

MINUTES  
PLANNING BOARD  
August 30, 2023 7:00pm  
In-person/Zoom

**Present:** Deirdre Daley (Chair), Josh Muhonen (Co-Chair)-in person, Selectman Shawn Talbot (Ex-Officio) - in person, Nicole Talbot-in person, Liz Freeman- in person, Bruce Ruotsala- in person, Tim Somero-in person, Craig Smeeth- in person, Jennifer Minckler- in person.

**Citizens in attendance** – James Coffey- in person, Sam Benedict- in person, Nancy Clark-in person, Kirk Stenersen of Higher Design, PLLC, Roy Tilsley of Bernstein Shur Law Firm- in person, Garrett Seppala- in person, Tyler Seppala- in person

Note: Zoom intermittent due to Wi-Fi issue.

Open meeting with the pledge of allegiance – 7:00PM

Roll Call taken by Chair Deirdre.

**Minutes of August 2, 2023:** Motion to accept the minutes as amended by Liz. Motion seconded by Tim. Roll Call vote. 1 abstention. Motion Carries.

**Minutes of August 16, 2023:** Motion to accept the minutes with minimal amendments by Josh. Motion seconded by Tim. Roll Call vote. 2 abstentions. Motion Carries.

Chair Deidre asked Jim Coffey to speak after he asked for a few minutes of the Board's time as a citizen. He advised the Planning Board that the matter he wanted to discuss isn't really specific to the work of the Planning Board. His reason to come before the Board is because the Planning Board originates changes in Zoning Regulations. He made a complaint 11 years ago that the Select Board has yet to act on in writing. He is suggesting that the new master plan reflect penalties if the Selectmen fail to enforce the zoning regulations. He mentioned a cease and desist order from 11 years ago written by the building inspector to the current Town Attorney at that time, which was Gary Kinyon. Jim explained that he is looking at a complaint that an unspecified individual started a commercial business licensed by the State of New Hampshire, in the town of New Ipswich in a rural zone and Selectmen are telling him, but not following up in writing, that there is no need for a special exception. If a commercial business is started which falls in certain categories, you must get a special exception. Jim is not here to say they shouldn't have a special exception but that procedures need to be followed and the Town needs to look at enforcement and should be reflected in the master plan. Chair Deidre advised that she will add enforcement to the list of relevant topics of the master plan.

**7:30 Public Hearing – Site Plan Visit Prime Roofing – 485 Turnpike Road Map 11 Lot 96 continued from August 2, 2023.** Active members are Craig Smeeth, Shawn Talbot, Chair Deidre Daley, Co-Chair Josh Muhonen, Bruce Ruotsala, Liz Freeman and Nicole Talbot sitting in for Tim Somero. Tim Somero recused himself and sat in the audience. Chair Deidre advised we have a couple of updates which include an updated set of plans and a revised review from Kirk Stenersen and Bert Hamill, the Planning Board Engineer. Liz asked if the new set of plans are identical with the exception of drainage issues. Kirk responded that the concerns of the drainage that Mr. Hamill mentioned were addressed and plans were updated with Bert's suggestions accordingly. The revised plans reflect curbing added around the perimeter of the parking lot, with curb cutouts and with rip rap aprons in five different locations. The run off will come to the curb and go to the curb outlets and down through the rip rap apron to the swales. Across the back, the same has been done. Grading has been maintained to the curb, storm water will run along the curb to the rip rap apron down to the swales. Kirk showed where there catch basin is to be on the plan to capture runoff as well as water from the roof drain as well which is all directed to the storm water basin. There are a couple of clarification changes that Bert made comments on regarding spot elevations to better clarify the plans for construction. He changed the abutter on the plan per the request of an abutter. The drainage calculations changed slightly due to the curbing on the plans. Bert is satisfied with those. The DOT

driveway permit was received. Liz questioned that the changes made to the plan and that Bert has received and approved. The Board and Kirk confirmed.

