

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

July 24, 2012

1

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

5
6 Present in the audience for all or part of the meeting was Rick Kohler, CWS.

7
8 **Public Meeting on Proposal to Amend the Board's Rules of Procedure**

9
10 The Chairman read the public hearing notice and noted that there were no audience
11 members present and as such he would not be going through each amendment as the Board had
12 done so at previous meetings.

13 The Chairman indicated that Rodney Towne had not been present at the meeting when
14 the proposed amendments had been discussed. He stated that the proposed amendments included
15 a rule that allowed the Chairman to vote. The Coordinator added that there was also a proposed
16 amendment that Planning Board meetings would not run past 10:00 p.m., without a vote to
17 continue.

18 Rodney Towne stated that he had reviewed the proposed amendments and it appeared
19 that the Board/Planning Office had worked hard on it and he did not believe there was anything
20 out of the ordinary included in the document.

21 Don Duhaime pointed to Section 14.7 of the proposed Board's Rules of Procedure and
22 noted that the word, "name", was missing from the section.

23 Don Duhaime asked for clarification if public notice referred to 10 business days, i.e.,
24 Monday through Friday. The Coordinator answered yes.

25 The Chairman referred to Section, 19.7, and noted that a reference was included that site
26 walk meeting minutes would be prepared and acted upon like regular Planning Board minutes in
27 accordance with that section of the Rules of Procedure and would, therefore be voted on and
28 approved by the Board. He continued that he did not believe that the Board had ever voted on
29 site walk minutes for approval. The Board agreed to strike the language "minutes shall be in
30 accordance with", so as to remove reference to the regular minutes procedures.

31 The Chairman asked for further comments and/or questions. David Litwinovich noted
32 that he did not have any comments or questions.

33 The Chairman asked if any changes had been made to the forms. The Coordinator
34 advised that a change had been made to the Subdivision Checklist and was relative to needing a
35 copyright note on plans.

36 Rodney Towne indicated that the Board of Selectmen had discussed organization within
37 the Town Departments and had specifically addressed the volume of paper being used. He asked
38 if it was necessary to require four and eight sets of plans and if instead a couple of paper plans
39 and one electronic copy that could be projected be required. He noted that the Board of
40 Selectmen was working on reducing the amount of paper storage. The Coordinator stated that
41 the Planning Office did not keep all four copies of the large scale plans. She explained that one
42 copy was used for edits and given back to the applicant, one copy remained in the file, one copy
43 was sent to the Road Agent and one copy was sent to the Conservation Commission. She noted

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1 **RULES OF PROCEDURE, cont.**

2
3 that the smaller copies of the plan were sent to the various departments in Town to determine if
4 there would be any impacts to their services.

5 Rodney Towne asked if an electronic copy of the plan could be sent to the Conservation
6 Commission. The Coordinator believed it may be feasible to send PDFs of the 11" x 17" copies
7 to the other departments but she noted the Road Agent needed to see the road plans and the
8 Conservation Commission took the copy of the plan to the site to view the wetlands.

9 The Chairman asked who provided the copies of the plans to the Planning Board, because
10 the regulations require submission of eight copies and those apparently were sent to the
11 Departments. The Coordinator answered that the Planning Office made those copies. She noted
12 that secretarial fees charged to an applicant covered the cost to make the copies.

13 The Chairman asked if the question of sending plans electronically to Town Departments
14 could be asked at the next Department Managers' meeting. The Coordinator answered yes.

15 The Chairman asked for further comments and/or questions; there were no further
16 comments or questions.

17 The Chairman closed the public session of the hearing.

18
19 Mark Suennen **MOVED** to adopt the amendments to the Rules of Procedures as
20 presented and editorially amended at the meeting. Don Duhaime seconded the motion
21 and it **PASSED** unanimously.
22

23 **Continued discussion, re: Mixed Use Village District**

24
25 The Board took a ten minute recess to review the Memorandum to the Planning Board
26 Members, from Nic Strong, Planning Coordinator, dated July 23, 2012, re: Continued Mixed Use
27 Discussion.

