

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2015**

April 14, 2015

1 The meeting was called to order a 6:30 p.m. by Planning Board Chairman Peter Hogan.
2 Present were regular members Mark Suennen and David Litwinovich, and ex-officio Joe
3 Constance. Also present were Planning Coordinator Nic Strong and Recording Clerk Valerie
4 Diaz.

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6 Present in the audience for all or part of the meeting were Dr. Donna Chase, Robert
7 Chase, Brandon and Amanda Burriss, John Neville, Jake Neville, Dan Donovan, Jr., Ed Carroll
8 and Graham Duck.

9
10 **Board to choose next Zoning Ordinance question for review and discussion**

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12 The Chairman asked the Coordinator if she had any suggestions on which topic should be
13 discussed. The Coordinator did not have any suggestions.

14 Mark Suennen suggested that the Board focus on the Master Plan and take a break from
15 discussing the Zoning Ordinance and Subdivision Regulations.

16 Joe Constance referred to the memorandum dated April 9, 2015, re: Zoning Ordinance,
17 Subdivision and Site Plan Review Regulation Questions and asked if his understanding that the
18 question regarding the Wetlands Conservation District had already been discussed was accurate.
19 The Coordinator clarified that the Board had discussed the requirement of 1.5 acres of
20 contiguous upland relative to the Wetlands Conservation District; however, the Board had not
21 discussed the requirement that allowed for 0.5 acres of poorly drained soils to be included in the
22 minimum lot size calculation.

23 David Litwinovich agreed with Mark Suennen's suggestion to continue to work on the
24 Master Plan. He believed that working on the Master Plan would lead the Board back to a
25 discussion of the Zoning Ordinance questions. Mark Suennen commented that David
26 Litwinovich had made a good point with regard to the Master Plan informing the Board how to
27 move forward with the Zoning Ordinance questions. Joe Constance agreed with Mark Suennen.
28 He added that the memorandum had been very helpful.

29
30 **Discussion, re: Master Plan process following survey results**

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32 The Chairman asked if there was a particular part of the Master Plan that the Board
33 wanted to review. Mark Suennen believed that following a review of the survey results the
34 Board should review the current Master Plan goals and objectives. He also believed that the
35 vision needed to be reviewed.

36 Joe Constance asked if the language contained in RSA 674:2 could be used for the
37 purpose and description of the vision. Mark Suennen asked if Joe Constance was asking if a
38 statement regarding the regulatory authority to have a Master Plan needed to be added to the
39 Master Plan. Joe Constance answered yes. Mark Suennen indicated that the Master Plan did
40 include such a statement and advised that it could be found in the first part of the introduction.

41 David Litwinovich asked for clarification of what was included in the vision statement.
42 Mark Suennen stated that the text written in bold, italics was the vision statement. He explained
43 that the goals and objectives followed the vision statement. The Chairman added that the goals

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1 **MASTER PLAN, cont.**

2
3 and objectives were a guiding tool rather than an absolute. He stated that some items included in
4 the goals and objectives would never be done and that this might be a good opportunity to
5 remove them from the Master Plan.

6 The Chairman commented that reviewing the Master Plan was a giant reading task. He
7 suggested that the Board first review the survey results and then decide how to move forward
8 with the review Master Plan based on the results. Mark Suennen agreed with the Chairman. He
9 stated that the vision statement should be reviewed against the input provided by the surveys.

10 David Litwinovich believed that the survey results from 2005 should be compared to the
11 latest survey to identify things that may have changed or not changed. Mark Suennen
12 commented that David Litwinovich's suggestion made a lot of sense.

13 The Chairman asked for the survey deadline. The Coordinator advised that the deadline
14 to turn in surveys was April 17, 2015. The Chairman asked if the information from the surveys
15 could be compiled for the next meeting. The Coordinator answered yes.

16 Joe Constance referred to page 2 of the memorandum and read the following, "A Master
17 plan may include consideration of any areas outside the boundaries of the municipality which in
18 the judgment of planning board bear a relation to or have an impact on the planning of the
19 municipality", and asked how much time was spent on the consideration. Mark Suennen
20 answered that the amount of time spent on consideration was dependent on the category, i.e.,
21 transportation and land use.

