

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

October 25, 2011

1

1 The meeting was called to order at 6:45 p.m. by Don Duhaime in the Chairman Stu
2 Lewin's absence at the start of the meeting. Present were regular members Mark Suennen and
3 Peter Hogan, Alternate Member David Litwinovich, and Ex-officio Dwight Lovejoy. Also
4 present were Planning Coordinator Nic Strong, Planning Assistant Board Shannon Silver and
5 Recording Clerk Valerie Diaz.

6 Present in the audience for all or part of the meeting were Ed Hunter, Building
7 Inspector/Code Enforcement Officer, Lou Nixon, David Daniels, Michael Seraikas, CWS,
8 George & Danielle Ahearn, Mike Johnston, Jon Lariviere, Rick Kohler and Beth Stevens.
9

10 **Discussion, re: Potential Zoning Ordinance & Building Code Amendments**
11

12 Present in the audience was Ed Hunter, Building Inspector/Code Enforcement Officer.

13 Don Duhaime asked Ed Hunter, Building Inspector/Code Enforcement Officer, to address
14 the Board with the proposed amendments. Ed Hunter, Building Inspector/Code, Enforcement
15 Officer, advised that some of the definitions contained within the New Boston Building Code
16 conflicted with definitions contained within the recently adopted International Building Code.
17 He suggested eliminating the definitions currently contained within the New Boston Building
18 Code and adding the following language to read as follows, "For the purpose of this Code terms,
19 abbreviations, phrases, and certain words shall be defined in accordance with those codes
20 published by the International Code Council and adopted by the State of NH and/or the Town of
21 New Boston". He specifically pointed out the definition for "habitable attic", noting that the
22 Town's definition was in conflict with the current IBC definition.

23 Ed Hunter, Building Inspector/Code Enforcement Officer, asked for questions; there were
24 none.

25 Ed Hunter, Building Inspector/Code Enforcement Officer, proposed a requirement that
26 septic systems and wells to be shown on submitted site plans.

27 Ed Hunter, Building Inspector/Code Enforcement Officer, addressed the matter of the
28 frontage on a corner lot. He stated that he agreed with the Board's suggestion of creating one
29 section in the Zoning Ordinance]that would address this issue. He explained that the driveway
30 would be located within the 50' setback and would, therefore, dictate the frontage. He stated that
31 he did not believe that much disagreement would arise regarding this matter when the definition
32 was implemented that the frontage would exist on the side of the lot where the driveway was
33 located. He stated that the only issues he foresaw were relative to existing properties. He noted
34 that as recently as last year this issue had been dealt with for a property located on South Hill
35 Road. He indicated that the property had a loop driveway that entered from one part of South
36 Hill Road and exited on another and the house did not meet the required setbacks on either side.
37 He explained that in order to resolve the matter he had allowed the applicant to choose a side to
38 be established as the front and identified it in the deed as legally non-conforming frontage.

39 The Coordinator noted that Ed Hunter, Building Inspector/Code Enforcement Officer,
40 had suggested the following language for Section 208.2, A, as follows, "Any lot line contiguous
41 to a street or road, including Class VI roads..."

42 Dwight Lovejoy pointed out that final decision on the location of frontage was left to the
43 Building Inspector/ Code Enforcement Officer. Ed Hunter, Building Inspector/Code

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

October 25, 2011

2

1 **ZONING ORDINANCE/BUILDING CODE AMENDMENTS, cont.**

2
3 Enforcement Officer, agreed that he had the authority to resolve the matter.

4 Don Duhaime asked for further comments or questions. Mark Suennen commented that
5 he did not have a problem with the updated language with regard to frontage and proposed
6 amendments to the New Boston Building Code.

7 Mark Suennen asked if the proposed amendment to require wells and septic systems to be
8 shown on site plans included existing lots. Ed Hunter, Building Inspector/Code Enforcement
9 Officer, answered that the proposed requirement could apply to existing lots or new subdivisions.
10 Mark Suennen stated that the Board required applicants to show a 4,000 s.f. area for a potential
11 septic system as well as well radii. He asked if the final location of the well or septic did not
12 match the plan, was there the possibility of making field changes. Ed Hunter, Building
13 Inspector/Code Enforcement Officer, answered that he issued building permits based on the
14 location provided and there was always the potential for change. He added that with regard to
15 additions being made to existing property he could determine the relationship between the two
16 elements. Mark Suennen commented that it made a lot of sense to determine the relationship
17 between a proposed addition and an existing well. He stated that he wanted to make sure there
18 was flexibility for the owner to drill a well in an appropriate location and that it was also
19 captured that should a well radius extended onto someone else's property there was a mechanism
20 in place for a well easement. Ed Hunter, Building Inspector/Code Enforcement Officer,
21 confirmed that the proposed amendment would continue to allow for flexibility.

