodations as may be necessary or advisable for the Board's work (RSA 36:9).

All monies due as fees or reimbursements to the Board shall be made payable to the Town of New Ipswich and all payments shall be drawn on Town accounts and paid by the Board of Selectmen.

The Board shall provide annually to the Board of Selectmen for inclusion in the annual Town Reports, an accounting of its income, expenditures and a summary of business transacted by the Board and recommendations for future funds.

ARTICLE XII: POWERS AND DUTIES

The powers and duties of the Board shall be as provided for specifically in RSA Chapter 36 and in other such Federal, State or local regulations. One of the Boards' major responsibilities is the development of, refinement of and up-dating of a Master Plan as provided in RSA 36:13-15.

The Board shall establish such Board or public committees as it deems necessary from time to time to carry out its activities.

ARTICLE XIII: CITIZEN PARTICIPATION

~~To ensure that the plans, programs and policies developed by the Board are~~ To be responsive to the objectives and values of the citizens of New Ipswich affected by them, the Board shall establish such committees, seek out such technical assistance, utilize ~~the new~~ media to provide public information, encourage citizens involvement and conduct public hearings with regard to its activities so as to obtain the maximum public participation and reaction.

The Board shall encourage the development of a sounding board or citizen advisory committee to assist it.

ARTICLE XIV: HEARINGS

In addition to those hearings required by law, the Board shall hold such public hearings as may be in the public interest, all hearings open to the public and publicized no less than as required by Chapters 36 and 91-A of the RSAs.

ARTICLE XV: DISQUALIFICATION

No member of the Board shall vote on a question before the Board in which that Board member has a financial interest, direct or indirect, greater than any other citizen, nor shall that member sit upon the hearings of that question.

Any member may request disqualification ~~or his of their~~ membership on a question before the Board. Any member may request disqualification of any other member if there appears to be such a conflict of interest, ~~such disqualification to be considered and voted by a majority of the Board present and voting.~~

Any member disqualified to sit on question shall be replaced by an alternate acting in that member's place.

ARTICLE XVI: AMENDMENTS

These bylaws may be amended by a majority vote of the Board upon written request signed by at least three members.

ARTICLE XVII: SEVERABILITY

~~The invalidity of any provision of this Article shall not affect the validity of any other provision, nor any prior decisions made on the basis of the valid provisions of this Article.~~

ADOPTED THIS DATE: June 25, 1980

Signed copies placed on file with the Board of Selectmen on August 27, 1980 and the Town Clerk on August 27, 1980

John Schaumloffel, Chair~~man~~
New Ipswich Planning Board

Debbie Deaton, ~~Secretary~~-Designee
New Ipswich Planning Board

Amended November 15, 1995
Amended April 22, 1998
Amended January 22, 2003
Amended November 17, 2010
Amended February 19, 2020

The Board will post a hearing for these changes on the next agenda (February 19, 2020) and vote on same. John asked Debbie to check with NHMA regarding the process of amending the By-Laws.

Driveway Regulations:

The following changes were recommended:

SECTION V: PERMIT PROCESS

- A. Prior to submitting an application for a driveway permit, the applicant shall clearly mark and flag the location of the proposed driveway with a centerline stake at the edge of the right-of-way (ROW). The applicant shall then submit a completed application to the **Building Department**. ~~Selectmen or their designee or Planning Board.~~
- B. Applications will be reviewed with a site inspection (as necessary) and approved by the DPW **Director** within 10 business days. The approved permit and any additional documentation will be sent to the Code Enforcement Officer.
- C. Once the driveway permit has been approved by the Selectmen or their designee, the driveway can be installed.
- D. A **temporary access point** (construction exit/entrance) shall be in place prior to the start of on-site activity.
- E. Upon completion of a driveway or a minimum of 14 days prior to the issuance of a Certificate of Occupancy (CO) by the Building Inspector, the DPW will perform a post-construction inspection and issue a Certificate of Compliance (CC) for the driveway. A copy of the CC will be sent to the Code Enforcement Officer. A CO will not be issued unless a driveway CC has been issued by the DPW or a security is in place.
- F. Failure to begin construction within 1 year of application approval will render the driveway permit null and void.

At 9:00, John made a motion to adjourn. It was seconded by Deirdre and passed unanimously.

Respectfully submitted,

Debbie Deaton
Land Use Administrator