

04-May 2023
Zoning Board of Adjustment Meeting Minutes

The New Ipswich Zoning Board of Adjustment [ZBA] conducted a public meeting on Thursday, 04-May 2023, from 7:00 PM to 10:00 PM at the Town Office. The table below lists the attendees.

ConCom Member	Present	Absent
Walker Farrey, ZBA Chairperson	X	
Danielle Sikkila, ZBA Vice-Chairperson		X
Lou Alvarez, ZBA Member	X	
David Lage, ZBA Member	X	
Jeff Muhonen, ZBA Member	X	

Walker Farrey called the meeting to order and did a roll call.

Case ZBA 2023-2 Hearing Continuation: Memorial Park Baseball Lights

Stephen Falter, 30 Temple Road, spoke on behalf of the Mt. Monadnock Baseball organization during the continuation of the hearing from 06-April 2023. 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 56,000 lumens with shielding to reduce stray light beyond the field.

David Lage stated multiple times that the 2017 Little League Lighting Standard did not specify a specific pole height and only specifies the field illumination levels. David also stated multiple times that he preferred a pole height of 30 to 40 ft. Stephen Falter stated that both David's comments were incorrect. Stephen corrected David and stated that the 2017 Little League Lighting Standard specifies a pole height of 60 feet for the proposed field configuration. There is no mention of 30 or 40 ft poles in the standard. Stephen referenced the Recommended Lighting Diagrams – Pole Quantities and Height table on page 11 of the standard. Stephen explained that the poles are being donated and that is why they are proposing two deviations from the little league standard: 1) 50 ft pole height and 2) wooded vs. galvanized metal poles. The use of galvanized poles would add \$10K to the project cost as discussed on 06-April 2023. The ordinance only addresses the pole height and does not address the pole's material composition.

Walker Farrey stated that the applicant reviewed the variance criteria during the 06-April 2023 meeting where the board requested light illumination calculations in foot-candles¹ for the field and surrounding area for pole height of 40' or less since applicant previously provided a photometric plan with fixtures for 50' pole height.

Stephen Falter presented two field illumination photometric diagrams with the calculation results for 50 ft and 40 ft poles, respectively, as requested. The maximum stray light

¹ A foot-candle is a measurement of light intensity defined as the illuminance on a one square foot surface from a uniform source of light.

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trespass from the proposed baseball field lights beyond the Memorial Park boundaries are 1.9 foot-candles for the 50 ft poles and 1.7 foot-candles for the 40 ft poles at the edge of the Memorial Park boundary along Temple Road. The maximum lighting stray occurs at the edge of the Memorial Park boundary along Temple Road directly across from the basketball courts which have their own lighting. Note that the illumination analysis did not include any stray light contributions from the basketball court lights which are located between the baseball field and Temple Road which will dominate any light trespass. The difference in stray light trespass resulting from the proposed baseball field lights is 0.2 foot-candles which is equivalent to 2.152 lumens² or 0.003 watts³.

Dave Lage stated that anything greater than 0.2 foot-candles is stray light trespass. The maximum stray light trespass at the homes along Temple Road is 0.6 foot-candles for both configurations. Dave also stated that the 50 ft poles would stick out like a sore thumb when compared to the netting and basketball light poles which are approximately 25 ft.

Walker Farrey asked Stephen Falter if they could live with either the 40 ft or 50 ft pole configuration. Stephen stated that they preferred the 50 ft configuration but would accept whatever light pole height the board was willing to approve.

There were no abutters present during the hearing.

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

The following provides a summary of the zoning board deliberations:

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 are scheduled 6-days a week, Monday – Saturday, and limited to a 2-hr duration [either 6:00 PM to 8:00 PM or 7:00 PM to 9:00 PM].
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 9:30 PM which is 30-minutes before when the adjacent basketball court lights are turned-off.
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

² 1 foot-candle equals 10.76 lumens.

³ 1 lumen equals 0.001496 watts.

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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 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 approve the variance to Article-XIII Section-P to install privately funded lighting at the Memorial Park lower field to extend the baseball spring and fall season with the following conditions:

- The lighting shall be shut off before 9:30 PM.
- The lighting poles shall be limited to a height of 40 ft. Jeff Muhonen asked if the limitation could be adjusted to 50 ft to improve the field illumination. Dave stated that the 50 ft pole was out of the scale with the community, and he thought the little league recommended pole heights are typically 30 to 40 ft. Stephen Falter stated that the little league standard is a pole height of 60 ft, as previously discussed, but they were proposing 50 ft since the poles were being donated. The board decided to retain the 40 ft limitation for the lighting poles.
- The lights shall be 56,000 lumens with shielding to reduce stray light trespass.
- Installation of the lights shall make a best effort to reduce the stray light trespass in foot-candles along Temple Road from the calculations shown in Figure 2 and 3 photometric diagrams.
- A photometric diagram of the actual measured light illumination in foot-candles of the field and surrounding area shall be submitted after installation.

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

Case ZBA-2023-05 Application Review: 151 Main St Rooming House

Joseph Coffey and Patrick Houghton spoke on the special exception application from Article-V Section-A, B, C for the property at 151 Main St [Map 12 Lot 10-1] to provide an affordable rooming house. The property has 21 bedrooms and 5 – 6 bathrooms. The applicants are also considering modifying the application to provide a sober living house.

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Walker Farrey stated that the board had no preference. The application needs to state the specific proposed usage and what relief from the ordinance is being requested, with substantiation documentation.

Dave Lage stated that there are different ordinance provisions for a rooming vs sober house that the applicants should review. Specifically, the application package would need to define the plans for parking, water, and sewer design since these have been issues with the property in the past.

Joseph and Patrick will speak with the building inspector, research state property history records, and modify the application with a specific usage proposal.

Case ZBA-2023-06 Application Review: 400 Temple Rd Group Home

William Van deWater and Jasmine Fiandaca spoke on the special exception application from Article-VI Section-C for the property at 400 Temple Rd [Map 10 Lot 20-5] to allow the operation of a residential group home to provide transitional housing for 8-12 exploited women and their pre-teen children for up to 24 months before moving-on to independent living. The property is a former nunnery with 17 bedrooms and 8 bathrooms. There are currently only 6 sites like this for sex trafficking victims in New England. Jasmine will manage facility operations as part of a non-profit ministry outreach network.

Dave Lage stated that a site plan would be needed including parking, water, and sewer.

Dave Lage made a motion to accept the application. Jeff seconded the motion, and all members were in favor. The hearing is Thursday, June 01, 2023, at 7:05 PM.

Old / New Business:

The board reviewed the minutes for the 06-April 2023 meeting. Dave Lage made a motion to approve the minutes. Lou Alvarez seconded the motion, and all members were in favor.

Dave Lage recommended that the zoning board provide a letter to the planning board with guidance regarding off-site parking discussions and decisions that the board made on the Silver Scones variance approval. The decision was that off-street parking to accommodate 50 people to meet our zoning regulations is to be provided. Parking lot details to be addressed by the PB. ZBA does not have the authority to restrict parking on public roads.

Dave Lage made a motion to adjourn the meeting. Lou Alvarez seconded the motion, and all members were in favor.

Submitted by,
Jeffrey Carter
Land Use Clerk