

MINUTES  
PLANNING BOARD MEETING  
NOVEMBER 18, 2015

PRESENT: Ed Dekker, Chairman, Liz Freeman, Paul Termin, Tim Jones, Bert Hamill, Dave Lage, Ned Nichols, Deirdre Daley, Louise DelPapa

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

The minutes of October 21, 2015 meeting were reviewed and the following correction was made: page 2, first paragraph, the sentence should read; " Liz stated this table is produced by experts and Steve Ambrose states the Baseline Background is lower than 35 dBA **day** and 25 dBA **night** in New Ipswich." Bert made a motion to accept the minutes as amended. Liz seconded the motion and it passed unanimously.

The minutes of November 4, 2015 meeting were reviewed and the following correction was made: page 2, the sentence should read; "Ed made a suggestion to take the ordinance as drafted, schedule if for hearings, post the ordinance with the understanding to address the noise levels for the **background**." Deirdre made a motion to accept the minutes as amended. Dave seconded the motion.

GROUND WATER PROTECTION ORDINANCE

Bob Boynton, Chairman and Dave McTigue of the Conservation Commission met with the Board to discuss the Ground Water Protection Ordinance. Liz distributed a copy of Conservation Commission's State model draft ordinance, along with her restructured version of the document. Liz stated she just received the ordinance from Bob two days prior and completed the corrections/changes last night. Paul mentioned he would like to see paperwork before the meetings for informational purposes. The Board agreed to have Liz give an overview of the ordinance. She compared the two ordinances and noted the changes she made, and put the amendment in a form that is consistent with the Town ordinance. Liz suggested the amendment be placed in the Conservation Overlay District section and wanted the Board's opinion. The Board requested an explanation of the maps attached to the ordinance and Dave McTigue explained Stratified Drift Aquifer (pink area), Stratified Drift over Glacial Lake Bottom Deposits (Blue Area). The Conservation Commission feels these are two important areas to protect. He also explained the wellhead protection areas are public wells that have 15 or more wells connected or serve 25 people or more on an average of a 60 day period. Liz stated the map will not be attached to the ordinance but will be referenced on the ordinance. Bob stated the Conservation Commission will have Southwest Region print maps that will be available at the Town Office for public viewing. Liz requested that Bob write up a description regarding the maps for the ordinance. Liz stated the Board needs to have legal advice on adopting the maps. Bert volunteered to review the Town of Rindge ordinance and compare it to the proposed ordinance. Paul questioned Bob regarding the number of towns that have adopted this ordinance and Bob's response was 75 or more (out of 300 in the State). A discussion followed regarding the enforcement of the ordinance. The Conservation Commission's recommendation is to protect the pink and blue areas on the map. Bob wanted to make it clear that this is not a targeted

ordinance, this is a stand alone ordinance. Ed stated the Board will discuss the ordinance at the next meeting and make a decision.

#### DARK SKY PROTECTION ORDINANCE

Ed stated that Temple, NH has a simple ordinance and wanted to discuss it with the Board and hopes to put it forward with a few simple modifications. The first modification is to add the hours of operation and the second would be in section III F, add more text and map the language in the wind farm ordinance. The height of the luminaire (paragraph B) was discussed and the Board agreed it shall not exceed 25 feet. Ed stated he is proposing a less intrusive ordinance than the original and given the consensus of the Board, he will continue to work on the ordinance and have the draft for the next meeting.

#### USA PROPERTIES CASE

Ed stated the Town lost the case regarding dead end roads and referred to the letter from Attorney Gary Kinyon. Ed spoke to Jim Coffey, State Representative and said we need to file an appeal with the Supreme Court. He has offered to speak to a lawyer in Concord that he has great respect for. A discussion followed on the appeal. Liz stated the implications are the Town cannot regulate dead end roads and there could be huge implications for all Planning Boards in the State. Liz suggested NHMA (New Hampshire Municipal Association) should be consulted to see what the implications are for the State. Tim was concerned regarding the legal fees and felt they will be huge and questioned if the battle should be continued. Attorney Kinyon is scheduled to meet with the Board on December 2, 2015 and there is a thirty day limit to file the appeal. The deadline is December 15, 2015 for filing. The Planning Board needs to recommend to the Board of the Selectmen on how they wish to proceed.

9:15 Paul Termin and Ned Nichols left the meeting.

#### NOISE ORDINANCE

Liz discussed Table # 3 on the ordinance. Steve Ambrose stated L01 needs to be changed to L10. Bert objected to the sound levels and thinks they are too low and wanted to know how many times Mr. Ambrose visited New Ipswich. Liz felt Bert's measurements were fairly consistent with the proposed charts. Ed stated the Board will need a professional with the correct instruments to measure the sound and it will be expensive. He is very willing to spend some money from the budget if the Board and Selectmen agree. Dave reminded the Board that at the last meeting it was agreed to post the amendment and then continue to discuss it. Deirdre was concerned with what the public will hear and questioned how will they sort out this information at the hearing; the Board needs to be united and work together. A discussion followed on measuring sound and sound level numbers. At the next meeting, the Board agreed to work on the amendment to protect the community from exposure to excessive noise.

#### ARROWHEAD LANE – OAKWOOD COMMON SUBDIVISION

The Board received a letter from Hamblett & Kerrigan, Attorneys at Law, regarding the shared driveway on Arrowhead Lane and representing Deirdre Daley and Bernard L. Satterfield. The shared driveway is measured at 13 feet wide and the letter states it should be measured at 18 feet (the subdivision plan states 16 feet). Deirdre addressed the Board as a resident and not as an alternate Board member on this subject. The developers (San-Ken) and the State Attorney General Office's decided that San-Ken are the successors and need to bring the road up to standard and the driveway was not included. San-Ken is fighting this position. Deirdre stated the case would not be heard until the summer of 2016. A discussion followed on how to handle this situation. The letter requested that the Town hold back occupancy permits until the common driveway is improved. Louise will speak to the Building Inspector regarding holding the occupancy permit on the third building lot on the driveway if the road is not up to standards. The Board agreed they need a determination from the Attorney General before they can enforce anything.

#### POSTING AMENDMENTS

The Board agreed to post the Dark Sky Lighting Ordinance in the Newspaper for December 3, and the deadline to send it to the newspaper is November 30, 2015. The Board decided to hold off on the Groundwater Protection Ordinance for now and try to find time to discuss the ordinance at the next meeting.

The meeting adjourned at 10:30 p.m.

Respectfully submitted by:

Louise DePapa  
Land Use Clerk