

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

10/10/17

1  
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, David Litwinovich and Ed Carroll, along  
4 with Ex-Officio Rodney Towne. Also present was Planning Consultant Mark Fougere, Planning  
5 Coordinator Shannon Silver and Planning Board Assistant Nadine Scholes.

6  
7 Present in the audience for all or part of the meeting was Scott Setzler, Amy Ross Nor-  
8 wood; abutters, Peter J. & Doris J. Muffaletto; John Neville and Jacob Neville.

9  
10 **CANINE COMMITMENT OF NEW ENGLAND**  
11 **SCOTT SETZLER & AMY ROSS NORWOOD (OWNERS)**

12 Submission of Application/Public Hearing/NRSPR/Kennel

13 Location: Bedford Road

14 Tax Map/Lot # 12/67

15 Residential-Agricultural "R-A" District

16  
17 Amy Ross Norwood explained it was unclear to her that she needed to submit a Non-  
18 Residential Site Plan application with the Planning Board after she received the approval from  
19 the Zoning Board for "Special Exception" back in 2012. She said the kennel has been operating  
20 for about 6 years as a 501c non-profit rescue in a separate building located at her home. She ex-  
21 plained the two waivers that she had requested for Item 9 – Approximate location of Structures  
22 on Abutters' Properties and Item 11 – Existing Grades, Drainage Systems, Structures & Topo-  
23 graphic Contours as this is an existing lot and no structures are being added to the property.

24  
25 David Litwinovich **MOVED** to accept the application as complete, Rodney Towne se-  
26 conded and the motion **PASSED** unanimously.

27  
28 Peter Hogan asked the abutters in attendance if they were aware of the history. They said  
29 they were not. Peter Hogan explained that the applicants had received approval for "Special Ex-  
30 ception" for land use in the R/A district from the Zoning Board back in 2012. The kennel had  
31 been operating since then, unbeknown to the Planning Board. Once the Planning Board discov-  
32 ered the kennel was operating without an approved site plan, the owners were notified they were  
33 required to submit the application for a Non-Residential Site Plan Review to be able to continue  
34 to operate.

35  
36 Peter Hogan mentioned the waivers requested. He said he does not accept the justifica-  
37 tion given in the request that the business had been operating for 6 years because they were oper-  
38 ating without the approval by the Planning Board, but would accept the justification that there  
39 would be no changes to the existing lot and structures.

40  
41 David Litwinovich **MOVED** to accept the waivers requested for Items 9 and 11 based on  
42 existing lot with no changes or additional structures to be added to the property. Rodney  
43 Towne seconded and the motion **PASSED** unanimously.  
44

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**1 CANINE COMMITMENT OF NEW ENGLAND  
2 SCOTT SETZLER & AMY ROSS NORWOOD (OWNERS), cont.**

3  
4 Planning Coordinator Shannon Silver handed the Board a copy of the email she received  
5 from an abutter, who was not able to attend the meeting, in regards to his concerns of barking  
6 dogs.

7  
8 Peter Hogan stated the site plan showed the designated parking but asked if the Board  
9 would like the parking delineated on the plan. Rodney Towne said because of the length of the  
10 driveway, the traffic would not be disrupted on Bedford Road. Mark Suennen said he also  
11 doesn't feel there to be a need to delineate the parking but he was curious how the customers  
12 would turn around if they parallel parked. Amy Ross Norwood stated customers have always  
13 turned around at the top of the driveway without any issues.

14  
15 Peter Hogan asked if there is a need for signage on Bedford Road to identify the business.  
16 Amy Ross Norwood expressed that she would prefer not to have any signage on the main road.  
17 She said she operated the business by appointment only and doesn't want any unexpected visi-  
18 tors, as their home is also located on the property. Peter Hogan stated he doesn't see the need for  
19 a sign on Bedford Road because the fact the kennel operates by appointment only. The Board  
20 was in agreement. Peter Hogan requested that when the appointments are made with clients that  
21 they are given specific directions to prevent them from going to the wrong place.

22  
23 Peter Hogan mentioned Note 9 on the site plan, stating 'No dogs will be left unsuper-  
24 vised'. Amy Ross Norwood said the kennel dogs are always supervised when let outside, they  
25 do have an area fenced in for the kennel dogs, but she would never leave the property if the dogs  
26 were outside.

