

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2014**

**September 23, 2014**

1 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan.  
2 Present were regular members Mark Suennen, David Litwinovich, and Don Duhaime; alternate  
3 member Joe Constance; and ex-officio Rodney Towne. Also present were Planning Coordinator  
4 Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5  
6 Present in the audience for all or part of the meeting were Selectman Dwight Lovejoy,  
7 Building Inspector/Code Enforcement Officer Ed Hunter, and Lisa Campbell.

8  
9 **THIBEAULT SAND & GRAVEL, LLC (OWNER)**  
10 **HESELTON'S OUTDOOR SERVICES (APPLICANT)**  
11 Public Hearing/NRSPR/Landscape materials Processing & Storage  
12 Location: Parker Road  
13 Tax Map/Lot #3/57  
14 Residential-Agricultural "R-A" District

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16 The Chairman read the public hearing notice and noted the hearing had been cancelled.  
17 He asked if the hearing needed to be adjourned to a future meeting. The Coordinator advised  
18 that the applicant wished to withdraw his application. She added that the Board should discuss  
19 whether or not to return the applicant's application fee.

20 Rodney Towne asked if the Town had anything invested in the application. The  
21 Chairman indicated that the Town's time had been invested in the application. The Coordinator  
22 explained that certified letters fees, secretarial fees and planning fees could not be returned;  
23 however, she stated that the application fee could be returned. The Chairman asked for the  
24 amount of the application fee. The Coordinator answered that the application was \$46.40. Mark  
25 Suennen was in favor of returning the application fee and believed that the applicant was  
26 withdrawing the application because the owner of the property would not work well with the  
27 applicant.

28  
29 Mark Suennen **MOVED** to accept the applicant's request to withdraw the application for  
30 a NRSPR, Landscape materials processing and storage for Thibeault Sand & Gravel,  
31 LLC (Owner), Heselton's Outdoor Services (Applicant), Location: Parker Road, Tax  
32 Map/Lot #3/57, Residential-Agricultural "R-A" District, without prejudice and return the  
33 application fee of \$46.40 to the applicant. Rodney Towne seconded the motion and it  
34 **PASSED** unanimously.

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36 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
37 **SEPTEMBER 23, 2014.**

- 38  
39 1. Approval of the August 26, 2014, meeting minutes, with or without changes.  
40 (distributed by email)

41  
42 Rodney Towne **MOVED** to approve the meeting minutes of August 26, 2014, as written.  
43 Don Duhaime seconded the motion and it **PASSED** unanimously.

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**MISCELLANEOUS BUSINESS, cont.**

2. Distribution of the September 9, 2014, meeting minutes, for approval with or without changes at the October 14, 2014, meeting. (distributed by email)

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

3. Driveway Permit Application for Alan W. Seymour Revocable Trust, Tax Map/Lot #'s 4/5-1 & 4/5, Rustic Lane, for the Board's action.

The Chairman stated that the above-referenced driveway permit application had previously been reviewed by the Board as well as the Road Agent. He asked for comments and/or questions from the Board; there were no comments or questions.

Rodney Towne **MOVED** to approve the Driveway Permit Application for Alan W. Seymour Revocable Trust, Tax Map/Lot #'s 4/5-1 & 4/5, Rustic Lane with the standard Planning Board requirements: 1) this permit requires two inches (2") of winter binder (pavement) to be applied to the driveway to a minimal distance of twenty-five feet (25') from the centerline of the road; 2) the driveway intersection with the road shall be joined by curves of ten foot (10') radii minimum; and, 3) the driveway shall intersect with the road at an angle of 60 - 90 degrees.. Don Duhaime seconded the motion and it **PASSED** unanimously.

4. Stormwater Management Adherence Statement received September 10, 2014, from Earl J. Sandford, PE., to New Boston Building Department, re: S&R Holding, LLC, Tax Map/Lot #12/19-42, McCurdy Road, for the Board's action.

The Chairman asked the Coordinator to provide information on the above-referenced matter. The Coordinator indicated that the grass was not yet grown in. Mark Suennen added that Earl Sandford, P.E., had suggested that the Board withhold \$600.00 for grass growth. He believed the suggestion was reasonable.

Mark Suennen **MOVED** to accept the interim Stormwater Management Adherence Statement for S&R Holding, LLC, Tax Map/Lot #12/19-42, McCurdy Road and reduce the bond holdings from \$9,550.75 to \$600.00 for erosion and sediment control stabilization. Rodney Towne seconded the motion and it **PASSED** unanimously.

- 5a. Letter copy dated September 11, 2014, from New Boston Board of Fire Wards, to Steve Cillizza, Precast Sales Manager, Michie Corporation, re: 50 year cistern warranty, for the Board's information.

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1 5b. Email dated September 11, 2014, from Kevin M. Leonard, P.E., Northpoint Engineering,  
2 **MISCELLANEOUS BUSINESS, cont.**

3  
4 LLC, to Nic Strong, Planning Coordinator, re: New Boston Fire Cistern Warranty, for the  
5 Board's information.

