

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2017

July 11, 2017

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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 Board members Mark Suennen and Ed Carroll, along with Ex-Officio Rodney Towne. Also present was Planning Coordinator, Shannon Silver, Planning Consultant, Mark Fougere and Planning Board Assistant, Nadine Scholes.
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7 Present in the audience for all of part of the meeting were Christopher Mullen, Philip Trioli, Emile Bussiere Jr., Robert Kilmer, abutters Peter Clark and Cynthia Wilson.
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11 **TRIOLI, PHILIP M. & JANE E. (OWNERS)**

12 **MULLEN, CHRISTOPHER (APPLICANT)**

13 Submission of Application/Public Hearing/NRSPR/Federally licensed firearms sales
14 home business

15 Location: 16 Molly Stark Lane

16 Tax Map/Lot # 8/128

17 Residential-Agricultural "R-A" District
18

19 Present in the audience were Christopher Mullen (applicant), Philip Trioli (property owner) and Peter Clark (abutter). The Chairman read the public hearing notice.
21

22 Christopher Mullen started by clarifying he does not want to operate his home business as a storefront. There is absolutely zero desire to have any foot traffic at the prospected site location. Christopher stated his business will operate mainly online from his website www.claymorearms.com, with no intention of any face-to-face transactions or transfers at the business location, as noted on the site plan. Christopher's business will be conducted through his website and will have firearms, firearms parts and accessories available for purchase but the online buyer will have to select shipping to either another local FFL gun shop or ship direct to their preferred ship to address. All firearms will need to ship to another local FFL gun dealer for the buyer to pick up in person. Christopher explained that his home business address of 16 Molly Stark Lane would not be available as a shipping address option for pick up by the buyer.
32

33 To operate as FFL dealer, requires zoning approval only, but to gain access to other vendors he has to obtain the approval for the Non Residential Site Plan Review as a FFL agent. The proposed plans include parking and signage; Christopher explains he added those items to abide by the requirements of the Town. Christopher again explained to the Board this is not a storefront and will not be open to public traffic. Due to the home business not being an actual storefront, Christopher asked the Board if the sign could be removed from the plan, he believes this may cause confusion to the public and create some unwanted foot traffic on the property. Mark Suennen thinks the sign would be of value for deliveries to the business. Peter and Rodney agree with Christopher and both believe the sign would indicate to the public that the location is a storefront. Parking is indicated on plan but again only because it was required for Non Residential Site Plan Review. Philip Trioli, owner of property and also an abutter expresses he is
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2 **TRIOLI, PHILIP M. & JANE E. (OWNERS)**
3 **MULLEN, CHRISTOPHER (APPLICANT) cont.**
4

5 very adamant about no foot traffic on property. Philip doesn't want the liability or cost of insur-
6 ance to have any public traffic on his property located at 16 Molly Stark Lane.
7

8 Christopher stated that in order to obtain a FFL license the only ATF requirement is for
9 zoning compliance from the Town. The ATF agent assigned to his application, Lisa Bonazzoli,
10 has been in contact with Ed Hunter, Building Inspector and the Chief of Police.

11 Shannon Silver, Planning Coordinator, stated there have been a few applications that
12 were approved prior to Christopher's for FFL dealers in the town, their applications being slight-
13 ly different in that they would have some foot traffic and required the site plan. The only sug-
14 gession that she would have is to have Ed Hunter, Building Inspector, sign off on approval for
15 zoning compliance if the board decided he didn't meet the requirements for needing a Non Resi-
16 dential Site Plan Review. That would be all Christopher would need to meet FFL requirements,
17 Christopher then stated he would still like to follow through with his application for NRSPR due
18 to the nature of his business; he would like to be in full compliance with the Federal Agency's
19 and the Town.

20 Rodney Towne, stated that he doesn't feel there is a need for the site plan, he believes the
21 Non Residential Site Plan Review is not even required. Mark Suennen does not agree. Mark
22 Suennen feels it would be best to have the site plan to operate this kind of business in the Town.
23 Mark Suennen indicates although there is parking and signage shown on the plan, it clearly states
24 'no public foot traffic at the location.' in the plan notes. Peter Hogan also expresses, this appli-
25 cation is an unnecessary exercise, but Christopher again explained he still would like to move
26 forward and have the Board approve his site plan. Rodney Towne stated it is up to the resident
27 and this is what Christopher would like to do.

