

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2013 Meetings

1

March 26, 2013

1 The meeting was called to order at 7:00 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular members Mark Suennen, Don Duhaime and Peter Hogan, alternate member
3 David Litwinovich and Ex-Officio Dwight Lovejoy. Also present were Planning Coordinator
4 Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5 Present in the audience for part of the meeting were Bob Todd, LLS, Peter Beers, Don
6 Grosso and Hannah Widener.

7
8 **STEVENS, BRIAN M. & BETH E.**

9 **BALLARD, BENJAMIN**

10 Public Hearing/Revocation/Minor Subdivision/Lot Line Adjustment

11 Planning Board Approval 11/13/12

12 **To be immediately followed by:**

13 Submission of Application/Public Hearing/Minor Subdivision/Lot Line Adjustment

14 Location: Hooper Hill Road

15 Tax Map/Lot #'s 11/9-3 & 11/11

16 Residential-Agricultural "R-A" District

17
18 Present in the audience was Bob Todd, LLS.

19 The Chairman read the public hearing notice and invited Bob Todd, LLS, to address the
20 Board.

21 Bob Todd, LLS, stated that he was present on behalf of Brian and Beth Stevens. He
22 apologized for needing to come back to the Board for this matter and noted that he had never had
23 to revise a plan because of debris piles. He pointed to the plan and identified the location of
24 debris, i.e., stumps, rotting logs and brush. He pointed out the location of a refuse pile that was
25 made up of organic matter on the Ballard lot and noted that it had been placed by the previous
26 owners of the Stevens' property. There was also a pile of stumps on the Stevens' lot that had
27 come from the Ballard property.

28 Bob Todd, LLS, explained that the Stevens' and the Ballards did not want to have each
29 other's debris piles on their land and as a result there were two proposed parcels created to be
30 transferred to the Stevens'. He continued that each lot avoided the issue of the parties having to
31 bear the presence of someone else's refuse pile.

32 Bob Todd, LLS, asked the Board to rescind the previously approved subdivision approval
33 of November 2012 and consider approving the proposed plan. He noted additionally that there
34 was an agreement between the property owners to convey 0.75 acres of land from Ballard to
35 Stevens and the previous plan had been slightly under that acreage. The two proposed parcels on
36 the pending plan totaled 0.75 acres.

37 Bob Todd, LLS, pointed out that the previously approved plan did not properly represent
38 the wetland setbacks and the proposed plan showed the correct location of the 50' wetland
39 setback on parcel A. He added that the brook that crossed the Steven's property was subject to a
40 50' wetland setback.

41
42 Peter Hogan **MOVED** to revoke the Minor Subdivision/Lot Line Adjustment Plan for
43 Brian and Beth Stevens and Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11.

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1 **STEVENS AND BALLARD, cont.**

2
3 Hooper Hill Road and NH Route 13, a/k/a Mont Vernon Road. Mark Suennen seconded
4 the motion and it **PASSED** unanimously.

5
6 The Chairman indicated that the application form and cover sheet for Tax Map/Lot #'s
7 11/9-3 & 11/11, had been submitted and signed on February 28, 2013. He noted that there were
8 no outstanding fees and that all requirements had been met for a completed application.

9 Bob Todd, LLS, advised that the submitted waiver requests were the same requests that
10 had been submitted for the original application. The Chairman stated that the waiver requests
11 would be addressed following the acceptance of the application as complete.

12
13 Peter Hogan **MOVED** to accept the application for Brian and Beth Stevens and Benjamin
14 Ballard, Location: Hooper Hill Road, Tax Map/Lot # 11/9-3 and 11/11, as complete.
15 Don Duhaime seconded the motion and it **PASSED** unanimously.

16
17 The Chairman stated that the deadline for Board action was May 30, 2013.

18 The Chairman noted that the plan had been reviewed against the final checklist and there
19 were no issues. He indicated that the applicant had submitted a memo that pointed out the
20 submitted waiver requests were the same requests that had been acted on at the November 13,
21 2012, Planning Board meeting.

22
23 Mark Suennen **MOVED** to grant the waiver requests for the Traffic, Environmental and
24 Fiscal Impact Studies as well as checklist items 35, 36, 37, 50, 51 and 58, for Brian and
25 Beth Stevens and Benjamin Ballard, Location: Hooper Hill Road, Tax Map/Lot # 11/9-3
26 and 11/11. Don Duhaime seconded the motion and it **PASSED** unanimously.

27
28 The Board agreed that a site walk did not need to be scheduled.

29 The Chairman asked for questions and/or comments from the Board. Mark Suennen
30 asked if the proposed plan had been provided to the Planning Department. Bob Todd, LLS,
31 provided revised plans to the Coordinator.

32 Dwight Lovejoy asked if the driveway that accessed Route 13 had been eliminated. Bob
33 Todd, LLS, answered that the driveway had been gated.

