

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

1

1 The meeting was called to order at 6:00 p.m. by Chairman Stu Lewin. Present were
2 regular members Mark Suennen, Peter Hogan and Don Duhaime, alternate David Litwinovich
3 and Ex-Officio Christine Quirk. 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 Jack Munn, Senior Planner,
7 Southern New Hampshire Planning Commission, Dick Ludders, Chair, Piscataquog River Local
8 Advisory Committee, Gerry Cornett, Burr Tupper, Chair, Conservation Commission, Ken
9 Clinton, LLS, Peter Shellenberger, Ivan Byam, Gail Stout and Ron Maas.

10
11 **Presentation by Southern New Hampshire Planning Commission, re: updated 2010**
12 **Piscataquog River Management Plan and Land Conservation Watershed Plan**

13
14 Jack Munn, Senior Planner, Southern New Hampshire Planning Commission, (SNHPC),
15 introduced himself to the Board and noted that Dick Ludders, Chairman of the Piscataquog River
16 Local Advisory Committee (PRLAC) was also present. Jack Munn indicated that he wanted to
17 discuss the Piscataquog River Management Plan that had been updated in 2010. He stated that
18 the original plan had been completed in 2000 and had been circulated to all of the watershed
19 towns. He continued that eleven of the watershed towns had accepted the plan and they would
20 be asking the Board to accept the updated plan this evening. He stated that they would also be
21 discussing the Land Conservation Watershed Plan and explained that the plan looked at the
22 entire watershed.

23 Jack Munn thanked NHDES, PSNH and NH Charitable Foundation for funding the two
24 plans. He noted that the partners involved with the plans were the Piscataquog Land
25 Conservancy, the Francestown Land Trust, the Monadnock Conservancy, the Russell
26 Foundation, the Society for the Protection of NH Forests, UNH Cooperative Extension, NH
27 Audubon, NH Fish & Game Department, the Piscataquog River Local Advisory Committee, and
28 Saint Anselm's College Biology Department.

29 Jack Munn advised that the following communities were involved with the plans:
30 Deering, Francestown, Greenfield, Lyndeborough, Mont Vernon, Weare, Dunbarton, Goffstown,
31 Henniker, Manchester and New Boston.

32 Jack Munn stated that funding for the plan update was through EPA Clean Water 604b
33 grants. He explained that the grants provided funding for clean water projects to regional
34 planning commissions. He advised that the rivers management plan was required for all
35 nominated rivers under the State's Rivers Management and Protection Act and noted that the
36 Piscataquog River's main, north and south branches were nominated into the program in 1992.
37 He added that a full copy of the plan was available on the SNHPC website, www.snhpc.org.

38 Jack Munn stated that the River Management Plan key goals were water quality, instream
39 flow, streambank stabilization, shoreland protection, recreation, natural resources, scenic
40 resources and cultural resources. He noted that the goals were advisory goals used by the
41 PRLAC and could also be used by the Planning Board.

42 Jack Munn informed the Board of the Management Plan requirement to have a local river
43 management advisory committee in place. He pointed out that currently six municipalities

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

2

1 **SNHPC RIVER/WATERSHED PLAN, cont.**

2
3 provided membership to PRLAC and those towns were Deering, Francestown, Goffstown,
4 Manchester, New Boston and Weare.

5 Jack Munn explained that it was the responsibility of PRLAC to advise and report to NH
6 DES Commissioners/State Advisory Committee and Municipalities of compliance with federal,
7 state and local regulations and plans relevant to the designated river. He continued that PRLAC
8 was also responsible for commenting on any federal, state or local government projects that
9 would alter the resource values and characteristics of the designated river. He further stated that
10 it was PRLAC's responsibility to develop and assist the Planning Board with the adoption of a
11 river management plan. He added that it was also PRLAC's responsibility to review all
12 submitted wetland permits, AOT and SWQA applications that were located within ½ mile of the
13 river. He noted that PRLAC had the opportunity to submit comments to the town after review of
14 the applications.

15 The Chairman noted that there were eleven communities involved in the Piscataquog
16 River Management Plan and questioned why only six provided membership to PRLAC. Dick
17 Ludders answered that the other five towns had chosen not to participate in PRLAC. He noted
18 that only a small portion of the Piscataquog River ran through Lyndeborough and that was why
19 they chose not to participate.

20 The Chairman asked if all eleven communities approved the original plan. Dick Ludders
21 answered that not all eleven communities had approved the original plan and only the
22 communities that were actively involved approved it, e.g., Manchester, Goffstown, Weare, New
23 Boston, Francestown and Deering. The Chairman asked if towns were accepting the updated
24 Piscataquog River Management Plan. Jack Munn answered that Goffstown had recently adopted
25 the plan as a resource guide and Weare was currently considering adoption. He noted that this
26 evening's presentation was only the third presentation of the updated plan that had been done.

27 Jack Munn pointed to the handout provided and referred the Board to the page entitled
28 "River Classifications". He stated that the map showed sections of the Piscataquog River that
29 were classified as Community, Natural, Rural or Rural-Community. He pointed out that the
30 Natural classification encompassed most of the North, South and Middle Branches of the
31 confluence with the North Branch in Goffstown was classified as Rural. He indicated that from
32 the confluence of the North Branch and Main Stem in Goffstown to the west of the Weir
33 Reservoir in Weare was also classified as Rural. Jack Munn went on to say that the Main Stem
34 of the river in Manchester and Goffstown from confluence with the Merrimack River to Glen
35 Lake in Goffstown was classified as Rural-Community. He further stated that Glen Lake in
36 Goffstown to confluence of the North and South Branches was also classified as Rural-
37 Community. He noted that the Main Stem of the Piscataquog River around Glen Lake in
38 Goffstown was classified as Community. He explained that there was a hierarchy to the
39 classification and stated that the Community classification represented a little more build-up to
40 the natural, less developed classification.

