

**TOWN OF NEW BOSTON**  
**NEW BOSTON PLANNING BOARD**  
**Minutes of 2011 Meetings**

June 14, 2011

1

1 The meeting was called to order at 6:30 p.m. by Vice Chairman Peter Hogan in Chairman  
2 Stu Lewin's absence. Present were regular members Mark Suennen and Don Duhaime, Alternate  
3 Member David Litwinovich, and Ex-officio Christine Quirk. Also present were Planning  
4 Coordinator Nic Strong, Planning Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5  
6 Present in the audience for all or part of the meeting were Jillian Harris, SNHPC, Ken  
7 Lombard, Vinnie Iacozzi, Margaret McGann and Sean McGann.

8  
9 Peter Hogan seated Alternate Member David Litwinovich as a full voting member.

10  
11 **Discussion, re: Subdivision/Site Plan Review Regulation Amendments**

12  
13 Present for all or part of the meeting was Jillian Smith, SNHPC

14 Peter Hogan noted that the amendments to the Subdivision/Site Plan Review Regulations  
15 had been an ongoing task of the Board.

16 The Coordinator advised that no new changes had been made to the draft that had  
17 previously reviewed by the Board. She continued that the only information that had been  
18 missing from the draft was relative to parking numbers for different uses. She stated she had  
19 reviewed the book "Parking Generation" and it had advised that it should not be used as a  
20 standard; however, she went through and recorded some of the averages, noting that some of  
21 New Boston's zoning uses were not included in the book. She also noted that the averages  
22 represented in the book were derived from suburban areas and as such it was necessary for the  
23 Board to determine whether the numbers were applicable to New Boston.

24 Peter Hogan asked if the parking numbers that needed to be determined were required  
25 numbers or guidelines. The Coordinator answered that the numbers contained in the Town's  
26 Regulations were minimum requirements. Peter Hogan asked if the Board could exercise  
27 discretion to lower the minimum requirements. The Coordinator answered that the minimums  
28 could be lowered through the Site Plan Review Regulations waiver process.

29 Peter Hogan reviewed the current parking minimums and commented parking amounts  
30 for the listed categories could vary, i.e., daycare centers and dentist office. It was his opinion  
31 that the minimums listed could act as a good guideline but it was important that the Board had  
32 the ability to adjust the required numbers.

33 Peter Hogan asked for additional comments or questions from the Board; there were  
34 none.

35 Peter Hogan commented that the level of aggressiveness with regard to how applicants  
36 ran their businesses varied, specifically noting Dr. Brenner's dental practice. He stated that Dr.  
37 Brenner's office parking lot was typically "packed". He continued that Dr. Brenner had agreed  
38 to more parking than the minimum required for his site plan.

39 Peter Hogan asked if the "Parking Generation" book offered suggestions for parking  
40 minimums with regard to vehicular sales. The Coordinator answered that it did not. Peter  
41 Hogan believed that parking minimums for the vehicular sales category should be reviewed. The  
42 Coordinator referred the Board to a spreadsheet that had been supplied to them with the first  
43 packet of information relative to this matter. She noted that numbers used by other towns were

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1 **DISCUSSION RE: REGULATION AMENDMENTS, cont.**

2  
3 listed and that the Town of Bow had similar uses to the Town of New Boston. She continued  
4 that Bow listed the following numbers for vehicular sales:

- 5
  - 1 parking space per 600 s.f.;
  - + 1 parking space per 3,000 s.f. of outdoor space.

6 She also noted the following numbers used by the Town of Bow for vehicular repair:

- 7
  - 4 parking spaces per bay.

8 Peter Hogan asked what zone repair fell under. The Coordinator answered that vehicular  
9 repair was under the Commercial District. Peter Hogan noted that most of the vehicular repair in  
10 New Boston fell under home businesses in the Residential-Agricultural “R-A” District.

11 The Coordinator stated that the Town of Milford listed the following numbers for  
12 vehicular sales/repair:

- 13
  - 1 parking space per employee on the largest shift, + 1 parking space per 1,000 s.f.; or
  - 4 parking spaces per bay.

14 The Coordinator noted that the Town of Hollis listed the following numbers for vehicular  
15 sales:

- 16
  - 1 parking space per employee on the largest shift, + 1 parking space per X s.f. of display,  
17 + 1 per repair bay.

18 Peter Hogan commented that he was not too concerned with vehicular sales parking as  
19 typically customers parked next to vehicles they were interested in purchasing and not in the  
20 customer parking areas.

21 Peter Hogan asked for questions or comments from the Board. David Litwinovich  
22 questioned the reason for creating parking space minimums. Peter Hogan answered that it was  
23 good to have a guideline as it served as a starting point for applicants.

24 Peter Hogan asked if the Coordinator had any information to add to the discussion. The  
25 Coordinator pointed out that the section stated that “any parking requirements not addressed in  
26 the following use list would be examined during Non-Residential Site Plan Review”. She noted  
27 that the Board needed to determine how they wanted to finalize the minimum parking  
28 requirements. Mark Suennen added that he was not particularly concerned with assigning  
29 minimum requirements to businesses that were not currently in Town, i.e., funeral homes or  
30 theaters. Peter Hogan asked for the current list of uses that had minimum requirements. The  
31 Coordinator stated the current uses were lodging house, residential, church or school, private  
32 club or lodge, theater, hospital/nursing or convalescent home, professional office business  
33 service or medical clinic, retail business or personal service establishment, eating and drinking  
34 establishment, industrial, funeral home and daycare center. She pointed out that some of the uses  
35 listed did not exist anymore because the definitions had been changed. Mark Suennen asked the  
36 Board to agree to not list minimum requirements for the categories of funeral home and theaters  
37 and to review them on a case-by-case basis. Peter Hogan agreed and added that the uses that did  
38 not exist should be listed.