27  
28 Mark Suennen noted for the record that the hours of operation on Note 8 on the site plan  
29 state 7 days a week, from 7 a.m. to 8 p.m., but the dogs are in the kennel 24/7. The listed hours  
30 are for the operation of the kennel and the time allowed for visitors.

31  
32 David Litwinovich stated that Note 8 mentioned '3 part time employees'. He believed  
33 that a major site plan allowed full time employees. If the need arose to change the employees  
34 from part time to full time, the applicant would have to come back to revise the plan. He sug-  
35 gested the note be changed to state '3 employees' versus specifying if they are part time or full  
36 time. The Planning Coordinator Shannon Silver, agreed with David Litwinovich that major site  
37 plans allowed full time employees. The Board suggested the note be revised to remove the  
38 phrase 'part time'. Amy Ross Norwood said she would have the note updated as the Board re-  
39 quested.

40  
41 Rodney Towne referred to the email regarding concerns of barking dogs. He felt the need  
42 to update the wording on Note 9 to specify that the 'rescue' dogs will not be left outside unsu-  
43 pervised, because the applicants have their own personal dogs on the property. Scott Setzler  
44 stated they do not let their personal dogs outside without supervision but agreed it would be best

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3  
4 to specify in the note on the plan. The Board decided the wording on Note 9 should be updated  
5 to 'No rescue dogs will be left outside unsupervised'.  
6

7 Abutters, Peter and Doris Muffaletto, in attendance, stated they have lived on Pulpit Road  
8 for the past three years. Mr. Muffaletto stated they had repeated issues with dogs barking during  
9 the night and early in the morning. He expressed the barking had been later at night, between 11  
10 p.m. and 1 a.m. and early in the morning, before 6 a.m. Mr. Muffaletto stated he had been woken  
11 up several times to the barking dogs and had not called the police yet, but noted he was about  
12 to start filing complaints. Mr. Muffaletto stated the concerns of the barking dogs had existed ever  
13 since they moved to Town.  
14

15 Rodney Towne asked Peter and Doris Muffaletto if they had identified the barking to be  
16 coming from the property owned by Amy Ross Norwood and Scott Setzler. Mr. Muffaletto said  
17 he had not identified the dogs to be the applicants but he was certain the barking was coming  
18 from that property. Mr. Muffaletto stated he was not certain of what kind of dogs any of his  
19 neighbors own, but he had heard what seemed to be the same two dogs for the past 3 years. Mr.  
20 Muffaletto stated he believed it could be a smaller dog and the other a large dog, by the sound of  
21 their bark and the barking is coming from the backside of his home and would only get worse if  
22 this kennel opened. Peter Hogan stated to Mr. Muffaletto that he must remember the kennel has  
23 operated for about 6 years. The dogs should only be let outside within the hours of operation and  
24 never past 8 p.m. or before 7 a.m. Peter Hogan said that the barking Mr. Muffaletto described  
25 could not be any of the dogs in the kennel. The dogs being cared for are always changing and  
26 not kept for long periods of time. Peter Hogan noted the approval of the site plan would only  
27 pertain to the dogs in the kennel, and if it were found to in fact be the kennel dogs, a violation  
28 would be issued. Peter Hogan noted the Planning Board would not have any jurisdiction in re-  
29 gards to any personal dogs on the property.  
30

31 Peter Muffaletto asked what are the sound ordinances in the Town of New Boston. Mark  
32 Suennen responded that New Boston does not have a sound ordinance. Peter Hogan said he too  
33 couldn't stand to hear dogs barking for hours but there is nothing the Planning Board can do if it  
34 were the personal dogs of the applicant. Peter Muffaletto asked what should he do if the barking  
35 continued and it is not the dogs in the kennel. The Board suggested he should call the police.  
36 Rodney Towne noted that although there is no sound ordinance in place, there are nuisance laws  
37 and the police would try to track down where the barking was coming from. Rodney Towne said  
38 it was important to remember this kennel has been operating for about 6 years and the approval  
39 of the site plan by the Planning Board would restrict the kennel to prevent issues with the opera-  
40 tion of this kind of business. Peter Muffaletto asked how would the Planning Board know if it  
41 was found by the police to be the dogs in the kennel. Rodney Towne said the police would noti-  
42 fy the Board if the barking was coming from the dogs in the kennel and the Board would handle  
43 the situation appropriately.  
44

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**CANINE COMMITMENT OF NEW ENGLAND  
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1  
2  
3  
4 Doris Muffaletto asked how big is the kennel and how many dogs would be allowed in  
5 the kennel at the same time. Amy Ross Norwood stated that the kennel is a separate two story  
6 building on her home property. She stated that the State issued license does not limit her to a  
7 maximum for dogs allowed in kennel but she would never take in more dogs than she could han-  
8 dle. She said this is operating as a rescue kennel and her license would be revoked by the State if  
9 she ever were found to have too many dogs in the kennel.