41 Jack Munn stated that the Piscataquog River contained the highest number of natural
42 designated river miles in the State of New Hampshire. He advised that the Piscataquog River
43 was 57 miles long and 32 miles of the river was classified Natural.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

3

1 **SNHPC RIVER/WATERSHED PLAN, cont.**

2
3 Jack Munn referred the Board to Table 1-River Classification & Regulations contained
4 within the handout. He indicated that the tables listed the State requirements for the different
5 river classifications, dams and encroachments, reconstruction of failed or breached dams,
6 channel alterations, water quality and waste disposals.

7 Jack Munn suggested that the Board review the goals listed within the handout and advise
8 if any of the goals were contrary to New Boston. He believed the Board would support most of
9 the goals as they were general. Dick Ludders added that the goals were advisory. He explained
10 that PRLAC dealt with wetland permits, AOT permits and anything else associated with
11 development along the river. He noted that PRLAC used the plan as a guideline. He believed
12 that the information contained within the plan would be useful to the Board or developers. He
13 noted that in many cases responses from PRLAC to DES were incorporated by DES in their
14 responses to developers making the application. Jack Munn added that the benefit the goals
15 would have for the Town of New Boston were to set the framework for what PRLAC would like
16 to see happen along the river as well as serving as a guide for DES. He explained that if a
17 property owner had bank stabilization issues that required a grant for stabilization or a property
18 owner hired a developer to complete wetland mitigation and required additional State funding
19 the State would look at those grant projects to determine if they were consistent with the goals of
20 the river management plan. He noted that if the goals were consistent with the river management
21 plan they would typically be scored higher when issuing grant decisions.

22 Jack Munn stated that an open house was being held on April 12, 2012, at the Whipple
23 Free Library to discuss upcoming projects, the Piscataquog River Management Plan, the Land
24 Conservation Watershed Plan, the Eastern Brook Trout Study, a stream crossing assessment,
25 surface cover mapping of all paved surfaces in the watershed and a rural addressing project.

26 Jack Munn asked for any questions and/or comments. Burr Tupper commented that with
27 regard to the culvert study he had spoken with the Road Agent and noted that all of the data
28 would be available to all of the towns. Jack Munn added that the culvert data would be helpful
29 in cases where culverts were undersized and needed replacement. He continued that the data
30 would be useful if the Town needed grant funding for a hydraulic study to determine the size of a
31 culvert and minimize the cost for the replacements.

32 Jack Munn pointed out that there was a lot of information about the rivers contained
33 within the appendix of the plan including maps and regulations. He reiterated that the plan was
34 an advisory document.

35 The Chairman asked if Jack Munn intended on presenting to all eleven communities
36 listed within the plan. Jack Munn answered yes and clarified that he would be presenting at the
37 four towns in his region: Manchester, Goffstown, Weare and New Boston. He noted that the
38 other Planning Commissions would visit the remaining towns. Dick Ludders pointed out that the
39 watershed covered land in three regional planning commissions.

40 Jack Munn asked if the Board wanted to vote on the adoption of the Piscataquog River
41 Management Plan. The Chairman stated that he did not want to vote on the plan until after he
42 had a chance to review it.

43 Jack Munn thanked the Coordinator for her active involvement in reviewing the plans

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

4

1 **SNHPC RIVER/WATERSHED PLAN, cont.**

2
3 being presented this evening.

4 Jack Munn stated that there was no rush to adopt the plans and noted that he appreciated
5 the Board's consideration.

6 Jack Munn next referred the Board to the Piscataquog Watershed Land Conservation
7 Plan. He stated that a two phase study had been completed. He explained that Phase I of the
8 study developed a model that showed weighted values of how people perceived the different
9 natural resources within the watershed. He continued that the result of Phase I were maps that
10 showed highly valued conservation areas versus supportive areas. He stated that Phase II of the
11 study consisted of working with conservation commissions and planning boards.

12 Jack Munn noted that the Land Conservation Watershed Plan was an advisory document
13 and did not have any regulations attached to it. He stated that it was designed to help planning
14 boards and conservation commissions to see how people feel about the resources in the
15 watershed and to think about protecting them in the future. He stated that the plan was not meant
16 to replace a natural resources inventory.

17 Jack Munn referred to the page entitled Watershed Overview contained within the
18 handout. He pointed out the graphic of an anatomy of a watershed and noted that the drainage
19 ran through the watershed and percolated down into the groundwater. He added that the handout
20 addressed why the Piscataquog Watershed was special and the importance of headwater streams.
21 He went on to say that headwater streams provided rich habitats as well as storage for floodwater
22 and recharge groundwater. He noted that headwater streams also helped remove sediment and
23 excess nutrients.

24 Jack Munn referred to the Existing Protections within the handout and stated that New
25 Hampshire had very good wetlands regulations, adding that they were some of the best in the
26 country. He pointed out that the wetlands regulations applied to all wetlands no matter how
27 small the impact. He explained that wetlands impacts greater than 10,000 s.f. required
28 compensation that resulted in wetland restoration, conservation easements or fees.