39 The Coordinator asked the Board to determine which uses contained in zoning they  
40 wanted to have a minimum requirement listed in the site plan review regulations. The Board  
41 determined that there were uses that required Special Exceptions and, therefore, extra discussion  
42  
43

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1 **DISCUSSION RE: REGULATION AMENDMENTS, cont.**

2  
3 regarding traffic and so forth, for which they did not wish to specify a number in the regulations.  
4 The same was true for some uses that the Board either did not think would take place in New  
5 Boston or that would require lengthy discussion at the time a site plan was submitted. The  
6 Coordinator listed each use and the following was determined:

- 7 • Office: 1 parking space per 250 s.f.
- 8 • Warehouse: Negotiable at time of application
- 9 • Vehicular Sales: Negotiable at time of application
- 10 • Vehicular Repair: Negotiable at time of application
- 11 • Auto Service Station: Negotiable at time of application
- 12 • Research & Development: 1 parking space per 250 s.f.
- 13 • Retail: 1 parking space per 300 s.f.
- 14 • Museum & Gallery: Negotiable at time of application
- 15 • Restaurant: 1 parking space per 3 seats
- 16 • Medical/Dental Clinic: Negotiable at time of application
- 17 • Long-term Care Facility: 1 parking space per 3 beds and 1 parking space per 3 employees
- 18 • Bank: Negotiable at time of application
- 19 • Indoor/Outdoor Recreation: Negotiable at time of application
- 20 • Health Club/Gym: Negotiable at time of application
- 21 • Funeral Home: Negotiable at time of application
- 22 • Hotel/Motel: 1 parking space per room
- 23 • Bed & Breakfast/Inn: 1 parking space per room
- 24 • General Service/Repair: Negotiable at time of application
- 25 • Personal Services: 1 parking space per 300 s.f.
- 26 • Business Incubator: Negotiable at time of application
- 27 • Membership Club: Negotiable at time of application
- 28 • Theater: Negotiable at time of application
- 29 • Kennel: Negotiable at time of application
- 30 • Small Engine: Negotiable at time of application
- 31 • Carwash: Negotiable at time of application
- 32 • Private School: Negotiable at time of application
- 33 • Daycare: Negotiable at time of application
- 34 • Self Storage: Negotiable at time of application
- 35 • Saw Mill: Negotiable at time of application
- 36 • Contractor's Yard: Negotiable at time of application
- 37 • Removal of Earth Products: Negotiable at time of application
- 38 • Copy/Print Shop: Negotiable at time of application
- 39 • Pharmacy: 1 parking space per 300 s.f.

40

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1 The Coordinator advised that she would make the amendments discussed this evening to  
2 the Non-Residential Site Plan Review draft and schedule a public hearing.

3  
4 **Discussion, re: Master Plan Energy Chapter**

5  
6 Present in the audience were Jillian Harris, SNHPC, Jerri Stanford, David Mann and Jay  
7 Marden.

8 Jillian Harris, SNHPC, provided the Board with a handout relative to her presentation.  
9 She stated that she was present to discuss a new chapter for the Master Plan with regard to  
10 energy planning for the Town of New Boston.

11 Jillian Harris, SNHPC, stated that the Southern New Hampshire Planning Commission,  
12 (SNHPC), had been working on a program for the Town called Energy Technical Assistance &  
13 Planning for New Hampshire Communities, (ETAP). She noted that the program was scheduled  
14 to run for two years, was federally funded and was developed by the NH Office of Energy and  
15 Planning under the Energy Efficiency Conservation Block Grant Program.

16 Jillian Harris, SNHPC, advised that the goals of ETAP were: 1) to advance the level of  
17 energy efficiency for all New Hampshire municipalities and provide the tools needed to monitor  
18 energy performance; and 2) provide energy efficiency technical assistance at no cost to  
19 municipalities and counties in New Hampshire.

20 Jillian Harris, SNHPC, informed the Board that ETAP worked by conducting energy  
21 inventories of municipal buildings to determine needs and priorities regarding energy efficiency  
22 as well as providing technical assistance to municipalities based on those needs and priorities.  
23 She noted that an energy inventory had been completed for the Town of New Boston.

24 Jillian Harris, SNHPC, stated that the types of technical assistance available were energy  
25 inventories, building assessments, service procurement support, action plan creation, grant  
26 writing assistance and development of energy master plans and capital improvement plans for  
27 energy.

28 Jillian Harris, SNHPC, noted that ETAP also provided the Energy Inventory Tool via the  
29 Peregrine Energy Group. She explained that the tool was available at no cost and provided the  
30 ability to track energy usage and measure savings generated by energy efficiency programs.

31 Jillian Harris, SNHPC, stated that the Commission was ready to start an energy chapter  
32 for the Town's Master Plan. She advised that the legislation that enabled towns to adopt energy  
33 chapters in their Master Plans was established in 2008 through RSA 674:2(n) and provided that  
34 Master Plans could include "an energy section, which includes an analysis of energy and fuel  
35 resources, needs scarcities, costs and problems affecting the municipality and a statement of  
36 policy on the conservation of energy."