6  
7 5c. Copy of Fire Cistern Warranty, for the Board's information.

8  
9 The Chairman addressed items 5a, 5b and 5c together as they were related.

10 The Chairman commented that the above-referenced matter seemed to be ongoing. The  
11 Coordinator agreed that the matter had been ongoing; however, page 2 of Miscellaneous  
12 Business, #12, would suggest that if the warranty document was rewritten the way the Fire  
13 Wards wanted it to be it would be all set. The Chairman asked if it would be rewritten. The  
14 Coordinator answered that she had not heard back from the cistern company.

15 The Chairman stated that this was always interesting and questioned whether Michie  
16 Corporation would still be in business in 50 years. Rodney Towne stated that the cisterns were  
17 already 15 years into the 50 year warranty.

18 The Chairman believed that there was a better chance that a concrete tank would out last  
19 a fiberglass tank. Joe Constance asked the Chairman for an explanation of his belief. The  
20 Chairman explained that a fiberglass tank company would always claim that there was  
21 installation error should a problem arise. Joe Constance stated that a concrete tank company  
22 could make the same claim. The Chairman agreed with Joe Constance. Joe Constance pointed  
23 out that the rewrite would cover the peripherals and plumbing items for 5 years. The Chairman  
24 stated that the Town wanted a tank that was going to last and noted that he did not know if there  
25 was an answer for this matter. He believed that a fiberglass tank would deteriorate and that  
26 someone would have to hit the pipe and crack the tank for it to be damaged. Rodney Towne  
27 noted that hitting the pipe and cracking the tank pertained to the installation. The Chairman  
28 agreed and pointed out that the Town Engineer was paid to ensure that the tank was installed  
29 properly.

30 Mark Suennen stated that the Fire Wards were "fighting out" this matter and did not  
31 believe the Planning Board should get in the middle of it.

32  
33 6 Construction Services Reports & Invoice dated September 1, 2, 3, and 4, 2014, from  
34 Northpoint Engineering, LLC, for Indian Falls/Susan Road - Bussiere, for the Board's  
35 information.

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

39  
40 7. Construction Services Report & Invoice dated September 3, 2014, from Northpoint  
41 Engineering, LLC, for Twin Bridge Estates - Phase II, for the Board's information.

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

3 **MISCELLANEOUS BUSINESS, cont.**

4  
5 8. Construction Services Report & Invoice dated September 3, 2014, from Northpoint  
6 Engineering, LLC, for Forest View II, for the Board's information.

7  
8 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
9 occurred.

10  
11 9. Invoice for ongoing construction monitoring/administration dated September 11, 2014,  
12 from Northpoint Engineering, LLC, for LeClair/Lemay – Woodland Estates, for the  
13 Board's information. (reports previously copied)

14  
15 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
16 occurred.

17  
18 10. Endorsement of a Subdivision Plan for Alan W. Seymour Revocable Trust, Tax Map/Lot  
19 #4/5, Rustic Lane & NH Route 136 (Francestown Road), by the Planning Board  
20 Chairman & Secretary.

21  
22 The Chairman stated that the above-referenced Subdivision Plan would be endorsed at  
23 the close of the meeting.

24  
25 11. Discussion, re: Thibeault Corporation gravel pits.

26  
27 The Coordinator stated that in light of Heselton's Outdoor Services NRSPR application  
28 withdrawal, Thibeault Corporation's gravel pits located on Parker Road and River Road  
29 continued to not be permitted and were not in compliance with reclamation. She asked how the  
30 Board wanted to proceed with this matter. She added that these were the only two gravel pits in  
31 Town that were not permitted.

32 The Chairman suggested that the Code Enforcement Officer address the matter with  
33 Thibeault Corporation. Joe Constance how long this matter had been going on. Mark Suennen  
34 answered three years. The Coordinator added that Thibeault Corporation had not followed  
35 through with the permitting process when the Earth Removal Regulations had changed.

36 Mark Suennen stated that it was the consensus of the Board to have the Code  
37 Enforcement Officer advise Thibeault Corporation that they needed to reclaim their gravel pits or  
38 submit an application for an Earth Removal Permit. Ed Hunter, Building Inspector/Code  
39 Enforcement Officer (BI/CEO,) had arrived at the meeting and agreed with Mark Suennen and  
40 commented that it was long overdue. Mark Suennen stated that the Board understood that just  
41 saying they needed to comply did not make it happen; however, he believed that if nothing was  
42 said nothing would never get done.