29 Jack Munn referred to Future Opportunities listed within the handout and noted that the
30 NH Shoreland Water Quality Protection did not offer protection to 1st, 2nd or 3rd order streams
31 other than what each town had adopted in the way of setback regulations.

32 Jack Munn referred to the Outstanding & Impaired Waters map contained within the
33 handout. He stated that the map showed the locations of the outstanding water resources and the
34 locations of the higher water quality within the watershed.

35 Jack Munn referred to the page entitled Building Co-Occurrence Model contained within
36 the handout. He explained that each conservation commission within the watershed had an
37 opportunity to provide a weighted number with regard to how they felt about the resource values
38 for things such as riparian resource areas, aquifers, ecologically important habitats, wildlife
39 action areas, wetlands, critical slopes, floodplains and high quality watersheds. He explained
40 that the scores from the conservation commissions were graded and assigned an average
41 weighted score. Jack Munn pointed out a map entitled Focus & Supporting Drainage Areas that
42 highlighted higher quality water areas.

43 Jack Munn addressed current projects underway within the watershed. He explained that

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

5

1 **SNHPC RIVER/WATERSHED PLAN, cont.**

2
3 the Headwaters Project I consisted of the Francestown Land Trust, the Piscataquog Land
4 Conservancy and the Monadnock Conservancy working together with landowners in
5 Francestown, Lyndeborough and Greenfield to protect over 1,000 acres of headwaters. He noted
6 that the Eastern Brook Trout Study was also on-going.

7 Jack Munn referenced future projects which included Watershed Impervious Surface
8 Mapping, Culvert/Stream Passage Assessment and Fluvial Erosion Assessment/Planning. The
9 Chairman asked for an explanation of the Fluvial Erosion Assessment/Planning. Jack Munn
10 stated that fluvial erosion was the natural scouring and flow of water through the river. He
11 continued that it acted to break down soil. He noted that it was more of a geological assessment
12 of the stream. He pointed out that Burr Tupper had been trained in culvert assessment work and
13 invited anyone interested in volunteering to help conduct the assessments.

14 Jack Munn noted that the plan included model ordinances that would protect the high
15 quality watershed areas and core conservation focus areas. He recommended that the Board
16 review the model ordinances and compare them to what currently existed in the town ordinances.
17 He stated that the watershed plan would be used more as a guide to help the land trust and
18 different organizations involved in protecting land through volunteer efforts.

19 Jack Munn invited questions or comments; there were none. Jack Munn stated that by
20 accepting the plan the Board would not have to endorse the identified core conservation areas
21 and high quality drainage areas. He noted that it could be used a reference as it was a good
22 planning resource tool.

23 Jack Munn asked if Dick Ludders had anything further to add. Dick Ludders noted that
24 the data that provided the background to this plan had been collected scientifically and by using
25 the co-occurrence model it was possible to spotlight areas worthy of protection and conservation.
26 Jack Munn emphasized that the plan was in no way a site specific study but presented the
27 "30,000 foot view" and could be used as a basis in the Town's future natural resource and land
28 use planning.

29 Jack Munn thanked the Board for the opportunity to make the presentation and again
30 stated that an open house was being held at the Whipple Free Library on April 12, 2012.

31
32 **SHELLENBERGER, PETER M. & SUSAN L.**

33 Public Hearing/Design Review/NRSPR/Warehouse

34 Location: Byam Road

35 Tax Map/Lot #6/40-1-1

36 Residential-Agricultural "R-A" District & Small Scale Planned Commercial "COM" District

37
38 Present in the audience were Ken Clinton, LLS, Peter Shellenberger, Ivan Byam, Gail
39 Stout and Ron Maas.

40 The Chairman read the public hearing notice. He noted that the application and cover
41 sheet were received on March 12, 2012. He advised that there were outstanding fees in the
42 amount of \$14.00 for certified letters. He stated that all items for a completed application had
43 been submitted.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

6

1 **SHELLENBERGER, cont.**

2
3 The Chairman advised that the applicant had come before the Board for an informational
4 session on December 20, 2012, a preliminary hearing on February 14, 2012, and a work session
5 on February 28, 2012. He added that the Board had attended a site walk on February 18, 2012.
6 He indicated that the ZBA had granted a special exception for the warehouse use of the property.
7 He further indicated that there was a driveway permit for the property and that the Fire Inspector
8 had submitted a memo that stated there were no fire code issues.

9 Ken Clinton, LLS, of Meridian Land Services, stated that he was present on behalf of
10 Peter Shellenberger of Ecosmith Recyclers. He noted that this evening's hearing was for the
11 submission of a NRSP application.

12 Ken Clinton, LLS, advised that since the last hearing they had finalized their design with
13 regard to the landscaping. He noted that the overall design, approach and major improvements
14 had not changed since the last hearing. He stated that a drainage report had been submitted as
15 well as a few details about the proposed building.

