

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
August 23, 2016

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2 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Mark
3 Suennen. Present were regular members David Litwinovich and Ed Carroll. Also present were
4 Planning Coordinator Shannon Silver, Planning Consultant Mark Fougere and Planning
5 Assistant/Recording Clerk Valerie Diaz.
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7 Present in the audience for all or part of the meeting Tim Fountain, Road Agent Dick
8 Perusse, Ken Clinton, Philip Bennett, Ronald Brenner and Maryellen Compagna.
9

10 **Presentation GIS**

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12 Present in the audience were Tim Fountain and Road Agent Dick Perusse.

13 Tim Fountain introduced himself to the Board as the Vice President of CAI
14 Technologies. He stated that his company serviced about 400 local and regional governments
15 throughout the northeastern United States. He explained that services provided included GIS
16 consulting, GIS websites, mapping and parcel map maintenance. He advised that the company's
17 main office was located in Littleton, New Hampshire, and that there were twenty-two employees.

18 Joe Constance asked if governments that CAI Technologies serviced varied in size, i.e.,
19 large vs. small. Tim Fountain answered that the company had large customers like the
20 Commonwealth of Massachusetts and also had smaller customers like the Town of Rowe,
21 Massachusetts, that contained 200 parcels.

22 Tim Fountain advised that when Peter Flynn had been the Town Administrator for the
23 Town of Henniker he had been hired to provide his GIS product. He continued that Peter Flynn
24 had contacted him in 2013 as the Town of New Boston Town Administrator to help the Town
25 with parcel data. He stated that he had presented the product "Access GIS" to the Town in 2013
26 and explained that it was a web-based product that could be used by anyone with access to the
27 internet.

28 Tim Fountain advised that a parcel information-gathering project, the Parcel Mosaic
29 Project, had been funded through the Technology Transfer Center and implemented by T-
30 Squared and UNH. He continued that CAI had provided parcel data from about 120 NH
31 communities for the project. He used a projector to show the Board 2009 parcel data for the
32 Town of New Boston; a Google image of a section of Town with the parcel data boundary lines
33 overlaid over the image. He noted that the existing parcels did not match up with the boundary
34 line data. He explained that this issue was very common when parcel maps were drawn using
35 uncontrolled USGS base maps. Ed Carroll asked if T-Squared or UNH would fix the
36 discrepancies. Tim Fountain answered that he could not speak for T-Squared or UNH but did
37 not believe that they would fix the discrepancies.

38 Tim Fountain stated that his company could complete a record research project that
39 involved rebuilding the boundary lines from scratch using deeds and surveys. He indicated that
40 the project would cost about \$153K based on 2,600 parcels at \$58-\$60 per parcel. He noted that
41 a project would likely take several years to complete. He explained that other option was to
42 complete an onscreen recompile that would "best fit" the existing parcel dimension information
43 to ortho-imagery. He advised that the onscreen compile would cost about \$23K or \$9.00 per
44 parcel.
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2 **Presentation GIS, Cont.**
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4 Joe Constance asked if Mark Fougere was familiar with the products that Mr. Fountain
5 was presenting. Mark Fougere answered yes and stated that he had used the system in the Town
6 of Henniker for the past six years.

7 Tim Fountain referred to the projection of the 2009 parcel data for the Town of New
8 Boston; a Google image of a section of Town with the parcel data boundary lines overlaid over
9 the image. He pointed out that the lines did not line up with the photographs of the sections of
10 Town shown, i.e., boundary lines ran through buildings instead of running along property lines.

11 Mark Suennen asked for the time needed to complete the records research project. Tim
12 Fountain answered that the full record research could not be completed in less than two years and
13 would likely be completed in three years. Joe Constance commented that he was in favor of this
14 project being completed.

