

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

June 12, 2012

1

1 The meeting was called to order at 6:30 p.m. by Chairman Stu Lewin. Present were
2 regular members Don Duhaime and Mark Suennen, alternate member David Litwinovich and
3 Ex-Officio Christine Quirk. Also present were Planning Coordinator Nic Strong, Planning
4 Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Brian Rose, Goffstown
7 Planning Administrator, Tim Redmond, Goffstown Planning Board Chairman, and Brandy
8 Mitroff.

9
10 **Meeting with representatives of the Goffstown Planning Board and Planning Department,**
11 **re: their Residential Small Business Office District, followed by continued discussion, re:**
12 **New Boston's proposed Mixed Use District**

13
14 The Chairman thanked Brian Rose, Goffstown Planning Administrator, and Tim
15 Redmond, Goffstown Planning Board Chairman, for taking time to speak with the Board about
16 their Residential Small Business Office District.

17 Brian Rose, Goffstown Planning Administrator, stated that he and Tim Redmond,
18 Goffstown Planning Board Chairman, were glad to be present and share their experiences. He
19 noted that Tim Redmond had more historical knowledge of Goffstown and added that he had
20 only worked for the Town of Goffstown for the last two years.

21 Brian Rose indicated that he had been asked to give the Board input on Goffstown's
22 RSBO-1 and RSBO-2 Districts. He stated that the Coordinator had sent him questions to be
23 answered and he provided those answers to the Board in a handout.

24 Brian Rose stated that Goffstown adopted the Residential Small Business Office District
25 (RSBO) in 1995. He explained that, initially, the RSBO District was only one district and in
26 2006 it was broken out into the RSBO-1 and RSBO-2 Districts. He continued that the RSBO-1
27 District had been reserved for properties in the Village area, while the RSBO-2 District was
28 located in the Pinardville area of the town. He noted that the differences between the two
29 districts were that RSBO-1 was geared toward larger lot development and RSBO-2 was for
30 smaller lot development.

31 Brian Rose pointed out that creating the two districts was not necessarily part of a big
32 plan for the town to do something like this; the 1987 Master Plan had focused on creating light
33 industrial and economic development. He explained that the Planning Board had sent out a
34 directive to expand the commercial uses area along Routes 114 and 114A. He noted that one of
35 the things the town wanted to keep was the character of the residential area and not allow
36 developers to create large developments. He added that by establishing this zone, smaller uses
37 like dental offices, chiropractic offices or other similar uses could fit in existing structures. He
38 stated that the goal of the creation of the districts was to allow for the mix of uses within the
39 districts.

40 Brian Rose commented that the RSBO-1 and RSBO-2 Districts had worked fairly well,
41 although he did not believe that they were taken advantage of in every instance.

42 Brian Rose stated that he did not believe the town had experienced any problems with the
43 districts. He did note that last year a proposal was made by petition to wipe out the RSBO-2

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1 **DISCUSSION WITH GOFFSTOWN PLANNING REPS, cont.**

2
3 District but it failed. The Coordinator asked if it was known why the petition had been made.
4 Tim Redmond, indicated that the petition had been made to serve an individual's personal
5 interest. Brian Rose agreed that there was some personal interest, however, he believed that the
6 petitioner was seeking to make the area of 114/114A more economically viable.

7 Tim Redmond stated that they had established use tables that were located in their Zoning
8 book. He indicated that the table included a list of suggested allowable uses. He added that the
9 table also clarified which uses were allowed by permit, by right, conditional use permits or
10 special exceptions. He noted that prior to the creation of the RSBO-1 & RSBO-2 Districts there
11 were no defined uses and, as such, spot zoning had occurred. He added that the RSBO-1 and
12 RSBO-2 Districts provided some conformity within the zones.

13 Tim Redmond stated that they had been concerned with preserving the historic nature of
14 the Village area. He noted that the RSBO-1 & RSBO-2 Districts allowed for the Board to have
15 control over this matter.