16 Ken Clinton, LLS, advised that the plan set that had previously been presented had
17 increased from two sheets to five, as more detail was being provided. He stated that the cover
18 sheet showed the locus and vicinity map of the property relative to the major streets, abutting lots
19 and zoning features. He pointed out the location of proposed notes on the plan. He referred to
20 the second sheet of the plan and advised that with the exception of a few drafting items no
21 significant changes had been made since the last hearing. He moved on the third sheet of the
22 plan and explained that it contained the proposed design. He stated that the second page of the
23 site design sheet contained drainage information, e.g., leach field and bio-retention rain garden.
24 He noted that the size of the bio-retention rain garden had increased slightly from the initial
25 design. He explained that they had added a sediment forebay. He pointed to the last page of the
26 plan set and indicated that it contained details and specifications for the construction of the
27 proposed site.

28 Ken Clinton, LLS, stated that he had received comments from the Coordinator relative to
29 the checklist. He explained that there were five items that appeared to outstanding or need
30 attention. He noted that there were a few editing details that needed to be completed. He stated
31 that one of the items noted was with regard to the direction of travel. He explained that on the
32 plan they had showed the driving patterns for vehicles and he believed it was sufficient to
33 illustrate access to the site; he pointed to wheel patterns and vehicles on the plan. He indicated
34 that he would be able to add more detail on how vehicles moved through the site if the Board
35 wanted that information added.

36 Ken Clinton, LLS, pointed out the proposed signage location on the plan. He explained
37 that the applicant did not have proposed signage and intended to move forward with a separate
38 sign application after receiving approval of the site plan. He added the sign location was
39 identified in a note on the plan as well as the applicant's intention to handle the proposed sign
40 through a separate application. The Chairman asked if the proposed sign would be one or two-
41 sided. Peter Shellenberger answered that the proposed sign would be a two-sided sign. He
42 added that the sign would be small and wooden and be located at the entrance of the property.
43 He explained because he was not intending to attract the public to come to the facility it was not

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

7

1 **SHELLENBERGER, cont.**

2
3 necessary to have a lighted sign. He noted that the sign was simply to let the truck drivers know
4 where the driveway was located. Ken Clinton, LLS, added that the previously stated information
5 was located in Note #12 on the plan.

6 Ken Clinton, LLS, addressed a comment from the Coordinator with regard to hours of
7 operation. He stated that the hours of operation were listed on the plan, however, the days of the
8 week were not specified. He continued that the proposed hours of operation were 5:00 a.m.
9 through 9:00 p.m., with limitations to trucks backing up between the hours of 5:00 a.m. and 7:00
10 a.m. The Chairman asked if the applicant intended on operating Monday through Sunday. Ken
11 Clinton, LLS, answered yes and noted that he would add the proposed days to the plan.

12 The Chairman pointed out that no excessive idling of the trucks had not been added to the
13 plan as had been previously discussed. Peter Shellenberger asked how long he could be allowed
14 to warm-up the trucks. The Chairman asked how this matter was handled with regard to gravel
15 pit operations. The Coordinator answered that the gravel pit regulations allowed for 15 minutes
16 of idling. Ken Clinton, LLS, asked if this matter should be addressed through a note on the plan.
17 The Chairman answered yes. Ken Clinton, LLS, advised that he would add the information to
18 Note #13 of the plan.

19 The Chairman requested that the applicant add that the proposed sign would not be lit to
20 Note #12. Ken Clinton, LLS, answered yes but thought it may be better to handle that matter
21 through the secondary signage application. The Coordinator explained that sign permits were
22 issued by the Building Inspector separately from the Planning Board process. She noted that in
23 the past the applicant had only to indicate the location of the sign on the site plans but the
24 regulations had changed to require that the design details of the sign be submitted to the Board
25 too. She went on to say that after approval of this application there was no way for the sign to
26 have to come back to the Board since the permit was issued by the Building Department. Ken
27 Clinton, LLS, stated that he would add a note that specified the location of the unlit sign.

28 Ken Clinton, LLS, stated that they had looked into how the proposed landscaping would
29 work with the Maas property, the nearest residential property; he pointed out the location the
30 plan as well as the location of stakes that represented the proposed landscaping. He explained
31 that the proposed sight line buffer was shifted, at the Maas's request, to the east in order to cover
32 more of a box truck that would be parked in the location. He advised that the proposed pattern of
33 trees and shrubs met the density requirements from the Zoning Ordinance. He stated that the
34 types of trees to be planted were all white spruce for the larger trees and mountain laurel-type
35 shrubs. He pointed out that two larger trees along the north line would be white pines that would
36 help block Mr. Byam's house. He identified the proposed location of three white pine trees that
37 would assist in blocking the building from drivers traveling south along Route 13.

38 Ken Clinton, LLS, stated that because white spruce trees were slow to grow the applicant
39 was requesting the five proposed white spruce trees be replaced with white pine trees in order to
40 block the back of the building. He also identified the location of two white spruce trees along
41 Byam Road that the applicant wished to change for two red maple trees instead. He stated that
42 the addition of the maple trees would add color to the area in the fall and would vary the types of
43 trees on the site.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

8

1 **SHELLENBERGER, cont.**

2
3 Ken Clinton, LLS, referred to the drainage report. He indicated that there was one large
4 impervious surface for the roof of the building and a fair amount of gravel surface. He stated
5 that this was all sheet flow. He continued that sheet flow would come down to the proposed rain
6 garden. He pointed out that the rain garden was not a detention pond and as such would not
7 create a large depression in the ground where water would sit and vegetation and wetland species
8 would grow. He explained that a rain garden was a very shallow and large area for stormwater
9 to come into and get absorbed into a mulch/sandy loam mixture. He went on to say that the
10 water, after absorption, would dissipate and infiltrate into the ground. He advised that any
11 pollutants or anything suspended within the flow would get trapped in the sediment forebay or
12 come into the rain garden. He noted the blueberry plants located within the rain garden would
13 assist in sucking up the pollutants and treat them. He stated that the rain garden resulted in the
14 less runoff through the site with a fifty year storm. He indicated that the planting schedule and
15 species were identified on the plan as well as the proposed location around the perimeter. He
16 stated that this would have the effect of elongating the buffer to the Maas property.

