

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
June 14, 2016**

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2 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan.
3 Present were regular members Mark Suennen, David Litwinovich and Ed Carroll. Also present
4 were Planning Consultant Mark Fougere, Planning Coordinator Shannon Silver and Planning
5 Assistant/Recording Clerk Valerie Diaz.
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7 Present in the audience for all or part of the meeting were Allison and Joe McGrail.
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9 **MCGRAIL, ALLISON**

10 Submission of Application/Public Hearing/NRSPR/relocation of photography home business

11 Location: 243 Mont Vernon Road

12 Tax Map/Lot #11/31

13 Residential-Agricultural "R-A" District
14

15 Present in the audience were Allison and Joe McGrail.

16 The Chairman read the public hearing notice.

17 Allison McGrail stated that her site plan for a photography business had been approved in
18 2007. She explained that she was proposing to build an accessory building on her property and
19 relocate the business into the building. She noted that she would maintain an office for her use
20 only in her home.

21 The Chairman asked the applicant for an explanation of the overall purpose of moving
22 the business to an accessory building. Allison McGrail answered that she was looking for more
23 space for her camera room. She explained that her current camera room was located in a portion
24 of her barn and she felt that she had outgrown the space. The Chairman commented that he did
25 not have a problem with the business moving to an accessory building and that the frequency of
26 customers would increase; however, he stated that he would not be ok with an additional
27 photographer being hired to work at the location as there would not be adequate parking to serve
28 multiple customers at the same time. Mark Suennen agreed with the Chairman. Allison McGrail
29 advised that she would be the only photographer onsite.

30 Mark Suennen noted that the size of the proposed building was 28' x 22'. Allison
31 McGrail added that the proposed building was a one-floor, barnlike structure that included a
32 large camera room. She stated that she was constructing the building in anticipation for future
33 use in the event that she wanted to sell the property, i.e., could be used as an in-law apartment.
34 She added that the Building Inspector/Code Enforcement Officer had viewed the proposed plans
35 and did not have any issues. Mark Suennen noted that the applicant was allowed to use up to
36 40% of her living space for the business, which totaled 1,400 s.f. The Board suggested that the
37 proposed building be called an "unfinished workshop" for purposes of applying for a building
38 permit.

39 The Chairman asked if parking was being added to the site. Joe McGrail explained that
40 there would be an extension of the existing driveway to the proposed building and noted that a
41 few parking spaces would be created.

42 Mark Suennen asked if the sliding glass door or the office door shown on the plan were
43 the primary entry. Allison McGrail answered that the door that led to the office would be the
44 primary entrance.

45 Mark Suennen asked for the location of an exterior light to be clarified. Allison pointed
46 out the location of the exterior light over a doorway on the plan.

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MCGRAIL, ALLISON, Cont.

Mark Suennen asked how parking spaces would be delineated. The Chairman noted that railroad ties could be used to delineate parking. Allison McGrail stated that she could use railroad ties for parking delineation.

Mark Suennen **MOVED** to accept the NRSPR application for the relocation of a photography home business for Allison McGrail, Location: 243 Mont Vernon Road, Tax Map/Lot #11/31, Residential-Agricultural "R-A" District, as complete. David Litwinovich seconded the motion and it **PASSED** unanimously.

The Board scheduled a site walk for Saturday, June 18, 2016, at 7:30 p.m.

The Coordinator noted that revisions to the abutter list, parking space sizes and exterior lighting needed to be completed. Mark Suennen asked for the proposed hours of operation. Allison McGrail asked to amend her hours of operation to be 8:00 a.m. to 9:00 p.m. She noted that she met with customers on an appointment only basis.

Mark Suennen asked if photographs were developed/processed onsite. Allison McGrail answered that the photographs were developed in a lab offsite.

The Chairman believed that the flow of traffic exiting the property would improve with the proposed plan.

David Litwinovich **MOVED** to adjourn the public hearing for Allison McGrail, Location: 243 Mont Vernon Road, Tax Map/Lot #11/31, Residential-Agricultural "R-A" District, to June 28, 2016, at 6:30 p.m. Mark Suennen seconded the motion and it **PASSED** unanimously.

MCGRAIL, ALLISON

Submission of Application/Public Hearing/NRSPR/relocation of photography home business
Location: 243 Mont Vernon Road
Tax Map/Lot #11/31
Residential-Agricultural "R-A" District

The Chairman re-opened the public hearing. He explained that the applicant would not be available to attend the June 28th meeting and that should the application be approved dates for conditions precedent and subsequent were needed. The Board and applicant agreed to the following dates:

- Conditions Precedent: August 28, 2016;
- Conditions Subsequent: July 28, 2018.

