

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2013 Meetings
December 17, 2013**

1 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular members Peter Hogan and Mark Suennen, and alternate members David
3 Litwinovich and Mitch Larochelle. Also present were Planning Coordinator Nic Strong and
4 Planning Board Assistant Shannon Silver.
5

6 Present in the audience for all or part of the meeting were Selectman Rodney Towne,
7 Selectman Christine Quirk, Wayne Charrest, Denis Pinard and Louis Rumore.
8

9 **Public Hearing on proposed Zoning Ordinance Amendments**

10
11 Present in the audience were Selectman Rodney Towne, Selectman Christine Quirk and
12 Wayne Charrest.

13 The Chairman noted that the public hearing notice announced the hearing, enumerated
14 the proposed Zoning Ordinance changes and noted where copies of the proposed changes could
15 be found.

16 The Chairman stated that the Board needed to determine whether or not to release a letter
17 from Town Counsel that was relative to the proposed changes.
18

19 Mark Suennen **MOVED** to release the letter dated December 5, 2013, from Town
20 Counsel to the public regarding Proposed 2014 Zoning Amendments. Peter Hogan
21 seconded the motion and it **PASSED** unanimously.
22

23 The Chairman asked if Selectman Rodney Towne or Selectman Christine Quirk wanted
24 to sit on the Board in Dwight Lovejoy's absence. Selectman Rodney Towne pointed out that the
25 Board had a quorum and it was not necessary for him or Christine Quirk to sit on the Board in
26 Dwight Lovejoy's absence.

27 The Chairman seated David Litwinovich as a full voting member in Don Duhaime's
28 absence.

29 The Chairman stated that proposed amendment #1 was relative to Article III, General
30 Provisions, Section 308, Projections in Yards, of the Zoning Ordinance. He explained that the
31 amendment would include a reference to an exemption for code-required egress construction.
32 He asked for comments and/or questions from the Board and public. Mitch Larochelle indicated
33 that he did not understand the amendment and asked for an explanation. The Chairman
34 explained that in the past houses had been built up to the required zoning setback line and
35 subsequently variances had been granted for stairs to be constructed within the setback. He
36 noted that the amendment would negate the need to obtain variances through the ZBA. Mitch
37 Larochelle noted that chimneys and sills had been included in the amendment and stated that he
38 was unsure how those things would come close to the setback line as they were attached to the
39 house. The Chairman stated that the portion of the amendment that Mitch Larochelle had
40 referenced was not being changed and currently existed in the Zoning Ordinance. Peter Hogan
41 noted that the amendment was adding the ability for the stairs to be there and not count as part of
42 the structure. David Litwinovich pointed out that the size was limited to 4' x 4' which Peter
43 Hogan noted would not allow a deck to be constructed in the setback.
44

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PROPOSED ZONING ORDINANCE AMENDMENTS, cont.

The Chairman indicated that proposed amendment #2 was relative to Article III, General Provisions, Section 315, Removal of Earth Products. He indicated that the proposed change was a housekeeping change and would make reference to the correct Earth Removal Regulations. He asked for comments and/or questions; there were no comments or questions.

The Chairman stated that proposed amendment #3 was relative to Article III, General Provisions, Section 318.3, H, General Requirements Signs, Real Estate Development Signs. He advised that the proposed change would increase the size allowed for real estate development signs from 12 square feet per face to 32 square feet per face and to remove a reference to real estate units. The Chairman asked for comments and/or questions. The Coordinator shared that Dwight Sowerby, Esq., did not believe the reference to real estate units needed to be removed. She continued that the Board had discussed removing the reference to ensure that a 32 square foot sign was not placed in front of each unit of a condominium complex, however, the first sentence of the section only allowed for one sign per lot. The Chairman asked if the Board wanted to change the proposed amendment and keep the reference to real estate units in the section. The Board determined to remove the reference to real estate units.

The Chairman advised that proposed amendment #4 was relative to Article III, General Provisions, Section 318.4, B, Signs in Residential Districts. He explained that the proposed change would specify that the section applied to both freestanding signs and signs attached to buildings or structures.