17 Ken Clinton, LLS, stated that he had submitted a small packet with information regarding
18 the proposed building. He reiterated that the building footprint and overall layout had not
19 changed since the last plan iteration. He stated that included in the packet was a color photo of
20 an example of a Morton building and noted that the building would be red with a dark beige roof.
21 He advised that the porch shown in the photo would be the porch on the front of the proposed
22 building. He pointed out the location of the trucks at the three proposed bays at the back of the
23 building.

24 Ken Clinton, LLS, invited questions and/or comments from the Board. The Chairman
25 indicated that the Board needed to determine whether or not the application was complete.

26
27 Peter Hogan **MOVED** to accept the application for Peter M. & Susan L. Shellenberger,
28 Location: Byam Road & NH Route 13 a/k/a River Road, Tax Map/Lot #6/40-1-1,
29 Residential-Agricultural "R-A" District & Small Scale Planned Commercial "COM"
30 District, as complete. Don Duhaime seconded the motion and it **PASSED** unanimously.
31

32 The Chairman advised that the deadline for Board action was May 31, 2012.

33 The Chairman asked if the Coordinator had discussed the engineering review with the
34 applicant. Ken Clinton, LLS, answered that they had inquired about what items may or may be
35 required. He stated that it was their request, given the simplicity of the site and their P.E. stamp,
36 that no engineering review be required. He went on to say that he understood that the Board may
37 not be very familiar with rain gardens, however, he pointed out that the drainage report was
38 simplistic. He added that if the Board did require an engineering review he hoped that it would
39 apply solely to the drainage report. Peter Hogan believed it was a stretch to require the
40 engineering review. Mark Suennen agreed with Peter Hogan and noted that if the applicant was
41 not doing any paving there was nothing to look at besides the foundation. He believed that the
42 Board should have the Town Engineer review the drainage report to verify that there were no
43 missed numbers. Peter Shellenberger asked what the fee would be for the Town Engineer to

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

9

1 **SHELLENBERGER, cont.**

2
3 review the drainage report. The Chairman answered that there would be an hourly fee. The
4 Coordinator stated that the fee was determined on an estimate basis. She continued that
5 depending on how the applicant wished to move forward the Planning Office could send the
6 drainage report to the Town Engineer and request an estimate of how long it would take to
7 complete a review or the applicant could submit \$1,500 for the review to be commenced. Any
8 unexpended funds would be returned to the applicant.

9 Peter Shellenberger asked for an explanation of the May 31, 2012, deadline for Board
10 action. The Chairman explained that statutorily the Board had 65 days to act upon the
11 application.

12 Peter Hogan asked how long the applicant believed it would take to complete a review of
13 the drainage report. Ken Clinton, LLS, believed it would take three to four hours to complete a
14 review of the drainage report. It was Ken Clinton, LLS's, opinion that a check for \$1,500 should
15 be submitted and placed in escrow in order to have the drainage report sent out immediately for
16 review to ensure that it would be completed in a timely manner. Peter Shellenberger agreed to
17 submit the \$1,500.

18 The Chairman asked if the wall-pack lighting would be on all the time and not a motion
19 sensor. Ken Clinton, LLS, answered that the note listed was standard and recognized that they
20 previously discussed having the motion sensor lighting. He indicated that he would revise the
21 note to state that motion sensor lighting would be used. He added that there would be a motion
22 sensor light in the back of the building, most likely the northeast corner, for security purposes.
23 The Chairman advised that the lighting information needed to be added to the plan.

24 The Chairman referred to the previously discussed matter about the representation of
25 traffic flow on the plan and asked if any members believed anything other than what was
26 currently shown should be required. Peter Hogan commented that the traffic flow currently
27 shown on the plan was overly clear. Mark Suennen suggested that two arrows be placed on the
28 driveway to clearly show that it was a two-way driveway. He noted that the traffic flow that was
29 currently shown overlapped. Ken Clinton, LLS, indicated that he understood the request.

30 The Chairman asked for further comments and/or questions from the Board; there were
31 no further comments or questions.

32 The Chairman invited comments and/or questions from the audience. Gail Stout of 119
33 Old Coach Road asked for confirmation that all of the light fixtures would be attached to the
34 building. Ken Clinton, LLS, confirmed that two of the lights would be wall-packs and the other
35 lighting would be 60 watt light blubs. The Chairman indicated that all the proposed lighting
36 should appear on the plan. Ken Clinton, LLS, stated that he would add the locations of all the
37 lighting.