22 Mark Suennen suggested that "...or existing buildings and wells..." be added to the
23 proposed language for Zoning Ordinance, Section NB-2.8, Plans. Ed Hunter, Building
24 Inspector/Code Enforcement Officer, agreed with Mark Suennen's suggestion and offered
25 simply adding the word "proposed" before the word "location" in place of Mark Suennen's
26 suggestion. Mark Suennen agreed to the proposal of the word "proposed" and added that "or
27 existing" should also be added. Ed Hunter, Building Inspector/Code Enforcement Officer,
28 agreed to the addition of "proposed or existing".

29 Don Duhaime asked for further comments or questions; there were no further comments
30 or questions.

31
32 Mark Suennen suggested that the Board table item #3, Planning Board Calendar, of the
33 Memorandum, dated October 21, 2011, from Nic Strong, Planning Coordinator, to the Planning
34 Board Members, re: Zoning Ordinance Amendments and Planning Calendar, until the Chairman
35 and Peter Hogan arrived. Don Duhaime agreed with Mark Suennen's suggestion.

36
37 **Discussion, re: Mixed Use/Village District**

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39 Mark Suennen asked the Coordinator to summarize the Memorandum, dated October 25,
40 2011, from Nic Strong, Planning Coordinator, to Stu Lewin, Chairman and Planning Board
41 Members, re: Mixed Use/Village District. The Coordinator explained that during the September
42 27, 2011, Planning Board meeting a discussion had taken place regarding the Board's goal of
43 creating a Mixed Use/Village District. She noted that during the discussion the Board had

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

October 25, 2011

3

1 **MIXED USE/VILLAGE DISTRICT, cont.**

2
3 expressed an interest in figuring out how to create a Mixed Use/Village District. She stated that
4 the memorandum included information regarding the Board's authority to create such district,
5 suggestions on how to accomplish the creation and questions and considerations.

6 The Coordinator explained that NH RSA 674:21 contained a list of innovative land use
7 controls. She noted that the creation of a Mixed Use/Village District was covered within the
8 scope of the statute and, therefore, gave the Board the right to do so.

9 The Coordinator stated that the Town's Master Plan had been updated in 2006 following
10 the 2004 "New Boston Speaks" community profile and from a questionnaire. She pointed out
11 that information from the community profile and questionnaire had been provided in the
12 memorandum. She noted that with regard to the Village Center shopping facilities and office
13 facilities in Town were determined to be least important, while maintaining a traditional village
14 district was considered to be most important. (The Chairman arrived at the meeting at 7:03 p.m.)
15 The Coordinator stated that safe and connected pedestrian walkways and parking in the village
16 had not been considered important. She stated that the questionnaire had produced information
17 that future residential development was discouraged in the village district. She noted that it had
18 been determined that there was not an interest for mixed use in other areas in Town. She stated
19 that this information had not been updated since 2006 and as such it was important to have the
20 public involved with this matter as the Board moved forward in the process.

21 The Coordinator stated that she had provided the goals and objectives from the Master
22 Plan that correlated to the village district/mixed use topic that included the Town Center Goal,
23 Housing Goal, and Smart Growth Goal.

24 The Coordinator advised that she had included the Master Plan Future Land Use section
25 that contained a recommendation for a Village District. She stated that this section had been
26 created with help from the SNHPC. She explained that under current zoning it would be
27 impossible to create a town center the way New Boston's town center appeared today. She noted
28 that the use of wells and septic systems rather than municipal water and sewer made things more
29 problematic. She noted that recommendations had been made for things that could be done to
30 create or help create the traditional town center and/or perpetuate what was already in place. She
31 stated that with the exception of Home Businesses there was no mixed use in town. She
32 explained that Home Businesses were commercial type businesses permitted in the Residential-
33 Agricultural District, however, there was no permitted use for residential uses in the Commercial
34 District. She noted that the current uses in the Village were pre-existing uses that had continued
35 on after the zoning had changed.

36 The Coordinator stated that currently the Town's zoning ordinance did not allow for
37 compatible, small scale neighborhood commercial uses adjacent to or within residential
38 neighborhoods.

39 The Coordinator advised that in 2008 funding became available in the form of grants
40 from the State to assist towns that were in various stages of Master Planning and implementation.
41 She stated that New Boston had applied for the funding for implementation of the Master Plan
42 recommendations but had been unsuccessful in being awarded any funds. She referred the Board
43 to page 10 of the memorandum and pointed out that the recommendations/tasks that were

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

October 25, 2011

4

1 **MIXED USE/VILLAGE DISTRICT, cont.**

2
3 contained on the application for funding had been included.

