

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019

6/25/19

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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 Vice Chairman Mark Suennen, regular Board members David Litwinovich and Ed
4 Carroll, and Alternate Board member Amy Sanders.
5

6 Also present were Planning Coordinator Shannon Silver, Planning Board Assistant Na-
7 dine Scholes and Planning Consultant Mark Fougere.
8

9 Absent was Ex-Officio Joe Constance.
10

11 Present in the audience for all or part of the meeting were Eric Dubowik, Karina Ber-
12 trand, Kevin St. John and Karen Morgan-Kersting.
13

14 **Continued Discussion, re: Subdivision Regulation Amendments.**
15

16 Mark Fougere noted that the Board had decided at the previous meeting to review Sec-
17 tions 1, 2, 3 and 8 and discuss any changes to those sections at tonight's meeting.
18

19 Mark Suennen stated that Section 1.05, named 'Amendments' is heavily repeated in Ar-
20 ticle 8, Administration, Section 8.05. He recommended one of these sections could be deleted
21 but was unsure which section would be more appropriate to remove. Mark Fougere noted that
22 would fit better under Administration and Section 1.05: Amendments, could be removed.
23

24 Mark Suennen questioned if Section 2.03: Development Requiring Subdivision Approv-
25 al, should include Conditional Use Permits. Mark Fougere noted that Conditional Use Permits
26 were part of the Zoning Ordinance requirements and not specifically needed in the Subdivision
27 Regulations.
28

29 Mark Suennen suggested on page 39, under Section 8.01: Referral to Town Agencies
30 and Boards, changing 'The Planning Board may refer any impact studies submitted by the ap-
31 plicant'...to 'materials' and under the same section, last sentence from '...at the time that this
32 study is being undertaken.' to '...at the time that this application is being reviewed.'
33

34 Mark Suennen suggested on page 40, under Section 8.02: Premature Development, item
35 '*b. Adequacy of existing access roads and/or sidewalks*', removing '*and/or sidewalks*' and un-
36 der the same section, completely remove item '*g. Adequacy of nearby recreation facilities*'.
37

38 Mark Suennen noted that '*sidewalks*' should also be removed from Section 8.03: Off-
39 Site Improvements.
40

41 Mark Suennen referred to Section 8.05: Amendments, and he requested that the Statue
42 be reviewed for a noted time frame for the submission of regulation amendments to the Town
43 Clerk, and if noted in the Statue, that time period should be included in that section.
44

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Continued Discussion, re: Subdivision Regulation Amendments, cont.

David Litwinovich noted that '*the New Hampshire Office of Energy and Planning*' is now called the '*Office of Strategic Initiatives*' and this should be updated throughout the regulation.

Ed Carroll noted that there is an inconsistency with the use of article, section, numbers and roman numerals. He requested these be cleaned up and wherever a section/article is referenced make sure that is correct with the new sections.

Ed Carroll questioned if the definition for 'disturbed area' should be deleted. Mark Fougere explained that was removed because it is defined in the stormwater section.

Amy Sanders requested that the definition for 'engineer' either included referencing the State RSA 310 in the definition or just identify that the state definition would be used for defining '*engineer*'.

Amy Sanders noted that there was no definition for a Lot Line Adjustment.⁷ The Planning Coordinator, Shannon Silver explained that a Lot Line Adjustment would be considered and identified under '*Subdivision – Minor: A minor subdivision shall be: (2) minor lot line adjustments or boundary agreements which do not create new buildable lots.*'

The Board discussed and decided to add a definition for Major Subdivisions, being any subdivision creating 4 or more new lots.

Mark Fougere asked what the Board would want to review for discussion at the next meeting. The Board decided to review Article IV: Permitting Procedure. Mark Suennen said that he would provide his edits to that section to the Planning Coordinator, Shannon Silver prior to the next meeting, as he would not be able to attend the meeting on July 23, 2019.

Amy Sanders asked if the Subdivision Regulation amendment document could be sent electronically to the Board. Mark Fougere said yes, he would make the edits discussed and send the word document out to the Board.

Fire Fighting Water Supply Discussion with Eric Dubowik, Fire Inspector, re: Subdivision Regulation Update.