The Chairman advised that proposed amendment #5 was relative to Article III, General Provisions, Section 318.5, Signs in Commercial and Industrial Districts. He noted that the proposed change would specify that the section applied to both freestanding signs and signs attached to buildings or structures. He asked for comments and or questions on proposed amendments #4 and #5; there were no comments or questions.

The Chairman stated that proposed amendment #6 was relative to Article III, General Provisions, Section 318.5, Signs in Commercial and Industrial Districts. He explained that the proposed change would add a new sub-section H, to allow larger signage size along N.H. Route 114, from the Goffstown town line to the Weare town line. He asked for comments and/or questions. The Coordinator advised that when Dwight Sowerby, Esq., first read the proposal he did not approve of the amendment and believed that a separate corridor needed to be set up for the lots in the area referenced. She continued that after reading the proposed amendment for a second time and realizing the time restrictions he believed that approval of the amendment would not do any harm. She added that Dwight Sowerby, Esq., had stated that the Board should look into creating a separate corridor next year. The Chairman stated that the Board would look into it for next year.

The Chairman indicated that proposed amendment #7 was relative to Article III, General Provisions, Section 320.1, Landscaping requirements. He explained that the proposed change would include a reference to requirements which would be found in the Non-Residential Site Plan Review Regulations and to delete Sections 320.2 and 320.3, and renumber Section 320.4. He asked for questions and/or comments. Peter Hogan commented that the proposed amendment looked good.

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The Chairman stated that proposed amendment #8 was relative to Article IV, Special Provisions, Section 402.5, Recreational Camping Park Standards. He indicated that the proposed change reduced the buffer area from 200 feet to 100 feet around a recreational camping park, added a buffer area measurement between recreational camping parks and town owned land, and amended Section 402.6 to delete the provision that a certain amount of buffer area could be used for underground utilities. He stated that Town Counsel had advised the Board to be careful not to spot zone and recommended using only one buffer size for any campground buffer. Peter Hogan commented that Town Counsel’s recommendation and the proposed amendment accomplished the same thing. The Chairman agreed that the proposed amendment and Town Counsel’s recommendation reduced the buffer. He noted that the Board needed to determine if they wanted to drop the two conditions and only have one number and also determine whether the number would be 50 feet or 100 feet. Peter Hogan stated that he would go with 50 feet. Selectman Christine Quirk indicated that she would be in favor of a 50 foot buffer. The Chairman stated that proposed amendment #8 would be changed to read as follows, “A buffer area of natural vegetation at least 50 feet in width shall be maintained adjacent to all camping park property lines”.

The Chairman advised that proposed amendment #9 was relative to Article IV, Special Provisions, Section 402.10, D, Recreational Camping Park Standards, Service Building Requirements, Toilet Requirements. He stated that the proposed amendment would delete the requirement that separate toilet areas be provided for males and females and require that toilet areas be provided in accordance with all applicable state and local laws. He noted that this amendment would allow for unisex toilets as long as they met the requirements of state and local laws. He asked for questions and/or comments; there were no questions or comments.

The Chairman advised that proposed amendment #10 was relative to Article IV, Special Provisions, Section 402.10, F, Recreational Camping Park Standards, Service Building, Heating Requirements. He stated that the proposed change was to delete the section in its entirety. He noted that currently service buildings had to be heated to a minimum temperature of 70 degrees Fahrenheit. He asked Selectman Christine Quirk to explain the reason for the proposed amendment. Selectman Christine Quirk explained that under the current regulations she would be required to install a heating system even for bathrooms that were only used during the summer months. The Chairman asked for comments and/or questions; there were no comments or questions.

The Chairman stated that proposed amendment #11 through proposed amendment #21 were relative to Article IV, Special Provisions, Section 403, Personal Wireless Service Facilities. He noted that all of the proposed changes to this section were driven by changes to the RSA.