37 Jillian Harris, SNHPC, stated that communities needed energy chapters in their Master  
38 Plans to set goals and develop a statement of policy on the conservation of energy; to determine  
39 an energy baseline and set actions for achieving goals; to determine the responsible party for  
40 achieving goals; and, to determine when and how long actions would take place. She noted that  
41 towns could not adopt energy regulations without the Master Plan reflecting an energy  
42 conservation vision and those regulations must advance the goals stated in the Master Plan.

43 Jillian Harris, SNHPC, advised that the components of the Energy Master Plan included

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1 **DISCUSSION RE: MASTER PLAN ENERGY CHAPTER, cont.**

2  
3 an introduction, energy goals, existing conditions, planning roles, issues and concerns, new  
4 trends, recommendations and an action plan. She noted that she had provided the Board with a  
5 detailed outline of the aforementioned components and added that revisions could be made to the  
6 outline.

7 Jillian Harris, SNHPC, explained that the New Boston Energy Master Plan process began  
8 in March 2011 with the building assessments and reports. She continued that 3 buildings still  
9 needed to be assessed and she was hopeful that the assessments would be conducted within the  
10 next couple of weeks. She went on to say that the overview and start-up would begin this month,  
11 followed by a workshop on developing goals and objectives in July. She stated that she planned  
12 on coming before the Board in August to review prioritization of the recommendations. She  
13 continued that in September a final draft would be provided for review and a public hearing  
14 could be scheduled in October with the final revisions, followed by adoption of the energy  
15 chapter in November.

16 Jillian Harris, SNHPC, noted that she had provided the Board with her contact  
17 information as well as the contact information of David Preece, SNHPC, Executive Director,  
18 Jack Munn, Chief Planner, Eric Halter, Project Manager, and Steven Weisman, Vice President,  
19 Peregrine Energy Group.

20 Jillian Harris, SNHPC, asked for questions or comments. Peter Hogan asked if the goal  
21 of the project was for the Town to spend less money on energy. Jillian Harris, SNHPC,  
22 answered that the Town spending less money on energy was one of the goals of the project,  
23 however, there were also broader picture items to review, for example, land use.

24 Peter Hogan asked if the program would be federally funded. Jillian Harris, SNPC,  
25 answered that the money was coming from the State ETAP program.

26 Mark Suennen asked if SNHPC had done this chapter work for any other towns. Jillian  
27 Harris, SNHCP, answered that they had not, however, this would be done with six other towns in  
28 the region. Mark Suennen asked how much public participation SNHPC had anticipated. Jillian  
29 Harris, SNHPC, answered that they intended on inviting the public to three workshops as well as  
30 the public hearing. She added that drafts of the energy chapter would be accessible through the  
31 Town website and there would be notices posted in the New Boston Bulletin.

32 Christine Quirk asked for clarification that the funding that was available only pertained  
33 to creating the energy chapter for the Master Plan and did not apply to possible work related  
34 recommendations. Jillian Harris, SNHCP, confirmed that funding was only available for  
35 creating the energy chapter for the Master Plan.

36 Mark Suennen asked how many towns were chosen to participate in this Energy chapter  
37 project. Jillian Harris, SNHPC, answered that six of the thirteen towns in the region were  
38 participating.

39 Mark Suennen asked for further explanation of "service procurement support". Jillian  
40 Harris, SNHPC, explained that "service procurement support" assisted with receiving quotes and  
41 RFPs for recommendations made in the report.

42 Peter Hogan noted that a recommendation had been made relative to the Town Hall's  
43 need for a new boiler. He questioned why the source of the fuel was being changed from oil to

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1 **DISCUSSION RE: MASTER PLAN ENERGY CHAPTER, cont.**

2  
3 condensed propane. Jillian Harris, SNHPC, answered that Peregrine Energy Group had  
4 completed the report and she offered to have a representative come to appear before the Board  
5 and provide an explanation. Peter Hogan answered that it was not necessary for a representative  
6 to appear before the Board and simply asked for the question to be addressed through her. Jillian  
7 Harris, SNHPC, stated that she would get an answer to Peter Hogan's question.

8 Mark Suennen asked if the Town would be responsible for reimbursing the State for  
9 funds associated with writing the chapter using ETAP funds if the Town did not adopt the  
10 proposed Master Plan energy chapter. Jillian Harris, SNHPC, answered that she did not believe  
11 the Town would be responsible for reimbursing any funds associated with ETAP and added that  
12 she was unsure why the SNHPC would be going through with the program if the Town was not  
13 interested in adopting the energy chapter; she noted that she would look into the matter.

14 Peter Hogan asked for comments or questions. The Coordinator reminded Peter Hogan  
15 that the Chairman had submitted questions/comments to be addressed.

16 Peter Hogan asked if the Town of New Boston had requested for the SNHPC to conduct  
17 this Energy Chapter work. Jillian Harris, SNHPC, answered no. Mark Suennen questioned how  
18 New Boston had been chosen to participate. Jillian Harris, SNHPC, answered that an interest  
19 had been expressed in the program through Burton Reynolds, Town Administrator, and the  
20 Coordinator.

21 Mark Suennen suggested that the Chairman's comments of the SNHPC's "Scope of  
22 Work to an Addition of Energy Chapter to the Master Plan" be provided to Jillian Harris,  
23 SNHPC.

24 Christine Quirk asked if the Town was committing to complete the work contained in the  
25 recommendations by participating in the ETAP. Jillian Harris, SNHPC, answered that the Town  
26 was not committed to implement the recommendations because the Master Plan was advisory  
27 and the recommendations would need to be made into regulations or policies at a later date.

