

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

12/10/19

1  
2 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Mark  
3 Suennen. Present were regular Board members David Litwinovich and Ed Carroll and Alter-  
4 nate 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 were Planning Board Chairman Peter Hogan and Ex-Officio Joe Constance.

10  
11 Present in the audience for all or part of the meeting were Paul Sizemore, Earl Sandford,  
12 Kristin Morrissey and Cameron Jordan.

13  
14  
15 Mark Suennen noted that in the absence of Peter Hogan, Amy Sanders would be a full  
16 voting member in order to have a quorum.

17  
18 **Public Hearing on Proposed Zoning Ordinance Amendments**  
19 **SEE SEPARATE PUBLIC NOTICE**

20  
21 Mark Suennen entered the public hearing notice into the record for the Proposed Zoning  
22 Ordinance Amendments.

23  
24 ***Proposed Amendment #1.***

25  
26 ***Article 2. Are you in favor of the adoption of the following amendment to the existing Town***  
27 ***Zoning Ordinance as proposed by the Planning Board?***

28  
29 ***Article II: Establishment of Districts and District Regulations***  
30 ***Section 204.2 Small Scale Planned Commercial District "COM"***

31  
32 ***Replace the existing Table of Uses, by moving Contractor's Yard and Day Care Center***  
33 ***from allowed by Special Exception to Permitted Uses.***

34  
35 David Litwinovich asked that the explanation for the amendment be added for public  
36 knowledge, most residents will not understand why the change is being proposed. The Planning Coor-  
37 dinator, Shannon Silver explained that she hadn't put an explanation for article 2 and 3 that changed  
38 permitted uses, but she would add the explanation for both those articles.

39  
40 David Litwinovich **MOVED** to approve and forward Proposed  
41 Zoning Ordinance Amendment #1, Article 2, as amended adding an  
42 explanation, at this Public Hearing for a ballot vote in March 2020.  
43 Amy Sanders seconded the motion and the motion **PASSED** unani-  
44 mously.

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**Public Hearing on Proposed Zoning Ordinance Amendments, cont.**

***Proposed Amendment #2.***

**Article 3.** *Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?*

**Article II:** *Establishment of Districts and District Regulations*  
**Section 204.1** *Industrial District "IND"*

*Replace the existing Table of Uses, by moving Contractor's Yard from allowed by Special Exception to Permitted Uses.*

David Litwinovich **MOVED** to approve and forward Proposed Zoning Ordinance Amendment #2, Article 3, as amended adding an explanation, at this Public Hearing for a ballot vote in March 2020. Amy Sanders seconded the motion and the motion **PASSED** unanimously.

***Proposed Amendment #3.***

**Article 4.** *Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?*

*Amend Article II, Establishment of Districts, Section 202 Zoning Maps, by amending the Zoning Map by rezoning a portion of Tax Map/Lot #5/29-1, said portion contains 2.28 acres from Residential/Agriculture to Small Scale Planned Commercial.*

*Explanation for Article 4. This article by the Planning Board would bring the entire lot into one zoning district as its currently split into two; Residential/Agriculture and Small Scale Planned Commercial. The lot is currently being used for Commercial use. This would allow the expansion for additional commercial opportunities as well as expand the tax base in a positive manner.*

David Litwinovich **MOVED** to approve and forward Proposed Zoning Ordinance Amendment #3, Article 4, as presented at this Public Hearing for a ballot vote in March 2020. Ed Carroll seconded the motion and the motion **PASSED** unanimously.

Mark Suennen opened the public hearing. There were no comments and the public hearing was closed.

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

1. Approval of the November 12, 2019, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the November 12, 2019, meeting minutes as amended. Ed Carroll seconded the motion and it **PASSED**.

2. Distribution of the November 26, 2019, meeting minutes, for approval at the January 14, 2020, meeting, with or without changes. (distributed by email)
3. Endorsement of Revised Conditional Use Permit Plan and Profile, for Benjamin Kibler, Lull Road, Tax Map/Lot #2/87, by the Planning Board Chairman and Secretary.