22 Mark Suennen asked if the Board wanted to create a sub-committee of Master Planners
23 like had been done during the last review of the Master Plan. David Litwinovich believed it was
24 a good idea. Mark Suennen asked if the committee should be made up of representatives from
25 existing committees or if the committee should be comprised of people who had an expressed
26 interest in getting involved in a Master Plan update. The Chairman pointed out that it had often
27 been the case that people with a very specific agenda would participate in the Master Plan update
28 in an effort to move their agenda forward. Joe Constance agreed that different standing bodies in
29 Town had certain agendas and he believed that the group consensus that was forged in those
30 bodies was important. The Chairman believed that the committee should be given specific topics
31 to be researched. Mark Suennen did not have a problem giving committee members specific
32 topics to be researched with general guidelines and direction from the Board. David Litwinovich
33 stated that he did not have a problem either.

34 David Litwinovich commented that he liked the suggestion of submitting articles to the
35 New Boston Bulletin on a regular basis. Mark Suennen asked if the Board or Planning
36 Department would prepare the articles. Joe Constance and David Litwinovich agreed to share
37 the duty of preparing articles for submission to the New Boston Bulletin. Mark Suennen asked
38 for the monthly deadline. The Coordinator answered that the deadline was typically the 12th or
39 15th of each month.

40 David Litwinovich asked if the process could take two years to complete. The
41 Coordinator noted that the last rewrite of the Master Plan took 2 years but noted it was the first
42 major rewrite completed since 1997. She pointed out that it was recommended to update the
43 Master Plan every 5 to 10 years and if the process took too long the Board may run into a

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1 **MASTER PLAN, cont.**

2
3 situation where they would need to update again before the current update was completed.

4 Mark Suennen did not believe that a full rewrite was necessary and stated that only an
5 update to the existing framework and structure was needed. He continued that an update was in
6 line with what the Board was capable of doing and was what the Board could afford to do. The
7 Chairman pointed out that it may not be necessary to update every section of the Master Plan as
8 the sections may be correct the way they were currently written.

9 Mark Suennen wanted to make the Master Plan more useable and suggested that the
10 vision, goals and objectives be printed in a pamphlet and be accessed from the Town website.

11
12 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
13 **APRIL 14, 2015.**

14
15 4a. Letter received March 27, 2015, from Sharon Cuddy Somers, Donahue, Tucker &
16 Ciandella, PLLC, to Peter Hogan, Chair, New Boston Planning Board, re: Town &
17 Country Animal Hospital, Tax Map/Lot #4/44-1, 289 Francestown Road, for the Board's
18 review and discussion.

19
20 4b. Copies of Driveway Permit and Notice of Decision.

21
22 4c. Section copy of Non-Residential Site Plan approved 2/1/94.

23
24 Present in the audience were Dr. Donna Chase, Robert Chase and Brandon and Amanda
25 Burriss, John & Jake Neville, Dan Donovan, Jr., and Ed Carroll.

26 The Chairman addressed items 4a, 4b and 4c together as they were related.

27 The Chairman asked for confirmation that the above-captioned business had originally
28 been approved as a home business; the Coordinator confirmed that it had been approved as a
29 home business. The Chairman pointed out that the business did not have to operate as a
30 home business anymore due to changes made to the Zoning Ordinance that allowed veterinary
31 practices to operate in the "R-A" District. He noted that the owner could continue to operate the
32 business as it was currently being operated; however, he noted that the business could be
33 intensified. He indicated that the use had been added on March 9, 2010.

34 The Coordinator stated that whether the business was operated as a home business or
35 under the agricultural definition both required one principal use of the property. She explained
36 that if the business was operated as a home business the occupation of the residence had to
37 continue. She further explained that if the business operated as an agricultural use that would
38 become the principal use.

39 Dr. Chase asked if a boarding kennel and grooming facility would be deemed related to
40 the business as it was animal related. Joe Constance asked if the accessory use had to be related
41 to the existing practice or related to animals. Mark Suennen believed that boarding related to the
42 practice would be considered an accessory use to the practice; however, a pet day care facility
43 that did not take advantage of the existing veterinary practice may need to be looked at more

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MISCELLANEOUS BUSINESS, cont.

1
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3 closely by the Board. Joe Constance stated that the addition of a veterinary surgery facility
4 would be a clear accessory use to the veterinary practice.

5 Brandon Burriss asked if the business could continue to be operated as it currently was
6 operating. Mark Suennen answered yes and explained that the person living in the house needed
7 to be operating the veterinary medicine out of some part of the home or the property. The
8 Chairman pointed out that a requirement of a home business was that the business was being
9 carried on by a person living in the house. Mark Suennen asked if the home owner needed to be
10 a veterinary doctor or if the requirements for a home business were met if the home owner just
11 worked for the office. The Chairman answered that the home owner just needed to work for the
12 business. The Coordinator read from the regulations and clarified that the business shall be
13 carried on by the members of the family that resided onsite. She added that two employees that
14 did not reside onsite were permitted.