38 Gail Stout asked if there would be any exterior storage. Ken Clinton, LLS, answered that
39 temporarily there would be wooden pallets. He added that they would be stored behind the
40 building and pointed the location out on the plan. Gail Stout asked if exterior storage was
41 defined within the plan. Ken Clinton, LLS, answered that he was unsure how the storage could
42 be addressed as it would only be temporary. Gail Stout asked if the allowance of exterior storage
43 would be addressed with the final approval. Ken Clinton, LLS, stated that they could come up

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

10

1 **SHELLENBERGER, cont.**

2
3 with an amount of exterior storage or a period of time. Gail Stout asked if the porch would be
4 used for storage. Ken Clinton, LLS, answered no. He pointed out that there was a 10' x 20' area
5 where something could be stored. Mark Suennen asked if Ken Clinton, LLS, was referring to the
6 area next to the stairwell. Ken Clinton, LLS, answered yes and pointed out the location on the
7 plan. He asked if they could designate the area he pointed out as an exterior storage location.
8 Gail Stout asked if exterior storage was an item on the checklist for approval. Peter Hogan
9 answered that it was not an approval matter for the Commercial District. He added that exterior
10 storage was addressed for Home Businesses. Ken Clinton, LLS, noted that the storage would not
11 be seen from the street and the only person who may see it would be Mr. Byam. Peter Hogan
12 asked if the applicant intended on having a dumpster. Ken Clinton, LLS, answered yes. Peter
13 Hogan suggested that the applicant fence in area around the dumpster. Ken Clinton, LLS, noted
14 that a berm would partially hide the dumpster. Peter Shellenberger commented that it was his
15 experience that fenced in dumpsters were typically damaged by front loader trucks. Peter Hogan
16 suggested only having a three sided fence. He asked the Coordinator if there was anything that
17 prohibited exterior storage on a Commercial property. The Coordinator answered no. Mark
18 Suennen asked if a limit on the height of the storage not exceed the height of the building would
19 be acceptable. Peter Shellenberger answered yes. Ken Clinton, LLS, stated that the fencing
20 would be redundant as there was already a landscaping buffer in place that would block the view
21 of the dumpster. Mark Suennen stated that fencing could make snow removal difficult and
22 further stated that he was not in favor of any fencing on the property. Gail Stout stated that they
23 were concerned about the location of the exterior storage and asked if it could be restricted to an
24 area and shown on the plan. Peter Shellenberger stated that he did not want to be held to a
25 specific exterior storage area and pointed out that his property was zoned Commercial. He noted
26 that he had been very flexible, however, this was for his business and he needed to be able to do
27 what was required for his business. He went on to say that if his business required him to put
28 half a dozen collection boxes outside then he would do so. Peter Hogan asked if the applicant
29 would agree that there would be no storage within the raingarden area. Peter Shellenberger
30 agreed that there would be no storage within the raingarden.

31 Gail Stout stated that she and Ron and Angela Maas felt that the proposed hours of
32 operation of 5:00 a.m. through 9:00 p.m., seven days a week were excessive for a Commercial
33 property abutting a Residential property. She commented that they believed that these proposed
34 hours of operation were hours that would be more suited to the businesses in an industrial park.
35 She stated that she had done some reading of last year's Planning Board meeting minutes and she
36 had not seen any business that was approved for the number of hours that the applicant was
37 proposing. She noted that even the gravel pits were restricted. She pointed out that potentially
38 the trucks would be starting up at 4:45 a.m. during the winter. The Chairman disagreed with Ms.
39 Stout and clarified that the start up time of 5:00 a.m. with the trucks leaving by 5:15 a.m. was
40 what was being proposed. She commented that a 5:00 a.m. start time was early and she was not
41 aware of any other business that had approval to start that early. The Chairman pointed out that
42 a neighbor who owned a diesel pick-up truck could start his vehicle at 4:30 a.m. and let it idle for
43 ten minutes prior to leaving for work. Peter Shellenberger pointed out that his business would

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

11

1 **SHELLENBERGER, cont.**

2
3 not be operating in the parking lot during the morning or evening hours. Peter Hogan stated that
4 he was satisfied with the applicant's explanation for the proposed hours of operation. He
5 disagreed with Ms. Stout's comparison of the proposed business and a gravel pit. He added that
6 he was satisfied with the applicant's explanation of the operation of the vehicles and stated that
7 he was comfortable with the proposed hours of operation. Gail Stout asked if Peter Hogan was
8 comfortable with the business operating on Sundays. Peter Hogan answered yes and pointed out
9 that the proposed business was not a Home Business. Gail Stout noted that the proposed
10 business abutted a residential property. Gail Stout asked if the Board felt they were setting a
11 precedent by allowing a business to start at 5:00 a.m. Peter Hogan answered no and explained
12 that the proposed business was not a retail business. He noted that a lot of conversations had
13 occurred with regard to the hours of operation and the reasons for them and the applicant had
14 satisfied the Board.

15 The Chairman asked for further comments and/or questions from the audience; there
16 were no further comments and/or questions.

17 The Chairman asked for confirmation that the applicant intended on submitting updated
18 plans. Ken Clinton, LLS, answered yes. The Chairman asked for confirmation that they would
19 be submitting a check in the amount of \$1,500 to begin the review of the drainage report. Ken
20 Clinton, LLS, confirmed that they would submit a check for the drainage report review. He
21 asked if he would have ample opportunity to converse with Northpoint Engineering should they
22 have questions. Mark Suennen strongly encouraged the applicant to work directly with
23 Northpoint Engineering. Ken Clinton, LLS, asked if Northpoint Engineering would have their
24 review complete within two weeks in order to be scheduled for the next Planning Board meeting.
25 The Chairman believed that because it was only a review of the report it should be completed.

