

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

9/24/19

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

Present in the audience for all or part of the meeting were Arthur Siciliano, Jr., David & Karen Kersting, Michael Dahlberg, Road Agent Dick Perusse, Robert Fehsinger, Ellen Ruggles, Roger Stearns, Scott Byam, Robert Garside, Eric Dubowik, Peter Shellenberger and Emily Shellenberger.

**KERSTING, DAVID S. (OWNER)**  
**MORGAN-KERSTING, KAREN E. (OWNER)**  
**ARTHUR F. SICILIANO, JR., LLS (APPLICANT)**  
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 noted that the Board had conducted the site walk and did not believe there were any major issues found. He said that the Board wanted to review the waivers he requested after the site walk.

David Litwinovich noted that he and Mark Suennen had attended the site walk and he would not have any issues granting the waivers requested and approving the driveway permit.

Joe Constance asked how the site distance was coming out of the new lot. David Litwinovich replied that some vegetation would need to be cut back to achieve proper site distance. The Planning Coordinator, Shannon Silver said that the Road Agent had indicated on the Driveway Permit that some trees would need to be cleared on both sides of the driveway and a swale would need to be installed on the east side of the driveway that would be connected to the existing culvert. Peter Hogan asked if the clearing would only be needed on the new lots frontage. Arthur Siciliano replied that some brush may need to be cut back along the road on the parent lot but should be within the R.O.W. Mark Suennen confirmed that the clearing along the road would be within the R.O.W. and would not need an easement.

Mark Suennen noted that with the proposed subdivision only creating one new lot, he would be in favor of granting the waivers requested.

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

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

9/24/19

**KERSTING, DAVID S. (OWNER)**

**MORGAN-KERSTING, KAREN E. (OWNER), cont.**

The Board discussed Fire Fighting Water Supply with the owners of the lot and recommended they consider installing a sprinkler system in the new home because there was no existing reliable fire fighting water supply in the area.

Peter Hogan asked if there were any outstanding issues. The Planning Coordinator, Shannon Silver noted that there are some minor plan corrections needed and the waivers the Board granted would need to be noted on the plan.

David Litwinovich noted that the boundary marker for the left side front property line was a pin in the stonewall. Arthur Siciliano explained that the pin in the stonewall was the existing property line. Mark Suennen said that was the existing marker for the town line. The Planning Coordinator, Shannon Silver explained that front property markers should be granite but if it was a town line marker than the pin in the stonewall would be acceptable and a waiver would not be required.

Mark Suennen asked the property owners if they decided on what would be the listed improvements to protect the lot from any Subdivision Regulations amendments. Karen Kersting replied that the driveway would be installed within 24 months and the foundation installed within 5 years. The Board accepted the recommended improvements. Peter Hogan noted that the proposed driveway for the new lot would be gravel and no paving would be proposed at this time. The owners agreed.

David Litwinovich **MOVED** to approve the Driveway Permit for the new lot. Joe Constance seconded the motion and it **PASSED** unanimously.

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

Mark Suennen asked Arthur Siciliano how long would be needed to complete the conditions for approval. Arthur Siciliano replied 30 days. Mark Suennen noted the deadline for the conditions precedent would be October 24, 2019.

Mark Suennen **MOVED** to approve the Major Subdivision Plan/2 lots, for David S. Kersting & Karen E. Morgan-Kersting, Tax Map/Lot #7/73, Old Coach Road, subject to:

**CONDITIONS PRECEDENT:**

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
2. Submission of the mylar for recording at the HCRD;

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

9/24/19

**KERSTING, DAVID S. (OWNER)**

**MORGAN-KERSTING, KAREN E. (OWNER), cont.**

3. Digital plat data shall be submitted per Subdivision Regulations Section IV-F, 3;
4. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary);
5. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **OCTOBER 24, 2019**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval. This subdivision shall be deemed to be finally approved by this vote on the date the plan is signed by the Board.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:  
**Installation of driveway.**
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:  
**Installation of foundation.**

Ed Carroll seconded the motion and it **PASSED** unanimously.

**EDWARDS, JOSHUA W. & EDWARDS, JESSICA L. (OWNERS)**

**KEACH-NORDSTORM ASSOCIATES, INC. (APPLICANT)**

Submission of Application/Public Hearing/Major Subdivision/6 Lots

Location: Tucker Mill Road & Dougherty Lane

Tax Map/Lot #2/151

Residential-Agricultural "R-A" District

Michael Dahlberg presented the proposed subdivision for Tax Map/Lot #2/151. The 18.66 acre lot is located on Tucker Mill Road and Dougherty Lane and would be subdivided to create 6 lots. The Piscataquog River is located to the south of the lot but the proposed development areas would not require any dredge and fill permits or wetland crossings.