4 The Coordinator stated that there were significant differences between a Mixed Use
5 District and a Village District. She explained a Village District could be established under a
6 statutory process that allowed the district to have the same powers as a town over the purpose for
7 which it was formed. She continued that most of the districts created this way were for water
8 supply or sewer construction and maintenance. She added that some towns used a less formal
9 definition of a Village District and it simply designated an area of town that allowed different
10 uses or lot dimensions than other areas of town. She explained that a Mixed Use District
11 provided opportunities for people to both work and live in their community. She stated that a
12 Mixed Use District could be allowed in many different ways ranging from neighborhood stores
13 in residential areas, home businesses in residential districts, residential uses in commercial
14 districts, a mix of uses in commercial buildings, for example, allowing residential uses above
15 retail stores.

16 The Coordinator indicated that a brief history of the Town's zoning had been included in
17 the memorandum on page 12.

18 The Coordinator pointed out that the options for creating a Mixed Use District were as
19 follows:

20 • Rezoning

21 The Coordinator noted that this was probably the most familiar way of creating
22 districts by rezoning parcels. This would require town meeting vote.

23 • Overlay District

24 An overlay district provides a way to allow a use to be superimposed over the existing
25 underlying zoning district and could be allowed over the whole town or over the
26 existing Small Scale Planned Commercial District.

27 • Performance/Flexible Zoning

28 The Coordinator explained that this type of zoning regulated the impacts of the type of
29 development rather than the use, density, height or other conventional zoning
30 standards.

31 • Conditional Use/Special Permits

32 The Coordinator noted that the Town currently used CUPs for Wetlands and
33 Groundwater District purposes, but they could be used to allow development
34 proposals that are not permitted by right in the district.

35 • Form Based Codes

36 The Coordinator noted that form based codes placed the emphasis in a district on the
37 building type, dimensions, parking location, façade features and so on rather than the
38 use.

39 • Floating Zone

40 The Coordinator noted that a floating zone was a district that was created and adopted
41 into the Zoning Ordinance but not used until an appropriate development was
42 proposed to use that zoning.

43 • Planned Unit Development/Traditional Neighborhood Development/Village Plan

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

October 25, 2011

5

1 **MIXED USE/VILLAGE DISTRICT, cont.**

2
3 Alternative

4 The Coordinator noted that these three types of zoning tools were most usually used
5 when developing a new parcel rather than in changing the use of existing areas. She
6 noted that each of them allowed ways to combine uses such as allowing stores and
7 houses in the same development or permitting apartments above commercial
8 businesses.

9 The Coordinator stated that the closing of the memorandum contained questions and
10 considerations as the Board move forward with the process, for example, the difference between
11 Mixed Use District and Village District, the effect on lot owners, transportation, well and septic,
12 life safety issues, multi-family, signage and parking.

13 The Coordinator indicated that she also provided a few examples of the various methods
14 of creating this district as outlined above for the Board's information.

15 Mark Suennen noted that the Town had applied for funding to implement
16 recommendations in the Master Plan and had been denied. He questioned which of the options
17 listed on pages 12 and 13 required additional funding to pursue. The Coordinator answered that
18 all of the options listed required public input and, therefore, outside facilitation. She went on
19 that some of the work could be done in-house with review from the Planning Board as well as a
20 final review. She believed that some level of funding would be required for all of the options.

21 Dwight Lovejoy thanked the Coordinator for a job well done on the memorandum.

22 David Litwinovich asked for an explanation of spot zoning. The Coordinator explained
23 that a proposal to rezone one lot within a district for a different use could be considered spot
24 zoning. She added that if a valid public purpose could be established the zoning could be
25 allowed, however, she noted that it could be tricky.

26 The Chairman asked for an example of Performance/Flexible Zoning. The Coordinator
27 explained that Performance/Flexible Zoning monitored a proposal to determine an impact rather
28 than the use. She noted that the Board would evaluate a proposal based on the noise it might
29 create, the amount of parking it might need, the type of signage needed, and so on, but the used
30 would be allowed. She stated that the Town of Bedford had created a Performance Zone for
31 their Route 3 corridor that took three years to develop the language.

32 The Chairman asked for clarification that Form Based Codes removed the list of allowed
33 uses and merely allowed for reasonable uses. The Coordinator confirmed the Chairman's
34 statement and added that some towns add an abbreviated list of suitable uses.

35 The Chairman asked if a Floating Zone was created and approved but not used until
36 needed. The Coordinator answered yes and noted that she was not familiar with any good
37 examples for a Floating Zone relative to a Mixed Use District. She stated that the Town may
38 have a goal, for example, to provide a certain number of multi-family units and could create a
39 district to allow that to happen so that when an appropriate piece of land for that type of
40 development became available the zoning would be in place to allow that to happen.

