

MINUTES
PLANNING BOARD
January 20, 2021
Via Zoom

Present: John Schaumloffel (Chair), Deirdre Daley (Vice Chair), Shawn Talbot (Ex-Officio), Liz Freeman, Lou Alvarez, Nate Sikkila, Lou Guarino, Susan Mallett, Jennifer Minckler and Debbie Deaton.

John read the "Right to Know Law Meeting Checklist" and took roll call attendance.

Minutes from December 16, 2020:

Deidre made a motion to accept the minutes as written. Susan seconded the motion and it passed unanimously.

Selectmen/Chair/Land Use Report:

John introduced Jennifer as the new Land Use Administrator. Lou A. made motion to appoint Jennifer as the clerk to the Planning Board. Susan seconded the motion and it passed unanimously. John mentioned there will be two three year positions for members on the Planning Board. Anyone interested in running for positions should see the Town Clerk between January 20, 2021 and January 29, 2021.

John reminded the Board the continuation of the Public Hearing for the Somero-Krook Lot Line adjustment will be held on February 3, 2021 at 7:30PM.

Deidre informed the Board the Gravel Pit reports have been completed. John asked Jennifer to add them to the agenda for February 3, 2021

7:30pm Public Hearing for the adoption of proposed Driveway Regulations and Subdivision Regulation Amendment:

In attendance via Zoom were several residents in the community.

Comments and Concerns addressed by the audience:

Ben Hatcher:

- Doesn't like the fact that driveways can't be wider than 20'. He would like this removed from the document. John Schaumloffel addressed this quoting section 6A: Driveway entrances are to be no less than 10ft wide and maximum width at the property line of 25'. Ben stated 15" culverts are an added cost and a lot of town roads can't accommodate 15" culverts. Lou Alvarez responded we are following State of NH regulations and you can request a waiver if you need to. John confirmed a waiver may be needed.

Andy Krook:

- Asked what the procedure was to get driveway permit. John responded the procedure to get a Driveway Permit will stay the same as it is now. Andy asked if all towns are doing this. Both Debbie Deaton and John Schaumloffel confirmed, other Towns that have Planning Boards already have Driveway Regulations as required by RSA.

Ken Lehtonen:

- Ken stated these regulations are a big change and should be voted on by Warrant Article. John advised this is the legally authorized process for adoption of regulations.
- Ken asked if any engineers were consulted when creating the document. Debbie responded Fieldstone, Lou Guarino and Kent Brown were consulted (in an engineering capacity) and it was reviewed by Ed Rogers. Town Counsel read the final document. It was also shared with all Town Boards, Highway Department, Fire and Police. Ken stated that Fieldstone had some opposing views on items proposed. Debbie and John advised concerns were addressed. Discussion is in Planning Board agenda and minutes. If anyone is interested in reading the minutes from any meeting, they are available on the town website.
- Ken wanted to know if there were any local builders or site contractors asked to provide input or recommendations on this new regulation. John stated the proposed regulations have been part of the Planning Board agenda for the past year or more. All of the comments received in writing were posted on the screen and addressed at each meeting.
- Ken stated regulations refer to having Selectmen issue driveway permits versus Road Agent as done prior and done in all other towns he works in. John advised that Selectmen have authorization to designate who is to issue permits. Debbie Deaton stated that years ago the Planning Board authorized the Board of Selectmen who in turn designated the Road Agent. This process will not change. You fill out application, give to Peter Goewey for approval.
- Regarding 20' landing area on driveways over 10%. John referred to page 5 Letter H of the proposed regulations. Mr. Lehtonen felt in real world application where you have a challenging lot, this is an unrealistic requirement for driveway and undoable on many sites without major excavation. He would oppose strongly and ask to be reconsidered.
- Ken states there is a section in the document about access to be installed prior to any on-site activity. He asked if you have wooded site, you would have to cut trees before the access point is made.
- Ken mentioned culverts aren't one size fits all. He feels size should be determined on a case by case basis depending on what the Road Agent's opinion. He would strongly recommend a NO vote on this.

Bethann Tatro:

- Infrastructure needs to be addressed before we look at any more regulations. Selectman Talbot will be in touch with her.

Mike Cain:

- Would like Culvert piping sizing to be on a case by case basis. Mike also asked about private driveway and modifications to existing drives. John quoted Section 4:2- Permit required when making substantial change to existing driveway. Substantial change includes any alteration that affects use, location, size, grade of any driveway or may cause flow of water onto public highway or Public Street. What constitutes a substantial change shall be determined by Board of Selectmen or designee. No permit shall be required when paving existing driveway and no substantial change is proposed. Substantial change includes alternations that affect use, location size and grade. Regulations do not apply to existing driveway unless substantial change needs to be made.