16 Brian Rose suggested that the Board review the Town of Goffstown's ordinance for the
17 purposes of identifying standards. He specifically noted that Goffstown allowed for small scale
18 parking in keeping with the residential character of the district. He pointed out that the Planning
19 Board could waive parking requirements in certain instances. Tim Redmond advised that the
20 Planning Board requested that applicants attempt to make arrangements with other parking lots
21 in the area. He cited an example of an applicant for a church that utilized surrounding
22 businesses' parking spaces during church services.

23 Brian Rose stated that the RSBOD was a good zone and was not an overlay zone. He
24 believed that the overlay district that New Boston was seeking to create would most likely
25 provide the same results as the RSBOD as long as flexibility was written into the ordinance to
26 allow for residences and businesses to co-exist.

27 The Coordinator asked for the Goffstown representatives' thoughts on the differences
28 between lots having municipal sewer and water versus septic systems and wells. Tim Redmond
29 answered that most of the Goffstown lots were on municipal water. Brian Rose added that if any
30 of the lots were not on municipal sewer or water he was unsure if any additional requirements
31 would be required. He continued that if there was a proposal for a laundromat, for example,
32 special arrangements would need to be made or deny the application. Tim Redmond noted that
33 there were other ways to handle the water issue and referenced a carwash in Pinardville. He
34 explained that the carwash had initially been denied because the sewer line was operating at
35 capacity. He continued that the applicant proposed to install a water recycler and explained that
36 the water from the carwash was cleaned and reused. He added that the applicant reduced the
37 outflow from the site to a standard that was acceptable to the sewer commission. Brian Rose,
38 Goffstown Town Administrator, believed that Goffstown did have some businesses that operated
39 with septic systems.

40 The Chairman asked for the location of the RSBO-1 District. Brian Rose answered that
41 the RSBO-1 District started in the Goffstown Commercial Village area and went down both
42 sides of Mast Road heading towards Weare. Tim Redmond added that the RSBO-1 District was
43 also located in the area after leaving the Village and going down Mast Road to the roundabout.

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1 **DISCUSSION WITH GOFFSTOWN PLANNING REPS, cont.**

2
3 Mark Suennen asked if the RSBO-1 District continued to the Goffstown High School. Tim
4 Redmond answered no.

5 Mark Suennen asked if the Team Engineering building located on Mast Road also had a
6 residential use. Tim Redmond answered that he was unsure and pointed out that it was not
7 required to have a mixed use in the RSBO-1 or RSBO-2 Districts. Mark Suennen stated that
8 New Boston was looking to allow small scale businesses and residential uses in the same
9 building. He explained that the Board had had previous discussions about allowing a property to
10 be used 100% one way, be redeveloped and used 100% another way. He specifically asked if the
11 Team Engineering business could be reverted back to a residential use. Tim Redmond answered
12 that it could revert back to a residential use in the RSBO-1 & RSBO-2 District. Brian Rose
13 added that single family and two-family dwellings were allowed by right and multi-family
14 dwellings were allowed by conditional use permit; he noted that they did not have to be mixed
15 use. He stated that they had a section that required that dwelling units that were part of a mixed
16 use project obtain a conditional use permit in the RSBO-1 District and were permitted by right in
17 the RSBO-2 District. Tim Redmond explained that the need for a conditional use permit was
18 based on the desire to retain the character of the Village. He noted that Pinardville was
19 developed and would not revert back to a village area.

20 The Coordinator asked if there were standards for keeping the Village character in their
21 Site Plan Regulations. Tim Redmond stated that the town was a Main Street community, which
22 helped. He added that Goffstown also had a Village Commercial District that had specific
23 parameters. Brian Rose indicated that Goffstown had adopted a Village Plan in 2006. He
24 explained that the Plan focused on the Village area and how it would, hopefully, develop over
25 time. He continued that there was a proposed layout of how the area would evolve. Brandy
26 Mitroff added that it sounded as though Goffstown also had a Historic District that prevented the
27 taking down of older homes without permit. She commented that having a Historic District was
28 a huge thing that the Town of New Boston had talked about but no one had ever brought
29 anything like it forward for the Village area. Brian Rose pointed out that the Historic District
30 within the Village area was very small. He added that there were a group of buildings/structures
31 that were associated with the National Register. Brandy Mitroff asked what the Town of
32 Goffstown had in place that prevented someone from buying several lots and tearing down
33 Victorian homes. Tim Redmond answered that applicants were required to go through a process
34 that determined whether or not the home had any historical value. He went on to say that it was
35 a decision made by the Historic District Commission.

