

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

December 18, 2012

1 The meeting was called to order at 7:00 p.m. by Planning Board Chairman Stu Lewin.  
2 Present were regular members Mark Suennen and Don Duhaime and alternate member David  
3 Litwinovich. Also present were Planning Coordinator Nic Strong and Planning Board Assistant  
4 Shannon Silver.  
5

6 Present in the audience for part of the meeting was Jack Munn, Senior Planner, SNHPC,  
7 Derek Serach, GIS Intern, SNHPC, Ed Hunter, Building Inspector/Code Enforcement Officer,  
8 Peter Clark, Tris Gordon, Bob and Sharon Huettner, Ian McSweeney, Russell Foundation, Burr  
9 Tupper, Conservation Commission, Ken Lombard, Open Space Committee, Jay Marden, Donna  
10 Mombourquette, James Denesevich, Peter Clark, Brian Donovan, Erik Fey and Bill Morin.  
11

12 **Piscataquog Watershed Impervious Service Coverage Mapping Project Presentation**  
13

14 Present in the audience were Jack Munn, Senior Planner, SNHPC and Derek Serach, GIS  
15 Intern, SNHPC.

16 Jack Munn, Senior Planner, SNHPC, thanked the Board for allowing SNHPC to present  
17 and noted that the information being presented was for informational purposes.

18 Jack Munn, Senior Planner, SNHPC, stated that it had taken about one year to develop  
19 the above-captioned maps. He explained that impervious service coverage referred to rooftops,  
20 pavement and/or gravel parking lots that prevented runoff infiltrating the ground. He indicated  
21 that Derek Serach, GIS Intern, SNHPC, had worked on the maps. He referred to aerial  
22 photographs provided to the Board and identified the impervious coverage areas. He explained  
23 that aerial photography was the best source of information available for their use; however, he  
24 commented that it was not always the most accurate.

25 Jack Munn, Senior Planner, SNHPC, stated that the maps were being provided to the  
26 Board for their consideration for use during planning projects. He asked if the Board would  
27 acknowledge receipt of the maps in order for SNHPC to inform the grantees, NH Department of  
28 Environmental Services that they had been delivered.

29 Jack Munn, Senior Planner, SNHPC, commented that the maps were interesting and he  
30 encouraged the Board to post them on their website and/or display them at the Planning  
31 Department counter.

32 Jack Munn, Senior Planner, SNHPC, noted that there were two maps, one was of the  
33 Town of New Boston and the second was of the entire Piscataquog River Watershed. He stated  
34 that the watershed located in New Boston was rural and did not have a lot of pavement. He  
35 advised that 3.5% of the total town acreage within the watershed was impervious. He informed  
36 the Board that studies had shown subdivision plans that contained more than 10% of impervious  
37 coverage or pavement resulted in runoff that caused water quality deterioration.

38 Jack Munn, Senior Planner, SNHPC, stated that his office could provide aerial  
39 photographs to the Board of future project locations. Derek Serach, GIS Intern, SNHPC, added  
40 that sub-catchment breakdowns could also be provided. Jack Munn, Senior Planner, SNHPC,  
41 explained that catchments were drainage areas.

42 Jack Munn, Senior Planner, SNHPC, concluded his presentation and noted that he would  
43 be presenting to all of the towns located within the watershed. He indicated that he had already

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

December 18, 2012

1 **PISCATAQUOG RIVER MAPPING PROJECT, cont.**

2  
3 presented the maps to the Town of Weare. He continued that the Town of Weare's Planning  
4 Board had voted to acknowledge receipt of the factsheet and maps. He noted that the Town of  
5 Weare Planning Board had questions with regard to their Stormwater Management Plan  
6 Regulations and the SNHPC was able to review the questions and provide answers to that Board.  
7 He offered to do the same for New Boston, if there were any questions relative to water quality.

8 The Chairman asked for clarification that the maps provided were for the area of the town  
9 within the Piscataquog River Watershed and not the Town boundaries. Jack Munn, Senior  
10 Planner, SNHPC, answered that one map included the entire 5,300 acres Piscataquog Watershed.  
11 He added that 3.9% of the total land area was impervious surfaces coverage. He noted that most  
12 of the impervious coverage was located in the Town of Goffstown and the City of Manchester.  
13 He explained that the other map provided was specific to the Town of New Boston. The  
14 Chairman asked if any other watersheds in the State had been mapped in this fashion. Jack  
15 Munn, Senior Planner, SNHPC, answered that the only other area in the State to have completed  
16 similar mapping was the Seacoast area for the Piscataqua River Estuary. He noted that the  
17 Piscataqua River Estuary mapping had been funded through NOAA.

18 The Chairman asked how many hours the project took to complete. Jack Munn, Senior  
19 Planner, SNHPC, answered that the total grant amount was for \$15K or \$16K. Derek Serach,  
20 GIS Intern, SNHPC, believed that UNH had contributed about a week or two of time for the  
21 project. He continued that he had provided about two or three weeks of his time and estimated  
22 that the project took about 1 ½ months to complete.

23 David Litwinovich asked which watershed represented the area in New Boston that was  
24 not covered under the Piscataquog Watershed. Jack Munn, Senior Planner, SNHPC, believed  
25 that the adjacent watershed was in the Souhegan Watershed.

