

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2012 Meetings**

May 8, 2012

1

1 The meeting was called to order at 6:35 p.m. by Chairman Stu Lewin. Present were  
2 regular member Mark Suennen and Ex-Officio Christine Quirk. Also present were Planning  
3 Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie  
4 Diaz.

5  
6 Present in the audience for all or part of the meeting were Brandy Mitroff and Michael  
7 Dahlberg, LLS.

8  
9 **Continued discussion, re: Mixed Use District and discussion, re: Rules of Procedure Update**

10  
11 Present in the audience were Brandy Mitroff and Michael Dahlberg, LLS.

12 The Chairman asked for Mark Suennen's thought on the proposed draft Rules of  
13 Procedure. Mark Suennen believed that the Rules of Procedure were an accurate reflection of  
14 how the Board acted. Christine Quirk commented that she had no comments on the proposed  
15 draft Rules of Procedure.

16 The Chairman welcomed Mark Suennen to share his comments with the Board. Mark  
17 Suennen referred to the Rules of Procedure, Section 4.5, and questioned if the Board was  
18 statutorily required to review the Rules of Procedure annually at the same meeting that officer  
19 elections occurred. The Chairman answered no and explained that he had proposed the  
20 procedure to ensure that the rules were reviewed on an annual basis. Mark Suennen disagreed  
21 with reviewing the Rules of Procedure annually and believed that they should be reviewed less  
22 frequently. He suggested that the Rules of Procedure be reviewed "every three years or upon the  
23 appointment of a new Chairperson". The Chairman indicated that he was fine with Mark  
24 Suennen's suggestion. The Coordinator stated that the review should also take place after any  
25 relevant changes to statutes that would require review. Mark Suennen agreed and suggested the  
26 following language, "Shall be reviewed every three years or as required by a statutory change".  
27 The Board agreed with Mark Suennen's proposed language.

28 Mark Suennen referred to the Rules of Procedure, Section 5.10, and asked if the word  
29 "may" could be changed to "encouraged". The Chairman preferred the word "should" instead of  
30 "may" and the Board agreed to the change.

31 Mark Suennen referred the Board to the Rules of Procedure, Section 6.2, C, last sentence  
32 and Section 6.5, first. He indicated that the sentences referenced seemed to say the same thing  
33 and questioned if there was a reason to list the same thing in two places. The Board agreed to  
34 strike the first sentence in Section 6.5.

35 Mark Suennen pointed the Board to the Rules of Procedure, Section 9.6, and noted that  
36 throughout the document "Chairman" had been changed to "Chair" with the exception of this  
37 section.

38 Mark Suennen referred to the Rules of Procedure, Section 9.9, and asked if "public  
39 hearings" should replace "hearings". The Coordinator answered, yes.

40 Mark Suennen referenced the Rules of Procedure, Section 9.12, and suggested that "or if  
41 required to meet a quorum" be added to the end of the first sentence. The Chairman agreed with  
42 the proposed language.

43 Mark Suennen referred to the Rules of Procedure, Section 11.3, and asked if applications

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1 **DISCUSSION RE: RULES OF PROCEDURE UPDATE, cont.**

2  
3 without a completed checklist and applications without the signature of the property owner  
4 should be added to the current list of items for denial of an application. Christine Quirk stated  
5 that not all properly completed checklists would fall into that. The Coordinator added that  
6 generally an incomplete checklist was not counted as grounds to deny an application. The  
7 Chairman commented that he believed an incomplete checklist should be grounds to deny an  
8 application as it was not difficult to complete. Mark Suennen asked if the Board decided which  
9 applications were not properly completed. The Chairman asked for confirmation that the  
10 Subdivision Regulations included what items were needed for a completed application. The  
11 Coordinator confirmed that the Subdivision Regulations included items required for a completed  
12 application, however, she did not recall if one of the items was a completed checklist. Mark  
13 Suennen stated that he did not see a completed checklist as a requirement for a completed  
14 application in the Subdivision Regulations. The Coordinator pointed out that the checklist  
15 provided a condensed format of the entire regulation and use of the checklist was not a  
16 replacement for thorough review of the regulations. The Board decided not to make any changes  
17 to the above-referenced section.

18 Mark Suennen referenced the Rules of Procedure, Section 13.2, and noted that the word  
19 “purposed” should be replaced with the word “purpose”.

20 Mark Suennen referenced the Rules of Procedure, Section 13.4, and items # 1-4. He  
21 stated that typically the Board allowed applicants to speak prior to voting on the completeness of  
22 an application. He questioned if the order of items # 1-4 should be changed. The Coordinator  
23 pointed out the reason the order was as it was listed was because the Board did not have  
24 jurisdiction over an application until it was accepted as complete. The Chairman stated that the  
25 Board may need to change the way they were handling applications. Mark Suennen disagreed  
26 and believed that applicants should be allowed to make brief statements prior to the acceptance  
27 of the application. The Coordinator agreed that brief statements from the applicant could be  
28 made to do with why the application should not be considered incomplete, for example, but  
29 nothing of more detail. The Chairman asked if something could be added to the section that  
30 addressed the allowance of a brief statement. The Coordinator answered yes.