Tim Somero:

- Wanted to know if this is a revision to existing regulation or if this is a brand new regulation that State mandated. John responded that this is brand new as required by RSA. Liz Freeman

mentioned there are a lot of specifications for driveways in the Subdivision Regulations and many of those were transferred over to this document but the State of New Hampshire requires a separate regulation. Planning Board did not do that and should have years ago.

- Tim asked if this regulation is for a brand new build as well as an existing house. John responded that it does not apply to house per se but a new driveway and only applies to substantial changes to existing driveway as defined in the proposed regulations.
- He would like clarity about who bears the cost when town infrastructure causes damage on the owner's private property. Tim described a situation of water running off a town road and ruining private owner's property. John advised would be addressed on an individual basis. Dee spoke and believes the regulations address water not flowing onto town road, not water flowing onto property. Shawn Talbot said he would call Tim but Tim said it needs to be covered as part of regulation but doesn't seem comprehensive unless covered and clear. Liz wonders if anything in section 9-Maintenance responsibility page 8 would have anything relevant to that situation or not.

Jared Seppala:

- States that it is extremely discouraging to see more regulations and permitting requirements and encourage Board not to vote on this and in the future make an effort to preserve current way of life.

Ben Hatcher:

- Doesn't think a permit should be needed to build a driveway. We built where we did due to freedom and ability to do what we wish.

Billie Lagasse:

- Wants copy of driveway regulations. Debbie Deaton advised to go onto Town Website to sign up alerts for agenda, set of minutes or public notice posted on website. You will get email and you can sign up for whatever Boards you want. You don't have to contact Town Office.

Jared Seppala:

- Asked what constitutes vote to be accepted. John confirmed it is majority.

Tim Somero:

- Asked what permitting process and costs are. Susan advised an applicant can go to Peter Goewey (Road Agent), Online, or office. Permit is \$25.00. A plan is also needed show where a driveway would be located. Tim asked if an engineering plan is needed. John advised it may be needed. Debbie confirmed landowner can create drawing. Lou A. stated that there are two sets of driveway regulations, first mandated by the state, the second is Town must have driveway regulations (if they have a Planning Board). The state has their own inspector and person who reviews everything related to driveways on a state road. The major concern is how driveway meets up with road. What happens beyond 15'to 20'area you can do what you want. John clarified you can do what you want within proposed regulations.

Bruce Ruotsola:

- Spoke in support of Ken and Jason's comments

Greg Somero:

- Stated once on your property, the Town should have no say and you should be able to do what you want.

Ken Lehtonen:

- Culverts should be determined by the Road Agent on site by site basis. Waiver adds expense and delays. Ken wants to bring up opposition as there is no comment in favor from public. He suggested a no vote or postpone to a work session. Debbie Deaton confirmed this is regulation and because of that cannot be placed on ballot. This is why we have public hearing. Only an Ordinance can be on a ballot.

Bethann Tatro:

- Thinks a work session is great but more public discussion is warranted. Regulation doesn't need to be made so strong, should be simple and vague and let people give more feedback.

Brian Monaghan:

- Advised that he is a government employee and stated Towns can make changes but can only be more stringent than the state regulation. He stated that set back is not private property. Regulation applies to where road meets the driveway.

John advised the following: Planning Board doesn't have to vote tonight to accept the regulation. The Planning Board at this time is not having or does not have to have in person meeting per Covid-19 pandemic. John motioned to continue public hearing to date certain. Between now and then, we will have draft meeting minutes for this meeting made available to public. We will be sure to have electronic and paper copies of proposed regulations available also. We will continue the Public Hearing at that date to receive additional comments and have discussions before the Planning Board. Liz Freeman agrees. Our next meeting is February 3rd. We have Somero /Krook Lot line adjustment. Liz Freeman encourages folks to look at regulations being proposed as well as existing subdivision regulations Appendix B with design criteria for driveways. Our current regulations require 25' landing area and the new, proposed require 20' landing area.

A motion was made to continue Public Hearing on February 17, 2021 at 8pm and approved unanimously.