26  
27 Mark Suennen **MOVED** to acknowledge receipt of the Piscataquog River Watershed  
28 Impervious Service Coverage Maps from the Southern New Hampshire Planning  
29 Commission. Don Duhaime seconded the motion and it **PASSED** unanimously.  
30

31 The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's absence.  
32

33 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
34 **DECEMBER 18, 2012.**  
35

- 36 3. Endorsement of a Non-Residential Site Plan Review for Robert Waller/Classic Auto  
37 Services, Tax Map/Lot #14/80, 236 Meadow Road, by the Planning Board Chairman and  
38 Secretary.  
39

40 The Chairman and Secretary endorsed the above-referenced Site Plan Review.  
41

- 42 7. Letter copy dated December 6, 2012, from Ed Hunter, New Boston Code Enforcement  
43 Officer, to Mr. Peter Beers, re: Business Types, for the Board's information.

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

December 18, 2012

1 **MISCELLANEOUS BUSINESS, cont.**

2

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

5

6 8. Email correspondence dated November 30, 2012, from Michael R. Dahlberg, Dahlberg  
7 Land Services, Inc., re: Tax Map/Lot #9/24-13, Wilson Hill Road, wetlands area, for the  
8 Board's information.

9

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

12

13 9. Letter copy dated December 3, 2012, from Ridgely Mauck, P.E., Alteration of Terrain  
14 Bureau, to HJG Strong Brothers Gravel Corp., re: Alteration of Terrain Permit WPS-  
15 7921, for the Board's information.

16

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

19

20 10. Letter copy dated December 3, 2012, from Ridgely Mauck, P.E., Alteration of Terrain  
21 Bureau, to Hillsborough County 4-H Foundation, re: Alteration of Terrain Permit WPS-  
22 7901, for the Board's information

23

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

26

27 12. Construction Services Reports dated August 2012 through November 2012, for Reggie  
28 Houle, Daylily Lane, for the Board's information.

29

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

32

33 **Public Hearing on proposed Zoning Ordinance Amendments**

34

35 Present in the audience were Ed Hunter, Building Inspector/Code Enforcement Officer,  
36 Peter Clark, Jay Marden and Ken Lombard.

37 The Chairman did not read the public hearing notice but noted that it had been posted  
38 publicly in all the usual places. He added that copies of the full text of the proposed amendments  
39 were available.

40

41 The Coordinator advised that she had received a letter from Town Counsel with regard  
42 to the proposed amendments and she had made the appropriate changes for the Board's review,  
43 noting that they were still open for discussion but she thought it would be easier for review  
purposes if they were in one document.

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

December 18, 2012

**ZONING ORDINANCE AMENDMENTS PUBLIC HEARING, cont.**

The Chairman referred to Proposed Amendment #1, Section 204.6, Wetlands Conservation and Stream Corridor District, and explained that the existing Section 204.6, E, Conditional Uses, would be deleted and replaced with a lengthier version that included all the details of making an application and how the application would be acted upon by the Board.

The Chairman began by going through each section of Proposed Amendment #1 from the Proposed Zoning Ordinance Amendments for Ballot Vote prepared on December 18, 2012, which included the suggestions for changes from Dwight Sowerby, Esq., in his letter of December 17, 2012.

There were no changes to Section 204.6.E.1.a. Town Counsel suggested adding the word "substantive" to Section 204.6.E.1.b., noting that it would be very hard for a proposed activity to have absolutely no negative environmental impact. His suggestion would allow the Board to review each application on its merits. The Board agreed to add the word "substantive" to this section. No further changes were proposed to Section 204.6.E.1.

Mark Suennen asked if the commas contained in the section references in Section 2, b, i – iv, would be changed to periods. The Coordinator answered yes and noted that Counsel had pointed this out and they would be fixed throughout.

The Board then reviewed Proposed Amendment #1 page by page rather than by section, noting the suggestions made by Counsel. It was noted that Counsel's suggestion to change Stormwater Management Plan Adherence Statement to Compliance Statement should be made in other locations in Section 204.6. The Coordinator noted that these changes would be made and posted for the second public hearing.

The Coordinator pointed out that Dwight Sowerby, Esq., had addressed the particular questions with regard to Section 204.6.E.5.f. and suggested that it be deleted as it did not achieve what the Board had wanted it to do and the Town had no obligation to notify future buyers of property about CUP applications. The Board agreed and further agreed to the rest of the suggested changes to Proposed Amendment #1.

The Chairman referred to Proposed Amendment #2 and asked the Coordinator for an explanation of the proposed changes. The Coordinator explained that State statute pre-empted the Town from putting the proposed language into the Zoning Ordinance because statutes existed that prohibited logging within 50' of perennial streams, ponds, lakes or wetlands. She noted that the proposed change could be removed if the Board agreed. Mark Suennen asked if proposed amendment #3 would subsequently become proposed amendment #2. The Coordinator answered yes and added that the change would be reflected when the proposed amendments were reposted. The Board agreed to delete Proposed Amendment #2.

The Chairman referenced Proposed Amendment #3 and stated that it contained housekeeping items that needed to be changed with regard to reference to various districts' names. The Board agreed.

