

MINUTES
PLANNING BOARD
February 19, 2020

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

John asked Craig to sit in for Deirdre and Debbie to sit in for Paul Termin's vacated position.

The minutes of February 5, 2020 were reviewed. Bert made a motion to accept the minutes as written. Craig seconded the motion and Liz abstained.

Selectmen's Report:

Bert informed the Board Candidates night will be held on March 3, 2020 at 7pm. Voting will be on March 10th from 7am-7pm at Mascenic High School.

He distributed a sample of an As-Built and gave an explanation so the Board would be familiar with what is required.

Chairman/Land Use Report:

John informed the Board about RSA 91A (Right to Know Law). He mentioned if anyone is using their personal email for Town business and there is some kind of litigation, their personal email will be opened up for discovery. If there are 4 or more members included in an email, it is considered a quorum (i.e. meeting). He reminded the Board to go through Debbie if they would like to send out an email. John also mentioned Debbie has begun to use Dropbox as the method of sending out pre-meeting packets and asked if everyone received it or had any problem with it. Liz would like to get her packet through email as opposed to Dropbox.

Debbie reminded the Board the NHMA Planning & Zoning Conference will be held on May 30, 2020. John added his name to the list for registration.

Green Farm/Jacqueline Drive Update:

John recused himself and Liz took over in his place. Debbie said she had emailed Mr. Litchfield with the Boards' concerns regarding the lack of information on the draft As-Built that were submitted along with the As-Built requirements from the Subdivision Regulations.

Bert stated he had spoken to Mr. Litchfield on Friday. Mr. Litchfield said he had spoken to Holden Engineering and a survey crew would be out next week to gather the remaining information for the As-Built.

John asked if Mr. Goewey has been out to look at the site. Debbie replied he had not because there wasn't enough information on the submitted As-Built.

Brad Brock, 40 Jacqueline Drive, asked if the HOA can go before the Selectmen for dedication and acceptance if the warrant article doesn't pass. Debbie replied she had a conversation with Chairman Lage regarding this. He responded the Selectmen would not accept it if the Town voted it down.

John asked if Fairbanks Road was ever put on a warrant. Debbie replied it was in a warrant several times. John continued by asking if it was ever accepted by the Town on a warrant. Debbie replied it was not. John asked if Fairbanks Road was accepted by the Selectmen and Debbie said it was.

John resumed his position as Chair.

Melissa Thayer:

Melissa Thayer stated she is a Real Estate Agent in town and would like to ask some questions regarding a property she is listing on Boston View Drive. The Board informed her anything that is said by either party is non-binding because this is a conceptual discussion. Melissa asked if the 8 acre property would be subdividable. The Board informed her they cannot answer that question without a subdivision plan and suggested she consult a surveyor or engineer for specifics. A subdivision would have to meet all of the requirements in the Subdivision Regulations (i.e. setbacks, frontage, etc.).

Planning Board By-Laws:

The Board adopted by signature and vote, the following By-Laws:

BYLAWS OF THE NEW IPSWICH PLANNING BOARD

ARTICLE I: NAME

The name of this organization is the New Ipswich Planning Board, hereinafter referred to as the Board.

ARTICLE II: AUTHORIZATION

The authorization for establishment of the Board is set forth in the New Hampshire Revised Statutes Annotated, as amended (RSA), Chapter 36 and by the voters of the Town of New Ipswich at the Town Meeting of March 15, 1974.

ARTICLE III: PERSONNEL

The Board shall consist of seven members, six of whom shall be elected members, elected by majority vote at Town Meeting, in accordance with the Town Meeting vote of March 1979 and the seventh member shall be a Selectman appointed by the Selectmen.

ARTICLE IV: TERM OF OFFICE

In accordance with RSA Chapter 36 and with the Town Meeting vote of March 1979, members are to serve for a period of three years in a manner so that no more than two members, excluding the Selectman member, terms of office shall expire in any one year. Initial terms of office of elected members were two members elected for one year terms, two members for two year terms and two members for three year terms. The Selectman, ex officio member, shall have a term of office to correspond with that Selectman's official tenure.

