

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

May 22, 2012

1

1 The meeting was called to order at 6:33 p.m. by Chairman Stu Lewin. Present were
2 regular member Don Duhaim, alternate member David Litwinovich and Ex-Officio Christine
3 Quirk. Also present were Planning Coordinator Nic Strong, Planning Board Assistant Shannon
4 Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Alexander Clark and Winfield
7 Clark.

8
9 The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's
10 absence.

11
12 **Continued discussion, re: Mixed Use District**

13
14 The Coordinator stated that she had spoken to the Town of Goffstown Planner, Brian
15 Rose, the previous week regarding his and the Goffstown Planning Chair's attendance at either
16 the May 22nd or June 6th Planning Board Meeting. She explained that Brian Rose had sent an
17 email on Friday, May 18th, after she had left for the day indicating that he would not be able to
18 attend the May 22nd meeting. She continued that she was not in the office on Monday, May 21st,
19 to receive the email and that was the reason the 1 ½ hours scheduled time for the Mixed Use
20 District discussion had not been changed on the agenda. She noted that Brian Rose and the
21 Goffstown Planning Board Chair would be present at the June 12th Planning Board meeting.

22 The Coordinator handed out a memorandum, re: Mixed Use Discussion, dated May 8,
23 2012, to the Board. She pointed out that the first two pages of the memorandum contained a list
24 of potential uses based on the discussion at the last meeting and noted that it was subject to
25 change.

26 The Coordinator noted that maps had been provided by the Southern New Hampshire
27 Planning Commission, (SNHPC) that outlined the proposed Mixed Use District area. She stated
28 that she needed to contact the SNHPC to have them include the Tingley lot in the proposed
29 Mixed Use District. She commented that a benefit of using the digital tax maps was that each
30 map and lot was listed separately. She noted that the maps could be emailed in order to view
31 them in color; the Chairman asked that the maps be emailed. The Chairman asked how
32 municipal lots were zoned. The Coordinator answered that the municipal areas on the map were
33 zoned Residential-Agricultural. She indicated that she could have SNHPC shade the municipal
34 lots a different color. The Chairman agreed that the municipal lots should be shaded a different
35 color.

36 David Litwinovich asked why it appeared that Mill Street ended on the tax map provided
37 by SNHPC. The Coordinator explained that the lots went over Mill Street because it was a
38 prescriptive road and the lot owners actually owned land under the road. The Chairman asked if
39 the section of the road that was owned by the Town only went two lots into Mill Street. The
40 Coordinator answered that the road was there by easement and the Town maintained it and was
41 allowed to use it.

42 The Chairman referred to the Board's Mixed Use District task list and noted that tasks
43 had been completed through August. The Coordinator agreed with the Chairman but noted that

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1 **MIXED USE DISTRICT DISCUSSION, cont.**

2
3 some of the tasks were ongoing through that time period.

4 The Chairman asked if the Board had determined a date and time for the first meeting
5 with the previously identified stakeholders. The Coordinator answered no, and noted that an
6 informational letter would be sent first and then some kind of facilitated session with the SNHPC
7 would be scheduled. The Chairman asked if the cost for the facilitated session was included in
8 the Town's dues to the SNHPC. The Coordinator answered that David Preece, Executive
9 Director, SNHPC, had indicated that the session cost was included in the dues. The Chairman
10 asked when the sessions would typically occur, i.e., daytime, evening or weekend. The
11 Coordinator answered that she was unsure if the session needed to occur over an entire weekend
12 and thought it could either be one weekend day morning or one weeknight. The Chairman asked
13 for any thoughts from the Board on the scheduling of the session. Don Duhaime commented that
14 if the session was scheduled for an evening it would most likely take a couple of evenings. The
15 Chairman agreed with Don Duhaime and believed that if the session took place in the morning it
16 could last longer.

17 The Coordinator stated that also included in the packet was a draft letter to be sent to
18 stakeholders. She believed that the letter should be sent under the Chairman's name; the
19 Chairman agreed. She explained that the letter would be the first introduction to property owners
20 that may be affected by the proposed Mixed Use District. She noted that the letter included a
21 brief introduction that the Board had started the process to create a Mixed Use District, an
22 explanation of the district and the Board's schedule for planning the district. She stated that the
23 letter felt a little wordy to her and it could use some trimming. The Chairman asked if the
24 Coordinator was looking to send out the letter soon. The Coordinator answered yes and noted
25 that the first session would most likely be scheduled for October.

26 The Chairman asked if an article that explained the proposed district should be submitted
27 to the New Boston Bulletin over the summer or should the Board wait until after an initial
28 discussion with the public before submitting an article. The Coordinator answered that a brief
29 description could be submitted to the New Boston Bulletin as a draft.

