

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

October 09, 2012

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The meeting was called to order at 7:05 p.m. by Vice Chairman Peter Hogan. Present were regular members Mark Suennen, alternate member David Litwinovich and Ex-Officio Rodney Towne. Also present were Planning Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

Present in the audience for all or part of the meeting was Dennis McKenney, LLS, and Lou Nixon.

Discussion, re: Mixed Use & Design Guidelines

Present in the audience was Dennis McKenney, LLS.

Peter Hogan asked the Coordinator to lead the discussion. The Coordinator advised that this evening's meeting was the last meeting before the October 20, 2012, session. She continued that if any additions to the presentation needed to be made tonight.

The Coordinator stated that she had meet with David Preece, Executive Director, Southern New Hampshire Planning Commission (SNHPC), and had reviewed a draft agenda for the October 20, 2012, session; she handed out the draft agenda to the Board. She noted that the Chairman would conduct the welcome/introduction portion of the session as well as the section that discussed the reasons the Board was exploring the Mixed Use District and what work had been completed to date. She pointed to page 5 of the draft agenda and noted that some of the "Existing Town Center Goal and Objectives" may be used for the goals and purposes for the Mixed Use District. She referred to page 9 of the draft agenda and stated that David Preece, Executive Director, SNHPC, would give an explanation of a Mixed Use District and point out examples of mixed uses that already existed in New Boston. She continued that a discussion would take place with those present with regard to what a Mixed Use District means to them. She referred to page 13 of the draft agenda and indicated that David Preece, Executive Director, SNHPC, would provide an explanation of an Overlay District and performance standards. She went on to say that following David Preece, Executive Director, SNHPC's, technical descriptions he would conduct an interactive discussion in an attempt to gather information about goals. She stated that depending on how many people attended the session they would split up the public into smaller groups to have discussions about the name for the Mixed Use District as well as possible uses. She referenced page 17 of the draft agenda and noted that it contained a list of potential uses that had been generated by the Board. She indicated that the list could be put up and discussed. She stated that the Board members could be used as scribes when the smaller groups were formed or simply observe the discussions. She added that David Preece, Executive Director, SNHPC, Jillian [], and Rob [] would be present to facilitate the session.

The Coordinator stated that she and David Preece, Executive Director, SNHPC, had discussed the potential that members from the anti-planning group, Agenda 21, may attend the session. She noted that it was important to stress that the implementation of a Mixed Use District provided more opportunities for property owners and did not take away any property rights.

Mark Suennen asked for an explanation of the Agenda 21 group. The Coordinator explained that Agenda 21 was a 1994 document from the United Nations that has resurfaced within the Tea Party and Libertarian groups. She stated that the Agenda 21 group was very

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organized and had websites that taught its members how to derail the planning process. She continued that they did not believe in vision community planning.

The Coordinator noted that Agenda 21 members had attended meetings in the Town of Nashua and caused a half hour meeting to last four hours. Rodney Towne asked for confirmation that the October 20th session as an official meeting of the Planning Board. The Coordinator confirmed that it was an official meeting of the Planning Board. Rodney Towne noted that members of the public that were not residents of New Boston needed permission to speak during the Board of Selectmen meetings. The Coordinator stated that requiring non-New Boston residents to have permission to speak could be a possibility. She noted that Agenda 21 members were known to video tape meetings and post them on Youtube. Peter Hogan commented that everyone had a right to ask a question but they did not have the right to an answer.

Rodney Towne if the Coordinator had viewed the Agenda 21 website. The Coordinator answered yes and noted that there were many websites. Rodney Towne asked if the October 20th session had been listed on any of the websites. The Coordinator answered that she had not located anything on the websites with the October 20th session listed.

The Coordinator referred to a survey included in the draft agenda packet and explained that the participating members of the public would be asked to answer the questions. She noted that they would also be asked to answer questions that rated the session and asked for feedback.

The Coordinator referred to the Design Guidelines that had been generated for the Small Scale Commercial District. She explained that many of the guidelines could be applied to a Mixed Use District. She noted that the guidelines were only recommendations and if the Board was looking towards mandatory guidelines it may be a good idea to create a separate document for the Mixed Use District. She further noted that the design guidelines could also be used as performance standards for the Mixed Use District.

The Coordinator stated that she had obtained older and current photographs of New Boston from the Historical Society to display at the session. She explained that the purpose of the display was to show that [these things] had always happened, i.e., the undertaker, violin shop, and shingle maker.