36 Tim Redmond referred back to Mark Suennen's previous question regarding the Team
37 Engineering site and stated that a small office, not exceeding 2,000 s.f., of general business and
38 professional offices and healthcare practitioners, including outpatient care, were only done by
39 conditional use permit in the RSBO-1 District and were permitted uses in the RSBO-2 District.
40 Mark Suennen asked if the 2,000 s.f. referred to an existing facility. Tim Redmond answered
41 that it could be in an existing facility or new facility. Brian Rose added that if the building was
42 larger than the 2,000 s.f. and wanted to do a mixed use, the commercial would need to be limited
43 to the 2,000 s.f.

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1 **DISCUSSION WITH GOFFSTOWN PLANNING REPS, cont.**

2
3 Tim Redmond indicated that sign regulations specific to the Village District existed. He
4 advised that the Goffstown Main Street Committee made comments and suggestions about signs
5 in the Village District.

6 The Coordinator asked for confirmation that the market had dictated what happened in
7 the RSBO-1 & RSBO-2 District since 1995. Brian Rose confirmed the Coordinator's statement.

8 Mark Suennen stated that adequate parking was a concern for the Board in the Village
9 area. He asked if Goffstown had to deal with parking issues with smaller lots in Pinardville.
10 Tim Redmond answered yes and stated that in the Village area parking had to be located behind
11 the building. He also stated that the Goffstown Planning Board encouraged neighboring
12 landowners to provide access from parking lot to parking lot.

13 Brian Rose advised that Goffstown had taken over the responsibility of the section of
14 land that ran through the Village area. He explained that, under the urban compact, Goffstown
15 was responsible for Mast Road as it went through the Village area and as such they could
16 determine whether or not to put on-street parking on the main street. He stated that Goffstown
17 was considering additional parking along Mast Road going towards Weare. Tim Redmond
18 commented that if the Board wanted things to happen, they needed to help people. He used an
19 example of the Ace Hardware Store in Goffstown and said that the Planning Board had granted a
20 parking waiver in order to help the project move forward.

21 Brian Rose stated that Goffstown continued to look at ways of creating more parking
22 opportunities and that process was part of the Village Plan. He stated that all the potential areas
23 for parking had been outlined. He suggested that New Boston should outline all the potential
24 parking areas in the Village area.

25 Brandy Mitroff questioned the way parking requirements were determined and she
26 wondered if there was a way to rethink the current parking calculations. Tim Redmond stated
27 that he would rather err on the side of caution and have the restrictions be too strict and be able
28 to grant a waiver of the restriction.

29 The Chairman asked if the Town of Goffstown had held facilitated public sessions for the
30 people within the proposed districts to offer input. Tim Redmond answered that they had gone
31 through the public hearing process and had multiple hearings. He added that people within the
32 proposed district were notified of the public hearings by certified mail.

33 The Chairman asked if the Town of Goffstown had experienced any pushback from
34 people within the proposed district. Brian Rose advised that there was some pushback with
35 regard to signage in the proposed district. Tim Redmond added that hours of operation, light
36 pollution and traffic studies should also be considered.

37 Mark Suennen asked how involved Goffstown's Fire Department had been with mixed
38 uses. Tim Redmond answered that applicants must meet all regulations set forth by the Fire
39 Department. He added that all Building Code regulations also needed to be met. Mark Suennen
40 asked if these matters were part of their site review. Brian Rose stated that in most instances the
41 uses and the site plans were approved prior to meeting the building and life safety requirements.