The Chairman stated that proposed amendment #11, Article IV, Special Provisions, Section 403.4, Personal Wireless Service Facilities, Definitions, updated definitions as listed in NH RSA 12-K. He indicated that Town Counsel had recommended that the definitions not be placed in the Town’s regulations but a reference to the statute be included instead. He stated that he understood Town Counsel’s point, however, he liked having the definitions listed some place. He added that he understood it would require review when the RSA changed. He asked for comments and/or questions. Mark Suennen commented that he liked the simplicity of the

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PROPOSED ZONING ORDINANCE AMENDMENTS, cont.

language “as defined in RSA 12-K”. He suggested that the Town use a combination of the two and specify that if the Town's definition conflicted with State statute, which would prevail. The Chairman commented that Mark Suennen’s suggestion worked for him. Peter Hogan stated that it should be kept as simple as possible as the RSA could be modified by someone else and the Town would end up adopting it in its entirety. He continued that if the definitions were spelled out in the Town regulations they would need to be changed every time the State changed their regulations. Selectman Rodney Towne added that this would force the section back in front of the voters every time the RSA changed. Mark Suennen changed his earlier suggestion and believed that the Board should keep it as simple as possible and only add the language “as defined in RSA 12-K”. The Board agreed.

The Chairman asked the Coordinator if Town Counsel’s next recommendation regarding fall zones was no longer applicable as it related to the original proposed amendment #11 prior to being modified. The Coordinator answered that the Town’s definitions could be stricter. She continued that if the Board wanted to have an extra specified distance listed, they could. Peter Hogan questioned why the Board would want to have an extra distance listed. The Coordinator explained that previously fall zones were based on the height of existing towers. She continued that it was now allowed under Substantial Modifications to go ten feet higher than an existing tower which would make the fall zone too short. She stated that the idea was to make sure that the fall zone captured the addition of an antenna. Peter Hogan believed that any additions to the tower fell under the Planning Board jurisdiction and, therefore, would require review by the Board. The Coordinator agreed with Peter Hogan as far as substantial modifications were concerned and stated that if the applicant could not make the fall zone work for the extra antenna then they would not get approved.

The Chairman advised that proposed amendment #12, Article IV, Special Provisions, Section 403.5, Personal Wireless Service Facilities, District Regulations, added a reference to substantial modification. He indicated that Town Counsel had recommended that the word “substantial” should be deleted and explained that all modifications should be permitted. He continued that Counsel suggested language to be included about co-locations and modifications. He asked if anyone disagreed with Town Counsel’s recommendation; no Board members disagreed with the recommendation.

The Chairman stated that proposed amendment #13, Article IV, Special Provisions, Section 403.5, B & C, Personal Wireless Service Facilities, District Regulations, added language to conform with the revised NH RSA 12-K. He noted that Town Counsel had suggested changing the first proposed sentence to read as follows, “It is the policy and preference of the Town of New Boston that personal wireless service facilities be located on or in the following structures whenever possible...”. He went on to say that Town Counsel had also suggested that section C be deleted.

The Chairman asked how the “policy and preference” language would be enforced if the Board did not specify a way for an applicant to demonstrate it. He further asked if the applicant would be allowed to come up with some method of demonstration to be approved as long as it met the requirements. The Coordinator answered yes and noted that they would be evaluated on a case-by-case basis.

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David Litwinovich questioned the need for the recommended word “preference”. The Board agreed to have the question forwarded to Town Counsel.

The Chairman advised that proposed amendment #14, Article IV, Special Provisions, Section 403.6, A, Personal Wireless Service Facilities, Use Regulations, included requirements for co-location, modification and substantial modification of personal wireless services facilities. He noted that Town Counsel had recommended language in place of what had been proposed. The Board agreed to use Town Counsel’s recommended language.

The Chairman advised that proposed amendment #15, Article IV, Special Provisions, Section 403.7, F & G, Personal Wireless Service Facilities, Dimension Requirements, included a reference to substantial modification. He explained that Town Counsel did not think it was necessary to add the substantial modification reference throughout the document because the definition of the term “personal wireless service facility” would include the modification. The Board agreed to strike proposed amendment #15.

The Chairman advised that proposed amendment #16, Article IV, Special Provisions, Section 403.8, Personal Wireless Service Facilities, Performance and Design Standards, A. 1.) Visibility, B. Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts, D. Camouflage for Ground Mounted Facilities and E. Color, included a reference to substantial modifications. The Board agreed to strike proposed amendment #16 for the same reason as proposed amendment #15.