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

9/24/19

**EDWARDS, JOSHUA W. & EDWARDS, JESSICA L. (OWNERS), cont.**

Michael Dahlberg noted the waivers requested are Traffic, Fiscal and Environmental Studies and the Soils Map. The State subdivision approval has been received and the driveway permits have been submitted.

Mark Suennen noted that the Board would hold off on reviewing the waivers requested until after the site walk.

The Board decided that the subdivision would not have impacts to surrounding towns.

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

Mark Suennen questioned how wet are the delineated wetlands on the lot. Michael Dahlberg replied that most are poorly drained and then some very poorly drained closer to the river. The very poorly drained areas were not considered for the calculations for the building area. There may be one lot that is close to the allowable 25% of total lot that is poorly drained and there is an associated 100 year flood zone delineated and shown on plan along the river but does not affect the proposed building areas. Michael Dahlberg noted that Lot 5 may require a Shoreline Permit from the State but most of the construction is proposed outside the 250' setback from the river.

Michael Dahlberg noted that the lot is located in the Steep Slopes district and would require ISWMP plans, that would be submitted at the time of construction. The lots are along existing roads but should not have major impacts on the traffic on the roads and intersections in the area.

Peter Hogan asked the Road Agent, Dick Perusse to explain what he thought could be potentially needed for road improvements on these roads with approval of this subdivision.

The Road Agent, Dick Perusse said that there are some major road improvements needed on both Tucker Mill Road and Dougherty Lane along with the need to widen both roads. Joe Constance asked if additional drainage would be required with the necessary road improvements. The Road Agent replied no, but they could use some elevation changes on Dougherty to make that road a little safer.

Peter Hogan opened the public hearing.

Robert Fehsinger, 69 Dougherty Lane, mentioned that the intersection of Dougherty & Tucker Mill Road is extremely dangerous at the stop sign and in order to see if any cars are coming, you need to pull out much too far onto the road, it is just an accident waiting to happen.

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

9/24/19

**EDWARDS, JOSHUA W. & EDWARDS, JESSICA L. (OWNERS), cont.**

Ellen Ruggles, 38 Dougherty Lane, and Scott Byam, 46 Dougherty Lane, also had concerns with the same intersection that Mr. Fehsinger mentioned to be dangerous.

Roger Stearns, 217 Tucker Mill Road, noted that when the first 6 lots were subdivided on Dougherty Lane, there had been funds obtained in an escrow for road improvements, but he believed the funds were returned because they were not used in the time allowed. Roger Stearns explained that he was not opposed to the subdivision, but he believed that adding another 6 lots would drastically increase traffic on these dirt roads. He noted that the road conditions are poor in this area and this past spring was the worst it had been. He recommended that there should be some road improvements completed before adding potentially more traffic on these roads with another 6 new lots.

Peter Hogan asked the Road Agent what the situation was regarding the replacement of the bridge that connects Dougherty Lane to Middle Branch Road. The Road Agent explained that the process for grant approvals had been going on for years and with the grant finally approved the Town Engineer is preparing the documents that are needed to put out the bid request and the RFP would be released late 2019 for construction potentially in 2020. He explained that it was recommended that the construction is done during the low flow in the months of July and August. Joe Constance asked if the bridge construction would need to be completed within those two low flow months. The Road Agent replied yes, that was his intention.

Robert Garside, 188 Tucker Mill Road, noted that he was not opposed to subdivision but had concerns about losing his current view of the river. He questioned if clearing would be allowed within the reference line shown at the 50' setback along the river. Michael Dahlberg replied that the clearing allowed within the setbacks is very limited by the shoreline protection agencies and they would oversee any clearing or cutting into the wetlands and shorelines.

The standard wetland setbacks were discussed, and Michael Dahlberg noted that the required 50' setback would be sufficient and that could be reviewed on the site walk.

Mark Suennen noted that the owners would need to give permission to any other parties besides the Board and Town Officials that would like to attend the site walk.

Roger Stearns recommended that a 4 way stop sign should not be considered at the intersection of Dougherty Lane and Tucker Mill Road because that road gets extremely icy during the winter and would probably be impossible to stop at that intersection.

Ellen Ruggles submitted two letters with concerns regarding the subdivision, one she wrote and one from Brian Wood who also resided at 38 Dougherty Lane. Peter Hogan asked the Planning Coordinator, Shannon Silver to provide copies of the letters to the Board.

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

9/24/19

**EDWARDS, JOSHUA W. & EDWARDS, JESSICA L. (OWNERS), cont.**

The Planning Coordinator, Shannon Silver noted that the PLC and the New Boston Conservation Commission had requested permission to attend the site walk. Michael Dahlberg said he would ask the owners for permission.

