

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Meeting Minutes of 2017**

June 27, 2017

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2 The meeting was called to order a 6:30 p.m. by Planning Board Chairman Peter Hogan.
3 Present were regular members Mark Suennen, Joe Constance, David Litwinovich and Ed Carroll.
4 Also present was Building Inspector, Ed Hunter, Planning Consultant, Mark Fougere, Planning
5 Coordinator, Shannon Silver and Planning Board Assistant, Nadine Scholes.
6

7 Present in the audience for all of part of the meeting were Kary Jencks, Francois Noel
8 Sagna, Kevin St. John, his agent, Art Siciliano, Don Grosso, Tony Eberhardt.
9

10 **F.N. SAGNA & K.N. JENCKS JOINT RECOVERABLE TRUST**
11 **FRANCOIS NOEL SAGNA & KARY JENCKS, TRUSTEES**
12 Submission of Application/Public Hearing/NRSPR/Kennel **adjourned from June 11, 2017**
13 Location: 96 Scobie Road
14 Tax Map/Lot # 4/1
15 Residential-Agricultural "R-A" District
16

17 Peter Hogan started by asking about the follow up with the Fire Department from the
18 previous meeting. Shannon Silver responded with she did speak to the Fire Department, they did
19 not have any other input at this time and the business owner will need to contact the fire depart-
20 ment to schedule a visit to site.

21 Peter Hogan then addressed Ed Hunter, Building Inspector, handling any complaints that
22 may be made regarding the noise from the dog kennel. Discussion continued in length between
23 the board members and Ed Hunter on the best way to handle complaints of dogs barking and
24 how to handle documentation and/or investigate with both parties involved. In previous discus-
25 sions, Ed Hunter thought it was agreed upon that all complaints will be handled as an individual
26 situation and reports/complaints will be investigated and documented if received from a credi-
27 ble/reliable source. Peter Hogan stated that any complaints made in regards to barking need to
28 have some evidence of the situation and cannot be just an individual making a verbal com-
29 plaint/statement. Complaints that will be considered relevant will be investigated and document-
30 ed. Relevant complaints will need some type of proof that the barking went on for a period of 20
31 minutes or longer. Peter Hogan suggested that the person wanting to make the complaint should
32 be advised to get recording with video of property location shown. i.e. video recording on smart
33 phone. This would be considered credible evidence. Only after the 3rd complaint (with credible
34 evidence) will the matter be brought to board for discussion.

35 Peter Hogan asked owner of the proposed kennel, Kary Jencks, who was in audience, to
36 give her thoughts regarding complaints about the dogs barking. Kary stated that she has devices
37 to silence the dogs and doesn't want to hear dogs barking either, as her family's home is located
38 on property where the dogs will be boarded for the night. Kary mentioned there is already a de-
39 vice installed in the "dog run" yard and she will be installing devices in all the rooms where the
40 dogs will be boarded in the barn. No more than 3 dogs per room at any given time to not over-
41 crowd the boarding units/rooms. The barn was also recently insulated the first winter they pur-
42 chased the property, which will depress the noise from traveling outside the barn. Kary stated
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2 **F.N. SAGNA & K.N. JENCKS JOINT RECOVERABLE TRUST, cont.**
3

4 she will be purchasing the most efficient devices that seems fit as silencer for the rooms, which
5 will need to be added to approved site plan and submitted to board for admin review.

6 Joe Constance then added by asking Kary on the status of the conditions precedent from
7 June 11, 2017, meeting, re: business sign location being added to the site plan and pending modi-
8 fications to the exterior of the property. Kary stated she is planting some greenery/flowers
9 around the exterior of the property and plans to install a black chain link fence around the perim-
10 eter of the property. A mesh netting material above the outside dog run will be installed and that
11 will keep bugs from animals and also provide weather protection and reduce the noise.
12

13 Board agreed on approving the site plan, but the plan will have to be modified with the
14 revisions required by the board and submitted to the Planning Department once the amended
15 plan is available. Modifications required include adding the location of business sign and adding
16 the chosen device specifications to notes on plan for barking/noise control.
17

18 Mark Suennen **MOVED** to approve the site plan, subject to conditions precedent, will
19 need to be updated with the boards required notes (see below) and submit the amended plans to
20 the Planning Department for admin review by the deadline of September 27, 2017.

