

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

October 13, 2015

1 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Mark
2 Suennen. Present were regular members David Litwinovich, Ed Carroll, Chairman Peter Hogan
3 and ex-officio Joe Constance. Also present was Planning Coordinator Nic Strong.

4
5 Present in the audience for all or part of the meeting were Heidi Akerman, and Selectman
6 Dwight Lovejoy.

7
8 **AKERMAN, HEIDI**

9 Public Hearing/Non-Residential Site Plan Review/Kennel

10 Location: 252 Bunker Hill Road

11 Tax/Map Lot # 1/12

12 Residential-Agricultural "R-A" District

13
14 Present in the audience were Heidi Akerman and Selectman Dwight Lovejoy.

15 The Vice Chairman read the public hearing notice.

16 Heidi Akerman showed the Board her proposed site plan for the business that she had
17 been operating for the last six years. She stated that the plan had been revised and reflected the
18 existing floor plan of the house. She indicated that a note had been added to the plan that stated
19 the she did not intend to hire any employees. She added that she would ask family to babysit the
20 dogs in the event that she would be away. She stated that she had reduced her parking spaces
21 from four spaces to two spaces, used pressure treated fence posts to delineate the parking area
22 and added parking signs. She provided the total square footage for each room being used for the
23 business.

24 Joe Constance asked if the Planning Coordinator had reviewed the revised plan. Heidi
25 Akerman answered no. Mark Suennen asked if Ms. Akerman would be willing to leave the
26 revised plans with the Planning Coordinator so that she could review them. Heidi Akerman
27 answered yes but asked that a copy be made as what was being presented was an original. Mark
28 Suennen answered yes.

29 Heidi Akerman advised that the proposed hours of operation were Monday through
30 Sunday, 7:00 a.m. - 7:00 p.m.

31 Heidi Akerman asked if the Board had any questions. Mark Suennen asked for the length
32 and width measurements of the parking spaces. Heidi Akerman answered that the parking
33 spaces were 10' x 14'. Mark Suennen advised that the regulations required that the parking space
34 be 10' x 20'. Heidi Akerman revised her explanation, noting that in the photo of her parking area
35 it could be seen that the fence posts, which were 10' in length, had a space between them so
36 actually the spaces were larger than 10' x 20'.

37 Dwight Lovejoy commented that he had dealt with Ms. Akerman in the past with regard
38 to drainage issues at her property and she took care of the issues on the spot. He continued that
39 he had nothing but good things to say about the way Ms. Akerman maintained her property.

40 Joe Constance referred to a previous discussion the Board had with Ms. Akerman
41 regarding the number of dogs that could potentially be at the property at one time. He stated that
42 it had been determined that about 30 dogs could potentially be at the property at one time. He
43 asked if Ms. Akerman had any standards from the ASPCA or the American Kennel Club with

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1 **AKERMAN, cont.**

2
3 regard to recommended square footage for each dog. Heidi Akerman answered yes. Joe
4 Constance asked if Ms. Akerman had considered inviting a veterinarian to her property to make
5 recommendations relative to the number of dogs. Heidi Akerman advised that she was well
6 within compliance according to the American Kennel Club website. She added that she provided
7 large "run-outs" for her dogs as well as other areas.

8 Joe Constance asked for clarification on Ms. Akerman's intentions on receiving puppies
9 to keep for breeding or for resale. Ms. Akerman answered that she would receive puppies for
10 resale. She explained that she did not like to purchase puppies for breeding. Joe Constance
11 asked where the puppies came from. Ms. Akerman said that she received better prices on
12 puppies from the South but would purchase from the West coast and/or East coast if she could
13 get a good price.

14 David Litwinovich asked if the regulations required that Ms. Akerman install a sign for
15 her business. Heidi Akerman stated that she did not intend on having a business sign but could
16 install one if it was required. Mark Suennen recalled an application that the Board had not
17 required the applicant to install a sign. The Coordinator did not believe that signage was a
18 requirement and believed that signs were installed for safety reasons, i.e., clearly marked
19 businesses prevented people stopping in traffic to question whether or not they had reached the
20 desired destination.