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1 Joe Constance referred to the last meeting when Heselton's Outdoor Services had advised  
2 the Board that digging by the previous gravel pit owner had gone below the existing water table.  
3 He asked if it was possible to re-permit the pit with the current water issues. The Chairman  
4 **MISCELLANEOUS BUSINESS, cont.**

5  
6 added that the abutters had represented that water had always existed in the pit and that they had  
7 always been able to ice skate there. He stated that what was in question was whether or not over-  
8 digging had occurred. Joe Constance asked if this was a matter for Ed Hunter, BI/CEO, to  
9 address. Ed Hunter, BI/CEO, explained that there was a reclamation plan on file with the Town  
10 that needed to be adhered to. He continued that if something had changed with the site since the  
11 approval of the reclamation plan it needed to be addressed. He stated that he was aware that  
12 expanded wetlands had been discovered as a result of the Heselton's Outdoor Services  
13 application. He noted that he had not viewed the wetlands as the pit was not permitted and,  
14 therefore, was not part of his annual gravel pit inspection process.

15 Mark Suennen advised that the owner had explained to the Board that the original  
16 reclamation plan was for the gravel pit if it had been fully excavated. He continued that the pit  
17 had not been excavated as intended and the reclamation plan on file did not meet the current  
18 conditions of the pit. He suggested that the Code Enforcement Officer require the submission of  
19 a replacement reclamation plan that would fit the gravel pit's current conditions.

20 Mark Suennen indicated that the River Road pit was also out of compliance and had not  
21 been reclaimed. He suggested that the Code Enforcement Officer require that the owner reclaim  
22 the pit. He stated that the Board was not aware if the River Road pit had the same issues as the  
23 Parker Road pit with regard to excavation not being completed and whether the reclamation plan  
24 matched the current conditions of the pit. The Code Enforcement Officer advised that he was  
25 not aware if the current conditions of the pit matched the reclamation plan and added that it was  
26 time to have the pits reclaimed as they both exceeded the State's two year limit to not have  
27 removed material and be declared abandoned.

28 Mark Suennen asked the Code Enforcement Officer to send Thibeault Corporation the  
29 appropriate documentation that required them to submit revised reclamation plans and reclaim  
30 the pits or submit Earth Removal Permit applications.

31 Rodney Towne advised that there was no active interest from the Town to purchase the  
32 River Road property in the event the owner represented that there were ongoing negotiations.

33 Don Duhaime asked Ed Hunter, BI/CEO, to set a deadline of 60 days for completion of  
34 the requested items. Mark Suennen asked what could be done if the owner did not comply with  
35 the 60 day deadline. Rodney Towne indicated that the Town could pull the bond and reclaim the  
36 pits. He asked for the amounts of the bonds. The Planning Board Assistant indicated that the  
37 substantial insurance bonds were in place for the pits.

38 Don Duhaime reiterated that the bond should be pulled if the owner did not comply with  
39 the Code Enforcement Officer's requests by the 60 day deadline. Joe Constance suggested that  
40 the owner be given 30 days to resubmit a reclamation plan and that the reclamation deadline  
41 could be set later. Don Duhaime disagreed with Joe Constance's suggestion and argued that the  
42 reclamation should be completed within 60 days as there was already a plan on file. Rodney  
43 Towne clarified that the current reclamation plan for the Parker Road pit was not an accurate

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1 plan for what was completed. Don Duhaime believed that giving the owner more time to  
2 complete the reclamation would only drag out the process. Rodney Towne noted that if the  
3 owner wanted more time for completion he could submit a request. Ed Hunter, BI/CEO, pointed  
4 out that if the owner wished to delay the process he could submit an Earth Removal Permit  
5 Application as that process could take up to six month to complete.

6 Joe Constance withdrew his 30 days deadline suggestion and agreed with the 60 days  
7 deadline.

8 The Coordinator indicated that she would review the Earth Removal Regulations as there  
9 was a section that pertained to enforcement. She explained that she did not want to advise that  
10 the bond would be pulled if there were other steps that needed to be taken first. The Board  
11 agreed that the Coordinator should review the regulations.

- 12  
13 12. Letter copy dated September 18, 2014, from New Boston Fire Wards, to Steve Cillizza,  
14 Precast Sales Manager, Michie Corporation, for the Board's information.  
15 (see items #5a. #5b. and #5c. on page 1)

16  
17 The Chairman stated that the above-referenced matter had been previously addressed  
18 during the discussion of Miscellaneous Business items 5a, 5b and 5c.

19  
20 **BDRC PROPERTIES, LLC (OWNER)**

21 **DAHLBERG LAND SERVICES, INC. (AGENT)**

22 Compliance Hearing/Public Hearing/NRSPR/to operate a contractor's yard for an underground  
23 utility testing company and a landscape contractor

24 Location: Hemlock Drive

25 Tax Map/Lot #3/52-25

26  
27 The Chairman read the public hearing notice. Present in the audience were Lisa  
28 Campbell and Building Inspector/Code Enforcement Officer Ed Hunter,

29 The Chairman asked if the Ed Hunter, BI/CEO, had inspected the property for  
30 compliance. Ed Hunter, BI/CEO, indicated that he had inspected the property and that he had  
31 submitted a letter of compliance.

32 Mark Suennen asked for the outstanding fee amount. The Coordinator answered that the  
33 total amount of outstanding fees was \$175.00.