34 The Chairman asked for further questions and/or comments; there were none.

35
36 Peter Hogan **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for
37 Brian and Beth Stevens and Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11,
38 Hooper Hill Road and NH Route 13, a/k/a Mont Vernon Road, such that Parcel A of
39 0.639 acres and Parcel B of 0.111 acres are annexed from Tax Map/Lot #11/11 to Tax
40 Map/Lot #11/9-3, resulting in the following acreages: Tax Map/Lot #11/9-3, 9.96 acres;
41 and Tax Map/Lot #11/11, 2.282 acres, subject to:
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1 **STEVENS AND BALLARD, cont.**

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3 **CONDITIONS PRECEDENT:**

- 4 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,
5 including all checklist corrections and any corrections as noted at this hearing;
6 2. Submission of the mylar for recording at the HCRD;
7 3. Payment of any outstanding fees related to the subdivision application and/or the
8 recording of documents with the HCRD.
9 4. Upon completion of the conditions precedent, the final plans and mylar shall be
10 signed by the Board and forwarded for recording at the HCRD.

11 The deadline date for compliance with the conditions precedent shall be **April 26, 2013**,
12 confirmation of which shall be an administrative act, not requiring further action by the
13 Board. Should compliance not be confirmed by the deadline date and a written request
14 for extension is not submitted by that date, the applicant is hereby put on notice that that
15 the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.
16 The applicants are further put on notice that this lot line adjustment approval constitutes
17 recognition that the lot configurations are in conformance with local land use regulations.
18 To complete the lot line adjustment, deeds must be transferred..

19
20 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

21
22 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
23 **MARCH 26, 2013.**

- 24
25 1. Approval of the February 12, 2013, minutes distributed by email.

26
27 Mark Suennen **MOVED** to approve the February 12, 2013, meeting minutes as written.
28 Don Duhaime seconded the motion and it **PASSED** unanimously.

- 29
30 2. Distribution of the February 26, 2013, minutes for approval at the April 9, 2013, meeting.

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

- 34
35 3. Application for appointment to the Planning Board received February 28, 2013, with
36 attachment, for Mark Suennen, for the Board's action.

37
38 Don Duhaime **MOVED** to forward Mark Suennen's application for appointment to the
39 Board of Selectmen. Dwight Lovejoy seconded the motion and it **PASSED**, with Stu
40 Lewin, Don Duhaime, Peter Hogan, and Dwight Lovejoy voting aye and Mark Suennen
41 abstaining.

- 42
43 4. Application for appointment to the CIP Committee received via email March 8, 2013, for

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 Matthew Beaulieu, for the Board's action.

4 The Chairman stated that Matthew Beaulieu had served on the CIP Committee for the last
5 two years. He asked if there were any complaints from the CIP with regard to Matthew
6 Beaulieu. The Coordinator answered no.

7 Mark Suennen asked how many CIP meetings Matthew Beaulieu attended. The Planning
8 Board Assistant answered that Matthew Beaulieu had attended all of the CIP meetings.

9
10 Mark Suennen **MOVED** to accept Matthew Beaulieu's application for appointment to the
11 CIP Committee. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

- 12
13 5. Driveway Permit Applications received February 21, 2013, for Twin Bridge Land
14 Management, LLC, (Wright Drive) Tax Map/Lot #2/62-12 & 3/5, 24 lots, for the Board's
15 approval.

16
17 The Chairman stated that the Planning Board members had viewed the driveways and
18 asked for comments. Mark Suennen commented that the majority of the driveways were flat and
19 continued that those driveways that were not flat would be flat once the site preparation had been
20 completed.

21
22 Mark Suennen **MOVED** to approve Driveway Permit Applications for Twin Bridge Land
23 Management, LLC, (Wright Drive) Tax Map/Lot #2/62-12 & 3/5, 24 lots, with the
24 standard Planning Board requirements:

- 25 1) This permit requires two inches (2") of winter binder (pavement) to be applied to the
26 driveway to a minimal distance of twenty-five feet (25') from the centerline of the
27 road; 2) The driveway intersection with the road shall be joined by curves of ten foot
28 (10') radii minimum; and, 3) The driveway shall intersect with the road at an angle of
29 60 - 90 degrees.

30 Don Duhaime seconded the motion and it **PASSED** unanimously.

- 31
32 7a. Letter dated March 11, 2013, from Nic Strong, Planning Coordinator, to Doug Hill,
33 Douglas Hill Construction, re: Christian Farm Estates.

- 34
35 7b. Letter with attachment received March 12, 2013, from Scott Fitzgerald, 52 Christian
36 Farm Drive, re: request for Christian Farm Drive residents to meet with Planning Board
37 to discuss road completion, for the Board's action.

38
39 The Chairman addressed items 7a and 7b together as they were related.
40 He asked the Coordinator to explain the above-referenced matter. The Coordinator stated the
41 current conditions for the subdivision expired on May 1, 2013, and the letter of credit bond
42 expired on June 30, 2013. She continued that an auction was scheduled for the sale of the
43 remaining lots for April 10, 2013. She stated that it was her understanding that the current

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 owner was trying to work with the bank to figure something out. She pointed out that there
4 was nothing for the Board to do unless the conditions of approval were not met.

5 The Coordinator explained that the residents of Christian Farm Drive were concerned
6 about the subdivision and the completion of the road. She added that the residents wanted to
7 speak with Board during the Planning Board meeting of April 9, 2013.