Eric Dubowik noted that he had been directed by the Board to have the cistern specifications updated by the Town Engineer with the new cistern tank size and reconfigure tank setup with the pipes only coming out the top of the tanks. He noted that the Michie systems would still need to be connected with a pipe on the bottom of the tanks, but all other pipes would come out the top. He noted that the Michie system does come with a 50 year warranty. Peter Hogan disagreed and opined that if a tank were to leak from a connection they would blame that on the pipe connection or gasket and not the tank. Eric Dubowik asked if the Board would rather

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Fire Fighting Water Supply Discussion with Eric Dubowik, cont.

eliminate accepting the Michie systems and just spec out fiberglass and concrete tanks. Peter Hogan said he preferred the concrete cistern option over all the others.

Eric Dubowik explained that he had done the maintenance on the cisterns around Town for the past 5 years and has not had a single cistern fail. Few are fiberglass, some are the Michie systems, and the rest are concrete. Peter Hogan said that he did not believe any of the cisterns installed were connected at the bottom of the tank. Eric Dubowik said that all Michie systems are connected at the bottom. Peter Hogan asked what was done for the maintenance. Eric Dubowik noted that he checks if the tank is full and hasn't lost any water, the gaskets are checked and cleaned and the area around the cistern connection is cleared from brush overgrowth for easy access.

Peter Hogan asked why boulders are required around the entire area above the tank. Eric Dubowik believed that was so the cistern is not damaged by someone driving over it or into it. Mark Suennen asked Peter Hogan why he questioned what the boulders are required for. Peter Hogan replied because they are ugly, and thought some other barrier could be used. Mark Fougere noted that some of the schematics have bollards to protect the cisterns versus boulders and that could be reviewed by the Board.

Mark Fougere noted that he had moved the cistern specifications to the appendix of the Subdivision Regulations and asked if the Board would like to keep these in the appendix or remove all together and reference that cistern specifications are kept on record with the Fire Department. The Board decided to keep the cistern specifications in the appendix of the Subdivision Regulations.

Mark Fougere asked if the current Fire Fighting Water Supply Regulation would be replaced in the revised Subdivision Regulations with the language proposed by the Fire Wards. Mark Suennen said yes and any reference to a sub-section would need to be revised to match the new revision. Mark Fougere noted that he would add the new language and strike out what would be deleted for the Board to review.

Mark Suennen noted that Kevin Leonard had indicated in his email that he attempted to reformat the schematics to an 8 ½ x 11 sheet size but he thought these should remain 11x17 size. This shouldn't cause any printing issues with the Regulations because the prints are only included in the appendix.

Miscellaneous Business and correspondence for the meeting June 25, 2019, including, but not limited to:

1. Approval of the May 14, 2019, meeting minutes, with or without changes. (distributed by email)

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Miscellaneous Business and correspondence, cont.

Mark Suennen **MOVED** to approve the May 14, 2019, meeting minutes as amended. Ed Carroll seconded the motion and it **PASSED** unanimously.

2. Distribution of the May 28, 2019, meeting minutes, for approval at the July 23, 2019, meeting, with or without changes. (distributed by email)

3. Distribution of the June 11, 2019, meeting minutes, for approval at the July 23, 2019, meeting, with or without changes. (distributed by email)

4a. Distribution of Draft Conditional Use Permit / NRSPR Application and Permit Forms for Outdoor Event Venue, for the Board's review and discussion.

4b. Review of the Non-Residential Site Plan Review Regulations, Amendment approved at the May 28, 2019, Planning Board Meeting, specifically the addition of Section 4.20, Outdoor Event Venue. (a copy will be available at the meeting)

The Planning Coordinator, Shannon Silver noted that the drafted Application and Permit forms would be used only for an Outdoor Event Venue application because of the specific requirements. All other uses that require a Conditional Use Permit would use another separate form that would be more generic. She noted that the Board could take some time to review and discuss at the next meeting.

Mark Suennen asked to add 'or' after 'and' for both options available on the application to be a Minor or a Major, and that also be bolded font on the application form.

David Litwinovich asked if the Fire and Police Departments should review and provide feedback on the drafted forms. The Planning Coordinator, Shannon Silver noted that the forms did already include the requirement of an Emergency Plan for events with 50 or more attendees. She explained that there could be additional permits that may be required by the State, and those items are listed on the permit form.

The Board decided to send the forms to both the Fire and Police Chief to review and provide any additions or suggestions.

The Planning Coordinator, Shannon Silver noted that the Outdoor Event Venue section was added to the Site Plan Regulations, as Section 4.20, under Section 4, called 'Design and Construction Requirements'. She wanted to make sure the Board was aware of where the section was added. The Board decided to keep the addition of Outdoor Event Venue under Section 4 for now because it would be difficult to add a separate section into the current Regulations but should be reviewed when the Regulations are reformatted.

