

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
March 28, 2017**

The meeting was called to order at 6:30 p.m. by Peter Hogan, Chairman. Present were regular members Peter Hogan, Mark Suennen, Ed Carroll and ex-officio Joe Constance. Also present were Planning Consultant Mark Fougere and Planning Coordinator Shannon Silver.

Present in the audience for all or part of the meeting were Kary Jencks and Noel Sagna.

**Election of Officers**

Mark Suennen nominated Peter Hogan as Planning Board Chairman. Peter accepted the nomination. Ed Carroll nominated Mark Suennen as Planning Board Vice Chairman. Mark Suennen accepted the nomination. Mark Suennen nominated David Litwinovich as Planning Board Secretary.

Joe Constance MOVED to approve the Officers as nominated. Ed Carroll seconded the motion and it PASSED unanimously.

**F.N. SAGNA & K.N. JENCKS JOINT REVOCABLE TRUST  
FRANCOIS NOEL SAGNA & KARY JENCKS, TRUSTEES**

Submission of Application/Public Hearing/NRSPR/Kennel

Location: 96 Scobie Road

Tax Map/Lot #4/1

Residential-Agricultural "R-A" District

Present in the audience were Kary Jencks and Noel Sagna.

Kary Jencks explained there is an old dairy barn on the property close to the road that was converted to rooms with a kitchen and plumbing. St. Anselm's College used it for conferences. It is 250 years old, in great shape. Kary and Noel are trying to preserve the barn and come up with a business plan to use it. They have lived at the property for two and a half years. To support her family, Kary researched the needs of other families and found dog boarding as a potential business venture. The barn is a great space as dogs could be kenneled three dogs per room. They are planning no more than twenty dogs at one time to prevent traffic on the road. Their business hours for pick up and drop off are 7:00 AM to 5:00 PM. They are also planning a dog pick up service for clients. The business could end up being a doggy daycare but they prefer clients to board their dogs. The property is on a dirt road and they don't want a lot of increased traffic speeding through due to their business.

Peter Hogan noted his biggest issue with kennels is noise. He said home businesses are allowed in a house without Special Exception. A site plan is required. The plan submitted by the applicant indicates an inch equals 400' but he thinks that is a typo making the plan tough to read. He asked how many people would be hired.

**F.N. SAGNA & K.N. JENCKS JOINT REVOCABLE TRUST cont.**

Kary Jencks said they expect the employees to be Kary and one or two additional employees. The dogs would be caged most of the time. The site plan says up to four employees.

Peter Hogan noted the applicant will need to submit a Major Site Plan due to the number of employees and the need for a Special Exception. The applicant met with the ZBA who said only one dog is allowed outside unsupervised at one time.

Kary Jencks noted if she and Noel were abutters to this business their first concern would be noise. They have explained the area where the fenced area would be and all twenty dogs would never be outside at the same time as that is unsafe and they would not have a situation of leaving dogs unsupervised.

Joe Constance asked if the barn would contain people as well as dogs. Kary Jencks said the barn would only contain dogs and only on the first floor.

Joe Constance noted concern that twenty dogs at the same time would create traffic. Kary Jencks noted twenty dogs would not equate to forty trips per day on the road because twenty dogs would not be there for daycare each day. She is seeking approval for dog boarding and some doggy day care. Joe Constance was concerned if doggy daycare is allowed the maximum number of dogs allowed needs to be considered for that activity. Kary Jencks noted the maximum of four employees would not be there all at the same time, the employees would be scheduled depending on client need.

Peter Hogan said twenty dogs is a lot of animals meaning a lot of work and probably a lot of employees and traffic on a road that is hard to pass especially in the spring, which could be a problem.

Kary Jencks requested a maximum of twenty dogs to keep the options open.

Joe Constance noted the number of people working there equals number of parking spaces plus traffic. He noted he is acquainted with kennels as a dog owner and has noticed they have considerable staff. He wondered if the number of employees is too low and if increasing it would mean parking and traffic concerns.

Peter Hogan said the ZBA said no dog would be allowed unattended outside to prevent barking and to keep dogs safe. He said dogs can't be barking outside and expects even supervised dogs to bark. Kary Jencks said that was not the conversation at the ZBA. Peter Hogan said this means dogs can't be barking outside, attended or unattended. Joe Constance clarified this means for more than a couple minutes as dogs are going to bark sometimes but they are not going to be left unattended to bark for an extended time such as ten minutes. Peter Hogan said it is the Board's responsibility to make sure dogs are not barking attended for extended periods of time. All agreed.

Ed Carroll asked the applicant plans for noise management. Kary Jencks said abutters attended the ZBA meeting, the plan was reviewed, and all understood and said it sounds reasonable. The outside run area gate would be sturdy and high and the dogs won't be able to see out of it as there is horse traffic on the road and they don't want the dogs to see the horses and start barking. Joe Constance noted the dogs will bark if they hear or smell the horses. Peter Hogan said even if a dog can't see the horses it doesn't mean it doesn't know they are there.

