

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
May 24, 2016**

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2 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan.
3 Present were regular members Mark Suennen, David Litwinovich and Ed Carroll and ex-officio
4 Rodney Towne. Also present were Planning Consultant Mark Fougere, Planning Coordinator
5 Shannon Silver and Planning Assistant/Recording Clerk Valerie Diaz.
6

7 Present in the audience for all or part of the meeting were Ray Shea, LLS, Maryellen St.
8 Laurent, Glen Dickey and Nicholas Isaia.
9

10 **MARYELLEN ST. LAURENT REVOCABLE TRUST**

11 Public Hearing/Major Subdivision/2 Lots

12 Location: Joe English & Bailey Pond Roads

13 Tax Map/Lot # 11/51

14 Residential-Agricultural "R-A" District
15

16 Present in the audience were Ray Shea, LLS, Maryellen St. Laurent and Glen Dickey.
17 The Chairman read the public hearing notice.

18 Ray Shea, LLS, indicated that a site walk had taken place on Saturday, May 17th. He
19 noted that outstanding waivers for the Traffic, Environmental and Fiscal Impact Studies needed
20 to be discussed.

21 The Chairman asked if there were findings from the site walk. Mark Suennen stated that
22 he had looked at the nature and quality of the wetlands and did not have any concerns with
23 regard to potential impacts. David Litwinovich agreed Mark Suennen.
24

25 Mark Suennen **MOVED** to grant the waiver requests for Maryellen St. Laurent,
26 Location: Joe English and Bailey Pond Roads, Tax Map/Lot #11/51, Residential-
27 Agricultural "R-A" District, and not require the submission of Traffic, Environmental
28 and Fiscal Impact Studies based on the site conditions and because one, new building lot
29 was unlikely to have any impacts. David Litwinovich seconded the motion and it
30 **PASSED** unanimously.
31

32 Mark Suennen asked if it was the applicant's intent to build on the newly subdivided lot
33 or to sell it. Ray Shea, LLS, answered that the applicant intended on selling the new lot as well
34 as the lot with the existing house. Mark Suennen suggested that the installation of a driveway on
35 the new lot be considered active and substantial development and that the installation of a house
36 foundation be considered building and substantial completion of improvements. Maryellen St.
37 Laurent agreed to Mark Suennen's suggestion.
38

39 Mark Suennen **MOVED** to approve driveway permit #1529 for Maryellen St. Laurent,
40 Location: Joe English and Bailey Pond Roads, Tax Map/Lot #11/51-3, Residential-
41 Agricultural "R-A" District. David Litwinovich seconded the motion and it **PASSED**
42 unanimously.
43

44 Mark Suennen **MOVED** to approve the Major Subdivision/2 Lots, Tax Map/Lot #11/51,
45 Joe English and Bailey Pond Roads, subject to:
46

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MARYELLEN ST. LAURENT REVOCABLE TRUST, Cont.

CONDITIONS PRECEDENT:

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections, notes of waivers granted and any corrections as noted at this hearing.
2. Submission of a suitable mylar for recording at the HCRD.
3. Digital plat data shall be submitted per Subdivision Regulations Section IV-F,
4. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary).
5. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **June 24, 2016**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval. This subdivision shall be deemed to be finally approved by this vote on the date the plan is signed by the Board.

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

1. Within 24 months after the date of approval, the following items must be completed in order to constitute “active and substantial development or building” pursuant to RSA 674:39, I, relative to the 5-year exemption to regulation/ordinance changes: **Installation of driveway.**
2. The following items must be completed in order to constitute “substantial completion of the improvements” pursuant to RSA 674:39, II, relative to final vesting: **Installation of foundation.**

David Litwinovich seconded the motion and it **PASSED** unanimously.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
MAY 24, 2016.**

1. Approval of the April 26, 2016, meeting minutes with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the April 26, 2016, meeting minutes as written. Mark Suennen seconded the motion and it **PASSED** unanimously.

2. Distribution of the May 10, 2016, meeting minutes, for approval at the June 14, 2016, meeting, with or without changes. (distributed by email)

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
MAY 24, 2016, Cont.**

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

3. Endorsement of a Subdivision Plan for Robert Starace Homes, LLC, Tax Map/Lot #11/112, Joe English and McCurdy Roads, by the Planning Board Chairman and Secretary for the Board's action.