28 The Chairman asked the Coordinator for an update on the planning of the Mixed Use
29 Village District. The Coordinator noted that the Board had decided that the Mixed Use District
30 would be an overlay district and she had attached some basic information about overlay districts
31 for the Board to read. She noted that the district would contain performance standards and she
32 had also attached some information on performance standards. The Coordinator advised that the
33 previously referenced Memorandum contained information on how other towns around the state
34 and across the nation handled mixed use districts. Mark Suennen asked what had drawn the
35 Coordinator to these particular communities. The Coordinator noted that a Google search had
36 provided some sources and she had also used the Office of Energy and Planning's website to get
37 some ideas of New Hampshire communities that were doing something with mixed use. Mark
38 Suennen said that it would be interesting to know the population of the towns the Coordinator
39 had picked. The Coordinator stated that she could get that information. The Coordinator noted
40 that it was not possible to take any of the ordinances and simply change the name to "New
41 Boston" and use the regulation for our own. She noted that each community was using mixed
42 use for different reasons, e.g., economic development, re-use of existing buildings, no setbacks,
43 preserving downtowns, and so on. She also noted that towns were different sizes and

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3

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

2
3 topography. She stated that the things she mentioned could be looked at further and discussed.
4 The Coordinator noted that New Boston's ordinance seemed as if it was going to be a cross
5 between a conventional zoning ordinance with some form based code ideas and performance
6 standards thrown in, which will make it unique to the Town.

7 David Litwinovich asked if the other towns' ordinances and regulations were available
8 online. The Coordinator answered yes. The Chairman asked if the Coordinator had noted
9 anything other towns did that were not good to do. The Coordinator answered no.

10 The Chairman asked if it was possible to receive material on this matter a full week
11 before the next scheduled meeting in August. The Coordinator answered yes.

12 The Board moved on to the second part of the Coordinator's memo to do with the public
13 input gathering for the mixed use district proposal. The Coordinator noted that previously the
14 Board had thought that a session in October once the kids were back in school and everyone was
15 back in the routine would be the best time. She noted that the Library Community Room was
16 available on Saturday, October 20, 2012. She suggested that the Board plan on a session from
17 8:30 a.m. to 12:30 p.m. and that breakfast refreshments could be served. The first public input
18 session was scheduled for Saturday, October 20, 2012, from 8:30 a.m. through 12:30 p.m. at the
19 Whipple Free Library. It was noted that a Save the Date type notice would be sent to the
20 Bulletin for the September issue and a more detailed article be prepared for the October issue.
21 The Coordinator suggested that the Board consider holding some public input sessions at the
22 regular Board meetings in September to get input from those who may be unable to attend the
23 session in October. The Board thought this was a good idea as it would also help shape the
24 direction of the October session. It was suggested, however, that one session be held at the
25 second meeting in September and one in October or November after the larger public session.

26 The Chairman asked who would facilitate the public input session. The Coordinator
27 answered that the Southern New Hampshire Planning Commission (SNHPC), would provide one
28 or two facilitators for the event. Mark Suennen asked when the facilitator should be reserved.
29 The Coordinator indicated that she would contact the SNHPC the following day to inquire about
30 reserving a facilitator.

31 The Coordinator's memo asked the Board what they thought of taking the list of
32 questions designed for people who may be unable or may not want to attend the public input
33 sessions and making them into a questionnaire to be used on a broader level. The Coordinator
34 suggested using a free online survey tool to allow the survey to be posted to the Planning Board's
35 page on the Town's website. The Chairman asked for the Board Member's thoughts on the
36 online survey. Mark Suennen commented that it was a good idea. He suggested that the survey
37 questions be reviewed at the next scheduled meeting. David Litwinovich asked if hard copies of
38 the survey would be available. The Coordinator answered no and explained that the survey
39 questions were intended to be answered by those in the community that were unable to attend the
40 public input sessions.

41 The Coordinator informed the Board that the Commercial Design Guidelines booklet was
42 a valuable resource to consider when discussing creating performance standards for the district
43 and the Board should take some time to look at it before the next meeting because a lot of the

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4

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

2
3 work that went into that document might be relevant for the mixed use district now.

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

6
7 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
8 **JULY 24, 2012**

9
10 1. Approval of the June 12, 2012, minutes distributed by email.

11
12 David Litwinovich **MOVED** to accept the minutes of June 12, 2012, as written. Mark
13 Suennen seconded the motion and it **PASSED** unanimously.

14
15 2. Approval of the June 26, 2012, minutes distributed by email.

