

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019**

9/10/19

The meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter Hogan. Present were Vice Chairman Mark Suennen, regular Board members David Litwinovich and Ed Carroll, Ex-Officio Joe Constance and Alternate Board member Amy Sanders.

Also present were Planning Board Assistant Nadine Scholes and Planning Consultant Mark Fougere.

Absent was Planning Coordinator Shannon Silver.

Present in the audience for all or part of the meeting were Arthur Siciliano, Jr., David and Karen Kersting.

**KERSTING, DAVID S. & MORGAN-KERSTING, KAREN E. (OWNERS)
ARTHUR F. SICILIANO, JR., LLS (APPLICANT)**

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

Location: Old Coach Road

Tax Map/Lot #7/73

Residential-Agricultural "R-A" District

Arthur Siciliano, Jr., presented the proposed subdivision. He provided an updated plan showing the proposed well and 4k location on the new lot. He explained that the subdivision would create a 2 acre lot, with the required 200' of frontage along Old Coach Road, leaving the remainder with a total of 16.87 acres and 1498' +/- of frontage. He stated that the 200' building square is shown at the 50' setback, parallel to the road on both of the lots and test pit data was provided for the new lot being created.

Mark Fougere reviewed the outstanding items as follows:

- Minor corrections to abutters are needed;
- Bounds will need to be set before the Mylar can be recorded;
- Any waivers that are granted would need to be noted on the plan.

Mark Fougere noted that waivers for traffic, environmental and fiscal impact studies were requested.

Mark Fougere mentioned that the driveway permit had not been submitted. The Planning Assistant, Nadine Scholes explained that the driveway permit application was received, and the Road Agent was given a copy of the application for review, his review is pending.

Mark Suennen noted that although the lot was located near the Francestown and Lyndeborough Town Lines the subdivision would create only one new residential lot and would not have Regional Impacts.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019**

9/10/19

KERSTING, DAVID S. & MORGAN-KERSTING, KAREN E., cont.

Mark Suennen **MOVED** that the proposed subdivision would not have Regional Impact. David Litwinovich seconded the motion and it **PASSED** unanimously.

David Litwinovich **MOVED** to accept the application as complete, subject to reviewing the requested waivers. Joe Constance seconded the motion and it **PASSED** unanimously.

Peter Hogan asked if the Board wanted to act on the waivers. David Litwinovich said that he would like to conduct a site walk and that the waivers could be reviewed after the site walk. The Board agreed.

The Board scheduled the site walk for Saturday, September 21, 2019, at 8:00 a.m.

Mark Suennen asked the owners what the intention was for the new lot being created. Karen Morgan-Kersting replied that the land would be given to her niece and her husband to build a home and they would start construction as soon as possible. She explained that they hoped to break ground this year and complete the construction by Spring 2020.

Mark Suennen questioned if the application was submitted as a Major to guarantee the remainder could be further subdivided in the future. Karen Morgan-Kersting explained that they would not like to restrict the remainder to no further subdivision and understood that submitting the application as a Major would not require that restriction.

Mark Suennen explained the active and substantial improvements to the applicant and noted that the Board would review these at the next hearing before they approve the subdivision to protect the owners to any changes in the Regulations.

The Board identified the location of the nearest cistern to the lot, although there would not be a requirement for Fire Fighting Water Supply with this application.

Peter Hogan opened for public comment. There were none. Peter Hogan closed the Public Hearing.

Mark Suennen **MOVED** to adjourn the hearing to September 24, 2019, at +/- 7:00 p.m. Joe Constance seconded the motion and it **PASSED** unanimously.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019**

9/10/19

Continued Discussion, re: Subdivision Regulation Amendments, specifically ‘Article VI: Road Improvement Construction Requirements’ and Fire Fighting Water Supply.

