

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2020**

01/14/2020

The meeting was called to order at 6:32 p.m. by Planning Board Vice Chairman Mark Suennen. Present were Chairman Peter Hogan, regular Board members David Litwinovich and Ed Carroll and Alternate Board member Amy Sanders.

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

Absent was Ex-Officio Joe Constance.

Present in the audience for all or part of the meeting were Barbara Thompson, Robert Kilmer, Earl Sandford and Louis Nixon.

**Public Hearing on Proposed Revised Subdivision Regulations  
SEE SEPARATE PUBLIC NOTICE**

Mark Suennen noted that the Planning Department had some suggested changes. The Planning Coordinator, Shannon Silver noted that the Planning Board Assistant, Nadine Scholes had reviewed the document and had some items to discuss.

Nadine Scholes noted that a few of the section headers had disappeared and she would add those back. She continued to page 6 and noted she thought at one point that Amy Sanders had recommended adding the reference to the RSA to the definition for 'Engineer'. Amy Sanders said she only had an issue with the word 'he' in the definition and actually preferred to include a definition rather than a reference to the RSA. The Board decided to keep the definition as written for 'Engineer'.

Nadine Scholes suggested the following language for the definition of a major subdivision to keep consistent with the definition of a minor subdivision. Mark Suennen agreed with the suggested definition as follows:

- 'A major subdivision shall be:
- (1) A division of land into four (4) or more lots, and/or;
  - (2) A division of land requiring a new road, and/or;
  - (3) A division of land with potential for further subdivision.'

Nadine Scholes noted on page 9, under Section 4.05 Abutter Notification, 'the abutters' is capitalized but 'the applicant' is not in the same sentence. Mark Fougere noted that they should be capitalized, but Nadine Scholes explained that this was the only place where the applicant and/or abutters would be capitalized throughout the entire document.

Nadine Scholes noted on page 12, under Section 5.05, Formal Review, it indicates the Application checklists are located in the Appendix, which currently none of the application

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**Public Hearing on Proposed Revised Subdivision Regulations, cont.**

forms are included in the appendix. Mark Fougere noted that the checklist and application would need to be updated to reference the new sections once the Board adopts the revised regulations. Mark Suennen asked who would be responsible to update those documents. Mark Fougere said he could update the application documents.

Nadine Scholes noted on page 13, for some reason the footnote number doubled in the footer.

Nadine Scholes noted on page 18, there is a reference to an old section that is underlined but believed that should be marked to be deleted and struck out instead of underlined. The Board agreed.

Nadine Scholes noted on page 20, the title changed for Section 5.11 from 'Approval / Conditional Approval' to 'Approval and Conditional Approval'. Mark Suennen preferred 'Approval and Conditional Approval'. The Board agreed.

Nadine Scholes noted on page 21, Section 5.13, Subdivision Extension and Expiration of Approval, could be changed to 'Subdivision Expiration of Approval' because extensions are not granted for subdivision approval. The Board agreed. Then, item A. indicates that the applicant has to 'submit the required bonding', and should be deleted because bonding would not be part of the complete active and substantial improvements, that would be part of the subdivision conditions precedent or conditions subsequent. The Board agreed. Then item B. continues to note that there is an extension period and Mark Suennen suggested revising item B, as follows: 'If the active and substantial development or building is not accomplished within two (2) years of the subdivision approval,'

Nadine Scholes recommended completely deleting item C, from Section 5.13, as follows: 'C. Extensions of approval must be granted at a public hearing but do not require abutter notification.' The Board agreed.

Nadine Scholes noted on page 23, 3., the last sentence should have been deleted as follows 'This shall also apply to backlots, which shall have fifty feet (50') of said frontage,' and 4. as follows: 'Center lines of parallel two way streets shall not be closer than three hundred and fifty feet (350') to each other.' is struck out to be deleted and she did not believe that this should be deleted. David Litwinovich noted that he had questioned this but did not remember asking the item 4. to be removed. The Board agreed to keep item 4 in its entirety.

Nadine Scholes noted that the Fire Fighting Water Supply, Section 6.02, on page 25, proposed language reviewed by the Town Attorney was different than what is included in the revised regulations. First, would be the description/definition for an Existing road. The Board preferred the way it was written in the revised regulations. Then there are a few references to 'sub-section below' which should be changed to 'Appendix'. The Board agreed.