30 The Chairman indicated that at the next meeting the Board should review this draft so as
31 to have a stakeholder letter that would be closer to being finalized.

32 The Coordinator stated that also included in the memorandum packet was a draft
33 memorandum that would be sent to the Town's Boards and Committees, Department Managers,
34 Fire Inspector and Building Inspector. She noted that the memorandum was similar to the draft
35 letter to be sent to the stakeholders with the exception of a paragraph that explained that input
36 from the previously mentioned Town personnel was vital to successfully drafting, publicizing
37 and implementing the proposed Mixed Use District. She noted that the memorandum also
38 advised that the Planning Board would contact them to have a discussion. The Chairman asked
39 if the meeting with Town personnel would be scheduled before the first public session. The
40 Coordinator answered that it could be scheduled before the first public session. She noted that
41 meeting with the different Boards could be accomplished by Planning Board members attending
42 their meetings, inviting the different Boards to attend Planning Board meetings or by attending
43 Department Manager meetings. Christine Quirk advised that the Department Manager meetings

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1 **MIXED USE DISTRICT DISCUSSION, cont.**

2
3 took place once a month at the Town Hall. The Chairman asked if the Department Manager
4 meetings occurred during the day. The Coordinator answered yes and noted that they usually
5 occurred on the first Wednesday of every month. The Chairman asked at what time the meetings
6 took place. The Coordinator answered that the meetings were held at 9:30 a.m. The Chairman
7 suggested that he attend one of the Department Manager meetings early on but also have
8 Department Managers attend a Planning Board meeting as it would be nice to have full Board
9 interaction. The Chairman suggested that he attend the Department Manager's meeting in July.

10 The Chairman asked the Coordinator to place the Board's summer schedule on the
11 Miscellaneous Business agenda for a discussion and vote.

12 The Coordinator pointed to the last page of the memorandum packet and explained that
13 potential interview questions had been drafted for those people who did not like to attend public
14 meetings or may not have the time to do so but were willing to come to the Planning Office to
15 discuss the issue. The Chairman asked the Board to review this for the next meeting as well.

16 The Coordinator indicated that following the meeting with the Town of Goffstown
17 Planner and Planning Board Chair the Board would need to discuss the stakeholders' letter, letter
18 to Town personnel and potential interview questions again. She indicated that she would be
19 gathering information from other towns that have a working overlay district or good provisions
20 in a separate district. The Chairman asked that discussion of the two letters and list of potential
21 questions be done at June 12th meeting.

22 The Chairman referred to the list of potential uses in the Mixed Use District and asked if
23 any of the listed uses should be removed from the list or if any previously removed uses should
24 be added back to the list. David Litwinovich noted that he was absent from the last discussion
25 regarding the Mixed Use District and asked if parking issues had been discussed relative to some
26 of the listed uses. Christine Quirk answered that parking issues were discussed and the Board
27 had determined to decide whether or not a use should be allowed on a case by case basis. The
28 Coordinator added that parking would be addressed in the standards and if an applicant could not
29 meet a standard then the use would not be allowed. She continued that some of the parcels in the
30 proposed Mixed Use District were quite large and some were small and as such there was the
31 potential for a use that would work well on one lot that may not work well on another lot. David
32 Litwinovich agreed that it would be good to keep the list open ended.

33 The Chairman asked if the end result to present to the Town would be identifying the
34 Mixed Use District area and listing possible uses. The Coordinator answered yes and added that
35 a list of standards for how to accomplish the potential uses would also be created. The Chairman
36 asked if the standards would be generic. The Coordinator answered that she believed the
37 standards would be generic and performance based. The Chairman asked if the Board had any
38 discretion with regard to the performance based standards. The Coordinator answered that if the
39 standards were crafted carefully enough the Board would not have to have too much discretion.
40 She added that the last thing the Board wanted to do was to create an overlay district that people
41 could say was unfair because one lot was being treated differently in the district than another lot.
42 She went on to say that if everyone was told in advance that there were standards that needed to
43 work within the district and they were clear and concise then the Board would not be treating

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MIXED USE DISTRICT DISCUSSION, cont.

anyone unfairly and would be allowing the performance of the lot to guide how the use could work on the lot. The Chairman asked how a performance standard could be created for parking within the Mixed Use District. The Coordinator answered that currently parking standards existed within the Site Plan Review Regulations. She explained that if an applicant applied for a commercial use on a small lot that only had one parking space the application could potentially be denied because the standard for parking could not be met. She added that with regard to septic systems an applicant would need to provide an approval for operation from DES. David Litwinovich asked if the proposed standards would mirror current commercial standards. The Coordinator answered yes but noted that there currently were not very many commercial standards. She explained that the reason there were not many commercial standards was because the Commercial District had a set of uses and dimensions for an individual lot. She stated that the Mixed Use District standards would include number of parking spaces, septic, how two uses combine, hours of operation and so on.

The Chairman asked for further comments and/or questions. David Litwinovich asked for an example of an accessory use and structure incidental to a principal use. The Coordinator answered that a garage or a barn was an example for the Residential-Agricultural District. She added that an incidental use for a gym or school could be an outside storage structure.

David Litwinovich commented that he did not believe that the draft letter to stakeholders was too wordy. He continued that it did a good job explaining as some people may not be familiar with overlay districts. He believed that people living within the proposed Mixed Use District area would want to take the time to read it.

Christine Quirk asked if there was a two year time period to create and propose the Mixed Use District. The Coordinator answered yes. The Chairman indicated that the planning could be done within sixteen months, however, because of the voting cycle the plan was two years. The Coordinator noted that additional time had been added to the plan for legal review and SNHPC review. She indicated that quite often the Board was accused of rushing things and she did not believe it was a bad idea to keep this matter in the public eye. Christine Quirk commented that it was a shame that people could not understand this matter as it was such a good thing for the Town. The Coordinator added that an overlay district rather than rezoning should help. Christine Quirk stated that she thought it was great. Don Duhaime asked if the Board would make an applicant wait for two years if they already had a mixed use proposal. The Coordinator noted that an applicant could apply for a variance with the ZBA. She added that if an applicant approached the Board now with an idea for mixed use they should be encouraged to be part of the process. Don Duhaime stated that he was concerned that this matter was scheduled for a Town vote in 2014 and that was a long time for someone to wait especially if the economy recovered somewhat and someone wanted to get something going now. The Coordinator answered that the ZBA would need to consider a request for a variance based on the hardship criteria and thought that might be a little difficult. The Chairman noted that the extra time to explore the ordinance would give the Board some time to try out some ideas against the ordinance to see if they would work.

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1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **MAY 22, 2012.**

- 3
4 4. Memorandum with attachments dated May 4, 2012, from Nic Strong, Planning
5 Coordinator, to Planning Board Members, re: Conditional Use Permits, for the Board's
6 review and discussion.

7
8 The Board decided to table the above-referenced matter and discuss at the next meeting
9 when more members were present.

- 10
11 5. Revised draft copy of Planning Board Rules of Procedure including revisions from May
12 8, 2012, meeting for the Board's review and discussion.

13
14 The Chairman noted that a revised copy of the Planning Board Rules of Procedure had
15 been distributed. He commented that he liked the document and believed it did a good job of
16 explaining the how the Board operated and listing the duties and responsibilities.

17 The Chairman referred the Board to page 7 of the Planning Board Rules of Procedure and
18 asked if there was a way to get rid of using "him or her" by using "them". The Coordinator
19 answered that it could be done and she would go through the document and change.

20 The Coordinator indicated that two new parts had been added to the document, page 12,
21 attendance electronically and page 14, email. The Chairman referred to 10.11 of the email
22 section and asked if emails were added to files as it was not indicated. The Coordinator
23 answered that she had deliberately left that section vague because she did not print out every
24 email that was unnecessary. She stated that RSA 91-a, described what was public record and
25 should, therefore, be added to a file. The Chairman asked if the Rules could read: "shall be
26 considered public record in accordance with RSA 91-a"; the Coordinator answered yes.

27 The Chairman asked for David Litwinovich's opinion of the Planning Board Rules of
28 Procedure and if he believed they captured what the Board did and how they did it as he was the
29 newest member of the Board. David Litwinovich believed the document did a good job and was
30 very comprehensive. He added that he'd like to go through it and simplify it because if he had
31 read it when he started he would have been completely overwhelmed. The Chairman stated that
32 he'd be interested in hearing David Litwinovich's comments and was also interested in hearing
33 his opinion with regard to whether or not the contents accurately reflected how the Board
34 operated.

35 The Chairman noted that the next meeting would be the last chance for the Planning
36 Board Rules of Procedure to be reviewed and changed. He stated that following the final
37 changes a hearing would be scheduled.

- 38
39 1. Approval of the April 24, 2012, minutes, distributed by email.

40
41 David Litwinovich **MOVED** to approve the minutes of April 24, 2012, as written.
42 Christine Quirk seconded the motion and it **PASSED** unanimously.

43

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1 **MISCELLANEOUS BUSINESS, cont.**

- 2
3 2. Endorsement of a Notice of Merger for Peter A. Schulter & Pauline F. Blazon, Tax Map
4 Lot #'s 7/1-1 & 7/1-2, Clark Hill Road, by the Planning Board Chairman and Secretary.

5
6 David Litwinovich **MOVED** to approve the Notice of Merger for Peter A. Schulter &
7 Pauline F. Blazon, Tax Map Lot #'s 7/1-1 & 7/1-2, Clark Hill Road. Christine Quirk
8 seconded the motion and it **PASSED** unanimously.
9

10 The above-referenced Notice of Merger was executed by the Planning Board Chairman
11 and Secretary.
12

- 13 3. Email received May 16, 2012, from Vincent Iacozzi, Thibeault Corporation, to Shannon
14 Silver, Planning Board Assistant, re: request to extend conditions precedent deadline of
15 June 1, 2012, for Tax Map/Lot #6/14, Parker Road, Gravel Pit, by 60 days for the
16 Board's action.
17

18 The Chairman asked if the above-referenced gravel pit had recent issues with the State.
19 The Coordinator answered that the gravel pit did not have an AOT Permit. The Chairman asked
20 if the applicant continued to operate the gravel pit. The Coordinator answered yes and noted that
21 the gravel pit had been operating with knowledge of the Code Enforcement Officer and
22 compliance inspections had been conducted. Christine Quirk stated that the gravel pit should be
23 shut down. The Planning Board Assistant noted that the State had not shut the gravel pit down
24 and they were well aware of the situation. Christine Quirk commented that it was amazing how
25 some people get away with things like this. The Chairman asked if the extension was not
26 granted would the applicant need to resubmit the application. The Coordinator answered yes.
27 Christine Quirk questioned whether granting 60 days would allow enough time for things to get
28 done with the State. Don Duhaime noted that the applicant was scheduled to undergo major
29 surgery and he did not believe 60 days was enough time. The Coordinator suggested that the
30 Board grant the 60 day extension as requested by the applicant and review at the end of the 60
31 days.
32

33 Don Duhaime **MOVED** to grant the 60 day extension of the conditions precedent for
34 Vincent Iacozzi, Thibeault Corporation, Tax Map/Lot #6/14,. Parker Road, Gravel Pit.
35 David Litwinovich seconded the motion. **DISCUSSION:** The Chairman asked that the
36 motion include the fact that the Board had discussed this matter and was disinclined to
37 extend again after the 60 days as the Board would not likely to extend again. Don
38 Duhaime amended his motion to reflect the Chairman's comments. David Litwinovich
39 added that it was frustrating that it did not matter how the Board acted on this matter.
40 The motion **PASSED**. **AYE** – Don Duhaime and David Litwinovich. **NAY-** Christine
41 Quirk.
42

- 43 6. Notice of Decisions received May 17, 2012, from the New Boston Zoning Board, re: Tax

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Map/Lot #3/79, 476 Riverdale Road and Tax Map/Lot #3/66, 664 North Mast Road, for
4 the Board's information.

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

8
9 7. Copy of article, titled; *"Drought Preparedness and Response in New Hampshire – What*
10 *Can Municipalities Do ?"*, By Brandon Kernen, published in New Hampshire Town and
11 City, May 2012 issue.

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

15
16 8. Copy of article, titled; *"Cases of Municipal Significance"*, By C. Christine Fillmore, a
17 *Staff Attorney with the New Hampshire Local Government Center's Legal Services and*
18 *Government Affairs Department*, published in New Hampshire Town and City, May 2012 issue.

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

22
23 9. Drinking Water Update

24
25 Don Duhaime advised that he had attended a drinking water workshop and it had been
26 very interesting. He noted that he was going to try and get something on the calendar for next
27 year during "Water Week" the first week in May regarding homeowners water tests.

28
29 The Board took a ten minute recess prior to the start of the next session.

30
31 **CLARK, ALEXANDER S.**

32 ***Subdivision Proposal***

33 Location: Joe English Road

34 Tax Map/Lot #11/113

35 Residential-Agricultural "R-A" District

36
37 Present in the audience was Alexander Clark and Winfield Clark.

38 The Chairman noted that the above-referenced matter was an informational session and
39 only general concepts would be discussed. He stated that nothing the Board or applicant said
40 was binding.

41 Alexander Clark provided the Board with maps of the above-captioned Tax/Map Lot
42 #11/113. He indicated that he owned 76 acres and noted that 1,060 ft of frontage existed on Joe
43 English Road, a Class V road. He explained that last year a conservation easement had been

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1 **CLARK, ALEXANDER, cont.**

2
3 granted and he had reserved the frontage in order to subdivide his property into four lots. He
4 stated that three of the lots would have 200' of frontage and one would be a back lot. He advised
5 that lot #1 would be 2 acres, lot #3 would be 2.5 and lot #4 would be 5.3 acres.

6 The Coordinator asked for confirmation that lot #2 would not have a house at the
7 frontage; Alexander Clark confirmed that lot #2 would not have a house at the frontage and
8 pointed out a location with a reserved house site at the back of the lot.

9 Alexander Clark pointed out a location of wetlands on the map and indicated that it had
10 not yet been perfectly mapped.

11 The Chairman asked that Mr. Clark outline the lots on map; Alexander Clark identified
12 the potential lots on the map.

13 The Chairman asked if there was enough room on each lot to get the 200' square.
14 Alexander Clark answered yes and added that there would be a 50' setback from the road.

15 Alexander Clark stated that 6 or 7 years ago he had attempted to build a house in the back
16 of the property. He stated that he needed to find out how he could use a Class VI Road for a
17 driveway, however, the Town was unable to determine which Board had jurisdiction over the
18 matter. He stated that he appeared before the Planning Board, Board of Selectmen and the ZBA
19 and eventually he was approved. He indicated that he was allowed to use the Class VI Road as a
20 driveway and restrictions were set in place, i.e., school buses were not permitted on the driveway
21 and the owner would be responsible for maintenance.

22 Alexander Clark pointed out a brook on the plan that ran between two ponds and
23 explained that he needed to build a bridge in order to cross the area. He noted that the cost of the
24 bridge was \$80,000 and he had decided not to continue with construction. He stated that it was
25 unlikely that he would ever build where he had initially planned.

26 The Chairman pointed out where the back lot had access and asked if the original thought
27 had been to come in on that road. Alexander Clark pointed out locations where it was easy to
28 build and noted an existing culvert and retaining wall. The Chairman stated that the frontage
29 strip proposed for lot #2 would provide the legally required frontage but may not be used to
30 access the lot.

31 The Chairman asked for an explanation of a Class VI Road. Christine Quirk explained
32 that a Class VI Road was a non-maintained Town road. The Coordinator noted that a road could
33 be Class VI subject to gates and bars which meant that the road could not be completely closed
34 to public access and, although the Town would not maintain it, the Town retained the right to use
35 the road again in the future if it chose to. The second Class VI designation was when a road was
36 totally abandoned. When this was done (and both ways required a vote of Town Meeting) the
37 land under the road reverted to the owner and the road could no longer be used for access.
38 Unlike a Class VI road subject to gates and bars, an owner of land on an abandoned road could
39 bar public access.

40 Don Duhaime questioned if there was a need for lot 2. Christine Quirk answered that lot
41 2 was needed for access to the back land. The Coordinator stated that lot 2 was needed for
42 frontage. Don Duhaime stated that the property owner could rebuild a certain portion of Lewis
43 Road in order to get 50' of frontage. The Coordinator questioned why the property owner would

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1 **CLARK, ALEXANDER, cont.**

2
3 choose to rebuild the road when 50' frontage could be provided on Joe English Road. Don
4 Duhaime stated that he was envisioning two nicer lots.

5 The Coordinator indicated that the back lot strip needed to be narrowed to meet the 50'
6 frontage requirement. She explained that a back lot was accessed by a 50' strip to get behind a
7 front lot. Christine Quirk suggested that the applicant review the lot layout as the potential may
8 exist to achieve an additional lot.

9 Alexander Clark asked if it was required that a driveway have a 300' turnaround area.
10 Christine Quirk clarified that the 300' turnaround requirement was for cul-de-sacs and roads and
11 not driveways.

12 Christine Quirk asked if there were limits on driveway lengths. The Coordinator
13 answered no.

14 The Chairman advised that if Alexander Clark chose to move forward with a plan
15 formally he would need to submit an application and public hearings would be scheduled.
16 Alexander Clark asked if he needed to notify abutters. The Planning Board Assistant answered
17 that the Planning Office would notify abutters.

18 Alexander Clark stated that his major goal was providing his two sons with an option to
19 build someday. He noted that he did not have any plans to build right away.

20 The Chairman asked for further questions and/or comments; there were no further
21 comments or questions.

22
23 Don Duhaime **MOVED** to adjourn at 8:16 p.m. David Litwinovich seconded the motion
24 and it **PASSED** unanimously.

25
26 Respectfully Submitted,
27 Valerie Diaz, Recording Clerk

Minutes Approved:
06/26/2012