

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

10/24/17

1
2 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan.
3 Present were regular Board members, Mark Suennen, David Litwinovich and Ed Carroll, along
4 with Ex-Officio Joe Constance. Also present was Planning Consultant Mark Fougere and Plan-
5 ning Board Assistant Nadine Scholes.

6
7 Present in the audience for all or part of the meeting was Building and Code Enforcement
8 Officer Ed Hunter; Fire Inspector Eric Dubowik; owners, Scott Setzler and Amy Ross Norwood;
9 abutters, Brian Schadowsky and Steve Worthen; Canine Commitment volunteers, Jill Clinton,
10 Jill Minoughan and David Lendry; Vinnie Iacozzi, Open Space Committee member David
11 Woodbury, and Conservation Representative Ken Lombard.

12
13 **Adjourned from 10/10/17**

14 **CANINE COMMITMENT OF NEW ENGLAND**
15 **SCOTT SETZLER & AMY ROSS NORWOOD (OWNERS)**
16 Public Hearing/NRSPR/Kennel

17 Location: Bedford Road
18 Tax Map/Lot # 12/67
19 Residential-Agricultural "R-A" District

20
21 Peter Hogan noted that the application was accepted as complete at the meeting on Octo-
22 ber 10, 2017. Peter Hogan asked the Board what was found during the site walk on October 15,
23 2017. David Litwinovich and Mark Suennen had conducted the site walk. David Litwinovich
24 stated there were two exterior lights that the owner needed to add to the site plan. David Lit-
25 winovich confirmed that the site plan had the correct number of parking spaces and confirmed
26 the location of the parking on site.

27
28 Joe Constance asked if a sound test had been conducted at the location. David Litwino-
29 vich stated he had drove around the area before the site walk and parked for a short time on Pul-
30 pit Road. He said he did not hear any kind of barking or noise coming from the general direction
31 of the kennel. David Litwinovich stated that he personal believed the lot was large enough and
32 considering where the main house is located, it would act like a sound shield to the Pulpit Road
33 residence. He noted the forest was dense between the kennel property and Pulpit Road.

34
35 Joe Constance asked if the parking worked at the site as shown on the plan. David Lit-
36 winovich stated the parking was as shown at the site.

37
38 Peter Hogan addressed the large group of attendees at the meeting. He advised the Board
39 would listen to everyone that would like to share their opinion but clarified that the owners had
40 the approval from the Zoning Board for the permitted use to operate the kennel in the R-A dis-
41 trict. He noted that the Planning Board would not overturn the decision made by the Zoning
42 Board and this was not a voting situation. He requested that anyone that would like to speak in
43 attendance, to first give his or her name and address for the record.
44

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CANINE COMMITMENT OF NEW ENGLAND, cont.

1
2
3 Abutter, Brian Schadowsky, 16 Pulpit Road, stated he heard dogs barking in the distance
4 at his home. He mentioned there are protective covenants that regulate this kind of use on the
5 property within the subdivision.

6
7 Peter Hogan noted the subdivision covenants do not pertain to the kennel property, and it
8 would not be the Town's responsibility to enforce those restrictions.

9
10 Peter Hogan asked Brian Schadowsky how was he certain the barking was coming from
11 the kennel. Mr. Schadowsky stated the barking was coming from the direction of the kennel and
12 there is nothing to block the sound but trees between him and the kennel.

13
14 Peter Hogan mentioned that the owners have personal dogs in the home on the same
15 property as the kennel. Peter Hogan noted the owner had mentioned the personal dogs do bark at
16 the wildlife passing through their yard. Peter Hogan asked Brian Schadowsky if that could have
17 been the dog he heard barking. Mr. Schadowsky said he could not decipher if the barking was
18 from the kennel or the back of the house but he stated it had sounded like there were several
19 dogs.

20
21 Peter Hogan asked Amy Ross Norwood how many personal dogs does she own. Amy
22 Ross Norwood indicated she has 4 personal dogs.

23
24 Ed Carroll mentioned there is a dog-walking trail that runs along this property that is
25 known to be used quite frequently.

26
27 Joe Constance asked Brian Schadowsky how long does the barking go on for. Mr.
28 Schadowsky said it generally could last 15 to 20 minutes but it is not everyday. Mr. Schadowsky
29 stated the only time it had been an issue was in the evening or later at night.