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Mark Suennen recommended the following for item d. on page 25, 'If a sprinkler system is proposed, it shall comply with the requirements set forth in the Town of New Boston Building Code, Chapter NB-6.0 'and' comply with the requirements set forth in the Appendix.'

Nadine Scholes noted on page 25, B., 1., c., indicated Class 6 road but State DOT uses the Roman numeral 'VI' for Class of roads. The Board was satisfied to keep using the Latin numbers to indicate the Class of roads.

Nadine Scholes noted on page 26, C. had OR at the beginning in the proposed language but was removed in the regulations. The Board discussed and agreed to add the word or before the sentence as follows: 'Or, an alternative firefighting water supply system (Cisterns, sprinklers) may be presented by the applicant; this alternative is subject to approval.'

Nadine Scholes noted on page 26, E. and F. both were at the beginning of the proposed FFWSS language and found that these statements make more sense before the identification of existing and new roads. The Board agreed to move both E. and F. to the beginning of the FFWSS section.

Nadine Scholes noted on page 28, the Fiscal Impact Analysis did not include the statement 'The fiscal impact analysis shall include the following:' and thought it should be added to be consistent with both of the other analysis's in this section. Mark Suennen also requested changing the time frame required for fiscal impact analysis from six to seven years. The Board agreed with changing both items.

Nadine Scholes noted that the reference to both Section VIII and Article VIII were used through pages 35-43 and she believed it should be one or the other. The Board agreed to keep consistent and preferred Article VIII as it was an Article and not a Section within the Article.

Nadine Scholes noted on page 38, Test Pit Depth referenced the old Section V-V. The Board decided that the State sets the standards and this section except for the first paragraph could be deleted.

Nadine Scholes read on page 42, '8. No paving shall be permitted between the period of November 1<sup>st</sup> and April 15<sup>th</sup>, annually, without written permission of the Town Engineer/NH DOT Regulations ~~Road Agent~~. She did not find this made sense. The Board discussed and revised to 'without written permission of the Town Engineer and/or Road Agent.'

Nadine Scholes suggested the Board review the Appendix before the next hearing because there are references to old sections and specifications that may have changed and should be updated. The Board agreed that the Appendix should be reviewed for any required changes before adopting the new regulations.

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Mark Suennen noted that he had some suggestions.

Section 5.09.01, item h. does not have a title and he recommended 'Site Layout', item i. 'Sanitation', and item t. 'Floodplain'. The Board agreed.

Section 6.05, c.1. if one or the other, remove and then list items as a. and b. options.  
The same for C. 2.

The Board agreed to review the final properly formatted draft before adopting the regulations.

The Board opened for public comment.

Earl Sandford recommended the Board reconsider the criteria for a subdivision being a major if there is potential for further subdivision.

Earl Sandford and Louis Nixon confirmed that the new regulations would require a fire-fighting water supply for every new lot created. Earl Sandford expressed that New Boston was the only town that required cisterns.

The Board explained that there had been several years of discussions to come up with these new proposed regulations and the Fire Wards had proposed the language and regulations to assist the dry areas of town. There are options that the applicant could proposed for lots subdivided on an existing road but yes all new roads would require a cistern be installed.

The Board closed the public hearing and agreed to continue the Public Hearing to finalize reviewing the proposed regulations.

Mark Suennen **MOVED** to table the Public Hearing to February 11, 2020, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

**WALTER H. HOUGHTON, TRUSTEE (OWNER)**

**FRANK WHIPPLE (APPLICANT)**

**SANDFORD SURVEYING & ENGINEERING, INC. (AGENT)**

Submission of Application/Public Hearing/Minor Subdivision/3 Lots

Location: Weare Road (NH Route 77)

Tax Map/Lot #5/32

Residential-Agricultural "R-A" District

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**WALTER H. HOUGHTON, TRUSTEE (OWNER), cont.**  
**FRANK WHIPPLE (APPLICANT)**  
**SANDFORD SURVEYING & ENGINEERING, INC. (AGENT)**

Robert Kilmer presented the proposed subdivision of Tax Map/Lot #5/32. The 19.22 acre lot would be subdivided into 3 lots, creating 2 new building lots. The existing house and two out buildings would be left with a total of 2.1 acres. Then Lot #5/32-1 would consist of a total of 15 acres and the third Lot #5/32-2 would be a total of 2.1 acres. The lot currently has a total frontage of 694' along Weare Road (NH Route 77).