The Chairman stated that proposed amendment #17, Article IV, Special Provisions, Section 403.8, J & K, Personal Wireless Service Facilities, added language to conform to the revised NH RSA 12-K. He noted that Town Counsel had recommended including the Town's preference for these sections. Mark Suennen commented that the Board should move forward with Town Counsel’s recommendation. The Board agreed.

The Chairman advised that proposed amendment #18, Article IV, Special Provisions, Section 403.8, M. Radio Frequency Radiation, Personal Wireless Service Facilities, Performance and Design Standards, included a reference to Radio Frequency Emissions and substantial modifications. The Chairman proposed that the Board move forward with the reference to Radio Frequency Emissions but strike the substantial modification portion of the amendment. The Board agreed with the Chairman’s proposal.

The Chairman advised that proposed amendment #19, Article IV, Special Provisions, Section 403.8, N., Federal Requirements and O., Building Codes – Safety Standards, Personal Wireless Service Facilities, Performance and Design Standards, deleted a reference to use posted security for removal of personal wireless service facilities and added substantial modifications. The Chairman proposed striking the substantial modification language. He noted that Town Counsel had recommended that the proposed deleted reference to bonding not be deleted. He stated that proposed amendment #19 was related to proposed amendment #21 and the Board may revisit it. Mark Suennen asked if proposed amendment #19 would be struck if the Board followed the recommendation of Town Counsel. The Chairman answered yes.

The Chairman stated that proposed amendment #20, Article IV, Special Provisions, Section 403.9, B. Monitoring, Monitoring and Maintenance, Personal Wireless Service Facilities, Performance and Design Standards, included a reference to Radio Frequency Emissions. He

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noted that Town Counsel had advised that monitoring was the responsibility of the federal government and not the Town and as such it had been recommended that the section be deleted in its entirety. He stated that he agreed with Town Counsel's recommendation. The Board also agreed.

The Chairman stated that proposed amendment #21, Article IV, Special Provisions, Section 403.10 and 403.11, Personal Wireless Service Facilities, Performance and Design Standards, added language to conform to the revised NH RSA 12-K. He advised that Town Counsel did not believe that the wording relative to bonding needed to be deleted. He questioned how it would be determined that towers were abandoned. Mark Suennen asked if the Town had been receiving the required annual notices that towers had not been abandoned. The Chairman answered that he was unsure. Mark Suennen thought that Amendment #21 could be changed to only proposed deleting the introductory paragraph of Section 403.11.

The Chairman referred back to proposed amendment #19 and asked if the surety should stay in the regulation. Mark Suennen answered yes.

The Board agreed to strike the opening paragraph included in proposed amendment #21 for Section 403.11 and delete the remainder of that proposed amendment.

The Chairman asked for further comments and/or questions. David Litwinovich asked about Counsel's comments with regard to reviewing the time limits allowed in Section 403.10 and 403.11. The Chairman answered that he did not see anything that jumped out at him.

The Chairman closed the public portion of the meeting. He asked if there were any additional changes; there were no additional changes. He stated that the Board had determined that the proposed amendments had been substantively altered and a public hearing needed to be scheduled.

Mark Suennen **MOVED** to carry forward proposed amendments #1 -7, 9 and 10 to the Warrant. Peter Hogan seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to reject and not move forward proposed amendments #15, 16 and 19. Peter Hogan seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to carry forward the modified proposed amendments #8, 11 -14, 17, 18, 20 and 21 to the next hearing. Peter Hogan seconded the motion and it **PASSED** unanimously.

RUMORE, LOUIS & MARCIA

Submission of Application/Public Hearing/Major Subdivison/5 Lots

Location: Bedford Road

Tax Map/Lot #8/78

Residential-Agricultural "R-A" District

Present in the audience were Selectman Rodney Towne, Selectman Christine Quirk, and Louis Rumore.

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RUMORE, LOUIS & MARCIA, cont.

The Chairman read the public hearing notice. He stated that the application had been accepted as complete on November 26, 2013, and the deadline for Board action was January 30, 2014. He noted that the State Dredge and Fill Permit approval was pending, waivers for Traffic, Fiscal and Environmental Impact Studies had been submitted and State Subdivision Approval had been received on December 2, 2013. He advised that a site walk had taken place on December 7, 2013. The Coordinator noted that revised plans had been submitted on December 16, 2013. The Chairman pointed out that the revised plans had been submitted too late to be reviewed for this hearing.