21 Mark Suennen asked for the estimated frequency of customers visiting the property, for
22 the duration of the visit and if there was a time of year that customer traffic increased. Heidi
23 Akerman indicated that customer visits were highest during the months of May, November and
24 December. She continued that she would typically see one or two customers during the puppy
25 pick-up season and noted that the customers did not stay long.

26 Mark Suennen asked if Ms. Akerman conducted "puppy parties" where customers were
27 invited to meet and choose their puppy. Heidi Akerman explained that she made appointments
28 with customers to meet the puppies and the breeding dogs. She added that she also did webcam
29 visits with customers who did not wish to travel long distances to her home.

30 Mark Suennen asked Ms. Akerman to share the State kennel regulations with the Board.
31 Ms. Akerman advised that she had not looked into the regulations and had not yet applied for her
32 kennel license. She stated that the one thing she did know with regard to the State regulations
33 was that she was required to have a quarantine room. Mark Suennen requested that Ms.
34 Akerman look into the State's regulations between now and the next meeting and be prepared to
35 share those findings with the Board. Heidi Akerman agreed to look into the State's kennel
36 regulations.

37 Mark Suennen asked if Ms. Akerman had looked into NH Administrative Rule Env-Ws
38 1008.03, 50 gal of water per dog, since the last meeting. Heidi Akerman answered no. Mark
39 Suennen asked Ms. Akerman to also look into this rule and provide documentation that her well
40 provided the required amount of water for each dog. Heidi Akerman noted that the well
41 provided enough water for forty cattle and, therefore, it had to provide enough water for the
42 dogs. Joe Constance asked for Ms. Akerman to provide documentation. The Coordinator
43 advised that NH Rule previously mentioned could be found on the NH DES website.

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1 **AKERMAN, cont.**
2

3 Mark Suennen advised that the Zoning Ordinance required a 15' buffer area around
4 properties that had Non-Residential Uses in the Residential-Agricultural "R-A" District. He
5 continued that in this instance the nearest neighbor was located well beyond the required buffer
6 zone and he believed the existing landscaping could serve as an adequate buffer as long as it was
7 maintained.

8 Mark Suennen noted that Ms. Akerman had no intentions of building any additional
9 buildings and that she would maintain the existing fencing to prevent dogs from leaving the
10 property. Heidi Akerman asked if the site plan needed to be amended if she wanted to add
11 additional fencing in the future. Mark Suennen answered yes.

12 Mark Suennen stated that the proposed parking did not allow for backing out of the
13 driveway onto Bunker Hill Road.

14 Mark Suennen asked the Board for comments and/or questions with regard to the noise
15 generated by the business. Joe Constance stated that he had traveled away from Ms. Akerman's
16 house into Weare and Deering and noted that the nearest house was quite a ways away. He
17 thought it was probably as the Chair had said in the past, in a remote area it wouldn't matter how
18 many dogs there were, you would hear them. David Litwinovich did not feel the noise would be
19 an issue. Ed Carroll agreed with David Litwinovich. Mark Suennen advised that he had gone to
20 an intersection located at Saunders Hill Road and listened for noise for 15 minutes. He stated
21 that the rustling of the leaves was louder than the noise from the dogs. He continued that he was
22 comfortable with the noise dissipation relative to the neighbors.
23

24 David Litwinovich **MOVED** to adjourn the Non-Residential Site Plan Review/Kennel,
25 for Heidi Akerman, Location: 252 Bunker Hill Road, Tax/Map Lot # 1/12, Residential-
26 Agricultural "R-A" District, to October 27, 2015, at 6:30 p.m. Joe Constance seconded
27 the motion and it **PASSED** unanimously.
28

29 **Continued discussion, re: Master Plan Update, Goals and Objectives.**
30

31 Ed Carroll asked if the State's designation that the John Stark Byway was a Scenic
32 Byway needed to be incorporated into the Master Plan. Mark Suennen did not believe that the
33 designation was directly relevant to the Planning Board. He asked for further comments and/or
34 questions; there were no further comments or questions.

