

PLANNING BOARD MEETING
APRIL 5, 2017

PRESENT: Bert Hamill, Chairman, Ed Dekker, Liz Freeman, David Lage, Ned Nichols, Paul Termin, Deirdre Daley, Joanne Meshna

The meeting was called to order at 7:00 p.m. Deirdre was appointed to fill Tim Jones' vacancy.

Minutes: The minutes of the March 1, 2017 meeting were reviewed and the following corrections made: add Ed to those present and under Minutes, change the date of the minutes from February 25, 2017 to February 15, 2017. Bert accepted the minutes as corrected.

Dollar General Store: Liz questioned if anyone had checked on the outside lighting of the Dollar General store. At a previous hearing abutters had complained of the bright lights at night. No formal written complaints have been filed. Liz pointed out if the store is in compliance with the ordinance, the ordinance may need to be revised if the lighting is too bright. Bert noted that would have to be determined with a light meter. Ned did not see any reason to do anything as written complaints have not been received. Liz reiterated the issue is whether or not the ordinance needs to be revised. Ed offered to provide a written complaint as a New Ipswich resident to get a measurement of the light levels. David replied the Selectmen will only act on complaints from abutters. Ed said this provides another reason to revisit the lighting ordinance.

USA Properties, Inc. – Continuation of public hearing: The hearing was continued from January 18, 2017. Mr. Bruce Simpson and Mr. Peter Holden were present for USA Properties. Bert summarized where the application was now: Mr. Simpson has provided Brown Engineering with a partial payment of \$5,000. Kent is reviewing the plans; they are not stamped but he will review them as if they are. Kent needs the balance of the fees within two weeks. The review of Stowell Road by Pernaw has been held off pending the petition before the Selectmen since it will have some impact on his final report. Finally, there is an issue with the water supply.

Mr. Simpson stated it was his understanding that the reviews would be held off until the issue of the upgrade of the road was decided. They did not want to spend \$15,000 for the reviews of the subdivision until it was determined if they were going forward or not. Brown was to hold off with reviews until the issue was resolved. Bert responded Kent can be slowed up. Mr. Simpson went to the Selectmen and presented a petition, and they need a more detailed plan from Holden, and also Kent needs to go to the site after the snow has melted.

With regard to the water, Mr. Simpson stated he had spoken with Mr. Willis at DES. Mr. Willis was not willing to concede the well issue. A concept plan has been emailed to him showing the subdivision and he will review and get back to Mr. Simpson. Mr. Simpson stated the Board cannot deny the application because they are waiting for a permit from the State. Bert noted the issue was raised by DES and if Mr. Willis determines it is a public water supply, the Board would like to see what will be done to accommodate a public water supply; if he determines it is not a public water supply, the issue goes away.

Liz asked about the unstamped plans. Bert responded Kent has received the plans but they were pdfs and not stamped. Normally he reviews stamped plans. The Board will have to receive stamped plans before the project can be approved. Liz inquired about the timeline on the petition submitted to the Selectmen on the road. Mr. Simpson responded Kent needs to go out once the snow has melted and a public hearing will have to be held. David stated the Selectmen are waiting for the plans on the road and then Kent will be asked to go out. Bert asked for a copy of the plans that go to the Selectmen. There is 350 feet of road to upgrade from a Class VI to a Class V.

Deirdre made a motion to continue the hearing until June 21, 2017 at 7:40 p.m. Ed seconded the motion and it passed unanimously.

7:25 p.m. Attorney Silas Little: Attorney Little stated in an attempt to settle litigation there is a proposal to subdivide a parcel of land involving Lemac Realty Trust and the heirs of William Barnsley, the Ranch at Nutmeg Hollow. The property, lot 10/9B, is located off Stowell Road and is approximately 22 acres. When Mr. Barnsley sold the property to Lemac he took a mortgage on the property to ensure he could have the back land.

The Board discussed the procedure being followed for the discussion. The Board does not conduct design reviews. Plans are not permitted under informational sessions. Attorney Silas responded this situation was difficult to explain without plans and trying to rationale what was done by two people almost twenty years ago. Bert stated he understood what Mr. Little was trying to do and felt the Board's obligation to assist applicants in achieving their goals is as important as following the rules. This was an informational session to point Mr. Little in the right direction.

