

MINUTES  
PLANNING BOARD  
March 3, 2021  
Via Zoom

Present: John Schaumloffel (Chair), Deirdre Daley (Vice Chair), Shawn Talbot (Ex-Officio), Liz Freeman, Lou Alvarez, Nate Sikkila, Lou Guarino, Craig Smeeth, Susan Mallett, Debbie Deaton and Jennifer Minckler.

John read the "Right to Know Law Meeting Checklist" and took roll call attendance. John asked all members of the public to identify themselves.

**Selectmen/Chair/Land Use Report:**

- Shawn Talbot reported there are no updates on the cell tower agreement yet. He asked if anyone had questions for him. There were no questions from public.
- Land Use Clerk reported nothing
- John advised there are four candidates for 4 positions on the Board. He encouraged everyone to vote for Candidate of choice. He mentioned per By-laws at the beginning of next meeting once called to order and after attendance, we must select new Officers for the upcoming year who will be immediately seated, to continue that meeting. John is suggesting having a Secretary or Parliamentarian for these meeting. There is a Lot Line adjustment on March 17, 2021 as well a discussion of Kennybeck Court and Green Farm Cluster Subdivision .Liz advised there is a binder with just Green Farm Minutes in the Town Office. Jen to look for them. John is to recuse himself from the Board as he is member of HOA. John made motion to have Land Use Clerk send letter to Susan Mallett and David Lage to thank them for their service to the Town and the Planning Board, seconded by Shawn Talbot. Roll call vote was unanimous

**Minutes from February 17, 2021:**

Deidre shared screen to review Minutes to review technical edits. Deirdre motioned to accept the minutes as amended and Lou A seconded the motion. Roll Call vote was unanimous. Liz asked that the revised minutes be emailed to the Board

**Sikkila Excavation Permit:**

Nate Sikkila recused himself and Debbie Deaton sat in for him. Nate and Deidre went through materials regarding options going forward. Deirdre advised that Nate, when originally presenting information for plans for property were very detailed. Nate wasn't sure how long it would take to get the area level. Deirdre mentioned his options were to either to continue as a gravel pit or as an Intent to Excavate with a Building Permit. Deidre advised building permit only last for so long and Debbie Deaton confirmed that it is good for one year. His excavation is in conjunction with the Building Permit. He can request the Building Inspector to extend the permit, which would extend excavation. Liz asked if permit is still active and Nate stated he does not believe so. Liz mentioned that on January 16, 2019 there was a meeting in which the Planning Board advised if Excavation portion not completed by January 1, 2021, Mr. Silkila would have to come before the Board and be subject to new excavation regulations. This was Nate's understanding as well. Debbie asked if material has been moved and Nate stated he removed approximately 30,000 yards. His original intent to Excavate stated 60,000. He has been tracking it. Nate states material is not

saleable and is only good for backfill. Liz advised one of the things that changed on Regulations were that if removal from sight of more than 1000 cubic yards, it is up to Planning Board to determine if the work is incidental to site development. Liz advised if Nate were to apply for a gravel pit, there would be no need for the Board to determine project is incidental. She stated that if he doesn't want to apply for Intent to Excavate then Board needs to determine if he needs to get one and will determine if incidental to Building Permit. Deirdre stated that operation is not active now so he is not out of compliance. John suggested Nate appear before the Board on March 17, 2021. There was no further discussion on this.

#### **7:15 Public Hearing- Driveway Regulations and Subdivision Regulations Amendment:**

John recapped the discussion from the meeting on February 17, 2021:

- Culvert Size remaining at 15"
- What's requirement for landing area
- Requirements for plans
- Requirements for Engineered drawings
- No change to Driveway being a structure as it is described in section III

John asked if Board or Public wanted any further discussion on proposed driveway regulations. Joe Woodworth asked if regulations are related to a single building or multiple dwellings. He asked if there is a maximum number of dwellings that can share a driveway and Liz responded 4. John made a motion to accept the proposed Driveway Regulations and to amend the Subdivision Regulations as proposed on the meeting of February 17, 2021. Roll Call voted taken 6 to 0 with one abstention by Nate.