The Chairman referred to Proposed Amendment #4 and noted that it had been proposed to add a definition of Yard Sale, as follows:

Yard Sale: The display and sale of excess items originating from a family at a residence.

December 18, 2012

1 **ZONING ORDINANCE AMENDMENTS PUBLIC HEARING, cont.**

2  
3 The sale is conducted infrequently and shall not include items purchased from other  
4 locations specifically for resale. Other terms to describe such sales are garage, lawn,  
5 barn, tag, and attic sales which shall have the same meaning.  
6

7 The Chairman read a letter from Town Counsel with regard to this amendment. Dwight  
8 Sowerby's suggestion was as follows:  
9

10 Yard Sale: The display and sale of excess items originating from a family at a residence.  
11 ~~The sale is conducted infrequently and shall not include items purchased from other~~  
12 ~~locations specifically for resale.~~ **More than \_\_\_\_ such sales within any consecutive**  
13 **\_\_\_\_ month period or such sales that include items purchased specifically for such a**  
14 **sale, shall be considered a Home Business and must comply with Section 319 of this**  
15 **Ordinance.** Other terms to describe such sales are garage, lawn, barn, tag, and attic sales  
16 which shall have the same meaning.  
17

18 The Chairman asked Ed Hunter, Building Inspector/Code Enforcement Officer, if he had any  
19 comments on Town Counsel's proposed changes to the definition of a yard sale. Ed Hunter,  
20 Building Inspector/Code Enforcement Officer, answered no and commented that it took it in a  
21 different direction than what the Board had originally wanted to do, however, it was his  
22 understanding that something needed to be in the Zoning Ordinance that referenced the  
23 definition. The Coordinator asked Ed Hunter if his suggested numbers for this definitions would  
24 be four yard sales in 12 months. Ed Hunter, Building Inspector/Code Enforcement Officer,  
25 answered yes.

26 The Chairman asked for comments and/or questions from the Board with regard to Town  
27 Counsel's changes to amendment #4. Mark Suennen questioned why yard sales were restricted  
28 to four in one calendar year. Ed Hunter, Building Inspector/Code Enforcement Officer, explained  
29 that through researching the topic, most towns in New Hampshire limited yard sales to three or  
30 four in one calendar year. He added that four sales seemed reasonable and would keep it in the  
31 scope of a yard sale as opposed to a retail operation. Mark Suennen thought six would be  
32 reasonable but stated that he could live with four. David Litwinovich asked how the yard sales  
33 would be defined. He asked if a one day yard sale would be one of the four allowed and would a  
34 two day sale count as two of the four? The Coordinator thought that the four would be four  
35 events whether they were one or two days. The question arose as to what would happen if  
36 someone had a yard sale for a week. Ed Hunter stated that he was in favor of leaving the  
37 language as proposed because it gave him the flexibility to deal with this matter on a case by  
38 case basis.

39 The Chairman referred to Proposed Amendment #5 and noted that it added a definition of  
40 Vehicle Sales from Residential-Agricultural lots, as follows:  
41

42 Vehicle Sales from Residential-Agricultural Lots: Vehicle sales, on residential lots, are  
43 restricted to two privately owned vehicles in any calendar year.

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

December 18, 2012

1 **ZONING ORDINANCE AMENDMENTS PUBLIC HEARING, cont.**  
2

3 The Chairman asked if Town Counsel had provided any changes to the proposed  
4 definition. The Coordinator explained that the way the definition had originally been written  
5 resulted in a combination of a definition and restriction. She continued that the combination was  
6 not allowed and as such it had been recommended that a specific permitted use be inserted in the  
7 Residential-Agricultural District in the Zoning Ordinance. She noted that the Board was out of  
8 time to make such a substantive change to the Zoning Ordinance and Town Counsel had,  
9 therefore, suggested that the Board delete this proposed amendment and see if it needed to be  
10 worked on for next year. Mark Suennen stated that he had no problem withdrawing the  
11 Proposed Amendment #5 at this time.

12 The Chairman requested that the Coordinator provide a one page summary memo  
13 regarding how current zoning and the statutes worked to deal with this issue currently. He  
14 suggested that following discussion of that with Ed Hunter it could be decided if an amendment  
15 need to be proposed at that point.

16 The Chairman asked for comments and/or questions from the audience. Peter Clark of 6  
17 Bedford Road asked what the next step was when more than five vehicles were sold from a  
18 Residential-Agricultural lot in one calendar year. The Chairman stated that the Coordinator was  
19 going to write a summary of the existing rules and regulations governing the sales of vehicles in  
20 the RA district. He noted that statutory deadlines for making Zoning Ordinance changes meant  
21 that a more substantial change as noted by Counsel could not be achieved at this time. The  
22 Chairman went on to say if things continued to be a problem with the particular site Peter Clark  
23 was concerned with, or elsewhere in town, the matter could be worked over the course of the  
24 year to be proposed for next year. Peter Clark thanked the Chairman for this explanation.

