

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2017**

**June 13, 2017**

The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan. Present were regular members Mark Suennen, David Litwinovich and Ed Carroll and Ex-Officio Joe Constance. Also present were Planning Coordinator, Shannon Silver and Planning Consultant, Mark Fougere.

Present in the audience for all or part of the meeting were Kary Jencks, Rob Kilmer, abutter, Mike DePetrillo; and Genevieve Pelletier.

**F.N. SAGNA & K.N. JENCKS JOINT REV TRUST                      Adjourned from May 23, 2017  
FRANCOIS NOEL SAGNA & KARY JENCKS, TRUSTEES**

Public Hearing/NRSPR/Kennel

Location: 96 Scobie Road

Tax Map/Lot #4/1

Residential-Agricultural "R-A" District

Present in the audience were Rob Kilmer, Kary Jencks and abutter, Mike DePetrillo.

The Chairman read the public hearing notice. He advised that the Board had received letters from the Road Agent, Fire Department and Building and Code Enforcement Officer with regard to the above-referenced NRSPR; the Chairman provided the applicant with the letters and allowed her time to review them.

The Chairman stated that during the site walk, the Board had determined that the proposed location for the dog yard was the most appropriate location in the yard. Joe Constance noted that the Building and Code Enforcement Officer, Ed Hunter, had included comments about the interior of the buildings in a memo dated June 1, 2017. The Chairman explained that the Board was not concerned with the interior of the building. He pointed out that the Building and Code Enforcement Officer, Ed Hunter, had not addressed the items raised by the Board and the Board would be sending him the questions again.

The Chairman asked for further comments and/or questions relative to the site walk; there were none.

The Planning Coordinator shared that the applicant had just submitted the revised site plan notes #s 15 - 21; no more than twenty dogs will be housed on the property; hours of operation: Monday through Saturday, 7:00 a.m. - 7:00 p.m., no Sunday hours; and no client dogs will be left outside unsupervised. She stated that parking would be delineated with curb stops.

The Planning Coordinator advised that an additional proposed dog yard had been added to the plan to address noise concerns. The Chairman asked why another dog yard had been added if the dogs would never be outside unsupervised. Kary Jencks answered that it allowed for the dogs to be in separate areas with supervision and she was noted that the second, proposed dog yard was being proposed for the future as needed. Mark Suennen asked for clarification of

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what was meant by “supervision.” Kary Jencks answered that a person would accompany dogs in the dog yard.

The Chairman asked for the noise abatement plan. The Planning Coordinator stated that the plan included a note that required a mesh covering for the fence, as well as evergreen and shrubbery plantings along the road to reduce noise and block the view. She added that the applicants proposed to use a bark control device to reduce the occurrence of repeated dog barking.

David Litwinovich asked if a sign location had been added to plan. The Planning Coordinator answered no and noted that conditional approval could be granted with the requirement that the sign location be added.

Mark Suennen asked what was needed from the Building and Code Enforcement Officer to approve the application. The Chairman responded that he wanted an answer from the Building and Code Enforcement Officer, Ed Hunter, with regards to the enforceability mechanism of excessive noise coming from the property; “what is the remedy?”. Mark Suennen noted that the Town did not have any noise regulations and questioned how this could be defined. The Chairman commented that he did not care if a dog barked for an hour because he was about noise abatement and not noise elimination. Mark Suennen agreed with the Chairman. The Chairman stated that the threshold needed to be identified. Joe Constance stated that he understood the point the Chairman made and supported it; however, he questioned if this was an instance of, “you’ll know it when you see it.” The Chairman answered yes and added that he wanted it spelled out. Joe Constance cited an instance where he had heard a dog barking in agony and had called the police. He continued that this dog was abandoned and the dogs barking could not be defined in a decibel level or nuisance level. He questioned how the Board could define such a thing. The Chairman argued that the level could be measured, there are decibel meters made and could be used. Ed Carroll asked how this issue was handled in other communities. The Chairman answered that the Board needed to find that out.

Mike DePetrillo questioned how anything other than a welfare check could be done by the Police Department, as the Town did not have a noise ordinance. The Chairman answered that the Board could create a decibel level restriction for the operation of kennels.

Ed Carroll asked if the Board was proposing to place a moratorium on all new businesses until the code enforcement standards were defined or how they would enforce this if it were defined. He commented that this sounded more like a Town regulation issue and not necessarily a permit issue. He noted that the Board had approved kennels in the past. The Chairman stated that those kennels were approved with very specific noise control. He added at that time, the Town had a Code Enforcement Officer that was not afraid to levy a fine for violations.

Ed Carroll asked what were some of the previous noise control standards that had been approved. The Chairman answered that the Board had required that the buildings contain sound

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deadening construction. Ed Carroll asked if those properties had outside runs. The Chairman answered yes and explained that construction material had been used to dampen the outside noise.

Ed Carroll asked Mark Fougere if he had any idea how other towns enforced kennels. Mark Fougere answered that he thought it was a good idea for the Board to set some kind of standard as part of the conditions and then the Board should ask the Building and Code Enforcement Officer, Ed Hunter, if these could be enforced. The Chairman commented that the standard should be created with the Building and Code Enforcement Officer so that he would be able to agree to enforce it.