**Continued Discussion, Review of Final Draft Subdivision Regulations for Revisions.**

Amy Sanders questioned what determines which sections are identified in the Table of Contents. Mark Fougere noted that he had stopped updating the Table of Contents until the Board finalized the review of the Regulations because it kept changing. The Planning Coordinator, Shannon Silver noted that multiple sections were missing in the Table of Contents in the latest cleaned up version. Mark Fougere noted that he would update the Table of Contents once the Board had completed the review, but the Board could include whatever information they would like in the Table of Contents. David Litwinovich opined that it should be kept consistent. Mark Fougere said he thought keeping the Table of Contents simple is best. Amy Sanders stated that the Table of Contents should include identifying where to find certain sections, such as, Stormwater Management, which is included in the Final Plan Requirements section and she would not know to look in that section for Stormwater requirements. Mark Fougere said that he could list every section in the Table of Contents. Mark Suennen recommended every numbered header should be shown in the Table of Contents. The Board agreed.

Amy Sanders opined that there needs to be more consistency within the formatting of the document. Mark Fougere said he would correct the formatting before the Board adopts the new regulations. Mark Suennen suggested that Mark Fougere use a 'style guide' to be consistent with the formatting throughout the document.

Mark Suennen noted that he had some items to review, as follows:

Mark Suennen believed that the following change had been one of the suggestions made by Barbara Thompson, under Section 5.05, b - the word 'shall' should be changed back to 'may' as follows, 'At a properly noticed public hearing, the Planning Board may:...' because the word 'shall' indicates that all the actions listed would need to be done at

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1 every Public Hearing, which is not the case. The Board agreed. David Litwinovich  
2 mentioned that the meeting minutes reflect that the Board disagreed with changing this  
3 language and should not have been changed.  
4

5 Section 5.09.01, T., 1. 'The applicant shall provide the Planning Board with sufficient  
6 documentation to demonstrate that all necessary permits have been received from those  
7 governmental agencies...', change 'received' to 'applied for' because approval of any  
8 permits would not be required until the Planning Board approves the application, plus  
9 receipt of permit(s) could be a condition of the approval. Amy Sanders noted that there  
10 sometimes are changes required to obtain permits and asked how the Board would be  
11 aware if there are changes made to a plan after an application is submitted and/or ap-  
12 proved. The Planning Coordinator, Shannon Silver noted that the applicant would be  
13 responsible to submit any plan changes made to obtain a permit. The Board agreed with  
14 changing 'received' to 'applied for'.  
15

16 Mark Suennen noted that the Board would resume going over the Subdivision Regula-  
17 tions after discussing Miscellaneous Business, Item 4., with Earl Sandford.  
18

19 **4. Discussion with Earl Sandford, LLS, Sandford Surveying & Engineering, Inc., re:**  
20 **Forest View II, Lorden and McCurdy Roads, Tax Map/Lot #12/19, 12/96 & 12/93-**  
21 **34, Conditional Use Permit/wetland crossings bonding amount. (Earl Sandford to**  
22 **be present)**  
23

24 Earl Sandford explained that he had some questions regarding the bond amount for the  
25 wetland crossing CUP. He said that the wetland crossing bond should be completely separate  
26 from the road bond and should only include the installation of the crossing and stabilizing the  
27 area. The regulations for the Conditional Use Permit focus on protecting the wetland and bring-  
28 ing back the area to stabilization. If the bond is specifically for the wetland crossing he thought  
29 it to be logical to put up the bond for the cost to remove the culvert and bring the area back to  
30 original state if there were a reason the project went bust. If the project went bust before road  
31 construction there would be no reason for the crossing and it should be removed. Earl Sandford  
32 explained that John Neville gave him an estimate of \$40k if the project went bust and the cul-  
33 vert was removed. Earl Sandford explained that amount plus stabilization is where he came to  
34 the amount of \$45k on the revised worksheet he submitted and is asking if the Board would be  
35 willing to accept this amount for the bond.  
36