25 The Chairman closed the public portion of the hearing. He asked for any additional  
26 comments from the Board relative to the proposed amendments; there were no additional  
27 comments.  
28

29 Mark Suennen **MOVED** that a second public hearing be scheduled for January 8, 2013,  
30 to complete the Zoning Ordinance amendments. Don Duhaime seconded the motion and  
31 it **PASSED** unanimously.  
32

33 **Discussion with Twin Bridge Land Management, LLC, re: Open Space Land**  
34

35 Present in the audience were Tris Gordon, Bob and Sharon Huettner, Ian McSweeney,  
36 Russell Foundation, Burr Tupper, Conservation Commission, Ken Lombard, Open Space  
37 Committee, Jay Marden, Donna Mombourquette, James Denesevich, Peter Clark, and Brian  
38 Donovan.

39 The Chairman stated that the Board had received a letter from the State of New  
40 Hampshire Division of Forest and Lands with regard to the Division's withdrawal of accepting  
41 land from the Twin Bridge Land Management, LLC, Subdivision. He stated that the Board  
42 wanted to hear the applicant's proposed "Plan B".

43 Ian McSweeney, Russell Foundation, explained that the applicant had tried to finalize the

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

December 18, 2012

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2  
3 State taking fee ownership of the land and the Town holding an easement on the land. He noted  
4 that the applicant had been through all of the approval processes with the exception of final  
5 approval from Governor and Council. He stated that it had become clear during a walk through  
6 with DRED that the State had not done their due diligence and research that they had claimed  
7 they had completed and were surprised by the property as it existed with the lack of trees. He  
8 noted that DRED had been notified of the lack of trees up front. He stated that the State was  
9 concerned with the condition of the land, the number of boundaries and potential risks and  
10 liabilities.

11 Ian McSweeney, Russell Foundation, stated that the Conservation Commission, the Open  
12 Space Committee and the Russell Foundation had met the previous week to discuss potential  
13 options to protect this important piece of land. He advised that a unanimous decision had been  
14 made that the Town should accept fee ownership of the land in lieu of accepting the previously  
15 agreed upon easement. He added that the Conservation Commission had voted to become  
16 stewards of the land. He noted that the Town would have the ability to grant an easement. He  
17 further noted that they had also agreed upon deed restrictions.

18 The Chairman asked if the Board of Selectmen needed to accept the fee ownership of the  
19 land. Ian McSweeney, Russell Foundation, answered yes and added that they would submit the  
20 agreement to the Board of Selectmen following a showing of support from the Planning Board.

21 Mark Suennen asked for clarification that Twin Bridge Land Management, LLC, would  
22 be making a dedication of land to the Town and therefore, there would be no cost to the Town  
23 for the land. Ian McSweeney, Russell Foundation, clarified that there would be no cost to the  
24 Town for the fee ownership of the land.

25 The Chairman asked if the land had changed since October 2010. Ian McSweeney,  
26 Russell Foundation, noted that overall the land had not changed but noted that stumps had  
27 accidentally been placed in the Open Space area. He advised that the stumps had since been  
28 removed from the Open Space area and the matter resolved.

29 The Chairman asked if the Town had fee ownership of any other locations in New  
30 Boston. The Coordinator answered no with regard to open space subdivision and noted that  
31 other open space land was owned by homeowners' associations.

32 The Chairman asked for comments and/or questions from the audience. Jay Marden of  
33 Gregg Mill Road asked for the Russell Foundation's recommended deed restrictions and asked  
34 when the Town would accept the deed. The Chairman answered that the deed restrictions were  
35 as follows:

- 36 1. There shall not be conducted on the property any industrial, commercial or  
37 agricultural activities with the exception of forestry;
- 38 2. No removal or filling or any other disturbances of soil surface nor any changes in  
39 topography surface or subsurface water systems, wetlands or natural habitat shall be  
40 allowed;
- 41 3. There shall be no mining, quarrying, excavation or removal of rocks, minerals,  
42 gravel, sand, topsoil or any similar materials;
- 43 4. Motorized vehicle use on the property is prohibited except as may be needed for

December 18, 2012

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2  
3 emergency and forest management access. A gate or gates may be erected and  
4 maintained by the fee owner along access points into the property to ensure that  
5 unauthorized motorized vehicles are restricted.

6 Ian McSweeney, Russell Foundation, noted that the deed restrictions had come directly  
7 from the original Town easement of the property. He stated that the timing of the Town  
8 accepting the fee ownership offer was dependent on the Board of Selectmen. He explained that  
9 if the Board of Selectmen accepted the fee ownership at their next meeting then it would come  
10 back to the Planning Board at their next meeting.

11 Jay Marden commented that, in his opinion, having the Town accept the fee ownership of  
12 the land was a better alternative than having the State be the fee owner.

13 Tris Gordon of Twin Bridge Land Management, LLC, asked if snowmobiles were  
14 included in the prohibition of motorized vehicles on the property. Ian McSweeney, Russell  
15 Foundation, answered yes. Tris Gordon believed that snowmobiles were allowed on other Town  
16 owned property. Burr Tupper, Conservation Commission, advised that all motorized vehicles  
17 were prohibited on conservation property located in Town. Tris Gordon suggested that the  
18 Board consider allowing snowmobiles on the property. The Chairman pointed out that the  
19 restriction was included in the original agreement and was not a change. Jay Marden added that  
20 the previously mentioned restriction was the same restriction placed on the Town Forest. He  
21 continued that the Town Forest had a problem with the use of motorbikes and snowmobiles as  
22 they gouged the earth and caused erosion.