Ed Carroll asked if Mark Fougere had any insights on standards that other towns used. Mark Fougere answered that he could look into it. The Chairman stated that he would like Mark Fougere to look into this. Mark Suennen recommended that the board create a noise standard of the following, "sustained barking of 20 minutes or longer as measured at the closest abutters property." The Board agreed with submitting this standard to the Building and Code Enforcement Officer as a first step in the negotiation process.

David Litwinovich **MOVED** to adjourn the NRSPR/Kennel, for Francois Noel Sagna and Kary Jencks, Location: 96 Scobie Road, Tax Map/Lot # 4/1, Residential-Agricultural "R-A" District, June 27, 2017, at 6:30 p.m. Joe Constance seconded the motion and it **PASSED** unanimously.

**Discussion, re: Master Plan Progress Update**

Mark Fougere stated that he was continuing to work on the facilities chapter. He indicated that he had met with the Recreation Department and the Road Agent. He explained that he had sent the old Master Plan Facilities Chapter to the appropriate Department Managers for review and asked for their updates.

Mark Fougere noted that elderly housing was tabled last year and asked if the Board had any concerns. Ed Carroll answered that the Board had not wanted to rush into anything too quickly. Mark Fougere asked for any additional detail that the Board wanted to see. Mark Suennen answered that he wanted Town Counsel to review to ensure that the language was appropriate. He added that he would want to create a warrant article for this in 2018 and wanted to make sure that the necessary review by Town Counsel was completed.

The Chairman asked what Mark Fougere intended on providing for the Board at the next meeting. Mark Fougere answered that he was unsure when he would have the chapter completed as he was relying other people to get it done. He indicated that he had reached out to the Police Chief and had not heard back from him. He noted that if he could not move forward he would move on to the Land Use chapter and would reach out to SNHPC.

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**Discussion, re: Master Plan Progress Update, cont.**

Ed Carroll asked if Mark Fougere had any updates on traffic standards and road development as had previously been discussed. Mark Fougere stated that the Transportation chapter had included a recommendation to monitor it. He added that the Road Agent would be completing work this summer.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF  
JUNE 13, 2017.**

1. Distribution of the May 9, 2017, meeting minutes, for approval at the June 27, 2017, meeting, with or without changes. (distributed by email)

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

2. Endorsement of a Non-Residential Site Plan, entitled: Cordwood Sawmill Processing Yard and attachment entitled: Operations of portable woodbine sawmill located at 212 McCollum Road, New Boston, NH, for Mario & Genevieve Pelletier, Tax Map/Lot # 14/105, 212 McCollum Road, by the Planning Board Chairman & Secretary.

The Chairman and Secretary endorsed the above-referenced Non-Residential Site Plan.

3. Approval and endorsement of a Driveway Permit for a secondary driveway for Mario & Genevieve Pelletier, Tax Map/Lot # 14/105, McCollum Road, by the Planning Board Chairman.

Mark Suennen **MOVED** to approve the Driveway Permit for a secondary driveway for Mario & Genevieve Pelletier, Tax Map/Lot # 14/105, McCollum Road. Ed Carroll seconded the motion and it **PASSED** unanimously.

The Chairman endorsed the above-referenced driveway permit.

1. Letter dated May 11, 2017, from Shiv Shrestha, Sunrise Homes, LLC, to the New Boston Planning Board, re: Forest View Subdivision, Lorden Road (new road), request to extend the conditions subsequent deadline of May 31, 2017, to May 31, 2018, for the Board's action.

Mark Suennen **MOVED** to extend the conditions subsequent deadline of May 31, 2017, to May 31, 2018. Joe Constance seconded the motion and it **PASSED** unanimously.

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE, cont.**

- 5a. Email received June 2, 2017, from Bob Huettner, Twin Bridge Land Management, LLC, re: stabilization bond, for the Board's review and discussion. (Bob Huettner to be present)
- 5b. Packet containing corresponding emails, letters etc., re: previous discussion of stabilization bond, including the minutes of the December 22, 2015 and February 14, 2017, for the Board's information.
- 5c. Letter dated June 5, 2017, with exhibit attachments from Kevin M. Leonard, P.E., Northpoint Engineering, LLC, to Shannon Silver, New Boston Planning Coordinator, re: Lot grading Plan Reviews & Final Stabilization Progress Report – Twin Bridge Estates – Phase II, for the Board's review and discussion.

The Chairman addressed items 5a, 5b and 5c together as they were related. He commented that the matter appeared to be a miscommunication that had taken care of itself.

6. Discussion, re: summer schedule meeting (2nd Tuesday of the month only for July and August), for the Board's action.

Mark Suennen **MOVED** cancel the 4th Tuesday meetings in the months of July and August. Ed Carroll seconded the motion and it **PASSED** unanimously.

7. Letter copy dated June 8, 2017, from Ed Hunter, Code Enforcement Officer, to Laurence & Ursula Gordon, re: 350 Tucker Mill Road, Weare Power Sports business, for the Board's information.

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

Joe Constance **MOVED** to adjourn at 7:31 p.m. Mark Suennen seconded the motion and it **PASSED** unanimously.

Respectfully submitted,

Minutes Approved: 02/13/18

Valerie Diaz, Recording Clerk