42 The Chairman thanked Brian Rose and Tim Redmond for their time.

43

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1 **Continued Discussion, re: New Boston's proposed Mixed Use District**

2
3 Following the discussion the Chairman asked for comments from the Board. Mark
4 Suennen stated that signage should be reviewed for unintended consequences.

5 Christine Quirk found it interesting that Goffstown allowed for one use to be reverted to a
6 different use in the RSBO-1 & RSBO-2 Districts.

7 The Chairman asked what item was next on the Board's lists of tasks for the creation of a
8 Mixed Use District. The Coordinator answered that the Board was scheduled to comment on the
9 two letters and the list of questions from the last meeting.

10 Mark Suennen referred to the letters, third paragraphs, and noted that he was unsure if the
11 word "choice" was the right word to use. He explained that he was not sure a choice was being
12 given and he preferred the word "opportunity" or "option".

13 Mark Suennen referred to the letter being sent to the individuals within the proposed
14 Mixed Use District, fifth paragraph. He suggested that instead of using the language "a two-year
15 schedule" it should read, "The Board has set a target to have the Mixed Use Zoning on the
16 March 2014 ballot".

17 The Coordinator advised that she would make the previously discussed changes and send
18 them to the Board members for review. She stated that after the letters were sent out, the
19 Chairman would attend the July 11th Department Manager's meeting. She advised that by
20 August she would have examples for the Board of things that were working in other towns and
21 states with regard to districts and overlays. She stated that the first input session would take
22 place in August or September.

23 Mark Suennen referred to the list of questions that needed to be discussed and suggested
24 that the question "How long have you lived?" be changed to "How long have you owned
25 property?". The Coordinator asked if she could add the change as "owned/lived". Mark
26 Suennen agreed to the Coordinator's change.

27 Mark Suennen asked if the Board should ask "what would be a bad fit" in conjunction
28 with "what would be a good fit". The Board agreed to ask Mark Suennen's question.

29 Mark Suennen suggested that the following question should be asked, "How do you think
30 a Mixed Use Overlay could affect your property value"? He explained that he wanted to ask the
31 question to determine whether they will receive a negative or positive reaction.

32 Mark Suennen suggested that the Board ask, "What are the issues the Board should
33 consider in the development or implementation of a Mixed Use Overlay"?

34 The Chairman asked for further comments and/or questions. David Litwinovich asked
35 what options the Board had for collecting information. The Coordinator answered that there
36 would be facilitated input sessions. Mark Suennen added that there could also be informal
37 gatherings as described by Brandy Mitroff prior to the start of the meeting whereby a resident
38 had invited their neighbors for coffee and a discussion about the Zoning Ordinance when it was
39 first proposed in New Boston. The issue of Planning Board members attending such a session
40 was mentioned. The Coordinator noted that two Board members could attend the coffee and chat
41 because they would not make a quorum. Brandy Mitroff stated that the coffee and chat meetings
42 were successful because they had created a more intimate atmosphere. She went on to say that
43 because people were sitting with their neighbors they were not intimidated to talk. Mark

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1 **MIXED USE DISTRICT DISCUSSION, cont.**

2
3 Suennen believed that if a coffee and chat were to occur it would need to be hosted by someone
4 who owned property in the Village area.

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

7
8 The Chairman asked that the Coordinator send a thank you to the Goffstown
9 Representatives for attending the meeting.

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

13
14 1. Approval of the May 8, 2012, minutes, distributed by email.

15
16 Mark Suennen **MOVED** to approve the minutes of May 8, 2012, as written. Don
17 Duhaime seconded the motion and it **PASSED** unanimously.

18
19 2. Distribution of the May 22, 2012, minutes, for approval at the meeting of June 26, 2012.
20 (distributed by email)

21
22 The Chairman acknowledged receipt of the above-referenced matter; no discussion
23 occurred.

24
25 9. Letter with attachment received May 30, 2012, from Pierce Rigrod, Environmentalist IV,
26 Drinking Water Source Protection Program, to New Boston Planning, re: Extending
27 Municipal Groundwater/Aquifer Zoning to Protect Wellhead Protection Areas (WHPAs),
28 for the Board's information.