Mark Fougere noted that he re-worded some of the proposed Fire Fighting Water Supply language, made some tweaks and reviewed the changes with the Town Attorney. If the Board accepts the proposed changes, he could insert the new Fire Fighting Water Supply language into the Revised Subdivision Regulations that are currently being reviewed and would be approved at the public hearing to accept the amended Subdivision Regulations. David Litwinovich confirmed that the re-wording would fix the issue of requiring sprinkler systems be installed. Mark Fougere agreed, sprinklers were only required as part of the alternative option to the 45k cistern option.

Ed Carroll questioned if the reference to ‘*sub-section IX-I below*’ item ‘d)’ would still apply or would this need to be updated. Mark Fougere noted that he would verify but believed this referred to the sub-section for the cistern specifications, which would now be part of the appendix with the update. If this did identify where to locate the cistern specifications, he would need to revise that language accordingly.

Peter Hogan questioned why would existing roads and the smaller sized cistern option for new roads allow for 2000’ of truck travel distance if the fire trucks are now only carrying 1000’ of hose. Mark Suennen replied that he believed Eric Dubowik had explained he did not want to significantly alter the language for existing roads and the option with the smaller cistern on a new road would require sprinkler systems installed in each dwelling. They would need to hook up an intermediate pump to get the water to the house if it were over 1000’ away from the cistern.

Peter Hogan asked why could a 30k gallon cistern be used for 2,000’/2,200’ away but the 45k gallon cisterns had to be within 1000’ of truck travel distance. He did not see the point of allowing 2000’ travel distance if the trucks now only hold 1000’ of hose. Mark Suennen said the Board may want to follow up directly with Eric Dubowik on this question to verify. Mark Fougere noted that he would ask Eric Dubowik for explanation.

The Board continued reviewing Section VI of the revised Subdivision Regulations.

David Litwinovich verified that \$3,500 would still be an acceptable amount to request from a developer/applicant to open the escrow account for any Plan Review charges procured by the Town Engineer. Mark Suennen noted that the Planning Coordinator, Shannon Silver confirmed that amount was still appropriate at the prior meeting.

David Litwinovich asked if the road inspection procedures should be referenced in this section. Mark Fougere noted that was included in another section of the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019**

9/10/19

Continued Discussion, re: Subdivision Regulation Amendments, cont.

Regulations and should not need to be included here also. David Litwinovich agreed, as long as they are referenced somewhere in the Subdivision Regulations.

Mark Fougere noted that the Board could finish off the remaining sections at the next meeting.

The Board had no other changes to Section VI.

Miscellaneous Business and correspondence for the meeting September 10, 2019, including, but not limited to:

1. Approval of the July 23, 2019, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the July 23, 2019, meeting minutes as amended. Ed Carroll seconded the motion and it **PASSED**. Mark Suennen abstained.

2. Distribution of the August 27, 2019, meeting minutes, for approval at the September 24, 2019, meeting, with or without changes. (distributed by email)
3. Endorsement of a Major Subdivision Plan, for Grosso Fam Rev Trust 2014, Tax Map/Lot #14/33, Joe English Road and Jessica Lane, by the Planning Board Chairman and Secretary.
4. Endorsement of a Notice of Decision Cover Sheet, for the Major Subdivision Plan, for Grosso Fam Rev Trust 2014, Tax Map/Lot #14/33, Joe English Road and Jessica Lane, by the Planning Board Chairman.
- 5a. Letter dated July 15, 2019, from the Planning Coordinator, Shannon Silver, to Mark Leblanc, re: Christie Road Subdivision, Tax Map/Lot #12/52, Plan specifications, for the Board's review.
- 5b. Copy of Minutes, from the July 10, 2018, Planning Board Meeting, re: Christie Road Subdivision, Tax Map/Lot #12/52, for the Board's review.
- 5c. Letter received September 5, 2019, from Earl Sandford, Sandford Surveying and Engineering, Inc., re: response to letter dated July 15, 2019, from the Planning Coordinator, Shannon Silver, to Mark Leblanc, re: Christie Road Subdivision, Tax Map/Lot #12/52, Plan specifications, for the Board's review and discussion.