15 Dr. Chase stated that she had moved offsite because the business was permitted as an
16 agricultural use. She continued that the owners would be living there and should also be allowed
17 to move offsite. Brandon Burriss stated that they intended to carry on with the business as it
18 currently existed and also live onsite. Mark Suennen summarized that because the property
19 owners reside offsite the business was being conducted under the agricultural use of the property.
20 He continued that the new owners would either be maintaining agricultural use of the property or
21 could convert back to a home business as they would be residing onsite and working at the
22 business.

23 The Coordinator advised that a form was typically signed that stated that all of the
24 conditions of the approved plan would be abided by and if there were any changes the property
25 owners would come back to the Board for approval. She noted that the signed form would then
26 be attached to the plan for future reference.

27 Brandon Burriss asked if he would need to receive approval from the Board to hire
28 another full-time employee. The Chairman answered no and noted that the business was
29 permitted to have two non-family member employees.

30 Mark Suennen advised that the Planning Department would contact Dr. Chase once the
31 letter was completed. Dr. Chase asked if the letter could be ready for Friday. The Coordinator
32 answered yes.

33
34 6a. Letter dated April 9, 2015, from John E. Neville, President, John E. Neville Excavating,
35 Inc., to the New Boston Planning Board, re: Gravel Pit, Tax Map/Lot #3/57, Parker Road,
36 Thibeault Sand & Gravel, LLC, (Owner), for the Board's review and discussion. (John E.
37 Neville to be present.)

38
39 6b. Copy of August 27, 2013, coversheet, re: discussion of the background of the gravel pit
40 located on Tax Map/Lot #3/57, Parker Road.

41
42 6c. Miscellaneous correspondence between Ed Hunter, Building and Code Enforcement
43 Officer, Town of New Boston and Vincent Iacozzi, Thibeault Sand & Gravel, LLC.

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MISCELLANEOUS BUSINESS, cont.

Present in the audience were John Neville, Jake Neville, Dan Donovan, Jr., and Ed Carroll.

The Chairman addressed items 6a, 6b and 6c together as they were related.

John Neville asked what it would take to get the above-referenced gravel pit into compliance. He advised that he and his son were considering buying the gravel pit.

Mark Suennen asked if Mr. Neville intended on continuing to operate the property as a gravel pit. John Neville answered yes. Mark Suennen stated that Mr. Neville would be required to apply for an Earth Removal Permit as it was currently a non-conforming, un-permitted gravel pit.

John Neville showed the Board a plan of the gravel pit. He indicated that there was still about 150,000 yards of material to be removed from the pit.

Joe Constance asked if the Building Inspector/Code Enforcement Officer had list and photographs of things that needed to be completed for compliance. The Chairman answered yes but pointed out that the current owner was no longer removing material and as such it needed to be reclaimed. Joe Constance stated that the pit was closed. The Chairman was unsure if the pit was officially closed or if it was officially abandoned. The Coordinator added that nothing official had never been done to close the pit and that the current owner had never re-applied for an Earth Removal Permit.

The Chairman believed that if the gravel pit was being reopened there would be a lot less reclamation required. Mark Suennen noted that a new reclamation plan would be required. The Chairman agreed.

John Neville asked if the pit would be reinstated if he brought it back into compliance and if it would be necessary to go through meetings with abutters. Mark Suennen pointed out that there was no active permit to allow for earth removal from the pit. John Neville asked if the Earth Removal Permit application needed to be submitted to the Town. Mark Suennen answered yes and added an AoT Permit was also needed. The Coordinator stated that she was unsure if the plans on file met the current regulations.

The Chairman asked if the abutters would be noticed if an application for an Earth Removal Permit was submitted. Mark Suennen answered yes because he would be required to attend a public hearing. The Chairman asked if the other gravel pit owners in Town were required to attend a public hearing back in 2011 when all the gravel pits were re-permitted. Mark Suennen answered yes and advised that all abutters had been noticed for those hearings. He stated that the Board recognized that the gravel pit in question had operated as a gravel pit and that having the pit in compliance would make the Board happy.

John Neville asked how long the gravel pit application process would take. Mark Suennen answered that most of the gravel pit applications took one meeting to resolve.

7. Driveway Permit Applications received April 10, 2015, from Castle Donovan II Real Estate, LLC, re: Tax Map/Lot# 10/3-2 & 3-3, 539 Old Coach Road, Non-Residential Site Plan, changing driveway from one curb cut to two, for the Board's action.

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MISCELLANEOUS BUSINESS, cont.