29
30 The Chairman acknowledged receipt of the above-referenced matter; no discussion
31 occurred.

32
33 6a. Letter dated May 2, 2012, from William R. Drescher, Drescher & Dokmo, P.A., to Nic
34 Strong, Planning Coordinator, re: Sprinkler Regulations, for the Board's information.

35
36 The Chairman acknowledged receipt of the above-referenced matter; no discussion
37 occurred.

38
39 6b. Memorandum dated May 9, 2012, from Shannon Silver, Planning Board Assistant, to
40 Board of Fire Wards, re: Letter from Town Counsel, re: Sprinkler Regulations, for the
41 Board's action.

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

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 occurred.

4
5 6c. Letter dated May 23, 2012, from Board of Fire Wards, to Nic Strong, Planning
6 Coordinator, re: Sprinkler Regulations and request to meet with the Planning Board, for
7 the Board's action.

8
9 The Chairman assumed that the Fire Wards could be coming to the next meeting. The
10 Planning Coordinator confirmed this to be the case.

11
12 7a. Letter dated March 27, 2012, from Shannon Silver, Planning Board Assistant, to Dana
13 Moody, re: Clark Hill Road, Tax Map/Lot #8/122-1 & 2, vesting of subdivision, for the
14 Board's information.

15
16 7b. Letter received May 29, 2012, from Dana E. Moody, to Shannon Silver, Planning Board
17 Assistant, re: response to my letter of March 27, 2012, re: vesting of subdivision, Tax
18 Map/Lot #8/122-1 & 2, for the Board's review and discussion.

19
20 7c. Memorandum dated June 7, 2012, from Nic Strong, Planning Coordinator, to Planning
21 Board Members, re: Active and Substantial Improvements, for the Board's review and
22 discussion.

23
24 The Chairman addressed items 7a, 7b, and 7c together as they were related. He noted
25 that the Board had sent the above-referenced applicant a letter in March and two months later the
26 applicant responded to the letter. He noted that the letter stated that the applicant was attempting
27 to sell the above-captioned property and believed the new owner should handle the vesting issue.

28 The Chairman asked if there was another subdivision with a vesting problem that was
29 coming up. The Coordinator answered yes and stated that it was coming up in 2013.

30 The Chairman listed the Board's options for action:

- 31
- 32 • Do nothing and allow it to remain as is; or
 - 33 • Review it against current regulations to determine whether or not to change it; or
 - 34 • Invite the applicant to meet with the Board to discuss the matter; or
 - 35 • Consult with Town Counsel to see what next steps to take.

36 The Chairman asked if there were any issues with current regulations. The Coordinator
37 answered that there was a possible issue relative to the wetland setbacks. Mark Suennen asked if
38 the lot would be legitimate if the current wetland setbacks were applied. The Coordinator
39 answered that she did not believe it would be, however, she had not done the measurements.
40 Mark Suennen asked if the lots were not considered lots of record if they would revert back to a
41 single lot. The Coordinator answered that she was not sure if they would revert back to the
42 single lot or if they would all need to be re-evaluated.

43 The Chairman asked how much longer after the approval of this subdivision did the
setbacks did the Town's setback regulation kick in. The Coordinator answered that it went into

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 effect the following year.

4 The Chairman stated that from a legal point of view the time period was going to end
5 later this month and as such did the Board need to act before the time period ended? Mark
6 Suennen stated that the Board could revoke the subdivision at any time after the vesting period
7 was over. The Coordinator did not believe that it was a good idea to wait too long to act.

8 Christine Quirk asked if the applicant had built a driveway would the subdivision be
9 vested? The Coordinator answered that the applicant could have asked the Board to accept the
10 installation of a driveway as enough to meet the criteria of the statute.

11 Mark Suennen asked what would be required to be substantially complete to be a lot of
12 record. The Coordinator answered that the Board would need to discuss those requirements.
13 She added that deciding the requirements would need to be done on a case-by-case basis.
14 Christine Quirk commented that there most likely a lot of lots in this situation as there were over
15 200 lots sitting idle with no houses on them. The Coordinator pointed out that some of those lots
16 would be considered existing lots of record that pre-existed the zoning. She stated that since
17 1990 most lots were subdivided and built on very soon after the subdivision was approved.