23 Brian Donovan of West Lull Place asked if horses were restricted from being on the  
24 property. The Chairman answered that he was unsure. Ian McSweeney, Russell Foundation,  
25 explained that the prohibition of horses from the property was not included in the deed  
26 restrictions and was considered a management decision that could be made at a later date.

27 David Litwinovich agreed with Jay Marden that the Town accepting fee ownership of the  
28 land was a better solution than the State accepting the fee ownership as it provided the Town  
29 with more control. He questioned why the State had originally been asked to be the fee owner of  
30 the land. Ian McSweeney, Russell Foundation, explained that the State had originally been  
31 asked to be the fee owner because it offered two layers of protection and they currently owned  
32 the land located directly across the river.

33 David Litwinovich asked for the downside of the Town accepting the offer of fee owner.  
34 Ian McSweeney, Russell Foundation, answered that the Town would be accepting the liability  
35 and risk of owning land.

36 Mark Suennen referenced proposed deed restriction #4, "...A gate or gates may be  
37 erected and maintained by the fee owner along access points into the property to ensure that  
38 unauthorized motorized vehicles are restricted", and questioned if the Town would be  
39 responsible for funding any gate or gates. Burr Tupper, Conservation Commission, stated that  
40 the Conservation Commission would be able to purchase the gate or gates with their available  
41 funds. Mark Suennen asked if Burr Tupper, Conservation Commission, was willing to modify  
42 the deed restrictions to reflect his previous statement. Burr Tupper, Conservation Commission,  
43 answered yes, although, he did not believe it made a difference. Ian McSweeney, Russell



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

December 18, 2012

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2  
3 Foundation, stated that the matter could be further discussed in order to obtain a consensus. Burr  
4 Tupper, Conservation Commission, pointed out that there were no gates on any conservation  
5 land in Town and he did not foresee the need to place a gate on the property in question. Brian  
6 Donovan asked for the number of access points on the parcel of land. Ian McSweeney, Russell  
7 Foundation, answered that there was one vehicle access that would be located off West Lull  
8 Place and three pedestrian accesses. Burr Tupper, Conservation Commission, reiterated that he  
9 did not see the need for a gate because motor vehicles were prohibited on all Town conservation  
10 land. He added that the Police Department could enforce the prohibition of motor vehicles on  
11 the land.

12 Mark Suennen noted that when the decision was originally made to have the State take  
13 the open space land it had been noted that the acreage would come off the tax rolls. He noted  
14 that there was now the opportunity to allow the homeowners to own the land which would keep  
15 it on the tax rolls. He stated that if the land went to the town it would once again be off the tax  
16 rolls. Mark Suennen noted that he was pointing this out for everyone's information. He asked  
17 what the benefit was to the Town of owning the land. Ian McSweeney, Russell Foundation,  
18 believed that 36 acres of land in current use and with Planning Board deed restrictions was  
19 valuable. Mark Suennen agreed with Ian McSweeney, Russell Foundation, and stated that he  
20 was willing to accept that the Town gained a benefit from owning the land versus the loss in tax  
21 revenue. The Coordinator pointed out that open space land in an open space subdivision that  
22 was owned by the homeowners could not qualify for current use status.

23 James Denesevich of 42 West Lull Place referred to the access gate discussion and stated  
24 that there had previously been a discussion with regard to a lot line adjustment located at the  
25 Martel property. He asked if the lot line adjustment was being discussed. Ian McSweeney,  
26 Russell Foundation, answered that the lot line adjustment was not being discussed.

27 The Chairman asked for further questions and/or comments from the audience. Peter  
28 Clark of 6 Bedford Road questioned the need for the gate provision in the deed restrictions if a  
29 there was not a foreseeable need to have a gate. Ian McSweeney, Russell Foundation, explained  
30 that he had included the gate provision to ward against the perception that nothing is built,  
31 created or installed in open space. He continued that it was better to advise of the right up front.

32 Donna Mombourquette of 42 West Lull Place advised that currently dirt bikes accessed  
33 the property from West Lull Place and she was unsure if a sign prohibiting the use would deter  
34 the use. Ian McSweeney, Russell Foundation, believed that the completion of the subdivision  
35 would help deter the dirt bike use. He also noted that a retention pond would be located at the  
36 end of the new road and effectively block the access. Tris Gordon commented that he had not  
37 seen any dirt bike tracks on the property. James Denesevich and Donna Mombourquette  
38 disagreed with Tris Gordon's observations. Donna Mombourquette added that there had not  
39 been any dirt bike activity since the installation of a wall at the Martel property.

40 Mark Suennen asked if the applicant was in favor of this proposed change in land  
41 ownership. Tris Gordon stated that he was in favor of the change as long as he did not incur any  
42 additional costs.

43 The Chairman asked for additional questions and/or comments from the audience; there

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

December 18, 2012

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2  
3 were no questions or comments and the Chairman closed the public portion of the discussion.