#### **7:30 Public Hearing – Lehtonen Lot Line Adjustment (Technical Subdivision), Maps 9/33-1 9/8 and 9/32-3, Westbrook Drive/Page Hill Road:**

Several members of the public attended the meeting via Zoom.

- Ed Rogers (Rogers Engineering), Kenny Lehtonen (applicant) and Jason Bielagus (Attorney for Westbrook Drive HOA) were present via Zoom. Ed shared plans reflecting current lot lines and the proposed lot lines. Ed stated this proposal is to adjust the lot lines of 3 lots for this Lot Line Adjustment. Map 9/8, (green lot), 9/32-3 (red), Map 9/33-1 (blue). Westbrook Road ends in a Cul-de-sac. The proposal is to adjust lot lines so that Map 9/8 ends up with frontage on Westbrook drive, as well as being enlarged by incorporating some land from maps 9/33-1 and 9/32-3. Map 9/33-1 does not have frontage on any road but it does have a recorded access of 50' off of Page Hill Road.
- Ed shared Kent Brown's letter on screen, stating the Wetlands stamp was missing but now has been provided. He stated Westbrook Drive was intended to be built to Class V Town Standards. Ed requested a partial waiver for Wetland delineation. He delineated those areas necessary to demonstrate that no wetland crossings are necessary to get to these parcels and to demonstrate where wetland setbacks would apply. A waiver has been requested for the drainage plan. Kent Brown concluded in letter that he recommends the Board consider the application for discussion.
- Liz told the Board that Mr. Kuusisto was in the office saying he believes he owns northern portion of lot 8. Mr. Kuusisto wrote a letter stating this and it was presented to the Board (see

last page of these Minutes). Deirdre showed letter on screen as Mr. Kuusisto could not attend meeting.

- John introduced Mr. Bielagus who represents the owners of the Westbrook Heights HOA. John had Deirdre share her screen showing his letter to the Board. Mr. Bielagus stated Westbrook Drive is a private road and there are 9 lots that access the road. Mr. Lehntonen owns Lot 32/3. West of 32/3 is another lot Mr. Lehntonen owns which is Lot 9/8 which doesn't connect to Westbrook Drive and is not part of subdivision, nor encumbered to declaration of covenants. Lot 9/8 doesn't have to contribute to private road, maintenance or plow cost. The Declaration provides that no lot can be further subdivided (which is what this lot line would be as a technical subdivision). If the Board were to allow this application, it would violate the covenants of no further subdivision and secondly giving access to lot 9/8 to Westbrook drive and would have a lot that is not part of subdivision with no encumbrances. You would give that lot access to Westbrook drive. Mr. Bielagus recommend the Board deny the application or continue the application to a date certain giving the HOA and Mr. Lehntonen time to come to an agreement. He also advised 6 of the 9 lots (2/3 approval) would have to approve the technical subdivision and change the covenants.
- John asked members of the Board if they have specific approach to take regarding the application. Shawn stated we should err on side of caution and continue with this to give Mr. Lehntonen and other property owner's sufficient time to make decision. Deirdre noted there is a road easement on lot 9/32-3 and asked if the easement should be shown or if the HOA voted to remove it. Ed Rogers does not believe HOA can vote to remove the easement and is not aware that has been done. Ed Rogers continued to state that if this plan were to be approved the Easement would cease to exist.
- John recognized Kenny Lehtonen who informed the audience he has been working with the HOA and had a Zoom meeting on February 10, 2021. He stated all of the HOA members were part of the call and all agreed to approve the Lot Line Adjustment. He mentioned he sent an email to the Board this evening requesting the Board continue the Public Hearing to allow more time for an agreement to be drawn up. Mr. Bielagus stated there was no decision made but some discussion at a meeting. He deferred to Kevin McDonald who was at this meeting and the HOA meeting.
- Deirdre said the Technical Subdivision is on a private road and the only access to lot 9/33-1 is an easement to Page Hill road and is concerned that doesn't count as frontage. Mr. Lehtonen commented that the easement does count as frontage and makes lot 9/33-1 buildable because it was previously approved and recorded.
- Deb Clark (Jalen Drive Abutter) advised she is concerned that this was the first time she heard of this Subdivision. John confirmed this is the beginning of the process and all abutters were legally noticed twice.
- Liz is concerned about the dispute of ownership of this property
- John stated there are some serious disagreement with regards to easements, the HOA and property ownership which are all outside of the realm of the planning Board. These may not be resolved in 65 days and John asked Mr. Rogers and Mr. Lehtonen if they want to withdraw the application and if not to continue the hearing to the second meeting in April 2021. Ed agrees the issues need to be addressed and would like the Board to accept the application as complete and then continue the hearing for compliance to allow the issues to be worked out. Ed wants to make sure a continuance constitutes notice.
- Deirdre made motion to continue the hearing to April 21, 2021 at 7:45pm via Zoom. Liz seconded the motion. Roll call vote was unanimous. Nate stated he wants to make sure all parties realize

