

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2018

5/8/18

The meeting was called to order at 6:30 p.m. by Chairman Peter Hogan. Present were Vice Chairman Mark Suennen, regular Board members Ed Carroll and David Litwinovich, and Selectmen Ex-Officio Rodney Towne.

Also present were Planning Coordinator Shannon Silver, Planning Consultant Mark Fougere and Planning Board Assistant Nadine Scholes.

Present in the audience for all or part of the meeting were Dennis McKenney, Charles Peak, Robert Kilmer, Richard Kohler, Susan Frost, Jeffrey Green, Martha and Clayton Savoy, Kevin LeFebvre, Shelia Cleveland, Kim Boothroyd and George Shaker.

TOWNES FAMILY TRUST

Adjourned from April 24, 2018

Public Hearing/Minor Subdivision/2 Lots

Location: South Hill & Lyndeborough Roads

Tax Map/Lot #10/73

Residential-Agricultural "R-A" District

Mark Suennen noted the subdivision application had been submitted and accepted by the Board as a minor subdivision at the last meeting but had since been determined to be a major application. This was due to the remainder having enough acreage to be further subdivided in the future. He stated that the application would need to be resubmitted as a major.

Mark Suennen noted the Board had discussed a few items during the site walk. The subdivided lot had adequate 200' of frontage on Lyndeborough Road and could be called a frontlot. The Board requested that the applicant decide which road the lot would front on and the driveway application be submitted for the access from the chosen road. Dennis McKenney noted that the driveway application would be submitted for the access to the existing house on South Hill Road and the remainder would be accessed from Lyndeborough Road. Mark Suennen noted that with 200' of frontage it would be treated as a frontlot and asked Dennis McKenney to add the 200' building square to the plan at the 50' setback.

Mark Suennen clarified that if the frontage was off Lyndeborough Road, that would be the address used if a house was ever built on that lot, even if the development site was at the location viewed during the site walk that was closer to South Hill Road. Dennis McKenney agreed.

Mark Suennen asked if the State Subdivision approval was still in process. Dennis McKenney answered yes and he would be providing the State with the topography and soils map. He noted that he would provide copies of these maps to the Town.

Mark Suennen asked if David Litwinovich had any other items to discuss from the site walk. David Litwinovich had no other items to discuss.

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TOWNES FAMILY TRUST, cont.

Mark Suennen noted the waivers had been submitted for the Traffic, Environmental and Fiscal studies, with the subdivision cutting off the existing house and with no intent to build on the remainder there would not be any impact and he would be in favor of accepting the waivers.

Mark Suennen **MOVED** to accept the waivers for Environmental, Fiscal, and Traffic studies. David Litwinovich seconded the motion and it **PASSED** unanimously.

Peter Hogan asked if the waivers should be held off until the application has been resubmitted as a major. Peter Hogan stated that the waivers could be accepted once the application is accepted by the Board as a major application. Mark Suennen asked since the Board had accepted the application complete as a minor, could the Board waive the additional notification requirement. Peter Hogan replied yes, but the applicant would need to withdraw the minor application and resubmit as a major, there may be additional administrative items that would be required with the application being submitted as a major. Mark Suennen believed that the only item that could possibly be required would be the Stormwater plan if the soil map showed the area to be critical where the driveway came out onto Lyndeborough Road. He continued that the lot had an existing gravel pit operation, probably unlikely to find highly erodible soils. The Planning Coordinator, Shannon Silver, stated that other than administratively, there should not be any other items that would be required for the major application.

Peter Hogan noted that the submission of the application as a major could be on the next meetings agenda for a 15-minute block. The Planning Coordinator, Shannon Silver suggested the hearing be adjourned to May 22, 2018, at 6:30 p.m., and if there were still items that had not been submitted as part of the subdivision requirements the Board could open the hearing and adjourn again.

Mark Suennen noted that there would not be any active and substantial improvements because the subdivision would cut off the existing house with no intent to build on the remainder.