Peter Hogan closed the public hearing.

The Board scheduled the site walk for Saturday, October 5, 2019, at 8:00 a.m., and explained that the hearing would be adjourned but abutters would not receive another notice by mail.

Mark Suennen **MOVED** to adjourn the hearing to October 8, 2019, at 7:00 p.m +/- . David Litwinovich seconded the motion and it **PASSED** unanimously.

**Continued Discussion, re: Subdivision Regulation Amendments, specifically ‘Article VII: Performance and Maintenance Security’ and Fire Fighting Water Supply.**

The Planning Coordinator, Shannon Silver noted that Eric Dubowik came to discuss the questions the Board had at the September 11, 2019 meeting. The Board discussed the updated Fire Fighting Water Supply regulations and Eric Dubowik noted that sprinkler systems are mainly for life safety to only allow enough time to get out. He said that sometimes sprinklers can extinguish a fire if it were consolidated to one room or living space. Peter Hogan opined that most Fire Departments spend too much on equipment for putting out fires, which he said is more of a National problem and not just in New Boston. Joe Constance mentioned that the Fire Department handles other fires beside just structure fires. Eric Dubowik said that was correct.

Joe Constance asked if the Master Plan Map was created to show the dry areas of town. Eric Dubowik said yes it was created but the biggest issue for the Fire Department is getting funding for cisterns.

Peter Hogan questioned if the Fire Department still planned on removing the hose truck from the apparatus. Eric Dubowik said yes it was found that the pressure does not hold throughout 2000 feet of hose. Two trucks would be needed either way to keep the pressure consistent if over 1000 feet of hose is needed to get the water to the fire and each fire truck now is equipped with 1000 foot hose, making the hose truck no long a necessity.

Mark Fougere suggested that the Board could have the first Public Hearing in October to approve the revision to the Subdivision Regulations. He would finalize the Regulations with the suggested changes and the Board could review the final revision before having a Public Hearing. The Planning Coordinator, Shannon Silver suggested that the

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

9/24/19

**Continued Discussion, re: Subdivision Regulation Amendments, cont.**

final revision could be emailed to the Board to review. Mark Fougere said that he would update and email the final draft to the Board. The Board agreed.

**Miscellaneous Business and correspondence for the meeting September 24, 2019, including, but not limited to:**

1. Approval of the August 27, 2019, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the August 27, 2019, meeting minutes as amended. Mark Suennen seconded the motion and it **PASSED**.

2. Distribution of the September 10, 2019, meeting minutes, for approval at the October 8, 2019, meeting, with or without changes. (distributed by email)

3. Discussion, with Emily Shellenberger, re: Retail Store Site Plan, for Tax Map/Lot #6/40-1, 7 Byam Road.

Emily Shellenberger explained that the proposed retail store would be utilized for the wholesale part of her flower business. She explained that she would like a more formal place to meet clients to discuss events and would be climate-controlled to be able to keep flowers fresh longer. She doesn't expect there will be many walk-in customers.

Joe Constance questioned if the retail store would only be for the wholesale of flowers. Emily Shellenberger replied yes.

Mark Suennen asked where was the existing building that would be used for the retail store. Emily Shellenberger pointed out the building and explained that her parents own the lot abutting her, so her customers could use the gravel area to pull in and turn around instead of backing out onto Byam Road. Peter Shellenberger, Emily's father confirmed that he preferred customers did not back out onto Byam Road and a portion of his lot could be used for customers to turn around.

Joe Constance said that it did not seem that Emily Shellenberger was looking to expand her flower business greatly and increase the traffic in this area. She said that she had more request recently for arrangements and those are usually too large to fit on the flower cart, so they would come pick up at the store instead.

Peter Hogan opined that this was a great lot for business and he would accept a hand drawn plan for what is proposed for the retail store but would encourage Emily Shellenberger to

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

9/24/19

**Miscellaneous Business and correspondence, cont.**

grow if she needs to in the future. If the business is expanded on beyond what was proposed, then a professional site plan would be necessary.

Mark Suennen confirmed the details with Emily Shellenberger and the Board agreed that a hand drawn site plan would be acceptable for the proposed use on the Commercial lot. If the business were to expand beyond a home-based business, then a professional plan would be required.

Emily Shellenberger and Peter Shellenberger thanked the Board for their time and would work on getting the application submitted to the Planning Department.

Mark Suennen said that he would like to share that there is a diesel replacement program and request for proposals opens on October 1, 2019. He noted that grants are for 25% up to 100% of the cost to upgrade commercial diesels including locomotives.

Mark Suennen **MOVED** to adjourn the meeting at 8:10 p.m.

David Litwinovich seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 10/22/19