31 Mark Suennen referred to the Rules of Procedure, Section 14.2, and suggested that “...or  
32 provide written copies for the public” be added to the section. The Board agreed to Mark  
33 Suennen’s proposed language.

34 Mark Suennen pointed the Board to the Rules of Procedure, Section 16.2, and asked if  
35 there was a charge for the copies that were referenced in the section. The Coordinator answered  
36 yes. Mark Suennen asked if the fee for the copies could be noted in the section. The  
37 Coordinator answered, yes.

38 Mark Suennen referenced the Rules of Procedure, Section 18.2, and commented that it  
39 was a great idea to define a “drive-by”. He stated that part of the definition noted that  
40 observations would be made without entering the property. He pointed out that the Board had  
41 entered onto properties to conduct “drive-bys”, i.e., the Board checked for stabilization at a  
42 property on Wilson Hill Road and had to enter the property to do so. He stated that he did not  
43 believe the Board should prohibit themselves from crossing a property line if the drive-by was

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1 **DISCUSSION RE: RULES OF PROCEDURE UPDATE, cont.**

2  
3 related to a public hearing. The Chairman questioned if a distinction should be made between a  
4 drive-by and the full Board being present at the property. The Planning Board Assistant agreed  
5 that the Board should be allowed to enter the property for purposes of verifying compliance.  
6 Christine Quirk noted that with regard to her property, the Friendly Beaver Campground, the  
7 Board had to conduct a drive-by to verify that a culvert had been installed and the only way the  
8 Board could make the verification was by entering the property. The Coordinator noted that she  
9 would add language that reflected the need for the Board to access properties.

10 Mark Suennen referred to the Rules of Procedure, Section 20.1, which stated that a  
11 Planning Board sub-committee should include a Planning Board member. He suggested that this  
12 be changed to "...at least one Planning Board member..." in case multiple Planning Board  
13 members wanted to be on a certain sub-committee.

14 Mark Suennen referenced the Rules of Procedure, Section 21.2, and asked if applicants  
15 received refunds for applications that were denied by the Board. The Coordinator answered yes.  
16 Mark Suennen asked if it was appropriate to refund applications that were denied. The  
17 Coordinator answered that she did not know. Mark Suennen stated that he was more in favor of  
18 refunding application fees for denials made prior to accepting the application as complete. The  
19 Coordinator noted that she could add the language "denied as incomplete". The Chairman asked  
20 if fees would be refunded to applicants who withdrew their applications. Mark Suennen  
21 suggested that refunds be made on a pro-rated basis. Christine Quirk commented that the  
22 Planning Office completed a lot of work before an applicant's first meeting was scheduled and  
23 she did not believe that any amount should be refunded to the applicant after that point. The  
24 Coordinator noted that the secretarial fees partly covered work done on the application. Mark  
25 Suennen suggested that if an application was denied as incomplete the application fee should be  
26 refunded, however, if the application was accepted the application fee would not be refunded.  
27 Brandy Mitroff asked for the purpose of the application fee. Christine Quirk answered that the  
28 application fee was charged for the work that was being done. Brandy Mitroff noted that there  
29 was a separate secretarial fee. Christine Quirk acknowledged that there was a secretarial fee for  
30 work completed by the Planning Office, however, it did not cover all the work completed by the  
31 Planning Board. Brandy Mitroff suggested that the secretarial fee be increased and the amount  
32 of the application fee decreased. The Coordinator stated that the application fee was for the  
33 opportunity to be able to subdivide in New Boston. She noted that the fees charged were going  
34 to be reviewed this year as they did not come close to covering the operating costs of the  
35 Planning Department, nor was it clear that they should. She went on to say that the secretarial  
36 fee covered the cost of postage as well as a nominal cost for the envelope and paper. She added  
37 that the refund could be removed in its entirety from the Rules and Procedures if the Board  
38 wished. Mark Suennen stated that he felt comfortable refunding fees for incomplete applications  
39 but did not believe any refund should be made after the application was accepted as complete.  
40 The Chairman stated that he would table the discussion with regard to reviewing fee amounts  
41 and what the fees were for until later in the year.

42 Mark Suennen pointed out that the fees listed for major subdivisions did not make sense  
43 because the secretarial fees were listed as being \$100 per lot for four to nine lots, and \$250 for

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1 **DISCUSSION RE: RULES OF PROCEDURE UPDATE, cont.**

2  
3 each additional 10 lots which did not appear to cover major subdivisions of one to four lots. He  
4 suggested that this should be \$100 per lot for up to nine lots.

5 Mark Suennen referred the Board to the Rules of Procedure, Section 23, and asked if  
6 there were forms missing from the list, i.e., application and checklist forms. The Coordinator  
7 noted that forms were listed in Section 23.1. Mark Suennen suggested striking Section 23.2  
8 which referenced only the road bond estimate form for some reason. The Board agreed to strike  
9 Section 23.2.