41 The Chairman noted that he had missed the beginning of the discussion and asked for
42 confirmation that the point of the discussion was to modify the current uses in the village. The
43 Coordinator answered yes. Peter Hogan used New Boston Hardware as an example and pointed

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

October 25, 2011

6

1 **MIXED USE/VILLAGE DISTRICT, cont.**

2
3 out that the owner had been unable to rent the office space above his store and he was interested
4 in renting the space as residential but was not allowed. He continued that it would be feasible for
5 someone to purchase Dodge's Store if they were allowed to live above the store versus someone
6 purchasing the store while having to pay for a mortgage for a home as well. He commented that
7 he did not see any problems allowing residential uses in those areas provided the buildings met
8 life safety requirements. Don Duhaime stated that Peter Hogan kept bringing up the same two
9 examples of New Boston Hardware and Dodge's Store. He asked if the reason the buildings
10 could not be rented was due to upgrades that needed to be completed. Peter Hogan did not
11 believe that any upgrades needed to be made to the space above New Boston Hardware. Dwight
12 Lovejoy commented that the owners should contact the Fire Department. Don Duhaime agreed
13 and noted that he was not opposed to allowing the residential use. The Chairman pointed out
14 that even if the aforementioned businesses did not need upgrading they were still not currently
15 allowed to have residential uses.

16 The Chairman asked where the Commercial District boundaries were located in the
17 Village. The Coordinator answered that the boundaries were located up to Doctor Brenner's
18 office on High Street, down Depot Street, and along River Road toward Dodge's Store. She
19 noted that the old Masiello Real Estate Office had been rezoned Commercial by petition. The
20 Chairman asked if the Heidi Palmer building was in the Commercial District. The Coordinator
21 answered no and advised that the Heidi Palmer District was located in the Residential-
22 Agricultural "R-A" District as well as the Tate's Gallery/Stuart Clark Insurance building and the
23 Historical Society Building.

24 Peter Hogan believed that rather than focusing on expanding a Mixed Use District the
25 Board should focus on the task at hand and establish a residential use in the Commercial District
26 in the Village area. The Chairman asked if Peter Hogan was only interested in allowing for a
27 residential use in the Commercial District as this time. Peter Hogan answered yes.

28 The Chairman asked for questions or comments. Peter Hogan asked if the question to
29 voters could be as simple as, "Can we allow residential use in a Commercial District?". Mark
30 Suennen commented that Peter Hogan's question could not be that simple as it could be
31 interpreted in different ways. He continued that a simple question could be asked but the answer
32 he was looking for may not be given. He did believe that a question should be asked but thought
33 the wording needed to be figured out. Peter Hogan asked for other outlying Commercial
34 locations in Town to be listed. The Coordinator listed the following:

- 35 • New Boston Trucking & Equipment
- 36 • Route 114
- 37 • Chestnut Hill
- 38 • 1 lot at the end of Byam Road.

39 Don Duhaime asked if the Small Scale Planned Commercial District's recommendations
40 to rezone some parcels in town to commercial had been implemented. The Coordinator
41 answered no and advised that the Board had decided not to. Don Duhaime asked why the Board
42 had decided not to. The Coordinator advised that the property owners had been asked if they
43 were interested and the two had responded that they were not interested so the matter had been

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

October 25, 2011

7

1 **MIXED USE/VILLAGE DISTRICT, cont.**

2
3 tabled.

4 The Chairman thanked the Coordinator for the memorandum and commented that it was
5 good work.

6
7 **JOHNSTON, KATHERINE A. (OWNER)**

8 **DANIELS, DAVID (ESTATE ADMINISTRATOR)**

9 Submission of Application/Public Hearing/CUP/One Wetland Crossing

10 Location: Bog Brook Road

11 Tax Map/Lot #9/76

12 Residential-Agricultural "R-A" District

13
14 Present in the audience were Lou Nixon, David Daniels, Michael Seraikas, CWS, George
15 & Danielle Ahearn, Mike Johnston and Jon Lariviere.

16 The Chairman read the public hearing notice. He noted that the application form had
17 been submitted October 10, 2011, and the application fees had been paid in full.

18 Michael Seraikas, CWS, indicated that the property was located off Bog Brook Road on a
19 private Road known as Lochwood Drive. He stated that Dave Daniels was settling the estate of
20 his mother and this was a piece of property that he owned. He stated that based on tax records
21 the land was purchased by Dave Daniels' parents in 1964. He explained that Dave Daniels'
22 parents cleared the land and built a home. He indicated that the property disappeared from the
23 tax records in 1975 and sat vacant until Katherine Johnston's passing at which time the property
24 was put on the market.