4  
5 Mark Suennen **MOVED** that the Planning Board accept Twin Bridge Land Management,  
6 LLC's, proposed change in land ownership for the open space from the State of New  
7 Hampshire, who has rejected it, to the Town of New Boston, to take it in fee ownership  
8 with the similar deed restrictions that were on the original agreement with the caveat that  
9 any improvements, modifications, enhancements or construction would not come out of  
10 the Town's General Fund. Don Duhaime seconded the motion. **Discussion:** The  
11 Chairman requested that Mark Suennen amend his motion to reflect that the Board was  
12 recommending and not accepting the applicant's proposal to the Board of Selectmen.  
13 Mark Suennen clarified that the Board was accepting the proposed change in ownership  
14 and recommending that the Board of Selectmen accept the proposal. The motion  
15 **PASSED** unanimously.

16  
17 **FEY, ERIK W.**

18 Submission of Application/Public Hearing/NRSPR/Ski Service Shop Home Business

19 Location: 55 Hooper Hill Road

20 Tax Map/Lot #11/12

21 Residential- Agricultural "R-A" District

22  
23 Present in the audience were Erik Fey and Bill Morin.

24 The Chairman read the public hearing notice. He noted that the application had been  
25 submitted and there were no outstanding fees. He stated that the property was located outside of  
26 the annual 100 year floodplain. He added that the plan had been reviewed and there were a few  
27 outstanding issues to discuss. He invited the applicant to discuss his plan with the Board.

28 Erik Fey stated that he moved to New Boston in 1999. He advised that he and his brother  
29 owned a mail order telemark and alpine touring ski business and had been operating out of his  
30 home since 1999. He noted that he had been completing ski tuning locally for the past five  
31 years. He explained that his tuning equipment had been located in his home but he had recently  
32 built a 20' x 20' bump out from his un-insulated barn that would house his equipment. He noted  
33 that most of his business was conducted out of state from places like Colorado, Utah and  
34 California. He stated that he wanted to be approved for the local business of ski tuning,  
35 mounting and some sales. He added that the business would be seasonal, December through  
36 March, and he did not anticipate more than ten cars a week.

37 The Chairman asked if the hours of operation would be Monday through Saturday, 10:00  
38 a.m. through 6:00 p.m. Erik Fey answered yes and added that most of his business was done by  
39 appointment. The Chairman pointed out that any appointments would need to be conducted  
40 during the range of time previously mentioned.

41 The Chairman asked if the applicant had any employees. Erik Fey answered no.

42 The Chairman asked if the applicant intended on installing two signs for customer  
43 parking. Erik Fey answered yes.

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

December 18, 2012

1 **FEY, ERIK, cont.**

2  
3 The Chairman asked that the applicant note on the plan where the snow piles from  
4 plowing would be located. Erik Fey agreed to add the note.

5 The Chairman asked if the applicant intended on installing a sign for his business. Erik  
6 Fey answered that he was unsure if he was going to install a sign, however, a proposed location  
7 for a sign was marked on the plan. He advised that any sign would be small and posted through  
8 the fall and spring. The Chairman explained that a sign permit was required for signs and could  
9 be obtained through the Building Department.

10 The Chairman asked for questions and/or comments from the Board; there were no  
11 questions or comments.

12 The Chairman asked the audience for comments and/or questions. Bill Morin of 58  
13 Hooper Hill advised that he had resided at his property for 35 years. He stated that he was in  
14 favor of entrepreneurship, however, he was concerned about parking for the business. He did not  
15 want on-street parking because it could be dangerous as the location was on a hill. He further  
16 noted that the business was located on a scenic road and he did not want any large signage. The  
17 Chairman indicated that there would be no on-street parking. Erik Fey stated that if he put up a  
18 sign it would be small and have his last name on it. Bill Morin stated that he did not have an  
19 issue with a small sign.

20 The Chairman asked if a site walk should be scheduled. Mark Suennen did not believe a  
21 site walk was necessary as the applicant's drawing was quite good.

22 The Chairman explained that if the Board accepted the plan a revised plan with  
23 corrections needed to be submitted and would be considered a condition precedent. He  
24 continued that a Site Plan Review Agreement would be executed, a compliance site walk would  
25 be scheduled and subsequent a compliance hearing would be scheduled. The Coordinator  
26 pointed out that the Board could adjourn the current hearing, allow the applicant time to install  
27 the two parking signs and amend the plan to reflect the locations of the snow piles, view the  
28 location and have a final hearing without the need for conditions. Mark Suennen asked if the  
29 Coordinator if the final compliance hearing could be held during the second Planning Board  
30 meeting in January. The Coordinator answered yes. The Board agreed to adjourn the hearing to  
31 January 22, 2013.

32 The consensus of the Board was that there would not be any issues at the final hearing.

33  
34 Mark Suennen **MOVED** to adjourn the public hearing of Erik Fey, Location: 55 Hooper  
35 Hill Road, Tax Map/Lot #11/12, Residential- Agricultural "R-A" District, to January 22,  
36 2013, at 7:30 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.

37  
38 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
39 **DECEMBER 18, 2012, Cont.**

40  
41 1. Approval of the November 13, 2012, minutes distributed by email.

42  
43 Mark Suennen referred to the above-captioned minutes, Stevens, Brian M. & Beth E.,

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

December 18, 2012

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Ballard, Benjamin. He pointed out that a motion had been made and voted on, however, the  
4 minutes did not reflect the vote.