21 -Sign location on property to be added to site plan

22 -Details of the chosen Technology devices for the boarding rooms, including
23 brand name and model number, to be purchased by owner then submit to agent to add as
24 note detail on site plan.

25 -Fence along the perimeter of the road to be installed, with evergreen plants along the
26 exterior of fence for privacy and appearance from road.
27

28 All conditions need to be in place and adhered to by the deadline of September, 27, 2017
29 and will be inspected by town for compliance.
30

31 Peter Hogan seconded the motion to approve and it **PASSED** unanimously.
32

33 **Informational Session with Kevin St. John and Arthur Siciliano, re: Potential subdivision**
34 **proposal of Tax Map/Lot # 10/4, 84 Butterfield Mill Road**
35

36 Conceptual site plans for subdivision were submitted to planning department and board
37 members prior to meeting for review.
38

39 Owner of the property, Kevin Oliver St. John and his agent Art Siciliano explained the
40 proposed subdivision plans to the board. Currently the lot acreage is 5.83 acres, planning to di-
41 vide the lot into 2 lots. Kevin St. John mentioned he and his wife are planning to first build a
42 detached garage near his existing home and then the subdivision would be the next step down the
43 road. They would like to build a new home for their children on the new lot.
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1
2 **Informational Session, re: Potential subdivision proposal of Tax Map/Lot # 10/4, 84 Butter-**
3 **field Mill Road, cont.**

4
5 Phase 1 – build a detached garage near existing home, which does not require application
6 to the Planning Department but building permits. Kevin was told by Mark Suennen to be sure to
7 keep any structures he plans to build prior to subdivision off the proposed subdivision lot line so
8 he doesn't have any issues when ready to submit subdivision in the future. Mr. St. John stated
9 his family would move into the existing house to see if they want to become permit residents of
10 New Boston. New Boston is known to be on the higher end for taxes and living expenses, so
11 Kevin and his family want to be sure moving to town is affordable.

12
13 Phase 2 – Subdivision of property to build new home for his family or sell the land.

14
15 Mark Suennen clarified the proposed plans and advised Kevin St. John when he com-
16 pletes the application with the Town Hall, to be sure to indicate his intended 2 year plan/active
17 improvements and 5 year plan/substantial improvements. Mark Suennen also instructed Mr. St.
18 John that he may want to consider including the waiver requests at the same time he submits the
19 application for subdivision. This will start the process to get approval for waivers required,
20 which may include traffic, environmental, and/or fiscal impact studies.

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22
23 **Continued Discussion, re: Master Plan Update**

24
25 Mark Fougere was instructed to call back the schools superintendant in July and also still
26 needs to meet with Library, Highway/Road Agent and Transfer Station for the stats from
27 those departments. Mark stated that the information for the Fire, Police and EMS has
28 been reviewed with those departments and is up to date. School enrollments for 2017
29 will be available sometime in August for 2017 enrollment. Statistic shown are from Fall
30 of 2016 with elementary stats staying consistent but significant increase (114 kids/up
31 29%) for high school enrollment over the last 5 years.

32
33 Calls made to the Fire, Police and EMS are broke down into categories for the nature of
34 the call and Mark Suennen noticed there is an up rise in "OTHER" calls. Mark Fougere
35 was not sure of the exact details and will get the call list to describe the "others" category
36 in detail. Mark Fougere indicated these are most likely home alarms, or something that is
37 not considered an EMS or Fire call. Mark Fougere planned on getting the call details and
38 adding that to the Master Plan.

39
40 Mark Suennen then mentioned he noticed there was a decrease in tonnage at the Transfer
41 Station. Mark Fougere will make sure to discuss the decrease with the Transfer Station
42 when he meets with them.

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Continued Discussion, re: Master Plan Update

Mark Fougere mentioned that he started reviewing and updating the land use map while waiting to here about meeting with other departments.

Mark Suennen asked Mark Fougere what should the board expect to see at the August meeting. Mark Fougere stated he is confident that all information should be gathered by the end of July 2017 and he will email it to the board for review and discussion at the August 8, 2017, board meeting.