28 Abutter, Peter Clark, raised the question to Christopher re:, the requirements by law to
29 obtain FFL. Do they require an address for transfers of firearms that Christopher sells to cus-
30 tomers and could that be at 16 Molly Stark Lane. Christopher responded yes, technically there
31 would be no laws that restrict him to transfer firearms at his residence but again assures Peter
32 Clark he has zero desire to have any customers at his home. If there would be any transfers at
33 the location, it would be only family and close friends to Christopher; he doesn't want strangers
34 coming to his home at any point.
35

36 Peter Hogan asked the Board if there is any need for a site walk and Mark Suennen stated
37 he doesn't see the need for a site walk on the property. Peter Hogan then continued to say the
38 Board has indicated that approval is needed, and he still has some concerns for the transfers at
39 the home. Mark Fougere stated there are specific notes on the plan regarding no foot traffic.
40 Mark Suennen read the note from the plan, and believes this is a binding document. If there are
41 any changes to Christopher's business objective at the location he will need to come back to have
42 the plans revised and go before the Board for approval.
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3 **MULLEN, CHRISTOPHER (APPLICANT) cont.**

4
5 Mark Suennen **MOVED** to accept the NRSPR application for Christopher Mullen DBA Clay-
6 more Firearms, LLC, to operate a home business at 16 Molly Stark Lane. Peter Hogan seconded
7 and the board **PASSED** unanimously.

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9
10 Mark Suennen **MOVED** to approve the site plan, for Philip M. Trioli (Owner) & Chris-
11 topher Mullen (Applicant), to operate a federally licensed firearms sales home business
12 from 16 Molly Stark Lane, Tax Map/Lot #8/128, subject to the following conditions:

13
14 **CONDITION(S) PRECEDENT:**

- 15 1. Submission of a minimum of three (3) copies of the revised site plan that include all
16 checklist corrections and any agreed-upon conditions from this hearing, including a
17 "Brief Summary/Outline of My Business" document to attach;
18 2. Execution of a Site Review Agreement. The deadline for complying with the condi-
19 tion(s) precedent shall be **August 11, 2017**, the confirmation of which shall be an
20 administrative act, not requiring further action by the Board. Should compliance not
21 be confirmed by the deadline date, and a written request for extension is not submit-
22 ted prior to that date, the applicant is hereby put on notice that the Planning Board
23 may convene a hearing pursuant to RSA 676:4-a to revoke the approval.

24
25 Ed Carroll seconded the motion to approve and it **PASSED** unanimously.

26
27
28 **SIB TRUST (OWNER)**
29 **BUSSIERE, EMILE R. JR. (OWNER)**
30 **SANDFORD SURVEYING & ENGINEERING, INC. (APPLICANT)**

31 Submission of Application/Public Hearing/Major Subdivision/Lot Line Adjustment/3 Lots

32 Location: Susan Road

33 Tax Map/Lot #'s 12/93-40 & 15/15

34 Residential-Agricultural "R-A" District

35
36 Present in the audience were owner, Emile Bussiere Jr. (owner), Robert (Bob) Kilmer (Sandford
37 Surveying & Engineering, Inc.) and Cynthia Wilson (abutter).

38
39 Bob Kilmer started with the presentation of the proposed Subdivision and Lot Line Ad-
40 justment. He noted the acreage of existing Tax Map/Lot# 15/15, was 108.7 acres and the pro-
41 posed subdivision would create 3 lots total from Tax Map/Lot# 15/15. The proposed lot line ad-
42 justment would be between Map/Lot# 12/93-40 and # 15/15. The two shown parcels (A and B)
43 would be necessary for road frontage for the new lots. He pointed out the 3 new lots right-aways
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5

6 that will be created to subdivide the Tax Map/Lot# 15/15, all 3 having the 50' frontage on Susan
7 Rd after the lot lines are adjusted. One of the proposed lots has existing 50' frontage from the
8 previous subdivision and the other two lots require a lot line adjustment to create the 50' frontage
9 for the driveway, shown on plans as 'Parcel A and Parcel B'. Parcel A, would require 0.417
10 acres and Parcel B would require 0.174 acres both lot adjustments would be from Tax Map/Lot#
11 12/93-40. Tax Map/Lot# 12/93-40 would end up being 2.374 acres finished.
12

13 Abutter, Cynthia Wilson, stated her address as 58 Mason Drive and asked if Bob could
14 identify where her property is on the plan. Bob was able to point out her lot abutting the lot for
15 subdivision.
16

17 Bob continued, showing the 3 driveways with 50' frontage would be creating the 3 resi-
18 dential lots, Tax Map/Lot# 15/15-1 with 6.705 acres, # 15/15-2 with 6.127 acres, and leaving
19 97.187 acres as lot # 15/15.
20