28 Peter Hogan asked why improvements to buildings was included in the Master Plan.  
29 Jillian Harris, SNHPC, answered that improvements to buildings did not have to be included in  
30 the Town's Master Plan, however, it was a good idea to do so. The Coordinator added that the  
31 Master Plan contained a Community Services and Facilities chapter that included goals from  
32 department managers for future expansions and the ETAP recommendations would go hand-in-  
33 hand.

34 Peter Hogan entered the Chairman's comments relative to the "Scope of Work to an  
35 Addition of Energy Chapter to the Master Plan" into the record. He noted that Jillian Harris,  
36 SNHPC, did not need to comment on the document. It was the consensus of the Board that the  
37 "Scope of Work" provided was acceptable was written and submitted.

38 The Coordinator noted that since the Chairman did not believe the "Scope of Work"  
39 should be signed by him without the changes he had suggested. She asked Peter Hogan in his  
40 capacity as Vice Chairman if he would sign the "Scope of Work" as it was written. Peter Hogan  
41 answered yes and executed the document.

42 Peter Hogan asked for further questions or comments; there were no further questions or  
43 comments.

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1 **VISTA ROAD, LLC**

2 Public Hearing/Major Subdivision/2 Lots

3 Location: Byam Road and River Road (Route 13)

4 Tax Map/Lot #6/40-2

5 Residential-Agricultural "R-A" District

6  
7 Present in the audience were Jay Marden, Vinnie Iacozzi, Ken Lombard, David Mann  
8 and Jerri Stanford.

9 Peter Hogan read the public hearing notice. He noted that a site walk had taken place on  
10 May 31, 2011, and it had been determined that the site was not properly marked. He read the  
11 Chairman's comments of the aforementioned site walk into the record as follows, "During the  
12 second site walk on Byam & River Road (aka Route 13) property for this application, contrary to  
13 the assurances by the applicant at the meeting when we scheduled the walk (and in response to a  
14 direct question from the Chair who had just stopped by the site on the way to the meeting), it was  
15 discovered that the bounds of the new driveway, as well as the location of the wetlands crossing  
16 had not been flagged. Instead, only the existing driveway was marked, as well as what appeared  
17 to be the new property line. It made having a meaningful site walk difficult – and it was a good  
18 thing that the engineer was there in order to try and dead reckon where the crossing would be and  
19 what the bounds of the disturbance would be. In addition, also contrary to our rules of  
20 procedures – the wetlands boundaries were not marked as required."

21 Vinnie Iacozzi apologized to the Board and explained that he had believed the  
22 appropriate markings had been made for the site walk. He and Eric Mitchell had tried to make  
23 the best of the site walk without it being marked. Peter Hogan commented that Vinnie Iacozzi's  
24 attempt at making the best of the unmarked site walk was not good enough. Mark Suennen  
25 added that the Chairman was clearly not happy to attend a second unmarked site walk for the  
26 property.

27 Peter Hogan asked when a meaningful site walk could be scheduled. Vinnie Iacozzi  
28 answered that he would need to have Eric Mitchell redo the markings. Mark Suennen  
29 commented that he did not believe an additional site walk was necessary. Don Duhaime asked if  
30 Mark Suennen had obtained enough information from the last site walk. Mark Suennen  
31 answered that he had received enough information to make a determination that he could not  
32 waive the Environmental Impact Study. Peter Hogan noted that the Chairman wanted to have a  
33 proper site walk. The Planning Assistant noted that in spite of the property not being marked  
34 properly, Eric Mitchell had been present with the plan and was able to show boundaries and  
35 markers in an effort to guide those present.

36 Vinnie Iacozzi stated that he took exception to Mark Suennen's opinion that an  
37 Environmental Impact Study was needed. He continued that the applicant had been granted the  
38 Wetlands Permit by DES and at least five studies of the property had been completed during the  
39 last seven years. It was his opinion that the Board would be requiring the applicant to reinvent  
40 the wheel with regard to this issue and spend a lot of money for what he considered a lot line  
41 adjustment. Mark Suennen disagreed that this matter was as simple as a lot line adjustment and  
42 noted that a portion of the property was being subdivided parallel to a stream/wetland that need  
43 to be crossed. He continued that the driveway was adjacent to a stream that entered the

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1 **VISTA ROAD, LLC, cont.**

2  
3 Piscataquog River branch. Vinnie Iacozzi questioned why the applicant was required to submit  
4 everything to the State and do all that work. Mark Suennen answered that the applicant was  
5 required to satisfy the State laws as well as the Town requirements.

6 Peter Hogan asked for the Board's input on this matter. Don Duhaime stated that he  
7 deferred to Mark Suennen as he had been present at the site walk. David Litwinovich stated that  
8 he believed it would be helpful to have the proposed driveway marked correctly. Vinnie Iacozzi  
9 stated that the proposed driveway had been walked by the Chairman. Christine Quirk  
10 commented that she had difficulty seeing the location of the proposed driveway.

11 Peter Hogan asked if Christine Quirk believed an Environmental Impact Study was  
12 necessary. Christine Quirk stated that she did not know enough about the Environmental Impact  
13 Study to make a determination and would follow the recommendations of more experienced  
14 Board Members. David Litwinovich agreed with Mark Suennen that an Environmental Impact  
15 Study was needed. Peter Hogan advised the applicant that the entire Board agreed that an  
16 Environmental Impact Study needed to be submitted.

17 Peter Hogan noted that the deadline for Board action needed to be extended. He asked  
18 how long the applicant anticipated the Environmental Impact Study would take to complete.  
19 Vinnie Iacozzi stated that he believed the requirement of the Board to have an Environmental  
20 Impact Study completed was redundant and ludicrous as an Environmental Impact Statement,  
21 Shoreland Permit, Wetlands Permit and Wetlands Crossing Permit had already been obtained.  
22 He continued that he would have the Environmental Impact Study completed once he was able to  
23 find out how long it would take, when it could be completed and how much it would cost.