Dan Donovan, Jr., stated that construction was almost complete at the above-captioned property and he was before the Board to find out if the Town would consider allowing a second curb cut. He explained that the second curb cut would create a horse shoe shaped driveway and help with the flow of traffic around the building. He indicated that the second curb cut would also allow for the area in the front of the building to be lawn rather than asphalt.

Dan Donovan, Jr., advised that there was approximately 442' of frontage. He further advised that the Road Agent had viewed the area and did not have any objects to the second curb cut.

The Chairman asked for the distance between the two proposed driveways. Dan Donovan, Jr., answered that there would be 200' between the two driveways.

The Coordinator asked if the driveway traffic would be one-way. Dan Donovan, Jr., stated that he could talk to the staff about entering through the western driveway and exiting on the eastern side. He indicated that one of the issues they had was with getting in and out of the passenger side of vehicles. The Chairman suggested that the flow of traffic be flipped, i.e., enter through the eastern driveway and exit through the western driveway to allow the passenger side of the vehicle to be closest to the building. Dan Donovan, Jr., indicated that he would talk to the administrators at the building about flipping the flow of traffic.

The Chairman indicated that he did not have a problem with the second curb cut.

Mark Suennen stated that there was a third option of making the western driveway two-directional up to the southwest corner of the building where the direction would become one-way flow.

The Chairman suggested that the applicant discuss the one-way traffic flow and the two-way traffic flow that turned to one-way traffic options.

Dan Donovan, Jr., went on to describe the building and its life safety features. He invited the Board members to visit the property to view the building.

Mark Suennen asked if the Fire Wards had weighed in on the possibility of the second curb cut. Dan Donovan, Jr., answered no. He noted that the driveway was 22' wide and there was enough room for two cars to pass. Mark Suennen was interested in the Fire Wards' thoughts on removing the asphalt from the front of the building.

Dan Donovan, Jr., said he would speak to the Fire Wards.

The Chairman stated that he did not have a problem with the conceptual idea of two driveways.

Mark Suennen asked the Board to determine whether this would be a field change or if it would require a hearing. The Board determined that the second curb cut would be a field change.

Danny Donovan asked if he could have the change drawn onto the plan. The Chairman answered that the applicant was safe to have the change drawn up. The Coordinator asked to confirm whether the Board was requiring a plan to be prepared now for approval prior to instituting the change or whether the Board was allowing the change as a field change which would be shown on the as-built plan and, therefore, not required to be submitted right away. The Board agreed that this change could be a field change and would be included on the as-built.

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 Mark Suennen did ask, however, that a copy of the sketch plan Dan Donovan, Jr., had presented
4 this evening be submitted with the driveway permit. The driveway permits will be acted upon
5 when the Road Agent and Fire Wards' input had been received.

- 6
7 2. Application for Appointment to the Planning Board, received March 26, 2015, from Ed
8 Carroll, for the Board's action. (Mr. Carroll will be present)

9
10 The Chairman asked if Mr. Carroll wanted to attend a couple of meetings prior to his
11 appointment. Ed Carroll advised that he had attended meetings in the past.

12 Mark Suennen asked if Mr. Carroll would be available to attend the meetings. Ed Carroll
13 answered that he would do his best to attend the meetings.

14
15 Mark Suennen **MOVED** to forward Ed Carroll's Application for Appointment to the
16 Board of Selectmen. David Litwinovich seconded the motion and it **PASSED**
17 unanimously.

- 18
19 3. Application for Appointment to the Planning Board, received April 06, 2015, from
20 Graham Duck, for the Board's action. (Mr. Duck will be present)

21
22 The Board agreed to place the above-captioned matter on April 27, 2015, meeting agenda
23 as Mr. Duck had to leave the meeting before this item was addressed.

- 24
25 1. Distribution of the draft March 24, 2015, meeting minutes, for review and approval at the
26 April 14, 2015, meeting. (distributed by email)

27
28 Mark Suennen **MOVED** to accept the March 24, 2015, meeting minutes as written. Joe
29 Constance seconded the motion and it **PASSED** unanimously.

- 30
31 5a. Letter with picture attachments, received April 3, 2015, from Brian Caldwell, 68 Wright
32 Drive, Tax Map/Lot #3/5-17, to Peter Hogan, Chair, New Boston Planning Board, re:
33 removing large knoll in Building Restriction Zone, for the Board's review and discussion.
34 (Mr. Caldwell will be present)

- 35
36 5b. Previous correspondence of May 12, 2014, from Twin Bridge Land Management, LLC,
37 requesting to re-grade area in Building Restriction Zone on Tax Map/Lot #3/5-17, for the
38 Board's information.