5  
6 Mark Suennen **MOVED** to accept the November 13, 2012, meeting minutes, as  
7 amended. Don Duhaime seconded the motion and it **PASSED** unanimously.

8  
9 2. Approval of the November 27, 2012, minutes distributed by email.

10  
11 David Litwinovich **MOVED** to approve the November 27, 2012, minutes, as written.  
12 Don Duhaime seconded the motion and it **PASSED** unanimously.

13  
14 6. Letter dated November 28, 2012, from Earl J. Sandford, P.E., Sandford Surveying &  
15 Engineering, Inc., to New Boston Building Department, re: Stormwater Management  
16 Plan Adherence Statement, Tax Map/Lot #3/9-4, Lull Road, for the Board's action.

17  
18 The Chairman asked if construction had been completed with regard to the above-  
19 referenced home. The Coordinator answered yes and noted that the applicant was seeking a CO.

20 The Planning Board Assistant believed that the Building Inspector had already issued the  
21 CO. She advised that when she asked the Building Inspector how he intended on tracking that  
22 the applicant would complete the outstanding work, he had informed her that his secretary kept a  
23 folder for tracking them.

24 The Chairman asked that a discussion be scheduled with the Building Inspector for the  
25 January 22, 2013, meeting as it was the consensus of the Board that permanent COs should not  
26 be issued until all work was completed.

27  
28 Mark Suennen **MOVED** to accept Earl J. Sandford, P.E.'s, recommendations for  
29 completion to date for Tax Map/Lot #3/9-4, Lull Road, contingent upon permanent  
30 stabilization to come when weather conditions warrant, modifications to the driveway  
31 entrance for proper drainage and no releasing of the bond at this time, as well as, the  
32 recommendation to the Building Department to grant an appropriate Certificate of  
33 Occupancy. David Litwinovich seconded the motion and it **PASSED** unanimously.

34  
35 11. Bond Release Recommendation #2, from Kevin Leonard, P.E., Northpoint Engineering,  
36 LLC, to Nic Strong, Planning Board Coordinator, re; Twin Bridge Estates, Phase II, for  
37 the Board's action.

38  
39 The Chairman asked for confirmation that the Board had previously released a portion of  
40 the bond in the amount of \$123,691.54. The Coordinator confirmed that the Board had  
41 previously released a portion of the bond.

42 The Chairman asked if anyone disagreed with the proposed bond release amount; the  
43 Board members did not disagree with the proposed bond amount to be released.

December 18, 2012

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 David Litwinovich **MOVED** to release the bond as recommended by Kevin Leonard,  
4 P.E. Don Duhaime seconded the motion and it **PASSED** unanimously.  
5

6 The Chairman asked if the Town's contract with Northpoint Engineering was renewed  
7 annually. The Coordinator answered yes and thought that it was renewed in January. The  
8 Chairman wanted Kevin Leonard, P.E., to attend a Planning Board meeting when he submitted  
9 his contract proposal for the 2013 year. The Coordinator advised that she had spoken with  
10 Kevin Leonard, P.E., about attending a January Planning Board meeting to discuss the process of  
11 paving roads.  
12

13 **Continued discussion, re: Subdivision and Non-Residential Site Plan Review Regulation**  
14 **Amendments.**  
15

16 The Chairman referenced Proposed Amendment #1 and noted the proposal was to change  
17 reference to upstream dam owners for notification purposes based on a recent statutory change.  
18 He stated that Proposed Amendments #2, #3 and #4 addressed the same issue in different  
19 locations in the regulations.

20 The Chairman referred to proposed amendment #5 and noted the existing section would  
21 be deleted and replaced with language that referred to RSA 674:39 and which would also refer to  
22 the Board's practice of determining active and substantial development on a case by case basis.  
23 The Coordinator explained that the legislature seemed to frequently change the time period for  
24 active and substantial completion and as such it made sense to remove the time periods from the  
25 regulations and replace them with the RSA reference.

26 The Chairman referenced Proposed Amendment #6 and #7 and stated they were related  
27 once again to upstream dam owners' notification.

28 The Chairman referenced Proposed Amendment #8 and asked for an explanation of  
29 Section VIII-A.1. which stated that the final amount of the bond shall be approved by the Town's  
30 Consulting Engineer. The Coordinator explained that it meant that all performance bonds would  
31 be calculated using the road bond estimate form of the Town of New Boston and the final  
32 amount would be approved by the Town's Consulting Engineer to make sure the design engineer  
33 had correctly totaled all the items. Mark Suennen asked if Town Counsel had reviewed proposed  
34 amendment #8. The Coordinator answered yes.

35 The Chairman referred to Proposed Amendment #9 which was a change to reference the  
36 current Road Construction Inspection Procedures.

37 The Chairman asked if Town Counsel had reviewed the proposed amendments. The  
38 Coordinator advised that Town Counsel had only reviewed proposed amendment # 8 relative to  
39 bonds and that the whole packet needed review before the public hearing.