37 Mark Suennen agreed that the road bond and the wetlands crossing bond are completely  
38 separate, but the bond amount should include the total estimated cost for the construction and  
39 stabilization of the crossing. Mark Suennen noted that the Board had received two different  
40 worksheets, one is dated April 2018, with the total \$204k and the other worksheet revised Octo-  
41 ber 28, 2019, with a total of \$181k. The recently revised worksheet had an additional column  
42 labeled 'Remain Price' with a total of \$45k. Mark Suennen asked Earl Sandford to explain why  
43 the amount decreased from what originally was submitted and what the added column totaling  
44

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**4. Discussion with Earl Sandford, LLS, Sandford Surveying & Engineering, Inc., cont.**

\$45k intended to show. Earl Sandford replied that the updated worksheet was reduced because there are some materials already on the job site and he thought those could be removed from the worksheet and the added column showed the cost to remove the culvert and stabilize the area. He believed there would be no need for the Town to finish constructing the crossing if the project were to go bust, it made sense to him that the bond could be the cost to remove it.

The Planning Coordinator, Shannon Silver explained that historically the security amount bonded for a wetland crossing always included the cost for the materials and construction to install the crossing, the road over the crossing and fully stabilizing the area. She believed the Town should never base a security amount on a 'what if' scenario.

Mark Suennen asked Earl Sandford what he was asking of the Board. Earl Sandford explained that he was asking if the Board would accept the decreased bond amount either the \$181k or the \$45k.

The Board discussed and agreed they all preferred the Town Engineer review the worksheets submitted and decide on which amount is appropriate to bond the wetland crossing. Mark Suennen noted that the wetland crossing would need to be complete and stabilized so when the road is constructed it would not further impact the wetlands or the crossing.

**5. Discussion with Kristin Morrissey and Cameron Jordan, re: use of the existing barn for approved non-profit rescue, Tax Map/Lot #14/61, 449 Joe English Road. (Kristin Morrissey and Cameron Jordan to be present)**

Kristin Morrissey asked if they would be allowed to utilize the existing barn structure for the kennel operation while constructing the expansion that the Board had approved previously. She noted that the existing barn would need to be retrofitted to provide the proper environment to house the dogs, but they would prefer using the existing barn over keeping the dogs inside their residence. The Board agreed that the existing barn could be used now and during the construction but once the expansion is completed, they would need to schedule the final site inspection and then a compliance hearing with the Planning Board to be able to get approval to use the approved expansion areas.

**Continued Discussion, Review of Final Draft Subdivision Regulations for Revisions.**

Mark Suennen continued with the changes he had, as follows:

Section 5.10,A - remove the sentence as follows, 'At the same meeting, the Board shall make a determination relative to if the proposed development is a Development of Regional Impact.' because this was a repeat from another section.

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**Continued Discussion, Review of Final Draft Subdivision Regulations, cont.**

Section 6.01,A, 11. - the Board previously agreed to changed the required culvert diameter from 12" to 15" and that was not included in the latest revision.

Section 6.03, C. Fiscal Impact Analysis - suggested adding a time frame of 10 years for the analysis. Mark Fougere said that it would be very difficult to predict costs 10 years out. The Board discussed and decided that 6 years could be reasonable for the time frame, because the CIP requires new items to be added 6 years out.

The following item was added:

'6. The fiscal impact analysis shall be for the duration of construction buildout time line plus an additional 6 years.'

Section 6.05, D. Minimum Requirements  
Remove Item 1. & Item 2.

Section 6.05, E., 1., d. - 'Disturbed areas remaining idle for more than 30 days shall be stabilized.' Mark Suennen thought the State's Manual is 14 days. Amy Sanders noted that she would need to confirm how many days is allowed in the States Manual but believed it was 14 days. Mark Suennen noted that there was another reference for 30 days and would like that to be changed also. Mark Fougere said he would search within the document to find the other 30 day reference and asked Amy Sanders to email him once she confirmed what is allowed in the manual.

Section 8.01 is missing the header and Mark Suennen suggested the following: 'IN-COMplete IMPROVEMENT GUARANTEE' for that section's header.