- 39
40 5c. Planning Board meeting minutes of May 13, 2014, re: 5b.

- 41
42 5d. Miscellaneous information throughout Subdivision approval process, re: vegetated
43 buffer/building restriction zone, for the Board's information.

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MISCELLANEOUS BUSINESS, cont.

The Chairman addressed items 5a, 5b, 5c and 5d as they were related.

The Chairman stated that he viewed the knoll and agreed that it was weird; however, the 100' setback was a requirement from the community input. The Coordinator explained that the area in question was part of the open space subdivision that was required to have a 100' buffer. She continued that the applicant had proposed the 100' vegetative buffer as well as the proposal for the building restriction within the buffer. Mark Suennen asked for confirmation that there was a statutory and a voluntary restriction; the Coordinator confirmed that there was a statutory and voluntary restriction.

Mark Suennen stated that he was not comfortable making a change to the restriction and noted that the property owner purchased the property with the restrictions in place. David Litwinovich added that it would be a bad precedent to set.

The Chairman advised that he had visited Wright Drive last Sunday and had observed erosion of sand. He believed Dave Elliott had been plowing Wright Drive with his pick-up truck. Mark Suennen stated that the plowing was most likely completed by Dave Elliott or Tris Gordon.

The Chairman shared photos of curbs located on Wright Drive that had been damaged from the pick-up truck plows. Joe Constance believed that a similar thing happened in Goffstown on Mountain Road and it needed to be corrected. The Chairman advised that the curbs that had been installed were the result of a design change and he added that the curbs had not originally been engineered the way they had been installed. He continued that the design change had been approved by several people who should have said no. He did not believe that taxpayers should pay for the repairs as he had told the applicant that this was going to happen.

The Chairman showed the Board a photograph of a culvert that ran under the road and noted that it was one-third full and it appeared that it was a challenge for the water to get up into it. He also noticed that the grade was higher than the pipe until the ground eroded away to the point where it was at the bottom of the pipe. Mark Suennen stated that the Planning Board could request the elevations of the invert and outlet of the pipe as part of the as-built. The Chairman asked that the Town Engineer check the elevation of both ends of the pipe during his next scheduled visit to Wright Drive. Joe Constance advised that he would visit the site on the following day. Mark Suennen asked where the pipe was located. The Chairman identified the location of the pipe as "the first one on your way in".

8. Letter dated April 13, 2015, from TLL Land Development, LLC, to New Boston Planning Board, re: request to extend conditions subsequent deadline of May 1, 2015, to May 1, 2016, for the Board's action.

Mark Suennen asked if one extension had been granted in the past for the above-referenced subdivision. The Coordinator explained that the subdivision had previously been owned by Victor Lemay and he had received multiple extensions of the conditions precedent because he was not in a position to do anything. She noted that the Board had stated that they would only grant one last extension and that gave the applicant a deadline of May 1, 2015. She

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 pointed out that Victor Lemay had sold the subdivision to TLL Land Development, LLC, and
4 that they had completed the work.

5 Mark Suennen asked what was left to complete for the subdivision. The Coordinator
6 answered that the road needed top coat of pavement and some tidying up items. Mark Suennen
7 asked if the pavement had wintered over. The Coordinator answered yes.

8 Mark Suennen stated that the applicant had made a good faith effort to complete the
9 improvements and he believed that the Board should grant the extension request. Joe Constance
10 and David Litwinovich agreed with Mark Suennen.

11
12 Mark Suennen **MOVED** to extend the conditions subsequent deadline of May 1, 2015, to
13 May 1, 2016, for TLL Land Development, LLC. Joe Constance seconded the motion and
14 it **PASSED** unanimously.

15
16 9. Ecosmith Recyclers - Byam Road

17
18 The Chairman advised that he drove by Ecosmith Recyclers on Byam Road and noticed
19 that there were four or five trucks parked at the property instead of the one truck that the property
20 owner had represented would be parked at the property. He stated that there was a hideous stack
21 of dumpsters, a portable tractor house and the place looked very untidy. He further stated that
22 the buffers were not working and it was a focal point at the bottom of the hill. He believed that a
23 site plan review was needed.

24 The Coordinator asked if the Board wanted the Building Inspector/Code Enforcement
25 Officer to check compliance. The Chairman answered yes.

26
27 David Litwinovich **MOVED** to adjourn at 8:04p.m. Mark Suennen seconded the motion
28 and it **PASSED** unanimously.

29
30
31 Respectfully submitted,
32 Valerie Diaz, Recording Clerk

Minutes Approved:
05/12/2015