Mark Suennen asked if a dog is outside, unattended and barking, how long before it would be determined to be brought inside. Kary Jencks said even after ten minutes if a dog was anxious and barking and had done its business and neighbors are home relaxing the dog would be determined to be brought back inside or put on a leash to go for a walk. Lights out at the business would not be past 8:00 PM unless there is a specific instruction from a client.

## **F.N. SAGNA & K.N. JENCKS JOINT REVOCABLE TRUST cont.**

Joe Constance asked what kind of noise abatement the applicant has planned. Kary Jencks said fencing is planned and she is researching devices that can help with silencing barking to consider if there is an issue.

Joe Constance asked if the applicant had researched their plan considering spacing recommendations from groups such as the American Kennel Club. Kary Jencks said they want to make sure they have proper spacing. There is no license for dog kenneling in NH. Kary and Noel want to make sure they provide the highest quality service as possible with the least disturbance to neighbors.

Peter Hogan noted there are two kennels in New Boston he is aware of. One of them is Pedzik's Pets who have a lot of sound deadening features at their kennel as required by the Planning Board such as only one dog outside at a time. He suggested landscaping could make a difference. He noted the road would require more maintenance than it does now due to increased traffic from the business and the Road Agent would need to be consulted for any necessary road improvements.

Joe Constance noted a site visit is necessary. Externals are a concern and hard to envision with the current plan. Peter Hogan requested this plan be resubmitted as a Major Site Plan with a better plan drawn to scale saying the Board is very concerned with externals. Kary Jencks requested the Board to make their requirements very specific as they may have to hire an architect to draw the plan and possibly submit a letter for waiver of certain aspects of the Major Site Plan requirements.

Peter Hogan noted he saw an advertisement that said the applicant currently rents rooms to people which they were never approved for and the Code Enforcement Officer told them not to do. Kary Jencks said that was for AirBnB and they have not rented a room since March. She said she and Noel hired a lawyer and learned the bed and breakfast use of the barn was grandfathered and there was no need to apply for a variance. Peter Hogan and the Coordinator disagreed with that opinion.

The Coordinator explained that when a use ceases for over two years the grandfathering allowance ceases. Kary Jencks said it was not her and Noel's intent to work around the town, They thought they were covered by grandfathering and the bed and breakfast proceeds help pay for the heat of the barn and preventing the need to flush the pipes in the winter. She met with the Code Enforcement Officer to discuss this and understood from that conversation that people would no longer be able to stay in the barn once the use changed to a kennel.

Peter Hogan asked if dogs barking outside all day is ok when it is not the same dog as he expects a rotation schedule of twenty dogs and they would each bark for a maximum of fifteen minutes totaling five hours of barking, then the cycle would begin again because they have to go out again, equaling round the clock barking. Kary Jencks disagreed and noted that Peter is attacking her character; this is not how a town Planning Board should operate with its citizens. She is a School Board member and knows and appreciates the time the Planning Board puts into this but wouldn't do that math or play that game with her neighbors or the town she grew up in. It was not their intent to play a game with the Planning Board, ZBA or Code Enforcement Officer. She and Noel thought they were doing due diligence when they paid \$2,000 for legal vetting/opinion to learn the AirBnB was a grandfathered usage but it would not be a continued usage of the space as the Code Enforcement Officer said when the use is changed, it is changed

## **F.N. SAGNA & K.N. JENCKS JOINT REVOCABLE TRUST cont.**

perpetually and Kary agreed. Her conversation with the Code Enforcement Officer was regarding the ZBA in terms of the kennel. She said once the kennel starts they are not looking to change it back to a boarding house. They only discussed the grandfathering with the lawyer, not the Code Enforcement Officer.

Mark Suennen said the Board is not here to judge if the applicant illegally had a bed and breakfast. The Board is here to judge if a kennel is an appropriate use of this property and if the kennel is approved it would not be allowed to convert back to a bed and breakfast. Peter Hogan said the applicant is not allowed a bed and breakfast now.

Joe Constance said his concern is to make sure the town offices are giving out the correct information.

Mark Suennen said the Board was trying to determine if the application was correctly submitted for Planning Board review as a kennel. Due to a special exception being granted the application becomes a Major Site Plan and a Major Site Plan requires a professional to do the plans. The application is currently submitted as a Minor Site Plan but does not qualify.

Kary Jencks asked about waiver requests such as for a topographical study of their entire large property. Peter Hogan noted the Board is only interested in this type of survey from the street to the stream and including the business building and the home. Mark Suennen said the applicant could bring the professional to an information work session with the Board to ask the appropriate questions and review the Major Site Plan requirements to determine waiver requests.

Peter Hogan noted noise containment continues to be an important factor.

The applicant will withdraw the application and bring it back as a Major Site Plan. The ZBA Special Exception Holds. The applicant will return to the Board with a professional for an informational meeting/work session/preapplication meeting to discuss Board expectations for the application.

### **Discussion, re: Master Plan Update; Specifically Transportation Chapter**

Mark Fougere noted there is no update to report. He gave the Police Chief information for update from the old Master Plan. The Chief's update arrived but the Planner has not reviewed it yet. He expects this chapter to concentrate on problem intersections and the east side of town where increased traffic is expected. He also met with the Road Agent who reviewed the chapter related to his work. The Planner will follow up at the next Board meeting. Community Facilities is the next chapter he will concentrate on.