10 The Coordinator advised that the Board was allowed to permit electronic attendance at  
11 Planning Board meetings; she noted that the Board could decide to not permit electronic  
12 attendance. She asked if the Board wanted to allow electronic attendance. She added that a  
13 physical quorum was required, however, one or more members could participate by telephone or  
14 Skype. Brandy Mitroff asked if members participating by telephone or Skype could vote during  
15 the meeting. The Coordinator answered that the members were allowed to vote. The Chairman  
16 asked the Coordinator to incorporate the electronic attendance section into the Rules of  
17 Procedure and the Board would review it.

18 The Coordinator suggested that she create a section that addressed email communication  
19 between Board members as public record. The Chairman asked if the Planning Office printed  
20 out copies of the emails and filed. The Coordinator answered yes. The Chairman believed that  
21 the section should note that the emails were printed and filed.

22 The Coordinator asked the Chairman if he wanted to go through the issues that he and she  
23 had been discussing during preparation of the proposed draft Rules of Procedure. The Chairman  
24 addressed the issue that he had with referencing statutes versus including details. He stated that  
25 the draft he had initially presented to the Coordinator included more detail and she had revised it  
26 to refer to the relevant statute in most cases. He thought that some of the sections could benefit  
27 from more detail being included. Mark Suennen thought that the Rules of Procedure should just  
28 point to the statutes and noted that had also been the advice from Town Counsel in the past. The  
29 Chairman stated that the Rules of Procedure were not quite at the level of Zoning Ordinances or  
30 Subdivision Regulations and he did not believe that they would be user friendly if the reader was  
31 required to search for statutes that were referenced. He went on to say that he agreed with the  
32 use of references for other regulatory matters but not with regard to the Rules of Procedure. He  
33 asked Mark Suennen if he still felt that only a reference should be listed. Mark Suennen  
34 answered that if his lawyer told him that it was sufficient to simply list the statute name and  
35 address then he was not going to argue with him. The Chairman asked for Christine Quirk's  
36 opinion on the matter. Christine Quirk stated that it was quite common to reference things. The  
37 Chairman stated that he disagreed with only listing the reference, however, he would let it go.

38 The Coordinator referred the Board to the Rules of Procedure, Section 5.11, and noted  
39 that the Board had not been making recommendations to the Board of Selectmen with regard to  
40 reappointments. She explained that the Board of Selectmen had a process in place whereby they  
41 sent a form to the Board member to be filled out if it was the member's intent to continue serving  
42 on the Board. She stated that the Board needed to either move forward by following through  
43 with the Board of Selectmen's process or remove it from the Rules of Procedure. The Chairman

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1 **DISCUSSION RE: RULES OF PROCEDURE UPDATE, cont.**

2  
3 suggested that “or reappointments” be removed from the section and the section reworded to  
4 reflect what the Board had been doing.

5 The Coordinator pointed to the Rules of Procedure, Section 6.4, and explained that the  
6 RSA reference contained therein simply said that the Ex-Officio member on the Planning Board  
7 shall not be the Chairperson. She noted that the Chairman had proposed that the Ex-Officio not  
8 hold any office on the Planning Board and asked if the Board agreed with the proposal. Mark  
9 Suennen stated that he was comfortable with the language that the Ex-Officio just not serve as  
10 Chairperson.

11 The Coordinator referred to the Rules of Procedure, Section 9.12, and explained to the  
12 Board that currently the Chairman only voted when a question was divided or he was required to  
13 do so for a quorum. She continued that there was nothing in the statute that prohibited the  
14 Chairman from voting all of the time. She noted that the recommendation that was made at a lot  
15 of planning conference was that the Chairman should always vote. She asked the Board how  
16 they wanted to proceed with this matter. Mark Suennen asked if the Chairman had been  
17 participating in votes. The Chairman stated that he had voted in some instances when he  
18 believed it was important to have his position on the record. He added that he did not have an  
19 issue with voting. Brandy Mitroff and Christine Quirk commented that the Chairman should  
20 vote. It was the consensus of the Board to allow the Chairman to vote.

21 The Coordinator referenced the Rules of Procedure, Section, 9.14, and pointed out that  
22 she had changed the end time of Planning Board meetings to 10:00 p.m. instead of 11:30 p.m.  
23 with a vote of the Board required to extend that time; she asked if the Board was agreeable to the  
24 change. The Chairman proposed that “...or at the discretion of the Chair”, be added to the  
25 section. The Board agreed with the proposed changes.

26 The Coordinator noted that Section 10 of the Rules of Procedure was a new section and  
27 asked if anyone had noticed anything that was missing. Mark Suennen commented that the  
28 definition of cover sheets was good as the Board often referred to them.

29 The Coordinator pointed the Board to the Rules of Procedure, Sections 12.5 and 12.6.  
30 She indicated that the referenced sections were new. Mark Suennen stated that he liked the  
31 language that “a continuing hearing will have precedence over a new hearing”.