30
31 Peter Hogan said the Board had other complaints but still could not determine the barking
32 was coming from the kennel, but if it were the owner's personal dogs, the Board could not do
33 anything about that. The Board only has the jurisdiction to regulate the dogs in the kennel. He
34 said the kennel is only allowed to operate during the hours of operation listed on the site plan and
35 it would prohibit the kennels dogs from being outside during the hours the kennel is not open,
36 from 8 p.m. to 8 a.m.

37
38 Mark Fougere referred to a note on the site plan that states no rescue dogs are allowed to
39 be outside unsupervised.

40
41 Joe Constance asked if Amy Ross Norwood left her personal dogs outside without supervision.
42 Ms. Norwood stated her dogs would never be left outside if she were not home and they have a
43 fenced in area to keep the dogs from leaving the property. She continued to describe the kennel
44 and stated there is also a fenced in area that is located in the rear of the building, with dense

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CANINE COMMITMENT OF NEW ENGLAND, cont.

woods around the outdoor area. Ms. Norwood explained she gets dogs of all ages but the majority of the time she gets litters of puppies and generally, puppies do not tend to bark.

Jill Clinton stated she was not an abutter, but is a resident of New Boston. Ms. Clinton said she has been a volunteer at the kennel for three years and worked the evening shifts. Ms. Clinton stated the dogs are never outside past 8 p.m. and never outside without supervision. She said all the volunteers/workers at the kennel are diligent to get the dogs back inside well before 8 p.m.

David Lendry, not an abutter, is also a resident of New Boston. Mr. Lendry stated that he, his wife and his daughter all volunteer at the kennel. Mr. Lendry mentioned that the kennel has a good reputation and is kept clean and organized both inside and outside. Mr. Lendry noted that the dogs are never left outside unsupervised.

Abutter, Steve Worthen stated that he also lived on Pulpit Road and could hear dogs barking. Mr. Worthen stated he was not so concerned with the existing kennel but heard that there was going to be an expansion. Peter Hogan said the kennel had existed and operated for many years under the approval from the Zoning Board but there are no proposed changes to the site. Peter Hogan noted that the kennel owner should have come directly to the Planning Board to review the site plan after the Zoning Board approved the 'Special Exception' but the owner was not aware this was needed until now. Peter Hogan stated there was no expansion to what had existed for the past several years. Mr. Worthen noted this was the information that he heard from other people in the area and is the only reason he came to the meeting. He stated that he could hear dogs barking but he did not have any issues if the kennel did not expand as he was told.

Steve Worthen asked what should be done if the barking doesn't stop. Peter Hogan noted the owners had requested in past meetings, that they are contacted prior to calling the police department.

Scott Setzler agreed with Peter Hogan and suggested that if there are an issues with barking dogs he would appreciate a call before the police are contacted to distinguish if the barking is even coming from their property.

Jill Minoughan stated that she also is a volunteer at the kennel and worked the morning shift for the last 6 years. Ms. Minoughan said that the dogs are never let out before 8 a.m. and never let outside without supervision. Once the dogs are let outside, first thing in the morning, the inside of the kennel is cleaned and then the dogs are brought back inside. Ms. Minoughan stated the owners personal dogs will bark if they are outside when she first pulls up but stop once she is out of her car.

Peter Hogan stated the only issue seemed to stem from the rumor that the kennel was expanding.

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CANINE COMMITMENT OF NEW ENGLAND, cont.

David Litwinovich noted that if there were any changes to the site or the provisions, i.e. the number of employees, the owner would be required to come back to have the Board review and approve those changes.

David Litwinovich mentioned that the State also regulates the kennel business as it operates as a non-profit organization. Amy Ross Norwood agreed.

Peter Hogan noted the application was accepted and complete for the review of the site plan and confirmed with a site walk. The Board would be able to motion to approve if there was nothing else to be discussed.

Mark Suennen referred to the steps that would be required for approval and noted that all items are complete. Mark Suennen noted there were no site improvements required and there was no need to have a compliance hearing. He said the Board could go ahead with the approval without any conditions precedent or subsequent.

Joe Constance **MOVED** to approve the Non-Residential Site Plan, for Amy Ross Norwood, Canine Commitment, to operate a kennel from property on Tax Map/Lot #12/67, 733 Bedford Road, as presented with adherence to all conditions.
Mark Suennen seconded and the motion **PASSED** unanimously.