The Chairman stated that a wetland crossing for the driveway on proposed lot #8/78-1 had been installed without the benefit of the Dredge and Fill Permit from DES. He continued that the Dredge and Fill Permit had been applied for after the work had been completed. He indicated that the Board needed to determine whether or not an after the fact CUP was needed.

The Chairman advised that an erosion and sediment control plan had been submitted, however, a checklist had not been submitted. He continued that the checklist had been returned to the applicant for verification that the plan was complete before final review.

The Chairman stated that the surveyor had agreed to provide driveway sight distance diagrams for this hearing. He added that the applicant and Road Agent were going to come up with an idea for the entrance for the driveway located at Tax Map/Lot #8/78-1 prior to this hearing and asked if anything had been submitted. Louis Rumore indicated that he had come to an agreement with the Road Agent. He explained that the stone wall in the upper area would be removed to provide the proper sight distance. The Chairman asked if the stones would be removed or moved back. Louis Rumore answered that the stone wall would be moved back. Selectman Christine Quirk asked if the sight distance discussion took place at the site walk. Louis Rumore answered yes. Selectman Christine Quirk asked if Louis Rumore had spoken with the Road Agent since the site walk. Louis Rumore answered no. Selectman Christine Quirk noted that she had spoken with the Road Agent following the site walk and it was her understanding that the Road Agent intended on having more discussions with the Planning Board on this matter.

The Chairman stated that the driveway permit applications would be addressed at a subsequent hearing. He advised that the checklist for the erosion and sediment control plan needed to be submitted.

Louis Rumore provided the sight distance diagrams. The Chairman asked the Coordinator to distribute the diagrams prior to the next meeting.

The Chairman asked if the Board wanted to require an after the fact CUP. Mark Suennen questioned the value of an after the fact CUP provided the Town and noted that no conditions could be placed on the permit. The Board agreed with Mark Suennen and determined that it was not necessary to require an after the fact CUP. Mark Suennen noted that it should not be general practice to build first and get a Dredge and Fill Permit after the fact.

The Chairman indicated that waivers had been submitted for the Traffic and Fiscal Studies. He supposed that the applicant meant to request a waiver for the Environmental Impact Study also. Louis Rumore indicated that was the case and the Chairman noted this request could be considered without the need for a further letter requesting same.

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1 **RUMORE, LOUIS & MARCIA, cont.**

2
3 Mark Suennen **MOVED** to accept the applicant's waiver requests for the Traffic, Fiscal
4 and, as requested at this meeting, the Environmental Impact Studies on the basis of the
5 four additional lots for a total of five and the information provided at the initial hearing
6 and at the site walk was sufficient for us to make this decision and it meets the spirit and
7 intent of our regulations. Peter Hogan seconded the motion and it **PASSED**
8 unanimously.
9

10 The Chairman stated that a waiver request had been submitted for the granite bounds on
11 the front lot corners. He advised that the justification provided was that the bounds would need
12 to be placed in the middle of stone walls and it was the intention of the applicant to leave the
13 stone walls intact except where driveways would be installed. He noted that the applicant would
14 instead drill holes with magnetic nails to mark the corners in the wall.
15

16 Peter Hogan **MOVED** to accept the waiver request for the granite bounds. Mark
17 Suennen seconded the motion and it **PASSED** unanimously.
18

19 The Chairman indicated that waiver requests had been submitted for wetlands
20 delineation, site specific soils mapping and topography for all of Tax/Map Lot #8/78. He noted
21 that the applicant had provided reasoning that the existing house would remain on Tax/Map Lot
22 #8/78 and enough work had been done to prove that it met the Town's regulations.
23

24 Mark Suennen **MOVED** that the Board did get a site specific soil survey report for at
25 least some of the property and it seemed to indicate shallow ledge which was evidenced
26 by what we saw out there and there's sufficient wetlands delineated on the plans that
27 indicate where they are on the proposed sites that don't have homes already and that the
28 site that they're asking for a waiver has an existing house and the applicant has indicated
29 no further development is proposed at this time so he was comfortable waiving the
30 requirements for wetlands delineation, site specific soils mapping and topography for the
31 whole of Tax Map/Lot #8/78. Peter Hogan seconded the motion and it **PASSED**
32 unanimously.
33