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019

9/10/19

Miscellaneous Business and correspondence, cont.

Mark Fougere reminded the Board that the approval for the Christie Road Subdivision required specific drainage requirements. He noted that he went to the review the site to see if the drainage structures were completed and met the plan. They were not and missing some of the infrastructures required, i.e. catch basins.

Mark Suennen noted that the meeting minutes show the Board specifically stating that As-Builts would not be accepted.

Mark Fougere explained that a letter was sent to the builder questioning the changes. Mark Fougere noted that Earl Sandford responded to the letter on September 4, 2019, and he feels that the site work meets the intent and that the constructed drainage is as good if not better of a design. The Town Engineer had reviewed the drainage plans at the time of subdivision review and the Board should decide what would need to happen next. Mark Fougere noted that the Planning Coordinator, Shannon Silver, suggests that the Town Engineer review the updated ISWMP plans.

Joe Constance agreed that the Town Engineer should at least review the updated ISWMP plans because these lots were known to have issues with runoff and drainage onto the road during recent heavy rain storms.

David Litwinovich asked if the developer would be responsible for the Town Engineer inspection fees to review the plans. Mark Fougere replied yes, absolutely.

Mark Fougere noted that the Road Agent was also involved and working with the developer on the widening of the road.

Mark Suennen believed the Town Engineer should review the revised plans and drainage calculations before the Certificate of Occupancy (CO) is released. Joe Constance asked if the drainage requirements were part of the ISWMP plans. Mark Fougere said yes, and there are current bonds in place. Mark Fougere noted that the Planning Coordinator, Shannon Silver did not believe that the Board could hold the CO, plus the closing for one of the lots is scheduled for tomorrow. Peter Hogan said he would like to hold releasing the CO until the Town Engineer reviews the plans and gave his opinion. Joe Constance explained that the bond secured that the drainage would be completed properly. Peter Hogan said he does not care about holding up the closing or the CO and the Board had been very specific about the site work being done to the plans that were reviewed and approved by the Board and the Town Engineer.

Mark Fougere noted that he would request Sandford Engineering to send the as-built plans to the Town Engineer immediately for review.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2019**

9/10/19

Miscellaneous Business and correspondence, cont.

6. Letter with attachments, received September 10, 2019, from Emily Shellenberger, re: Retail Store Site Plan, for Tax Map/Lot #6/40-1, 7 Byam Road, for the Board's review and discussion.

Mark Fougere noted that the owner requested the Board's relief on the requirement for the site plan to be professionally prepared for the proposed Retail Store. He noted that she currently sells flowers off site but would like to add a Retail Store.

Peter Hogan noted that he would be in favor of approving a Retail Store in this area.

Mark Suennen clarified that although the lot was currently zoned Commercial, it is her residence. The owner would like to convert an existing out building into a Retail Store while still living in the house, making the lot a dual/mixed use but a Retail Store is a permitted use in the Commercial zone. Mark Suennen opined that he preferred a professionally prepared site plan for a lot zoned for Commercial use.

Joe Constance questioned if ECOSMITH was separate from this lot. Mark Fougere replied yes, the lots are right next to each other. Joe Constance stated that the letter provided does not really give enough detail on what would be sold in the store and at what volume.

Amy Sanders suggested that the Board could do a site walk. Mark Suennen said the Board would need to publicly notice the site walk and get owners consent. The Planning Assistant, Nadine Scholes noted that a site walk should only be scheduled and conducted if an application were submitted and the Board accepted it as complete at a Public Hearing first.

The Board requested that Emily Shellenberger come in for a discussion before they could make a decision on waiving a requirement.

Joe Constance **MOVED** to adjourn the meeting at 7:20 p.m.
Mark Suennen seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 10/8/19