Informational Session with Vinnie Iacozzi, Thibeault Corp of New England re: potential subdivision of Tax Map/Lot #6/40.

Vinnie Iacozzi presented the proposed plan for the potential subdivision. Vinnie Iacozzi stated the lots had been merged involuntary in the past. The first step required, would be a lot line adjustment to reconfigure the old property lines, adding 4 acres to the parcel. The proposed plan showed the total of 63.10 acre parcel to be subdivided into 5 new lots. The largest of the lots, 39.4 acres, would be sold to the Town of New Boston, NH. The New Boston Open Space Committee would be responsible for the cost to prepare the mylars and recording the documents for the lot line adjustment.

Joe Constance asked Vinnie Iacozzi to clarify the involuntary merge. Vinnie Iacozzi explained that Thibeault had purchased a 34 acre lot from Ms. Byam that abutted another lot owned by Mr. Thibeault. During reassessment by the Town of New Boston, NH, the lots had merged to create one lot.

Peter Hogan suggested that a lot line adjustment would create the 39.4 acre lot to be sold to the Town of New Boston and the remaining parcel could be subdivided into 4 new lots.

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1 Informational Session with Vinnie Iacozzi, Thibeault Corp of New England, cont.

2
3 Vinnie Iacozzi noted the subdivision would create 4 residential lots with one back lot.
4 The back lot would have the required 50' frontage on Byam Road.

5
6 Mark Suennen asked if the 50' frontage would be directly across the street from the ex-
7 isting 50' frontage to access Tax Map/Lot #40/2-1. Mr. Iacozzi answered that it would be pretty
8 close.

9
10 Vinnie Iacozzi indicated the existing farm house would be torn down to be able to recon-
11 figure the lot. Peter Hogan asked if this was the original home that existed on the lot. Mr.
12 Iacozzi confirmed it was the original home.

13
14 Vinnie Iacozzi stated the application for the proposed subdivision would be submitted to
15 the Planning Department in March 2018. Mr. Iacozzi noted that he expected the application pro-
16 cess would take about 3-4 months to complete. Vinnie Iacozzi noted the lot would be the last
17 remaining piece left over from the old gravel pit. It would create a buffer between the commer-
18 cial and residential lots.

19
20 David Woodbury stated that the Open Space Committee would support any proposed
21 plan for the remaining parcel, if the lot (known as the cornfield) was sold to the Town.

22
23 Mark Suennen noted the Planning Board was actively reviewing the Town's water supply
24 with the Fire Wards. He advised that the proposed major subdivision may require a water supply
25 if one doesn't exist within 2200'. Vinnie Iacozzi stated he thought the existing cistern on the top
26 of Byam Road would be within the 2200' requirement for the water supply. He noted he would
27 check the distance between the parcel and any existing water cisterns close by.

28
29
30 **Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for**
31 **2018.**

32
33 Fire Inspector Eric Dubowik noted he provided the Board with the proposed solar panel
34 codes to be adopted into the building code. He stated that the package he prepared had the fol-
35 lowing sections; first would be the proposed codes; second would be the main points with adopt-
36 ing the codes; third would be the State of NH adopted codes and finally the codes with changes
37 proposed to be adopted. Eric Dubowik stated the changes shown in the new code are highlight-
38 ed.

39
40 Ed Carroll asked how solar panels are regulated currently. Eric Dubowik answered that
41 the current regulations had been adopted from the 2014 Electrical Code. He noted these codes
42 are now reserved because of how fast the technology has advanced in solar panels since they
43 were adopted.
44

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Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for 2018, cont.

Eric Dubowik explained that the Fire Chief requested these new codes be adopted. The new code would keep homeowners and service personnel, especially fire fighters, much safer than the current codes. He explained the biggest changes to the required safety labels are to be clearly seen and reflective. Rapid shut downs would be required for all new installed solar panel systems. The roof clearances would be increased from 1' to 3' around the entire ridge of the roof. The danger zone would decrease from 10' to 1'.

Joe Constance asked how would the rapid shut down be activated. Eric Dubowik explained the different situations that would activate the solar panels rapid shut down feature. First loss of power would activate the rapid shut down and the boxes could be manually shut down in emergency situations.

