

**Zoning Board of Adjustment
Meeting Minutes
January 5, 2025**

The Zoning Board of Adjustment (ZBA) held a meeting at the Town Office, 661 Turnpike Road, New Ipswich, New Hampshire, on Thursday, January 5, 2025, at 7:00PM.

1. Call to Order and Seating of Alternate

Chair Danielle Sikkila called the meeting to order at 7:05 PM.

Present at the meeting were Chair Danielle Sikkila, Vice Chair Walker Farrey, members David Lage, Jeff Muhonen, Alternate Michelle Saari, Lou Alvarez and staff ZBA Clerk Jennifer Worth.

2. Public Hearing

Case ZBA 2024-16: an application review for a variance from San-Ken Homes, Inc., Map 15A Lot 2, Tobey Highway (NH Route 45), requested from Article X Section D (3) of the Zoning Ordinance to permit construction of three driveways that require wetland crossings.

Lou Alvarez recused as an affirmative member. Michelle Saari will act as affirmative member.

John Rokeh is the consulting civil engineer on the project and Kenneth Lehtonen is the owner of San-Ken Homes, Inc. both are present. Mr. Rokeh provides the ZBA with colored plans delineating the housing development, driveways, and wetland crossings. See files on record with town.

San-Ken Homes, Inc. is developing on Tobey Highway. The project has been before the NI Planning Board (PB) and has approval for housing development. The original lot is a lot of record that existed before 1971. It is on a state highway and the applicant indicated that the NH DOT would allow a maximum of three driveway permits. An application to NH DOT has been submitted. NH DOT commented back stating to make sure the driveways have pitch from highway. The existing slope is currently at a negative pitch going away from the road, but NH DOT wants extra to make sure nothing gets down to the highway. The project will need an alteration of terrain permit and a wetland permit from NH DES for each of the wetland crossings proposed to construct driveways. These application processes are underway just waiting to pay fees given ZBA approval. As part of the PB process an engineering review was completed by PB's consulting engineer, H Star Engineering. The NI Fire Department approved a proposed fire pond for the development. The detention pond is going to be an infiltration pond. It will be dug deep to deliberately be in the groundwater, so it pulls water for fire pond. Test pits in the pond location and septic locations have been conducted, everything works. The total square footage of wetland impact will be just under the 9,000 square feet range with an estimate of 8,400 square feet. The applicant and engineer indicated that alternative ways to have a minimal impact on the wetlands were explored, but this plan was the most effective for the least impact to the wetlands. There is a joint agreement in place with Eversource for the powerline easement. Currently there is not a wetland crossing. Eversource crosses a stream. The location of one of the proposed driveways would provide a crossing for Eversource vehicles. Box culverts installed will have a natural bottom that mimics the riverbed. Driveways are currently planned to be gravel, except where paving is required by the NH DOT at the entrances. Driveway width is shown as 16' wide with 2' shoulders prior to the wetlands crossing and transition to 1' shoulders after the crossings.

John Rokeh presents the variance application and the five criteria of the variance. See files on record with town.

The chair opens the floor for public comments. David Lage motions to close the public hearing and go into board deliberations. Jeff Muhonen seconds. The motion passed unanimously. The board discusses the five criteria for variance. Please see Findings of the Facts on file on record with the town.

Michelle Saari motions to grant the variance to permit construction of three driveways that require wetland crossings. David Lage seconds. All in favor. The motion passed unanimously.

3. **Request for Rehearing Review**

Case ZBA 2024-17: application review for Dean Pacheco, Map 3 Lot 92-2, 110 Lower Pratt Pond Road, for a Request for Rehearing of the combined cases ZBA 2024-2 & ZBA 2024-5 for the reconsideration of the ZBA's denial of applications.

The applicant was not present for the review. The board discussed whether they would proceed with the review anyway. The applicant did submit documentation to state reasons why a Request for Rehearing was submitted to the ZBA. The ZBA also has a 30-day window to respond that would end today. The applicant did send a request to reschedule the application review hours before this meeting, but it is ultimately up to the board to grant the extension. An applicant is also not required to be present during a request for rehearing review. David Lage feels that the letter submitted by Mr. Pacheco's council should be discussed to decide on whether the ZBA will grant a public hearing or not. If the board finds reason to grant a rehearing, then the ZBA can schedule the public hearing and if the ZBA does not the board can issue a Finding of the Facts. Walker Farrey's opinion is that it is better to decide within the 30-day window as it is still current in ZBA members' minds.

Walker Farrey motions to review the application tonight. David Lage seconds. All in favor. The motion passed unanimously.

The board reviewed the letter that was submitted by Bielagus Law Offices on December 5, 2024, titled "Motion for Rehearing Decision of 11/07/2024 re: Case Nos. ZBA-2024-5 Dean Pacheco, 110 Lower Pratt Pond Rd, New Ipswich NH 03071 Lot 3-92-2 on Plan 28450 (Hillsborough County)". Please see the letter on file in the town records.

It is the applicant's responsibility to submit all supporting documents. "Plan 28450 (Hillsborough County)" was not submitted by the applicant as part of the request.

Mr. Bielagus states in the letter (p.2), "*As Pratt Pond Road was not a town road west of the wooden bridge, it does not appear that any driveway permits would have been required to make a driveway west of the wooden bridge.*" This should be stated as Lower Pratt Pond Road. Per New Ipswich driveway regulations, all driveways require a permit, private or public.

"*Consistent with the facts above, on the application for a driveway permit for lot 3-92-3, someone wrote, "Property on Private Road; don't think I need permit."* As discussed at previous hearings, this document was filed in error and does not reference lot 3-92-2.

"*All documents referenced above have been submitted to the ZBA previously.*" The ZBA disputes this as a fact. The ZBA did not receive any deed documentation or documents proving an "existing" driveway.

“At the time that he purchased the Premises, there were two entrances to the Premises...” Previously discussed in detail the second driveway was not there. The gravel that was there was associated with the work at the utility pole. Abutters said there was never a driveway there. Abutters provided photos of grass and a fence at this location.

The board discusses the “*Errors*” addressed in the letter. Finding of the Facts can be found in town records. See records on file.

David Lage motions that based on the discussion this evening that a Rehearing is not granted to Mr. Pacheco for the Requested Rehearing for the appeal of administrative decisions. Jeff Muhonen seconds. All in favor. The motion passed unanimously.

4. **Approval of Minutes**

Danielle Sikkila motioned to approve the meeting minutes from December 5, 2024. Jeff Muhonen seconds. All in favor. The motion passed unanimously.

5. **Adjournment**

Walker Farrey motioned to adjourn the meeting at 9:33 PM. David Lage seconded. All in favor. The motion passed unanimously.

Respectfully Submitted,

Jennifer Worth
Administrative Support