

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2017

12/12/17

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

6
7 Ed Carroll was not present.

8
9 Present in the audience for all or part of the meeting were Kaleb Jacob and Jonathan
10 Willard.

11
12 **Public Hearing on proposed Zoning Ordinance Amendments.**

13
14 Mark Suennen entered the public hearing notice into the record for the proposed Zoning
15 Ordinance amendments.

16
17 Kaleb Jacob requested a copy of the proposed articles. He asked why was the Board im-
18 plementing these changes. Mark Suennen stated that each proposed article and explanation will
19 be read and could be discussed further if necessary.

20
21 Mark Suennen read the proposed Article #1 to add the use by Conditional Use Permit
22 “CUP” for Housing for Older Persons in the Residential One “R-1” and Residential-Agricultural
23 “R-A” districts. He explained that the Board’s intent would be to encourage the development of
24 55+ senior communities. He noted this had been known to work well in other communities and
25 would promote residential growth without impacts on school tax rates.

26
27 Kaleb Jacob asked if there are current plans for this kind of development in Town. The
28 Coordinator, Shannon Silver, noted that in the past, there had been a few proposals from devel-
29 opers, which had been unsuccessful, but currently there are no active proposals. The proposed
30 amendment would add the allowed use by Conditional Use Permit “CUP” for this type of devel-
31 opment.

32
33 Mark Suennen read the proposed Article #2 to amend the zoning map. He explained that
34 the owner of the lots had requested the Board support rezoning two lots of land, Tax Map/Lot #s
35 15/16 & 15/17, located on Bedford Road and Chestnut Hill Road from Residential-Agricultural
36 “R-A” to Small Scaled Commercial “COM”. Mark Suennen mentioned that the two lots are lo-
37 cated in the Klondike Corner area, adjacent to the tracking station.

38
39 Mark Suennen read the proposed Article #3 to amend the definitions in the Zoning Ordi-
40 nance related to accessory dwelling units. The language update would clarify the size limits for
41 both attached and detached accessory dwellings units.

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

12/12/17

Public Hearing on proposed Zoning Ordinance Amendments, cont.,

Mark Suennen asked the public for any questions or comments regarding any of the proposed Articles #1 through #3 to amend the Zoning Ordinance; there were no comments or questions and the public hearing was closed for the Board deliberations.

David Litwinovich referred to Article #1, he recalled the Board discussing a maximum of 40% for Open Space requirements. Mark Suennen clarified that the Board had decided not to limit the maximum requirement and would review case-by-case basis for the possibility of increased density if larger areas of open space were offered. David Litwinovich was good with not limiting the maximum requirement.

Peter Hogan **MOVED** to forward the proposed amendments to the Zoning Ordinance as presented at this public hearing for a ballot vote in March 2018. Joe Constance seconded the motion and it **PASSED** unanimously.

Public Hearing on proposed Building Code Amendments.

Mark Suennen entered the public hearing notice into the record for the proposed Building Code amendments.

Mark Suennen read the proposed Article #4 to amend Chapter NB-5.0: Sprinkler Systems for new One and Two Family Dwellings and Manufactured Homes to meet current NFPA 13 Code requirements. He noted that the Fire Inspector had recommended this amendment.

Kaleb Jacob asked if this amendment for sprinkler systems would replace the need for cisterns within a subdivision. Mark Suennen answered no. The proposed amendments would only reflect the most recent NFPA 13 Code requirements. Mark Suennen continued to explain that the Planning Board met with the Fire Wards a few months back to discuss the concerns for fire fighting water supply. He had recalled the Fire Wards expressing that they want both, sprinklers and cisterns. The discussion will continue when they gather the information that the Board had requested. The Coordinator, Shannon Silver, mentioned that the Town couldn't require sprinklers as an alternative to a cistern. She mentioned the Fire Wards were currently researching other cistern alternatives and updating the cistern map showing the driest areas of Town. The Fire Wards will advise when they have the material ready to meet again with the Planning Board.

Mark Suennen read the proposed Article #5, #6 and #7, to add new chapters to the Building Code for Commercial and Industrial Fire Alarm Systems, Knox Boxes and Tent Permits.

Mark Suennen asked the public for any questions or comments regarding any of the proposed Articles #4 through #8 to amend the Building Code.