Ed Carroll asked if solar panel systems installed within the past few years would be close to these new proposed codes. Building and Code Enforcement Officer Ed Hunter replied that older systems would most likely be in compliance with the current 2014 codes but would not comply with the new codes if adopted. Eric Dubowik noted that the new code required all new solar panel systems to have rapid shut down features by 2019. Eric Dubowik noted that older solar panel systems had panels that were connected electrically and with the new technology, each panel would be self-sufficient.

Mark Suennen asked where would the rapid shut down device be installed. Eric Dubowik noted the rapid shut downs will need to be within 3 feet of the incoming service box on the exterior of the home. Mark Suennen asked if the required rapid shut down would only be for the solar panel systems that are attached to a home or would they pertain to stand alone systems also. Eric Dubowik stated that the code addresses both types of systems but freestanding units may not have as many regulations.

Mark Suennen suggested that Eric Dubowik meet with Planning Consultant, Mark Fougere to review the language for the amendments to the Building Code. Mark Suennen stated amendments would need to be submitted by the end of November. He suggested the Building Code Chapter could only reference the official code that would be adopted.

Ed Hunter noted the new codes would clearly specify the standards for electrical and building requirements for any new solar panel systems to be installed.

Peter Hogan requested that item 4a and 4b on Miscellaneous be discussed with the Building and Code Enforcement Officer Ed Hunter.

- 4a. Copy of letter, dated October 24, 2017, from Ed Hunter, Building and Code Enforcement Officer, to Mario & Genevieve Pelletier, re: cordwood processing site plan, Tax Map/Lot# 14/105, for the Board's review and discussion.

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Miscellaneous Business and correspondence, cont. (ONLY items 4a and 4b)

4b. Copy of Approved Non-Residential Site Plan and Site Notes, Tax Map/Lot #14/105 212
McCollum Road.

Peter Hogan asked Ed Hunter if the violation was discovered during site compliance or was there a complaint. Ed Hunter noted there had been a complaint that the location of the sawmill was too close to the road. Ed Hunter noted the owner had been notified that they would need to move the unit back at least 150' from the road to comply with the approved site plan. Ed Hunter noted he would have to follow up to see if the unit was moved.

Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for 2018.

Mark Fougere noted the Board had the letter to review that he drafted to notify the property owners of the proposed zoning change. The letter would be sent to all the property owners that would be considered for re-zoning of the lots along River Road from the center of Town to Molly Stark Lane. Mark Fougere noted the allowed uses in both residential and commercial district would be enclosed with the letter. Property owners were requested to respond by the deadline of November 13, 2017 to be able to discuss at the November 14, 2017, Planning Board meeting.

Ed Carroll asked if the impacts on the tax rates had been researched. Mark Fougere noted he had emailed the Assessor. The Assessor had indicated a form would need to be completed by the property owner indicating the primary use as residential and submitted to the State of NH. Mark Fougere noted he would like to discuss this in more detail with the Assessor. He noted he would try to have this information for the Board at the next meeting.

Ed Carroll asked for the language to be changed in the proposed letter and the Board agreed on the revisions to be made to the letter prior to mailing. The lots to be included were discussed and the Board agreed the letter could be sent with the requested changes.

Mark Fougere referred to the Tax Map that the Board was given to indicate the lots proposed for zoning changed on Chestnut Hill Road. Mark Fougere said that the owner of the lots is Emile Bussiere Jr. and he would be interested if the Board would support the change to zoning on these lots from residential to commercial use. Peter Hogan said that he felt the Board would fully support the proposed change to commercial and had been looking for lots that could be used for commercial use in this area of Town for some time now.

Mark Suennen pointed out that the lots proposed for the zoning change appear to be directly across from Klondike Corner.

Mark Fougere noted there are lots that are in the same area that had already been zoned for commercial use.

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Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for 2018, cont.

Ed Carroll asked if Mr. Bussiere currently owned the lots. Mark Fougere answered that Mr. Bussiere is the current owner.

Joe Constance asked if both of the lots shown would be used for commercial. The lots abut each other and are marked as 84 acre and 40 acre lot. Mark Fougere believed that both of the lots would be proposed for the change to commercial use.

Peter Hogan stated if the owner was looking for the support of the Board, he would be all in favor to support the change. He believed this would be the most viable area in Town for commercial use. Mark Fougere agreed that the areas in Town are limited for possible lots for commercial use and these lots would be ideal.