40 The Chairman referenced the Non-Residential Site Plan Review Regulations, Proposed  
41 Amendment #1 which was relative to the notification of upstream dam owners. Proposed  
42 Amendment #2 was then discussed and the Chairman questioned the size of the proposed parallel  
43 parking spaces. The Coordinator explained that the Board needed to decide on the size of the

December 18, 2012

1 **SUBDIVISION/NRSPR REGULATIONS AMENDMENTS, cont.**

2  
3 parallel parking spaces, noting that she had simply included the standard size currently listed for  
4 regular space but Mark Suennen had suggested that parallel spaces were usually a different size  
5 to allow the maneuvering required. The Chairman asked what size parking spaces the Board had  
6 required for the recently approved antique shop. The Coordinator answered that the Board had  
7 required the parking spaces to be 10' x 20'. Mark Suennen explained that there was no national  
8 standard and he believed that 9' x 22' was a very reasonable size. It was the consensus of the  
9 Board to move forward with the 9' x 22' parking space size.

10 The Chairman asked for further comments and/or questions; there were no comments or  
11 questions.

12 The Coordinator advised that she had sent the CUP amendment to Ray Shea, LLS, Mike  
13 Dahlberg, LLS, and Bob Todd, LLS, for their comments. She noted that Ray Shea, LLS, said the  
14 amendment was okay and Mike Dahlberg, LLS, and Bob Todd, LLS, agreed that the amendment  
15 captured everything they knew to be required for a CUP in writing.

16 David Litwinovich suggested, based on Town Counsel's comments regarding the Zoning  
17 Ordinance Amendments, that the Stormwater Management Plan section be amended to refer to a  
18 compliance statement rather than an adherence statement. The Board agreed.

19  
20 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
21 **DECEMBER 18, 2012, Cont.**

- 22  
23 4. Memorandum dated November 27, 2012, from Nic Strong, Planning Coordinator, to Stu  
24 Lewin, Chairman, and Planning Board Members, re: Discussion Item from Finance  
25 Committee Meeting, for the Board's review and discussion. (previously distributed)

26  
27 The Chairman stated that the Finance Committee had suggested changing the Board's  
28 goal setting time frame. He also noted that the Miscellaneous Line could be renamed to Special  
29 Projects to avoid confusion about what the line could be used for. He added that he  
30 agreed with everything contained in the Coordinator's memorandum about why the Board's  
31 current time frame should be maintained. Mark Suennen commented that he would change the  
32 line item title "miscellaneous" to "special projects".

33 The Chairman asked for further comments and/or questions; there were no comments or  
34 questions. He asked the Coordinator to prepare a file memo on the subject to be forwarded to the  
35 Finance Committee as part of the next budget preparation cycle.

- 36  
37 5. Memorandum dated November 27, 2012, from Nic Strong, Planning Coordinator, to  
38 Planning Board Members, re: Goals of 2012, for the Board's review and discussion.  
39 (previously distributed)

40  
41 The Chairman noted that the Board had completed item #1, Rules of Procedure, of the  
42 above-referenced memorandum.

43 The Chairman stated that item #2, Subdivision and Non-Residential Site Plan Review

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

December 18, 2012

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Regulation updates, was ongoing.

4 The Chairman indicated that item #3 addressed Workforce/Multi-Family Housing. He  
5 asked the Board if anyone believed there was anything the Board should do given that there were  
6 no statutory changes. Mark Suennen suggested that the matter be reviewed bi-annually.

7 The Chairman referenced item #4, Mixed Used District. He noted that a public input  
8 session had taken place and the matter would be reviewed at the January 22, 2013, meeting.

9 The Chairman referred to item #5 regarding cul-de-sacs and indicated that he wanted to  
10 have definite action take place in 2013. The Board decided to invite the Chief of Police to the  
11 first meeting in February 2013 to discuss the matter.

12 The Chairman noted that item #6 addressed the Water Resource Management Plan. He  
13 asked if the plan required budget funds with support from SNHPC. The Coordinator answered  
14 yes. Mark Suennen questioned what the plan would do for the Town. The Coordinator  
15 explained that the Plan was considered to be part of the Master Plan and its intended use was to  
16 guide the Planning Board in where to direct future development based on the water resources.  
17 She noted that the Plan was woefully out of date. The Chairman asked if there was an estimate  
18 for the Water Resource Management Plan update. The Coordinator stated that she had received  
19 an estimate from the SNHPC in the amount of \$14,600.00. David Litwinovich asked when the  
20 first Plan had been completed. The Coordinator answered 1989. She added that the estimated  
21 cost to update the Master Plan was \$4,400.00.

22 The Board agreed to review the Water Resource Management Plan update in 2013.

23 The Chairman referenced item #7, Master Plan update, and noted that funding an update  
24 was currently an issue. He asked the Coordinator to prepare information on items for the Master  
25 Plan update that may be able to be done in-house to add to the 2013 goals.

26 Item #8 was noted as being further changes to the Zoning Ordinance based on the Master  
27 Plan update and, as such, could only be discussed when the aforementioned update was  
28 completed.

29 The Chairman stated that the 2013 Planning Board Goals should be discussed at the  
30 January 22, 2013, meeting. He asked that the revised list be emailed prior to the meeting and the  
31 Board think about what else they may like to work on in 2013.

32  
33 Mark Suennen **MOVED** to adjourn at 9:20 p.m. Don Duhaime seconded the motion and  
34 it **PASSED** unanimously.

35  
36 Respectfully Submitted,  
37 Valerie Diaz, Recording Clerk

Minutes Approved:  
01/23/2013