8 Peter Hogan asked if the Town had enough money to complete the road. The
9 Coordinator answered that the current letter of credit was for \$73K and that was estimated to be
10 enough money to complete the road. She noted that the only outstanding issue was relative to
11 cracking in the road. She advised that the Town had received an estimate in the amount of \$5K
12 for testing to determine the cause of the cracking. Peter Hogan commented that the road would
13 fail and then the Town would know why it failed. Don Duhaime disagreed with Peter Hogan and
14 stated that the road had been sitting in its current condition for three or four years. He added that
15 the road had not failed and had only cracked. Peter Hogan believed that nothing should be done
16 to the road. Don Duhaime believed that the road should be repaired and some preliminary work
17 be completed. Peter Hogan believed that investigating the cause of the crack would end up
18 costing more money than the cost of repairs. The Coordinator stated that the estimate to
19 complete the coring was \$5K. She believed that the result of the coring would reveal that water
20 existed under the road. Peter Hogan asked who would be hired to complete the coring. The
21 Coordinator answered that JGI Tech, a private company subcontracted by the Town Engineer,
22 would complete the coring. Peter Hogan stated that having JGI Tech complete the coring was
23 like having "a fox watch the hen house". The Coordinator disagreed with Peter Hogan. Mark
24 Suennen believed that the geotech would only report what the conditions were and not give
25 reasons why the conditions existed. Peter Hogan asked if it was necessary to determine the
26 conditions through coring. Mark Suennen answered yes and explained that the problem could
27 only be solved if it was identified. Peter Hogan asked who would be responsible to pay for the
28 coring. Mark Suennen answered that the owners of the subdivision were responsible to pay for
29 the testing.

30 Dwight Lovejoy asked who would be responsible for damage done to the road as a result
31 of construction after it was accepted by the Town. Don Duhaime believed that any contractor
32 that caused damage should be responsible for the repairs.

33
34 **Discussion with Peter Beers, re: Pre-Existing Non-Conforming Uses at 119 Laurel Lane,**
35 **Tax Map/Lot # 15/8**

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37 Present in the audience were Peter Beers, Bob Todd, LLS, and Don Grosso.

38 The Chairman indicated that there had been a significant amount of correspondence with
39 regard to the above-referenced matter. He explained that after the "new" Zoning went into
40 effect in 1990 residents were allowed to provide a form that grandfathered their non-conforming
41 uses if it was completed within the allotted time period of one year. He indicated that Mr. Beers
42 had not provided the required form or any site plans that would have provided him with
43 grandfathered status of his non-conforming uses.

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1 **PETER BEERS, cont.**

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The Chairman stated that the Board was allowing Mr. Beers to show them that his non-conforming uses existed prior to 1990 and that the uses have continued uninterrupted except for any periods of less than two years until the present day. Peter Beers commented that it did not make sense to make people start all over again in situations where they became sick or the market was doing poorly and had to stop their use for more than two years. The Chairman stated that with regard to Mr. Beers' hypothetical situations the Board would have to consider those situations and review documentation.

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Peter Beers provided the Board with documentation, both originals and copies of the originals, which included BOS Minutes from April 1990. He stated that the minutes contained a 1989 road construction bid from his business. He commented that he would not have bid on a road if he was not in business. Peter Hogan stated that a bid for road construction did not prove that Mr. Beers had been operating a business on his property legally. Peter Beers stated that the object of this was to show that he was in the construction business back then. Peter Hogan pointed out that the object of this meeting was for Mr. Beers to prove that he was legally performing business on or off of his property. He continued that in order or the use to be considered for grandfathered status the business would have had to have been operating legally.

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The Chairman asked that Mr. Beers explain his situation. He noted that the Board would ask questions when he was through. Peter Beers stated that prior to 1990 he was in the excavation business. He noted that the Board had previously covered his scrap iron business and auto sales business. Peter Hogan stated that Mr. Beers could not mix the scrap iron business and auto sales business together. Peter Beers acknowledged Peter Hogan's statement.

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The Chairman explained that the reason the Board had asked Mr. Beers to attend the meeting was so that he could demonstrate that his businesses existed prior to 1990 and that the businesses had been in operation since that date. He stated that the information previously submitted was not adequate. Mark Suennen added that the business had to be a legally operated business from 119 Laurel Lane. He continued that the businesses had to have operated continuously from 1990 without any two year gaps in operation.

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Peter Beers provide registrations for a 1987 Mack Truck. Mark Suennen asked if the truck had been registered to Mr. Beers' home address. Peter Beers answered yes. Peter Beers showed the Board photographs of his 1977 Ford loader and a Trojan loader that had been purchased in 1988. He emphasized that the previously listed vehicles were not used for home projects.

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Peter Beers showed the Board receipts for gravel he purchased from Chucky Houghton and AJ Gomes.

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The Chairman pointed out that the Board had requested that the documentation be submitted prior to the meeting so that the Board would have time to review it. He continued that since this was the first time the Board was seeing the documentation he was not certain a resolution could be determined at this meeting. Peter Beers understood the Chairman's position.