Chair Deidre requested that we spend an hour and no further than an additional fifteen minutes to discuss. Chair Deidre read Bert's last review dated 8/23/2023 in which he stated:

***My initial review indicates that the application is complete and has addressed the major steps in the review and approval process.***

***1. Since more than 1 acre of land is being developed, a NPDES permit for erosion control and drainage oversight through the EPA is required prior to the start of work.***

***2. The site plan was revised to provide curbing with cut outs and rip rap drainage swales at selected intervals. This system appears to meet stormwater management requirements.***

***Recommendations & Concerns***

***1. The parking appears to be adequate based on the proposed usage. However, the PB should set conditions limiting the use to the available parking***

***2. A future outside storage area (7200 SF) is shown, but the applicant has no current plans to construct this feature. The PB should set conditions regarding outside storage which do not utilize proposed parking spaces or block emergency access to the full perimeter of the building. If an outside storage area is constructed, fencing to prevent pilferage and vandalism should be required.***

***3. Inspection of the site should be conducted during construction. An inspection schedule with appropriate fees should be established as part of the conditions.***

***4. An as-built plan of the site and installed utilities should be provided to the town prior to occupancy.***

***The engineer of record has modified the plans and provided documentation in keeping with the Town of New Ipswich Site Plan Regulations. At this time, the submission can be accepted for "Compliance". I recommend this project for approval with conditions. Please contact me if you have any questions***

7:38 Chair Deidre then opened the meeting to public comment. Tim Somero, an abutter, thanked Prime Roofing for going through the appropriate process as he lives in an area where several properties in his neighborhood have issues that are not being addressed. Tim asked the Board to consider noise, limiting use of parking to business use, and that no loitering or something similar to that effect be added.

There was no further public comment. Liz advised her concern is not the use, but her main concern is the size of the building. She is glad though that the ZBA requested the gables in the front, however she feels they make the building look bigger. She doesn't fully understand the use of the building. Craig advised he is in agreement with those concerns but also that it conflicts with our by-laws. He questioned the lights on the building and the effect to the neighbors. Nicole advised they are already utilizing the space without the building and she believes the building will improve it. Liz referred to the general standard and general requirements of the site plan regulations which states: ***The proposed use, building design and layout shall adhere to the principles of good design and, as such, contribute to the economic, aesthetic, harmonious and orderly growth of the town. The proposed use, building design and layout will be of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area. The proposed location and height of buildings or structures, location, nature and height of walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value since these factors should be a positive influence on surrounding properties. The Planning Board in its discretion may require appropriate screening in order to shield and protect adjacent property. Proposed development shall be related harmoniously to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.***

Liz continued to focus on the standards we are supposed to consider when reviewing application. It refers to aesthetics, harmoniously fitting in etc. It is the style of the building she is concerned with. It is trying to find a more creative design that fits more harmoniously. Tyler stated that Vanguard is twice the size. Tru-Form is about the same. ABC is bigger.

Co-Chair Josh stated the property is on the main road and prior discussions of a commercial district considered RTE 124, although even that location could be in someone's back yard. Liz is discussing the design. Josh asked if the middle school design fit the other buildings in the village district. Tim, commenting as an abutter stated he does not believe you can see the area coming into town, similar to the fire station on the left. He is not worried about the design and believes this is an improvement as an abutter.

Liz wants to know more about the use of the building. Tyler described the business by stating one person that bends metal which is 4x10 and is stacked. This will occupy about half of the building. He described all the roofing supplies needed for inside storage. Liz realizes he may need 24' for the metal. Tyler said space would be lost with a pitched roof. The current design with the two gables in the front of the building was changed per the ZBA and approved by the ZBA and the Attorney Roy Tilsley of Bernstein Shur Law Firm is concerned from a legal perspective if the Planning Board requires Prime Roofing to go back to the ZBA for a different design. Liz states the ZBA approves the use and the Planning Board approves the site. Roy advised the ZBA approved the use contingent on that design. The ZBA had concerns about the design and physically where the building is to be located. Grades were done at the request of the ZBA. Selectman Talbot advised he has no desire to continue the discussion on the design of the building and asked if the majority of the Board felt the same way he does. He does not share the same concerns. Craig feels it is a relevant discussion and has no problem continuing it. Josh agreed with Selectman Talbot and said we can move forward. Chair Deidre did advise there are some other things to talk about. We may come back to this if needed.