34 Mark Suennen asked if the applicant intended not to build the previously proposed salt  
35 storage shed. Lisa Campbell answered that it was a moot point. She explained that they did not  
36 need it right now but it was possible that it would be needed in the future. Mark Suennen asked  
37 if it was accurate that it was in the applicant's best interest to reserve the right to construct a salt  
38 shed in the future. Lisa Campbell answered yes. Mark Suennen stated that he would be fine  
39 with that. Rodney Towne asked how long the applicant would have to construct the salt shed.

40 **BDRC PROPERTIES, LLC, cont.**

41  
42 Mark Suennen believed it could be constructed at any time if it was on the site plan. Lisa  
43 Campbell advised that the location of the salt shed needed to be moved due to the installation of

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1 PSNH's meters on the building. She explained that the proposed location of the shed would be  
2 too close to the meters. She indicated that the new proposed location was behind the meters.  
3 Mark Suennen asked if the salt shed would still be attached to the building. Lisa Campbell  
4 answered yes.

5 Mark Suennen asked who had completed the submitted as-built plan. Lisa Campbell  
6 answered that it had been completed by Mike Dahlberg, LLS. It was Mark Suennen's opinion  
7 that a revised as-built plan be submitted following the construction of the salt shed and he added  
8 that it was an approved part of the site plan to be completed at a future date. The other Board  
9 members agreed with Mark Suennen.

10 Mark Suennen stated that if the salt shed was completed outside of the 24 months vesting  
11 period then the regulations at the time of construction would be applicable. The Coordinator  
12 pointed out that vesting did not apply to unrecorded site plans and in the Town of New Boston  
13 site plans were not recorded. Mark Suennen stated that he would apply the condition he  
14 previously stated and reiterated that construction of the salt shed 24 months after approval would  
15 be subject to any changes made in the regulations. Joe Constance asked if further  
16 correspondence was needed to document Mark Suennen's requirement or if the minutes of the  
17 discussion were enough for documentation. Mark Suennen answered that he was unsure. The  
18 Coordinator suggested that a motion be made.

19  
20  
21  
22 Mark Suennen **MOVED** to confirm the compliance of the conditions subsequent to the  
23 approval of the Non-Residential Site Plan Review for BDRC Properties, LLC, for the  
24 operation of a contractor's yard and landscaping business on Tax Map/Lot #3/52-25,  
25 Hemlock Drive, and to release the hold on the Permit to Operate/Certificate of  
26 Occupancy to be issued by the Building Department, subject to: within the next 24  
27 months from today's date, the applicant may install a salt storage shed along the building  
28 wall indicated on the current site plan under 2014 NRSPP Regulations with the  
29 submission of a revised as built that shows the position/size/shape of that salt storage  
30 shed. If the Applicant decides to install the salt storage shed beyond 24 months they will  
31 be subject to the new or updated Regulations in the Town of New Boston. It is the  
32 applicant's responsibility to apply to the Building Department for a Permit to  
33 Operate/Certificate of Occupancy.

34  
35 Rodney Towne seconded the motion and it **PASSED** unanimously.  
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39 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
40 **SEPTEMBER 23, 2014, cont.**  
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1 15. Copy of letter received September 19, 2014, from Brian A. Pratt, P.E., to Mr. William  
2 Thomas, DES Wetlands Bureau, re: request for amendment to NHDES Wetlands Permit  
3 No: 2009-01779, Fieldstone Drive, for the Board's information.  
4

5 The Chairman asked if the Coordinator had any input on the above-referenced matter.  
6 The Coordinator shared that during the construction process debris had been removed out of a  
7 wetland and there had also been some issues with the construction of a retention pond. She  
8 advised that for both matters the applicant had moved into the wetland further than was  
9 permitted and as such the applicant had submitted an application for an amendment of the  
10 Dredge and Fill Permit.

11 The Coordinator advised that the applicant had already received approval from the State  
12 for an amended Dredge and Fill Permit but the Planning Department had only just received the  
13 backup documentation.  
14

15 16. Letter with photo attachments dated September 19, 2014, from Kevin M. Leonard, P.E.,  
16 Northpoint Engineering, LLC, to Nic Strong, Planning Coordinator, re: Twin Bridge  
17 Estates, Phase II – Site Stabilization Update, for the Board's information.  
18

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

22 17. Construction Services Reports & Invoice dated September 8, and 9, 2014, from  
23 Northpoint Engineering, LLC, for Indian Falls/Susan Road - Bussiere, for the Board's  
24 information.  
25

26 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
27 occurred.  
28

29 18a. Email with plan attachment, dated September 18, 2014, from Lee C. Brown, to Shannon  
30 Silver, re: New Boston Central School, Preliminary Site Plan sketch, for the Board's  
31 review and discussion.  
32

33 18b. Copy of Statute, NH RSA 674:54, Governmental Land Uses.  
34

35 The Chairman addressed items 18a and 18b together as they were related.

36 The Chairman asked if Lee Brown was simply informing the Board of what they planned  
37 to do with regard to the above-referenced matter. The Coordinator explained that RSA 674:54  
38 permitted the Board to hold a public hearing on the matter. She added that the statute also spoke  
39 to substantial change in use or a substantial new use.