Peter Beers provided the Board with a receipt from Rita Houghton, Sand & Gravel, for \$500.00 as well as a receipt from Brian Towne. He stated that he had used his loader in Rita

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1 **PETER BEERS, cont.**

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3 Houghton's gravel pit. He showed the Board receipts from Walter Leach, Jr., from Construction
4 Aggregates and noted that he had worked for Michie Corp. at the time. He provided a 1995
5 receipt from Charles French. He showed the Board a 1996 receipt from D&S Excavating for 57
6 loads of gravel. The Chairman asked Mr. Beers if he had purchased the 57 loads of gravel from
7 D&S Excavation. Peter Beers answered yes. He provided the Board with additional receipts
8 from Quinn Corporation for the purchase of stone and a receipt that showed he had done work
9 for David Woodbury. He referenced a parking lot permit that had been issued for Carol Whitson
10 and advised that he had completed the work for the parking lot. He stated that he had receipts
11 that showed he had completed a parking area for Bob Briere. He provided a receipt from RJ
12 Jenkins for the purchase of material. He stated that he had completed a retaining wall for Mark
13 Brown as well as a driveway and field clearing for Betsy Lake of Beard Road. He went on to
14 provide a receipt that showed he had completed work for Roger Dignard. He stated that he had
15 "cleaned a mess up" at Phil Dukes and referenced a receipt. He showed the Board a receipt for a
16 driveway he completed for Laurie Nadeau in 2009 and a 2010 receipt for material he had
17 purchased from Mombouquette, M&M Logging. He provided paperwork that reflected work he
18 had completed on County Road in 2011. He showed a receipt for materials that had been
19 purchased in 2011 to complete work at 55 Laurel Lane. He noted that he had previously
20 provided signatures to the Board to attest to the work he had stated he had completed.

21 The Coordinator asked why Mr. Beers did not have any documentation prior to 1990.
22 Peter Beers answered that his ex-wife had thrown away all of his paperwork prior to 1990. He
23 added that he could obtain a signed statement from his ex-wife that stated she had thrown away
24 all of his paperwork.

25 The Chairman asked for questions from the Board. Peter Hogan stated that the furthest
26 he would be willing to go was to say that Peter Beers was grandfathered to run an excavatioun
27 business and even that was grasping at straws. He stated that a neighbor of Peter Beer's had
28 complained about scrap metal on the property. He advised that Peter Beers would not be
29 authorized as an Excavation home business to have scrap metal on his property. Peter Beers
30 asked why he would not be authorized to have scrap metal on his property. Peter Hogan
31 answered that Peter Beers would not be approved to have a junk yard. He continued that the
32 auto sales business that Peter Beers was permitted to operate did not give him the right to store
33 scrap metal. Peter Beers stated that junk cars traded through the auto sales business needed to be
34 scrapped because he could not park them behind his house and leave them there forever. Peter
35 Hogan disagreed with Peter Beers.

36 Peter Hogan advised that Peter Beers would not be allowed to stock pile materials on his
37 property for the purposes of his construction. He continued that equipment would be stored on
38 the property and most likely a shop would be on the property. He went on to say that restrictions
39 for the operation of a home shop would include to ensure that the property did not look like a
40 disaster area. He added that Mr. Beers was not allowed at any time to park his equipment or
41 trucks on the street.

42 Peter Hogan stated that Mr. Beers' ability to sell cars off his property as an auto dealer
43 did not give him authorization to repair or scrap vehicles on his property. He stated that

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1 **PETER BEERS, cont.**

2
3 construction businesses run as home businesses needed to look neat and organized and fit into
4 the character of the neighborhood.

5 Peter Hogan believed that Mr. Beers' documentation did not prove anything, however, he
6 stated that because he had been around Town long enough he did know that Mr. Beers' had been
7 operating a construction business from his property. Peter Beers asked how Peter Hogan would
8 prove the operation of the business. Peter Hogan commented that it was difficult to rebuild the
9 past and what Mr. Beers had done was all he could do.

10 Peter Hogan asked if Mr. Beers had added up all of his receipts. Peter Beers answered
11 no. He noted that he typically grossed \$100K - \$125K annually. The Coordinator pointed out
12 that the documentation Mr. Beers provided was a sample of his paperwork. Peter Beers
13 confirmed this and explained that he could bring in all the boxes if the Board wanted him to.
14 The Chairman added that it had been requested that Mr. Beers provide documentation that
15 showed his business had been operating without a two year gap. Peter Beers stated that he had
16 not had a two year gap in operation of his business.

17 Peter Hogan asked if it was Mr. Beers' position that he had been operating an excavation
18 company since 1990 from his property. Peter Beers answered yes and clarified that he had been
19 in operation prior to 1990.

20 Dwight Lovejoy asked when the Board could expect Mr. Beers' to move all of his
21 equipment, i.e. trailers, on his property. Peter Beers stated that Laurel Lane was a Class VI road
22 and it was his understanding that he was allowed to park vehicles on the side of the road as long
23 as it was registered. Dwight Lovejoy advised that Mr. Beers was not allowed to park vehicles on
24 Laurel Lane. He asked for Mr. Beers to remove all of his vehicles from the road within the
25 following seven days.