Robert Kilmer explained that the lot is mostly wooded and has a wetland running through dissecting the lot in half. The development on both the new lots do not propose any disturbance to the wetlands but would be accessed through steep slopes and ISWMPs were submitted for both lots. Lot #5/32-1 has a suitable building area towards the front of the lot and another suitable building area towards the rear of the lot.

Mark Suennen asked how the existing woods road shown on the plan goes through the wetland. Robert Kilmer and Louis Nixon noted that there is an existing old stone farmers culvert that crosses over the wetland.

Robert Kilmer explained that the ISWMPs show the possible development area towards the front of Lot #5/32-1 but the plan would need to be revised if development was desired in the rear of the lot.

Mark Fougere asked if the State culverts shown flow towards the lot. Robert Kilmer replied that the culverts flow towards the lot.

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

Mark Suennen asked what the status on the State Driveway and Subdivision Permit applications was. Robert Kilmer said they have submitted the driveway applications and those were pending a response and once the NH DES website is available, the State Subdivision application would be submitted.

The Board decided to conduct a site walk and that the requested waivers could be reviewed after the site walk.

The Board scheduled the site walk for Saturday, January 18, 2020, at 7:30 a.m.

Mark Suennen asked for the two backlot corners to be flagged before the site walk. Robert Kilmer replied he would flag the lots before the site walk and the driveways are already marked.

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**WALTER H. HOUGHTON, TRUSTEE (OWNER), cont.**  
**FRANK WHIPPLE (APPLICANT)**  
**SANDFORD SURVEYING & ENGINEERING, INC. (AGENT)**

Amy Sanders asked if the Board should decide if the Drainage Report should be submitted to the Town Engineer now to review. Mark Suennen said yes, the Town Engineer should be sent the Drainage Report and the ISWMPs now to review.

Mark Suennen **MOVED** to accept the application as complete, subject to reviewing the requested waivers after the site walk. David Litwinovich seconded the motion and it **PASSED** unanimously.

The Planning Coordinator, Shannon Silver said the hearing would be adjourned to 6:30 p.m. on January 28, 2020, because there is another hearing that had been previously adjourned to +/- 7:00 p.m., on January 28, 2020.

Mark Suennen **MOVED** to adjourn the hearing to January 28, 2020, at 6:30 p.m. David Litwinovich seconded the motion and it **PASSED** unanimously.

**Miscellaneous Business and correspondence for the meeting of January 14, 2020, including, but not limited to:**

1. Approval of the November 26, 2019, meeting minutes, with or without changes. (distributed by email)

Mark Suennen **MOVED** to approve the November 26, 2019, meeting minutes as amended. Ed Carroll seconded the motion and it **PASSED**.

2. Distribution of the December 10, 2019, meeting minutes, for approval at the January 28, 2020, meeting, with or without changes. (distributed by email)
3. Invoices dated December 10, 2019 & December 27, 2019, from Northpoint Engineering, LLC, for Deyo Subdivision (Christie Road), review of Revised Stormwater Management Final Stabilization, for the Board's information.
4. Invoice dated December 10, 2019, with attached page 2, Description of services provided, from Northpoint Engineering, LLC, for Forest View II, Phase 2 review, for the Board's information.

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**Miscellaneous Business and correspondence, cont.**

- 5a. Letters dated January 6, 2020 & January 13, 2020, from Kevin Leonard, P.E., Northpoint Engineering, to the Planning Coordinator, Shannon Silver, re: Deyo Subdivision - Christie Road - As-built Drainage Technical Review, for the Board's information.
- 5b. Letter dated January 10, 2020, from Earl Sandford, P.E., Sandford Surveying and Engineering, Inc., response to letter dated January 6, 2020, from Kevin Leonard, P.E., Northpoint Engineering, re: Deyo Subdivision - Christie Road - As-built Drainage Technical Review, for the Board's information.
- 5c. Drainage Report Addendum, revised January 10, 2020, prepared by Earl Sandford, P.E., Sandford Surveying and Engineering, Inc., re: Deyo Subdivision - Christie Road, for the Board's information. (copy available at meeting)

The Board noted that there would need to be between .5' and 1' of material added to the berms. Earl Sandford agreed.

The Board agreed that the changes recommended by the Town Engineer should be implemented. The Planning Coordinator, Shannon Silver confirmed that once the items are complete, Earl Sandford would need to supply the final adherence statement. Earl Sandford agreed and noted that the security bonds will stay in place until the work is complete and stabilized.

David Litwinovich **MOVED** to adjourn the meeting at 7:51 p.m. Ed Carroll seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 02/11/20