40 Joe Constance how long the temporary classrooms would be utilized. The Coordinator  
41 **MISCELLANEOUS BUSINESS, cont.**  
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1 did not believe that the length of use information had been provided. Joe Constance believed  
2 that the school population was supposed to be decreasing. Mark Suennen stated that the school  
3 population would be dropping over the next decade. Joe Constance stated that he thought the  
4 decrease in population had already begun. Don Duhaime asked if the population was presently  
5 dropping. Mark Suennen stated that the year over year population was dropping based on a  
6 study the School Board commissioned. He went on to say that the school needed four mobile  
7 classrooms five years ago and no longer needed that many. Joe Constance pointed out that there  
8 had been several occasions when the studies provided by the Southern New Hampshire Planning  
9 Commission proved not to be accurate. Rodney Towne clarified that the study Mark Suennen  
10 was referring to was completed by the SAU. He added that he had sat in on the meeting and a  
11 drop in population was predicted.

12 Rodney Towne asked for clarification on whether the proposal was for a classroom or  
13 another use. He added that it was his understanding that it was not for a classroom. Mark  
14 Suennen stated that the email had been entitled "Proposed Modular Classroom". Rodney Towne  
15 had been told that the school intended on taking over both rooms located at the "White  
16 Buildings" and because of that the Recreation Department would be using the modular  
17 classroom. He stated that the school, as an organization, had a real problem putting students into  
18 modular classrooms. He added that he disagreed with the school. Joe Constance commented  
19 that it was probably not so much the school that had a problem but the parents who had the  
20 problem with the use. Rodney Towne explained that the Principal and the School Board  
21 disagreed with the use of the modular classrooms. Joe Constance indicated that what Rodney  
22 Towne described had not been the case in the past.

23 Rodney Towne thought a public hearing would be appropriate as he was not sure the  
24 Board was getting accurate information. Joe Constance commented that if a public hearing was  
25 not scheduled then more information on the matter should be provided.

26 Rodney Towne stated that he had been advised during the last Board of Selectmen  
27 meeting that the Recreation Department intended on using the modular classroom.

28 Mark Suennen indicated that there were two separate issues. He continued that one was  
29 School Board related with regard to how the modular building would be used and the second was  
30 Planning Board related with regard to a modification of their site plan. He noted that the Board  
31 would require a public hearing for any other applicant requesting to modify their site plan by  
32 placing a modular building on their site. He believed that a public hearing should be scheduled.  
33 The Coordinator noted that if the Board decided to schedule a public hearing that statute required  
34 that it be scheduled 30 days after receipt of the notice. She continued that a representative was  
35 required to be available to present plans, specs, construction schedules and/or explanations. She  
36 added that the Planning Board or Board of Selectmen could request the hearing.

37 The Board agreed to schedule a public hearing on this matter for the next meeting on  
38 October 14, 2014.

39 Mark Suennen indicated that the Board of Selectmen could schedule a separate meeting  
40 on the matter of "use" if they wanted to. Rodney Towne stated that the use would be part of the  
41 presentation to the Planning Board. Mark Suennen stated that the Planning Board did not

42 **MISCELLANEOUS BUSINESS, cont.**

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1 necessarily care how the building would be used. Rodney Towne stated that if the plans said  
2 "classroom" it should be used for the school as a classroom.

3  
4 **Discussion, re: Proposed Zoning Ordinance Amendments for 2015**

5  
6 Present in the audience was Ed Hunter, BI/CEO,.

7 Ed Hunter, BI/CEO, referred to the Zoning Ordinance, Section 318.2, Sign Definitions.  
8 He explained that over the past year it had come to his attention that there were a couple of signs  
9 in Town that directed traffic to businesses. He advised that the signs existed on the property  
10 owner's property and were large in size. He explained that it had not been the intent of the Sign  
11 Committee to eliminate the signs he described from the Zoning Ordinance. He proposed the  
12 following language for inclusion to Section 318.2, "Signs directing traffic to a business or other  
13 location, with only a location or business name, up to 3 square feet."

14 Rodney Towne commented that the proposed size of the sign, 3 sq. ft., was small.

15 Mark Suennen stated that he was confused about what types of signs the Building  
16 Inspector/Code Enforcement Officer was describing. He asked if the type of sign being  
17 described was similar to an example of a car tire shop placing signs on their property to direct  
18 customers to bays that they should be driving towards. Ed Hunter, BI/CEO, answered yes and  
19 gave another example of an antique shop placing a large sign on their property to direct traffic to  
20 the shop that was not seen from the road.

21 Rodney Towne asked if the Town had a lot of issues with this matter. Ed Hunter,  
22 BI/CEO, answered that there were two places in Town where there were signs without permits.