Ed Carroll then asked the board if the development of the Senior Housing will be refined or is this not a priority concern at this time. Shannon Silver indicated this was discussed at the last meeting and is currently under legal review. Mark Fougere confirms review with Keith Knodstrum and Steve Cheech, associates of his, and will discuss with Bill Dresher, Esq., once the input is received.

MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF JUNE 27, 2017.

Peter Hogan asked to discuss 6a & 6b for code enforcement

6a. Email copy of Summary dated June 19, 2017, from Joe Constance to New Boston Planning Board, re: conversation with Ed Hunter and Shannon Silver, re: enforcement, for the Board's review and discussion. (Ed Hunter to be present.)

6b. Email copy dated June 22, 2017, from Barton L. Mayer, Upton & Hatfield LLP, re: code enforcement questions/fines, for the Board's review and discussion.

Shannon Silver stated there are few emails in the packet handed out to board from Joe Constance and Bart Mayer, Esq., with advice and legal information for code enforcement. Peter Hogan addressed the board and Ed Hunter for suggestions of handling site plan compliance and code violations with small businesses without getting courts involved.

Ed Hunter opened with stating in his 11 years working in New Boston, he only has had to attend court once for a building violation and it was actual a simple process. Ed wasn't aware of the court process, so he had the town's attorney accompany him to the hearing and the judge ordered the business owners 30 days to be within compliance of the site plan conditions. When Ed completed the follow up inspection, the business had made the

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MISCELLANEOUS BUSINESS cont.

updates to comply with the site plan within the 30-day deadline ordered by the judge. Ed said in this case it was easy and simple. Ed Hunter then mentions recent cases are not as simple. Ed Hunter discusses the email that was received from Bart Mayer, Esq., states that the RSA he read allows the town to fine the business in violation. The fines allowed per citation are up to \$275 per day for up to 5 days maximum. Ed's opinion is \$275 per day is not fair to fine a business with a sign violation, he believes that some kind of fine schedule should be created by the town because the RSA only lists the maximum fine amount allowed per day. Joe Constance reads a section of the email received from Bart Mayer, Esq., and says that Bart is willing to work with the town to get the code enforcement and fines solidified. Peter Hogan suggests to repeat the citation if the business doesn't make the necessary changes to comply within the 5 day limits, keep issuing the same citation to them, until the business is in compliance. Mark Suennun reiterated what Peter Hogan meant, using a car that is issued a parking violation as example, if the car is not moved the next day, a new citation with fines is issued. If the business is still in violation after the 5-day period, a new citation can be issued (with fines up to \$275 per day) until the business is compliant.

Ed Hunter also mentions that every circumstance he encounters is different on a case-to-case basis. Peter Hogan said that is why he would want Ed to make that decision as he encounters each violation, if the business is willing to comply, he wouldn't want to issue the citation until they have been given the opportunity to make changes to comply, if they are not in compliance after a few warnings from Ed, he can choose to issue the citation and fine the business up to the max of 5 days at \$275 per day per citation then can issue a new citations if the 5 day limit is reached and the business is still not compliant. Peter Hogan then adds if the property is leased out to the business owner and the landlord allows the business on property they also are in violation and may want to look into fining the landlord verses the fines issued to the tenant that is occupying the property.

Joe Constance then asks Peter if he can explain the details from his visit to Thibeault Pit the day before. The Conditional Deadline 07/01/17 was approaching Joe and Ed Hunter visited the site to inspect for improvements. There are still some issues with the hillside push back. The bottom of the hill has improved but there are some areas higher on the hill that are a concern and need to be seeded using the saplings and/or vegetation that is growing around the area.