15 Joe Constance asked what project had been completed in the Town of Henniker. Mark
16 Fougere answered that the Town of Henniker had chosen the onscreen compile of their parcel
17 data. Joe Constance asked for Mark Fougere to rate the product based on a scale of one through
18 ten relative to its usefulness. Mark Fougere rated the product at a six. He continued that the
19 Town of Bedford and the Town of Merrimack had better products that included multiple layers
20 for sewer, drainage, water, etc. He stated that he was able to create abutters lists with the
21 product he used in the Town of Henniker.

22 Tim Fountain advised that the cost for annual map maintenance for either project
23 described would be \$1,500.

24 Mark Suennen asked if it was typical for communities similar in size to New Boston to
25 move forward with the onscreen compiling project versus the full record research project. Tim
26 Fountain stated that the community size relative to the product used varied. He noted that the
27 following towns had chosen record research for their mapping: Concord, NH, Sugar Hill, NH,
28 North Haven, ME, Mooretown, VT, Petersham, MA, Keene, NH, Dorchester, NH, and Hollis,
29 ME. He stated that the largest community that his company had completed full record research
30 for was Framingham, MA, with 28K parcels. He believed that the product chosen for each
31 community was based on the needs of that particular community.

32 Joe Constance asked Mark Fougere which product would offer the greatest gains to the
33 Town with regard to accuracy and efficiency, irrespective of cost. Mark Fougere answered that
34 having an accurate base map and multiple layers would offer the most to the Town. He noted
35 that the accurate information would be available to everyone in the community.

36 Tim Fountain agreed to submit a written proposal on the two products discussed to the
37 Planning Department by September 1, 2016.
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39 **Discussion, re: Proposed Amendments to the Subdivision and Non-Residential Site Plan**
40 **Regulations.**
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42 Mark Fougere advised that he had completed research relative to parking regulations for
43 healthcare offices, i.e. doctor/dentist offices. He stated that he looked at regulations from
44 communities that based their parking amounts on the number of employees rather than using
45 square footage to make the parking space determination. He proposed requiring 2.25 spaces for
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Discussion, re: Proposed Amendments to the Subdivision and Non-Residential Site Plan Regulations, Cont.

every practitioner and 1 space for every employee. Mark Suennen suggested that the discussion be tabled as the Chairman had shown an interest in this matter and was not present to discuss.

Mark Fougere noted that the Board had previously discussed the possibility of creating zoning regulations relative to 55 and over housing. He provided the Board with items to think about prior to creating the regulations, i.e., location of the housing, density, one or two family units.

Joe Constance asked for confirmation that over 55 housing had been proposed before in Town. The Coordinator confirmed that an over 55 housing facility had been proposed in the past on Beard Road. She explained that the project did not move forward due to finance issues.

Mark Fougere stated that the statute regarding accessory dwelling units had changed and therefore, the Town needed to amend the Zoning Ordinance to reflect the statutory change. Specifically, he noted that the minimum square footage of an accessory dwelling unit needed to be increased from 300 square feet to 750 square feet. He further noted that the installation of an interior door that connected attached accessory dwelling units needed to be added to the Ordinance.

Mark Fougere referred to the Sign Ordinance and noted that a few items needed to be cleaned up to reflect a Supreme Court decision that required sign topics to be neutral.

Mark Fougere indicated that the Town's workforce housing regulations needed to be addressed as mandated by State statute. He stated that the average real estate sale price in the community was higher than the affordable rate of \$260K. He explained that the statute required that there be a reasonable and realistic opportunity to purchase a home in the Town of New Boston for \$260K. Mark Suennen believed that there were homes available in New Boston that could be purchased for \$260K. Mark Fougere indicated that he would need to look into the number of homes that were available at \$260K. Mark Suennen stated that previous analysis of the matter showed that there were a limited amount of homes available that met the workforce housing requirements. He continued that the Board had used accessory dwelling units to offer more affordable housing. Mark Fougere noted that if an accessory dwelling unit met the average real estate sale price point it could be considered workforce housing. He stated that he would continue to research this matter.