23 Rodney Towne asked if the two instances in Town that the Building Inspector/Code  
24 Enforcement Officer had referred to had unsightly signs. The Chairman commented that the  
25 signs were "borderline" unsightly. Ed Hunter, BI/CEO, stated that his opinion on whether or not  
26 the signs were unsightly would be subjective. Rodney Towne agreed but stated that trusted his  
27 opinion. Ed Hunter, BI/CEO, stated that the signs did not bother him.

28 Mark Suennen asked if any complaints had been made with regard to the signs. Ed  
29 Hunter, BI/CEO, indicated that while driving around town he had seen the signs and had not  
30 recalled seeing any permit applications for the signs. He went on to say that it was not the intent  
31 of the sign committee to allow large directional signs without requiring a permit.

32 Rodney Towne stated that he was concerned with the possibility of property owners  
33 using 4' x 8' pieces of plywood for signs on their property.

34 Rodney Towne asked for the standard business sign size. Ed Hunter, BI/CEO, answered  
35 that businesses in the Commercial District were permitted to have signs up to 70 s.f. He noted  
36 that this had been expanded last year. The Coordinator noted that signs were permitted to be up  
37 to 6 sq. ft. in the Residential-Agricultural "R-A" District. Rodney Towne commented that 6 sf.  
38 ft. was reasonable. Mark Suennen asked for Rodney Towne was in favor of amending the sign  
39 definition to permit signs that 6 sq. ft. Rodney Towne answered yes.

40 Ed Hunter, BI/CEO, indicated that his second proposed change to the Zoning Ordinance  
41 was to create a new section with the following language, "Conforming property, destroyed by  
42 **DISCUSSION RE: 2015 ZONING ORDINANCE AMENDMENTS, cont.**

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1 fire, shall be removed to grade within one year of destruction. If to be repaired and rebuilt it  
2 shall be started within one year and completed within two years.” He advised that this proposal  
3 was in response to a house that was destroyed by fire on LaBree Road. He continued that  
4 neighbors had contacted him to inquire why the destroyed home was still on the property. He  
5 explained that after reviewing the Zoning Ordinance the only thing he could find was a  
6 requirement relative to non-conforming properties.

7 Don Duhaime asked if there was an insurance issue related to the property referenced on  
8 LaBree Road. Ed Hunter, BI/CEO, answered that he was unsure. He advised that he had  
9 checked with the Fire Chief and State Fire Marshal to determine if there was an ongoing  
10 investigation and was told there was no outstanding investigation.

11 Don Duhaime asked if Ed Hunter, BI/CEO, had checked with other communities with  
12 regard to timeframes for cleaning up homes destroyed by fire. Ed Hunter, BI/CEO, answered  
13 that he had checked the Town of Frankestown Zoning Ordinance and the timeframe was one  
14 year. He added that he could check with other communities.

15 Mark Suennen suggested that the cause of destruction be more general and suggested that  
16 it include condemned homes. Ed Hunter, BI/CEO, noted that the Zoning Ordinance did have a  
17 two year requirement for obsolescence of non-conforming properties. Mark Suennen stated that  
18 homes that could not be occupied and were condemned by the Town should be removed to  
19 grade within one year of destruction. He continued that if the property were to be repaired or  
20 rebuilt it should be started within one year and completed within two years. He noted that he  
21 was not thrilled with the proposal to have the repair or rebuild completed within two years as he  
22 believed that the term “completed” was a relative term. Don Duhaime did not believe that an  
23 additional one full year should be given to complete the repairs or rebuild as he believed it was  
24 procrastination. He believed a home could be rebuilt within six months based on today's  
25 economy and technology. Ed Hunter, BI/CEO, pointed out that some people paid for the  
26 projects out of pocket and he had seen newer additions take three or four years to complete. He  
27 noted that the building permit was valid for one year and the Building Department tracked those  
28 permits and allowed for six month permit extensions. He stated that as long as people were  
29 making progress he never required that they stop building.

30 Ed Hunter, BI/CEO, stated that the two year repair/rebuild proposal may not be necessary  
31 as the property would be like any other development after the destroyed structure was taken  
32 down. He went on to say that a home that was partially burned and needed to be repaired would  
33 need to be done in a reasonable time. He indicated that he had no problem removing the  
34 proposed two year timeframe for completion. Rodney Towne suggested that the word “rebuild”  
35 be struck from the proposed amendment. He believed that any repairs should be completed  
36 within a two year period. Mark Suennen asked if the repairs needed to be started within one  
37 year of when it was torn down. Ed Hunter, BI/CEO, clarified that the repairs needed to be  
38 started within one year of the loss. Mark Suennen stated that the proposed amendment would  
39 read, “...has to be removed and repaired started within one year...”

40 It was the consensus of the Board to schedule a public hearing on this proposal, finalize  
41 the language and forward to the ballot.

42 **DISCUSSION RE: 2015 ZONING ORDINANCE AMENDMENTS, cont.**

43

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1 David Litwinovich asked if a structure could partially be condemned, i.e., house partially  
2 destroyed by fire but could still be occupied. Ed Hunter, BI/CEO, answered yes and stated that  
3 this situation could occur with a duplex or condex. Mark Suennen added that a garage with an  
4 apartment could be partially condemned if the garage was destroyed but the upstairs apartment  
5 was fine.