The Chairman stated that the above-referenced Subdivision Plan would be signed at the close of the meeting.

4. Email received May 23, 2016, from the New Boston Fire Wards to Shannon Silver, re: Lot of Record Clarification, for the Board's review and discussion.

The Coordinator explained that the Fire Wards wanted clarification as to why Robert Starace Homes, LLC, was not required to install sprinklers in the home being built on the parent lot of his subdivision. She indicated that she had spoken with the Fire Chief and explained that Mr. Starace had pulled the building permit for his lot of record prior to the submission of a subdivision application and therefore, was not required to install sprinklers.

The Coordinator advised that the Board of Fire Wards would like to schedule a time to come in to discuss this matter with the Board.

5. Draft Town of New Boston Selectmen Meeting Minutes, dated May 16, 2016, re: Section B., Public Forum, discussion regarding the Planning Board, for the Board's information.

The Coordinator advised that members of the New Boston Tax Payers Association had attended the May 16, 2016, Board of Selectmen meeting and had made comments regarding the Planning Board.

Glen Dickey of 54 McCurdy Road believed the comments the Coordinator was referring to were made by him. He stated that he served as Vice Chairman of the New Boston Central School, School Board, however, he had attended the meeting as an individual. He stated that there appeared to be a sea-change in demographics that supported town development to alleviate the tax situation. He shared that he had spoken with realtors who believed that the Town was going to undergo extensive gentrification.

Glen Dickey believed that the town and school budgets were being shot down because the tax rate was too high and he feared that the taxes would continue to increase due to 162 approved single family home lots that could be sold to families with multiple children. He stated that a commercial base was critical to the Town's future unless it was the desire of the Board to live in an upper-middle class to an upper-class enclave.

The Chairman stated that the Board encouraged businesses to operate in Town as long as they did so in appropriate areas. He advised that the Board was not willing to tell a property owner who wanted to give land to their children to build a home on that their property was going

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
MAY 24, 2016, Cont.**

to be changed from residential-agricultural to commercial. Glen Dickey believed that there had been a change in the Town's demographics and electorate. The Chairman stated that someone had to convince the property owner that they should change the zoning of the property to commercial and then the Board could work expediently to create a warrant article for Town ballot.

Glen Dickey asked if the Board had any ideas on where commercial zones should be located in Town. Mark Suennen answered yes and noted that the Board was working on identifying those locations as part of the Master Plan update. The Coordinator pointed out the Town could not support businesses that required municipal water and sewer. Glen Dickey stated that realtors he had spoken with were turning businesses away from New Boston due to Planning Board's policies regarding parking. The Chairman stated that the only business he was aware of that had been challenged on parking was for a physical therapy and gym facility that proposed to use the Town Hall parking lot for their customer parking.

Ed Carroll noted that the Board needed public support for rezoning properties from residential-agricultural to commercial. Glen Dickey stated that he would take that message away with him from this meeting.

The Coordinator advised that 2.7% of the Town was zoned commercial. She went on to say that there were 71 total lots and 19 of those lots were not built. She continued that half of the lots that were not built were in fact not buildable.

Mark Suennen stated that it was the Board's goal to encourage commercial development and to find locations that were amenable to commercial development.

ISAIA, NICHOLAS AND ANGELA

Submission of Application/Public Hearing/NRSPR/federally licensed firearms sales home business

Location: 256 Middle Branch Road
Tax Map/Lot #2/19
Residential-Agricultural "R-A" District

Present in the audience was Nicholas Isaia.

The Chairman read the public hearing notice.

Nicholas Isaia stated that upon approval of a NRSPR he would be submitting an application to receive a federal firearms license for the transactions and transfers of firearms. He stated that a lot of the sales would occur online.

Nicholas Isaia explained that once a firearm was delivered to his home he would call the customer to arrange a pick-up time. He added that he would only hold firearms for 20 days.

Nicholas Isaia indicated that in the future he would like to grow his business to include reloading brass bullets. He envisioned building a small building to house the reloading business. The Chairman wanted Mr. Isaia to be able to expand his business in the future to reloading.