32 The Coordinator referenced the Rules of Procedure, Section 13.14 and 13.15 with regard  
33 to non-appearance. She stated that this did not happen very often but if it did it would be  
34 grounds for denial and the person would need to reapply. She continued that the applicant would  
35 need to make a request in writing. Mark Suennen stated that he believed it was good to have this  
36 in the rules, however, as they were the Planning Board’s rules they could waive them to allow  
37 for someone to submit something on Friday and then not be able to attend on Tuesday.

38 The Coordinator referred to the Rules of Procedure, Section 14, and noted that it  
39 addressed public hearings that were not on applications, but were for ordinance and regulation  
40 adoption and amendment.

41 The Coordinator referenced the Rules of Procedure, Section 16.5, and explained that the  
42 practice in New Boston was that once meeting minutes were approved by the Board the tape  
43 and/or digital recording were erased. She asked for the Board’s position on this matter. The

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1 **DISCUSSION RE: RULES OF PROCEDURE UPDATE, cont.**

2  
3 Chairman indicated that the meeting minutes were very detailed and he found it hard to believe  
4 that anything of interest could be found on the tapes that was not already in the minutes. Mark  
5 Suennen stated that he thought it was a great idea to erase the recordings as long as statutorily  
6 they were permitted to do so.

7 The Chairman asked the Coordinator to incorporate any changes that were made this  
8 evening to the Rules of Procedure, provide the Board with updated copies, schedule one more  
9 Board review and then schedule a public meeting.

10  
11 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
12 **MAY 8, 2012.**

- 13  
14 1. Approval of the April 10, 2012, minutes, distributed by email.

15  
16 Mark Suennen **MOVED** to approve the minutes of April 10, 2012, as written. Christine  
17 Quirk seconded the motion and it **PASSED** unanimously.

- 18  
19 2. Letter copy received April 25, 2012, from Russ Boland, Fire Inspector, to Mr. David  
20 Mann & Ms. Jerri Stanford, re: 3 River Road, for the Board's information.

21  
22 Mark Suennen asked what the above-referenced applicants needed to complete by May  
23 10, 2012. The Coordinator answered that they needed to install fire separation between the  
24 business and the residence. She added that there were a couple of other things that needed to be  
25 done that were identified during a walk-through. Christine Quirk added that a fire alarm needed  
26 to be connected.

27 Mark Suennen stated that the items listed should be considered for the Mixed Use District  
28 requirements. Christine Quirk believed that people needed to know these things ahead of time.  
29 The Planning Board Assistant pointed out that a memo had been sent to the Fire Department and  
30 Fire Wards informing them that a site plan had been submitted for the business. She noted that  
31 the Fire Department or Fire Wards informed the Fire Inspector of the site plan and he became  
32 involved when the Building Inspector went to inspect for the CO. She noted that the Fire  
33 Inspector was now copied on the memos sent to the Fire Department and Fire Wards.

- 34  
35 3. Memorandum with attachments received April 20, 2012, from David Preece, AICP,  
36 Director, Southern New Hampshire Planning Commission, re: Piscataquog Watershed  
37 Stream Crossing Assessment Project, for the Board's information.

38  
39 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
40 occurred.

41  
42  
43

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1 **LAMBERT PROPERTY MANAGEMENT, LLC**

2 ***Discussion re: conceptual site plan***

3 Location: 42 Hemlock Drive & N.H. Route 114 a/k/a North Mast Road

4 Tax Map/Lot #3/52-26

5 Small Scale Planned Commercial "COM" District

6  
7 Present in the audience were Mike Dahlberg, LLS, and Brandy Mitroff.

8 The Chairman noted that the above-referenced discussion was informational and  
9 preliminary and as such nothing discussed was binding on either the Board or the applicant.

10 Mike Dahlberg, LLS, indicated that there would be no material changes done to the site.  
11 He pointed to a previously approved gravel surface area, display area, cut in road and additional  
12 display area on map of the lot. He identified a location where the applicant intended on placing  
13 cars for sale.

14 Mike Dahlberg, LLS, stated that the applicant had no intention of hiring any employees  
15 and he would continue to operate the business with his brother. He stated that they would be  
16 proposing to sell three to five used cars at a time.

17 Mike Dahlberg, LLS, stated that the applicant was interested in knowing what would be  
18 required to amend the existing site plan to include the use of selling the vehicles.

19 The Chairman asked if there would be a marked area for the cars to be displayed. Mike  
20 Dahlberg, LLS, answered yes.

21 The Chairman questioned if there would be any environmental issues to be  
22 concerned about, i.e., leaking fluids from vehicles. The Coordinator suggested that the marked  
23 area for vehicles be bumped out of the well radius. Mark Suennen pointed out that a well radius  
24 could cross a public street and he believed parked vehicles would have less environmental  
25 damage to a well than the salt and sand used on roads. The Coordinator stated that on a site plan  
26 it was a nice idea to not have potential pollutants within the well radius, however, the applicant  
27 did not have to move it.