35 Mark Suennen referred to David Litwinovich's draft of the Master Plan Update Goals and
36 Objectives, Housing Goal. Joe Constance noted that the section included that the Town not
37 allow duplexes or condos and pointed out that duplexes and condos did exist in New Boston.
38 Mark Suennen explained that the text highlighted in red, like the text "no duplexes or condos"
39 came from the survey results. The Coordinator noted that the Town did not have any condos but
40 did have condexes. Joe Constance asked for the difference between a condo and a condex. The
41 Coordinator explained that condos usually meant more than two attached units. She further
42 explained that condexes could be sold as separate units unlike duplexes that had one owner and
43 had to be sold together.

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1 MASTER PLAN, cont.

2
3 David Litwinovich believed that item #3 and #4 clashed as providing housing for seniors
4 and young people, as suggested, could not be as easily attained without allowing duplexes and
5 condos. He noted that duplexes and condos were more affordable for seniors and young people.
6 Joe Constance agreed with David Litwinovich.

7 Mark Suennen asked if multi-family dwellings were permitted in the "R-A" District. The
8 Coordinator answered that multi-family dwellings or a single residential building designed for or
9 occupied by three or more families were not permitted in the "R-A" District but were permitted
10 in the "R-1" District.

11 The Board agreed not to include items #2, #3 and #4. Mark Suennen stated that item #1,
12 "To allow for a range of housing types and choices within the Town's land use regulations,"
13 included affordable housing for seniors and young people as well as continuing to maintain the
14 rural character of the Town through the housing that was currently allowed.

15 Joe Constance moved on to Housing Actions, item #1 and questioned why the Town
16 should monitor economic trends with respect to housing. Mark Suennen asked if any housing
17 actions should be created. Joe Constance answered no and stated that the guideline and
18 regulations were sufficient.

19 Mark Suennen referred to the Transportation Goal for discussion. The Coordinator
20 advised that during the last discussion the goal had been modified to read as follows, "Encourage
21 subdivisions that do not require new roadways but where new roadways are appropriate to ensure
22 connectivity". Joe Constance thought that the language had followed "connectivity", "...to an
23 existing network". Mark Suennen agreed with the addition.

24 Mark Suennen commented that item # 1 under Transportation Guidelines fit better under
25 the section titled Conservation and Natural Resources Goal. The Coordinator disagreed and
26 suggested that it be moved to the Historical and Cultural Preservation Goal section. Mark
27 Suennen suggested that the language "...preserving existing stonewalls along roads and
28 perpetuating" and be replaced with "...maintaining our gravel surfaced roads, where
29 appropriate". Joe Constance agreed that using the word "maintaining" was better than using the
30 word "perpetuating". Mark Suennen wanted to discuss the preservation of stonewalls further
31 under the Historical and Cultural Preservation Goal.

32 Mark Suennen referred the Board to item #2 under Transportation Guidelines. Joe
33 Constance suggested that the word "provide" be replaced with "encourage". Mark Suennen
34 suggested the following language to replace #2, "To allow accessible walking and bicycling
35 throughout the Town". Ed Carroll suggested that instead of using "To allow" the words "To
36 encourage" be used as it reflected the results compiled from the survey with regard to this matter.
37 The Coordinator asked what would be facilitated and reminded the Board of the Southern New
38 Hampshire Planning Commission's proposal to widen the shoulder along River Road for bicycle
39 traffic. Mark Suennen believed that widening shoulders where there was bicycle traffic, whether
40 encouraged by the Board or not, made a lot of sense. He commented that he would be in favor of
41 widening roads if the State came forward with a proposal and funded the project. The
42 Coordinator believed that the words "facilitate" and "encourage" implied that something was
43 going to be done to make something happen. Joe Constance believed that the footbridge in

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1 MASTER PLAN, cont.

2
3 Town was perfect example of something the Board supported but did not need to spend funds on
4 it. The Coordinator asked if the Board wanted to use the word "support" instead of "encourage".
5 Joe Constance pointed out that support could be understood to mean financial support. The
6 Coordinator agreed. Joe Constance believed that the word "facilitate" was pretty neutral.