Chair Deidre questioned the numbers for parking and occupancy. She asked for an explanation on the 8 employees in the shop. Kirk advised that from an Engineering point you want the design, not for today but for the future. Chair Deidre confirmed that the site is for 8 shop employees, 5 office employees for a total of 13. She questioned if that is now. Tyler advised that is what is anticipated to be the maximum. Currently there are only four office employees. Chair Deidre said the downstairs seems to have 5 offices and a conference room and the upstairs appears to have 4 offices. She feels they will exceed the number with the second story with payroll and field employees. Tyler advised there is only 1 person in the shop at this time. There will be 1 to 2 maximum of employees in the shop. A few workers park there and go to the job, about 3 to 4 onsite in addition to the office people. Most of the employees go directly to the site from their home with the vehicles. He feels the parking is excessive (beyond what is needed).

The Land Use Clerk questioned Chair Deidre as she had mentioned overnight but in a prior meeting Prime had said the deliveries are during the afternoon. Chair Deidre stated if they come and re-stock their trucks with supplies and then go out the next morning, then there is something coming in and going out. Tyler advised that 99.9% of the supplies go directly to the work site and that is it. Garrett advised that the only thing stored on the site is the sheet metal. There will be 3 to 4 employees that will park on the site and get into another vehicle to go to the work site. Most employees go directly to the work site. Craig asked how the business would be characterized and if the building is like a warehouse. Tyler confirmed. Tyler also advised that motorized equipment that cannot be out in the weather will be stored on the site. Liz questioned the type of motorized equipment. Tyler advised fork lifts that are transported on a trailer, safety equipment. Liz questioned how often. Tyler advised that the equipment could be left covered on a job site for a year. Liz asked what is going to be inside the building. It was reiterated by Tyler that it will be sheet metal, motorized equipment, generators, roof material anything that is needed to build a roof. Liz questioned if that all needs 24' ceilings.

Tim asked how loud the metal brake would be if bending. Tyler invited Tim to come over and hear it but it is so quiet. Tyler's office is beside it and he does not hear it. Tim also advised Craig that he is comfortable with a warehouse as a function. Liz is not concerned about the noise. The Town has a good noise ordinance and Prime Roofing would be responsible for hiring a sound engineer to take measurements if there are any noise complaints.

Chair Deidre asked if the area behind the back parking is something they want to proceed with our not. Tyler advised not at this time due to the expense. At this point there will be no more additional construction proposed.

Chair Deidre asked about the fence and/or shrubs discussed during the prior meeting. Kirk Stenersen asked how wide of a vegetative buffer should there be between the abutter and the new building. Chair Deidre believes it is not all vegetative and believes light as well as noise needs to be blocked. Tyler advised they tested light in the winter and they could not get a light to show through there. He understands the concern but there will not be a light issue. He feels it is an unneeded cost and a burden to put up a fence that is not solving any issue and Tyler mentioned the car lights on the road shine in on the houses. Chair Deidre advised she is not concerned about the building lights or the parking lot lights but is concerned with vehicle going around the building. Tyler advised they ran a spotlight in the winter time and could not get it visible. Chair Deidre said this is the one complaint from the neighbors. Nicole mentioned the hours of operation of which Tyler confirmed would be 6:00pm at the latest. Even in the winter, Nicole does not feel the light will be an issue and the fence would be a big cost. Tyler stated that the abutter was asking to move the lights from the top to below and the town Ordinance you must have down cast lights.