10  
11 Mark Suennen asked if the State's regulating body for her license counted a litter of pup-  
12 pies as one dog and when would the litter be old enough to count each puppy as one dog. Amy  
13 Ross Norwood explained that the State would in fact count a litter of puppies as one dog but she  
14 wasn't sure at what age, if at all, they would be counted as individual dogs. She noted a litter of  
15 6 month old puppies is still considered as one dog but could find out from her vet. She said that  
16 the State doesn't regulate the maximum allowed in the kennel at one period of time, but her facil-  
17 ity can only handle so many dogs.

18  
19 Mark Suennen asked if the Board would like to restrict the amount of dogs that are al-  
20 lowed in the kennel at one time. Rodney Towne asked if there are standard regulations for  
21 square footage required for a rescue kennel. The Planning Coordinator Shannon Silver, noted  
22 the state does regulate space needs for veterinary clinics and boarding facilities but was not sure  
23 if these would be geared towards rescue groups or breeders.

24  
25 Rodney Towne asked Amy Ross Norwood what she would consider to be her limit for  
26 the maximum dogs she could handle. Ms. Norwood said it would be difficult to answer that  
27 question because she could have a litter of a small breed and that wouldn't take up as much space  
28 as if it were a larger breed. Ms. Norwood stated she couldn't specify a limit but the majority of  
29 the dogs are only with her for a short period of time, generally 8 to 9 days.

30  
31 Peter Hogan noted the fact that this kennel is a rescue, with only 3 part time employees  
32 and caring for the dogs on short-term bases, he believed that Amy Ross Norwood would self  
33 regulate the amount of dogs she could care for in the kennel and there was no need to add re-  
34 strictions to limit.

35  
36 David Litwinovich stated he would like to conduct a site walk to see the kennel, the  
37 property and the neighboring properties. Mark Suennen and David Litwinovich scheduled the  
38 site walk for Sunday, October 15, 2017 and adjourned to the October 24, 2017, Planning Board  
39 meeting.

40  
41 David Litwinovich **MOVED** to adjourn to October 24, 2017 at 6:30 p.m. Ed Carroll  
42 seconded and the motion **PASSED** unanimously.  
43

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**1 Informational Session w/John Neville, re: expansion of parking from existing business lo-  
2 cated on Tax Map/Lot #3/63-25, to abutting "COM" zoned lot, Tax Map/Lot #3/63-24.**

3  
4 John Neville and his son Jacob Neville presented the proposed plan. The business has  
5 been operating on Tax Map/Lot #3/63-25 and with growth, it is at maximum capacity. The pro-  
6 posed plan would move parking for some equipment and materials to the abutting COM lot, Tax  
7 Map/Lot# 3/63-24. Mr. Neville stated he would like to expand the business onto the abutting lot  
8 in the near future but for now only needed the extra space for his equipment. He noted an expan-  
9 sion had been proposed a few years ago but was opposed by the abutting property owners.

10  
11 Mark Suennen asked what would need to be done to the area for the expansion. John  
12 Neville said an area of about 3K to 5K yards with a sloped area would need to be cleared. Mr.  
13 Neville noted the parking area will be about 75x100 yards. Rodney Towne asked if the area of  
14 5K yards would include the clearing of the sloped area. John Neville stated that the 5K included  
15 the sloped area, but the proposed numbers are rough. The projected area had a 2:1 slope, but  
16 may be less when the area is evaluated by a professional surveyer. Rodney Towne asked how  
17 the area will be cleared. John Neville stated he was not sure yet. Mr. Neville mentioned he  
18 owned the equipment to hammer out the rock but the area could also be blasted.