Mark Suennen asked if the owner had given any ideas or indication what kind of commercial business he would propose for the lots. Mark Fougere was not sure but believed that the idea for a gas station was possible.

Mark Fougere asked the Board if they would support the owner of the lots if he were to propose the change to commercial use for these lots. The Board members were all in favor to support the owner's proposal.

Mark Fougere asked if the Board would like to move forward with the proposed Older Persons Housing Ordinance in 2018. The Board was all in favor. Mark Suennen and David Litwinovich noted they had some changes to the document. Mark Fougere noted that any further changes could be handled through email.

Continued Discussion, re: Master Plan, specifically; east side overlay district.

Mark Fougere referred to the East New Boston Neighborhood Plan that is included in the Master Plan. Mark Fougere told the Board they would need to identify a few reasons to describe the thought behind this plan. The Board should also discuss any issues that need to be addressed.

Ed Carroll stated he thought that the East side of New Boston would be the most in need of Town services. Mark Suennen asked Ed Carroll if he meant services such as ambulance, police and fire. Ed Carroll replied yes.

Joe Constance mentioned two items to consider in development of the East side of New Boston, Bedford Road traffic flow and common driveway cuts. Joe Constance stated there are some improvements with the flow of traffic on Bedford Road since the most recent road construction but believed there would need to be some reconfiguring in a few more spots along Bedford to improve the flow of traffic.

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Continued Discussion, re: Master Plan, cont.

Mark Suennen suggested reviewing the future possibilities for an overlay district. Ed Carroll asked what benefits would come from overlaying the district. Mark Suennen said it would prevent the need for the lots to be re-zoned for other use.

Peter Hogan noted that many lots would probably exist if the Town allowed common driveway cuts but there had been issues with neighbors not getting along that had shared driveways. He suggested to maybe only allow shared driveways if the frontage for each lot allowed for the space if they ended up needing to be separated.

Mark Fougere said he had suggested reviewing the possibility for common driveway cuts in this area because it would limit the driveway cuts on the main road.

Miscellaneous Business and correspondence for the meeting of October 24, 2017, including, but not limited to:

1. Approval of the September 26, 2017, meeting minutes, with or without changes. (distributed by email)

Mark Suennen **MOVED** to approve the September 26, 2017, meeting minutes, with changes. Ed Carroll seconded the motion and it **PASSED** anonymously.

2. Distribution of the October 10, 2017, meeting minutes, for approval at the November 14, 2017 meeting, with or without changes. (distributed by email)
3. Letter received October 12, 2017, from Heather Storzbach, to the New Boston Planning Board, re: need for NRSPR/operation of home business, Tax Map/Lot# 8/4, 106 Clark Hill Road, for the Board's review and discussion.

Planning Board Assistant Nadine Scholes noted that Heather Storzbach had first indicated she would not be having any customers come to her home. Then in the letter she indicated there could be some customers that would come to her home but not on a regular basis. Nadine Scholes noted that Heather Storzbach's letter indicating the occasional visit at her home and the need for signage would require her to submit the application and Non-Residential Site Plan for the Board to approve. The Board agreed that the application would need to be submitted for operation of this home business.

- 4a. Copy of letter, dated October 24, 2017, from Ed Hunter, Building and Code Enforcement Officer, to Mario & Genevieve Pelletier, re: cordwood processing site plan, Tax Map/Lot# 14/105, for the Board's review and discussion.

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1 **Miscellaneous Business and correspondence, cont.**

2

3 4b. Copy of Approved Non-Residential Site Plan and Site Notes, Tax Map/Lot #14/105, 212
4 McCollum Road.

5

6 Both 4a and 4b were discussed earlier in meeting with the Building and Code Enforcement Offi-
7 cial, Ed Hunter.

8

9 Joe Constance mentioned that he had requested the Fire Wards to research other alterna-
10 tive options for water cisterns that would not cost as much but still serve the same purpose. Joe
11 Constance noted he would update the Board with any new information he received from the Fire
12 Wards.

13

14 Joe Constance **MOVED** to adjourn public session at 8:13pm to continue
15 in Non-public session per RSA 91-3:A II, sections A, B & C. Mark
16 Suennen seconded the motion and it **PASSED** unanimously.

17

18

19 Respectfully submitted,
20 Nadine Scholes, Planning Board Assistant

Minutes Approved: 12/12/17