Mark Suennen **MOVED** to withdraw his motion to accept the waivers and **MOVED** to adjourn to May 22, 2018, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Peter Hogan noted the Board would review some of the Miscellaneous Business items since the Board was done with the first application prior to the scheduled hearing time.

Miscellaneous Business and correspondence for the meeting of May 8, 2018, including, but not limited to:

1. Approval of the March 27, 2018, meeting minutes, with or without changes. (distributed by email)

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Miscellaneous Business and correspondence, cont.

The Planning Assistant, Nadine Scholes, noted that the Board did not receive the meetings of March 27, 2018 as of yet and she would be sending them as soon as they are completed. Peter Hogan asked why there was a delay in getting the Board the minutes. The Planning Coordinator, Shannon Silver, and the Planning Assistant, Nadine Scholes explained that the Planning Department had been bombarded with incoming items.

2. Distribution of the April 10, 2018, meeting minutes, for approval, at the May 22, 2018, meeting, with or without changes. (distributed by email)
3. Distribution of the April 24, 2018, meeting minutes, for approval, at the May 22, 2018, meeting, with or without changes. (distributed by email)
4. Letter dated May 1, 2018, from Shiv Shrestha, S & R Holding, re: request to extend Conditions Subsequent deadline for Phase I, from May 31, 2018, to May 31, 2019, and Conditions Subsequent deadline for Phase II & III, from November 15, 2018, to November 15, 2019, for the Board's action.

Mark Suennen asked what was the situation with the State permitting issue. The Planning Coordinator, Shannon Silver, noted that the State permit had expired and they would need to go through the permit application process for a new permit from the State. Mark Suennen believed that the requested one-year extension would not be sufficient if they have to go through the permit process from the beginning, and suggested that the conditions be extended for two years. The Board agreed.

Mark Suennen **MOVED** to grant an extension on the conditions subsequent deadline for Phase I, from May 31, 2018, to May 31, 2020, and the conditions subsequent deadline for Phase II & III from November 15, 2018, to November 15, 2020. David Litwovich seconded the motion and it **PASSED** unanimously.

5. Letter dated May 1, 2018, with Site Plan attachment, from Chip Meany, Land Use Coordinator, Town of Weare, to the Planning Department, re: Abutter Notification of Site Plan Application of Regional Impact, for the Board's action.

The Planning Coordinator, Shannon Silver, explained that the Board had discussed this item at the last meeting but had not received formal notification at that time. The Planning Coordinator continued that she had received a call from a concerned New Boston citizen and the Town of Weare was planning on getting the Regional Impact notices out to abutting Town's. The proposed application is to build an additional four 5400 square foot buildings on a property with existing COM use, which currently was used to buy and sell heavy equipment. The Planning Coordinator noted that the applicant had not specified the use at this time. She assumed the use would need to be identified prior to the Town of Weare approving the project. Chip Meany

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Miscellaneous Business and correspondence, cont.

believed the units would be rented out to private contractors. She believed it would be hard to identify if the project would have any impact on New Boston without a known use.

Mark Fougere explained that the Board could decide to respond to the Town of Weare, but it was not a requirement of the Statue. The Town of Weare only had to notify the abutting Towns of the potential for regional impact.

Rodney Towne asked if the notice was treated the same as an abutter and the Board could decide to go to the meetings and have input. Mark Fougere said yes.

Mark Suennen asked if only the letter and site plan, which the Board had received the site plan at the prior meeting, was received from the Town of Weare. The Planning Coordinator, Shannon Silver, noted that she had received more sheets of the plan but did not find it necessary to copy these to the Board as they showed existing conditions.

Rodney Towne asked if the application had already been brought to a public hearing and the Planning Board. The Planning Coordinator replied that the Town of Weare had already had a few meetings in regards to this application.

David Litwinovich noted that the Town of Weare had published the drafted meeting minutes from the April 26, 2018, meeting online, which includes the site walk minutes and the items discussed with the concerned citizens.

Mark Suennen asked if anyone was in attendance at the meeting to discuss the Whitetail development. There were no comments from the public.

Peter Hogan said that he did not feel the need to intrude at this time. Mark Suennen suggested that the Town of Weare be requested to inform New Boston of any development in the application process or once development was started. Ed Carroll suggested that a letter could be sent to notify Weare that the Planning Board received notice and would like to be informed as decisions are made on this application. Mark Suennen agreed.

6. Email from David Litwinovich, re: notice of Hands-on Workshop, NH Aquatic Restoration Mapper and Web Soil Survey, on May 21, 2018, for the Board's information.

David Litwinovich had received notice of the workshop and wanted to pass it along to the other Board members.

7. Letter with attachments dated May 8, 2018, from Kevin M. Leonard, P.E., Northpoint Engineering, to the Planning Coordinator, Shannon Silver, re: Twin Bridge Estates – Phase II – Crack Sealing Confirmation, for the Board's action.

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Miscellaneous Business and correspondence, cont.

8a. Letter copy with attachments dated April 16, 2018, from Kevin M. Anderson, P.E., Meridian Land Services, Inc., to Kevin M. Leonard, P.E., Northpoint Engineering, re: Erosion control alternate, for the Board's information.

8b. Letter dated May 8, 2018, with Construction Services Report dated May 4, 2018, from Kevin M. Leonard, P.E., Northpoint Engineering, to the Planning Coordinator, Shannon Silver, re: Twin Bridge Estates – Phase II – Temporary Slope Stabilization – Field Change Notification, for the Board's information.

Mark Suennen noted that this item could be discussed at the end of the meeting to have time to review the documents received. Peter Hogan asked if the item could be moved to the next meeting on May 22, 2018, to allow the Board time to review the documents and get the Road Agents input prior to releasing the money being held for stabilization. The Board agreed to push out until the Road Agent provided input.

Continued Discussion, re: Master Plan, potential final draft

Peter Hogan noted that the Board had received a draft copy of the final Master Plan update to review, this item discussed at the end of the meeting.

SDC TINGLEY LEGACY REV TRUST (OWNER) Adjourned from April 24, 2018
SANDFORD SURVEYING AND ENGINEERING, INC. (APPLICANT)

Public Hearing/Minor Subdivision/2 Lots

Location: Mont Vernon Road (NH Route 13)

Tax Map/Lot #8/107

Residential-Agricultural "R-A" District

The Planning Coordinator, Shannon Silver, explained that Sandford had submitted the revised plans to show the 200' building square on the new lot, along with the ISWMP plan and ISWMP bond worksheet.

Robert Kilmer presented for SDC Tingley Legacy Rev Trust. Robert Kilmer explained that the proposed 2 lot subdivision would be of Tax Map/Lot #8/107, currently 44.8 acres with an active gravel pit operation. A 14.2 acre lot would be subdivided with the access off of Mont Vernon Road using an existing driveway to access the fields out back. The frontage for the new lot was increased to 181.77' to allow the 200' building square to fit within the lot at the 50' setback. The owner does intend to build on this lot once the subdivision is approved. There are wet areas shown on the plan as poorly drained soil towards the front of the lot. Robert Kilmer explained that there is an existing detention basin on the front corner of the gravel pit, which would be deeded as a drainage and access easement to the residual of Tax Map/Lot #8/107. The total area for the easement would be a 105' triangle by 30' wide at the front corner of the 2 lots.

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SDC TINGLEY LEGACY REV TRUST, cont.

Mark Suennen clarified that the frontage for the new lot was only 181' but because a 200' building square fit within the lot at the 50' setback, the requirement of a minimum 200' frontage would not apply, these requirements were either/or, both are not required to constitute a frontlot. Robert Kilmer agreed that was how he understood the regulations to read for a frontlot. The Planning Coordinator, Shannon Silver, confirmed that the frontlot requirements would be met with only the 200' building square at the 50' setback.

Mark Suennen asked if the 30' wide easement would be taken out of the 181' frontage and would the easement area remain part of the parent lot with gravel pit. Robert Kilmer replied that the 30' would be taken out of the 181' frontage from the new lot, Tax Map/Lot #8/107-1, but it would be deeded to the parent lot, Tax Map/Lot #8/107, as we did not want to encroach on the existing drainage area.

Robert Kilmer asked if the Board had any other questions for him before Richard Kohler presented the site development plan. There were no other questions at this time.

Richard Kohler presented the ISWMP plan he created for the proposed driveway to the house site. He explained that the existing gravel driveway would be used but the curb cut would be moved to maximize the site distance to meet the State's standards. He continued that as you proceed up the driveway to the house the runoff would revert into a pre-existing culvert, which had failed, but would be reconstructed. The wetlands and wetter soils in the area would not be affected or disrupted during site construction or by any drainage structures. As best management practice to protect the wetland areas during construction, a combination of silt fencing and straw wattles are recommended and shown on the plan. A few 2' x 2' tile drains (similar to stone & pipe trench system) will be installed under the driveway to divert the water from the wet areas. The plan has a specific construction sequence. David Litwinovich asked if the proposed tile drains to be installed under the driveway would stay a consistent size all the way through. Richard Kohler answered yes.

Richard Kohler presented the ISWMP plan for the house site, which proposed a 4 bedroom home with detached garage and barn. He explained that the site work would be minimal at the house location, the only excavating that would be needed would be for the septic and foundation. He noted that the State had already approved the subdivision and septic design.

Peter Hogan asked if the Board had anything to discuss that was found during the site walk. There were no concerns.

Mark Suennen opened the hearing to the public.

Susan Frost, owner of the property being subdivided, explained that the only reason they are needing to do the 2-lot subdivision was because the bank would not approve them for a residential construction loan on a parcel with an active gravel pit, they consider this a mining operation.

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SDC TINGLEY LEGACY REV TRUST, cont.

There were no other comments from the public.

Peter Hogan asked the Planning Coordinator, Shannon Silver, if there were any required items that had not yet been submitted. The Planning Coordinator answered no.

Mark Suennen went over the requested waivers. The subdivision is only creating one new residential lot, with one single family home being built, there for there would be no impacts and the waiver can be granted for the traffic, environmental and fiscal impacts studies. The gravel pit on the parent lot will continue to operate as it had. Mark Suennen noted that he assumed the driveway permit was submitted to the State for approval. Robert Kilmer said yes.

Mark Suennen **MOVED** to grant the waiver request for the traffic, environmental and impact studies. David Litwinovich seconded the motion and it **PASSED** unanimously.

Mark Suennen continued to the next waiver request for metes and bounds around the entire parcel. Robert Kilmer explained that the new property line being created would be marked between the two parcels; this was for the metes and bounds around the gravel lot.

Mark Suennen **MOVED** to grant the waiver request for metes and bounds around the entire gravel lot, Tax Map/Lot #8/107. David Litwinovich seconded the motion and it **PASSED** unanimously.

Mark Suennen stated that the waiver request for topographic contours of entire parcel could be granted. The areas of development have topographic contours shown on the plan.

Mark Suennen **MOVED** to grant the waiver request for the topographic contours of entire parcel. David Litwinovich seconded the motion and it **PASSED** unanimously.

Mark Suennen asked Richard Kohler to explain the waiver request for wetlands on the entire parcel. Richard Kohler explained that he had not surveyed and could not identify the wet areas on the gravel pit parcel. He continued that in the area for development on the new lot, the wet areas were identified and shown on plan. Mark Suennen noted that with the active gravel pit operation on the residual lot, Tax Map/Lot #8/107, they would be responsible for the required State permits and would need to protect the wetlands on that parcel.

Mark Suennen **MOVED** to grant the waiver request to show the wetlands on the entire parcel. David Litwinovich seconded the motion and it **PASSED** unanimously.

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SDC TINGLEY LEGACY REV TRUST, cont.

Mark Suennen noted that the active and substantial improvements would need to be identified by the owner/applicant. Peter Hogan asked the owner/applicant what would be identified as the active and substantial improvements on the new lot being created by the subdivision. Robert Kilmer noted the driveway apron, driveway and all the Stormwater provisions would be installed and stabilized within 2 years and the house foundation would be completed within 5 years.

Mark Suennen asked the Planning Coordinator, Shannon Silver, if the receipt of the approved State driveway permit should be part of the approval conditions. The Planning Coordinator answered yes and noted that the State permit would be for an existing gravel driveway and would only need to get approval for the change of use.

Mark Suennen asked how long would be needed to complete the conditions precedents. Robert Kilmer thought 60 days but then increased to 90 days because the driveway approval would be required from the State. Mark Suennen noted that the deadline to complete the conditions precedent would be August 8, 2018. All parties agreed.

Mark Suennen **MOVED** to approve the Minor Subdivision Plan/2 Lots for SDC Tingley Legacy Revocable Trust, Tax Map/Lot #8/107, Mont Vernon Road (NH Route 13), subject to the noted conditions precedent and receipt of the State approved driveway permit by August 8, 2018. David Litwinovich seconded the motion and it **PASSED** unanimously.

CLAYTON L. & MARTHA L. SAVOY (OWNER)

JEFFREY L. GREEN LAND SURVEYING SERVICES (APPLICANT)

Submission of Application/Public Hearing/Minor Subdivision/2 Lots

Location: Lyndeborough Road

Tax Map/Lot #10/70

Residential-Agricultural "R-A" District

Jeffrey Green presented the proposed subdivision for Clayton and Martha Savoy. He noted that the parcel was a total of 50.96 +/- acres, and the +/- was because of the river. He explained that the existing house would be cut off with 6.881 acres and sold, leaving the remainder with 44 +/- acres. He noted that the parcel was once 3 lots that had been merged into 1 lot, known as Tax Map/Lot #10/70.

Jeffrey Green noted that the plan he submitted does not show the proposed driveway for the remainder lot, he would update the plan and submit the driveway application to the State. There is an existing entry for an old gravel pit that would be used for the access. He also noted that he would need to add the required 200' building square at the 50' setback on the remainder

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CLAYTON L. & MARTHA L. SAVOY, cont.

lot but he had the proposed well area with the 75' radius and leach field was already shown on the plan.

Jeffrey Green noted that the plan showed limited topography and wetlands, the waiver requests were submitted for these items.

Jeffrey Green stated he was unsure why the proposed 2-lot subdivision was considered a major. He said that normally 2 lots would not constitute a major application but he understood it was being treated as a major because the remainder of 44 +/- acres would have the potential of being further subdivided in the future. Mark Suennen explained that the subdivision could be treated as a minor if the owner would restrict the remainder lot to no further subdivisions. Jeffrey Green asked if this would be a permanent restriction. Mark Suennen replied yes. The owners, Martha and Clayton Savoy, stated that they would not want to put that restriction on the remainder.

Mark Suennen confirmed that the intent of the subdivision was to cut off the existing house with 6.881 acres, which would remain as Tax Map/Lot #10/70, and the remainder 44 +/- acres would be Tax Map/Lot #10/70-1. Mark Suennen asked if there was any intent to build on the remainder lot in the near future. Jeffrey Green noted the owners are downsizing and want to keep some land in the family but there would be no intention to build on the remainder at this time.

Peter Hogan asked if the Board would like to conduct a site walk. Mark Suennen replied that he would like to review the area to be able to grant the waivers that are requested. The Board and applicant agreed that the site walk would be scheduled for Monday, May 14, 2018, at 6:00 p.m. Mark Suennen noted that the test pit area and centerline of proposed driveway would need to be marked for the site walk.

Mark Suennen noted that the Planning Coordinator had a few missing items required with the application submission and he suggested the Board wait to accept the application as complete until the next hearing to allow time to submit the missing items.

Peter Hogan asked if the Board had any other items to discuss. The Planning Coordinator, Shannon Silver noted that she only had some plan revisions and corrections to go over with Jeffrey Green.

Clayton Savoy, owner of Tax Map/Lot #10/70, explained that the only reason they were subdividing off the land from the house was because the bank would not approve a loan for a residential lot that was 10+ acres, they considered any lot that was over 10 acres as farm land or commercial and they would not approve financing. He stated that this was the case with TD Bank, Bank of America and Citizens Bank.

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CLAYTON L. & MARTHA L. SAVOY, cont.

Mark Suennen asked Jeffrey Green if he had any questions for the Board. Jeffrey Green asked if the hearing would be continued at the next scheduled Planning Board meeting. Peter Hogan noted that the hearing would be adjourned to the next Planning Board meeting after the site walk and the application would be accepted as complete, the waivers would be discussed and if all items are found to be complete, the application could get conditional approval. The Planning Coordinator, Shannon Silver, noted the hearing would be adjourned to May 22, 2018, at 7:30 p.m. +/-.

Mark Suennen **MOVED** to adjourn to May 22, 2018, at 7:30 p.m. +/- . David Litwinovich seconded the motion and it **PASSED** unanimously.

Miscellaneous business that may come before the Board and/or Planning Board discussions.

The Planning Coordinator, Shannon Silver, noted that some residents attended the meeting to discuss the Whitetail Development miscellaneous item that the Board had discussed earlier in the meeting. The Board opened up miscellaneous item No. 5 to discuss with the residents' in attendance from the Riverdale Community. In attendance were Kevin LeFebvre of 16 Riverdale/Depot Street, Sheila Cleveland of 368-370 Riverdale Road, and Kim Boothroyd and George Shaker of 422 Riverdale Road.

Kevin LeFebvre explained that the residents in the Riverdale Community had some major concerns in regards to the proposed Whitetail commercial development in Weare. These include traffic, noise, and pollution into an aquifer, regulation violations and the fact that there is no known use for the proposed development. He explained that the owner changed the proposed use to condo style units at the last Planning Board hearing, and these units are to be rented out to private contractors with no specific use. Kevin LeFebvre also presented some photos to the Board, and explained that there had been several unregistered vehicles that were moved off the property before the site walk was conducted that are slowly being moved back. He noted that the other biggest concern is that the property was located right on an aquifer. The Town of Weare regulation 29.7.2 states that a property located on an aquifer would be restricted to 10% impervious of the total land and the development proposes that 2 acres of the 14.407 acres are to be paved. A detention pond is proposed to collect the runoff water, which would be recharged and then drained into the aquifer, this would be the biggest concern.

The consensus of the Board was to create a subcommittee, with Mark Suennen as the Planning Board representative and Kevin LeFebvre would be the primary representative/spokesperson for the committee. Mark Suennen noted that he would try to attend the next Weare Planning Board meeting on May 24, 2018, to present the subcommittee to the Weare Planning Board and Kevin LeFebvre as the primary spokesperson.

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Miscellaneous business, cont.

The Planning Coordinator, Shannon Silver, asked if the Board wanted to name the subcommittee. The Board decided on Oil Mill Road Subcommittee. The Planning Coordinator asked if she should notify the Town of Weare that the Board created a subcommittee. Mark Suennen suggested that a letter be sent to Weare that states the New Boston Planning Board established a subcommittee, with Kevin LeFebvre as the Primary Representative and list the other members. This subcommittee and its members would represent the Town of New Boston interests at any further Public Hearings for the proposed development. Peter Hogan noted that the letter should state the highest concern is ground water impact. He also suggested that the letter lets the Town of Weare know the New Boston Planning Board is well aware of what has been going on at this property.

Continued Discussion, re: Master Plan, potential final draft

Mark Fougere stated that the Board had received the final draft to review and it could be discussed at the first meeting in June. Mark Suennen noted the Board could review individually and present any changes they would suggest at the June 12, 2018 meeting. Mark Fougere noted that once the Board approved the final Master Plan, the next step would be a Public Hearing to officially adopt the updated Master Plan.

Mark Suennen **MOVED** to adjourn the meeting at 8:40 p.m. Rodney Towne seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 07/10/18