16
17 David Litwinovich **MOVED** to accept the minutes of June 26, 2012, as written. Mark
18 Suennen seconded the motion and it **PASSED** unanimously.

19
20 4. Pre-Construction Meeting Minutes received July 09, 2012, from Kevin Leonard, P.E.,
21 Northpoint Engineering, LLC, to Nicola Strong, Planning Coordinator, re: Twin Bridge
22 Estates, Phase II, for the Board's information.

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

26
27 5. Letter received July 10, 2012, from Dwight D. Sowerby, Esquire, Drescher & Dokmo,
28 P.A., re: Letter of Credit for Twin Bridge Land Management, for the Board's
29 information.

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

33
34 6a. Notice of Decision from the Zoning Board of Adjustment received June 29, 2012, re:
35 Tax/Map Lot #3/52-26, 42 Hemlock Drive, for the Board's information.

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

39
40 6b. Town of New Boston Zoning Board of Adjustment meeting minutes, re: Tax/Map
41 Lot #3/52-26, 42 Hemlock Drive, Joint Hearing with the Planning Board, June 26, 2012,
42 for the Board's information.

43

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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 7. Copy of article, titled; “The Inside Scoop on Nonpublic Sessions”, by C. Christine
7 Fillmore, a Staff Attorney with the New Hampshire Local Government Center’s Legal
8 Services and Government Affairs Department, published in New Hampshire Town and
9 City, June 2012 issue.

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

- 13
14 12. Request for Project Review by the NH Division of Historical Resources, for Twin Bridge
15 Estates, II, Tax Map/Lot #2/62-12 and 3/5, for the Board’s information.

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

- 19
20 13. Letter copy dated July 17, 2012, from David Preece, Executive Director, Southern New
21 Hampshire Planning Commission, to Peter Flynn, Town Administrator, re:
22 Comprehensive Economic Development Strategy (CEDS) for the region, with
23 attachment, for the Board’s information.

24
25 The Chairman acknowledged receipt of the above-referenced matter; no discussion
26 occurred.

- 27
28 14. Letter copy dated July 16, 2012, from David Preece, Executive Director, Southern New
29 Hampshire Planning Commission, to Peter Flynn, Town Administrator, re: Piscataquog
30 Hazard Mitigation and Fluvial Erosion Hazard Planning Project, for the Board’s
31 information.

32
33 The Chairman acknowledged receipt of the above-referenced matter; no discussion
34 occurred.

- 35
36 15. Reminder to Planning Board, re: Review of Piscataquog River Management Plan.
37 (Three extra copies now available)

38
39 The Chairman reminded the Board to review the above-referenced Plan and be ready to
40 discuss it at the meeting of September 11, 2012.

- 41
42 16. Endorsement of a Site Review Agreement by the Planning Board Chairman for Will
43 Lambert, Lambert Property Management, Tax Map/Lot #3/52-26, 42 Hemlock Drive.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman noted that he would execute the above-referenced document at the close of
4 the meeting.

- 5
6 17. Endorsement of a Non-Residential Site Plan for Lambert Property Management, LLC,
7 Tax Map/Lot #3/52-26, 42 Hemlock Drive, by the Planning Board Chairman and
8 Secretary.

9
10 The Chairman noted that he would execute the above-referenced document at the close of
11 the meeting.

12
13 The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's absence.

14
15 **DANE, JAMES H. & WILMA M.**

16 Submission of Application/Public Hearing/Major Subdivision/2 Lots
17 Location: 184 Francestown Road (NH Route 136) & Pine Echo Road
18 Tax Map/Lot #5/6
19 Residential-Agricultural "R-A" District

20
21 Present in the audience was Rick Kohler, CWS.

22 The Chairman read the public hearing notice. He stated that the Application and Cover
23 Sheet had been completed, signed and submitted on June 6, 2012. He noted that the application
24 had initially been submitted as a minor subdivision, however, it was in fact a major and had been
25 discussed at the last meeting. He advised that all items necessary for a completed application
26 had been submitted.

27
28 David Litwinovich **MOVED** to accept the application of James H. & Wilma M. Dane,
29 Location: 184 Francestown Road (NH Route 136) & Pine Echo Road, Tax Map/Lot #5/6,
30 Residential-Agricultural "R-A" District, as complete. Mark Suennen seconded the
31 motion and it **PASSED** unanimously.