Selectman Talbot asked if there is a way to move through this where the property could be assessed after being built. Chair Deidre advised we cannot make this a condition as the design could not be required to be altered after being build. Attorney Roy Tilsley agreed to a condition that the applicant agrees that if upon review during the first winter the Board determines there a fence is necessary, a fence will be put up. Liz needs to understand if it is building lights or headlights that is the biggest concern. It appears there will be no night time activity anyway. Tyler advised his recall was that the abutter concern was with the building lights. Kirk stated that there is a photometric igniting plan submitted with zero light beyond the edge. Tyler advised that downcast lighting cannot be seen unless you are underneath it. Tim advised he has never seen light from the site at his property. Co-Chair Josh advised that a light plan is designed for that fact so that it will cast light on the building but not 900' of woods in the winter. Tim again stated lighting is not an issue.

Chair Deidre mentioned issues with what is going into Furnace Brook and asked if there is an oil tank there or junk. Co-Chair Josh advised the house was a controlled burn by the Fire Department. Tim said there is still junk on the slope but you do not want to disturb it. Tim requests that it remain as is but no more accumulation. Craig asked if there is a potential hazardous waste. Discussion concluded that the slope would need to be altered to research and knowing the Fire Department burned it, it should be left alone.

Bruce requested to go through Bert's recommendations. Chair Deidre still has growth questions. Attorney Tilsley advised there are 32 spaces the ordinance requirement is 1.1 spaces per the employee on the busiest shift. Liz still needs to know how many offices and employees. Kirk advised there is potential lease space of and they do not know what is going to go in that space. The current plan is for one office in the front and storage for warehouse use. This will be the same design as the ABC building. Selectman Talbot advised that there is an office in the front, a bathroom, storage area, in the back, above the office space is additional space for dining or additional storage and then a big bay. He said it makes sense and works perfect for construction companies. Chair Deidre said it may only work if the people on-site are counted. Kirk advised the number for employees is for 32 divided 1.1 that gives you 29.09 employees. He continues to state that the request before the Planning Board is for Prime Roofing commercial space, warehouse in the back, 3 leased spaces with maximum of 29 employees. Chair Deidre believes Prime Roofing is counting the people in the building and not the people on the shift when the language in the regs relates to works on a shift (not simply those in the building). There are trailers coming and going that will be spending time there. Tyler advised if they need material and come in, they would come in, stock up and leave. There will be no leaving equipment or trailers at night. The Attorney stated there will be 4

office people working and 3 or 4 cars of people leaving to a site. Discussion continued about the number of employees, number of spaces and future growth. Selectman Talbot requested that there be no parking without a parking space.

There was discussion of what activity can occur after “normal” business hours and determined that anything other than office and administrative, clerical activities will not occur outside of the normal hours. Normal business hours are defined as 6:00am to 6:00pm.

Chair Deidre advised outside storage can be addressed in the future with a modification if needed. She questioned how to get in the storage area with parking as it is, noting that would be part of any plans for additional site development. In reviewing Bert’s recommendations, inspection of the site should be conducted during construction. Kirk advised inspections would be an added cost for a private lot. Chair Deidre stated that a commercial project would involve the Planning Board Engineer and the Building Inspector. Liz suggested the Planning Board Engineer advise what inspections are needed. Co-Chair Josh stated that if it is a required inspection, it should be allowed by a 3<sup>rd</sup> party not necessarily the Planning Board Engineer. Chair Deidre advised that the Applicant can make that choice with agreement from the Planning Board if they choose to use someone other than the PB Engineer. Selectman Talbot asked what the inspection is. Chair Deidre stated that when the drainage is in, it gets inspected before it is covered. Kirk advised the underground work would be the catch basin and the roof drain coming out from the building. The as-built will have all of that information stating what is there. Chair Deidre stated that the as-built is required prior to certificate of completion/occupancy.

Chair Deidre asked if the Board wants to continue this hearing to September 20, 2023. Liz is not ready to vote on this nor is Craig. The conversation of continuation continued among the Board. Selectman Talbot shared his perspective which is how many times we are going to continue this, the ZBA approved, the Planning Board Engineer said it is complete and compliant, we have spent too much time on some of the issues that came up tonight. If there is a question with the trees, he would like to discuss that tonight so that we do not discuss at the next meeting. Chair Deidre did advise we need to discuss landscaping, security and work on the language about conditions. Chair Deidre motioned to continue this hearing to September 20, 2023 at 7:15pm. Liz seconded the motion. Roll Call vote. 2 nays. Motion carries.