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

12/12/17

Public Hearing on proposed Building Code Amendments, cont.,

1
2
3 Kaleb Jacob asked if the Board members were unanimous on all the proposed articles and
4 does the Board have to submit the amendments that other departments suggest. The Board noted
5 they would deliberate immediately after the public hearing was closed and vote to move the arti-
6 cles to ballot. Peter Hogan asked Kaleb Jacob why he had asked if the Board was unanimous.
7 Kaleb Jacob stated that he was only curious because most of the proposed articles appeared to
8 come from the Fire Inspector to amend the Building Code; the Board clarified the Fire Inspector
9 had recommended the adoption/amendments to reflect the most recent National codes. Kaleb
10 Jacob stated that the amendments to require sprinkler systems did not make sense to him. Peter
11 Hogan asked Kaleb what didn't make sense. Kaleb Jacob answered that it did not match up with
12 what he heard at the Fire Ward meetings he attended regarding water supply, they only discussed
13 wanting cisterns. The Coordinator, Shannon Silver, explained the regulations for sprinkler sys-
14 tems in the New Boston Building Code existed for some time and this was merely an update to
15 reflect current NFPA regulations. Kaleb Jacob said the way he read the article, it seemed that all
16 existing homes in New Boston would need to add sprinkler systems. The Board disagreed; Joe
17 Constance stated that statutorily the Town could not mandate sprinkler systems; Mark Suennen
18 added that was made clear by the State Legislator.
19

20 Kaleb Jacob asked if homes could have been built without sprinkler systems 15 years
21 ago. Mark Suennen answered yes but developers have the option for one or the other, sprinklers
22 or installing a cistern. The Coordinator added that the trigger for requiring a water supply was
23 with subdivisions that created 5 lots or more.
24

25 Mark Suennen referred back to the question Kaleb Jacob asked regarding the articles
26 submitted by other departments. He noted that the process required the Building Inspector, Fire
27 Inspector and/or citizens to present any proposed Zoning or Building Code amendments to the
28 Planning Board and the Board vetted the articles before they go to Town ballot.
29

30 Kaleb Jacob referred to proposed article #8 and asked if every tent would now need a
31 permit, i.e. Farmers' Market. Mark Suennen explained that all tents erected need to be inspected
32 and permitted. The Coordinator explained that this requirement would pertain only to industrial
33 and commercial tents. The Board was unsure if Farmers' Market fell under the industri-
34 al/commercial category but the Coordinator noted that the Farmers' Market does get permits re-
35 gardless. Jonathan Willard asked if a tent rental for a wedding would need a permit. The Board
36 answered that type of tent would require a permit. Mark Fougere noted there was an incident
37 with a tent involving a child and the adoption of requiring tents to be inspected most likely de-
38 rived from that situation.
39

40 Mark Suennen asked for any further comments or questions from the public; there were
41 none. Mark Suennen closed the public hearing and opened for the Board deliberations. The
42 Board had nothing further to be discussed.
43
44

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

12/12/17

Public Hearing on proposed Building Code Amendments, cont.,

Peter Hogan **MOVED** to forward the proposed amendments to the Building Code as presented at this public hearing for a ballot vote in March 2018. Joe Constance seconded the motion and it **PASSED** unanimously.

Miscellaneous Business and correspondence for the meeting of December 12, 2017, including, but not limited to:

Mark Suennen noted that Jonathan Willard was in attendance and the Board would discuss Misc Business 5a and 5b with Mr. Willard.

5a. Letter dated December 12, 2017, from Jonathan Willard to New Boston Planning Board, re: petition to amend Zoning Ordinance, Tax Map/Lot #18/20, 20 River Road, for the Board's review and discussion.

5b. Copy of petition, dated December 9, 2017, to amend the New Boston Zoning Ordinance, re: Tax Map/Lot #18/20, 20 River Road.

Jonathan Willard mentioned that he had discussed with the Board, at a meeting a few months back, changing the zoning on his property. He had submitted the proposed article with the required 25 signatures. Mark Suennen asked Jonathan Willard if he was aware of what the Board did after he came in. Jonathan Willard said he knew what the Board did. He expressed that it seemed his proposal morphed into asking other property owners along River Road if they too would be interested in changing zoning. This was not his intention. Mark Suennen told Jonathan Willard that the Board had decided to explore if other owners would be interested in changing their property to commercial along River Road but the responses were negative.

Peter Hogan asked what kind of business did Jonathan Willard imagine for the property. Jonathan Willard stated that he thought another day care or office space. He expressed that he would like to keep the character of the Town. Peter Hogan asked Jonathan Willard why he thought these business types were not allowed on the property with the current Residential-Agricultural zoning. Jonathan Willard explained that the property is currently designated as a 2 family and wouldn't be considered a home business that would fall under the acceptable uses even with a special exception. He believed it would be more difficult to present to the Zoning Board for the granting of a special exception because of the existing day care in one of the units. He intended to keep the existing tenant, Little Peoples' Depot and would allow more options for the other unit if the property were rezoned as commercial. Peter Hogan asked if the property across the street and on the sides of the Willards' property was zoned as Residential-Agricultural. Jonathan Willard noted that there were not any buildings across the street and he was unsure of the zoning.