32
33 The Chairman indicated that the deadline for Board action would be September 27, 2012.
34 He noted that there were remaining waivers that need to be addressed. He asked if the
35 Coordinator had heard back from the Road Agent with regard to the approval of the proposed
36 driveway permit. The Coordinator answered no. The Chairman advised that the Board need to
37 address a question relative to active and substantial completion. He noted that a site walk had
38 been completed on July 12, 2012.

39 Rick Kohler, CWS, stated that since the last meeting he had delineated and mapped the
40 wetlands. He added that a topographic survey of the property had been completed. He pointed
41 to the plan and noted that the area being discussed was the same area where the site walk had
42 taken place. He stated that 2' contours had been used instead of 5' contours as it made it easier
43 for future design purposes. He pointed to the location of the proposed driveway as well as the

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1 **DANE, JAMES & WILMA, cont.**

2
3 1.5 acres of contiguous upland and 0.5 acres of developable area. He identified the critical areas
4 on the plan and noted that the slopes were 15%. He advised that there were no slopes on the
5 property greater than 25%. He stated that applications for the existing and proposed driveways
6 had been submitted.

7 Mark Suennen stated that based on the site walk he was convinced that an appropriate
8 building lot existed.

9 Rick Kohler, CWS, noted that the waiver requests were relative to the Fiscal, Traffic and
10 Environmental Impact Studies. The Coordinator added that there were also waiver requests for
11 items #41 through #45 of the checklist.

12 Mark Suennen and Rodney Towne reviewed the checklist items to be waived. Mark
13 Suennen asked if the existing septic system was shown on the plan. Rick Kohler, CWS,
14 answered yes and identified the location on the plan.

15 Mark Suennen asked for the existing soil type located in the upland area. Rick Kohler,
16 CWS, answered that Paxton soil existed in the upland area.

17 Mark Suennen stated that he did not have a problem waiving items #41 through #45 of
18 the checklist.

19 The Chairman asked for the Board's thoughts on the waivers for the Impact Studies.
20 Mark Suennen commented that three cars drove past the property during peak traffic hours and
21 as such he did not believe that a Traffic Impact Study was necessary.

22
23 Mark Suennen **MOVED** to grant the waiver requests for the Traffic, Fiscal and
24 Environmental Impact Studies for James H. & Wilma M. Dane, Location: 184
25 Francestown Road (NH Route 136) & Pine Echo Road, Tax Map/Lot #5/6, Residential-
26 Agricultural "R-A" District, noting the minor nature of the application, the minimal
27 traffic and the survey which had shown a suitable building envelope and noting that
28 granting the waivers met the spirit and intent of the Subdivision Regulations. Don
29 Duhaime seconded the motion and it **PASSED** unanimously.

30
31 Mark Suennen **MOVED** to grant the waiver request for checklist items #41 through #45,
32 for James H. & Wilma M. Dane, Location: 184 Francestown Road (NH Route 136) &
33 Pine Echo Road, Tax Map/Lot #5/6, Residential-Agricultural "R-A" District, noting that
34 the survey proved a buildable area that would be able to sustain a septic system and that
35 granting the waivers met the spirit and intent of the Subdivision Regulations. Don
36 Duhaime seconded the motion and it **PASSED** unanimously.

37
38 The Chairman asked for the Board's opinions on active and substantial development or
39 building and substantial completion of improvements. Mark Suennen suggested that active and
40 substantial occur at the time a deed was transferred and substantial completion of improvements
41 would occur at the time a house foundation and driveway were installed. The Board agreed with
42 Mark Suennen's suggestions.

43 Rick Kohler, CWS, asked when the vesting period began. The Coordinator answered that

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1 **DANE, JAMES & WILMA, cont.**

2
3 the vesting period began at the time of the Planning Board's approval.