25 Michael Seraikas, CWS, pointed to the map and identified a piece of the property that
26 had been subdivided in 1980 and noted that the property was a lot of record and had been
27 approved by the State. He pointed out the location of an existing driveway. He stated that the
28 existing area of the old house did not meet current wetland setbacks.

29 Michael Seraikas, CWS, indicated that the proposed building area was located at the back
30 of the lot and would be serviced by a 440' driveway. He stated that test pits had been completed
31 and the applicant had a State approved septic design. He noted that the 250' Shoreland
32 Protection area had been shown on the plan.

33 Michael Seraikas, CWS, stated that during the summer he had met with Burr Tupper,
34 Conservation Commission Chair, relative to the proposed wetland crossing at which time he
35 signed off on the wetland crossing and it had subsequently been submitted and approved by
36 the State. He advised that he had been waiting to address the CUP for the culvert until a buyer
37 had been secured. He continued that a buyer was now involved and the applicant was seeking a
38 CUP for the wetland crossing.

39 Michael Seraikas, CWS, asked for questions from the Board. Dwight Lovejoy asked
40 who maintained the bridge. George Ahearn indicated that the property owners and residents of
41 Lochwood Drive maintained the bridge. Dwight Lovejoy asked if it was privately owned.
42 Danielle Ahearn answered yes. Dwight Lovejoy asked if the residents had to replace the bridge.
43 Danielle Ahearn answered yes. Dave Daniels stated that the bridge had repaired and maintained

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

October 25, 2011

8

1 **ESTATE OF KATHERINE JOHNSTON, cont.**

2
3 by his father and Butch Johnston for 40 years.

4 The Chairman asked for the driveway to be pointed out on the map. Michael Seraikas,
5 CWS, pointed out the location of the driveway. Mark Suennen asked if the reason they could not
6 build in the area of the old house was because of the wetland setbacks. Michael Seraikas, CWS,
7 answered yes. Mark Suennen questioned if the same problem existed at the proposed building
8 site. Michael Seraikas, CWS, answered no and explained that test pits had been completed and
9 had established the location of the edge of the wetland; he pointed to the locations on the plan.
10 He further noted that the septic system was located 94' from the wetland and the regulations
11 required that the septic system only be 50' from the wetland. He advised that the size of the
12 culvert had been increased at the request of Burr Tupper, Conservation Commission Chair.

13 The Chairman stated that the property was a lot of record and as such the applicant was
14 allowed to build. He continued that the remaining issue was obtaining approval for the wetland
15 crossing for the driveway. Dave Daniels reiterated that the applicant had previously obtained
16 approval from the State and the Conservation Commission with regard to the proposed wetland
17 crossing. Michael Seraikas, CWS, noted that there was detail on the plan that stated a crushed
18 stone base and corrugated metal pipe would be used in the culvert. He also had a note on the
19 plan that there would be a total of 250 s.f. of wetland impact. He indicated that a note would be
20 added to the plan to state that any excavation on the project would be put in an area that would
21 not affect the wetland. He further indicated that silt fence was shown on the plan and vegetation
22 specifications with regard to loaming and seeding were on the plan. Dave Daniels noted that the
23 wet area shown on the plan was seasonal and was not always wet. The Chairman asked if the
24 flow from the wetland area went into the stream. Dave Daniels answered yes.

25 Michael Seraikas, CWS, stated that a flood plain was added to the plan that showed it
26 was about 100' off the edge of the brook and about 250' off the road it tapered down to 25' from
27 the edge of the river.

28 The Chairman asked for questions from the Board; there were none.

29 The Chairman asked for questions or comments from the audience. Danielle Ahearn
30 asked if the culvert would be installed prior to the sale of the property. Dave Daniels answered
31 that it would most likely be installed after the sale of the property. Danielle Ahearn asked how
32 the builder planned on getting machinery to the property. Dave Daniels stated that they had
33 discussed that the bridge could be plated but ultimately it was something that the concrete
34 company would need to figure out. He stated that during the cleanout process during the last
35 four years he had to deal with this issue and there had not been any problems. He noted that Jon
36 Lariviere had received a letter from the Ahearns and he understood their concerns. He noted that
37 because of the size of the bridge there were never two sets of tires on it at the same time and the
38 weight was distributed quite a bit. George Ahearn stated that he was concerned that a concrete
39 truck may end up in the brook. Peter Hogan asked if the bridge was particularly beautiful.
40 Danielle Ahearn answered no. Peter Hogan asked why then the Ahearns cared if a truck fell
41 through the bridge. Danielle Ahearn advised that she would be unable to leave Lochwood Drive
42 if the bridge was broken. Dave Daniels noted that Jon Lariviere was present in the audience and
43 would address the matter.