Mark Fougere noted he spoke with the Town Administrator about the slow pace of progress on the Master Plan. Mark reviewed his hours spent in New Boston and found he has not worked in New Boston much since October and that affected the project.

Mark Suennen suggested Mark Fougere should bring one Master Plan chapter to the Board each month for review. The Planner said that might be too aggressive but he will do his best.

The Board reviewed the Planning Department organization and each employee's duties and expectations. The Town Administrator reorganized the Department approximately a year ago. The Planning Assistant position has been open since January, has been advertised, applications were reviewed, applicants were interviewed but so far there have been no viable candidates. The Planner and Coordinator have been splitting the Planning Department and ZBA duties while searching for a new Assistant.

Joe Constance noted that if Mark Fougere is available to reprioritize the Master Plan and come to New Boston more days to help with the clerical duties there is money budgeted for that. Joe is also working to get more applicants for the Assistant position. He said if the Board wants to go in another direction it will have to consult with the Town Administrator and Selectmen.

Peter Hogan noted the Coordinator has been assisting the ZBA as they are also seeking an Assistant and the Coordinator should be compensated for this work but this has not been occurring.

The Coordinator noted she is happy to continue doing this work for the ZBA if she is compensated, but if the Board wants the Planner to do these duties he can do them and be compensated.

Peter Hogan said the Board needs to make sure it is prepared for meetings. He suggested items should be assigned to the Planner as the Coordinator determines. He said until an Assistant is hired the Department needs to rely on the Planner to do these items so the Coordinator can focus on her duties. The Selectmen and Town Administrator should consider the day to day operations of the town departments.

Peter Hogan said the Coordinator should be empowered to be able to plan to take some duties and assign some duties to the Planner while keeping the Master Plan project a priority and use the Planner for what the town is paying him for. The Board should not make the decision of who does which duties and the ZBA should not necessarily be part of the Planning Department duties.

Peter Hogan noted he hopes the Coordinator will have the Planner's expertise eventually and asked the Planner if there is any training she should undertake. The Planner said there are yearly conferences that the Coordinator already attends. He went to grad school for Planning and Architectural Design and then took a national certification exam. He also gained a lot of experience working as a Municipal Planner for many years.

The Coordinator said she researched this and found that many area Planners have no formal college training and learned from experience. She reviewed the items the Planning Department handles and noted she is comfortable with the site plan checklists. Writing regulations is a little more complicated but reviewed by legal counsel. The Master Plan is too involved for her to undertake at this time and all agreed that is the current Planner's role along with items the Coordinator delegates to him.

## **MISCELLANEOUS BUSINESS THAT MAY COME BEFORE THE BOARD AND/OR/PLANNING BOARD DISCUSSIONS**

Miscellaneous Business for the meeting of March 28, 2017, including, but not limited to:

1. Approval of the January 24, 2017, meeting minutes with or without changes. The Board tabled this as names need to be filled in.

2. An e-mail from Michael DePetrillo for Lilla Holdings, LLC, for the property located on High Street & Depot Road, Tax Map/Lot #'s 18/1 & 18/41, in the Commercial "COM" District requesting to extend the Conditions Precedent deadline. The Coordinator noted that due to a financial issue between the parties this item will be discontinued as a mutual agreement cannot be reached. This item will expire at this time.
3. Copy to ZBA Notice of Decision with attached Conditions for Mario & Genevieve Pelletier, Trustees of the M&G Pelletier Joint Revocable Trust, for the property located on 212 McCollum Road, Tax Map/Lot # 14/105, in the Residential-Agricultural "R-A" District for the Board's review and information and a letter for waiver of Major Site Plan.

The Coordinator said they were granted a Special Exception and are asking to waive the request for Major Site Plan items as they pertain specifically to their processing area which is fairly small. The applicants did not request a Variance. The Coordinator explained similar operations have requested a Variance causing these to become Major because they did not get the Special Exception unless the employee factor was involved. There is one on Joe English Road that did not get a Variance but was approved under Agriculture and permitted as such for cordwood processing. This one, the ZBA held two meetings and felt their woodbine met the New Boston definition because it processes firewood.

Mark Suennen **MOVED** not to waive the requirements of a Major Site Plan for Mario & Genevieve Pelletier, Trustees of the M&G Pelletier Joint Revocable Trust, for the property located on 212 McCollum Road, Tax Map/Lot # 14/105, in the Residential-Agricultural "R-A" District because they were granted Special Exception and should be treated as a Major. Joe Constance seconded the motion and it **PASSED** unanimously.

4. Copy of Board of Selectmen Consent Agenda appointing Joe Constance to the Southern New Hampshire Planning Commission. Joe will attend their upcoming meeting.

Joe Constance **MOVED** to adjourn at 8:25 p.m. Mark Suennen seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Maralyn Segien, Selectmen's Assistant/Recording Clerk  
Approved 3.09.17