

MINUTES
PLANNING BOARD
May 19 2021
Via Zoom

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

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

Selectmen/Chair/Land Use Report:

Selectman Chair Shawn had nothing to report

Land Use Clerk had nothing to report

Planning Board Chair, John wanted to remind the Board and the Public that in addition to tonight's Public Hearing, there will be a complex hearing on Kennybeck Court at the next meeting and the Board is waiting on materials for at least three other Subdivisions. John stressed the importance of adhering to the regulations, details and everything specified on the Subdivision application. We must follow rules and guidelines and give everyone the chance to speak at the appropriate time.

John spoke of the Emergency Orders being loosened. Neither Shawn nor Scott, the Town Administrator has heard anything from the Governor on Emergency Order being lifted. John advised that the Board at some point will need to return to some form of in- person meetings and John hopes at the June 16, 2021 meeting we can discuss safety and the rights of the public to participate.

Minutes from May 5, 2021: Minimal changes made to the minutes. Motion to approve with pending amendments by Lou Alvarez and Josh Muhonen seconded. Roll Call vote unanimous. Motion carries. The Minutes are adopted.

7:30 Public Hearing- Continuation of Lehtonen Technical Subdivision/Lot line Adjustment Map 9/33-1, 9/32-3 and 9/8

(note: In this section, the word lots and homes are used, and the reader is reminded the terms are not the same).

Additional information had come in for the prior meeting which was the Second Amendment to the Declaration of Restrictive Covenants Westbrook Heights Subdivision Page Hill Road New Ipswich New Hampshire. John advised that the Board should have reviewed the agreement between the HOA and the developer in time for the 5/19/21 Board meeting.

John mentioned that a letter was received from Eversource, Comcast and the Road Agent. The conditions remaining are fees, Mylar and the letter from Chief Lund of a water source for fire fighting.

John advised that we have finished Completeness and now we are onto Compliance. John is concerned that Westbrook is not Class IV or Class V road. It is a private Road and in order to do subdivide on a private road in the Town of New Ipswich, the Subdivision regulations and application requires a letter from the Fire Chief stating that there is adequate water for firefighting. John feels the letter received from the Fire Chief does not clearly indicate there is adequate water for firefighting for the Westbrook

Subdivision. Chief Lund responded that the water source at Taylor Road is adequate for the 8 current homes on Westbrook (10 homes were on the original subdivision, but not all front on Westbrook) if there is only to be a single lot added with one house built on the lot. The Chief will write a letter stating that the water source is only adequate for those 10 lots on Westbrook drive. The Retention Pond that is there does not meet the requirements. There is no access to the Retention Pond. A rate of rise for water is required to be fifteen feet and the Retention Pond is more than fifteen feet.

Liz Freeman asked for confirmation that this is one additional lot with access of Westbrook Drive and instead of 10 lots there would be 11 lots in the subdivision. Chief Lund confirmed that is correct because there are three lots there and she is willing to put in a letter that specifies that there is an adequate water source for the 11 lots on Westbrook Drive.

Later, in the meeting, John asked Mr. Bielagus how many homes in the HOA are built on Westbrook Drive right now. Mr. Bielagus referred to plan 34683 approved in 2006. Kevin McDonald confirmed that there are 8 homes that are part of Westbrook Drive. John feels there should be a restriction that states no more than 10 houses can be accessed by Westbrook Drive because of the current firefighting water source. John asked Mr. Rogers to enter this restriction on the plan. Mr. Bielagus clarified Westbrook drive is 9 lots. If the Lot Line adjustment is approved, Lot 9/8 would be the 10th lot. Mr. Bielagus advised that there are two lots that don't use Westbrook Drive, they connect to Page Hill. The one on Westbrook Drive, LOT 32/3 does not have a house on it.

John asked if any Board Members have questions about the water supply issue. There were none. John asked if the Board had questions about any aspects of the application. Deirdre questioned Note 11 as she has not heard the term Terminated by Merger. Ed Rogers explained that if you own piece of land accessed by an Easement and then acquire that land then Easement is no longer necessary. Mr. Bielagus, Esq showed Subdivision plan 34683 page 1 and 2 which was approved in 2006 and how the Easement is a moot point. Map 9/8 would have direct access to Westbrook Drive. Mr. Lehtonen asked John to recuse himself because of bias toward the application. John declined.

Lou Guarino asked about the Topographical Plan showing Wetlands and the septic showing 10 feet downgrade. Ed Rogers said that is a County soil label and the Wetlands do not flow down. Lou Guarino, after reviewing plans, asked Ed Rogers to place the L Length R Length Delta included angle in the legend in the future to see what is technically going on.