24 Mark Suennen stated that the Board reserved the right to request additional information  
25 than listed above for the Environmental Impact Statement. He believed that the Board should  
26 require a determination and inclusion in the report of the critical areas as defined by the  
27 Stormwater Management Regulations to assist the Board in their determination of the need for an  
28 ISWMP for the driveway.

29 Peter Hogan requested that the property be marked in accordance with the rules of  
30 procedure prior to the next scheduled public hearing.

31 Vinnie Iacozzi stated that he had received a letter in today's mail that conveyed that his  
32 application was complete and none of the requirements being presently discussed were known to  
33 him as of this afternoon. Mark Suennen agreed with Vinnie Iacozzi that the application was  
34 complete and that as part of the final approval he was required by the Subdivision Regulations to  
35 provide Traffic, Fiscal and Environmental Impact Studies. He continued that waivers had been  
36 submitted and granted for the Traffic and Fiscal Impact Studies based on the information that  
37 this was a single subdivision of one lot into two. He continued that the subdividing lot was  
38 located in an environmentally sensitive area that in his opinion required additional information  
39 for the Board to make a decision. Peter Hogan commented that the applicant had been made  
40 aware at the time the aforementioned waivers had been granted that the decision on the waiver of  
41 the Environmental Impact Study would be based on site walk.

42 In response to a question from Peter Hogan, Vinnie Iacozzi agreed to extend the deadline  
43 for Board action on the application to the meeting of August 9<sup>th</sup>.



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1 **VISTA ROAD LLC, cont.**

2  
3 Mark Suennen **MOVED** to extend the deadline for Board action on the application and to  
4 adjourn the public hearing of Vista Road, LLC, Byam Road and River Road (Route 13),  
5 Tax Map/Lot #6/40-2, Residential-Agricultural "R-A" District to August 9, 2011, at 7:30  
6 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.

7  
8 Vinnie Iacozzi asked what the Environmental Impact Study encompassed. Mark  
9 Suennen stated that the requirements were contained within the Subdivision Regulations, IX-G.

10 Vinnie Iacozzi agreed to advise the Planning Office when the property was properly  
11 marked for a site walk. The Coordinator noted that at least twenty-four hours was required for  
12 notice.

13  
14 The Board took a two minute recess prior to the start of the next hearing.

15 **VISTA ROAD, LLC**

16 Submission of Application/Public Hearing/CUP/1 wetland crossing

17 Location: Byam Road and River Road (Route 13)

18 Tax Map/Lot #6/40-2

19 Residential-Agricultural "R-A" District

20  
21 Present in the audience were Jay Marden, Vinnie Iacozzi, Ken Lombard, David Mann  
22 and Jerri Stanford.

23 Peter Hogan noted that this application was probably best addressed concurrently with  
24 the subdivision application for the same lot. Don Duhaime and Mark Suennen answered yes.

25 Peter Hogan stated that a site walk had been completed on May 31, 2011, and he asked  
26 for those members present to discuss their findings. Mark Suennen stated that the proposed  
27 wetland crossing appeared to be standard with an opened bottom boxed culvert.

28 Peter Hogan asked if there were any potential issues with this application. Vinnie Iacozzi  
29 noted that an error appeared in the notice letters and that the culvert was not 30' x 50' but 30" x  
30 50'.

31 Peter Hogan asked Mark Suennen if he believed the four criteria of the Conditional Use  
32 Permit had been met. Mark Suennen believed that the four criteria had been answered  
33 adequately based on what had been described to him at the site walk. Peter Hogan asked if the  
34 crossing was what the Chairman had concerns about. Mark Suennen answered that he was not  
35 clear but it was his impression from a discussion that occurred at the site walk that the section of  
36 land between the roadway and the field was what the Chairman was unclear and uncertain about.

37 Peter Hogan asked the applicant how the security in the amount of \$5,300.00 would be  
38 submitted. Vinnie Iacozzi answered that the security would be submitted in the form of a bond.

39 Peter Hogan asked for a date certain for the conditions precedent. Vinnie Iacozzi  
40 answered that the conditions precedent could be set for August 9, 2011.

41 Peter Hogan asked for a date for the conditions subsequent, noting that the applicant had  
42 no intention of building on the lot. The Coordinator noted that the bond should be held until the  
43 applicant decided what they were going to do with the property. Vinnie Iacozzi requested that

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1 **VISTA ROAD, LLC, CUP, cont.**

2  
3 the deadline for the conditions subsequent be set to July of 2013.

4  
5 Mark Suennen **MOVED** to accept the application as complete, and to grant the  
6 Conditional Use Permit and approve the plans of Vista Road, LLC, to effect one (1)  
7 wetland crossing on property on N/H. Route 13 a/k/a River Road and Byam Road, known  
8 as Tax Map/Lot #6/40-2 as the four conditions for granting the Permit have been found to  
9 exist, subject to the following conditions, subject to:

10  
11 **CONDITIONS PRECEDENT:**

- 12 1. Submission of the financial security in the amount of \$5,359.00 and in the form of  
13 a bond.  
14 2. Any revisions to the site plan as decided by the Board at the hearing (if  
15 applicable).