The Board agreed to review the 55 and over community information provided by Mark Fougere and discuss their opinions on the matter at the next meeting.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
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3. Letter dated August 1, 2016, from Valerie Diaz, Planning Assistant, to Kenneth Clinton, Meridian Land Services, re: Ecosmith Recyclers, Inc., Tax Map/Lot #6/40-1-1, for the Board's review and discussion. (Kenneth Clinton will be present to discuss.)

Ken Clinton of Meridian Land Services was present to discuss the above-referenced matter. He stated that Pete Shellenberger, owner of Ecosmith Recyclers, Inc., had been operating his business in Town since late 2012 with the expectation that the business would

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
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grow. He noted that the business had in fact grown and as a result Mr. Shellenberger was considering constructing an addition to his existing building; however, he advised that Mr. Shellenberger was not financially ready to begin that process. He stated that because of the growth of the business there were a few more trucks and clothing containers onsite than were anticipated.

Ken Clinton advised that he and Mr. Shellenberger had met with the Planning Coordinator to discuss their request of an additional gravel area, the relocation of an existing rain garden and to come back in the future with a comprehensive site plan when Mr. Shellenberger was ready to propose the addition to the existing building. He stated that he was asking for limited modifications to the site to allow Mr. Shellenberger to store in a more efficient and aesthetic way.

Ken Clinton stated that it was his understanding that the Board had discussed the letter he sent at their last meeting and that there were some specific questions that needed to be addressed. He added that the relocation of the stormwater basin required some level of design by his office and Mr. Shellenberger. He explained that they intended on filing a stamped plan that included calculations relative to the addition of more impervious surface. He noted that the existing rain garden did not work as intended as the water percolated too fast and did not allow the vegetation to thrive. Mark Suennen asked if the failure of the rain garden was due to construction or materials within the rain garden. Ken Clinton answered that the failure was due to a lack of soil mix and that regardless of the soil he still believed the location was not right for a rain garden.

Ken Clinton showed the Board a proposed plan for the new drainage. He pointed to the areas where extra shrubs and trees would be added to offset the additional storage space. He noted that the existing house to the north of the property, the old Byam home, was currently vacant due to a foreclosure. He noted the location of flower gardens on the plan and stated that Mr. Shellenberger tried to make the lot look nice while continuing to be functional as a business.

Ken Clinton identified the proposed location of the future addition and loading bays. He noted that the existing leach field might need to be moved to accommodate the addition. Joe Constance asked for the current storage location of the clothing containers to be identified. Ken Clinton stated that the containers were shifted around the property based on the volume. He explained that currently extra bins were at the property. Joe Constance asked if all the containers would be placed in one area. Ken Clinton answered that a substantial amount of the containers would exist in one area but he could not say that all the containers would be in one location.

Mark Suennen stated that the Board had been surprised and disappointed that Mr. Shellenberger had not maintained the site in the attractive manner that he had represented to the Board during the site plan application process. He stated that the Board was going to learn a lesson and create very explicit limitations with regard to storage, i.e., where, what, and height of storage. He continued that should Mr. Shellenberger want to move forward with the gravel expansion the Board would be expecting a very clear delineation regarding storage. Ken Clinton noted that his letter had requested that the proposed modifications be completed with an engineered plan without the need of going through a full site plan application. Mark Suennen indicated that the Board was willing to consider the changes as site plan revisions that required

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review by the Board as there was a change in site layout and there was a difference of opinion from what was presented during the site plan application and what was actually at the site. The Coordinator explained that the Board was not going to require that a full site plan application be submitted but a public hearing would be required, as abutters had raised concerns regarding the containers.

David Litwinovich stated that he had driven past the site earlier in the day and observed seven large trucks and multiple containers stacked on top of each other. He commented that he would like to see the storage locations for the trucks and containers, preferably not stacked on top of each other, on the engineered plan. Ken Clinton researched Planning Board meeting minutes relative to the public hearings for the site plan application in an effort to find limitations with regard to storage and read the following excerpt, "...he [Peter Shellenberger] did not want to be held to a specific exterior storage area and pointed out that his property was on commercial... He noted that he had been very flexible, however, this was for his business and he needed to be able to do things as required...if his business required putting a half dozen collection boxes outside he would consider doing that..." He stated that the meeting minutes showed that the Board had given Mr. Shellenberger a fair amount of latitude with regard to exterior storage. Mark Suennen agreed that the Board had given Mr. Shellenberger a fair amount of latitude based on his good faith descriptions of the site with regard to aesthetics and cleanliness. He believed that Mr. Shellenberger had not kept this promise to the Board and therefore, the Board was looking for less leeway and more restriction.