18 The Chairman stated that the applicant's argument in the first paragraph was non-existent
19 because the statute does in fact mean that the Town is not "taking" property when following its
20 requirements.

21 The Chairman asked for thoughts or opinions from the Board. Mark Suennen stated that
22 he did not have an easy answer. He thought that it might be appropriate to inform the applicant
23 upon the expiration of the vesting that the vesting expired and the Board could at anytime revoke
24 the subdivision approval. He added that he was unsure if the Board would want to go through
25 that as it would be a cost to the Town and not the applicant. Don Duhaime did not believe that it
26 was right that the applicant sell the property without informing the purchaser that the lot was not
27 in fact a buildable lot.

28 The Chairman asked what the cost to the Town would be to revoke the subdivision
29 approval. The Coordinator answered that there would be a cost for certified letters, noticing and
30 placing the document in the Registry of Deeds that revoked the plan.

31 David Litwinovich asked if in order to be consistent, would the Board need to review
32 many other lots? The Coordinator answered that there were a few other lots and the Planning
33 Office had a list that identified those lots. The Chairman stated that the subject discussion was
34 not establishing whether the Board needed to do that and as each subdivision became due the
35 Board would have to review it. He noted that this subdivision was the first one the Board has
36 had to handle and it might have a serious issue. He continued that the question before the Board
37 was how they were going to handle the issue and not do we need to look at future lots. David
38 Litwinovich believed that a decision had previously been made to take some sort of action. The
39 Chairman clarified that the Board was forced to look at it but the open issue was what type of
40 action to take. Mark Suennen thought David Litwinovich's question was asking if there were
41 any subdivisions that preceded this and have already had their vesting expire. The Coordinator
42 pointed out that there were two subdivisions where the vesting had expired and the Board had
43 not taken any action: Boyle and Curtis Hill. She noted that both subdivisions were single family

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 residential lots. The Chairman asked if either of the subdivisions had issues. The Coordinator
4 answered that the Planning Office was not aware of any issues.

5 The Coordinator stated that she was unsure who was responsible for checking to see if
6 lots with expired vesting met current regulations, i.e., the applicant or the Planning Office. Mark
7 Suennen asked if vesting was a State regulation. The Coordinator answered that vesting was
8 State statute and the Board could not, therefore, do anything about it. Mark Suennen stated that
9 the Board could decide to do nothing. The Coordinator confirmed that to be true, but noted it
10 defeated the purpose of the statute. Mark Suennen stated that the statute gave leverage to the
11 Board as they could do something if they chose; especially if the lot had since become non-
12 conforming due to regulatory changes. The Coordinator stated that it provided a lot of protection
13 to the property owner and explained that if a subdivision went through the process and there was
14 a very contentious issue that came up, the applicant could then keep track of what the Board or
15 Town did in response to that issue. She noted that, directly or indirectly as a result of the Moody
16 subdivision, the Town enacted a wetland setback. She noted that, in general, an applicant would
17 be well advised to find out what changes to the regulations were proposed and take care of what
18 had to be done within the specified time period. She noted that was why the statute was there in
19 the first place - to give an applicant a certain period of time to make sure that the Planning
20 Board, as a knee jerk reaction, doesn't adopt or modify a regulation or ordinance in response to a
21 subdivision and tell the applicant that they have to change their plan right away.

22 Mark Suennen suggested that the Board send a letter upon the expiration of the vesting to
23 advise the applicant that the vesting period was over and the subdivision was now subject to
24 further action by the Planning Board. He also thought that Town Counsel should be asked if the
25 Board had a duty to a future buyer of the lot; knowing that it was not a buildable lot.

26 The Chairman asked the Coordinator to schedule a discussion at the next meeting for how
27 to approach this matter. The Coordinator stated that she would need to speak with Town
28 Counsel.