6 The Coordinator advised that the Zoning Ordinance required that a building permit be  
7 considered void if active and substantial construction had not begun within 12 months from the  
8 date of the issuance of the permit. She stated that there was nothing in the Zoning Ordinance  
9 that allowed for an extension. She continued that by the logic of the Zoning Ordinance a  
10 variance would be required for an extension. Mark Suennen stated that the applicant could apply  
11 for another building permit. Rodney Towne disagreed. Ed Hunter, BI/CEO, explained that the  
12 IBC and IRC allowed for a building official to extend building permits for just cause. The  
13 Coordinator indicated that the language from the IBC could be copied and placed in the proposed  
14 section as well as Section 701.5. Rodney Towne disagreed because this proposal dealt with  
15 damaged and/or destroyed homes and not new construction.

16 Ed Hunter, BI/CEO, stated that his last proposed amendment was relative to Section 602  
17 of the Zoning Ordinance, Definitions, Sawmills. He proposed to add the word “commercial” to  
18 the beginning of the definition and eliminate all references to “portable sawmills”. He explained  
19 that a lot of people owned portable sawmills that were not used for a commercial purpose.

20 Ed Hunter, BI/CEO, advised that he had received a complaint with regard to a portable  
21 sawmill and after researching the matter he discovered that there was a requirement that portable  
22 sawmills be permitted and re-permitted every two years. He questioned the need to have  
23 portable sawmills listed in the Zoning Ordinance. Rodney Towne commented that the days of  
24 large portable sawmills moving from lot to lot were over.

25 Mark Suennen commented that he was fine with the proposal as it was written. He  
26 questioned whether two Warrant Articles would be required, one to add the word “commercial”  
27 and the second to remove any references to “portable sawmills”. The Coordinator suggested that  
28 both amendments be made through one Warrant Article. Rodney Towne and Mark Suennen  
29 agreed that the amendments could be addressed with one Warrant Article.

30  
31 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
32 **SEPTEMBER 23, 2014, cont.**

- 33  
34 13. Email dated September 18, 2014, from William Drescher, Esq., Drescher & Dokmo,  
35 P.A., to Nic Strong, re: site walks, for the Board's review and discussion.

36  
37 The Chairman asked if the Board wanted to create a form to allow the public to attend  
38 site walks. Rodney Towne believed that Town Counsel had explained that the Town had a right  
39 to know if the Board was meeting as a quorum for site walks. He continued that if the Board  
40 was not attending as a quorum and would be reporting back to the Planning Board then the  
41 Board should not be forcing people to open their property to people they do not want on it. He  
42 **MISCELLANEOUS BUSINESS, cont.**

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1 continued that Town Counsel had also advised that if the property owner did not allow members  
2 of the public to attend a site walk then the Board members should not attend either and the plan  
3 should not be processed.

4 Don Duhaime stated that site walks were to gather information and that the public  
5 hearings were scheduled for the second and fourth Tuesdays of every month. The Chairman  
6 agreed that the Planning Board used to have no discussions on site walks and that discussions  
7 would take place at the public hearings. Don Duhaime believed that no discussion should take  
8 place during the site walks and that Board members should take notes for discussion during  
9 public meetings.

10 Joe Constance indicated that the site walks could not take place or the Board could send  
11 only two Board members. The Chairman agreed that by only sending two Board members the  
12 Board avoided creating a quorum.

13 Rodney Towne felt that it was ridiculous to force people to allow people they did not  
14 want on their property or alternatively be in jeopardy of not getting their plan approved. Mark  
15 Suennen agreed with Rodney Towne as it was a violation of the principle of private property.  
16 Rodney Towne commented that this matter could be handled by having one or two Board  
17 member site walks. Mark Suennen added that an alternative to a site walk would be requiring  
18 applicants to provide enough information about the site for the Board to feel comfortable not  
19 attending a site walk, i.e., additional reports, video survey, etc.

20 The Coordinator advised that if only two Board members attended site walks then notes  
21 would still be required, per the Board's Rules of Procedure.

22 Don Duhaime asked for Town Counsel's opinion on situations where a property owner  
23 allowed an abutter on their property and subsequently was injured. Rodney Towne answered  
24 that Town Counsel wanted to require a waiver. The Coordinator clarified that the waiver  
25 discussion was only brought up because Thibeault Sand & Gravel had stated that the only way  
26 they would allow abutters on their property was if they signed a release of liability waiver.

27 Rodney Towne believed that it would be rare that property owners would not allow  
28 abutters to attend site walks. He continued that the matter could be dealt with at the time it  
29 happened. The Chairman agreed that it should be dealt with when it occurred.

30 Don Duhaime noted that questions were directed at engineers and property owners during  
31 site walks. The Coordinator stated that decisions were never made during site walks as it was  
32 only a meeting and not a hearing.

