

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2015**

January 13, 2015

1 The meeting was called to order at 6:35 p.m. by Planning Board Chairman Peter Hogan.
2 Present were regular members David Litwinovich and Joe Constance and ex-officio Dwight
3 Lovejoy. Also present were Planning Coordinator Nic Strong, Planning Board Assistant
4 Shannon Silver and Recording Clerk Valerie Diaz.
5

6 Present in the audience for all or part of the meeting were Bob Todd, LLS, Carol Hill,
7 Kellie Haigh, Michelle Houghton and Jack Mitroff.
8

9 **SAN-KEN HOMES, LLC**
10 **(FORMERLY MARRINAN, WILLIAM & DONNA)**
11 Compliance Hearing/Public Hearing/CUP/to install one wetland crossing
12 Location: Thompson Lane (Formerly Wilson Hill Road)
13 Tax Map/Lot #6/38
14 Residential-Agricultural "R-A" District
15

16 The Chairman read the public hearing notice. Present in the audience were Bob Todd,
17 LLS, Carol Hill, Kellie Haigh and Michelle Houghton.

18 The Coordinator stated that Rick Kohler, CWS, had submitted a letter certifying that the
19 installation of the CUP had been completed satisfactorily. She explained that Rick Kohler, CWS
20 had recommended that the Board not release the entire bond and hold \$750.00 for the
21 stabilization of grass growth. She continued that the applicant was willing to submit a check in
22 the amount of \$750.00 to be placed in an account so that the entire letter of credit could be
23 released.

24 The Board did not have any issues with the proposal.

25 David Litwinovich asked if Rick Kohler, CWS, had completed the inspection of the
26 wetland crossing as a Town representative. The Chairman answered no and explained that Rick
27 Kohler, CWS, worked for Todd Land Use Consultants. David Litwinovich asked if the Board
28 should trust Rick Kohler's judgment. The Planning Board Assistant advised that Rick Kohler
29 was a Certified Wetland Scientist and he stamped the compliance statement and plan. The
30 Chairman added that the Board should trust Rick Kohler's professional seal.
31

32 David Litwinovich **MOVED** to confirm compliance with the conditions subsequent to
33 the approval of the Conditional Use Permit for the installation of one wetland crossing on
34 Thompson Lane, Tax Map/Lot #6/38, by San-Ken Homes, LLC (formerly owned by
35 William and Donna Marrinan), and to release all except \$750 of the security being held
36 for said installation. \$750 security shall be retained in the form of cash pending final
37 inspection and certification of compliance by a qualified professional that the site is
38 adequately and verifiably stabilized by **June 1, 2015**, confirmation of which may be an
39 administrative matter requiring no further hearing. Joe Constance seconded the motion
40 and it **PASSED** unanimously.
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1 C.H. MOHAN REVOCABLE TRUST

2 MOHAN, CAROLYN H. TRUSTEE

3 Submission of Application/Public Hearing/Major Subdivision/2 Lots

4 Location: 480 Mont Vernon Road

5 Tax Map/Lot #14/84

6 Residential-Agricultural "R-A" District

7
8 The Chairman read the public hearing notice. Present in the audience were Bob Todd,
9 LLS, Carol Hill, Kellie Haigh, Michelle Houghton and Jack Mitroff.

10 The Coordinator advised that there had been an issue with notice of the hearing being
11 mailed to two abutters. She explained that the list of the abutters that had been submitted by the
12 applicant had not included two of the abutters that were listed on the plan. She continued that
13 the abutters, Carol Hill and the Houghton Trust, had since been sent a letter from the Planning
14 Department which notified them that they had inadvertently been missed from the list of abutters
15 and as such had not received the ten day notice required by statute. The letter went on to ask if
16 they had any problems with the hearing this evening taking place. She noted that Carol Hill had
17 received the notice and was present in the audience. She further noted that she was unsure if the
18 Houghton Trust had received the notice as the Planning Office had not received a response. She
19 continued that she was not sure if Houghton Trust had an issue with the fact that they had not
20 received the notice ten days prior to the hearing. She suggested that the Board could proceed
21 with the hearing but would have to adjourn this evening and be prepared to go over everything
22 again at the next hearing for the benefit of the abutter who had not received notice in the correct
23 timeframe.