7 Mark Suennen moved on to Transportation Actions, item #1. He commented that he was
8 in favor of #1. The Coordinator believed that item #1 could be removed as it was a function and
9 was supposed to take place. Mark Suennen believed that the Board could use item #1 in
10 circumstances where a development along a section of heavily traveled roadway that had
11 geometric concerns. Joe Constance suggested that the language, "...which includes adequate
12 funding for personnel, materials and equipment", could be removed. Mark Suennen agreed with
13 Mark Suennen's suggestion.

14 Joe Constance asked if sentence #2 in item #2 of Transportation Actions was needed.
15 David Litwinovich was in favor of keeping sentence #2. The Board agreed to keep item #2 as it
16 was written.

17 Mark Suennen referenced item #3 of Transportation Actions and asked the Board if they
18 wanted to continue to develop a contiguous walking, bicycling and recreational trail system
19 throughout the Town. David Litwinovich suggested that item # 3 be removed and add
20 "recreational trail system" to Transportation Guidelines #2. The Board agreed.

21 The Board agreed to remove the survey suggestion to paint crosswalks from the Master
22 Plan as it was the responsibility of the State. Joe Constance stated that he would speak with the
23 Road Agent about maintaining the crosswalks in Town.

24 Mark Suennen referred to Conservation and Natural Resources Goal Guidelines and
25 noted that two suggestions had been listed for discussion from the survey, 1) water quality and
26 quantity for future and 2) Do not protect/preserve nature over human needs. He asked if several
27 statements had been made that suggested that Town needed to protect water. The Coordinator
28 answered yes.

29 Joe Constance believed that Conservation and Natural Resource Action, item, #1 could
30 be used as a guideline if it was reworded to include water quality/quantity and inclusion of a
31 balance of human and natural needs. He suggested the following language, "To continue to
32 preserve, develop and improve ordinances and regulations that protect New Boston's
33 environment, including..." He stated that broad categories could be listed such as water,
34 agricultural land, etc.

35 Ed Carroll asked if there were any plans for a Town wide water system. Mark Suennen
36 advised that there had been previous discussion several years ago about utilizing a municipal
37 water system that would provide water in the Village area as well as the New Boston Central
38 School. Ed Carroll explained that he brought the matter up to find out if there was opposition or
39 support for the idea and if it should be captured in the Master Plan. Joe Constance believed that
40 the matter should be looked into to test the viability.

41 The Coordinator recalled a cistern discussion for the Village area that had been shot
42 down. Mark Suennen agreed with the Coordinator that the discussion had been relative to a
43 cistern for firefighting, however, he believed that discussion had taken place with regard to

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1 MASTER PLAN, cont.

2
3 future expansion for municipally sourced water. The Coordinator advised that a village district
4 water and sewer plan had been proposed in 1952 and had gone nowhere and had not been
5 brought up again.

6 Ed Carroll asked for thoughts on item #2 of the Conservation and Natural Resource
7 Actions. Mark Suennen believed that a balance between the Town's natural resources and the
8 human needs of a growing population needed to be determined. Joe Constance believed that all
9 three of the actions listed should be fused into one statement that could be considered a
10 guideline. David Litwinovich agreed but wanted to keep #3. The Coordinator suggested that
11 "...and the Town's Groundwater Conservation District zoning ordinance utilizing new maps and
12 data" be removed as it was tied to the Groundwater Conservation District and had already been
13 completed through an update. The Board agreed with the Coordinator's suggestion.

14 Joe Constance recommended that the following language be used for the Conservation
15 and Natural Resource Guideline, "To continue to develop and improve ordinances and
16 regulations that protect New Boston's water resources, agricultural lands and forests for future
17 generations". The Board agreed with Joe Constance's suggestion. David Litwinovich questioned
18 whether language should be added that reflected the balance between human and natural needs.
19 Joe Constance believed that the balance should be reflected in the action section. He also
20 believed that item #3 in the Guidelines section should be moved to the Action section; the Board
21 agreed. Mark Suennen recommended the following language for the Action section, "The Town
22 will strive to maintain a balance between the existing natural resources and the community's
23 natural population growth".