34 The Chairman stated that a waiver had been submitted for the watershed outline and
35 drainage computations. He noted that the justification provided was that watershed outline and
36 drainage computations were needed when a road was being constructed and this subdivision did
37 not require the construction of a road. He wondered if the drainage computations were necessary
38 to determine if there was flow off the lot. Mark Suennen agreed and pointed out that one of the
39 proposed driveways was located in a valley of Bedford Road. He believed that it was reasonable
40 to require the drainage computations to prove runoff from the properties did not end up on
41 Bedford Road or adjoining lots. Peter Hogan agreed. The Chairman stated that the watershed
42 outline portion of the request could be tabled.
43

44 Mark Suennen **MOVED** to deny the waiver request for the watershed outline and

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1 **RUMORE, LOUIS & MARCIA, cont.**

2
3 drainage computations at this time. Peter Hogan seconded the motion and it **PASSED**
4 unanimously.

5
6 The Chairman asked if there were any other matters the Board wanted to discuss. Mark
7 Suennen asked the applicant to think about what they would want the Board to approve as Active
8 and Substantial Development thresholds.

9
10 Peter Hogan **MOVED** to adjourn the public hearing of Louis & Marcia
11 Rumore, Location: Bedford Road, Tax Map/Lot #8/78, Residential-Agricultural
12 “R-A” District, to January 28, 2014, at 6:30 p.m. Mark Suennen seconded the
13 motion and it **PASSED** unanimously.

14
15 **This will be an informational session with Denis Pinard, to continue discussion, re: a**
16 **proposed subdivision of Tax Map/Lot #4/5, on Rustic Lane and Route 136.**

17
18 Present in the audience were Denis Pinard, Selectman Rodney Towne, and Selectman
19 Christine Quirk.

20 The Chairman noted that because this was an informational session only preliminary,
21 conceptual consultation would be provided with review of the basic concepts. He continued that
22 nothing said bound either the applicant or the Board and noted that statements made by Planning
23 Board members would not be the basis for disqualifying said members in the future. He added
24 that things could only be discussed in conceptual form and general terms.

25 The Chairman advised that the property came before the Board during an informational
26 session held on October 8, 2013. He indicated that questions had arisen with regard to back lots.

27 Denis Pinard indicated that he had discussed the definition of a back lot with Bob Todd,
28 LLS, following the first informational session. He continued that the proposed lot lines had been
29 moved in order to create a 5 acre backlot with no road frontage on Rustic Lane. He noted that
30 the 50’ road frontage on NH Route 136 would be utilized to create the back lot. He stated that
31 the 7.62 acre lot was purchased in 1986 with road frontage on Route 136. He referred to the plan
32 and identified the property owned by the Dicey family and the property owned by the Dane
33 family. He explained that Lot #1/34 was accessed by a 50’ easement. He indicated that the
34 creation of Rustic Lane provided frontage for Lot #4/5 on two roads.

35 Denis Pinard stated that they were looking to create a 5 acre back lot that would not have
36 any frontage on Rustic Lane. He indicated, however, that a shared driveway would be located
37 off Rustic Lane for the two proposed lots and advised that Lot #4/5 had state approval for the
38 driveway. Peter Hogan asked for the size of the proposed back lot. Denis Pinard answered that
39 the proposed back lot was 5.108 acres.

40 Mark Suennen asked for the property corners to be identified; Denis Pinard identified the
41 corners.

42 Denis Pinard indicated that Rustic Lane had been built in the wrong location and
43 physically encroached on Lot #4/5.
44

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1 **PINARD, DENIS, cont.**
2

3 Mark Suennen stated that two driveway easements would be needed. Denis Pinard
4 answered yes and noted that another option was to create a different driveway on Lot #4/5 for
5 access to the existing house.

6 Denis Pinard identified the location of the proposed house on the plan. Peter Hogan
7 asked why the corner of the proposed lot did not go straight across. Denis Pinard answered that
8 it was the way shown in order to achieve the 5 acres.