Attorney Silas presented plans showing the proposed subdivision outlining what has been tentatively agreed to be done in order to settle the litigation is to divide the property into two. The heirs will own 18.9 acres and Lemac will own the remainder which includes a residence. The proposed back lot has 50 feet of frontage on Stowell Road. Ed noted that portion of Stowell Road is a Class VI road and would have to be upgraded to a Class V. Attorney Silas responded the road is Class V road and the Board disagreed. Bert stated the Board has researched the road extensively and determined the portion of the road is a Class VI road as shown on the Town maps. It would have to be petitioned for an upgrade to a Class V road before it could be subdivided or a variance could be requested from the Zoning Board.

7:45 p.m. Gisele Hakala: Ed Rogers was present to update the Board on Mrs. Hakala's conditional approval for a two lot subdivision. One of the conditions of approval was a letter from the Fire Department stating there is an adequate water supply. Mr. Rogers submitted an email request for a 30 day extension on the conditional approval.

Mr. Rogers explained he had trouble catching up with the Fire Chief regarding the fire protection. He did not get a letter from her but did have a conversation with her. Because there are two fire ponds near the property, he assumed it would be a simple matter to get a letter stating there was adequate fire protection. He was told one of the ponds located at Hutter needs maintenance and the other pond needs the road widened for access. The Fire Chief has referred the matter to Rick Donovan and he has

started looking at the two existing fire ponds to see if they are adequate. Mr. Rogers will be meeting with Rick on Friday. David added the Hutter pond was dredged last year.

Liz questioned if abutters should have been notified of the meeting. Mr. Rogers noted the plan has been approved and the discussion is a condition of approval. Liz stated if there are conditions of approval and they are complex, the abutters need to be notified. David stated the approval is not going to be revoked, no votes will be taken this evening; Mr. Rogers is trying to clarify the issues. Deirdre added it depends upon the motion that was made and if it stated it was conditional upon a letter of approval and the Board is still headed towards the letter of approval, there is no issue. Bert suggested continuing the discussion before any decision are made and the Board can decide if it should be done in a public forum.

Mr. Rogers stated it was not fair for Mrs. Hakala to foot the price for all of the maintenance for the fire pond for the entire neighbor. If there is something that needs to be done, she should not be required to do more than her fair share and he questioned what her fair share would be. He noted in the past in similar situations at the time of the request of a building permit there must be an adequate source of fire protection or the house must be sprinkled. A note would be added to the plan to that effect. He asked if that would satisfy the condition. Ed stated it was a reasonable request but should be done after notification to abutters. David stated the person who buys the second lot would be responsible for fire protection for their project. He noted the Fire Department is budgeting for maintenance of fire ponds. Liz stated the condition is for a letter from the Fire Chief that there is adequate fire protection regardless of what goes on the lot. If there were no issues with the pond, the Fire Chief would say there is adequate fire protection and in that case that is not the applicant's burden but the town's burden and the fire department needs to deal with the pond. Hutter's pond is on private property so the Town does not have the authority to maintain the pond.

Ned stated this is a slippery slope and just the beginning. He thought it was a travesty that Lehtonen had to put in a pipe for \$10,000 to serve the neighborhood. This is going to go on and on; this is a problem. Bert stated this would require a modification of the existing approval and the applicant needs to come back in and the Board needs to adjust the approval or figure out a way to solve the problem. Mr. Rogers stated either the Fire Chief is going to say there is adequate fire protection or they are going to commit to a sprinkler system.

Paul made a motion to extend the conditional approval for 60 days. Ed seconded the motion and it passed unanimously.

8:10 p.m.: Paul Ciasullo and Kathleen Smith merger: A request for merger was filed by Paul Ciasullo and Kathleen Smith to merge lots 3/88 and 3/88A. Ed made a motion to approve the merge. Deirdre seconded the motion and it passed unanimously.

Elections: Ed made a motion to nominate Bert Chairman. Liz seconded the motion and it passed unanimously. Liz made a motion to nominate Ed as Vice Chairman. David seconded the motion and it passed unanimously.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,
Joanne Meshna, Town Administrator