26 Dwight Lovejoy stated that there had been an additional complaint that logging trucks
27 were seen coming and going from Mr. Beers' property and Mr. Beers was not the person
28 operating the trucks. Peter Beers stated that someone who lived at his residence parked a dump
29 truck on Laurel Lane. He stated that he had paperwork from the Town that had resolved this
30 issue and he was told that as long as the vehicles were registered they could be parked on Laurel
31 Lane; he provided the paperwork to the Board.

32 Mark Suennen asked for Mr. Beers to inform the Board which businesses he wanted
33 considered for grandfathered status. Peter Beers stated in the letter he had sent to the Board he
34 had included all of the businesses that he had operated prior to 1990, however, he was no longer
35 logging or towing. He stated that he hauled sand, gravel and loam and scrapped iron and tin.
36 Don Grosso commented that Mr. Beers had picked up items for scrap at his property. Peter
37 Hogan that just because he had picked up items for scrapping, it did not make it okay.

38 Peter Hogan read the following from a letter addressed to Peter Beers from Ed Hunter,
39 Building Inspector/Code Enforcement Officer, "At their meeting of February 22, 2011, the
40 Planning Board discussed your memo dated February 22, 2011, Peter Beers and the current
41 business of metal salvage he is conducting on his property located at located at 119 Laurel Lane.
42 The Board agreed that the proof he provided, a copy of a State of NH bonded auto dealer license
43 dated April 30, 1983, was sufficient evidence that he was operating this business prior to the

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1 **PETER BEERS, cont.**

2
3 1990 New Boston Zoning Ordinance and therefore, he is grandfathered”. Peter Hogan did not
4 believe that letter provided the right conclusion. The Chairman stated that the conclusion cited
5 was the one the Board had determined. Peter Hogan stated that the Board had concluded that
6 Mr. Beers was a bonded NH auto dealer. Mark Suennen agreed with Peter Hogan’s statement.
7 Peter Hogan commented that he understood why Mr. Beers had been confused. Peter Beers
8 stated that he believed he “was good to go”. Peter Hogan agreed with Mr. Beers’ interpretation
9 of the letter. Peter Beers stated that he did not plan on piling up junk with regard to the scrap
10 business. He indicated that he was cleaning up the items around his property.

11 The Chairman stated that Mr. Beers was approved to operate his auto sales business and
12 the Board would review the documentation that was submitted this evening for a determination
13 of an excavation home business at the next Planning Board meeting. He asked for confirmation
14 that Mr. Beers was no longer operating his logging or towing business. Peter Beers clarified that
15 he did move equipment with his low bed trailer but no longer towed cars. Peter Hogan pointed
16 out that moving equipment on a low bed trailer was right in the same realm as construction.
17 Peter Beers provided photographs dated 1985 of his loader trucks.

18 The Chairman stated that scrapping metal had not been proven or covered. Peter Beers
19 pointed out that the letter from Ed Hunter, Building Inspector/Code Enforcement Officer,
20 covered him with regard to scrapping. Peter Hogan agreed that the letter did reflect Mr. Beers
21 understanding, however, it was not accurate. Peter Beers stated that he did not have plans to
22 operate a full blow scrapping business.

23 Peter Hogan asked what other businesses, besides the excavation business, Mr. Beers
24 planned to prove he had operated in order to receive grandfathered status. Peter Beers answered
25 that he was only looking to continue operating his excavation business. Peter Hogan stated that
26 he had no issue approving Mr. Beers’ excavation business for grandfathered status.

27 Peter Hogan stated that he had not seen Mr. Beers’ property but based on information
28 provided to the Board it appeared that the visual aspects of the yard needed to be addressed.
29 Dwight Lovejoy stated that his only request of Mr. Beers as a Selectman was that he keep his
30 equipment off Laurel Lane. Peter Beers read the following from the letter from Ed Hunter,
31 Building Inspector/Code Enforcement Officer, “I discussed the issue of parking the tractor trailer
32 on Laurel Lane with the Board of Selectmen. The Board has no problem with the tractor trailer
33 as it is road worthy and a registered vehicle that comes and goes”. Dwight Lovejoy noted that he
34 had viewed other vehicles/equipment parked on Laurel Lane during the summer. Peter Beers
35 advised that tractors had been moved. Peter Hogan acknowledged that Mr. Beers could park
36 registered vehicles on his property but he reiterated that he was not allowed to park vehicles on
37 Laurel Lane.

38 The Chairman again stated that Mr. Beers had been approved to operate his auto dealer
39 business and the grandfathered status of his excavation business would be determined by the
40 Board at the next meeting. He added that Mr. Beers was no longer logging, towing or scrapping.
41 Peter Beers indicated that he was doing some scrapping, i.e., cleaning up his yard. Peter Hogan
42 and the Chairman clarified that cleaning up his yard was not considered scrapping. Peter Hogan
43 told Mr. Beers to stop hauling stuff on to his property and clean up his yard. The Chairman

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1 **PETER BEERS, cont.**

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3 indicated that if Mr. Beers' wished to obtain a grandfathered status for a scrapping business he
4 would be required to provide documentation that the business had operated prior to 1990. Peter
5 Hogan commented that Mr. Beers would be unlikely to obtain approval for the scrapping
6 business. Peter Beers stated that he understood as the scrapping business would be considered a
7 junk yard.