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

12/12/17

Miscellaneous Business and correspondence, cont.,

1
2
3 Peter Hogan stated that he felt inclined to not support the proposal to rezone because of
4 the negative feedback received from other property owners along River Road. Jonathan Willard
5 believed the feedback was negative because it proposed changing the zoning on their property,
6 he doesn't think these same people would be against changing only his property to commercial.
7 Jonathan Willard said the property he owned had been many different types of businesses
8 throughout the years. It was once a funeral home and a fire safety supply store.
9

10 Joe Constance asked if the Board had to make a decision at the meeting tonight if they
11 want to support the petition. The Coordinator, Shannon Silver, noted the petition would need to
12 be submitted to the Selectman by tomorrow, December 13, 2017. She explained that if the peti-
13 tion is submitted to the Selectmens office, it would need to be date stamped and the Town Clerk
14 would verify that all the signatures are New Boston residents and are registered voters. Then she
15 would schedule the public hearing for the first meeting in January for the Board to decide on
16 supporting the petition or not and would vote to move the petition to the ballot.
17

18 Mark Suennen noted this would be the time to recommend any changes to the petition
19 language or anything else that the Board found that should be changed before submitting the pe-
20 tition to the Selectmens office.
21

22 Jonathan Willard said he was curious if the feedback would be different if the same group
23 of people were asked if they support rezoning only his property. He believed most would sup-
24 port rezoning only his property if there was no effect on their properties zoning. The Coordina-
25 tor, Shannon Silver, said one of the residents that responded to the letter had expressed that this
26 was their home and they have lived here for many years. This is where they go to relax and
27 didn't want to come home and listen to cars being worked on across the street or have their home
28 surrounded by businesses. The other concern was the impact on their taxes. Jonathan Willard
29 asked what would the impact be on taxes if a property were rezoned as commercial. The Coor-
30 dinator replied that the property tax would be accessed on a case-by-case basis. Jonathan
31 Willard asked if there would be tax impacts to abutting properties if only his property was re-
32 zoned as commercial. The Coordinator answered that only the property rezoned would be im-
33 pacted.
34

35 Jonathan Willard questioned if his property were rezoned to commercial would there be
36 an effect on the current residential use. Mark Suennen believed that the existing use would re-
37 main in effect if that was in fact the current use at the time the property is rezoned. The current
38 use would remain as long as the property is maintained as that use. If the property were to
39 change to commercial use and stayed in that use for 2 years, it would become exclusively com-
40 mercial use. The Zoning Board would need to grant a new special exception to go back to resi-
41 dential use.
42

43 The Coordinator, Shannon Silver, explained to Jonathan Willard, that he would need to
44 personally drop off the original copy of the petition to the Selectmens office between 9am and

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

12/12/17

Miscellaneous Business and correspondence, cont.,

4pm the next day to meet the deadline. Jonathan Willard understood and thanked the Board for their time.

1. Approval of the October 24, 2017, meeting minutes, with or without changes. (distributed by email)

Peter Hogan **MOVED** to approve the meeting minutes of October 24, 2017, with changes. Joe Constance seconded the motion and it **PASSED** unanimously.

2. Approval of the November 14, 2017, meeting minutes, with or without changes. (distributed by email)

Joe Constance **MOVED** to approve the meeting minutes of November 14, 2017, with changes. Peter Hogan seconded the motion and it **PASSED** unanimously.

3. Distribution and approval of the November 28, 2017, meeting minutes, with or without changes. (distributed by email)

The Board decided to push out the approval of the November 28, 2017, meeting minutes to the meeting on January 9, 2017.

4. Discussion re: NRSPR, Tax Map/Lot #6/45, Capital Rock Drilling & Blasting.

The Coordinator, Shannon Silver, noted that Louis Rumore took over ownership of the property after the gravel pit was reclaimed. Louis Rumore has complied with the request to submit a new site plan for Capital Rock. The Coordinator stated that she wanted to get the Board's opinion if a formal Non-Residential Site Plan Review would be necessary. The Coordinator explained that the property had been granted a special exception in 1986 for the garage, office and buildings and then in 1987 the site plan was submitted to operate as a contractors yard but had very limited details on site specifications. Louis Rumore was asked to submit a formal site plan for the new use and to include the location on the site plan for the storage of explosives. The Coordinator stated that the site plan was submitted but missing the specifications for the hours of operation, employees, etc., this information was submitted by letter along with the required State and ATF permits for the use and storage of explosives. Peter Hogan asked if the site plan was available to view. The Coordinator handed the site plan to Peter Hogan and explained that the site specifications are included on the letter that the Board had a copy of. The Coordinator noted there had been a few different tenants at this location but when Louis Rumore purchased the property, she had suggested he submit a new site plan to keep on record.