24 Mark Suennen noted that there were no guidelines or actions listed for the Historical and
25 Cultural Preservation section. Ed Carroll believed that the Goal listed was self-explanatory and
26 guidelines and actions were not needed. Joe Constance noted that an action created a priority
27 and suggested the following language be used as an action, "To preserve the historic, agricultural
28 monuments of the Town such as stone walls, barns, and scenic, unpaved roads". Ed Carroll
29 commented that he had no problem with Joe Constance's suggestion.

30 Mark Suennen read the Earth Products Usage Goal. Joe Constance stated that he thought
31 both actions listed for this section were good. Mark Suennen suggested that the language,
32 "...and to continue to update..." be removed from action, item #1. Joe Constance agreed with
33 Mark Suennen. The Board agreed to keep action, item #2 as it was written.

34 The Board agreed to finish the Goals and Objectives with Community Facilities, Forest
35 Resources and discussion of potential Energy and Regional goals at the next meeting.

36
37 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
38 **OCTOBER 13, 2015.**

- 39
40 1. Approval of the September 8, 2015, meeting minutes, with or without changes.
41 (distributed by email.)

42
43 David Litwinovich **MOVED** to approve the September 8, 2015, meeting minutes as

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 written. Joe Constance seconded the motion and it **PASSED** unanimously.

- 4
5 2. Distribution of the September 22, 2015, meeting minutes, for approval at the October 27,
6 2015, meeting, with or without changes. (distributed by email)

7
8 Mark Suennen acknowledged receipt of the above-referenced matter; no discussion
9 occurred.

- 10
11 3a. Letter with attachments dated October 30, 2015, from Allison McGrail, to New Boston
12 Planning Department, re: Moving current approved Home Business to accessory building
13 on property located at 243 Mont Vernon Road, Tax Map/Lot #11/31, for the Board's
14 review and discussion.

- 15
16 3b. Copies from the New Boston Zoning Ordinance, re: Home Businesses.

17
18 Mark Suennen addressed items 3a and 3b as they were related. He noted that the
19 applicant currently operated a photography business out of her home and wanted to build an
20 accessory building on her property to move the business out of her home and into the accessory
21 building.

22 Mark Suennen read from the regulation and noted that the Town allowed for home
23 businesses to operate out of accessory buildings that were clearly secondary to the primary
24 dwelling unit. He added that Non-Residential Site Plan Review would be required.

25 The Board agreed that what the applicant was requesting was permissible by the Town's
26 regulations.

27 David Litwinovich stated that he would like to see the plan for the accessory unit. Mark
28 Suennen believed that a hearing should be scheduled for a modification to the Non-Residential
29 Site Plan that had previously been approved.

30
31
32 Joe Constance **MOVED** to require a public hearing for modification to a Non-Residential
33 Site Plan for Allison McGrail, 243 Mont Vernon Road, Tax Map/Lot #11/31,
34 Residential-Agricultural, "R-A" District, for any request to move the existing business to
35 an accessory building, given that there would be a substantial change to the original site
36 plan. David Litwinovich seconded the motion and it **PASSED** unanimously.

- 37
38 4. Construction Services Reports dated September 9, 10, 14, 15, 16, 17, 18 & 20, 2015,
39 from Northpoint Engineering, LLC, for Forest View II Subdivision, for the Board's
40 information.

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

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 5. Letter dated September 22, 2015, from David J. Preece, AICP, SNHPC, to Peter Hogan,
4 Planning Board Chair, re: SNHPC Membership Fee - Fiscal year 2016-2017, for the
5 Board's information.

6

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

9

10 Joe Constance **MOVED** to adjourn at 8:10 p.m. Ed Carroll seconded the motion and it
11 **PASSED** unanimously.

12

13

14 Respectfully submitted,
15 Valerie Diaz, Recording Clerk

Minutes Approved: