

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

11/14/17

1  
2 The meeting was called to order at 6:30 p.m. by Vice Chairman Mark Suennen. Present  
3 were Planning Board Chairman Peter Hogan and regular Board members, David Litwinovich  
4 and Ed Carroll, along with Ex-Officio Joe Constance. Also present were Planning Coordinator  
5 Shannon Silver, Planning Consultant Mark Fougere and Planning Board Assistant Nadine  
6 Scholes.

7  
8 Present in the audience for all or part of the meeting were CIP Chairman Fred Hayes and  
9 Finance Committee Representative Ken Lombard; Kary Jencks, Fire Inspector Eric Dubowik and  
10 Building and Code Enforcement Officer Ed Hunter.

11  
12 **Public Hearing on the Capital Improvements Program, Plan of 2018, as proposed by the**  
13 **C.I.P. Committee.**

14  
15 Present in the audience were CIP Committee Chairman Fred Hayes and CIP Committee  
16 member Ken Lombard.

17  
18 Fred Hayes stated that the only new item added to CIP this year was the invessel com-  
19 posting unit at the request of Transfer Station Manager Gerry Cornett. He explained that Gerry  
20 Cornett informed the Committee that he wanted to bring this item back after learning there  
21 would be significant increases for tipping fees once the current contract ended.

22  
23 Mark Suennen asked when the current contract would expire. Fred Hayes said he be-  
24 lieved the contract had about one year left. Fred Hayes noted that the composting unit could  
25 produce an end product that could be sold from collected trash materials. Fred Hayes noted the  
26 Transfer Station is currently collecting around 12-15lbs, per household, per week, of material  
27 that could be used in the composting unit.

28  
29 Joe Constance mentioned that the invessel composting unit could not be purchased until  
30 2023 since it was added this year. Fred Hayes agreed. He noted that this item had been removed  
31 from CIP previously but added back on this year.

32  
33 Fred Hayes noted the Highway Department's trucks and heavy equipment had been re-  
34 viewed with the Road Agent Dick Peruse. All amounts were found to still be accurate for re-  
35 placement costs. Fred Hayes noted the Road Agent had been proficient in the past, finding used  
36 trucks when the time came to replace them but the cost shown on the schedule was for brand new  
37 replacements, \$260K for the 6 WHL dump trucks and \$295K for 10 WHL.

38  
39 Mark Suennen asked if the loader (Highway) and the tanker (Fire Dept) would be re-  
40 placed in 2018. Fred Hayes answered yes, and mentioned that the tanker truck had an unex-  
41 pected cost increase because of the emission systems that are now required on all new trucks.  
42 The cost for the new tanker replacement was updated to \$425K.

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1 **Public Hearing on the Capital Improvements Program, cont.**

2  
3 Mark Suennen noted the Fire Department's hilltop pumper and E2 pumper trucks are  
4 both scheduled to be replaced in 2019. Fred Hayes noted that the E2 pumper would be replaced  
5 with a new truck and the hilltop pumper would be refurbished in 2019.  
6

7 Mark Suennen advised that he had added up the amounts and appeared that CIP would be  
8 in the hole for \$8K by 2019. Fred Hayes said that all funds collected for CIP items are kept in  
9 CD accounts and the interest would cover the amount short.  
10

11 Ed Carroll asked about the status of the school addition. Fred Hayes noted that new en-  
12 rollments had leveled out this year and the School Board pushed out the addition out for another  
13 year. He said that the School Board understood the cost for the addition is a lot for the Town and  
14 they would not put the addition on for Town Vote until it were absolutely necessary.  
15

16 Mark Suennen asked how accurate the quote of \$1.5M for the school addition was? Fred  
17 Hayes replied that the School Board had hired a professional engineer this year that reviewed  
18 and refreshed all quotes to confirm that the cost is accurate. Fred Hayes noted this was the cost  
19 for a 4 classroom building addition.  
20

21 Peter Hogan asked what the cost of \$1.5M would include. Fred Hayes replied the build-  
22 ing, bathrooms, fixtures and all the furniture were included in this cost.  
23

24 Ed Carroll asked if the School Board had a plan if the addition was completed but didn't  
25 end up having the enrollments at the school to fill the classrooms. Would the classrooms be used  
26 for something else? Fred Hayes replied that the School Board had not discussed that situation.  
27

28 Ed Carroll asked if the new fire station is the same as previously proposed. Fred Hayes  
29 noted it had not changed from last year. Joe Constance mentioned that the project for the new  
30 fire station is under review by an architect. Ed Carroll asked if the old fire station would be de-  
31 molished or used for something else. Joe Constance noted the old station was also under review  
32 for other possible uses.  
33

34 Mark Suennen asked for further questions and/or comments from the audience or the  
35 Board; there were no further questions or comments.  
36

37 Mark Suennen closed the public hearing for Board deliberations.  
38

39 Joe Constance **MOVED** to accept the 2018-2023 CIP Proposal as sub-  
40 mitted. Ed Carroll seconded the motion and it **PASSED** unanimously.  
41

42 Mark Suennen stated that the CIP Proposal would be submitted to the Board of Select-  
43 men.  
44

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1 **F.N. SAGNA & K.N. JENCKS JOINT RECOVABLE TRUST**  
2 **FRANCOIS NOEL SAGNA & KARY JENCKS, TRUSTEES**  
3 Compliance Hearing/Public Hearing/NRSPR/Kennel

4 Location: 96 Scobie Road

5 Tax Map/Lot # 4/1

6 Residential-Agricultural "R-A" District

7  
8 Peter Hogan noted that the Board had the letter from Building and Code Enforcement Of-  
9 ficer Ed Hunter in regards to the site visit he conducted for compliance.

10  
11 Joe Constance asked Ed Hunter if he had anything to add that the Board should know  
12 since his letter of October 19, 2017. Ed Hunter replied that he did not have anything else to add.

13  
14 Peter Hogan asked Ed Hunter if he had tested the barking control device. Ed Hunter not-  
15 ed that he did not test the device but he confirmed it had been installed. Peter Hogan asked what  
16 would be done if the device were to fail. Ed Hunter said he believed the device would need to be  
17 replaced if the device was found to not be working properly.

18  
19 Mark Suennen noted that all the conditions had been met and he would like to move for-  
20 ward to release the hold on the certificate of use if the Board had no further issues; the Board did  
21 not have any further concerns or comments.

22  
23 Mark Suennen **MOVED** to confirm that all conditions have been met and  
24 **MOVED** to release the hold on the Certificate of Use. Joe Constance se-  
25 conded the motion and **PASSED** unanimously.

26  
27 **Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for**  
28 **2018.**

29  
30 Mark Fougere referred to the letter that had been sent to the property owners along River  
31 Road for the potential re-zoning to commercial. He said that there were only a few that respond-  
32 ed and none of them were in favor.

33  
34 Planning Coordinator Shannon Silver explained that she had received calls from 3 people  
35 that had received the letter and they all were opposed to the re-zoning. She noted they all had  
36 been long-term residents and they expressed concern about the effect this would have on their  
37 taxes. Mark Suennen asked about what had been discovered with impacts with the tax assessor?  
38 Mark Fougere noted that the impact on tax would be reviewed on a case-by-case basis. The  
39 smaller lots most likely would not have any impacts on taxes as where the larger lots may have  
40 some impacts. There is a provision in the statue that would allow the property owner to apply  
41 with the Town's assessor if they do not wish to use their property for commercial use.

42  
43 Mark Suennen asked how long did it take to get the responses after the letter had been  
44 sent. Planning Coordinator Shannon Silver noted she received the calls within one week of the

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1 **Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for**  
2 **2018, cont.**

3  
4 letter being mailed out. Mark Suennen asked if there was time to wait for more to respond and  
5 make a final decision at the next meeting. He believed the Board would have until the end of  
6 December to make a decision. The Board agreed on waiting until the next meeting for more time  
7 for people to respond.  
8

9 Joe Constance asked if there should be a follow up with the property owners that received  
10 the letter but had not responded. Mark Suennen stated he doesn't feel the need to follow up.  
11

12 Peter Hogan noted the Board could decide to support the one property owner looking to  
13 rezone to commercial but even then the owner would still have to submit the petition for ballot  
14 on their own.  
15

16 Mark Fougere referred to the proposed amendments to the Zoning Ordinance and Build-  
17 ing Code. He noted that the Board would need to discuss the required open space percentage.  
18 Mark Fougere suggested that the Board should determine an agreeable amount for the require-  
19 ment. He suggested the number should not be any lower than 25% and 40% should be the max-  
20 imum. He noted that this would only include the land in the Net Tract Area, which would not  
21 include any wetlands, slopes, flood plains, etc. Joe Constance stated that in New Boston he be-  
22 lieved 40% to be a bit excessive.  
23

24 Mark Suennen suggested the minimum be 25% for open space but the Board could offer  
25 an increased density for larger areas of open space. Joe Constance asked how the language in the  
26 ordinance would be rewritten to state what Mark Suennen had suggested. Mark Suennen sug-  
27 gested the language in the ordinance could be 'shall provide a minimum of 25% and subject to  
28 increased density for greater areas of open space'. Mark Fougere stated that with keeping the  
29 percentage open with the minimum of 25%, the Board would be able to decide on a case-by-case  
30 basis. This would allow the Board to investigate the land quality for the open space.  
31

32 Mark Suennen asked if the Board had any input as to what the percentage should be for  
33 the open space requirement. David Litwinovich said he agreed with the 25% to 40% range, plus  
34 this gave the Board some leverage to review land quality.  
35

36 Mark Suennen referred back to Article 2 and suggested adding 'and Klondike Corner'  
37 after Air Force Tracking Station. The Board agreed because most New Boston residents would  
38 know exactly where this is.  
39

40 Mark Suennen suggested adding the other party proposing the changes along with the  
41 Planning Board for Articles 3 through 8. The Board decided that 'and Fire Department' be add-  
42 ed after the Planning Board for proposing the revisions on Article 3 through 8.  
43  
44

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1 **Continued Discussion, re: proposed Zoning Ordinance / Building Code amendments for**  
2 **2018, cont.**

3  
4 Eric Dubowik noted that Article 3 is the exact same as Article 8. The Board decided that  
5 Article 8 had the best explanation and removed Article 3.

6  
7 Ed Hunter suggested that the Board consider changing ‘family’ (unit) to ‘dwelling’ (unit)  
8 throughout Article 1. The Board discussed and agreed to change ‘family’ to ‘dwelling’ where  
9 necessary throughout Article 1.

10  
11 The Planning Coordinator, Shannon Silver, noted that she had included some proposed  
12 changes to the Building Code for the Board to review. She said the updates would meet the State  
13 of NH requirements. She noted that #8 should be removed, ‘300 sq. feet up to 1K sq. feet’, this  
14 was not necessary because the definition for Accessory Dwelling Units already explained the  
15 size restrictions. She also suggested the definition for detached and attached accessory dwelling  
16 unit under Article 6 be removed completely.

17  
18 The Board decided that only one meeting would be necessary for the Public Hearing for  
19 the Zoning & Building Code Amendments. The Public Hearing would be held on December 12,  
20 2017.

21  
22 The Planning Coordinator, Shannon Silver, noted she would make the changes that were  
23 discussed and provide the Board with the updated copy to review one last time at the meeting on  
24 November 28, 2017, and then would need to send to legal for review.

25  
26 **Miscellaneous Business and correspondence for the meeting of November 14, 2017, includ-**  
27 **ing, but not limited to:**

- 28  
29 1. Approval of the October 10, 2017, meeting minutes, with or without changes. (distributed  
30 by email)

31  
32 Mark Suennen **MOVED** to approve the October 10, 2017, meeting minutes,  
33 with changes. Joe Constance seconded the motion and it **PASSED** any-  
34 mously.

- 35  
36 2. Distribution of the October 24, 2017, meeting minutes, for approval at the November 28,  
37 2017, meeting with or without changes. (distributed by email)

- 38  
39 3a. Endorsement of a Subdivision/Lot Line Adjustment Plan, for the Tristan Baldwin & SDC  
40 Tingley Legacy Revocable Trust, Tax Map/Lot # 8/69 & 8/107, Mont Vernon Road, by  
41 the Planning Board Chairman & Secretary.