Mark Suennen **MOVED** to re-adjourn the public hearing for Allison McGrail, Location: 243 Mont Vernon Road, Tax Map/Lot #11/31, Residential-Agricultural "R-A" District, to June 28, 2016, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

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Discussion, re: Master Plan Update

There were no members of the public in the audience.

Mark Fougere stated that he had completed some research with regard to growth management ordinances. He read RSA 674:23, II, Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans, as follows, “An ordinance may be adopted under this section in unusual circumstances that affect the ability of the municipality to provide adequate services and require prompt attention to and to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or a capital improvements program.” He went on to read a portion of RSA 674:22, Growth Management; Timing Development, as follows, “...upon growth management process intended to assess and balance community development needs to consider regional development needs.” “...growth management must be based upon the municipality’s lack of capacity to accommodate anticipated growth in the absence of such an ordinance...and shall consider the municipality’s projected growth rate and the municipality’s need for additional services to accommodate such growth.”

Mark Fougere referred to [Laughlin’s discussion on Growth Management Ordinances] and read the following, “It should be apparent from my review of the cases cited in the previous section that growth management ordinances are not easily crafted...they are generally controversial and the great majority of them are subjected to legal challenge at one time or another. Local communities should enter the growth management arena with a great deal of thought.”

Mark Suennen asked if growth management ordinances were required to have a time restriction. Mark Fougere answered that it usually had to have a sunset and could not be permanent. He explained that the problem that required the growth management needed to be fixed.

Mark Fougere provided the Board with student enrollment numbers for the elementary school, middle school and high school. He explained that although the elementary school had not reached the 600-student capacity, the special education requirements and testing requirements had created issues with space within the school. He noted that two portable classrooms had been installed and were temporarily helping with the space issues. He stated that there had been growth at the middle school and high school but that the growth did not create a capacity issue.

Mark Fougere stated that he had reviewed the number of building permits issued between 2010 and 2016 to see how the Town had grown. He advised that the Town had grown at a rate of 5.29% locally and at a rate of 3.4% regionally. He explained if the Town wanted to limit building permits based on the regional growth, 70 building permits could be issued. He pointed out that 70 building permits was almost double the amount of building permits that were currently being issued on an annual basis.

Ed Carroll asked if Mark Fougere had been involved in any communities that had growth management ordinances. Mark Fougere answered that the Town of Hollis had a growth management ordinance and that it was illegal. He explained that if anyone challenged that ordinance it would collapse in a minute. He noted that no one had ever challenged it or tried to change it.

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Discussion, re: Master Plan Update, Cont.

Mark Fougere stated that he had spoken with Superintendent Brian Balke and reported that the school budget drivers over the last five years were tuition increases. He stated that the tuition had gone up \$1.5 million. He stated that he was waiting on data from the Superintendent relative to newer streets in Town and a census of students residing on those streets to determine if the increase was due to new development or if it was from the existing population base.

Mark Fougere stated that New Boston was leading the region with regard to population growth over the last sixteen years.

Mark Fougere stated that he wanted to gather more data and sit down with Attorney Drescher to discuss growth management ordinances.

Ed Carroll asked if there were options other than growth management ordinances to control growth. Mark Fougere stated that projects could be done with phasing; however, he pointed out that this would not apply to the existing 130 approved lots.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JUNE 14, 2016**

1. Approval of the May 10, 2016, meeting minutes with or without changes. (distributed by email)

Mark Suennen listed the following amendments:

Page 2, Line 16, the word “narrow” should be changed to “arrow”.

Page 3, Line 15, “Deshner” should be changed to “Drescher”.

Page 3, Line 33, remove the duplicate word “to”.

Page 3, Line 37, remove the duplicate word “of”.

Mark Suennen **MOVED** to approve the May 10, 2016, meeting minutes as amended. David Litwinovich seconded the motion and it **PASSED** unanimously.

2. Distribution of the May 24, 2016, meeting minutes, for approval at the June 28, 2016, meeting, with or without changes. (distributed by email)

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

3. Endorsement of a Subdivision Plan for Maryellen St. Laurent Revocable Trust, Tax Map/Lot #11/51, Joe English and Bailey Pond Roads, by the Planning Board Chairman and Secretary.

The Chairman noted that the above-referenced subdivision plan would be endorsed at the close of the meeting.

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JUNE 14, 2016, Cont.**

- 4a. Email dated June 6, 2016, from Ian McSweeney, Russell Foundation Director, to Valerie Diaz and Shannon Silver, re: Susan B. Martin, Minor Subdivision, Tax Map/Lot #11/51, Lot Line Adjustment – request to revise one condition. (Ian McSweeney to be present)
- 4b. Copy of Notice of Decision dated February 9, 2016, for Susan B. Martin, Revocable Trust, Minor Subdivision/Lot Line Adjustment, Tax Map/Lot #14/1, South Hill, McCollum and Meadow Roads.

The Coordinator stated that the conditions precedents had been met with the exception of #5, receipt by Planning Office staff of a signed conservation easement. She explained that the applicant had been advised by her attorney that the Mylar needed to be recorded prior to the conservation easement being signed. She continued that the applicant wanted to amend the conditions so that the plan could be recorded prior to receiving the signed conservation easement.

Mark Suennen asked if there was a risk to the Town if the Board granted the requested amendment. The Coordinator explained that as part of the approval of the lot line adjustment the Board had granted numerous waivers because a large portion of the property would be placed into conservation. She stated that the risk would be that the plan was recorded without the conservation easement ever being recorded. She noted that the applicant could provide an unsigned conservation easement so that the Board could review it before it was recorded.

The Coordinator advised that Ian McSweeney had indicated that he would be present for the discussion. The Board agreed to table the discussion until Ian McSweeney arrived.

- 5a. Email received June 2, 2016, from the Board of Fire Wards, to Valerie Diaz, Planning Board Assistant, re: Maryellen St. Laurent Revocable Trust, 44 Joe English Road and Bailey Pond Road, Tax Map/Lot #11/51, for the Board's review and discussion.
- 5b. Section copy of Subdivision Plan, Tax Map/Lot #11/51, Maryellen St. Laurent Revocable Trust, Note 7 addresses fire protection.

The Chairman addressed items 5a and 5b together as they were related. He asked the Coordinator for an explanation of the above-referenced email. The Coordinator explained that the Fire Wards had believed that the recently approved subdivision at Tax Map/Lot #11/51 triggered the need for fire protection. She went on to say that she had explained that this was not the case and they were fine with her explanation.

6. Discussion, re: Meeting once monthly for July and August Planning Board Meetings. (July 26th & August 23rd)

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JUNE 14, 2016, Cont.**

Mark Suennen **MOVED** to cancel the Planning Board meetings scheduled for the second Tuesday in the months of July and August. David Litwinovich seconded the motion and it **PASSED** unanimously.

7. Letter copy dated May 26, 2016, from Ed Hunter, Building Inspector, to Vincent Iacozzi, Thibeault Properties, re: Gravel Excavation Map Tax Map /Lot #6/45, for the Board's information.

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

8. Letter copy dated June 2, 2016, from Ed Hunter, Building Inspector, to Nicholas and Angela Isaia, re: Firearms Sales, for the Board's information.

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

9. Copy of the 2015-2016 Land Use Law in Review, NH Office of Energy and Planning, 2016 Planning and Zoning Conference, for the Board's information.

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

10. Endorsement of a Site Review Agreement for Nicholas and Angela Isaia, Tax Map/Lot #2/19, Middle Branch Road, New Boston, NH, by the Planning Board Chairman.

The Chairman noted that the above-referenced site review agreement would be endorsed at the close of the meeting.

- 4a. Email dated June 6, 2016, from Ian McSweeney, Russell Foundation Director, to Valerie Diaz and Shannon Silver, re: Susan B. Martin, Minor Subdivision, Tax Map/Lot #11/51, Lot Line Adjustment – request to revise one condition. (Ian McSweeney to be present)

- 4b. Copy of Notice of Decision dated February 9, 2016, for Susan B. Martin, Revocable Trust, Minor Subdivision/Lot Line Adjustment, Tax Map/Lot #14/1, South Hill, McCollum and Meadow Roads.

Ian McSweeney was present to discuss items 4a and 4b. The Chairman asked for an explanation of the above-referenced request.

Ian McSweeney stated that all of the conditions precedent for the above-referenced lot line adjustment had been met with the exception of the signed conservation easement. He

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JUNE 14, 2016, Cont.**

explained that the conservation easement needed to be completed before it could be signed and in order for it to be fully completed the lot line adjustment needed to be recorded, as it would create the 84-acre lot that would be placed in conservation.

Ian McSweeney stated that a draft easement could be signed and submitted until the lot line adjustment was recorded and then the draft copy could be replaced with a final copy. The Coordinator stated that the Board could set a date by which the easement needed to be recorded and if the applicant failed to record the easement then the lot line adjustment could be revoked.

The Coordinator recommended that a public hearing be scheduled to amend the condition of the approval. The Board agreed with the Coordinator.

Mark Suennen **MOVED** to schedule a public hearing for Susan B. Martin, Minor Subdivision, Tax Map/Lot #11/51, to consider altering condition precedent #5 of the February 9, 2016, Notice of Decision, on June 28, 2016, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to adjourn at 7:55 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Respectfully submitted,

Minutes Approved: July 26, 2016

Valerie Diaz, Planning Assistant/Recording Clerk