24 The Chairman indicated that an approval could not be given this evening and the hearing
25 would need to be adjourned. The Coordinator added that the Planning Office would send the
26 Houghton Trust an additional certified notice for the next meeting, something which was not
27 done on a regular basis. Carol Hill advised that Mr. Houghton had passed away and his wife
28 moved west to live with one of her children. She added that the house was empty.

29 Bob Todd, LLS, advised that he was present on behalf of Thomas Mohan, the Trustee of
30 the C.H. Mohan Revocable Trust. He indicated that the parties interested in this matter were
31 Thomas Mohan and his sister, Michelle Houghton.

32 Bob Todd, LLS, stated that the intent of the subdivision was to follow through with
33 Carolyn Mohan's wishes to convey portions of her property to her children, Thomas Mohan and
34 Michelle Houghton. He stated that the land located on the west side of NH Route 13 would
35 belong to Thomas Mohan and Michelle Houghton would receive the land remaining on the east
36 side of NH Route 13; he pointed out the locations on the plan. He indicated that both lots would
37 become standalone lots and that currently there were no plans for future subdivisions.

38 Bob Todd, LLS, noted that the plan showed various lots that had been separated from the
39 property since 1850. He continued that the land existed as it was shown in 1850 until the 1930s.
40 He identified lots that had been taken out from the 1930s until the most recent subdivisions.

41 Bob Todd, LLS, advised that Marden was the earliest owner of the property that he could
42 identify. He continued that Mr. Marden had owned 180 acres. He stated that the property
43 currently consisted of 134.5 acres. He indicated that the applicant was proposing to split the

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1 C.H. MOHAN REVOCABLE TRUST, cont.

2
3 134.5 acres into two lots, one consisting of 60.67 acres and the other consisting of 73.86 acres;
4 he pointed to the proposed lots on the plan.

5 Bob Todd, LLS, stated that the easterly proposed lot would be subject to a right-of-way
6 that existed through the middle of the field that provided access to Lot #14/89. He stated that a
7 State driveway permit was required for the new lot and an application had been submitted and
8 was pending approval. He explained that the proposed driveway would be a common driveway
9 that would begin where the existing curb cut was and then split to Lot #14/89 and the proposed
10 building site. He stated that the right-of-way had been in existence as an encumbrance to the
11 subject land since the 1930s.

12 Bob Todd, LLS, noted the location of a portion of the old Route 13 that had been
13 discontinued from use when the new highway section was built. He stated that no formal
14 abandonment had taken place and suggested that the Trustee submit a petition to the Town to
15 discontinue the use of the portion of land that was an old State highway; he explained that there
16 was no documentation with the State with regard to this matter.

17 Bob Todd, LLS, indicated that the westerly portion of Lot #14/84 had a total of 1,256' of
18 frontage located on NH Route 13, that there was 255' of frontage located to the north of Lot
19 #14/84-3, 1,001' of frontage located to the south of Lot #14/84-3 and 83' of frontage located on
20 Meadow Road. He went on to describe the various other Class VI and unnamed roads around
21 the subject lot.

22 Bob Todd, LLS, advised that a note was missing from the plan that confirmed the
23 existence of 1.5 acres of contiguous dry upland for each proposed lot. He indicated that he had
24 written a statement to be attached to the plan that confirmed the existence of 1.5 acres of
25 contiguous dry upland.

26 Bob Todd, LLS, stated that there were a couple of problems with regard to boundaries.
27 He referenced Tax Map/Lot #14/83 that was owned by Mr. and Mrs. Kuncik. He explained that
28 his survey showed that the Kunciks had inadvertently built a shed on the Mohan property. He
29 advised that Thomas Mohan did not care that the shed existed on his property and as such Bob
30 Todd, LLS, had recommended that the applicant create a revocable agreement that allowed the
31 shed to remain on the property until such time as either party determined otherwise.

32 Bob Todd, LLS, stated that there were quite a few wetlands on the property and identified
33 their location on the plan. He also identified the location of steep slopes. He noted that the
34 property also contained good farmland and forest. The wetlands and slopes were identified by
35 reference plans, USGS and SCS maps and not by a total survey of the property.

36 Bob Todd, LLS, offered to answer any questions. Joe Constance asked for the location of
37 the proposed driveways to be pointed out on the plan; Bob Todd, LLS, identified the location of
38 the proposed driveways.

39 Carol Hill of 457 Mont Vernon Road commented that the property was very wet and she
40 did not want to see it dug up or filled in. The Chairman advised that the property owner was
41 prevented from altering wetlands by State law.

42 Carol Hill asked if the match line on the plan represented the division from the other
43 pages. Bob Todd, LLS, answered yes.

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C.H. MOHAN REVOCABLE TRUST, cont.

Carol Hill believed that Mrs. Mohan had placed a lot of land in conservation prior to her death and asked if this subdivision would affect that land. Michelle Houghton advised that land had not been placed in conservation. She stated that the purpose of the subdivision was to create simplicity for the Trustee's heirs.

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

David Litwinovich **MOVED** to accept the application as complete. Joe Constance seconded the motion and it **PASSED** unanimously.

The Board scheduled a site walk for Saturday, January 24, 2015, at 8:00 a.m.

The Board agreed to address the waiver requests for the Traffic, Fiscal and Environmental Impact Studies at the meeting following the site walk.

Joe Constance **MOVED** to adjourn the public hearing for C.H. Mohan Revocable Trust, Mohan, Carolyn H. Mohan, Trustee, Location: 480 Mont Vernon Road, Tax Map/Lot #14/84, Residential-Agricultural "R-A" District, to January 27, 2015, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Miscellaneous Business and correspondence for the meeting of January 13, 2015, including, but not limited to:

1. Approval of the November 25, 2014, meeting minutes, with or without changes. (distributed by email)

Dwight Lovejoy **MOVED** to approve the November 25, 2014, meeting minutes as written. Joe Constance seconded the motion and it **PASSED** unanimously.

2. Approval of the December 23, 2014, meeting minutes, with or without changes. (distributed by email)

Joe Constance **MOVED** to approve the December 23, 2014, meeting minutes as written. David Litwinovich seconded the motion and it **PASSED** unanimously.

3. Endorsement of a Subdivision Plan for Robert W. Nadeau, Tax Map/Lot #4/14, N.H. Route 136 a/k/a Francestown Road, by the Planning Board Chairman & Secretary.

The Chairman advised that the endorsement for the above-referenced plan would be completed at the close of the meeting.

4. Endorsement of a Notice of Decision Cover Sheet, Robert W. Nadeau, Tax Map/Lot

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 #4/14, N.H. Route 136 a/k/a Francestown Road, by the Planning Board Chairman.

4
5 The Chairman signed the Notice of Decision Cover Sheet.

6 The Coordinator indicated that the Board needed to appoint a new Secretary at the next
7 meeting as Don Duhaime had resigned from the Board.

8 The Chairman asked David Litwinovich if he would endorse the above-referenced
9 subdivision plan as the Board's acting Secretary. David Litwinovich agreed to endorse the plan.

10
11 5a. Memorandum dated December 24, 2014, from Shannon Silver, Planning Board Assistant
12 to Peter Flynn, Town Administrator & Board of Selectmen, re: Planning Board
13 Appointment Recommendation, for the Board's information.

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

17
18 5b. Board of Selectmen Consent Agenda document, re: Appointment of Joseph Constance as
19 a full time voting member of the New Boston Planning Board, for the Board's
20 information.

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

24
25 6. Memorandum dated December 24, 2014, from Shannon Silver, Planning Board Assistant
26 to Peter Flynn, Town Administrator & Board of Selectmen, re: Planning Board
27 Resignation for Donald Duhaime, for the Board's information.

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

31
32 7. Letter copy with attachment received January 9, 2015, from David J. Preece, AICP,
33 Executive Director/CEO, SNHPC, re: Update to State of NH Ten-Year Transportation
34 Improvement Program FY 2017- FY2026, for the Board's information.

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

38
39 **Continued discussion, re: Master Plan update, questionnaire/survey for public input**

40
41 The Board agreed to discuss the Master Plan update at the next meeting as Mark Suennen
42 was not present and had the most recent iteration of the questionnaire/survey for public input.

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1 **Board to choose next Zoning Ordinance question for review and discussion**

2

3 The Board decided to review the above-referenced item as well as the Board's goals at the
4 next meeting when Mark Suennen would be present to participate in the discussion.

5

6 Joe Constance **MOVED** to adjourn at 7:16 p.m. David Litwinovich seconded the motion
7 and it **PASSED** unanimously.

8

9

10 Respectfully submitted,
11 Valerie Diaz, Recording Clerk

Minutes Approved:
2.10.15