28 The Chairman noted that there would be no physical changes to the site and asked if the  
29 hours of operation would change. Mike Dahlberg, LLS, answered no. The Chairman asked if  
30 there would be changes to the existing sign.

31 The Coordinator pointed out that the applicant would be required to obtain a Special  
32 Exception from the ZBA for vehicular sales. Mike Dahlberg, LLS, asked if the applicant could  
33 submit to the ZBA and Planning Board concurrently. The Coordinator answered yes and noted  
34 that the Town offered a joint hearing option.

35 Mark Suennen asked for confirmation that the applicant was looking to sell four to five  
36 vehicles at the same time. Mike Dahlberg, LLS, answered that the applicant had stated he was  
37 interested in selling a handful of vehicles and he understood that to mean three to five vehicles.  
38 Mark Suennen stated that if the number of vehicles sold increased, a traffic study for the area may  
39 be required to determine the traffic impact at the intersection. He went on to say that he did not  
40 believe a traffic impact study was necessary for the sale of three to five, however, at some  
41 threshold there would be an increased volume of traffic that would generate the need for traffic  
42 impact that was not required for the original building.

43 The Chairman asked for further comments and/or questions from the Board. Mark

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1 **LAMBERT PROPERTY MANAGEMENT, cont.**

2  
3 Suennen commented that the idea appeared pretty straightforward. He added that the applicants  
4 would be using an existing building and driveway and would be using existing gravel surface.  
5 He noted that Route 114 was not a scenic byway and he did not see the plan being an issue once  
6 the applicant received a Special Exception.

7 The Coordinator asked if the applicant intended on installing lighting to light up the  
8 vehicle display area, noting that the hours of operation could mean that the business would be  
9 open after dark. Mike Dahlberg, LLS, answered that he was unsure but would ask the applicant.

10 The Chairman asked if a public hearing was required for an amendment to a site plan.  
11 The Coordinator answered that the Board need to determine whether the proposed amendment to  
12 the plan proposed changes that abutters to the site would find different than what already existed.  
13 The Chairman stated that lights, hours and owner were not changing and the only change was to  
14 sell a handful of vehicles.

15 The Planning Board Assistant asked if the applicant intended on using the existing  
16 building to operate the proposed business as that may create the need to notify other departments.  
17 Mike Dahlberg, LLS, did not believe that the building was set up to operate the proposed  
18 business and stated that the applicants had not mentioned using the building. He noted that he  
19 would ask the applicant with regard to use of the buildings.

20 The Chairman asked for further questions and/or comments. Mike Dahlberg, LLS, asked  
21 if the next step was to submit an amended site plan and apply for a Special Exception with the  
22 ZBA. The Coordinator answered yes and she added that if the applicant wished to set up a joint  
23 hearing he had the option of doing so. Mike Dahlberg, LLS, commented that it was his  
24 experience that no one was ever happy when a joint hearing was held. He noted that the option  
25 was up to the applicant. The Coordinator advised that the ZBA had different notice requirements  
26 that could be found on the Town website.

27  
28 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
29 **MAY 8, 2012, Cont.**

30  
31 7. Confidential & Privileged letter dated May 2, 2012, from William R. Drescher, Drescher  
32 & Dokmo, P.A., to Nic Strong, Planning Coordinator, re: Sprinkler Regulations, for the  
33 Board's review and discussion.

34  
35 Present in the audience was Brandy Mitroff.

36 The Chairman asked if the Board needed to take a vote to make the above-referenced  
37 letter no longer confidential and privileged. The Coordinator answered that the Board could  
38 discuss the letter without quoting full pieces of it and decide not to release it to the public or the  
39 Board could vote to release the letter to the public. Mark Suennen stated that the issue was  
40 whether or not to have a closed hearing and he noted that they were having a public hearing,  
41 however, they were not telling anyone in the audience what was in the letter. The Coordinator  
42 clarified that the Board could decide not to release the letter in its entirety, however, they were  
43 allowed to discuss the contents.



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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 The Chairman stated that he had read the letter and it contained typical legalese. Mark  
4 Suennen commented that he liked the last two paragraphs of the letter. The Chairman agreed  
5 and stated that was what he had taken away from it, noting, that it was to rescind their  
6 subdivision regulations with regard to sprinkler systems.

7 The Chairman asked if any town was going to do anything to push it. Mark Suennen  
8 stated that someone would be getting sued. The Coordinator answered possibly but thought that  
9 it may go back to the legislature to be fixed.

10 The Chairman asked if this was in the Zoning or Subdivision Regulations. The  
11 Coordinator answered Subdivision Regulations.

12 Christine Quirk asked for confirmation that currently the Town could not mandate  
13 anyone to move forward with cistern or sprinklers for fire suppression. The Coordinator  
14 clarified that the Town could mandate cisterns just not sprinklers. Christine Quirk asked how  
15 this affected property owners with sprinkler systems in place. The Coordinator answered that if  
16 the sprinkler systems were approved before the law changed they were still required to have the  
17 sprinklers.