Rodney Towne commented that [this] integrated well into New Boston. He stated that from discussions with his parents they had determined that it was important to address the affect of the Mixed Use District on [abutting] properties. He explained that a video store that had previously been located next to his parent's home had not worked well due to the traffic patterns and hours of operation.

Rodney Towne suggested that a list of uses that did not work well with current Zoning be created in an effort to answer any potential questions. [The Coordinator answered that the Chairman would address this issue and note that currently it was not allowed to operate a business on a property were you reside and sell a residential use for a commercial use.]

The Coordinator reminded the Board that the session would take place on Saturday, October 20, 2012, at 8:30 a.m.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
OCTOBER 10, 2012.**

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1. Approval of the September 11, 2012, minutes distributed by email.

Rodney Towne **MOVED** to approve the minutes of September 11, 2012, as written. Mark Suennen seconded the motion and it **PASSED** unanimously.

2. Endorsement of a Non-Residential Site Plan for Ecosmith Recyclers, Inc., Peter M. & Susan L. Shellenberger, Tax Map/Lot #6/40-1-1, Byam Road, by the Planning Board Chairman & Secretary.

Peter Hogan endorsed the above-referenced document. The Coordinator indicated that she would arrange for the Chairman to sign the document.

3. Stormwater Management Plan Adherence Statement received September 27, 2012, from Earl J. Sanford, P.E., Sanford Surveying & Engineering, Inc., re: Albert and Carol Lachance Subdivision\Reggie Moreau, Tax Map/Lot # 2/112-2-5, Route 77, Weare Road, for the Board's action.

Mark Suennen **MOVED** to hold and maintain the bond for Albert and Carol Lachance Subdivision\Reggie Moreau, Tax Map/Lot # 2/112-2-5, Route 77, Weare Road, Rodney Towne seconded the motion and it **PASSED**.

4. Email copy received October 1, 2012, from Vincent Iacozzi, Thibeault Corporation, re: Parker Road Cease and Desist, for the Board's information.

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

5. Copy of letter dated September 26, 2012, Jon Strong from Shannon Silver, Planning Assistant re: CIP Committee Appointment, for the Board's information.

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

- 6a. Workshop Announcements: "Zoning Board of Adjustment/Building Code Board of Adjustment", November 5, 2012 at 7:00 PM, SNHPC, Conference Room, presented by Dave Lefevre and "Planning for the 21st Century", November 12, 2012 at 8 PM, SNHPC Conference Room, presented by Steve Buckley, for the Board/s review and discussion.

- 6b. LGC NewsLink: Land Use Workshop Announcement, for the Board's review and discussion.

The Coordinator addressed item 6a and 6b together as they both involved the scheduling of workshops. She informed the Board that if anyone was interested in attending any of the

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above-referenced workshops they should contact the Planning Office and they would reserve a spot.

7. Letter copy with attachments received October 2, 2012, from Jeffrey H Madon, E.I.T., Project Engineer, Northpoint Engineering, LLC, to Mr. Arthur Davis, Thibeault Corporation of New England, re: Indian Falls/Susan Road Connection-Bussiere, for the Board's information.

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

Public Hearing on Proposed Amendments to the Master Plan

Present in the audience was Dennis McKenney, LLS.

Peter Hogan asked if there would be anyone present to represent the above-referenced matter. The Coordinator noted that she had received an email from the Conservation Commission that indicated no one from the Commission would be present. She further noted that no one from the SNHPC would be present.

The Coordinator explained that in 2002 the Planning Board had adopted Piscataquog River Management Plan to the Master Plan. She continued that in 2010 an update had been created that address Shoreland Protection and federal changes. She stated that non-binding recommendations had also been included in the update. Rodney Towne added that it was written as an adjunct to the Master Plan.

Mark Suennen **MOVED** to adopt the Piscataquog River Management Plan Update 2010, prepared by the SNHPC and PRLAC, as an adjunct to the Town's Master Plan, as presented, with the caveat that it was the Board's understanding that this was a guidance document and for the Board's information only and you cannot direct the board or the town to take any actions at this time or in the near future. Rodney Towne seconded the motion and it **PASSED** unanimously.

MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF OCTOBER 10, 2012, Cont.

8. Endorsement of a Subdivision Agreement for the Belletete's Inc., formally Reggie Houle Builder, LLC, related to the Daylily Lane Subdivision Tax Map/Lot #7/74, for the Planning Board Chairman's signature.

The Coordinator indicated that she would arrange for the Chairman to execute the above-referenced document.

9. Letter dated October 4, 2012, from Thomas J. Sauser, SHB Properties, LLC, New Boston Planning Board, re: request for an extension to the condition subsequent deadline of October 31, 2012, for one year, for the Board's action.

