

MINUTES-WORK SESSION
PLANNING BOARD
January 6, 2020

Present: John Schaumloffel, Chair, Liz Freeman, Vice-Chair, Bert Hamill, Lou Alvarez, Nate Sikkila, Deirdre Daley, Craig Smeeth, Lou Guarino, Paul Termin and Debbie Deaton

The terms of office were discussed first. It was determined there will be two (2) 3-year positions and one (1) 1-year position on the ballot in March.

Bert brought up the fact that the Planning Board must sign a copy of any changes to any regulations and be given to the Town Clerk. Debbie will look at all changes for the past 3 years to make sure this has been done.

The Board also agreed if there are any complaints about a property/subdivision/building in the Planning Board's purview, the complaint must be in writing for the Board to investigate.

Bert brought up the point of limited extensions/continuations on any given project. He stated there should be limited extensions/continuations. The Board will look into this to see if there is a legal and appropriate time period to have an application expire.

Driveways:

John discussed the procedure of adopting new regulations. The regulations will be written, reviewed and discussed. The Planning Board will circulate the final draft to all other boards in Town along with the Highway, Police and Fire Departments for their input. Bert and Deirdre stated if the Zoning Ordinance needs to be changed due to the adoption of Driveway Regulations, there would have to be a Public Hearing and warrant article. The Subdivision Regulations and Site Plan Regulations would need to have a Public Hearing. John said whatever we change should refer to the Driveway Regulations and add "as amended" in order to avoid having to change all documents if the Driveway Regulations are adopted.

John brought up the topic of "grandfathering". Deirdre read RSA 236:13 which reads in part, the "ongoing jurisdiction" which infers all driveways. Lou G. mentioned it seems unfair to enforce the Regulations on someone whose driveway doesn't conform only if there is a complaint against the person (neighbors feuding, etc.). Liz objected to the use of the word "grandfathering". It implies the Board would enforce the regulations on all driveways and the RSA's already give the Board the authority to enforce this if there is a problem. There was some discussion regarding whether or not Driveway Regulations should be adopted. A vote was taken and it passed with a 7 yea's, 1 no (Paul) and 1 abstention (Lou A).

Discussion continued and the following changes were made to the draft document:

SECTION I: AUTHORITY

Pursuant to the authority granted under the New Hampshire Revised Statutes Annotated 236:13 the Town of New Ipswich Planning Board hereby adopts the following regulation for driveway access to Town Roads, public and private. Hereafter, no driveway shall be constructed without compliance with this regulation.

SECTION II: PURPOSE

This regulation applies to the construction of new residential and commercial driveways on single lots of record, construction of shared driveways or relocation of an approved driveway in a subdivision. The intent is to ensure safe sightline, drainage, access, public safety and integrity of Town Roads. Inasmuch as driveways, entrances and

access points are, in effect, intersections and therefore require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveways, this regulation is enacted for the purpose of such control.

SECTION III: DEFINITIONS

- A. Access Point: An opening for vehicles to enter from or exit to a public ~~right-of-way~~ **highway or private street**.
- B. DPW Director: the Director of Public Works or designated agent.
- C. ~~Driveway Approach: An area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.~~
- D. **Highway: Highways are only such as are laid out in the mode prescribed therefor by statute, or roads which have been constructed for or are currently used for motor vehicle, bicycle, or pedestrian public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement interest, or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon. Highway does not include any bridge, trail, or path intended for use by off highway recreational vehicles, as defined in RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.**
- E. Driveway: A permanent access point that is intended to provide access for vehicles from ~~the roadway~~ **a highway or private street** to the adjacent property.
- F. Driveway Entrance: Portion of a driveway which immediately abuts the public ~~right-of-way~~ **highway** or a private street.
- G. Residential Driveway: An access point that is intended to provide access for vehicles from the ~~roadway~~ **highway or private street** to a residential property ~~serving less than three dwelling units.~~
- H. ~~Non-residential Driveway: An access point that is intended to provide access for vehicles from the roadway to a non-residential (commercial, industrial, etc.) use or an access point that is intended to provide access to a private roadway.~~
- I. Right-of-Way: The full width of the legal right of way of a public or private road, which width generally is understood to extend beyond the limits of the paved or traveled portion of the road.
- J. Temporary Access Point: An **Access Point** to be utilized for a ~~temporary~~ **limited** period of time. ~~not to exceed one year.~~

SECTION IV: PERMIT

The Board of Selectmen or their designee issues permits for anyone desiring to construct, alter or relocate a driveway or temporary access point in order to obtain access to an existing ~~public way~~ highway or private street. or a proposed street or public way. ~~shall first apply for and obtain a permit from the Director of Public Works (DPW Director). This permit~~ The application shall provide for the approved location, construction, alteration or relocation of such driveway in accordance with the specifications provided in the driveway permit form. The permit which is available at the Town Office and on the Town website (www.townofnewipswich.org). The driveway location as indicated on the approved permit (in accordance with the approved site plan or septic plan, as applicable) is the ONLY driveway to be utilized unless the DPW Director or the Planning Board authorizes a change in writing. If a permanent house or structure number is assigned by the Building Department at the time of driveway permit issuance, the number shall be located so as to be clearly visible from the roadway at the start of construction.

- 1. If a driveway will be entering a state road, a State Driveway Permit must be received from the New Hampshire Department of Transportation in addition to a permit from the Town. A copy of which the State Driveway Permit will be given to the Planning Board. Any proposed alteration to the State approval must be submitted to the Planning Board in addition to the NHDOT, prior to the start of construction.*
- 2. ~~It shall be unlawful to construct or alter any new or existing driveway, entrance, exit, forestry cut or approach, except when paving an existing driveway and no substantial change is proposed.~~ A permit shall be required when altering an existing driveway so as to make a substantial change. Substantial change includes any change that would substantially affect the use, location, size or grade of any driveway or increase the flow of water onto any public roadway or street. What constitutes substantial change shall be determined by the Planning Board or its designee. No permit shall be required when paving an existing driveway and no substantial change is proposed.*
- ~~3. A written construction permit application must be obtained from and filed with the Planning Board by any owner or authorized agent, affected by the provisions of Section IV Paragraph 1. Before any construction or alteration work is commenced, said permit application shall have been reviewed and a construction permit issued by the Planning Board or its designee. Said permits and driveways shall:~~*
 - A. Have access along the frontage of any lot, except where there is an easement for right-of-way recorded at the Hillsborough County Registry of Deeds.*
 - B. Describe the location of the driveway. The location shall be selected to most adequately protect the safety of the traveling public.*
 - C. Every effort shall be made to minimize the potential impact to neighboring properties and to maintain integrity of stone walls. Move A, B & C to section VI: ACCESS POINTS*
- 3. A permit is required for any temporary access point.*

SECTION V: DRIVEWAY CONSTRUCTION STANDARDS:

John asked Debbie to email Steve Buckley and ask if 236:13 includes all highways, roads and streets in Town.

The Board adjourned at 9:40 p.m.

Respectfully submitted,

Debbie Deaton
Land Use Administrator