18 Brandy Mitroff asked for the date of the legislation. The Coordinator answered July 1,  
19 2011.

20 Brandy Mitroff asked if the Board could approve a developer's request to install sprinkler  
21 systems in lieu of cisterns. Mark Suennen answered, yes, but noted that there was no guarantee  
22 that that owner would be the one who builds the house.

23 Brandy Mitroff asked if the Board had required any subdivisions to install sprinkler  
24 systems after July 1, 2011. The Coordinator answered no.

25 Brandy Mitroff asked if the above-captioned letter would remain confidential. The  
26 Chairman indicated that the Board could take a vote on the matter.

27  
28 Mark Suennen **MOVED** to open the Confidential & Privileged letter dated May 2, 2012,  
29 from William R. Drescher, Drescher & Dokmo, P.A., to appropriate public use, to  
30 include sending a copy to the Fire Wards. Discussion: Brandy Mitroff asked what Mark  
31 Suennen meant by "appropriate public use". Mark Suennen asked that members of the  
32 media not publish the letter in the newspaper. Brandy Mitroff noted that she may take  
33 quotes from the letter. Christine Quirk seconded the motion and it **PASSED**  
34 unanimously.

35  
36 Christine Quirk asked if subdivisions would now be required to install cisterns. The  
37 Coordinator answered, yes if they met the criteria to require one.

38 The Chairman asked if the Board had required pre-cast cisterns for any of the approved  
39 subdivisions. The Coordinator answered, no, not yet. Brandy Mitroff asked what type of cistern  
40 was installed in the Christian Farm subdivision. The Coordinator answered that a fiberglass  
41 cistern had been installed.

42 Brandy Mitroff asked if the Board had an idea of when they would conduct a public  
43 hearing to formally change the Subdivision Regulations. The Coordinator indicated that there

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 were a few other things that need to be changed in the Regulations and once those were complete  
4 a hearing would be scheduled. Brandy Mitroff asked if those changes would be completed  
5 within the next couple of months. The Coordinator answered yes.

6 The Chairman asked for further questions and/or comments; there were no further  
7 questions or comments.

8  
9 **Discussion, re: Mixed Use District, Cont.**

10  
11 Present in the audience was Brandy Mitroff.

12 The Chairman advised that the tasks to be accomplished this evening were reviewing the  
13 map/graphic/photo of the proposed Mixed Use District area, completing discussion regarding  
14 potential uses to be allowed in the mixed use district and identifying the stakeholders/participants  
15 for mixed use district discussion.

16 The Coordinator provided the Board with an aerial photograph, obtained from Bob  
17 Todd's office, of the proposed Mixed Use District area. She stated that Southern New  
18 Hampshire Planning Commission was going to put together a composite tax map, however, they  
19 were unable to have it ready for this evening's meeting and as such she provided a photocopied  
20 map of the area. She explained that the map provided showed current zoning that included the  
21 Commercial District and Residential-Agricultural District. She noted that the orange areas on  
22 the map represented commercial properties. She noted that the Northeast Café, Tate's Gallery  
23 and Stuart Clark Insurance all existed in residentially zoned lots but were pure commercial. She  
24 stated that the yellow areas on the map represented current mixed use properties.

25 Brandy Mitroff questioned why the Molly Stark was not included in the current mixed  
26 use area as the house could be used as a residence. The Coordinator answered that the yellow  
27 area reflected the current situation. Mark Suennen pointed out that no one was residing at the  
28 house and if they do not use the house as a residential use within two years that use would no  
29 longer be permitted as it was zoned commercial. The Coordinator pointed out that the property  
30 owners were informed of this matter

31 The Coordinator pointed to the tax map and indicated that the blue areas represented  
32 Town owned land.

33 Brandy Mitroff asked if 3 River Road should be colored in yellow as it was currently a  
34 mixed use of residential/commercial. The Coordinator answered yes.

35 The Coordinator explained that if the Board moved forward with an overlay for a mixed  
36 use all of the lots in the area between High Street, Depot Street and River Road could be used for  
37 commercial and the Board needed to consider what uses could be permitted. She noted, for  
38 example, that vehicular sales in the center of Town might not be appropriate. Mark Suennen's  
39 understanding of the Coordinator's statement was for the Board to consider whether the  
40 underlying zoning was appropriate based on the use that had been going on since it had been  
41 established. The Coordinator answered yes and asked if the Board believed that the list of uses  
42 permitted in the Commercial District was actually a good list for the center of Town. Mark  
43 Suennen answered that it was highly unlikely that the list of permitted commercial uses were

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11

1 **DISCUSSION RE: MIXED USE, cont.**

2  
3 good for the center of Town. The Coordinator commented that it was a separate but related  
4 question with regard to how the Board wanted to proceed with a mixed use overlay district.  
5 Mark Suennen commented that the Coordinator had made an interesting point and went on to say  
6 that with a mixed use overlay the Board would be establish criteria that would restrict the types  
7 of uses and have the appropriate facilities to accommodate the use.