16 The deadline for complying with the conditions precedent shall be **August 9, 2011**, the  
17 confirmation of which shall be an administrative act, not requiring further action by the  
18 Board. Should the conditions to approval not be fulfilled by the deadline date, and a  
19 written request for extension is not submitted prior to that date, the applicant is hereby  
20 put on notice that the Planning Board may convene a hearing under RSA 676:4-a to  
21 revoke the approval

22  
23 **CONDITIONS SUBSEQUENT:**

- 24 1. Completion of the site improvements as related to the one (1) wetland crossing, as  
25 shown on the approved construction design plan.  
26 2. The financial security shall not be released until the site has been inspected upon  
27 notification to the Planning Department by the applicant that the project has been  
28 completed, and a compliance hearing is held and confirms that the project has  
29 been satisfactorily completed by no later than **July 13, 2013**.

30 Don Duhaime seconded the motion and it **PASSED** unanimously.

31  
32 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
33 **June 14, 2010**

- 34  
35 1. Approval of May 10, 2011, minutes, distributed by email.

36  
37 Don Duhaime **MOVED** to approve the minutes of May 10, 2011, as written. Mark  
38 Suennen seconded the motion and it **PASSED** unanimously.

- 39  
40 2. Execution by Planning Board Chairman of previously approved Road Entry Permits for  
41 S&R Holding Company, LLC, (formerly Frederick Lorden Revocable Trust and Harvey  
42 Dupuis Family Trust), Tax Map/Lot #12/19, McCurdy Road and Tax Map/Lot #12/93-  
43 34, Susan Road.

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11

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Peter Hogan executed the above-referenced documents.

- 4  
5 3. Email received May 31, 2011, from Kimberley & Kenneth Martin, re: request for an  
6 extension to the Conditions Subsequent deadline of their Non-Residential Site Plan  
7 Application of June 17, 2011, to September 1, 2011, for the Board's action.

8  
9 Mark Suennen **MOVED** to extend the Conditions Subsequent deadline for the Non-  
10 Residential Site Plan Application of Kimberley and Kenneth Martin from June 17, 2011,  
11 to September 1, 2011. Don Duhaime seconded the motion and it **PASSED** unanimously.

- 12  
13 4. Memorandum of Understanding between Southern New Hampshire Planning  
14 Commission and the Town of New Boston, with additional documentation, re: Master  
15 Plan Energy Chapter addition, for the Board's information.

16  
17 Peter Hogan noted that this matter had been addressed during the discussion with Jillian  
18 Harris, SNHPC, that took place earlier during the meeting.

- 19  
20 5. Discussion, re: Site walk on May 31, 2011, for Vista Road, LLC, New Cingular Wireless  
21 (AT&T), Tax Map/Lot #6/33, Thompson Lane (formerly Wilson Hill Road).

22  
23 The Coordinator advised that the Planning Office had received As-Built plans in small  
24 format this evening. Mark Suennen asked if the documents submitted showed that the driveway  
25 had not been stabilized. The Planning Assistant advised that the As-Built plans only pertained to  
26 the site compound and not the driveway. The Coordinator advised that an existing ditch on the  
27 side of the driveway was not represented on the plans. She noted that the ditch was conveying  
28 water too quickly and was eroding by the side of the rip-rap. Mark Suennen added that water  
29 was ponding behind the check dam and was going around the ditch. Christine Quirk showed  
30 pictures of the area in question to the Board that she had taken with her phone at the site walk.  
31 Peter Hogan stated that the applicant was not in compliance.

32 The Board agreed that the applicant needed to be in compliance and advise the Board of  
33 when they were in compliance.

- 34  
35 6a. Letter received June 9, 2011, from Jerri Stanford and David Mann, Highland Home  
36 Preservation Services, re: operating a retail store from 3 River Road, Tax Map/Lot #18/9.  
37 owned by Geoff and Cyndie Katz. (Applicant to be present)

- 38  
39 6b. Copies of previous correspondence/documentation, re: the occupancy of 3 River Road,  
40 Tax Map/Lot #18/9, for the Board's information.

41  
42 Jerri Stanford and David Mann were present. Peter Hogan addressed items 6a and 6b  
43 together as they were related. Peter Hogan asked who owned the building. Jerri Stanford

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 answered that Geoff Katz owned the building.

4 Jerri Stanford advised that she currently resided in New Boston and operated a business  
5 out of her home at 34 Highland Road. She stated that she did not have a retail location for her  
6 business and wanted to utilize the property at 3 River Road for that purpose.

7 Mark Suennen asked the applicants what business would be operated out of 3 River  
8 Road. Jerri Stanford answered that Highland Home Preservation Services offered a business  
9 related to estate sales, basic maintenance and home repairs. She intended to sell merchandise  
10 obtained from estate sales out of the retail store. She explained that the merchandise would be  
11 secondhand items, however, no junk would be sold. Mark Suennen asked what prevented the  
12 applicant from selling “junk” merchandise. Jerri Stanford answered that she did not want the  
13 retail store to be a junk shop. Mark Suennen noted that he did not want to see vanities on the  
14 lawn. David Mann pointed out that he lived above the retail space at 3 River Road. Jerri  
15 Stanford added that no merchandise would be sold outside of the building. Peter Hogan asked if  
16 the building was zoned Commercial. Jerri Stanford answered yes.

17 Peter Hogan stated that the applicants needed have a site plan review for a retail business.  
18 David Mann advised that he was attempting to contact Geoff Katz regarding an original site plan  
19 for the building. Peter Hogan commented that he did not think such a site plan existed. David  
20 Mann asked who he needed to speak with about creating a site plan. Peter Hogan stated that the  
21 Planning Office could assist him with pointing out the requirements for a site plan. He explained  
22 that the applicant would need to hire someone to draw the plan to specifications that showed  
23 lighting, parking and signage for the building, among other requirements.