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

October 25, 2011

9

1 **ESTATE OF KATHERINE JOHNSTON, cont.**

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3 Mark Suennen asked for Jon Lariviere's relationship to the project to be identified. Jon
4 Lariviere stated that he was buyer of the property and he owned a building and excavation
5 company. He noted that he would be doing the site work and construction at the property. Jon
6 Lariviere pointed out that the hearing was for the CUP and he would be happy to address the
7 bridge concerns with Mr. and Mrs. Ahearn at after the hearing.

8 The Chairman asked if the Board believed a site walk was necessary; they did not.

9 The Chairman asked for further questions or comments. Mark Suennen stated that the
10 security for the wetland crossing amounted to \$3,755.00 according to the estimate just received.
11 He suggested that the Board require an even \$4,000 to cover a 10% contingency. The Chairman
12 asked in what form the security would be submitted. Jon Lariviere answered that the security
13 would be submitted in cash or check.

14
15 Peter Hogan **MOVED** to approve the Conditional Use Permit and approve the plans of
16 the Estate of Katherine Johnston by David Daniels, Estate Administrator to effect one (1)
17 wetland crossing on property on Bog Brook Road, known as Tax Map/Lot #9/76, as the
18 four conditions for granting the permit have been found to exist, subject to:

19
20 **CONDITIONS PRECEDENT:**

- 21 1. Submission of the financial security in the amount of \$4,000.00 and in the form of
22 cash or check.
23 2. Any revisions to the site plan as decided by the Board at the hearing (if
24 applicable).

25 The deadline for complying with the conditions precedent shall be **November 25, 2011**,
26 the confirmation of which shall be an administrative act, not requiring further action by
27 the Board. Should the conditions to approval not be fulfilled by the deadline date, and a
28 written request for extension is not submitted prior to that date, the applicant is hereby
29 put on notice that the Planning Board may convene a hearing under RSA 676:4-a to
30 revoke the approval.

31
32 **CONDITIONS SUBSEQUENT:**

- 33 1. Completion of the site improvements as related to the one (1) wetland crossing, as
34 shown on the approved construction design plan.
35 2. The financial security shall not be released until the site has been inspected upon
36 notification to the Planning Department by the applicant that the project has been
37 completed, and a compliance hearing is held and confirms that the project has
38 been satisfactorily completed by no later than **October 25, 2012**.

39
40 Mark Suennen seconded the motion and it **PASSED** unanimously.
41
42
43

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

October 25, 2011

10

1 **STEVENS, BRIAN & BETH (OWNER)**
2 **TODD LAND USE CONSULTANTS, LLC (APPLICANT)**
3 Public Hearing/Minor Subdivision/Lot Line Adjustment
4 Location: 165 Mont Vernon Road & 26 Hooper Hill Road
5 Tax Map/Lot #11/9-3 & 10
6 Residential-Agricultural "R-A" District
7

8 Present in the audience were Rick Kohler and Beth Stevens.

9 The Chairman read the public hearing notice. He stated that the application had been
10 accepted as complete on October 11, 2011, with the Board deadline for action on December 15,
11 2011.

12 Rick Kohler noted that revisions had been made to notes 9 and 10 of the plan with regard
13 to the last meeting's minutes. He stated that notes 11 and 12 had also been added that stated that
14 no further impacts to the wetlands could take place without permits. He stated that the wetlands
15 system drainage pattern was shown on the plan as well as the 4,000 s.f. reserve area for septic
16 placement. He stated that notes 5 and 10 specifically addressed the existing septic system and, in
17 the event that it failed, replacement of the system.

18 The Chairman asked for questions or comments from the Board. Peter Hogan
19 commented that he was satisfied with what had been submitted by the applicant.
20

21 Mark Suennen **MOVED** to accept the waivers for checklist items #35, 36, 37, 38, 39 and
22 51, as being unnecessary to the plan as the applicant has provided some wetland detail
23 and setback on the house lot, provided a 4,000 s.f. area for future septic and satisfied the
24 spirit and intent of the regulations. Peter Hogan seconded the motion and it **PASSED**
25 unanimously.
26

27 The Chairman asked if the newly submitted driveway permit addressed the trees that had
28 been discussed at the site walk as being obstructive in the sight line. Rick Kohler indicated that
29 any sight line issues would be at the discretion of the Road Agent, he noted that safe sight
30 distance had been determined by survey. The Chairman specifically asked if the applicant had
31 removed the limbs from the two apples trees, west of the proposed driveway and one maple tree
32 located east of the driveway as they were both listed as conditions of the driveway permit. Rick
33 Kohler stated that he had not seen the driveway permit to which the Chairman had been
34 referring. The Chairman handed Rick Kohler the driveway permit for his review. Rick Kohler
35 requested that the cutting of the tree limbs be a condition of approval for construction of the
36 driveway.
37