ARTICLE V: QUALIFICATIONS OF MEMBERS

Members of the Board may also serve on any other municipal board or commission as provided in RSA Chapter 36, except that no more than one Planning Board member shall serve on the same board or commission.

ARTICLE VI: REMOVAL OF MEMBERS

Members of the Board may, after a public meeting be removed by the Board of Selectmen for inefficiency, neglect of duty or malfeasance in office. Selectmen shall file with the Town Clerk a written statement of reasons for such removal.

ARTICLE VII: FILLING OF VACANCIES

Vacancies in the membership of the Board, other than those of a temporary nature or those occurring as the result of expiration of elected/appointed term, shall be filled until the next regular town election and

shall be appointed by the Planning Board. A vacancy in the Board of Selectmen member (Ex Officio) shall be appointed by the Board of Selectmen until the next town meeting election.

ARTICLE VIII: ALTERNATE MEMBERS

The Board may appoint five alternate members in accordance with RSA 673:6 and they shall serve a term in accordance with RSA 673:5. Alternate members should attend and participate in all meetings and hearings of the Board but shall vote only when designated by the Chair to serve in an absent member's place. To provide clarity for the applicant, the Chair shall specify those members who are authorized to vote at any given hearing. Alternate members may be removed from office as stated in Article VI. Vacancies among alternates shall be filled for the unexpired term.

ARTICLE IX: ORGANIZATION

At the first regularly scheduled meeting following the annual Town Meeting elections, the Board shall elect its Chair from its members and such other officers as the Board deems necessary for its work, to include but not limited to a Vice Chair. The term of office shall be one year with eligibility for re-election.

ARTICLE X: MEETINGS

The Board shall conduct at least one meeting per month and shall post in at least two appropriate places in town, as certified by the Chair or designee, notice of time, date and place of the scheduled meetings.

Also, at least five days before each meeting, except for emergency meetings, an agenda of those scheduled meetings shall be positioned in the same two places in town as are posted notice of all scheduled meetings. Anyone wishing to transact business with the Board may have such matter of business place on the agenda by notification to the Board Chair or Designee prior to publication of the agenda.

A quorum to transact business of the Board shall be necessary and shall be so noted in the minutes of the board and shall consist of not less than four members including the Selectmen's representative and such alternate members as may have been appointed and present, except that alternated members shall act only in absence of specific members whom they have been appointed to replace at a meeting.

Voting shall be by voice vote except that a roll call vote may be requested by any member. Rules of Order shall be as provided in Robert's Rules of Order.

Conduct of business at meetings shall include:

- Call to order*
- Roll call*
- Reading of minutes of previous meeting and action thereon*
- Communications*
- Reports, including financial reports*
- Old business*
- New business*
- Adjournment and notification of next meeting*

Any and all hearings call by the Board shall be at the time, date and place as provided for in notice of such hearing.

All meetings and all voting shall be done in public with executive sessions only as permitted in RSA 91-A, as amended, Access to Public Records.

Special meetings may be called by the Chair or any four members of the Board, providing first that proper public notice (or notice of emergency meeting) is posted in accordance with RSA 91-A.

In absence of the Chair, the Vice Chair shall act in place of the Chair. In the absence of all officers and provided a quorum is present (including appointment of alternates as above and in Article VIII), those present may elect a temporary Chair to act on behalf of the Board.

ARTICLE XI: STAFF AND FINANCES

The Chair may appoint, subject to the limitations of funds available to the Board and on approval of the Board of Selectmen and/or by vote of the Town Meeting, a person to serve as Clerk to the Board who will not be a regular or voting member of the Board.

The Chair may appoint such other employees as are deemed necessary for the Board's work, the appointment and removal of such employees and/or Clerk being subject to the same provisions of law as govern other employees of the Town of New Ipswich.

The Chair may further appoint, subject to approval of the Board, or may contract with city or regional planners, engineers, architects and other consultants for such services as the Board may require.

Only the Chair or member of the Board designated by the Chair for a specific purpose, is authorized to contact the Planning Board attorney, the Town engineer or any other service provider who charges a fee for service.