Ken Clinton asked if the Board had any other issues with the site. Mark Suennen stated that the Board would be looking for the number of containers Mr. Shellenberger intended on storing onsite. He continued that the Board would be looking to limit the height of the stacked containers as well as a limit on the number of trucks stored onsite. He stated that the Board would not allow for the mobile home that was currently parked on the property to remain there with people living it even on a temporary basis. He stated that the site was commercial and not residential. He further stated that the farmer's market located at the front corner of the lot needed to be addressed. He reiterated that it was the intention of the Board to place restrictions on what and where things were done on the lot and that there would be a mutual understanding of those things.

Ken Clinton stated that he was not sure that Mr. Shellenberger's business was the kind of business that could accommodate a container limitation, i.e., what would happen if the Board limited him to 25 containers and there happened to be 26 on a given day. Mark Suennen stated that there would be a limit on exterior container storage and that additional containers should be stored inside the building or trucks.

Ken Clinton asked if the proposed modifications could be made without a site plan review. Mark Suennen answered that he was not in favor of making the modifications without a site plan review. Joe Constance believed that the Chairman, who was absent this evening, would have gone along with everything said by Mark Suennen at this meeting. He added that he was not in favor of making the modifications without a site plan review. Ken Clinton asked if the Board wanted them to submit an amendment to the site plan review application to address the specific concerns raised by the Board with notice to the abutters and to discuss what were reasonable uses

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of the business versus the wants of the Town. Mark Suennen answered yes. Ken Clinton stated that there was a fair chance that Mr. Shellenberger might withdraw his application if there were too many restrictions placed on his business. He further stated that there might come a time that Mr. Shellenberger needs to make a business decision if he felt he could not grow due to restrictions imposed upon him by the Planning Board at the current location. Mark Suennen commented that the Board would be thrilled for Mr. Shellenberger if his business grew to the point that he was outgrowing the current site. Ken Clinton stated that Mr. Shellenberger's business had not outgrown the site. Mark Suennen again stated that the Board was thrilled that Mr. Shellenberger's business was growing and would love for him to continue to expand; however, the current site may no longer be the right fit any longer. He added that he was not making a statement that Mr. Shellenberger could not operate his business at the current site. He continued that Mr. Shellenberger had given an expectation to the Board based on his testimony and he believed that Mr. Shellenberger had exceeded those expectations.

Ken Clinton referenced the letter sent from the Board to the Mr. Shellenberger and asked for the Board's input relative to landscaping at the site. Mark Suennen explained that the Board was concerned with the landscaping between the business and the adjacent property as well as appropriate screening between the business and River Road as it was a scenic corridor. He noted that the screening between River Road and the business was not adequate when the containers were stacked on top of each other.

Mark Suennen stated that if the location of the addition to the building was known at this time it could be submitted at the same time as the other revisions. Ken Clinton stated that he was unsure if the addition would be included with the other proposed modifications. He went on to say that the current site could accommodate another building and twice the amount of existing parking on the other side of the leach field. Mark Suennen commented that it sounded like there could be plenty of room for indoor storage. Ken Clinton explained that it was not the nature of the business to store the large containers indoors and noted that they were outdoor containers.

Ken Clinton stated that he would share the information from this discussion with Mr. Shellenberger.

David Litwinovich commented that he had really liked the existing building and his issues were with the storage of the containers and trucks. He stated that other businesses in Town did a good job storing equipment outside and making it look organized. He continued that he was not looking to limit the number of containers and would like to see more gravel being used to be able to store them single file.