8 Peter Hogan stated that he wanted to conclude this matter and he asked how much more
9 information the Board needed to determine that Mr. Beers operated a construction business at his
10 house for the last ten years. The Chairman was unsure how to answer Peter Hogan's question
11 and reminded him that the Board needed time to review the information provided by Mr. Beers.
12 Mark Suennen asked for a consensus from the Board that the information provided was sufficient
13 enough to make a determination. The Chairman believed that Mr. Beers had met the spirit and
14 intent of what the Board had asked him to do.

15 The Coordinator stated that she would let Mr. Beers know when this matter would be
16 scheduled for further discussion.

17
18 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
19 **MARCH 26, 2013.**

- 20
21 6. Letter received March 11, 2013, from Don Grosso, to New Boston Planning Board, re: 81
22 Mont Vernon Road, change in use, for the Board' review and discussion.

23
24 Present in the audience were Don Grosso and Bob Todd, LLS.

25 The Chairman asked if a site plan existed for the above-referenced matter. The
26 Coordinator answered yes. The Chairman asked if the only proposed change was for the use
27 within the building. Don Grosso answered that he was proposing to change the use of the
28 space from an antique shop to a mattress shop. He explained that the interested party, The
29 Million Dollar Mattress, was currently operating their business out of the Lorden Plaza in
30 Milford, NH. He stated that in addition to selling mattresses the business also reupholsters
31 headboards.

32 Don Grosso stated that he had concerns about the proposed business using solvents or
33 doing heavy sanding. He went on to say to the proposed business did not use solvents or do
34 heavy sanding. He explained that a glue gun was used to for the reupholstering process.

35 Don Grosso explained that the New Boston location was desirable to the business owners
36 as one resided in Greenfield and one resided in Frankestown.

37 The Chairman referred to the site plan and asked if the parking listed, six spaces for
38 customers and 3 spaces for employees, was currently at the site. Don Grosso informed the Board
39 of the current parking at the location.

40 Don Grosso indicated that he needed a total of 43 available parking spaces. Mark
41 Suennen clarified that there were a total of 41 spaces needed according to the numbers on Don
42 Grosso's list.

43 The Chairman stated that the proposed hours of operation were 7am through 9pm,

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Monday through Sunday and noted that the proposed hours were the same that were currently
4 approved for the site plan. He noted that the proposed parking would increase from six spaces to
5 ten spaces. He stated that the four spaces could be absorbed from New Boston Video that no
6 longer operated at the property. He indicated that the size of the sign closest to the road was
7 grandfathered. He advised that Ed Hunter, Building Inspector/Code Enforcement Officer would
8 need to be contacted with regard to signage. Don Grosso asked how large a sign could be that
9 was attached to a building. The Coordinator answered that wall signs could be 30 s.f. in size.

10 Mark Suennen questioned if big trucks would be used for deliveries. Don Grosso
11 answered that the owners had a box truck and on occasion a tractor trailer truck may visit the
12 site.

13 The Chairman asked for further questions and/or comments; there were no further
14 questions or comments.

15
16 Mark Suennen **MOVED** to recognize the new business acting in the same fashion as the
17 existing businesses that had been in the building. The building has not been vacant for
18 more than two years and the applicant had submitted materials to attach to the existing
19 site plan and intended to follow the requirements of the existing site plan. Don Duhaime
20 seconded the motion and it **PASSED** unanimously.

21
22 **Discussion, re: participation in the SNHPC's Certified Sites Program**

23
24 Present in the audience was Bob Todd, LLS.

25 The Chairman stated that although the Certified Sites Program may be applicable to other
26 municipalities in the SNHPC region, he did not believe it covered New Boston. Don Duhaime
27 David Litwinovich, Peter Hogan and Dwight Lovejoy agreed with the Chairman. Mark Suennen
28 commented that the program was great for Manchester, Goffstown and Londonderry but it was
29 not great for New Boston right now. He stated that if an applicant came in and could prove to
30 the Board the benefit of this program, the Board would reconsider.

31
32 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
33 **MARCH 26, 2013.**

- 34
35 8. Memorandum with attachment dated March 14, 2013, from Nic Strong, Planning
36 Coordinator, to Stu Lewin, Chairman, and Planning Board Members, re: Planning Board
37 Fee Project, for the Board's review and discussion.

38
39 The Chairman explained that as an outcome of the Finance Committee meeting last year
40 the Planning Department had reviewed the fees charged. He continued that the Planning Office
41 had reviewed the matter, put together a memo and the Board had made comments. He stated that
42 the Planning Office looked into the matter further and the end result was the above-referenced
43 memorandum.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman stated that there were two options for plan review fees. Don Duhaime
4 asked if the fee amounts of \$50.00 and \$100.00 needed to be updated. The Coordinator stated
5 that the fees had been in place for a long period of time, however, when compared to other
6 towns the amounts were similar.

7 The Chairman indicated that the two options for charging for plan reviews were 1) Bill if
8 the review took over four hours or 2) leave the flat rate in place. It was the consensus of the
9 Board to move forward with option #1.