29 The Chairman stated that the Board should act on the above-captioned subdivision, even
30 if the action was to allow it to remain as it was. Mark Suennen reiterated his suggestion of
31 sending a letter to the applicant to advise that the vesting had expired and the subdivision was
32 subject to current regulations. The Chairman believed that the Board needed to go one step
33 further. Mark Suennen stated that sending the letter established the fact that the Board was
34 paying attention and knew that the vesting had expired. He continued that it also established that
35 the Board had the right to revoke or ignore it. The Chairman believed that a discussion should
36 occur where the Board would state that they explicitly would ignore it or revoke the subdivision
37 approval. Don Duhaime commented that this applicant had had six years to meet the vesting
38 deadline. Mark Suennen noted that the applicant could decide to place driveways on the lots to
39 meet active and substantial completion and then there would be curb cuts to unbuildable lots.
40 Don Duhaime asked if the applicant had a permit for curb cuts. The Coordinator answered that
41 the applicant had driveway permits. The Chairman believed that the lots were buildable because
42 the Board had not told the applicant that the lots were not buildable. Mark Suennen stated that
43 the applicant would not care if the lots were buildable if he had no intentions of building. He

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 added that the lots were saleable. He noted that the question was if the lots were even lots of
4 record because the applicant had not met the vesting deadline. The Coordinator clarified that the
5 lot was approved and was considered a lot.

6 The Coordinator explained that to be considered a lot the lot was required to have a 0.5
7 acre suitable building envelope and 1.5 acres of contiguous upland soil. She believed that there
8 were critical areas on the lot in question and that it might not meet the 50' wetland setback.

9 Don Duhaime asked if the Board could send a letter that stated the vesting had expired
10 and now the applicant was required to meet all existing regulations. The Coordinator answered
11 yes, and added that in the meantime the Board could figure out options on how to move forward.

12 Christine Quirk asked if the Board was pushing everyone with lots in Town to build a
13 house within five years. The Coordinator answered no, and clarified that they were requiring
14 that applicants make substantial completion of their improvements.

15 It was the consensus of the Board to draft a letter to the applicant making him aware of
16 the expired vesting period and advising him that the lots were subject to meeting all existing
17 regulations.

18 The Chairman noted that the Coordinator was going to contact Town Counsel and have
19 the Board's questions addressed. Mark Suennen requested that an estimate for the cost of the
20 revocation be provided to the Board.

21
22 8. Letter copy received May 31, 2012, from Ed Hunter, New Boston Code Enforcement
23 Officer, to Margaret & Sean McGann, 1 Old Coach Road, Parking Antique Shop, for the
24 Board's information.

25
26 The Chairman acknowledged receipt of the above-referenced matter; no discussion
27 occurred.

28
29 5. Discussion, re: Planning Board summer schedule.

30
31 The Chairman believed that the Board should consider holding one meeting in July on the
32 fourth Tuesday and one meeting in August on the fourth Tuesday.

33
34 Mark Suennen **MOVED** to establish the Planning Board's summer schedule to be one
35 meeting in July, the fourth Tuesday, and one meeting in August, the fourth Tuesday.
36 Don Duhaime seconded the motion and it **PASSED** unanimously.

37
38 10. Letter received June 7, 2012, from Lisa Jeck, EA, Pensato, LLC, to Town of New
39 Boston, Planning Board, re: Tax Map/Lot #18/9, 3 River Road, request of changes to
40 existing site plan approved as a retail shop on January 24, 2012, for the Board's review
41 and discussion.

42
43 The Chairman noted that the changes to the above-referenced site plan were with regard

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

June 12, 2012

11

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 to the hours of operation and signage.

4 The Chairman asked if this matter could be handled administratively or if the applicant
5 needed to appear before the Board. The Coordinator answered that it depended on the impact of
6 the changes. She stated that the Board needed to consider whether or not the proposed signage
7 and change of hours would make an impact at the location.

8 The Chairman stated that at a minimum the applicant should submit an updated plan. He
9 did not believe that changing the hours, opening one and half hours earlier and being open on
10 Sundays, would impact abutters.