24 Jerri Stanford expressed her interest in having the shop open for the 4<sup>th</sup> of July weekend  
25 and asked if that was feasible. Peter Hogan answered that it would not be feasible as the next  
26 meeting that could be scheduled to review the site plan was July 12<sup>th</sup>. Jerri Stanford asked if she  
27 could post a sign in the window advertising the business. Peter Hogan answered that she could  
28 post a sign in the window and added that signs could not be posted on the lawn. David Mann  
29 asked if the requirements he would receive from the Planning Office would address signage.  
30 Peter Hogan answered yes. The Planning Assistant noted for clarification that the Building  
31 Department issued and approved the sign permits.

32 Peter Hogan asked if there were any further questions or comments; there were no further  
33 comments or questions.

- 34  
35 7. **Read File:** Notice of Public Hearing from the City of Concord, re: installation of a  
36 wireless telecommunication tower.

37  
38 Peter Hogan acknowledged receipt of the above-referenced matter; no discussion  
39 occurred.

- 40  
41 8. Email received June 10, 2011, from Eric J. Dubowik, re: Home Business inquiry, 10B  
42 Kettle Lane, for the Board’s review and discussion.

43

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 The Coordinator noted that the above-referenced home business would not have any  
4 customers, signs, employees or storage. She noted that as long as the applicant continued to  
5 operate without any customers, signs, employees or storage the Planning Office typically sent a  
6 letter stating the applicant could continue to operate and should advise the Board if any of those  
7 previously listed things changed. The Board agreed that a letter should be sent to the applicant.  
8

9 9. Letter received June 13, 2011, from Ivan Byam, to the New Boston Planning Board, re:  
10 operating a vegetable stand from Tax Map/Lot #6/40-2, for the Board's review and  
11 discussion.  
12

13 Lauren and Ryan Ledoux of 11 Inkberry Road stated that they were present as abutters to  
14 the above-referenced property. The Coordinator clarified that the above-referenced property was  
15 incorrect and that the abutters were probably present for the previously discussed Vista Road,  
16 LLC, Tax Map/Lot #6/40-2, public hearing on the CUP.

17 Laruen Ledoux questioned how the proposed driveway would impact her property. Peter  
18 Hogan advised that the applicant could not do anything that would affect anything that was on  
19 her property. Lauren Ledoux pointed out the location of her property on the Tax Map.  
20

21 The Coordinator explained that the applicant would be subdividing the property and  
22 creating a shared driveway. She pointed to the location of the proposed wetland crossing and  
23 noted that the Ledoux property was uphill from the site of any potential construction of the  
24 driveway or wetland crossing. Peter Hogan added that it was the hope of the applicant to not  
25 construct the driveway or wetland crossing and to sell the land to the Town of New Boston for  
26 open space. Mark Suennen noted that the Board had required that an Environmental Impact  
27 Study be completed. Lauren Ledoux stated that her biggest concern was potential issues with her  
28 well.

29 The Coordinator advised that the Ivan Byam's property should be listed as Tax Map/Lot  
30 #6/40-1-1. She noted that Lot #6/40-1 was zoned for Residential use and Lot #6/40-1-1 was  
31 zoned for Commercial use and was the location of the proposed vegetable stand. Mark Suennen  
32 stated that the property had frontage on Byam Road and River Road. The Coordinator agreed  
33 with Mark Suennen's statement and added that driveway access was not permissible on River  
34 Road (Route 13). Mark Suennen asked if the applicant was intending to use the existing  
35 driveway on Byam Road for access to the farm stand. The Coordinator answered yes.  
36

37 Peter Hogan commented that he did not have a problem with the applicant's request and  
38 asked how the Board could allow it. The Coordinator stated that she was not certain from the  
39 applicant's letter if he would be growing the produce himself or not. She noted that ordinarily  
40 the Board was not involved when a homeowner grew too many vegetables and put a cooler or a  
41 table by the side of the road to sell the extra. She noted that it was a little different if someone  
42 was proposing to set up a more permanent structure to sell produce purchased from or grown  
43 elsewhere. Mark Suennen summarized that the Board needed to determine whether they would  
treat this applicant as though he was operating a farm stand similar to the one at the corner of

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Christie and Bedford Roads or was it similar to the Dodge Farm Stand.

4 Peter Hogan stated that he would be satisfied with a sketch from the applicant of his  
5 intended farm stand. He continued that the applicant should be advised that he would be subject  
6 to a site plan should there be significant growth of the business. Mark Suennen added that  
7 should a permanent structure be added to the property to support the business a site plan would  
8 be required.

9  
10 10. Distribution of May 24, 2011, minutes for approval at the meeting of June 28, 2011,  
11 distributed by email.

12  
13 Peter Hogan acknowledged receipt of the above-referenced matter; no discussion  
14 occurred.

15  
16 **MCGANN, MARGARET**

17 Public Hearing/NRSPR/Gift –Antique Shop Home Business

18 Location: 1 Old Coach Road

19 Tax Map/Lot #19/3

20 Residential-Agricultural “R-A” District

21  
22 Present in the audience were Margaret McGann and Sean McGann.

23 Peter Hogan read the public hearing notice. He advised that a site walk had been  
24 completed at the property and commented that the driveway was challenging and understood  
25 why the applicant wished to have an existing telephone pole removed.