8 Brandy Mitroff asked how the overlay would function. Mark Suennen answered that the  
9 mixed use overlay added to and did not subtract from the underlying authority. Brandy Mitroff  
10 asked if commercial currently allowed a car lot and the Board came up with a list of uses that did  
11 not include a car lot would a car lot still be permitted. The Coordinator answered, yes, and  
12 added that sometimes an overlay district, in an attempt to encourage people to use it instead of  
13 the underlying zoning, would offer some type of incentive, i.e., 25% more commercial space  
14 than ordinarily allowed or extra parking allowances.

15 Brandy Mitroff asked if the creation of an overlay district was simpler than creating a  
16 village district. The Coordinator answered that either district could be used but she believed the  
17 Board was leaning toward the overlay because it created an option and did not ask the  
18 townspeople to vote on rezoning parcels. She noted that standards would be created so that the  
19 use would not flip-flop back and forth and would provide for residential and a compatible  
20 business use.

21 The Coordinator asked the Board if the map she provided of the proposed mixed use  
22 district was what they had envisioned for the physical area to be involved. Mark Suennen  
23 answered yes. The Chairman asked if SNHPC would provide a proper map. The Coordinator  
24 answered yes and added that she had asked them to provide lots and roads as well as zoning.  
25 The Chairman asked when the maps would be provided. The Coordinator indicated that they  
26 would be provided at the next meeting.

27 Mark Suennen stated that interested parties to discuss the mixed use overlay district  
28 would include Geoff Katz, John Young, those who had already asked for the allowance of a  
29 mixed use district and those who have had a Special Exception granted to allow them to have a  
30 mixed use. Christine Quirk indicated that anyone within the mapping area should be contacted.  
31 Mark Suennen stated that if members of the media wanted to invite others to join the discussion  
32 the Board would be happy to hear from them.

33 Brandy Mitroff commented that the last time this had been tried one of the negatives that  
34 had occurred was that those people living within the village area did not understand the proposal  
35 because they were not included. Mark Suennen believed that the Board would alert people that  
36 they were thinking about the mixed use district now, in one year alert them of progress that had  
37 been made and then just before Town Meeting alert them again. Brandy Mitroff offered to print  
38 articles from the Planning Board in the New Boston Bulletin in an effort to reach people.

39 The Coordinator asked if the Board would like her to look into having someone from  
40 Goffstown speak with the Board with regard to their residential/small business district. The  
41 Chairman answered yes and believed it would be helpful. Mark Suennen commented that it  
42 made good sense to speak with someone from Goffstown about the creation of their  
43 residential/small business district. He asked if there was anyone else that was outside of the

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1 **DISCUSSION RE: MIXED USE, cont.**

2  
3 Town's community to come in and speak to the Board, for example, SNHPC. The Coordinator  
4 indicated that she had been thinking about having someone from SNHPC come in with the  
5 Goffstown Planner. She also indicated that the Town departments should be involved and she  
6 could address it at the next Department Manager meeting. Mark Suennen commented that it was  
7 important to hear from the Fire Inspector and Building Inspector with regard to creating  
8 standards.

9 Brandy Mitroff asked if the Board intended on conducting a separate meeting in the  
10 future for interested parties to attend. Mark Suennen answered that the Board intended on  
11 having a series of meetings. The Coordinator added that eventually there would be a large,  
12 facilitated gathering that the SNHPC would run. She noted that the event would be advertised  
13 and personal invitations would be sent in an effort to create a forum. Brandy Mitroff asked if the  
14 New Boston Bulletin's June issue was too soon to get the word out. Christine Quirk answered  
15 yes. The Coordinator stated that she did not think it would hurt to have a brief blurb that the  
16 Planning Board was working on this but she noted that an exact time schedule had not been  
17 created for the sessions previously mentioned.

18 The Coordinator asked the Board if it would be okay if people came into the Planning  
19 Office to answer questions if they did not want to, or could not, attend public sessions. The  
20 Chairman answered yes. The Coordinator asked if the Board wanted to help come up with a list  
21 of questions. Mark Suennen answered yes.

22 Mark Suennen believed that the following uses would not be applicable in the mixed use  
23 district area:

- 24 • Schools, Kindergarten/Elementary/Middle
- 25 • Public Park and Playground
- 26 • Auditorium/Civic Center
- 27 • Utilities and Communications Facilities
- 28 • Senior Housing/Assisted Living
- 29 • Hotels
- 30 • Lounges and Taverns
- 31 • Theater
- 32 • Manufacturing
- 33 • Parking Facilities
- 34 • Library
- 35 • Post Office

36  
37 Mark Suennen stated that some of the uses would need to be addressed on a case by case  
38 basis, e.g. non-profit community center. He went on to say that a small battered women's shelter  
39 might be appropriate for a downtown mixed use but a recreation center may not be appropriate.

40 The Chairman asked for the difference between senior housing/assisted living and an  
41 adult daycare facility. Mark Suennen answered that senior housing was a fulltime living  
42 arrangement whereas adult daycare was on a drop-in/drop-out basis.