9 The Chairman asked if the Board had allowed something similar to this in the past. The
10 Coordinator answered that the lot frontage had to be capable of having a driveway over it and on
11 two occasions the Board had interpreted that differently. She continued that in one instance the
12 applicant was required to obtain a Dredge and Fill Permit to use the frontage to get to the house
13 lot. Denis Pinard noted that his proposal would require a Dredge and Fill Permit. The
14 Coordinator stated that in another instance the Dredge and Fill Permits were required if the
15 separate lots were going to be permitted. She continued that because the State would not permit
16 three separate driveways a common driveway was required.

17 The Chairman asked if Denis Pinard knew where the split off would be located. Denis
18 Pinard pointed to the location on the plan. Peter Hogan asked for the acceptable length of a
19 common driveway. The Coordinator believed that the preferred location of a common driveway
20 was at the lot line. Mark Suennen indicated that the length of the shared portion of the driveway
21 could be 100'.

22 The Chairman asked if the purpose of obtaining the Dredge and Fill Permit was to prove
23 that the wetland could be crossed. Peter Hogan answered yes. Denis Pinard pointed out an area
24 on the plan that was a swamp that had been created by the construction of Rustic Lane. Peter
25 Hogan believed that it was necessary to prove that the area could hold a driveway. Mark
26 Suennen added that if a driveway could not be located from the frontage it was not considered an
27 official lot and the Board could not define it as a subdivision.

28 Peter Hogan stated that he would want proof that the driveway would access the building
29 spot on the lot. Mark Suennen asked if Peter Hogan wanted a plan or if he only wanted proof
30 that it could happen. Peter Hogan answered that he wanted proof that a driveway could access
31 the building spot. Mark Suennen asked what could be used as proof. Rodney Towne asked if
32 the building location could be located on a different portion of the lot. Denis Pinard advised that
33 he could not build where indicated. Peter Hogan asked where the building location could be
34 located. Denis Pinard pointed out a location on the plan. Peter Hogan pointed out that the
35 driveway has to connect to the building site otherwise it would be pointless. Denis Pinard stated
36 that he could get anything in there for a driveway and that it just depended on how much money
37 he wanted to spend. Peter Hogan stated that the intent of the frontage was that it would provide a
38 driveway for the lot. The Chairman clarified that by definition the applicant did not have a lot.
39 Denis Pinard asked if all of the applicants with 50' frontage lots in Town had to prove that they
40 could build a driveway on it. Peter Hogan answered yes. Mark Suennen stated that as long as
41 the current Board had been in effect all applicants with 50' frontage lots had to prove that a
42 driveway could be built. Denis Pinard asked if the topography showed that a driveway could be
43 built. Peter Hogan asked that the topography be put on the plan if it showed that a driveway
44 could be built. Denis Pinard asked if the Board wanted a potential driveway location labeled on

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1 **PINARD, DENIS, cont.**

2
3 the plan. Peter Hogan answered yes and added that potential fills, cuts and slopes needed to be
4 shown.

5 Denis Pinard asked for the difference between what was shown on his plan and a flag lot
6 on the end of a cul-de-sac. The Coordinator answered that backlots had to be located behind the
7 front lots.

8 Mark Suennen read the definition of a back lot from the Subdivision Regulations:

9 "**BACKLOT** shall mean a lot using backland, thereby, being behind a road
10 frontage lot. A backlot shall have fifty feet (50') of road frontage,
11 and maintain a corridor of 50' in width, minimally, extending to the
12 main body of the lot.". Denis Pinard asked if the property would be considered a lot if
13 he could prove that a driveway could be built and if he met all of the regulations. The Chairman
14 answered yes. Denis Pinard noted that he could prove that the driveway could be built and asked
15 the Board what would stop them from requiring him to use that driveway as that was not his
16 intention. Mark Suennen stated that because the applicant was offering an alternate plan with
17 better access the Board would not require the use of the potential driveway location.

18 Denis Pinard asked if he would move forward as a minor subdivision. The Coordinator
19 explained that a minor subdivision was for subdivisions under three lots and with no possibility
20 of further subdivision. Mark Suennen asked if the subdivision would be considered a major
21 subdivision if it was the fifth cut from a parent lot. The Coordinator answered that she needed to
22 look into that as part of the review.