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**Miscellaneous Business and correspondence, cont.**

- 1  
2  
3 3b. Endorsement of a Notice of Decision Cover Sheet, for the Tristan Baldwin & SDC Tingley Legacy Revocable Trust, Tax Map/Lot # 8/69 & 8/107, Mont Vernon Road, by the  
4 Planning Board Chairman.  
5  
6  
7 4. Endorsement of a Non-Residential Site Plan, for Amy Ross Norwood, Tax Map/Lot  
8 #12/67, 733 Bedford Road, by the Planning Board Chairman and Secretary.  
9  
10 5. Letter from George Merrill, dated November 2, 2017, re: request to extend Conditions  
11 Subsequent deadline of November 1, 2017, to November 1, 2019, for the Board's action.  
12

13 Peter Hogan asked if an extension had been given in the past. The Planning Coordinator,  
14 Shannon Silver, noted that the Board had approved extensions since 2005. This was a phased  
15 project and the last two buildings (Building 7 and 8) had not been built. She noted that the owner's  
16 biggest issue was the fact that many other facilities were built in the surrounding area but he  
17 still intends on building the last two buildings in the future.  
18

19 Ed Carroll asked if it were policy to keep granting extensions or is there a point that the  
20 Board would decline a requested extension. Mark Suennen stated that the Board would handle  
21 granting extensions on a case-by-case basis. Peter Hogan noted that the owner had explained to  
22 the Board during the site plan review that he would be in no rush to complete the last two buildings  
23 until they were needed.  
24

25 Mark Suennen **MOVED** to accept the retroactive extension for the conditions  
26 subsequent from November 1, 2017 to November 1, 2019. Joe Constance  
27 seconded the motion and it **PASSED** anonymously.  
28  
29

- 30 6. Email copy dated October 26, 2017, from Robert Waller to Michael P. Courtney,  
31 Upton and Hatfield, re: Town of New Boston v. Lindquist et al, for the Board's information.  
32  
33  
34 7. Letter copy from Ed Hunter, Building and Code Enforcement Officer, to Robert Waller,  
35 re: site visit, for the Board's information.  
36  
37 8. Copies of the January 10, 2012, and February 14, 2012, Planning Board Minutes, re:  
38 Lindquist/Waller NRSPP approval, for the Board's information.  
39

40 Peter Hogan noted he reviewed the provided meeting minutes and it seemed very clear  
41 that no containers were allowed on the site. He noted the Board had given very specific instructions  
42 to Mr. Waller at the meeting of February 14, 2012, that all storage containers were to be  
43 removed off the site within 180 days. Joe Constance said that he and Building and Code Enforcement  
44 Officer Ed Hunter had been on top of Mr. Waller to complete the necessary items at

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1 **Miscellaneous Business and correspondence, cont.**

2

3 the site. The site would not be in compliance until all the necessary improvements are 100%  
4 complete. The owner of the property is aware of the situation with the Town and his tenant. The  
5 Town has petitioned the Court's to start the process to take legal action.

6

7 The Planning Coordinator, Shannon Silver, mentioned that she spoke to Fire Chief Dan  
8 MacDonald regarding the Fire Wards coming back to the next Planning Board meeting to discuss  
9 water supply. The Fire Chief said they would not have anything prepared to present to the  
10 Board. They were researching some topics that were discussed and would advise when they  
11 would be ready to meet with the Planning Board again. Peter Hogan asked what exactly the Fire  
12 Wards were researching. The Planning Coordinator answered that they are researching alterna-  
13 tive options for cisterns. They are also going to be updating the cistern map and pointing out the  
14 driest areas of Town.

15

16 Joe Constance **MOVED** to adjourn the meeting at 7:30pm. Mark Suen-  
17 nen seconded, and the motion **PASSED** unanimously.

18

19

20 Respectfully submitted,  
21 Nadine Scholes, Planning Board Assistant

Minutes Approved: 12/12/17