26
27 Peter Hogan **MOVED** to adjourn the application of Peter M. & Susan L. Shellenberger,
28 Location: Byam Road & NH Route 13 a/k/a River Road, Tax Map/Lot #6/40-1-1,
29 Residential-Agricultural "R-A" District & Small Scale Planned Commercial "COM"
30 District, to April 10, 2012, at 7:30 p.m. Don Duhaime seconded the motion and it
31 **PASSED** unanimously.

32
33 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
34 **MARCH 27, 2012.**

- 35
36 1. Approval of the February 14, 2012, minutes distributed by email.

37
38 Mark Suennen pointed out that a typographical error that appeared relative to the time
39 adjournment.

40
41 Mark Suennen **MOVED** to approve the minutes of February 14, 2012, as amended.
42 Peter Hogan seconded the motion and it **PASSED** unanimously.

43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

12

1 **MISCELLANEOUS BUSINESS, cont.**

- 2
3 2. Approval of the February 28, 2012, minutes, distributed by email.

4
5 Peter Hogan **MOVED** to approve the minutes of February 28, 2012, as written. Don
6 Duhaime seconded the motion and it **PASSED** unanimously.

- 7
8 3. Endorsement of Notice of Merger for Rebecca Ann Fragos and George Fragos, III, 23
9 Styles Road, for the Board's action.

10
11 Mark Suennen asked if the above-referenced matter involved taking an existing condex
12 and returning it to a duplex. The Coordinator answered yes.

13
14 Peter Hogan **MOVED** to approve the Notice of Merger for Rebecca Ann Fragos and
15 George Fragos, III, 23 Styles Road, Tax Map/Lot #3/52-32. Mark Suennen seconded the motion
16 and it **PASSED** unanimously.

- 17
18 4. Copy of letter and certified receipt from George and Rebecca Fragos, to Chase Mortgage,
19 re: notification of intent to merge property from condex back to duplex, for the Board's
20 information.

21
22 The Chairman acknowledged receipt of the above-referenced matter; no discussion
23 occurred.

- 24
25 5. Endorsement of a Minor Subdivision/Lot Line Adjustment Plan for Kenneth Sr. & Gloria
26 Barss, Trustees, Tax Map/Lot #14/116, 116-1 & 116-2, 588 Mont Vernon Road, by the
27 Planning Board Chairman and Secretary.

28
29 The Chairman indicated that the above-referenced document would be executed at the
30 close of the meeting.

- 31
32 6. Notice of Decision recording cover sheet, relative to Subdivision/Lot Line Adjustment
33 Plan for Kenneth Sr. & Gloria Barss, Trustees, Tax Map/Lot #14/116, 116-1 & 116-2,
34 588 Mont Vernon Road, for the Planning Board Chairman's signature. No copies.

35
36 The Chairman indicated that the above-referenced document would be executed at the
37 close of the meeting.

- 38
39 7. Endorsement of a Site Review Agreement for Robert Waller, (applicant), and Al
40 Lindquist, (owner), Tax Map/Lot #14/80, 236 Meadow Road, by the Planning Board
41 Chairman.

42
43 The Chairman indicated that the above-referenced document would be executed at the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

13

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 close of the meeting.

- 4
5 9. Letter with estimate attachment received March 01, 2012, from Kevin M. Leonard, P.E.,
6 Northpoint Engineering, to Nic Strong, Planning Coordinator, re: Karen M. Morin Trust
7 (Daylily Lane/Greenfield Road) – Construction Monitoring Escrow, for the Board’s
8 information.

9
10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

- 12
13 10. Letter dated March 01, 2012, from Shannon Silver, Planning Board Assistant, to Reggie
14 Houle Builder, LLC, re: Karen M. Morin Trust (Daylily Lane/Greenfield Road) –
15 Construction Monitoring Escrow, for the Board’s information.

16
17 The Chairman acknowledged receipt of the above-referenced matter; no discussion
18 occurred.

- 19
20 11. Letter dated March 20, 2012, from Ed Hunter, New Boston Code Enforcement Officer, to
21 Michael Tracy, re: Home Business in an Open Space Development, for the Board’s
22 information.

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

- 26
27 12. Construction Service Report dated February 16, 2012, from Northpoint Engineering,
28 LLC, for Twin Bridge Land Management, LLC, for the Board’s information.

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

- 32
33 13. Letter copy received March 06, 2012, from David J. Preece, AICP, Executive Director &
34 CEO, Southern NH Planning Commission, to Peter Flynn, Town Administrator, re:
35 Southern NH Planning Commission – Revised Membership Dues, Fiscal Year 2012 -
36 2013, for the Board’s information.

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

- 40
41 14. Letter with attachments received March 20, 2012, from David J. Preece, AICP, Executive
42 Director & CEO, Southern NH Planning Commission, to Nic Strong, Planning
43 Coordinator, re: 2010-2050 employment projections, for the Board’s information.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

14

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

- 5
6 15. Invitation with attached Agenda to attend Department of Environmental Services Annual
7 Drinking Water Source Protection Workshop, May 2, 2012, in Concord, NH, at the
8 Grappone Conference Center.

9
10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

- 12
13 16. **Read File:** 2012 Piscataquog Watershed Open House, April 12, 2012.

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

- 17
18 8. Continued discussion, re: NRSPR determination for Tax Map/Lot #5/5-2, Scott & Robyn
19 Elliott, 65 Pine Echo Road.