4
5 Mark Suennen **MOVED** to approve the the Major Subdivision Plan of James H. &
6 Wilma M. Dane, Tax Map/Lot #5/6, 2 Lots, N.H. Route 136 a/k/a Francestown Road and
7 Pine Echo Road, subject to:

8
9 **CONDITIONS PRECEDENT:**

- 10 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,
11 including all checklist corrections, notes of waivers granted and any corrections as
12 noted at this hearing.
- 13 2. Submission of a suitable Mylar for recording at the HCRD.
- 14 3. Digital plat data shall be submitted per Subdivision Regulations Section IV-F, 3.
- 15 4. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to
16 the issuance of a building permit, will be required for land disturbance or
17 development in 'Critical Areas' (both those designated on the plan or created
18 during development). For building permits requiring an ISWMP, Certificates of
19 Occupancy will only be issued after receipt of a 'Stormwater Management Plan
20 Adherence Statement' as specified in the New Boston Subdivision Regulations."
- 21 5. Deeds for each lot shall have the following statement: 'The property herein
22 described is subject to the following condition as described in the recorded
23 subdivision plan referenced above: A Stormwater Management Plan will be
24 required prior to the issuance of a building permit if any land is to be disturbed
25 in the designated or created Critical Areas.
- 26 6. Payment of any outstanding fees related to the subdivision application and/or the
27 recording of documents with the HCRD (if necessary).
- 28 7. Upon completion of the conditions precedent, the final plans and Mylar shall be
29 signed by the Board and forwarded for recording at the HCRD.

30 The deadline date for compliance with the conditions precedent shall be **September 24,**
31 **2012**, the confirmation of which shall be an administrative act, not requiring further
32 action by the Board. Should compliance not be confirmed by the deadline date and a
33 written request for extension is not submitted by that date, the applicant is hereby put on
34 notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
35 approval. This subdivision shall be deemed to be finally approved by this vote on the
36 date the plan is signed by the Board.

37
38 **ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND**
39 **SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

- 40 1. Within 24 months after the date of approval, the following items must be
41 completed in order to constitute "active and substantial development or building"
42 pursuant to RSA 674:39,I, relative to the 5-year exemption to
43 regulation/ordinance changes:

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1 **DANE, JAMES & WILMA, cont.**

2
3 **recording of the deed.**

- 4
5 2. The following items must be completed in order to constitute "substantial
6 completion of the improvements" pursuant to RSA 674:39,II, relative to final
7 vesting:

8 **installation of a driveway and house foundation.**

9
10 Don Duhaime seconded the motion and it **PASSED** unanimously.

11
12 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
13 **JULY 24, 2012, Cont.**

- 14
15 11. Memo dated July 19, 2012, from Nic Strong, Planning Coordinator, re: Planning
16 Department Hours, for the Board's review and discussion.

17
18 The Chairman asked what days the Planning Office was open. The Coordinator
19 answered that the Planning Office was currently open Monday, Wednesday and Friday. She
20 noted that she and the Planning Board Assistant also worked on Tuesday and Thursday. She
21 explained that a question had been asked why the Planning Office was not open Monday through
22 Friday and would they be opposed to opening on an additional day. The Coordinator noted that
23 the current hours had been the way they were since prior to her being hired 15 years ago. She
24 noted that the hours offered the opportunity for office staff to be able to work without the
25 interruptions of customers at the counter. She further noted that this question had come up a
26 couple of times over the years and because the hours had always been the way they were it had
27 previously been decided not to change them. The Coordinator went on to say that it really made
28 no difference being open on one of the days the office was usually closed to the public.

29 The Coordinator asked the Planning Board Assistant if she would be agreeable to
30 opening on Thursdays as Tuesdays required preparation for the Planning Board's meetings. The
31 Planning Board Assistant agreed that it made more sense to open on Thursdays instead of
32 Tuesdays.

33 Mark Suennen asked if the Planning Office was available by appointment on Tuesday or
34 Thursday. The Planning Board Assistant answered yes. Mark Suennen asked if that information
35 was known to the public. The Coordinator answered yes. The Planning Board Assistant added
36 that people dropped into the office all of the time on Tuesday and Thursdays. The Coordinator
37 pointed out that if this question had arisen due to concerns with consistency of department hours
38 or the fact that customers would be confused she did not follow that argument since the Planning
39 Department hours had been Monday, Wednesday and Friday for more than 15 years and
40 published that way for all of that time.

41 Mark Suennen stated that the Board would leave the decision of the hours in the capable
42 hands of the Planning Department.

43

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10

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 8. Letter dated July 17, 2012, from Dwight Sowerby, Esq., re: Fire Suppression Sprinklers
4 in 1 – and 2- Family Dwelling Units, for the Board’s review and discussion.