38 The Chairman asked for further questions or comments; there were no further questions
39 or comments.

40 Peter Hogan **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for
41 Brian M. and Beth E. Stevens, Map 11 Lots 9-3 and 10, Hooper Hill Road, subject to:
42

43 **CONDITIONS PRECEDENT:**

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

October 25, 2011

11

1 **STEVENS, BRIAN & BETH, cont.**

- 2
3 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,
4 including all checklist corrections and any corrections as noted at this hearing;
5 2. Submission of the mylar for recording at the HCRD.

6 The deadline date for compliance with the conditions precedent shall be December 25,
7 2011, confirmation of which shall be an administrative act, not requiring further action by
8 the Board. Should compliance not be confirmed by the deadline date and a written
9 request for extension is not submitted by that date, the applicant is hereby put on notice
10 that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
11 approval.

12
13 Don Duhaime seconded the motion and it **PASSED** unanimously.

14
15 Peter Hogan **MOVED** to approve the driveway permit for Tax Map/Lot #11/9-3, Hooper
16 Hill Road with the standard Planning Board requirements:

17 Don Duhaime seconded the motion and it **PASSED** unanimously.
18

19 **Discussion, re: Potential Zoning Ordinance & Building Code Amendments, Cont.**

20
21 The Coordinator reminded the Board that item #3 of the Planning Board Calendar,
22 Memorandum, dated October 21, 2011, from Nic Strong, Planning Coordinator, to the Planning
23 Board Members, re: Zoning Ordinance Amendments and Planning Calendar had been tabled
24 from the earlier discussion.

25 The Coordinator noted that the December meetings were currently scheduled for the 13th
26 and 27th. She stated that the Board may not want to meet on the 27th and could decide to meet on
27 the 13th and 20th or only on the 20th to avoid any deadline issues regarding zoning hearings, and
28 so on. Peter Hogan commented that having one meeting on the 20th was the most “green way” to
29 do it. He continued that he did not see the need to heat the meeting hall for two meetings on cold
30 December nights and would help reduce energy costs. The Chairman commented that he agreed
31 that meeting on the 20th was sufficient as the 27th was not a good day to have a meeting.

32 It was the consensus of the Board to hold one meeting in December on the 20th.

33 The Coordinator pointed out that the budget hearing for the Town was scheduled for
34 January 17, 2012, the Town Deliberative Session was scheduled for February 6, 2012, the School
35 Deliberative Session scheduled for February 7, 2012, and voting day March 13, 2012.
36

37 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
38 **OCTOBER 25, 2011.**

- 39
40 1. Approval of the September 27, 2011, minutes, distributed by email.

41
42 Peter Hogan **MOVED** to approve the meeting minutes of September 27, 2011, as written.
43 Don Duhaime seconded the motion and it **PASSED** unanimously.

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

October 25, 2011

12

1 **MISCELLANEOUS BUSINESS, cont.**

- 2
3 2. Endorsement of Driveway Permit for Granite State Concrete Co. Inc., Tax Map/Lot
4 #13/5, (Gravel Pit) Salisbury Road.

5
6 The Chairman advised that he and the Secretary would execute the above-referenced
7 matter at the close of the meeting.

- 8
9 3. Endorsement of an Earth Removal Plan for Craig Heafield, Tax Map/Lot #6/22, River
10 Road, by the Planning Board Chairman and Secretary.

11
12 The Chairman advised that he and the Secretary would execute the above-referenced
13 matter at the close of the meeting.

- 14
15 4. Endorsement of an Earth Removal Plan for Tingley Family Trust, Tax Map/Lot #8/106,
16 Mont Vernon Road, by the Planning Board Chairman and Secretary.

17
18 The Chairman advised that he and the Secretary would execute the above-referenced
19 matter at the close of the meeting.

- 20
21 5. Endorsement of an Earth Removal Plan for Tingley Family Trust, Tax Map/Lot #8/107,
22 Mont Vernon Road, by the Planning Board Chairman and Secretary.

23
24 The Chairman advised that he and the Secretary would execute the above-referenced
25 matter at the close of the meeting.

- 26
27 6. Endorsement of an Earth Removal Plan for Rita C. Houghton, Tax Map/Lot #11/5,
28 Lyndeborough Road, by the Planning Board Chairman and Secretary.