this application is for a lot Line Adjustment. Deidre responded by stating the law says when you are making a non-buildable lot buildable, it is a Technical Subdivision.

- John advised the attendees to try to resolve the issues stated. Deb Clark and Melissa Mack asked if the contact information for Mr. Bielagus and Mr. Lehtonen could be made available for the attendees. Mr. Bielagus, Mr. Lehtonen and Kevin McDonald gave their contact information. Kevin McDonald asked to be contacted before they contact the attorney due to the fact the HOA is paying for the attorney.
- John encouraged the attendees to sign up for alerts on the Town website, view agendas on the website, the Town Office lobby and the Post Office lobby.

**Other discussions:**

- Deirdre informed the Board of a Virtual workshop for Planning Board members and asked Jen to email to everyone
- Liz inquired about the Board having a Facebook page as there is misinformation being passed around. John as a private citizen has put Agenda onto Town of New Ipswich page but does not participate or turn on commenting. John believes it may be better to express individual opinion and that we put Agenda on Website with Dropbox link. Deirdre thinks we should have a consistent presence on social media i.e., the Town Website

8:30 Liz made Motion to adjourn. Nate seconded the motion and it passed unanimously

Respectfully submitted,  
Jennifer Minckler  
Land Use Administrator

## Town of New Ipswich Right-to-Know Law Meeting Checklist

As Chair of the New Ipswich Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # **1 646 558 8656** and **Meeting ID 864 2516 7140** or by clicking on the following website address: <https://us02web.zoom.us/j/86425167140>

- b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of New Ipswich website at [www.townofnewipswich.org](http://www.townofnewipswich.org)

- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 603-593-8892 or email at: [jschaumloffel@townofnewipswich.org](mailto:jschaumloffel@townofnewipswich.org).

Please be aware that for the purposes of transcription this meeting is being recorded (both video and audio via Zoom, and audio via a digital voice recorder).

For the benefit of phone only users, and RSA compliance, we will attempt to disable the Chat function in Zoom. Regardless, please do not use the Chat function in Zoom during the meeting.

In Zoom, if one wants to make a statement, they can raise their hand (electronically). The Vice Chair will now demonstrate how to raise their hand.

- d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the **general** public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

3/3/21

I HAVE FOUND THAT ON THE READING OF MY DEED  
ON LOT 9-2 THAT THE LOT LINES FOR LOT 9-8 MAYBE  
INCORRECT. THE NORTHERN SECTION OF LOT 9-8 WOULD  
HAVE BEEN PART OF LOT 9-2, WHICH WAS SAID TO  
BE 55 ACRES. THIS WILL NEED FURTHER RESEARCH.

ROBERT KUUSISTO  
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*Robert Kuusisto* 3/3/21