20
21 Peter Hogan asked if the Board members had driven by the above-referenced property;
22 the members indicated that they had driven by the property. Peter Hogan commented that based
23 on what he saw at the property he believed zoning was created to prevent this type of situation
24 from occurring in any neighborhood. He stated that there was no one more pro home business
25 than he was and what he saw at the property was offensive. He continued that he did not care
26 about the wood or about the view from Tucker Mill Road, however, when driving down Pine
27 Echo Road it was his opinion that there was total disregard for anything that was reasonable. He
28 added that even if the property owner applied for a landscaping business it could not be approved
29 if current conditions continued. Don Duhaime noted that there appeared to be a lot of auto parts
30 on the ground. Peter Hogan stated that a junk yard existed in the property owner's front yard.

31 Peter Hogan stated that what currently existed on the property was not the same as when
32 letters were written questioning a potential business at this property in 2006 and stated that the
33 owner must have recently moved his business to his home property.

34 The Coordinator stated that the Code Enforcement Officer would tell the property owner
35 to stop what he was doing and apply for whatever he believed he needed to apply for to make the
36 operation legal.

- 37
38 17. Broadband Steering Group

39
40 The Chairman advised that he missed the second meeting of the Broadband Steering
41 Group. He noted that another meeting would be scheduled that he intended on attending.

42
43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

15

Update, re: Planning Board Goals for 2012 and discussion of Mixed Use District proposal

The Chairman stated that the Board was to review the proposal for a Mixed Use District and review existing regulations, ordinances and documentation to understand the authority and justification for considering the district for discussion this evening.

The Chairman suggested that the Board review the proposed goals timeline. Mark Suennen agreed with the timeline goals of #'s 1 -7. He asked if the public input piece of #7 referred to September and November of 2012. The Coordinator answered yes. Mark Suennen asked if the public input sessions would be held in the evening or on Saturdays. The Coordinator answered that the answer to Mark Suennen's question would be determined by the Board.

It was Mark Suennen's opinion that the timeline for [completion of the goals] was reasonable if the Board was diligent. The Chairman pointed out that the purpose of the timeline was to keep the Board diligent.

The Chairman asked for any other questions and/or comments relative to the timeline; there were no further questions or comments.

The Chairman began the discussion for the proposal of a Mixed Use District. Peter Hogan believed the idea for this district was important because the recent case of the hardware store owner being granted a variance by the ZBA to have an apartment above the store was not necessarily a model that would continue to happen. Mark Suennen stated that the Board had adequate support from the Master Plan and from anecdotal evidence that people were interested in such a district and as such he believed the Board should move forward with it.

Peter Hogan commented that if the owner of New Boston Hardware Store had received resistance from abutters with regard to a variance for a residential use in a commercial building it may have had a different outcome. The Chairman asked why abutters would speak out against the allowance of a residential use in a Commercial District. Peter Hogan answered that he was unsure and added that abutters tended to speak out because they would not want something in their backyard.

It was the consensus of the Board to move forward with a proposed Mixed Use District.

The Chairman stated that the Board needed to review existing regulations, documentation and ordinances to understand authority and justification for a Mixed Use District.

Mark Suennen commented that the Board had the authority to create such district and furthermore he believed it was the purpose of a Planning Board to do such a thing. He noted that the Board had the backing of the Master Plan and the Board of Selectmen to move forward with the district. He pointed out that the Coordinator had provided documentation to the Board to back-up the creation of a Mixed Use District.

Mark Suennen asked if the Board was only considering the Village area for a Mixed Use District or if there were other commercial areas in Town to consider, e.g., the New Boston Pizza/Antique Barn area. Christine Quirk stated that she would like to see all commercial areas considered for the Mixed Use District. Peter Hogan agreed with Christine Quirk.

The Coordinator asked if the Board was thinking of using the Mixed Use District to allow residential uses in the Commercial District or as a Mixed Use District that could be used anywhere. She explained that the two options were different from each other in terms of how to move forward. She stated that if the Board was only seeking to allow residential uses in the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

March 27, 2012

16

1 **GOALS/MIXED USE, cont.**

2
3 Commercial District the process could most likely be completed within two meetings.
4 She pointed that if it was the Board's intention to create a Mixed Use District as an overlay that
5 process was more complicated. Peter Hogan stated that he did not want to say that all
6 commercial properties were allowed to have residential uses. Christine Quirk stated that it
7 would need to be defined where the Mixed Use areas would be allowed. Mark Suennen asked if
8 the Board would want to allow commercial enterprises to operate in the Residential-Agricultural
9 District. Peter Hogan answered yes and explained that as long as it was done as an overlay and
10 the Board chose the overlay. He explained that there were certain areas where the Board would
11 not want to allow commercial.

12 Mark Suennen stated that the Board was interested in allowing some residential uses in
13 the Commercial District and some commercial uses in the Residential-Agricultural District. He
14 added that the Board would be more cautious when adding a commercial overlay in a
15 Residential-Agricultural District. David Litwinovich commented that he was in favor of a Mixed
16 Use in the Village area.

17
18 Mark Suennen **MOVED** to adjourn at 8:30 p.m. Peter Hogan seconded the motion and it
19 **PASSED** unanimously.

20
21
22 Respectfully Submitted,
23 Valerie Diaz, Recording Clerk

Minutes Approved:
04/24/2012