10 The Chairman stated that it was suggested that CUP fees be charged differently
11 depending on if the wetland crossing was part of a larger application or a standalone application.
12 If the application was standalone then the application fee, secretarial fee and certified letter fee
13 would be assessed. If the wetland crossing were part of another application, only the application
14 fee would be required. The Board members agreed with the suggestion.

15 The Chairman noted that it had been suggested that fees not be charged for informational
16 sessions. The Board members agreed with the suggestion.

17 The Chairman noted that the Board had previously agreed to a fee of \$25 for the first
18 extension request and a fee of \$50 for subsequent requests.

19 Mark Suennen asked when the Compliance Hearing fee would be applied. The
20 Coordinator answered that the fee would be applied at the time the compliance hearing was
21 requested.

22 The Chairman indicated that the newspaper notice for the Scenic Road Hearing fee would
23 be billed at the end.

24 The Chairman stated that Driveway Permit fees had always been charged, however, they
25 did not appear on the schedule. He continued that the fees would be added to the schedule.

26 The Chairman noted the certified letter fee was proposed to be increased. He asked if all
27 abutters were sent letters return receipt requested. the Coordinator noted that the applicant and
28 out of town abutters received return receipt requested and in town abutters simple received
29 certified mail. She noted that the Board had always charged about \$2.00 - \$2.50 per letter over
30 the actual cost of postage and suggested the fee be increased to \$8.00 a letter from the current
31 \$7.00. The Board agreed with the fee amount charged.

32
33 9a. Copy of Application for Conditional Use Permit for the Board's review and discussion.

34
35 9b. Copy of Application Checklist and Waiver request for Conditional Use Permit for the
36 Board's review and discussion.

37
38 The Chairman addressed 9a and 9b together as they were related.

39 The Coordinator advised that the above-referenced items were to reflect the newly
40 adopted Zoning Ordinance and had been updated accordingly.

41 The Chairman asked for comments and/or questions. Dwight Lovejoy commented that it
42 looked good.

43

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

2
3 10. Distribution of 2005 letter from William Drescher, Esq., re: Group Home and definition
4 of Family, for the Board's information.

5
6 The Chairman acknowledged receipt of the above-referenced matter; no discussion
7 occurred.

8
9 11a. Copy of Zoning Board of Adjustment Notice of Decision from March 12, 2013, meeting,
10 re: Tax Map/Lot # 10/3-2 & 3/3, Old Coach Road, for the Board's review and discussion.

11
12 11b. Copy of Meeting Minutes from Zoning Board of Adjustment March 12, 2013, meeting
13 for the Board's information.

14
15 The Chairman addressed items 11a and 11b together as they were related.

16 The Chairman asked if the applicant in question had been before the Planning Board
17 before they were before the ZBA. The Coordinator clarified that they never appeared before the
18 Planning Board.

19 The Coordinator stated that at the last meeting she had told the Board that they would
20 not see anything with regard to the above-referenced facility as the definition of family and how
21 it was going to go through the process. She explained that at the ZBA the variance had not been
22 considered on the basis of the definition of family. She continued that it had been considered on
23 allowing the use as an assisted living facility on the "R-A" lot located on Old Coach Road. She
24 advised that the applicant could operate any kind of assisted living facility on the lot. She stated
25 that because the disability part of this had not come up in the approval, the condition to have a
26 site plan would apply.

27 Mark Suennen asked if the site plan condition would only be required if the applicant
28 chose to operate as a commercial facility. The Coordinator pointed out that the applicant would
29 not have the approval for a commercial facility without the condition to complete a site plan.
30 Mark Suennen asked if the Planning Department had heard from the applicant with regard to
31 their intentions. The Coordinator answered no.

32
33 12a. Email with attachment dated March 18, 2013, from Nic Strong, Planning Coordinator, to
34 David Craig, Chairman, ZBA, re: Cover Sheets, for the Board's information.

35
36 The Chairman acknowledged receipt of the above-referenced matter; no discussion
37 occurred.

38
39 12b. Email response dated March 18, 2013, from David Craig, Chairman, ZBA, to Nic Strong,
40 Planning Coordinator, for the Board's information.

41
42 The Chairman acknowledged receipt of the above-referenced matter; no discussion
43 occurred.

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

2
3 13a. Copy of Letter dated February 28, 2013, to Emile Bussiere, Esq., from Nic Strong,
4 Planning Coordinator, re: Indian Falls/Susan Road Connection, for the Board's
5 information.

6
7 13b. Email dated March 19, 2013, from Shannon Silver, Planning Assistant, to Emile
8 Bussiere, Esq., re: Follow-up to Nic Strong's February 28th letter, for the Board's
9 information.

10
11 13c. Email response dated March 19, 2013, from Emile Bussiere, Esq., to Shannon Silver, for
12 the Board's information.

13
14 The Chairman addressed items 13a, 13b and 13c together as they were related.

15 The Chairman stated that the end result of the above-referenced correspondence was that
16 Emile Bussiere, Jr., would send a check for the outstanding balance and contact the Town
17 Engineer.

18
19 14. Discussion, re: Planning Board Meeting start time.

20
21 The Chairman advised that he would no longer be commuting to Burlington,
22 Massachusetts and would be able to start the meetings at 6:30 p.m. Peter Hogan stated that he
23 would not be able to attend meetings prior to 7:00 p.m.