- 4a. Letter dated August 1, 2016, from Valerie Diaz, Planning Assistant, to Tim Drew, Cobb Hill Construction, Inc., re: New Boston Dental Care – Proposed Expansion, Tax Map/Lot #17/3, for the Board's review and discussion.
(Tim Drew, Philip Bennett and/or Dr. Ronald Brenner will be present to discuss.)
- 4b. Letter dated July 27, 2016, from Philip Bennett, to Shannon Silver, Planning Coordinator, re: Request Information – Proposed Alterations and Addition to New Boston Dental Care, for the Board's review and discussion.

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4c. Letter dated August 9, 2016, from Philip Bennett, to Shannon Silver, Planning Coordinator, re: Request Information – Proposed Alterations and Addition to New Boston Dental Care, for the Board’s review and discussion.

Present in the audience was Phillip Bennett, Ronald Brenner and Maryellen Compagna. Phillip Bennett stated that he had been hired by New Boston Dental Care to design renovations in line with the Town’s regulations; he showed the Board the proposed plan and noted that it was not a formal site plan review plan.

Phillip Bennett identified the location of the Elliott medical facility on the plan and noted that the business had vacated the site in February of 2016. He explained that New Boston Dental Care was proposing to expand into the now vacant location by adding five operatory spaces. He noted that the renovations would be contained within the existing footprint with the exception of a new entryway.

Phillip Bennett stated that New Boston Dental Care’s approved site plan included forty-three parking spaces, which was almost double the required number of spaces; he identified the location of four ADA parking spaces on the plan. He pointed to the location of two ADA parking spaces that would be removed to allow for the construction of the proposed entryway. He noted that based on the square footage of the business and two above apartments only twenty-two spaces were needed; however, the proposed plan showed forty-one parking spaces, nineteen more spaces than were required.

Phillip Bennett pointed to the vehicle entrance on the plan and stated that it would not change.

Mark Suennen asked if patients would be seen in areas other than the ten operatory areas. Phillip Bennett answered no. Ronald Brenner added that ten patients would not be seen at one time and explained that the patient turnover time could be anywhere from thirty minutes to sixty minutes. Joe Constance asked if the traffic would increase within the property. [] answered that the traffic should decrease in the absence of the medical office. She explained that New Boston Dental Care had fewer employees and patients than the medical office. Mark Suennen stated that there would be a decrease in overall intensity because a dental practice had a lower turnover than a medical practice. Joe Constance added that there would be fewer employees as well. Maryellen Compagna agreed with Joe Constance and advised that there would be fourteen employees onsite compared to twenty employees when the medical office had been in operation.

Mark Suennen asked for the entrance onto the property and the ownership of the entrance to be discussed. Phillip Bennett stated that the entrance to the dentist office did not exist on New Boston Dental Care’s property as shown on the Town’s tax map. He explained that Ronald Brenner and Wayne Daniels had verbally agreed that the property line separating the two adjacent properties would run down the middle of the existing driveway and as a result both parties would share the driveway. He stated that the driveway had not been installed per the agreement and that Wayne Daniels had since agreed to allow for New Boston Dental Care to access their property through a deed access. Maryellen Compagna explained the access agreement had run seamlessly for the last eighteen years and it was New Boston Dental Care’s understanding that the documentation that reflected the agreement had been recorded correctly;

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however, TD Bank determined through a title search that this was not accurate. She provided the Board with an agreement between Wayne Daniels and Ronald Brenner that both parties could access the driveway and noted that Dr. Brenner's attorney was actively working on remedying the driveway issue.

The Board determined that the driveway easement needed to be recorded with the Hillsborough County Registry of Deeds prior to the issuance of a certificate of occupancy for the expansion of the dental office. Tim Drew advised that the project was going to be completed in two phases and he would most likely complete Phase I of the project in January or February of 2017. The Coordinator stated that a finalized and stamped version of the plan shown to the Board this evening should be submitted as well as an as-built at the completion of the project. Phillip Bennett asked if the Coordinator wanted him to follow the NRSPR full checklist. The Coordinator answered no and explained that she only needed the changes to the exterior of the existing site plan shown, i.e., parking, lighting and signage. Phillip Bennett asked if an accurate surveyed plan needed to be submitted. The Coordinator answered that she could take the plan shown this evening, with the revisions and stamped, and attach it to the existing site plan.