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Mark Suennen **MOVED** to extend the condition subsequent deadline October 31, 2012, to October 31, 2013. Rodney Towne seconded the motion and it **PASSED** unanimously.

10. Distribution of the September 25, 2012, meeting minutes for approval at the October 23, 2012, meeting.

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

TOWNES FAMILY TRUST

Submission of Application/Public Hearing/Major Subdivision/2 Lots

Location: South Hill Road

Tax Map/Lot #13/39

Residential-Agricultural "R-A" District

Present in the audience was Dennis McKenney, LLS.

Peter Hogan read the public hearing notice. He asked if the [tax maps] had been submitted. Dennis MCKenney, LLS, answered yes.

Dennis McKenney, LLS, indicated that he had provided a hard copy of the revised waiver requests, the 1"=400' tax map and courtesy driveway permits. He noted that he had completed topography on 1.5 acre area to prove to the Board that the area was conducive to building. He noted that a site walk had taken place on October 2, 2012.

Peter Hogan asked who had attended the site walk. Dennis McKenney, LLS, answered that Mark Suennen and the Coordinator had attended the site walk. Peter Hogan asked if there was any noteworthy information from the site walk. Mark Suennen answered no and stated that the property consisted of rolling terrain and open grass fields. He continued that he had viewed the four corners of the 255' square area. He noted that he had walked the driveway location and that wetlands existed adjacent to it.

Peter Hogan asked if there were any outstanding issues. The Coordinator answered that the outstanding items would be addressed through the waiver requests.

Mark Suennen **MOVED** to grant the waiver requests for the Traffic, Fiscal and Environmental Impact Studies for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District, based on the fact that it was a very large lot and was not expected to generate additional traffic, fiscal impact or environmental impacts at this time and it was in the spirit and intent of the regulations. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for the topographical contours at 5' intervals for the remainder of the parent track for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District,

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based on discussions with the applicant and prior decisions the Board has made with other applicants. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for the water courses and wetlands for the remainder of the parent track for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District, as the applicant had shown water courses and wetlands within the driveway area and building site. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for natural features with rock ledges for the the remainder of the parent track for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District, as the applicant had provided such features for the driveway area and building square. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for the setback distances for wetland streams for the remainder of the parent track for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District, as the applicant had shown the building envelope was well beyond the setback limits and the parent track was significantly larger and would meet building requirements. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for the watershed outlines and drainage computation for the remainder of the parent track for the Townes Family Trust, Location: 170 South Hill Road, Tax Map/Lot #13/39, Residential-Agricultural "R-A" District, based on the fact that it was rolling terrain and the parent track appeared to suitable for drainage based on its size. Rodney Towne seconded the motion and it **PASSED** unanimously.

Peter Hogan asked if the Coordinator was aware of any outstanding issues. The Coordinator answered no. Peter Hogan noted that there were no firefighting water supply requirement for this application. He noted that the driveway permits were submitted and pending approval.

Mark Suennen asked the applicant for suggestions for active and substantial development and substantial completion of improvements. Dennis McKenney, LLS, suggested that active and substantial development be defined as the recording of the plan and substantial completion of improvements be defined as [rehabbing] the driveway.

Peter Hogan seated David Litwinovich as a full-voting member in Don Duhaime's absence.

David Litwinovich **MOVED** to approve the Major Subdivision/2 Lots, by Townes Family Trust, Tax Map/Lot #13/39, South Hill Road, subject to:

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CONDITIONS PRECEDENT:

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
 2. Submission of a suitable mylar for recording at the HCRD;
 3. Submission and approval of a Driveway Permit for Lot #13/39 and 13/39-1;
 4. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created during development). For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan Adherence Statement' as specified in the New Boston Subdivision Regulations."
 5. Deeds for each lot shall have the following statement: "The property herein described is subject to the following condition as described in the recorded subdivision plan referenced above: A Stormwater Management Plan will be required prior to the issuance of a building permit if any land is to be disturbed in the designated or created Critical Areas.
 6. Submission of any outstanding fees related to the subdivision application or recording of documents at the HCRD.
 7. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.
- The deadline date for compliance with the conditions precedent shall be **April 9, 2013**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND
SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ ordinance changes:
Recording of the mylar at the Hillsborough Country Registry of Deeds
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting: Rehab driveway entrance with crushed gravel

Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to adjourn the meeting at 7:59 p.m. Rodney Towne seconded the motion and it **PASSED** unanimously.

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Respectfully Submitted,
Valerie Diaz, Recording Clerk

Minutes Approved:
11/13/2012