24 It was the consensus of the Board to start the meetings at 7:00 p.m.

25
26 15. Distribution of copies of the New Boston Water Resources Management Plan for review
27 and evaluation by the Board. (Copies to be distributed at the meeting.)

28
29 The Chairman acknowledged receipt of the above-referenced matter; no discussion
30 occurred.

31
32 16. Letter received February 28, 2013, from David J. Preece, AICP, Executive Director,
33 SNHPC, to Shannon Silver, Planning Assistant, re: SNHPC Regional Traffic Counting
34 Program, for the Board's information.

35
36 The Chairman acknowledged receipt of the above-referenced matter; no discussion
37 occurred.

38
39 17. Email received March 4, 2013, from SNHPC Regional Visioning Sessions, (New Boston
40 Session, April 13th, Whipple Free Library, 8:30 AM – 12:00 PM), for the Board's
41 information.

42
43 The Chairman acknowledged receipt of the above-referenced matter; no discussion

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 occurred.

- 4
5 19. Copies of SB49, HB347 & HB 634 and their current status, for the Board's information.

6
7 The Chairman acknowledged receipt of the above-referenced matter; no discussion
8 occurred.

- 9
10 20. Distribution of Zoning Ordinance with amendments noted on 03/12/13. (Copies to be
11 distributed at the meeting.)

12
13 The Chairman acknowledged receipt of the above-referenced matter; no discussion
14 occurred.

- 15
16 21. Announcement: 19th Annual Spring Planning & Zoning Conference, May 11, 2013,
17 Radisson Hotel, Manchester, NH. (sign-up online or email Shannon)

18
19 The Chairman acknowledged receipt of the above-referenced matter; no discussion
20 occurred.

- 21
22 22. Public Hearing Notice dated March 22, 2013, from the Town of Goffstown, re:
23 Woodland Trust, Tax Map/Lot #4/87-6, Mountain and Bog Brook Roads, request for
24 extension, for the Board's information.

25
26 The Chairman acknowledged receipt of the above-referenced matter; no discussion
27 occurred.

- 28
29 18. Letter dated March 18, 2013, from Shiv Shrestha, S& R Holding Company, LLC, to New
30 Boston Planning Board, re: request to attend April 9, 2013, meeting to discuss building
31 permits and certificate of occupancies, for the Board's action.

32
33 The Chairman stated that as explained to the applicant at his last attendance on
34 September 13, 2012, he had explained that a condition from the Notice of Decision clearly stated
35 that no Certificates of Occupancy would be issued until the subdivision road as well as offsite
36 section of Susan Road, Indian Falls Road were installed. He continued that he had advised that
37 the matter dated back to December 2003 and had been discussed on multiple occasions with the
38 end result was that the three roads would be tied together. He further stated that at the previous
39 meeting Peter Hogan had said that it was not okay, Don Duhaime and Mark Suennen had
40 agreed. He noted that Christine Quirk had commented that she had discussed the matter with the
41 Board of Selectmen and they were not willing to change the established condition either.

42 The Chairman asked if any of the Board members had felt any differently from what he
43 had restated. The Board members did not feel any differently.

**TOWN OF NEW BOSTON
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1 **MISCELLANEOUS BUSINESS, cont.**
2

3 The Chairman stated that the applicant should be advised that the positions of the Board
4 had been read into the minutes and nothing had changed. He added that the applicant was
5 welcome to attend the next meeting, however, he was skeptical that the applicant appearing in
6 person would give him a different answer.
7

8 23. Elections
9

10 The Chairman advised that Planning Board elections would take place at the next
11 meeting.
12

13 The Chairman stated that he had not reviewed the next two items on the agenda,
14 Zoning Ordinance/Subdivision/Non-Residential Site Plan Review Regulations questions
15 and Discussion, re: starting work on cul-de-sac issues.

16 The Coordinator asked if the two previously referenced items should be placed on the
17 next meeting's agenda. The Chairman answered yes.

18 The Chairman asked if anyone had anything to add. Mark Suennen referred to the cul-
19 de-sac issues discussion and asked if the Board was looking to make changes to the regulations
20 and if so should the Road Agent and Road Committee provide their input. The Chairman
21 answered yes. The Coordinator explained that since the Board was not sure yet if their
22 discussion would take them further into the regulations than just the Subdivision Regulations she
23 thought it was premature to ask for suggestions to amend the Subdivisiion Regulations. She also
24 noted that other interested boards and committees would feel slighted if they weren't asked for
25 their input at this time. The Chairman agreed with the Coordinator's suggestion. Mark Suennen
26 modified his request to tell the Road Agent and Road Committee that the Board was actively
27 pursuing the cul-de-sac future and to submit general input. The Coordinator suggested that the
28 Board wait to ask for input until after their discussion and then ask all interested departments for
29 their input. Mark Suennen agreed and rescinded his request.
30

31 Peter Hogan **MOVED** to adjourn at 9:15 p.m. Dwight Lovejoy seconded the motion and
32 it **PASSED** unanimously.
33

34 Respectfully Submitted,
35 Valerie Diaz, Recording Clerk

Minutes Approved:
04/23/2013