Valley Road Discussion:

The subdivision on Valley Road was approved by Planning Board in a series of meetings in 2006. The residents and the developer want road accepted. However, there are a number of steps that have to happen before the Planning Board can say it is completed according to the subdivision plan and make a recommendation to Selectmen. Greg Somero explained that it is a 12 lot subdivision which is completed, top coat done and wants to get road signed off by Planning Board. John advised process of inspection and once conditions met, the Planning Board can make a decision. Dee went through the minutes and would assume subdivision only needs to meet requirements in effect when we approved the subdivision, however they may need to meet Class 5 standards for town acceptance. They would not need to meet today's standard. John responded only if there were no break in service for five years. John to contact Kent Brown, as well as Peter Goewey. Lars Somero is the Developer to contact. Cost of Engineer falls to Developer. The engineer will review application, minutes for special conditions, walk through, develop punch list. Liz Freeman requested minutes and Dee has already pulled them. Lou A. advised may need Fire Department to check cistern. Ben Hatcher advised it was tested last year. Fire Department should have record. Kent needs to check cistern. John asked residents of Valley Road if there are any questions- no one spoke. Billy Lagasse asked what is the to do list to get Valley Road moved forward. John cannot answer until Engineer goes through approved subdivision plan and determines what was done and what needs to be done.

Kennybeck Court:

It came to the attention of the planning Board that Mr. Krook is doing work at the end of Kennybeck Road. Kennybeck Court is Phase 3 of Green Farm Road Jacqueline Drive subdivision. The previous owner, Mr. Litchfield, sold to Mr. Krook and he has started building the road. Even though it is part of the original subdivision application, no work has happened on this section for more than five years. Verified by NHMA, a site-plan review must be done prior to any new work started because it has been five years or more. Today's subdivision regulations must be followed, not the regulations when approved, if it has been 5 years or more. Liz Freeman stated that it should be a Subdivision review if it has been a five year lapse, not a site-plan review. Dee stated Section 416 is where substantial requirements are, but it's going to be a site plan review within subdivision plan. John suggested holding a duly noticed Public Meeting with Mr. Krook and we can accept resubmission of subdivision application. John doesn't believe a new application is needed and we can just review the original.

Andy Krook stated it is a whole subdivision and this is a continuation of that subdivision. Dee asks if phased, how is phasing done. John is not sure if it is one application because Phase 2 Jacqueline and Green Farm were bonded separately. Kennybeck is not part of that. It seems like Kennybeck is a separate Phase. Andy believes approval process came at same time. John requested records to be shared with Planning Board and Andy. John advised Andy we must determine what road construction standards must be met from Planning Board perspective. John advised this will be in the minutes. John said Andy Krook may need to complete work that meets today's standards. Nate Sikkila asked if Andy is being put on hold and as Board Member is there anything he can do to help. John, as Board Chair, advised unless formal complaint filed or grievance, or demand for investigation the Board is not inclined to issue a stop work order. John asked Nate to look at Amendments and go backwards and if there is anything that would affect the work Andy is doing now, there is no need to ask for halt at this time. If there is a difference, let Andy know what they are. Dee believes only one set of changes to subdivision regulations since start in years 2006/2007. John believes Andy will need to request site plan review. John wants to schedule review of subdivision regulations which could turn into site plan review. John confirmed NHMA has informed us and we can go to Attorney if needed. Liz says we need to know which regulations are governing. It was in agreement, Debbie confirmed, we need to review subdivisions and this was a misspeak about site plan. We have to review the original subdivision. John wants to schedule review for Kennybeck Court for February 3, 2021.

Mr. Hatcher stated a lot of people are riled up and thinks a lot was misunderstood or misread. He does appreciate the work of the Planning Board.

At 9:30 John made a motion to adjourn. Deirdre seconded the motion and it passed unanimously.

**** Addendum –** At the Feb 3rd Meeting of the Planning Board, the Board determined that the 2018/2019 work on Jacqueline and Green Farm Rd. was substantial progress on the subdivision, so a subdivision review was not necessary. Also see Minutes of the Feb 3, 2021 meeting.

Respectfully submitted,
Jennifer Minckler
Land Use Administrator

Town of New Ipswich Right-to-Know Law Meeting Checklist

As Chair of the New Ipswich Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # **1 646 558 8656** and Meeting ID 84015587477 or by clicking on the following website address: <https://us02web.zoom.us/j/84015587477>

- b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of New Ipswich website at www.townofnewipswich.org

- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 617-510-3551 or email at: landuse@townofnewipswich.org.

Please be aware that for the purposes of transcription this meeting is being recorded (both video and audio via Zoom, and audio via a digital voice recorder).

For the benefit of phone only users, and RSA compliance, we will attempt to disable the Chat function in Zoom. Regardless, please do not use the Chat function in Zoom during the meeting.

In Zoom, if one wants to make a statement, they can raise their hand (electronically). The Vice Chair will now demonstrate how to raise their hand.

- d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the **general** public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.