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ERIK & KARINA BERTRAND (OWNERS)

Submission of Application/Public Hearing/NRSPR/Home Day Care

Location: 253 Francestown Road

Tax Map/Lot #4/54

Residential-Agricultural "R-A" District

Karina Bertrand explained that she had been operating a very small day care from her home. She was unaware that she needed approval from the Town because the State had not required any permitting because she was not over the limit of 4 or more kids.

Karina Bertrand noted that a few kids are dropped off by the bus afterschool but stated that she identified longer hours of operation on the site plan, so she would not be restricted to operate only after school. There may be times that kids are dropped off in the morning and spend the day, she would like to make the hours of operation from 8 a.m. to 6 p.m., Monday through Friday, 9 a.m. to 4 p.m., on Saturday and 12 p.m. to 6 p.m. on Sunday.

Peter Hogan asked where the property was located. Karina Bertrand replied 253 Francestown Road, right next to Town and Country Animal Hospital. Peter Hogan believed that portion of the road was relatively straight and there would be adequate site distance both ways to enter and exit the property safely. Karina Bertrand agreed.

Peter Hogan asked if there is any signage being proposed for the day care. Karina Bertrand said that she had a sign made for the farm, but it has not been installed yet. Mark Suennen explained that the Building Department would need to issue a sign permit before the sign can be installed, any sign that is installed in the Public Right-of-way would need to be permitted.

David Litwinovich **MOVED** to accept the application as complete and that the proposed use would not have Regional Impact. Mark Suennen seconded the motion and it **PASSED** unanimously.

The Board decided to schedule a site walk on Wednesday, July 17, 2019, at 6:00 p.m.

David Litwinovich asked if Karina Bertrand could label what the parking spaces would be delineated with on the site plan. Karina Bertrand noted that the site plan shows the timber logs that identify the parking spaces and she could add a label to identify these as logs on the plan.

David Litwinovich asked if the lack of record for the State issued driveway permit would be an issue. The Planning Coordinator, Shannon Silver said no, it was an old lot of record.

Mark Suennen **MOVED** to adjourn the hearing to July 23, 2019, at +/- 7:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

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Informational Session, with Kevin St. John, re: Potential Subdivision of Tax Map/Lot #7/73, Old Coach Road.

Kevin St. John presented the two potential options for subdivision of Tax Map/Lot #7/73, on Old Coach Road. He explained that his sister, Karen Morgan-Kersting, currently owned the lot and it would be subdivided for his daughter and son-in-law to build a home.

Kevin St. John explained that Arthur Siciliano had provided him with the two concepts to present. The subdivision would create 2 new lots, one would be a frontlot and the other a backlot. The backlot has a lot of ledge that would make it difficult and expensive to build further back on that lot. He explained that one of the options shown, would require a waiver to the requirement of the 200' building square (SBE) parallel to the road, at the 50' front setback. He explained that shifting the SBE on the frontlot to be parallel to the side lot line would allow enough space to build within the side setbacks on the backlot before hitting ledge.

Mark Suennen noted that both concepts show creating 2 new lots. Concept A shows the subdivision meeting all the requirements and concept B proposed rotating the 200' SBE to be parallel to the side property line instead of parallel to the road. Mark Suennen opined that the request for concept B, did not present enough of a hardship.

The Board explained to Kevin St. John that if he would like to proceed with concept B, the Zoning Board would need to grant a Variance, because the 200' SBE was a Zoning Ordinance requirement.

Kevin St. John asked if concept A would require any special waivers. Mark Suennen noted that concept A appears to meet all the requirements and could be submitted without needing a Variance.

Mark Suennen explained to Kevin St. John what two options are available with the proposed subdivision concepts:

- 1) If concept A is proposed, that would not require a Variance and the subdivision application could be submitted;
- 2) If concept B is proposed, the Zoning Board would need to grant a Variance to the SBE and then, step 2, submitting the subdivision application with the Planning Board.

Mark Suennen noted that he would be in favor of reviewing the subdivision shown as concept B, only if the Variance were granted by the Zoning Board first.

The Planning Coordinator, Shannon Silver explained that the Planning Office could assist with the process to apply for the Variance but that a Variance would only be granted if the applicant could prove out a hardship.

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Informational Session, with Kevin St. John, cont.

Kevin St. John believed that Arthur Siciliano should know what items are required to be submitted with the application and he would present the proposal once the application is submitted. Kevin St. John thanked the Board.

Mark Suennen **MOVED** to adjourn the meeting at 8:18 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 08/27/19