Debbie asked if the Agreement with the HOA and Kenny Lehtonen be recorded with the Mylar. Mr. Bielagus advised once the amount of signatures have been provided, it will be recorded.

Deirdre reviewed the conditions list and the following have been received:

- Ed Rogers sent State approval to Land Use Clerk.
- Payment of fees have been submitted and checks received by the Land Use Clerk.
- Letter from the Road Agent has been received
- The letter from Eversource has been received
- The letter has been received from Comcast.

A motion was made to approve the technical subdivision with the following conditions:

- 2 copies of the plans
- Mylar

- Letter from Fire Department that there is adequate support for the original 9 lot Westbrook Height Subdivision with one additional home
- Recording of Second Amendment to Declaration of Restrictive Covenants Westbrook heights Subdivision

Deidre asked if someone wanted to make the motion of Compliance. Lou Alvarez motioned to approve with the four conditions of approval as stated. Shawn seconded. Liz stated that the motion should be to approve the Technical Subdivision with the four conditions. Lou Alvarez amended motion based on statement from Liz. Roll Call vote motion carries six to one abstain by Deirdre.

Mr. McDonald inquired about the 30 year time frame based on questions from the HOA and what would occur if the road would be accepted as a Town road. If accepted in the future, would the planning board still honor the covenant that says 30 years, or once the road was made a Town Road, could an application for a Subdivision be requested once again? John Schaumloffel responded as a member of an HOA, the Town accepting the road did not change any of the restrictive covenants of the HOA Agreement. John suggests that this should be between the HOA and their Counsel. Mr. Bielagus states the intent of the amendment Map 9 Lot 8 could only have 1 residence on that lot for 30 years.

Old/New Business:

Deirdre mentioned discussing Project Groupings and asked John if people could work in their groups as long as a Team lead is heading them up? John advised if the meeting is in a group larger than 3 then it has to be noticed and minutes taken.

2021 Planning Board Priorities – Proposed Work Groups

Work Group Area	Members	Reserve
Modernizing Underground Utilities	Craig Smeeth (1) Lead John Schaumloffel (1) Lou Guarino (1)	Lou Alvarez (3) Liz Freeman (3)
Commercial District/ Power/Solar	Shawn Talbot (1) Lead Josh Muhonen (1) Nate Sikkila (1) Liz Freeman (1)	Craig Smeeth (2) Tim Somero (3) Lou Guarino (3)
Capital Improvement	Lou Alvarez (1) Lead Dee Daley (2) Lou Guarino (2) (float)	Nate Sikkila (2) Shawn Talbot (2)
Subdivision Inventory	Dee Daley (1) Lead Tim Somero (1)	Shawn Talbot (3) Josh Muhonen (3)
Storm Water Management	Defer until end Q3/4?	Lou Alvarez (2) Tim Somero (2) Josh Muhonen (2) Liz Freeman (2) John Schaumloffel(3) Craig Smeeth (3)

Other discussions: John will prepare proposed conditions to return to in-person meeting and will ask the Board to discuss at the next meeting.

Ed Rogers mentioned that Utility Companies are slow to respond at the Subdivision level. This is why Ed has asked for waivers for Utility letters. Years ago, Ed Rogers had received a letter from PSNH that they are obligated by law to provide services to legally subdivided lots and were not clear on why they were involved in the process. For many years the Board had waived this requirement. Ed questioned if anyone has been denied power or cable in the past and why it is on the Checklist? Deirdre suggested contacting NHMA for the answer. Deirdre mentions that regulations speak of public Utilities –water, sewer, power, telephone or telegraph. John suggests looking at Utilities as a whole in addition to the Underground Utilities. This will be discussed in the future. Nate suggests waiving this requirement so as not to hold up the applicants. John advised there are two ways to waive it, to come before the Board to change the application or the Board could authorize the Chair to waive, if the waiver is inconsequential which will be faster than Ed coming before the Board. Tim Somero asked Ed Rogers as to the reason for this inquiry. Ed had a Subdivision on Ashby Road in October 2020. Page Hill Road in November or December 2020 and Boynton Hill Road October 2020 that were all conditionally approved. Ed is looking to wrap these up. Tim confirms that Ed wants to get rid of these conditional approvals and for confirmation of what the intent was. Ed stated the Board had always waived those conditions in the past but for some reason, the Board did not waive the conditions for the mentioned subdivisions. Nate makes a motion for the Chair to waive Utility letters on applications. Josh seconded. Motion carries 5 yay to 2 abstentions.

Deirdre made a motion for the Board to motion to adjourn. Shawn seconded. Vote Unanimous to adjourn at 8:51PM.

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 838 99221 196** or by clicking on the following website address: <https://us02web.zoom.us/j/83899221196>

Passcode: 54321

- 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

- 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.

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.