26 Peter Hogan asked the Board for comments from the site walk. Mark Suennen agreed  
27 with Peter Hogan that the property was a challenging site. Peter Hogan questioned how the  
28 applicant would ensure that customers would not back out of the driveway onto Old Coach Road.  
29 Sean McGann answered that he intended on adding a buffer space. Peter Hogan suggested that a  
30 warning sign be posted on Old Coach Road to alert motorist of the stop sign that existed at the  
31 intersection of Old Coach Road and Mont Vernon Road. Sean McGann questioned how he  
32 could obtain such sign. The Coordinator suggested that the applicant contact the Selectmen for  
33 permission to place such a sign and the Road Agent for details on how to purchase one.  
34 Christine Quirk asked the applicant to draw a diagram of the proposed sign area and drop it off at  
35 the Selectmen's Office so that it could be discussed during a meeting. She added that it was  
36 important to note that the applicant was willing to pay for the sign.

37 Peter Hogan asked for further comment or questions. Mark Suennen stated that he was  
38 able to see the applicant’s vision for two parking spaces that allowed for access to Old Coach  
39 without the need to back out onto the street. Peter Hogan asked if Mark Suennen could envision  
40 the parking with the telephone in place. Mark Suennen answered yes. Sean McGann added that  
41 access to Old Coach Road would be easier without the telephone pole.

42 Peter Hogan asked if there would be two parking spaces available. Sean McGann  
43 answered yes.

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1 **MCGANN, MARGARET, cont.**

2  
3 Peter Hogan noted that the hours of operation listed were Tuesday through Friday from  
4 11:00 a.m. through 5:00 p.m., Saturday from 10:00 a.m. through 6:00 p.m. and Sunday from 9:00  
5 a.m. through 12:00 p.m. The Board suggested that the applicant list hours of operation as 9:00  
6 a.m. through 7:00 p.m., seven days a week, in order to have flexibility with their hours.  
7 Margaret McGann agreed to amend her hours of operation to 9:00 a.m. through 7:00 p.m., seven  
8 days a week.

9 Peter Hogan noted that the applicant had listed a “residential parking only” sign and  
10 noted that it was not necessary unless the applicant would be offended by customers parking  
11 there. Mark Suennen commented that the issue was self correcting and no sign should be posted.

12 Margaret McGann asked if she was allowed to post a small homemade sign that asked  
13 customers not to back out of the driveway. Peter Hogan answered yes and added that he would  
14 encourage such a sign to be posted. He also suggested that the applicant post a map that  
15 illustrated how to maneuver in and out of the driveway.

16 Peter Hogan advised that the business signs shown on the plan required permits with the  
17 exception of the parking signs.

18 Peter Hogan requested that the applicant delineate the parking so that the area was  
19 obvious, for example, fences or railroad ties.

20 Peter Hogan noted that driveway permits had been submitted for the two driveways on  
21 Old Coach Road and that the applicant was aware that traffic was not allowed to back out onto  
22 Old Coach Road.

23 Sean McGann asked if the lighting that he had drawn on the plan needed to be the exact  
24 lighting that would installed for the business. Mark Suennen stated that the applicant could  
25 amend the site plan when lighting was determined and noted that the amendment needed to be  
26 made prior to the final compliance site walk.

27 Peter Hogan stated that the applicant needed to advise the Board when all the site plan  
28 improvements were completed and a compliance site walk would be scheduled.

29  
30 David Litwinovich **MOVED** to approve the site plan for Margaret McGann, to operate a  
31 gift/antique shop home business from 720 s.f. of the existing barn located at 1 Old Coach  
32 Road, Tax Map/Lot #19/3, subject to:

33  
34 **CONDITION(S) PRECEDENT:**

- 35 1. Submission of a minimum of three (3) copies of the revised site plan that include  
36 all checklist corrections and any agreed-upon conditions from this hearing;  
37 2. Execution of a Site Review Agreement regarding the condition(s) subsequent;  
38 The deadline for complying with the condition(s) precedent shall be **July 14, 2011**, the  
39 confirmation of which shall be an administrative act, not requiring further action by the  
40 Board. Should compliance not be confirmed by the deadline date, and a written request  
41 for extension is not submitted prior to that date, an administrative NOTICE OF DENIAL  
42 shall be issued without further action of the Board being required.

43

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16

1 **MCGANN, MARGARET, cont.**

2  
3 **CONDITION(S) SUBSEQUENT:**

- 4 1. All of the site improvements are to be completed per the approved site plan;  
5 2. The Town of New Boston Planning Department shall be notified by the applicant  
6 that all improvements have been completed, and are ready for final inspection,  
7 prior to scheduling a compliance hearing on those improvements, a minimum of  
8 three (3) weeks prior to the anticipated date of compliance hearing and the  
9 opening of the business on the site;  
10 3. Any outstanding fees related to the site plan application compliance shall be  
11 submitted prior to the compliance hearing;  
12 4. A compliance hearing shall be held to determine that the site improvements have  
13 been satisfactorily completed, prior to releasing the hold on the issuance of Permit  
14 to Operate or Certificate of Occupancy, or both.

15 The deadline for complying with the Conditions Subsequent shall **December 14, 2011**,  
16 the confirmation of which shall be determined at a compliance hearing on same as  
17 described in item 4 above.

18 Mark Suennen seconded the motion and it **PASSED** unanimously.

19  
20 Don Duhaime **MOVED** to adjourn the meeting at 9:00 p.m. Mark Suennen seconded the  
21 motion and it **PASSED** unanimously.

22  
23 Respectfully Submitted,  
24 Valerie Diaz, Recording Clerk

Minutes Approved: 08/09/11