

06-April 2023  
Zoning Board of Adjustment Meeting Minutes

The New Ipswich Zoning Board of Adjustment [ZBA] conducted a public meeting on Thursday, 06-April 2023, from 19:00 to 22:00 at the Town Office.

Attendees: Walker Farrey [ZBA Vice-Chairman], David Lage [ZBA Member], Danielle Sikkila [ZBA Member], Jeff Muhonen [ZBA Member], Lou Alvarez [Town Selectman and ZBA Alternate], Debbie Deaton [Town Administrator], and Jeffrey Carter [Land Use Clerk]

Debbie Deaton introduced Jeffrey Carter as the new Land Use Clerk.

Walker Farrey stated that Lou Alvarez was a voting member for this meeting.

Walker Farrey called the meeting to order at 19:10 and did a roll call.

Case ZBA 2023-2 Hearing: Memorial Park Baseball Lights

Stephen Falter, 30 Temple Road, spoke on behalf of the Mt. Monadnock Baseball organization. The application requests a variance from Article-XIII Section-P to install privately funded lighting at the Memorial Park lower field to extend the baseball spring and fall season. The proposed lighting consists of four 50' wooden poles with seven individual lights each. The individual lights will have an output of 54,000 lumens with shielding to reduce stray light beyond the field.

Stephen presented the following facts supporting the variance request:

1. The proposed use is not contrary to the public interest because:
  - The Mt. Monadnock league currently uses the baseball field for the same purpose [i.e., youth baseball] and the lighting would enable an expanded schedule during the spring [April -July] and fall [Sep – Oct] seasons. The league currently has approximately 400 players [4 to 12 years old] split evenly between New Ipswich and Jaffery. The games would be scheduled 6-days a week, Monday – Saturday, and limited to a 2-hr duration [either 18:00 to 20:00 or 19:00 to 21:00].
  - Dave Lage requested a photometric diagram with the proposed shielded lights showing the projected light stray beyond the Memorial Park property lines. Dave also requested the analysis include various pole heights, 30' to 45', in addition to the proposed 50'.
  - Stephen Falter stated that the field in Jaffery currently has 30' lighting poles and there is an issue of continuously viewing fly balls at night with the older players.
  - There was a discussion of the units, lumens vs foot-candles, to measure the light stray. Lou Alvarez stated that one foot-candle equals 10.76 lumens so either unit is appropriate.
2. The use is not contrary to the spirit of the ordinance because the field lighting will only be turned-on and directed onto the field during games. The latest shut-off time for the lights is 10:00 which is the same as the adjacent basketball court.

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3. Granting the variance will do substantial justice because the field lighting will continue the existing use with an extended season in the spring and fall when there is limited sunlight.
4. The proposed use will not diminish property values because the field lighting will be directed onto the field to enable an expanded season for the existing youth baseball use. The field lighting will not stay on any longer than the existing basketball court lighting adjacent to the field.
5. Literal enforcement of the ordinance will result in an unnecessary hardship since Memorial Park provides outdoor recreation for residents. The field lighting will enable the town's children, ages 4 to 12, to play organized baseball locally and not have to travel to other communities in the spring and fall,
  - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because the variance will allow the continued existing public use of the field in the spring and fall.
  - b. The proposed use is reasonable because the field lighting will allow the continued existing youth baseball use of the field in the spring and fall during the same hours of use during the summer.

Dave Lage made a motion to continue the hearing to the next meeting on 04-May 2023 pending submission of an updated photometric diagram with the proposed shielded lights showing the projected light stray beyond the Memorial Park property lines with various pole heights, 40' to 50'. Danielle Sikkila seconded the motion, and all members were in favor.

Case ZBA-2023-04 Hearing: Accura Construction and Turnpike Properties

Jeff Muhonen recused himself from this case since he is associated with the application.

Chad Branon of Fieldstone Land Consultants spoke on behalf of Accura Construction and Turnpike Properties. The application requests a special exemption from Article-VI Section-C.3 to change the use of property located at 670 Turnpike Road [Tax Map Lots 11-6-4 (2.70 acres) and 11-6-5 (2.58 acres)] from rural to commercial. Lot 11-6-4 currently has a professional office building used by Accura Construction and the town's police station and is currently zoned for commercial use. The proposal includes consolidating the two lots and construction of a 2,500 sq ft office and maintenance shop building with parking for employees and construction equipment.