29
30 The Chairman advised that he and the Secretary would execute the above-referenced
31 matter at the close of the meeting.

- 32
33 7. Endorsement of an Earth Removal Plan for Middle Branch Associates, Tax Map/Lot
34 #4/16, Middle Branch Road, by the Planning Board Chairman and Secretary.

35
36 The Chairman advised that he and the Secretary would execute the above-referenced
37 matter at the close of the meeting.

- 38
39 10. Letter with plan attachment received October 18, 2011, from Jane Perron, Todd Land Use
40 Consultants, LLC, to New Boston Planning Board, re: Boundary Plat, Land of Crystal
41 Dark, Mont Vernon Road a/k/a Route 13, for the Board's information

42
43 The Chairman acknowledged receipt of the above-referenced matter; no discussion

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

October 25, 2011

13

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 occurred.

- 4
5 12. Memorandum received October 19, 2011, from David J. Preece, AICP, Executive
6 Director, Southern New Hampshire Planning Commission, to Peter Flynn, Town
7 Administrator and Nicola Strong, New Boston Planning Coordinator, re: Safe Routes to
8 School, for the Board's information.

9
10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

- 12
13 13. New Boston Planning Department Report for Budget 2012, prepared by Nicola Strong,
14 Planning Coordinator, October 24, 2011, for the Board's information.

15
16 The Chairman acknowledged receipt of the above-referenced matter; no discussion
17 occurred.

- 18
19 8. Discussion, re: SHB Properties' security for Tax Map/Lot #12/65-3 thru 8, Bedford and
20 Pulpit Roads. (detailed history attached)

21
22 The Planning Board Assistant stated that the applicant had their conditions previously
23 extended. She stated that their letter of credit was becoming due and she sent a reminder letter
24 and followed up with two phone call reminders with no response. She advised that on the
25 expiration day for the letter of credit a member of the LLC sent an email to her and she reminded
26 him that her initial letter and phone calls were made out of courtesy. She stated that she
27 contacted the bank and was told that they could not comment on the letter of credit and that she
28 should contact a member of the LLC. Tom Sauser, a member of the LLC, contacted her and
29 advised that the bank was in the process of approving the letter of credit and that the subdivision
30 was currently unsecured.

31 The Chairman asked what the applicant was requesting. The Planning Board Assistant
32 explained that the applicant was seeking an extension of the conditions subsequent. Peter Hogan
33 commented that the remaining item left for the subdivision was the top coat.

34 The Chairman asked how this matter was normally handled. The Planning Assistant
35 noted that the Board would most likely grant the extension, however, she believed the applicant
36 should be addressed by someone other than herself with regard to this matter. The Coordinator
37 stated that the Board could send a letter to the applicant stating that the security needed to be
38 submitted in cash until the letter of credit was approved. Peter Hogan pointed out that the
39 subdivision would not be traveled on during the winter as the applicant did not plow it and he
40 reiterated that only a top coat was needed. He went on to say that the extension should be
41 granted and a letter should be sent from the Planning Board to the applicant reminding him that it
42 was his job and not the Planning Department's to make sure he met his deadlines.

43 Peter Hogan suggested extending the deadline for two years. The Coordinator explained

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

October 25, 2011

14

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 that banks currently were not in favor of issuing or renewing securities for more than a year.

4
5 Mark Suennen **MOVED** to extend the conditions subsequent for SHB Properties, Tax
6 Map/Lot #12/65-3 thru 8, Bedford & Pulpit Roads, to October 31, 2012, conditioned
7 upon obtaining an updated letter of credit within 15 days, and to send a letter from the
8 Board to the applicant. Don Duhaime seconded the motion and it **PASSED** unanimously.

9
10 9. Discussion, re: cell tower site stabilization/compliance, Tax Map/Lot #6/33, Thompson
11 Lane.

12
13 The Chairman advised that he had not visited the above-referenced site to view
14 stabilization. David Litwinovich commented that the site stabilization had been improving, grass
15 was growing and trees had been replaced.

16 It was the consensus of the Board that compliance had been met.

17
18 14. SNHPC

19
20 The Chairman asked if the Planning Office had received the Economic Assets Profile that
21 they wanted updates for. The Planning Board Assistant answered no. The Chairman noted that
22 SNHPC wanted it returned by Thanksgiving. He suggested that it be distributed for the next
23 meeting and comments could be made. He noted that he would forward the document to the
24 Planning Board Assistant.

25
26 Peter Hogan **MOVED** to adjourn the meeting at 8:27 p.m. Don Duhaime seconded the
27 motion and it **PASSED** unanimously.

28
29 Respectfully Submitted,
30 Valerie Diaz, Recording Clerk

Minutes Approved:
December 20, 2011