11 The Coordinator informed the Board that the applicant needed to obtain a sign permit
12 from the Building Inspector.

13 Christine Quirk stated that she did not have any problems with the proposed changes and
14 she did not believe any neighbors would have a problem with the changes.

15 Mark Suennen questioned if the Board would be setting a precedent by approving the
16 proposed changes without first having a hearing as there had been a change of use and a change
17 of ownership. The Chairman pointed out that there was not a change of ownership and only a
18 change of tenant. The Coordinator did not believe that precedent would be set if the Board stated
19 their findings on the record. She reminded the Board that they had done this before with regard
20 to auto businesses on Route 114. Mark Suennen stated that he withdrew his concerns.

21 The Chairman asked if anyone believed that the Board should not address this matter
22 tonight. Mark Suennen believed that the matter could be addressed. He stated that there was
23 general concurrence that the changes were minor, the proposed hours were reasonable for the
24 business and the Board was already familiar with the sign.

25 The Chairman asked for any thoughts from David Litwinovich and Don Duhaime; both
26 were fine with approving the proposed changes.

27
28 Mark Suennen **MOVED** to accept Lisa Jeck, EA, Pensato, LLC's, letter received June 7,
29 2012, to the Town of New Boston, Planning Board, re: Tax Map/Lot #18/9, 3 River
30 Road, as an amendment to the existing site plan for the property at 3 River Road with the
31 adjusted time and installation of her sign, subject to a sign permit to be obtained for
32 further signs. Don Duhaime seconded the motion and it **PASSED** unanimously.

- 33
34 4. Continued discussion, re: Revised draft copy of Planning Board Rules of Procedure
35 including revisions from May 22, 2012, meeting, for the Board's review and discussion.

36
37 The Chairman asked if Don Duhaime and Christine Quirk had reviewed the above-
38 referenced Memorandum and if so were there any questions and/or comments. Don Duhaime
39 and Christine Quirk had reviewed the Memorandum and did not have any comments or
40 questions.

41 David Litwinovich referred the Board to Section 3 and stated that he had to read the
42 sentence multiple times before he understood it. The Coordinator asked if David Litwinovich
43 had a suggestion to make the language easier to understand. David Litwinovich suggested the

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 following, "Planning Board operations are commonly known and understood by the New Boston
4 citizens...". The Chairman agreed with the proposed change.

5 The Chairman asked that the Rules of Procedure be scheduled for adoption.

- 6
7 3. Memorandum with attachments dated May 4, 2012, from Nic Strong, Planning
8 Coordinator, to Planning Board Members, re: Conditional Use Permits, for the Board's
9 review and discussion.

10
11 The Board decided to table this matter and be ready to discuss it at the July 24th Planning
12 Board Meeting.

13
14 11. Road Agent Receipt of Application

15
16 The Chairman asked if the Road Agent had submitted a receipt that he had received
17 recent proposed applications. The Planning Board Assistant answered that she had not heard
18 back from him and noted they were sent the previous Friday. The Chairman indicated that he
19 would follow up with the Planning Board Assistant on Friday, June 15th, to find out if a receipt
20 had been submitted.

21
22 12. Twin Bridge

23
24 The Coordinator advised that the Twin Bridge Land Management, LLC, was reclaiming
25 the old gravel pit that was part of Phase I of their subdivision. She stated that there was a large
26 stump pile, above-ground, that the applicant had intended to grind. She continued that the Code
27 Enforcement Officer reported that because the pile had sat for so long there were now saplings
28 growing out of it and it was stabilized. She stated that the Code Enforcement Officer wanted to
29 know if it was okay with the Board that the stump pile remains as it is as part of the reclamation.

30 It was the consensus of the Board to allow the stump pile to remain as is and become part
31 of the reclamation.

32
33 Mark Suennen **MOVED** to adjourn at 8:44 p.m. Christine Quirk seconded the motion
34 and it **PASSED** unanimously.

35
36 Respectfully Submitted,
37 Valerie Diaz, Recording Clerk

Minutes Approved:
07/24/2012