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

12/12/17

Miscellaneous Business and correspondence, cont.,

1
2
3 Peter Hogan stated that he believed there would be nothing gained with having a formal
4 review. Mark Suennen disagreed; he believed that a formal review was necessary and if the pub-
5 lic heard about explosives at the site, this could cause some concern. Joe Constance stated he
6 knew the Building and Code Enforcement Officer, Ed Hunter, had visited the site many times
7 since Louis Rumore took over ownership. The Coordinator also mentioned that in order to get
8 the permit/license to use explosives, they had three separate site inspections over a three month
9 period. The inspections were conducted by the Bureau of Alcohol, Tobacco, Firearms and Ex-
10 plosives, aka ATF. She noted that Capital Rock had complied with the ATF regulations to re-
11 ceive the permit and permits have already been issued to Capital Rock from both the ATF and
12 the State's Department of Safety.

13
14 Peter Hogan believed that more harm than good would result from having a public hear-
15 ing. He believed it would only create issues if it were advertised that explosives are stored on
16 the property. Peter Hogan believed that all the required paperwork was submitted and could be
17 kept on record without a formal review. Joe Constance agreed with Peter Hogan, he believed the
18 site was in full compliance with the ATF standards and Town's regulations. Peter Hogan stated
19 that even an informational review would not be necessary. David Litwinovich agreed. Mark
20 Suennen stated that the consensus of the Board would not require a public hearing for a formal
21 site plan review. The documents/site plan submitted by Capital Rock would be kept on record as
22 the current use for the property located at 306 River Road.

23
24 Mark Suennen asked if the Board had any other business to discuss. The Coordinator,
25 Shannon Silver, mentioned that David Litwinovich had sent her an email suggesting the Board
26 discuss the possible future use of the Tracking Station. David Litwinovich said Kaleb Jacob
27 suggested the Tracking Station be reviewed for future use at the last Board of Selectmen meet-
28 ing. The Board could start discussion on rezoning the land and what could be some potential us-
29 es, to prepare for the day the Tracking Station is turned over / sold to a private party. Joe Con-
30 stance said that he had mentioned at the Selectmens meeting that the Planning Board already had
31 some discussions about the future use of the Tracking Station during the review of a recent sub-
32 division that involved a parcel abutting the Tracking Station. Kaleb Jacob said that he had heard
33 from a Selectman in Mont Vernon that they had already rezoned the portion of the Tracking Sta-
34 tion they owned to prepare for future use.

35
36 Mark Fougere noted that he could include a section in the Future Land Use Chapter of the
37 Master Plan for the use of Tracking Station. He noted that Southern New Hampshire Planning
38 Commission had recently added a new GIS representative and he would be meeting with her to
39 complete the Current Use map. Mark Suennen suggested the Board think about what should be
40 considered for potential uses of the Tracking Station and it could be discussed at the first meeting
41 in January 2018.

42
43 Mark Suennen mentioned a Master Plan that was done for Fort Devens. He noted that
44 although New Boston is not as large and advanced as the Fort Devens area but the Master Plan

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

12/12/17

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

2

3 they had was well done. They zoned specific areas for commercial use, industrial use, residential
4 use and mixed use.

5

6 David Litwinovich mentioned the Board had received an email from Ed Carroll regarding
7 the deadline for the Comprehensive Economic Development Strategy Program (CEDS), which
8 had already passed for this year. He suggested the Board review any potential projects that could
9 be submitted before next year's deadline. The Coordinator, Shannon Silver, noted that Ed Car-
10 roll was the Planning Board representative on the CEDS Committee. This was the first corre-
11 spondence she had received in regards to any deadlines. Mark Suennen noted that Ed Carroll
12 had mentioned at a meeting a few months back that the deadline was approaching for submitting
13 projects to CEDS. Mark Suennen stated he did not believe the Board had anything to submit so
14 it was not mentioned again until now. The Coordinator noted she would touch base with Ed Car-
15 roll regarding the requirements to submit projects and ask him to keep her updated on the infor-
16 mation he gathers from the committee meetings.

17

18

19 Joe Constance **MOVED** to adjourn the meeting at 7:33 p.m. David
20 Litwinovich seconded the motion and it **PASSED** unanimously.

21

22

23

24 Respectfully submitted,

Minutes Approved: 01/23/18

25 Nadine Scholes, Planning Board Assistant