Joe Constance **MOVED** to approve the renovation requests for New Boston Dental Care, Tax Map/Lot #17/3, High Street, Commercial "COM" District, as an amendment to the existing site plan based on the direction given by the Board and proper documentation. David Litwinovich seconded the motion. **DISCUSSION:** Mark Suennen stated that the certificate of occupancy would not be issued until the driveway easement was recorded and an as-built was submitted to the Planning Department. The motion **PASSED** unanimously.

Continued Discussion, re: Master Plan Update

Mark Fougere stated that the Master Plan update continued to be a work in progress. He commented that he was optimistic that he would have the housing and population chapters updates completed in September. Mark Suennen asked if the updates would be completed for the first or second meeting in September. Mark Fougere answered they would be completed for the second meeting.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
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1. Approval of the June 28, 2016, meeting minutes with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the June 28, 2016, meeting minutes as written. Joe Constance seconded the motion and it **PASSED** unanimously.

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2 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
3 **AUGUST 23, 2016, Cont.**

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5 2. Distribution of the July 26, 2016, meeting minutes, for approval at the September 13,
6 2016, meeting, with or without changes. (distributed by email)

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

- 10
11 5. Copy of Memorandum dated August 1, 2016, from Shannon Silver, Planning
12 Coordinator, to New Boston Department Managers, Re: Start-up of 2017 to 2022 Capital
13 Improvements Process, Board to determine Planning Board Representative.

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15 Joe Constance **MOVED** to nominate David Litwinovich as the Planning Board
16 Representative to the CIP Committee. Mark Suennen seconded the motion and it
17 **PASSED** unanimously.

- 18
19 6a. Copy of Memorandum dated August 1, 2016, from Valerie Diaz, Planning
20 Assistant, to Peter Flynn, Town Administrator, re: SNHPC Representative from
21 New Boston Appointment Recommendation, for the Board's information.

22
23 The Chairman acknowledged receipt of the above-captioned matter; no discussion
24 occurred.

- 25
26 6b. Copy of the Board of Selectmen Consent Agenda, re: Appointment of Mark
27 Suennen as the New Boston Representative to the SNHPC, for the Board's
28 information.

29
30 The Chairman acknowledged receipt of the above-captioned matter; no discussion
31 occurred.

- 32
33 7. Invitation to the Southern New Hampshire Planning Commission's 50th Annual Meeting,
34 Friday, September 9, 2016, 6:30 p.m., at The Yard Restaurant, Manchester, New
35 Hampshire, RSVP no later than August 26, 2016, for the Board's information.

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

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40 8. Letter received August 19, 2016, from Jessica Oltman to the Planning Board, re: request
41 for approval to operate a clothing boutique at 778 River Road, New Boston, NH, for the
42 Board's review and discussion.

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44 Mark Suennen stated that the property had been grandfathered as commercial property
45 and the previous tack shop business had not been gone from the property for more than two
46 years.

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Mark Suennen asked if the proposed hours for the clothing boutique differed from the previous owner. The Coordinator answered no.

Mark Suennen asked for a description of the proposed parking for the business. The Coordinator advised that the applicant had agreed to utilize the parking that had been approved for the previous owner; the previous owner had provided a sketch of the parking.

David Litwinovich **MOVED** to approve the proposal for Jessica Oltman to operate a clothing boutique at 778 River Road, New Boston, NH. Joe Constance seconded the motion and it **PASSED** unanimously.

David Litwinovich **MOVED** to adjourn at 9:08 p.m. Joe Constance seconded the motion and it **PASSED** unanimously.

Respectfully submitted,

Minutes Approved: September 27, 2016

Valerie Diaz, Planning Assistant/Recording Clerk