21 Peter Hogan asked Bob Kilmer if the remaining 97.187 acres will not be sub-dividable.
22 Bob turned to the owner Emile Bussiere Jr., to answer that question. Emile stated that he does
23 not have any plans to further subdivide the 97.187 acre lot. Peter Hogan has clarified the 3 new
24 lots and frontage would not allow the road access for driveway to subdivide 15/15 any further
25 after approval. Mark Suennen asked about the larger lot easement and the driveway access from
26 Susan Road, Rob Kilmer showed Mark the proposed lot line adjustment and the new driveway
27 location for the larger lot which would not allow for another 50' of frontage after approval.
28

29 Abutter, Cynthia Wilson, said she is still confused about this proposed subdivision and
30 asked about the 17 lot subdivision with the addition of a new road that was called Shaky Pond
31 Road, Cynthia stated she was still under the impression these were still active plans and was
32 never notified that the plans had been withdrawn. Mark Suennen and Peter Hogan along with
33 Planning Coordinator, Shannon Silver clarified to Cynthia the reasons the old approved plans
34 had been withdrawn, explaining the owner of the land at the time, Jim Bath, did not meet the
35 conditions and withdrew his proposal of subdivision. The land was then sold to Emile Bussiere
36 Jr., and he is only proposing this 3 lot subdivision.
37

38 Peter Hogan asked the Board if a site walk was necessary and Mark Suennen said he
39 would be interested in the site walk for the driveway access up to the house sites. Emile Bus-
40 siere Jr., stated he plans to use the locations for the houses from the old 17 lot subdivision plans.
41 Mark Suennen then mentioned he was not on the Board when the last subdivision was submitted
42 and would like to conduct the site walk, as there are some critical areas he would like to see on
43 the property. Site walk was scheduled for 8:00 am on Saturday, July 15th, 2017. Rob Kilmer
44 asked what the Board would like him to mark on the property for the site walk. Mark

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6 Suennen stated the centerlines for the driveway's and intended locations for the house's on each
7 property should be marked before site walk.
8

9 Cynthia Wilson stated the letter she submitted to the Planning Board for her request for
10 consideration of right away for her lot and another lot be withdrawn since the plans for the new
11 road have since been revoked.

12 Rodney Towne asked about further subdivision of the 97.187 acre lot. Emile stated he
13 didn't say the land couldn't be developed but to cooperate with the Town, the lot would not be
14 further subdivided. This land could be considered for conservation but the process would be
15 much too long and the buyer of the lot would be the deciding party on the lot becoming conser-
16 vation. Rodney said the deed could have a note regarding future subdivision.
17

18 Mark Suennen asked Emile Bussiere Jr., if there are immediate buyers for these proposed
19 lots. Emile stated there currently are not. Mark Suennen asked Emile for his protection to pro-
20 vide his 2 year and 5 year improvements. Emile stated the trees would be cut down for driveway
21 within 2 years and the driveways paved by 5 years.
22

23 Mark Suennen suggested the key points to be discussed at the site walk on July 15, 2017,
24 would be traffic, drainage, and fiscal studies, proposed location for driveway's and the location
25 planned for the house's.
26

27 Mark Suennen **MOVED** to accept the application for SIB Trust & Emile Bussiere Jr.,
28 Major Subdivision/Lot line adjustment/3 lots, location Susan Road, Tax Map/Lot #'s
29 15/15 and # 12/93-40, Residential-Agricultural "R-A" District, as complete with the
30 waivers to be discussed at the site walk. Rodney Towne seconded the motion and it
31 **PASSED** unanimously.
32

33 Mark Suennen **MOVED** to adjourn the public hearing for SIB Trust & Emile Bussiere
34 Jr., Major Subdivision/Lot line adjustment/3 lots, location Susan Road, Tax Map/Lot #'s
35 15/15 and # 12/93-40, Residential-Agricultural "R-A" District, to August 8, 2017, at 7:00
36 p.m. Rodney Towne seconded the motion and it **PASSED** unanimously.
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40 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
41 **JULY 11, 2017.**
42

- 43 1. Distribution of the June 27, 2017, meeting minutes for approval at the August 8, 2017
44 meeting, with or without changes.

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MISCELLANEOUS BUSINESS cont.

- 2. Letter received July 6, 2017, from Southern New Hampshire Planning Commission re: SNHPC Membership Dues for 2017-2018, Fiscal Year, for the Board's information.

Shannon Silver stated the dues have increased by \$213.00 dollars since last year. Mark Fougere stated there is some value in the membership when the services are utilized with Southern New Hampshire Planning Commission. He gets statistics and has met with them on occasion. Mark Suennen stated if services required and used another source, the cost would be \$2500. This information would be provided with the membership, so it is determined that the membership is valuable.

Mark Suennen **MOVED** to adjourn meeting at 7:26 p.m. Rodney Towne seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 9/12/17