Chad presented the following facts supporting the special exception request:

1. The specific site is an appropriate location for such use because the site is located on a state highway and the surrounding properties are commercial uses. This parcel has also previously received a special exception for commercial use.

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2. The use as developed will not adversely affect the adjacent area because commercial uses already exist in the surrounding properties. This project will allow a local business to stay in town, increase the town's tax base, and have a positive impact on the area.
3. There will be no nuisance or serious hazard to vehicles or pedestrians. The construction project will comply with standard engineering practices as well as local and state regulations for both vehicular and pedestrian traffic safety. The NH Department of Transportation [DOT] reviewed the property access to Turnpike Road with no concerns identified with the safe sight distance.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The project will undergo a complete site plan review to ensure that all design details are in-place to support construction and operations. The project will provide underground utilities with onsite water and septic systems.
5. Approval of this project is consistent with the intent of the master plan. This project will allow a growing local business to remain in an area surrounded by commercial uses. A detailed site plan is being updated for consideration by the Planning Board, Conservation Commission, and Board of Selectmen.

Dave Lage made a motion to close the public input portion of the hearing to begin board deliberations. Danielle Sikkila seconded the motion, and all members were in favor.

The following provides a summary of the zoning board deliberations:

1. Dave Lage stated that it was a good commercial location, the use was consistent with the area and fits well in the town. Walker Farrey agreed and stated the planned landscaping blocks visibility of the commercial activity from the road.
2. Chad stated the lots were initially going to be merged but this was withdrawn. After some discussion, it was agreed by all parties it would be best if the lots were merged to avoid zoning setback requirements for the interconnecting drive and possible easement documentation. Dave stated the proposal enhances the area. Lou Alvarez asked if the increased construction equipment traffic was a concern. Walker Farrey stated that Turnpike Road is a state highway with active commercial traffic and the proposal is being reviewed by the NH DOT. Dave Lage confirmed with the applicant that the site's hours of operation are 06:00 to 19:00. The town noise ordinance will apply after hours.
3. Walker Farrey stated that Turnpike Road is a state highway with active commercial traffic and the proposal is being reviewed by the NH DOT.
4. Dave Lage stated that the proposal was a good plan. The project will provide underground utilities with onsite water and septic systems. In addition, a vehicle maintenance fluid capture tank will comply with NH Department of Environmental Services [DES] regulations.

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5. Dave Lage stated that the proposal was consistent with the town's master plan and the applicant will review with the other applicable town boards.

Dave Lage made a motion to approve the special exception to Article-VI Section-C.3 to change the use of property located at 670 Turnpike Road [Tax Map Lots 11-6-4 and 11-6-5 ] from rural to commercial with the following conditions:

- Applicant shall submit updated site construction plans.
- Applicant shall install and maintain proposed landscaping.
- Applicant shall install the electrical power access lines underground.
- Applicant shall submit a request to merge the two parcels, tax map 11-6-4 and 11-6-5.
- The on-site water system, septic system, and vehicle maintenance fluid capture tank shall comply with NH DES regulations.

Lou Alvarez seconded the motion, and all members were in favor.

**Old / New Business:**

The minutes for the 02-March 2023 meeting were reviewed. Dave Lage made a motion to approve the minutes after deleting the highlighted text. Jeff Muhonen seconded the motion, and all members were in favor.

Dave Lage made a motion to appoint Walker Farrey as the Zoning Board Chairperson. Lou Alvarez seconded the motion, and all members were in favor.

Dave Lage made a motion to appoint Danielle Sikkila as the Zoning Board Vice-Chairperson. Walker Farrey seconded the motion, and all members were in favor.

Danielle Sikkila made a motion at 21:48 to adjourn the meeting. Dave Lage seconded the motion, and all members were in favor.

Submitted by,  
Jeffrey Carter  
Land Use Clerk