19  
20 Mark Suennen asked if the existing access will be used for the expansion area. John Ne-  
21 ville said the existing access would be used. There had been a secondary access permit approved  
22 but had not been used or even cleared because he would need to install a security gate to prevent  
23 stealing. He had items stolen in the past from the current lot and had a security gate installed at  
24 the exisiting access.

25  
26 Mark Suennen noted there would be a need for the Zoning Board to grant the 'Special  
27 Exception' for the lot for expansion. John Neville asked if the 'Special Exception' was still re-  
28 quired even with the lot zoned for commercial use. Mark Suennen said even lots zoned for  
29 commercial use require 'Special Exception' for use as a contractor yard.

30  
31 John Neville asked if the lot he would expand to could just be merged with the existing  
32 lot. The Planning Coordinator Shannon Silver, mentioned that a merger of lots could be possible  
33 but that Mr. Neville would have to re-subdivide if he wanted to sell any part of the property in  
34 the future.

35  
36 John Neville asked what he needed to do if he decided in the future to add another build-  
37 ing on the property. The Planning Coordinator Shannon Silver, told him that he would need to  
38 ask Ed Hunter, Building and Code Enforcement Officier, for building any additional structures to  
39 the lot. Mark Suennen asked what would the additional building be used for. John Neville said  
40 he would use the building for additional office or storage space. Mark Fougere mentioned the  
41 regulations for allowed building structures on a lot, was up to 70% total area coverage.

42  
43  
44 **Informational Session w/John Neville, cont.**

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1  
2 John Neville stated he would have Sandford Surverying and Engineering start working on  
3 the plans. Peter Hogan suggested that Mr. Neville discuss his proposed plan for any additional  
4 building structures first with the Building and Code Enforcement Officier, to be sure all the regu-  
5 lations would be followed.

6  
7 **Discussion, re: proposed Zoning Ordinance / Building Code amendments for 2018.**  
8

9 Mark Fougere stated that he identified the lots on the tax map to consider for rezoning.  
10 He noted there already are a few lots zoned as COM. There had been a request from the  
11 Willard's, owners of Tax Map/Lot# 18/20, to potentially rezone their lot to Commercial.  
12 Rodney Towne asked what was the reason behind the Willard's request. The Planning Coordi-  
13 nator, Shannon Silver believed that potential buyers approached the owners, and because there is  
14 an existing day care on the property thought it would appeal to more potential buyers if the prop-  
15 erty were zoned for commercial use. Rodney Towne asked how the existing day care operated  
16 on a lot zoned as R-A. The Planning Coordinator stated a 'Special Exception' had been granted  
17 a very long time ago, which would remain in place if ever sold. Rodney Towne noted that if the  
18 use were to change from a day care, the 'Special Exception' would need to be granted for the  
19 new use by the Zoning Board. R-A zoning is very limited to the allowed uses. Mark Fougere  
20 stated most of the lots on this strip were very small existing lots, which would limit what could  
21 be allowed for businesses if rezoned as commercial.

22  
23 Mark Suennen noted about 6 years ago there had been some discussion of the possibility  
24 of Mixed Use. Rodney Towne agreed that there had been past discussions but that it was never  
25 pursued because there was no support or interest shown by the people in Town.

26  
27 David Litwinovich asked if the rezoning were to happen, would this have any effects on  
28 the tax rate for the single family homes that were not interested in operating a business. Mark  
29 Fougere said he would look into if the tax rate would be affected if zoned as a commercial lot but  
30 remained as residential. Peter Hogan noted the one thing that is not allowed in COM zoning is  
31 residential. That was the reason behind the Board looking into the overlay for mixed use.

32  
33 Mark Suennen said he had no objections to rezoning downtown, but expressed concerns  
34 about the limited space that is available for parking. Mark Fougere stated there had been other  
35 Towns that had similar concerns about rezoning small existing lots. He said the Board would be  
36 able to limit the use for each lot.

37  
38 Rodney Towne said he does not see a big call for it. He said there had been a 'Special  
39 Exception' granted for an apartment on a lot that was zoned for commercial use. The lots in the  
40 downtown area are too small for commercial use. He said the Willard's lot and maybe a few  
41 others along River Road were decent size lots, but all the others are strip lots.