Joe Constance then says that Shannon Silver also had conversations with Vinny Iacozzi about the services they have scheduled but wouldn't be until after the deadline of July 1, 2017, and brought before the board at the meeting in August. Shannon explained the de-

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1 tails she was given by Vinny. Saplings were being planted this week and the hydro seed-
2 ing is outsourced and scheduled for July 5, 2017. The company that is hydro seeding was
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4

5 **MISCELLANEOUS BUSINESS cont.**
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7 booked out 3 weeks when he scheduled and he took the earliest date available to schedule
8 for hydro seeding. Although the work will not be completed, they are making the im-
9 provements and will be allowed to go beyond the deadline for the release of the bond. Ed
10 Hunter will have to revisit the site when he returns from vacation to complete the final in-
11 spection and confirm improvements meet the conditions update the board at the August 8,
12 2017, meeting. The board will decide if all conditions have been met, the board can then
13 motion to have the bonded money released back to Thibeault.
14

15 Board directs the discussion back to Ed Hunter. Ed Hunter suggests that the conditions
16 of site plans are either on a separate sheet if not typed on the site plan that is used for in-
17 spections. Ed says that there are many hand draw/written site plans which is cost saving
18 for the applicant but the notes on plans should not be hand written and requests there be a
19 separate typed conditions sheets attached to each plan. Peter Hogan states that doesn't
20 seem unreasonable and will see what can be done within the departments for site plans to
21 include a separate conditions sheet.
22
23

- 24 1. Approval of the May 9, 2017, meeting minutes, with or without changes. (distributed by
25 email.)
26

27 David Litwinovich **MOVED** to approve the May 9, 2017, meeting minutes with changes.
28 All members seconded the motion and it **PASSED**.
29

- 30 2. Application for appointment to the New Boston Planning Board, for the Board's action.
31

32 Mark Suennen **MOVED** to address this item last, in a Non-Public session. Joe Con-
33 stance cited the RSA for the board, Ed Carroll seconded and the motion was **PASSED**.
34 This action was discussed in non-public session at the end of the meeting.
35

- 36 3. Letter with email attachment dated June 16, 2017, from Don Grosso to New Boston
37 Planning Board, re: Allison Hope Photography taking over space as shown on the ap-
38 proved Site Plan for Tax Map/Lot# 8/110, endorsed by the New Boston Planning Board
39 on February 14, 2006, for the Board's action.
40 (current use is retail and applicant is proposing no changes to approved plan)
41

42 Mark Suennun confirmed with Don Grosso, landlord of property, that the new tenant, Al-
43 lison Hope Photography, would adhere and abide to the current site plan endorsed back in

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1 2006. Don Grosso confirmed the site plan will remain in effect from 2006 and she will
2 only operate at the location within business hours currently listed on the plan.
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7 **MISCELLANEOUS BUSINESS cont.**
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9 Mark Suennen **MOVED** to approve the change in tenancy, Ed Carroll seconded and it
10 **PASSED** unanimously
11

- 12 4. Letter dated June 19, 2017, from Tony Eberhardt to New Boston Planning Board, re: 26
13 River Road, Tax Map/Lot# 18/22. Request to take over current approved Site Plan
14 endorsed by the New Boston Planning Board on December 9, 1997, for the Board's
15 action.
16 (applicant is proposing no changes to approved plan with the exception of hours
17 of operation (by appointment only) and use.)
18

19 Mark Suennen confirmed with Tony Eberhardt that he will adhere to the current site plan
20 endorsed back in 1997 and Tony agreed, adding his hours are by appointment only but
21 will be only operating within the hours of operation listed on the current site plan.
22

23 Mark Suennen **MOVED** to approve change in tenancy, Ed Carroll seconded and it
24 **PASSED** unanimously.
25

- 26 5. Letter dated June 22, 2017, from Thomas and Kimberly Lheureux, re: taking over current
27 approved Site Plan endorsed by the New Boston Planning Board on June 12, 2007, for
28 the Board's action.
29 (applicant is proposing no changes to approved plan or use.)
30

31 Mark Suennen confirmed with Shannon Silver that the new business owners will adhere
32 to the current site plan endorsed back in 2007. There are no changes to site plan only the
33 tenancy changing.
34

35 Mark Suennen **MOVED** to approve change in tenancy, Ed Carroll seconds and it
36 **PASSED** unanimously.
37

38 6a and 6b discussed earlier in the meeting for code enforcement.
39

40 David Litwinovich **MOVED** to adjourn public session and continue with board in non
41 public discussion regarding item 2 on misc. Ed Carroll seconded and it **PASSED** unanimously.
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- 1 Respectfully submitted,
- 2
- 3 Nadine Scholes, Planning Board Assistant

Minutes Approved: 8/8/17