5
6 Mark Suennen **MOVED** to release the letter dated July 17, 2012, from Dwight Sowerby,
7 Esq., re: Fire Suppression Sprinklers in 1 – and 2- Family Dwelling Units to all interested
8 parties upon request. Don Duhaime seconded the motion and it **PASSED** unanimously.
9

10 The Chairman asked that a copy of the above-referenced letter be sent to the Fire Wards
11 and the Fire Inspector.

12 The Chairman asked for comments and/or questions from the Board. Mark Suennen
13 disagreed with Town Counsel regarding proposed solution #3 in the Fire Wards' letter. He
14 argued that an applicant could not be forced to install sprinklers, however, that did not mean that
15 the applicant could not install and have them accepted by the Fire Department as an approved
16 firefighting water supply system. The Coordinator stated that a letter previously sent from Town
17 Counsel had expressed to the Board that he and other attorneys he had spoken with were very
18 leery about accepting a voluntary sprinkler system because one developer could volunteer to
19 install sprinklers, sell the development prior to the installation and the new developer may refuse
20 to install them. Mark Suennen agreed with the Coordinator but stated that the language in the
21 letter from Town Counsel suggested that sprinklers would not be an approved firefighting water
22 system which was not the case based on what the Fire Wards had stated. The Coordinator stated
23 that anyone in New Boston could install a sprinkler system at any time, however, a subdivision
24 approval could not be granted by using a sprinkler system in place of a cistern. Mark Suennen
25 stated that to get a subdivision approval an applicant must meet the Subdivision Regulations and
26 be approved by the Fire Wards. He continued that he was in favor of generic language that
27 would allow an approved firefighting water system. The Coordinator advised that a fire
28 suppression system had to be chosen prior to subdivision approval and currently the Town could
29 only approve cisterns.

30 The Coordinator explained that the reason sprinkler language was in the Building Code
31 was because the Town had been advised that a reference to the NFPA needed to be there in order
32 for the Town to be able to use it. She pointed out that the sprinklers had been allowed in lieu of
33 cisterns and there was not a stand alone sprinkler regulation. She added that the reference in the
34 Building Code was specifically tied to subdivisions and fire suppression was required for
35 subdivisions. She continued that the Town was now being advised that they could not require
36 sprinkler systems for subdivisions. Rodney Towne argued that the Town would not be requiring
37 the installation of sprinklers; rather the applicant would be making the choice. The Coordinator
38 reiterated that subdivision approval could not be granted without a cistern.

39 Mark Suennen recommended that Town Counsel and the Fire Wards attend a Planning
40 Board meeting together to discuss this matter. The Chairman agreed with Mark Suennen’s
41 recommendation. He further recommended that the Board of Selectmen be present at the
42 meeting as there could be financial impact to the Town.

43 Don Duhaime suggested that the sprinklers be taken out of the Subdivision Regulations

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11

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 and be placed in the Building Code. The Coordinator stated that sprinklers would then be
4 required for all new construction and it would be hard to tie it to the number of lots that everyone
5 had historically agreed was the number that kicked someone into needing fire suppression. The
6 Coordinator stated that the matter would need to go before the voters.

7 The Chairman scheduled a meeting with Town Counsel, Fire Wards, Board of Selectmen
8 and Planning Board for August 28, 2012.

- 9
10 9. Letter dated July 17, 2012, from Dwight Sowerby, Esq., re: Vesting under RSA 674:39,
11 for the Board's review and discussion.

12
13 David Litwinovich **MOVED** to release a letter dated July 17, 2012, from Dwight
14 Sowerby, Esq., re: Vesting under RSA 674:39. Mark Suennen seconded the motion and
15 it **PASSED** unanimously.

16
17 The Coordinator explained that the above-referenced letter contained information
18 regarding the vesting statute that had not been contained within a previous letter from Town
19 Counsel. She stated that there was a way for a plan that had been approved but not recorded to
20 be subject to changes to the Zoning Ordinance.

- 21
22 10. Memo dated July 19, 2012, from Nic Strong, Planning Coordinator, re: Cistern
23 Installation and Lot Tracking, for the Board's review and discussion.

24
25 The Coordinator pointed out that the above-referenced matter was complex enough that
26 the Board may wish to address it at the end of the previously discussed meeting with Town
27 Counsel.