Discussion on landscaping continued and Chair Deidre asked for the applicant to obtain a quote on landscaping. Attorney Tilsley asked for the conditions prior to the next hearing.

**Selectmen/Chair/Land Use Report:** Selectman Talbot reported that over the last month and a half an investigation/review of the Old Town garage was done by the State DES, SWRPC through the Brownfield’s grant process and Ransom which is a contamination/remediation company that works with SWRPC. They submitted their report at the Selectmen’s meeting last night. The recommendations included moving onto phase 2 because there were some community reports of concern, obvious spots of possible contamination points and removal of old electrical transformers onto the property. The Select Board approved moving forward with phase 2. The primary concern is not burdening the tax payers of the town. There are many grants and federal funding. There is a health value to the community in ensuring that the property is not contaminating the aquifer. Furnace Brook is right there. There was some feeling from the State that they will be working with the town and the process may take some time to rectify. There will not be a full understanding of contaminants on that property until the spring. There was an agreement in 1974 that the town encroached on Paul Somero’s property and nothing happened so the town is taking action now as agreed. For phase 1 there was minimal to no cost to the town and phase 2 the cost is anticipate to be the same.

The Land Use Clerk reported CIP training information was sent to everyone. The Chair advised that we have asked the Select Board for training and she asks everyone to complete training on October 14 or 21st for the fall Planning and/or Zoning Conferences. She will forward to the Planning Board. The Land Use Clerk asks to inform her of trainings so that she can log the information on the spreadsheet. Chair Deidre stressed the need for training.

Carrie is to attend the 10/4/2023 Planning Board meeting. There was a question of September 20, 2023. The Land Use Clerk will confirm.

Chair Deidre reported that there is a new folder in Dropbox called Outstanding where items the Board is working on can be kept as we are able to work on them. The Land Use Clerk will send out the link for the Dropbox for planning so all folders can be viewed. She advised that the next meeting September 20, will be fully administrative after the hearing for Prime Roofing. We will look at dead end part II as when we passed motion on dead ends we missed a section, the new waiver form is there, and the Planning/Building hand-off and handshakes document is also in the folder. The updates discussed during the work session regarding the planning board application process will be available at the next meeting. Fair Share update and binder updates are to be done during that meeting as well. Chair Deidre has asked Lou to work on storm water. She said the state documents speak of 10 and 50 year storms. Liz advised to do a search of other towns. Chair Deidre would like to post something on the website to set up a committee to work on the masterplan that cannot be delayed any more. Chair Deidre passed out Accessory Dwelling Unit regulation and a side by side interpretation of the verbiage. Chair Deidre asked members to think about the December 2023 meeting.

Tim advised that the inspection of gravel pits will be on October 21, 2023 to begin at the town office at 9:00am. Inspection letters will go out in the next couple of weeks. He also wants an agenda completed. Josh, Lou and Bruce will be inspecting with Tim.

Chair Deidre asked Land Use Clerk to send plans of the wetlands of the southeastern portion of Brook Haven that were submitted as part of the recent AoT update to Ed Rogers based in dialog regarding the Davis Village gravel pit.

9:22 Motion to go into non-public session under RSA 91-A:3, II(c) Matters which, if discussed in public, would likely effect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant. Motion made by Chair Deidre. Motion seconded by Selectman Talbot. Roll Call vote. Motion carries.

Motion to seal the minutes of the non-public meeting made by Selectman Talbot. Motion seconded by Tim. Roll call vote. Motion carries.

Motion to come out of non-public made at 9:39pm by Tim. Seconded by Josh. Roll Call vote.

Motion to adjourn at 9:41pm made by Josh. Motion seconded by Liz

Adjourn 9:41pm