33  
34 14a. Confidential and Privileged letter dated September 13, 2014, from William R. Drescher,  
35 Esq., Drescher & Dokmo, P.A., re: Tremblay Matter. (If discussion is needed it will be in  
36 non-public session pursuant to RSA 91-A:3, II, (e).

37  
38 14b. Copy of Notice of Violation, for the Board's information. (If discussion is needed it will  
39 be in non-public session pursuant to RSA 91-A:3, II, (e).

40  
41 The Chairman addressed items 14a and 14b together as they were related.

42 **MISCELLANEOUS BUSINESS, cont.**

43

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1           The Chairman asked the Board if they wished to discuss the above-referenced matter.  
2 Mark Suennen indicated that he had not yet read the above-referenced material as he had  
3 received it today.

4           The Chairman asked if the Board wanted to read the materials and discuss at the next  
5 meeting. Mark Suennen asked if the information was time sensitive. The Coordinator advised  
6 that it was not time sensitive and was information for the Board. She added that if the Board  
7 decided to discuss the matter, it needed to be done so in a non-public session.

8  
9           The Board agreed to discuss the matter in non-public session at the next meeting.

10  
11 **Discussion, re: Wetland Conservation District Zoning Ordinance**

12  
13           Joe Constance asked if the Guidelines to Wetlands Buffers book had been updated since  
14 1997. The Coordinator answered that it had not been updated and it was only meant to be used  
15 as a guideline.

16           The Chairman stated that the Board had determined that setbacks should not be a fixed  
17 number. He explained that setbacks should vary according to the nature of the wetland. He  
18 stated that Dusty Barss had been approved for a conditional use permit for non-conforming lots  
19 and it worked. He continued that Mr. Barss had taken land that could otherwise not be used and  
20 utilized it very well.

21           Joe Constance referred to General Provisions C, Section 2, of the Wetlands Conservation  
22 District, and asked for an explanation of contiguous area as used in the section. The Chairman  
23 explained that contiguous meant that you could not have 0.25 acre of dryland here and 0.25 acre  
24 there. Joe Constance commented that the first part of the section made it sound like one could be  
25 allowed to have just that. Mark Suennen clarified that the first part of the section explained that  
26 a certain amount of area that was dry was required per lot. He continued that the section went on  
27 to explain that in order to meet the dry area requirement the dry area pockets needed to be  
28 connected by a piece of land that met the 50' minimum width requirement. Joe Constance asked  
29 if this requirement applied to individual lots as well as subdivisions. Mark Suennen answered  
30 yes.

31           The Coordinator referred to a section that addressed back lots on page 15 of the Zoning  
32 Ordinance and explained that back lots that were 5 acres in size did not require additional  
33 contiguous upland to be considered a viable lot. She added that the same acreage used for a 2  
34 acre front lot could be used for a 5 acre back lot.

35           Mark Suennen referred to page 22, of the Zoning Ordinance, and commented that he did  
36 not feel that requiring site specific soils maps had a lot of purpose. He believed that all the  
37 Board needed to have defined were the poorly drained and very poorly drained soils. He  
38 proposed to eliminate the NCSS soils map and the site specific soils map requirement unless  
39 there was a need to keep it. The Chairman asked that Coordinator if there was an issue with  
40 Mark Suennen's proposal. The Coordinator answered that the NCSS soils series map would  
41 tell whether or not the area was wet and was needed because it provided the soils type. Mark  
42 Suennen suggested, therefore, only striking the last part of the sentence to do with site specific  
43 soils maps.

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1 David Litwinovich referred to page 16 of the Zoning Ordinance and asked if the NH Joint  
2 Board of Licensure and Certification existed when the RCIP were adopted. Mark Suennen  
3 answered yes.

4 Mark Suennen referred to page 25 of the Zoning Ordinance and asked if the following  
5 language prevented the Board from granting bond reductions, “In the event that conditions  
6 precedent or subsequent are a condition of final approval, no bonds or other security shall be  
7 released until all conditions precedent or subsequent have been met...”. Don Duhaime asked if  
8 contractors were paid with bond reductions. The Chairman answered that sometimes contractors  
9 were paid with bond reductions. The Coordinator indicated that there was not anything in the  
10 Zoning Ordinance about bond reductions. Mark Suennen suggested that Town Counsel review  
11 this matter and specifically ask how the Board could obtain flexibility to reduce on bonds.

12 Mark Suennen referred to page 27 of the Zoning Ordinance, Section 204.6, E, 8, c, and  
13 asked if the requirements contained in the section were based on vesting requirements. The  
14 Coordinator answered that Mark Suennen had suggested the wording during the last update.

15  
16 Don Duhaime **MOVED** to adjourn at 8:20 p.m. Mark Suennen seconded the motion and  
17 it **PASSED** unanimously.

18  
19  
20 Respectfully submitted,  
21 Valerie Diaz, Recording Clerk

Minutes Approved:  
11/25/2014