Mark Suennen read the listed hours of operation; Tuesday through Friday, three to six hours and asked if the applicant wished to expand the days of operation. Nicholas Isaia

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ISAIA, NICHOLAS AND ANGELA, Cont.

answered no. The Chairman explained the applicant could request more days and hours of operation than he intended to use so that he could be flexible and meet with customers on days that were not typical days of operation and not violate his site plan. Nicholas Isaia agreed to amend his hours of operation to include Saturdays from 8:00 a.m - 12:00 p.m.

The Chairman believed that item #4 of the proposed site plan was not necessary and should be deleted. Nicholas Isaia agreed to delete item #4. The Coordinator requested that the applicant submit an amended brief summary that included all the amendments made during this meeting to be attached to the plan.

Nicholas Isaia asked if he would have to come back to the Board to expand his business to include reloading. Mark Suennen answered yes. The Chairman noted that the applicant could include the reloading as part of the proposed site plan if it was to be done in the existing structure. He pointed out that the applicant would need to come before the Board if he wished to relocate the reloading portion of the business into a separate structure.

Nicholas Isaia stated that he was not interested in posting a business sign at his home but wanted to advertise his business in the newspaper. The Coordinator noted that a previous applicant with a similar business had also not wished to have a sign and submitted a waiver to request that he not be required to post one. The Chairman commented that the Board looked favorably upon signs as they helped identify business locations. Nicholas Isaia indicated that he would like a sign in the future as he hoped to expand the business to include cerakoting and hydro-dipping. Mark Suennen advised that the regulations allowed for a sign up to 6 square feet in size. The Coordinator noted that the applicant needed to submit a waiver to not be required to install a sign at this time and that a sign permit from the Building Department would be required for any future signs.

David Litwinovich asked if the three proposed employees listed on the proposed plan were listed for future expansion of the business. Nicholas Isaia answered no and clarified that the employees listed were his wife, son and himself. Mark Suennen asked if the applicant was proposing any non-family employees. Nicholas Isaia answered no. He noted that his wife and son would be bonded under the ATF.

Nicholas Isaia stated that a lamppost was shown on the plan, however, he was currently doing work on the light and it was not physically on the property. He explained that the light would be installed at the location shown on the plan.

The Board was familiar with the property and agreed not to schedule a site walk.

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

Mark Suennen **MOVED** to approve the modified site plan and attached document entitled "Brief Summary/Outline of My Business", for Nicholas and Angela Isaia, to operate a federally licensed firearms sales home business from 510 s.f. of the existing house at 256 Middle Branch Road, Tax Map/Lot #2/19, subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of three (3) copies of the amended "Brief Summary/Outline of My Business" document;

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ISAIA, NICHOLAS AND ANGELA, Cont.

2. Execution of a Site Review Agreement regarding the conditions subsequent. The deadline for complying with the conditions precedent shall be **June 15, 2016**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT:

1. All of the site improvements are to be completed per the approved site plan;
2. The Town of New Boston Planning Department shall be notified by the applicant that all improvements have been completed, and are ready for final inspection, prior to scheduling a compliance hearing on those improvements, a minimum of three (3) weeks prior to the anticipated date of compliance hearing and the opening of the business on the site;
3. Any outstanding fees related to the site plan application compliance shall be submitted prior to the compliance hearing;
4. A compliance hearing shall be held to determine that the site improvements have been satisfactorily completed, prior to releasing the hold on the issuance of Permit to Operate or Certificate of Occupancy, or both. No occupancy/use of the firearms sales home business shall be permitted until the site improvements as noted have been completed, and a site inspection and compliance hearing held.

The deadline for complying with the Conditions Subsequent shall be **July 26, 2016**, the confirmation of which shall be determined at a compliance hearing on same as described in item 4 above.

The Coordinator noted that the applicant needed to contact the Code Enforcement Officer in the Building Department to schedule a compliance inspection.

Mark Suennen **MOVED** to adjourn at 8:15 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Respectfully submitted,

Minutes Approved: June 28, 2016

Valerie Diaz, Planning Assistant/Recording Clerk