42  
43  
44 **Discussion, re: proposed Zoning Ordinance / Building Code amendments for 2018, cont.**

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1  
2 David Litwinovich asked what would be the downfall to only rezoning the Willard's  
3 property. Mark Fougere said he would not suggest only rezoning the one lot. That would be  
4 considered spot zoning and could create issues for the Town in the future. If the one property  
5 was rezoned for commercial, you would have a commercial lot in between two lots zoned R-A.  
6 This is just not done in other places. Mark Fougere said to be fair; all of these lots are in a tough  
7 place. The lots are very small, with a school located behind them and commercial lots across the  
8 street. Mark Fougere stated there really is no other potential for business besides office space.  
9

10 Ed Carroll expressed that he got the impression that demand for commercial property did  
11 not exist in New Boston. He believed there would be more people against the idea than there  
12 would be in favor of rezoning.  
13

14 Peter Hogan suggested that the Board just ask the owners of the properties being con-  
15 cerned for rezoning. Mark Suennen agreed that asking the property owners would be the best  
16 way to find out if the interest existed. Mark Suennen suggested the Board could send a notice to  
17 the property owners about the proposed change to Commercial and see what is received for  
18 feedback. Mark Suennen asked Mark Fougere to verify if the tax rate would be affected if re-  
19 zoned to Commercial but remained as residential use. Mark Suennen asked Mark Fougere to  
20 draft up a letter to the property owners for the Board to review at the next meeting and would  
21 include the allowed uses for both zoning districts along with the letter.  
22

23 The Planning Coordinator, Shannon Silver stated the lots to be considered would be  
24 checked first to verify the current zoning for each lot. She said the letter would only be sent to  
25 the lots that are zoned R-A. The existing Commercial lots do not need to be notified.  
26

27 **Continued Discussion, re: Master Plan, specifically; east side overlay district.**  
28

29 Mark Fougere said the Board should have received the amended Senior Housing Ordi-  
30 nance dated August 28, 2017. He suggested the Board should review the document and discuss  
31 the matter at the next meeting.  
32

33 Mark Fougere mentioned he met with the Building and Code Enforcement Officer, Ed  
34 Hunter, to discuss the changes to be considered to the sign ordinance. Mark Fougere said the  
35 changes would comply with the decisions made by the Supreme Court on the court case from last  
36 year. He said the ordinance should be revised to allow the content on the sign to be more neu-  
37 tral. Rodney Towne asked what does that mean. Mark Fougere said this meant the Town could  
38 not regulate the content in the box that would be on a sign. There should only be regulations to  
39 separate signs for profit and non-profit organizations.  
40  
41  
42  
43

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**Miscellaneous Business and correspondence for the meeting of October 10, 2017, including, but not limited to:**

- 1  
2  
3  
4 1. Approval of the August 8, 2017, meeting minutes, with changes. (distributed by email)

5  
6 Mark Suennen **MOVED** to approve the amended August 8, 2017, meeting minutes, with  
7 changes. Ed Carroll seconded the motion and it **PASSED** anonymously.  
8

- 9 2. Approval of the September 12, 2017, meeting minutes, with or without changes. (distrib-  
10 uted by email)

11  
12 Mark Suennen **MOVED** to approve the September 12, 2017, meeting minutes, with  
13 changes. Ed Carroll seconded the motion and it **PASSED** anonymously.  
14

- 15 3. Distribution of the September 26, 2017, meeting minutes, for approval at the October 24,  
16 2017 meeting, with or without changes. (distributed by email)

- 17  
18 4a. Endorsement of a Minor Subdivision/Lot Line Adjustment Plan, for the SIB Trust & Em-  
19 ile R. Bussiere, Jr., Tax Map/Lot # 12/93-40 & 15/15, Susan Road, by the Planning  
20 Board Chairman & Secretary.  
21

- 22 4b. Endorsement of a Notice of Decision Cover Sheet for the Minor Subdivision/Lot Line  
23 Adjustment Plan, for the SIB Trust & Emile R. Bussiere, Jr., Tax Map/Lot # 12/93-40 &  
24 15/15, Susan Road, by the Planning Board Chairman.  
25

26 Mark Suennen **MOVED** to adjourn the meeting at 8:09pm, David Litwinovich seconded,  
27 and the motion **PASSED** unanimously.  
28  
29  
30

31 Respectfully submitted,  
32 Nadine Scholes, Planning Board Assistant

Minutes Approved: 11/14/17