The Planning Coordinator, Shannon Silver noted that she had some items to review as follows:

Section 5.13, A. 'Approved and conditionally approved subdivisions that have not yet been signed have one year from the date of approval to meet the conditions of approval and have the subdivision plan signed. Prior to expiration, the applicant may apply at a regular Planning Board meeting for a single six (6) month extension to allow time to complete the conditions of approval. The approval of this extension shall be at the Planning Board's discretion.' This paragraph should either be reworded or removed because the Board decides how much time would be appropriate for the extension as requested by the applicant. Mark Fougere said this was language that was included in the current regulations. The Board agreed with the Planning Coordinator to delete all of item A.

Section 5.13, B. 'Signed major subdivisions have two (2) years from the date of signing to submit the required bonding and complete active and substantial development or

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**Continued Discussion, Review of Final Draft Subdivision Regulations, cont.**

building as defined in these regulations, on the plan or in the development agreement. If the applicant fails to complete active and substantial development or building within that time they may, prior to expiration, apply at a regular Planning Board meeting for a single twelve (12) month extension of approval.' The Planning Coordinator was unsure why bonding was included but the Board cannot grant an extension on active and substantial improvements per State's Statue. The Board decided to delete the last sentence, 'If the applicant fails to complete active....' from item B.

Section 5.01, references '*Section 4.05*' for a completed application but that should be changed to '*Section 5.09*'.

Section 5.03, B., '3. Conceptual Consultation review, per RSA 676:4 II(a)', and '6. To accept the withdrawal of an application before the Planning Board', do not require that a public hearing be held or notices be sent out. The Board agreed and removed 3. Conceptual Consultation review and 6. Withdrawal of an application.

Section 5.03, C., the last sentence, 'Notice to the general public shall also be given at least ten (10) days prior to the hearing by posting said notice in the Library, Town Hall, Dodges Store, Post Office and on the Town website.' was supposed to be moved to administration. Mark Suennen agreed that he had asked this be moved but it was not decided as to where it would fit in the Administration section.

The Planning Coordinator, Shannon Silver noted that the Board had previously decided to add the definition for Major Subdivision, which had not been added. Mark Suennen said that he thought the Board decided that if a subdivision does not meet all the qualifications for a minor, it is then considered a major. Amy Sanders asked if that is explained in the regulations. Mark Suennen replied no. The Board decided to add the definition as follows:

'Subdivision - Major (1) a subdivision creating 4 or more lots, and/or (2) land with potential for further subdivision, and/or (3) subdivision of land requiring a new road.'

The Planning Coordinator, Shannon Silver noted that the Title Page was supposed to include some kind of notation that all previous Subdivision Regulations amendments are included in the 'REVISED' Regulations and the adopted date. Mark Fougere noted that he included the adopted date on the title page and would update the date once approved.

The Board agreed to schedule the first Public Hearing to adopt the revised Subdivision Regulations on January 14, 2020. The documents that will be presented at the hearing will be the old version of the Subdivision Regulations with all the deletions, draft 7 of the revised regulations showing all the tracked changes and the cleaned-up draft 7. Ed Carroll asked if the clean draft 7 would include the corrected formatting. Mark Fougere replied no, he was waiting until the very end to fix the formatting, the Public Hearing is to adopt the language, not the formatting. Mark Suennen said there could be required changes at the Public Hearing and one could

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**Continued Discussion, Review of Final Draft Subdivision Regulations, cont.**

be the formatting. Ed Carroll had concerns with not having the formatting fixed for the Public Hearing.

The Planning Coordinator, Shannon Silver noted that the formatting and sections would need to be correct before she updates the Subdivision Application form and checklist after the Board approves the Regulations. The forms reference specific sections within the Regulations.

Ed Carroll mentioned that he would follow up on the CEDS program and will have an update at the next meeting. The Planning Coordinator, Shannon Silver noted that the CEDS program was included on the Planning Board Goals worksheet which had been discussed at the prior meeting.

David Litwinovich **MOVED** to adjourn the meeting at 8:06 p.m. Ed Carroll seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 1/28/2020