23 Denis Pinard asked if it was the Board's opinion that the subdivision could be submitted
24 as minor subdivision if he met the specific requirements. The Chairman answered yes as there
25 were only two lots and he emphasized that the applicant needed to have proof that one of the lots
26 met the Town's definition of a lot.

27 Denis Pinard asked if the existing driveway that had been encroached upon presented any
28 issues. Mark Suennen stated that the Board would require an easement for that property and the
29 property for the shared driveway.

30 Peter Hogan asked what would be used for the access to the existing house lot without the
31 shared driveway. Denis Pinard pointed to a location on the plan where a driveway could be
32 constructed.

33 The Chairman asked for any further questions and/or comments; there were no further
34 questions or comments.

35
36 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
37 **December 17, 2013.**

38
39 1. Approval of the November 26, 2013, minutes, distributed by email.

40
41 Mark Suennen **MOVED** to approve the meeting minutes of November 26, 2013,
42 as written. Peter Hogan seconded the motion and it **PASSED** unanimously.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2013 Meetings
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1 **MISCELLANEOUS BUSINESS, cont.**

- 2
3 2. Email received December 12, 2013, from Vincent Iacozzi, President, Thibeault
4 Properties, to New Boston Planning Board, re: request to extend the conditions
5 subsequent deadline for Tax Map/Lot #6/40-2, CUP, River Road (Route 13) & Byam
6 Road, from January 13, 2014 to May 15, 2014, for the Board's action.

7
8 The Chairman stated that the reason provided for the extension request was that the
9 property was currently under a purchase and sales agreement with a closing date sometime in
10 April 2014.

11 Peter Hogan asked if there were any issues with this request from the Planning
12 Department's standpoint. The Coordinator answered no and noted that the Dredge and Fill
13 Permit did not expire until May 2016.

14
15 Peter Hogan **MOVED** to grant the conditions subsequent extension request for Vincent
16 Iacozzi, President, Thibeault Properties, Tax Map/Lot #6/40-2, CUP, River Road (Route
17 13) & Byam Road, to May 15, 2014. Mark Suennen seconded the motion and it
18 **PASSED** unanimously.

- 19
20 3. 2012 Annual Report Access Greater Manchester, with attachments, for the Board's
21 information.

22
23 The Chairman acknowledged receipt of the above-referenced matter; no discussion
24 occurred.

- 25
26 4. Memorandum with attachments, dated December 17, 2013, from Nic Strong, Planning
27 Coordinator to Stu Lewin, Chairman and the Planning Board Members, re: North East
28 Café, Randall & Gail Parker and Guy Tino, 8 Mill Street, Tax Map/Lot #19/11 & 19/11-
29 1, R-A District, for the Board review and discussion at the meeting of January 14, 2014.

30
31 The Chairman acknowledged receipt of the above-referenced matter; no discussion
32 occurred.

- 33
34 5. Construction Services Reports received December 17, 2013, dated November and
35 December 2013, from Northpoint Engineering, LLC, for SIB Trust/Indian Falls and
36 Susan Roads, for the Board's information.

37
38 The Chairman acknowledged receipt of the above-referenced matter; no discussion
39 occurred.

- 40
41 6. Construction Services Reports received December 17, 2013, dated November and
42 December 2013, from Northpoint Engineering, LLC, for S&R Holding Company,
43 LLC/Forest View II, for the Board's information.

**TOWN OF NEW BOSTON
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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

5

6 7. Construction Services Reports received December 17, 2013, dated November and
7 December 2013, from Northpoint Engineering, LLC, for TLL Land Development-
8 LeClair Builders/Woodland Development, LLC, for the Board's information.

9

10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

12

13 8. Reminder – Road Construction Inspection Procedures Changes

14

15 The Chairman reminded the Board to have their changes prepared and submitted for the
16 Road Construction Inspection Procedures prior to the January 14, 2014, meeting. He asked if any
17 comments had been received by the Planning Department. The Coordinator answered no.

18

19 Peter Hogan **MOVED** to adjourn at 8:30 p.m. Mark Suennen seconded the motion and it
20 **PASSED** unanimously.

21

22 Respectfully Submitted,
23 Valerie Diaz, Recording Clerk

Minutes Approved:
01.14.13