Expenditures of the board, exclusive of gifts, fees and reimbursements, shall be within the amounts appropriated for the purpose by the Town at Town Meeting, which may provide such funds, equipment and accommodations as may be necessary or advisable for the Board's work (RSA 36:9).

All monies due as fees or reimbursements to the Board shall be made payable to the Town of New Ipswich and all payments shall be drawn on Town accounts and paid by the Board of Selectmen.

The Board shall provide annually to the Board of Selectmen for inclusion in the annual Town Reports, an accounting of its income, expenditures and a summary of business transacted by the Board and recommendations for future funds.

ARTICLE XII: POWERS AND DUTIES

The powers and duties of the Board shall be as provided for specifically in RSA Chapter 36 and in other such Federal, State or local regulations. One of the Boards' major responsibilities is the development of, refinement of and up-dating of a Master Plan as provided in RSA 36:13-15.

The Board shall establish such Board or public committees as it deems necessary from time to time to carry out its activities.

ARTICLE XIII: CITIZEN PARTICIPATION

To be responsive to the objectives and values of the citizens of New Ipswich affected, the Board shall establish such committees, seek out such technical assistance, utilize media to provide public information, encourage citizen involvement and conduct public hearings with regard to its activities so as to obtain the maximum public participation and reaction.

The Board shall encourage the development of a sounding board or citizen advisory committee to assist it.

ARTICLE XIV: HEARINGS

In addition to those hearings required by law, the Board shall hold such public hearings as may be in the public interest, all hearings open to the public and publicized no less than as required by Chapters 36 and 91-A of the RSAs.

ARTICLE XV: DISQUALIFICATION

No member of the Board shall vote on a question before the Board in which that Board member has a financial interest, direct or indirect, greater than any other citizen, nor shall that member sit upon the hearings of that question.

Any member may recuse themselves on a question before the Board. Any member may request disqualification of any other member if there appears to be such a conflict of interest, such disqualification to be considered and voted by a majority of the Board present and voting.

Any member recusing themselves on a question may be replaced by an alternate acting in that member's place.

ARTICLE XVI: AMENDMENTS

These bylaws may be amended by a majority vote of the Board upon written request signed by at least three members.

ARTICLE XVII: SEVERABILITY

The invalidity of any provision of this Article shall not affect the validity of any other provision, nor any prior decisions made on the basis of the valid provisions of this Article.

ADOPTED THIS DATE: June 25, 1980

Signed copies placed on file with the Board of Selectmen on August 27, 1980 and the Town Clerk on August 27, 1980

*John Schaumloffel, Chair
New Ipswich Planning Board*

*Debbie Deaton, Designee
New Ipswich Planning Board*

*Amended November 15, 1995
Amended April 22, 1998
Amended January 22, 2003
Amended November 17, 2010
Amended February 19, 2020*

Craig made a motion to accept the By-Laws as amended. Nate seconded the motion and it passed unanimously.

Road Committee:

The Board discussed the Road Committee (amended Road Warrant Articles to reinstate Road Committee) proposed by Deirdre. The amendment states the Committee shall consist of the 2 Planning Board members, DPW director and 2 citizens, preferably with knowledge of road construction. Nate and John volunteered. Deirdre stated in an email she is willing to be on the Committee because she volunteered Planning Board members in the warrant article amendment.

Bert added the Selectmen are in the process of recruiting citizens to be on the Committee and as the governing body, the Selectmen will be choosing the committee.

Debbie said SWRPC will assess all Town maintained roads for no charge & come up with a 10 year plan. Lisa Murphy will email the details to Debbie and it will be forwarded to the Selectmen.

Driveway Regulations:

The following changes were recommended:

Nate raised some concerns regarding driveway width based on his own experience. John asked to make a note to discuss driveway widths with the Fire Department and Police Department.

It was agreed we should delete the Commercial Driveway section (B).

Liz requested the Board look at the definition of Driveway at the next meeting.

At 9:00, John made a motion to adjourn. Craig seconded the motion and it passed unanimously.

Respectfully submitted,

Debbie Deaton
Land Use Administrator