28 The Coordinator stated that the draft of her proposal for changes to the Subdivision
29 Regulations to deal with removing sprinklers from them had been sent to Town Counsel and
30 after reviewing it he had determined that using words that dealt with a possibility was too
31 subjective. She also noted that depending on what happened with the cistern/sprinkler matter the
32 issue of whether you start at the first lot or the fifth lot was in question. She also addressed a
33 hypothetical situation of an applicant developing four lots and not be required to install fire
34 suppression and then the next applicant dividing four lots and not needing to do fire suppression
35 and then there were eight houses. She questioned how it made sense to have the eight houses
36 with no water supply, noting that if they had been developed as one subdivision fire suppression
37 would have been required. Rodney Towne stated that this issue had been questioned since its
38 adoption. Don Duhaime suggested that the matter be placed in the Building Code and into the
39 Building Department's hands.

40 The Coordinator explained that the Planning Board had wrestled with this matter in 1986
41 and 1996 and had done tracking and looking backwards. She continued that since that time it
42 had been determined that looking backwards was bad and it was necessary to start from the
43 beginning looking forward.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen stated that this issue was not much different than dealing with road issues.
4 He used the example of traffic trips increasing and the need to build a traffic signal. He
5 explained that when determining who was responsible for building the traffic signal the last
6 person would be responsible for increasing the traffic. It was Mark Suennen's opinion that the
7 fifth person building in a subdivision was responsible for installing a cistern. The Coordinator
8 pointed out that the Town had [tracked it] based on the parent parcel.

9 The Chairman asked that the Coordinator include the above-referenced letter to the Fire
10 Wards when sending out the invitation for the August 28th meeting.

- 11
12 3. Memorandum with attachments dated May 4, 2012, from Nic Strong, Planning
13 Coordinator, to Planning Board Members, re: Conditional Use Permits, for the Board's
14 review and discussion.

15
16 Mark Suennen stated that he had read through the above-referenced Memorandum and
17 had sent the Coordinator an email with questions and thoughts. He noted that he had questioned
18 creating a separate CUP section. He continued that a CUP section could not be created because
19 the statutes did not permit the Board from separating the CUPs as a separate section and it was
20 required that it be built into the Zoning Ordinance.

21 Mark Suennen informed the Board that currently the CUP section was under Zoning in
22 the Wetland Conservation and Stream Corridor District. He pointed out that because CUPs were
23 in Zoning the Board was unable to waive any requirements. He further pointed out that the
24 current requirements did not match what the Board was actually doing.

25 Mark Suennen asked if the Board should leave CUPs in Zoning or move CUPs to the
26 Subdivision and Site Plan Regulations. He stated that if the CUPs were placed in the
27 Subdivision and Site Plan Regulations the Board would lose its benefit for any lots of record in
28 the Wetlands Conservation and Stream Corridor District.

29 Mark Suennen believed that when comparing the draft CUP section to other towns it
30 appeared that New Boston's was better and did a pretty good job of matching what the Board
31 currently did. He suggested pulling some language from the samples and adding it to the draft
32 and leaving it in the Zoning Ordinance.

33 David Litwinovich asked if the CUP section had to stay in the Zoning Ordinance. Mark
34 Suennen answered no and explained that it could be moved to the Subdivision Regulations;
35 however, moving it would mean that it would only apply to new subdivision applications.

36 The Coordinator stated that because the Open Space Subdivisions were an innovative
37 land use control there were a couple of sections that gave the Planning Board some leeway and
38 discretion. She was going to ask Town Counsel if there was a way to add similar language to the
39 CUP section.

40 The Coordinator noted that she would update the draft. Mark Suennen asked the
41 Coordinator for two weeks to review the sample language and he would provide her with
42 language that should be added to the draft.

43 The Chairman asked for questions and/or comments; there were no comments or

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 questions.

4 The Chairman noted that this matter was on the schedule to be completed this year and
5 placed on the March 2013 ballot.

6

7 Mark Suennen **MOVED** to adjourn the meeting at 8:33 p.m. Don Duhaime seconded
8 the motion and it **PASSED** unanimously.

9

10

11 Respectfully Submitted,
12 Valerie Diaz, Recording Clerk

Minutes Approved:
08/29/2012