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1 **DISCUSSION RE: MIXED USE, cont.**

2  
3 The Chairman asked if Mark Suennen had viewed the entire list of manufacturing uses  
4 and still believed that no manufacturing should be permitted. Mark Suennen answered that  
5 repair of watches and clocks could be a great use but when he thought of manufacturing he was  
6 thinking of mass production and factories. He stated that factories and residential uses did not  
7 mix well. Brandy Mitroff wondered if there was a way to define manufacturing on a smaller  
8 scale. Mark Suennen answered that it was a fair question and he was unsure of the answer.  
9 Christine Quirk stated that it was a good question for the Goffstown Planner.

10 Christine Quirk noted that she agreed with quite a few of the uses that Mark Suennen  
11 indicated he would not want to permit, however, she disagreed with not allowing senior housing  
12 and assisted living. Brandy Mitroff pointed out that senior housing had existed in Mont Vernon  
13 in an old home and was successful.

14 The Chairman asked if the Board should be thinking about a list of questions for  
15 interview purposes for the next meeting. The Coordinator answered, yes, and added that she  
16 would try to get someone to attend the next meeting to talk with the Board.

17  
18 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
19 **MAY 8, 2012, Cont.**

- 20  
21 5. Memorandum with attachments dated May 4, 2012, from Nic Strong, Planning  
22 Coordinator, to Planning Board Members, re: Conditional Use Permits, for the Board's  
23 review and discussion.

24  
25 The Board agreed to move the above-referenced discussion to the next meeting in order  
26 to give the members an opportunity to review the memorandum.

- 27  
28 6. Memorandum dated May 2, 2012, from Bill Drescher, to Nic Strong, re: Performance  
29 Bond Regulation Proposed Changes, for the Board's review and discussion.

30  
31 The Coordinator explained that an applicant would be responsible for creating the  
32 wording for the cash escrow agreement.

33 Mark Suennen stated that he had no problem including all of Town Counsel's  
34 modifications to the Performance Bond regulations.

35 Mark Suennen asked how the Board was defining a "self-calling letter of credit". The  
36 Coordinator explained that a self-calling letter of credit meant that once the expiration date was  
37 reached the Town would automatically be given the money to finish work if it was not done and  
38 the bond/letter of credit not renewed.

39 The Chairman indicated that the Board was set with incorporating the proposed changes.  
40 He asked that the Coordinator distribute the update as an "FYI". The Coordinator stated that this  
41 matter could be wrapped up with the sprinkler matter and one public hearing scheduled.

- 42  
43 8. Distribution of the April 24, 2012, minutes, for approval at the meeting of May 22, 2012.

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
4 occurred.

- 5  
6 9. Receipt and discussion, re: review and adoption of 2010 Piscataquog River Management  
7 Plan (PRMP) Update and Piscataquog Watershed Land Conservation Plan.

8  
9 The Coordinator explained that the above-referenced matter needed to be reviewed and  
10 discussed for possible adoption to the Master Plan.

11 The Chairman asked if the plans that were created were generic and not specific to New  
12 Boston. The Coordinator answered that the Land Conservation Plan was created for the  
13 Piscataquog watershed and the SNHPC had worked with the Conservation Commissions and  
14 their towns to work on a co-occurrence model to designate land that was most in need of  
15 protection. She noted that SNHPC had asked the Conservation Commissions to use the plan to  
16 guide their work and that they also asked that Planning Boards adopt it as an adjunct to the  
17 Master Plan to help guide planning discussions relative to the watershed.

18 The Coordinator informed the Board that the Town already had the PRMP and it was  
19 currently part of the Master Plan. She continued that what was being provided was an update.

20 The Chairman again asked if the plans were specific to New Boston. Mark Suennen  
21 answered that the Land Conservation Plan plan was not specifically written for New Boston.

22 The Chairman asked for the date of the last PRMP. The Coordinator answered 1999 or  
23 2000. The Chairman asked if there had been significant changes included within the update.  
24 The Coordinator indicated that the update referenced the amended Shoreland Protection Act, the  
25 levels of the rivers and classifications for things that had changed.

26 The Chairman stated that he would be more interested in entertaining the adoption of the  
27 PRMP, however, he noted that the large document needed to be reviewed prior to its adoption.  
28 He asked for Mark Suennen's opinion on this matter. Mark Suennen stated that he was not  
29 willing to adopt the update without first reading it. He added that he was willing to read both  
30 documents but he was doubtful he would find anything outstanding within the Piscataquog  
31 Watershed Land Conservation Plan that he would want to have adopted into the Master Plan.

32 The Board agreed to read the PRMP and make a determination on its adoption by the end  
33 of the year. Following that the Board would consider the Land Conservation Plan.

34  
35 Mark Suennen **MOVED** to adjourn at 8:57 p.m. Christine Quirk seconded the motion  
36 and it **PASSED** unanimously.

37  
38 Respectfully Submitted,  
39 Valerie Diaz, Recording Clerk

Minutes Approved:  
06/12/2012