

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

02/11/2020

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2 The meeting was called to order at 6:34 p.m. by Planning Board Chairman Peter Hogan.
3 Present were Vice Chairman Mark Suennen, regular Board member Ed Carroll and Alternate
4 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 Ex-Officio Joe Constance and regular Board member David Litwinovich.
10

11 Present in the audience for all or part of the meeting were Kathy Abel, Robert Kilmer,
12 Earl Sandford, Frank Whipple and Louis Nixon.
13

14 **Public Hearing on Proposed Revised Subdivision Regulations, adjourned from January 14, 2020**
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16 Mark Suennen noted that under Section 6.05, c., 4., the font size of the notes to be added
17 to the plan are too small and the size should be increased slightly.
18

19 Mark Suennen noted that there is highlighted language under Section 9.04, c., 2. The
20 Planning Assistant, Nadine Scholes explained that she had updated that section and emailed the
21 updated document to the Board.
22

23 Amy Sanders noted that item s. under Section 5.09.01 is the same as Section 6.04. The
24 Planning Coordinator, Shannon Silver noted that Section 5.09.01 identifies the items that are re-
25 quired to be detailed on final plans and item s. should remain in this section.
26

27 The Planning Coordinator, Shannon Silver noted that the Application Form and Cover
28 sheet were revised to include Design Review and Final Review options. There is no need to in-
29 clude Preliminary Conceptual Consultation on the Cover sheet because there is no application
30 required to be completed for this type of informational discussion with the Board. The Board
31 agreed with the changes made to the application forms.
32

33 Peter Hogan opened for public comments.
34

35 Kathy Abel, DCU Realty, asked if the revision of the Subdivision Regulations would
36 impact the lot of land she currently had listed for sale. Mark Suennen explained the details with
37 the update to the Fire Fighting Water Supply regulations but noted that this new requirement
38 would only apply if the land is subdivided.
39

40 Earl Sandford suggested that the Individual Stormwater and the Stormwater require-
41 ments should be reviewed and simplified.
42

43 Mark Suennen noted that the revision to the Subdivision Regulations did not include any
44 nominal changes to the Stormwater Management Section and asked Earl Sandford if there was a

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Public Hearing on Proposed Revised Subdivision Regulations, cont.

specific section he had concerns with. Earl Sandford replied that the Pre & Post Stormwater analysis criteria for individual house lots is extensive and should be simplified. Earl Sandford explained his concerns further and the Board stated that the Stormwater Regulations would need to be revisited separately and the Board would move forward with adopting the revision to the Subdivision Regulations.

Mark Suennen **MOVED** to approve the Revised Subdivision Regulations with the suggested minor modifications. Ed Carroll seconded the motion and it **PASSED** unanimously.

WALTER H. HOUGHTON, TRUSTEE (OWNER)

Adjourned from January 28, 2020

FRANK WHIPPLE (APPLICANT)

SANDFORD SURVEYING & ENGINEERING, INC. (AGENT)

Public Hearing/Minor Subdivision/3 Lots

Location: Weare Road (NH Route 77)

Tax Map/Lot #5/32

Residential-Agricultural "R-A" District

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. Lot #5/32-1, would consist of 15 acres and the third Lot #5/32-2, would be 2.1 acres. The Suitable Building Envelope (SBE) on Lot #5/32-2, is .9 acres and Lot #5/32-1, has .65 acres SBE towards the front and another SBE of 1.2 acres towards the back of the lot that would need a Conditional Use Permit to cross over the wetland. The State approval had been received for the Subdivision.

The Planning Coordinator, Shannon Silver noted that the Town Engineer had emailed her to advise that he had met with Earl Sandford and it appeared that his concerns were addressed on the revised plans. He would need to review the details but would not be able to review before the February 11, 2020, meeting.

Earl Sandford went over the changes made per the Town Engineer's recommendations, noting his protest to the extent of the requirements for the PREISWMP for a small residential (micro) lot.

Peter Hogan confirmed that the Town Engineer will still need to provide his comments in response to the changes Sandford had made. The Planning Coordinator, Shannon Silver replied yes.

Mark Suennen questioned if the Town Engineer's response on the adjustments made could change the need for the waivers requested for the Traffic, Environmental and Fiscal

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Studies. Earl Sandford said the need for the waivers requested should not change with any of the adjustments, they would be minimal changes at this point in the review. Mark Suennen said the Board could approve the subdivision with one of the conditions being that the Town Engineer's final review comments would be needed for the final approval.

Amy Sanders questioned the requirement for a soils map for any lot being created under 5 acres. The Planning Coordinator, Shannon Silver explained that the Board had been lenient with that requirement in the past if test pit information is provided. The Board noted that along with the Town Engineer reviewing the Stormwater requirements, he should also review Section 6.04 for Soil Mapping requirements.

Mark Suennen read the waiver request for the Traffic Impact Analysis, the development of this parcel is for 3 lots, creating 2 new single family residences. The new lots will be accessed from Route 77 via private drives. Route 77 is a State maintained road that has more than ample sight distance for the new lots.

Mark Suennen **MOVED** to grant the waiver for the Traffic Impact Study. Amy Sanders seconded the motion and it **PASSED** unanimously.

Mark Suennen read the waiver request for the Environmental Impact Analysis, the existing parcel consisting of 19.22 acres, with a single family residence and 2 out buildings would be subdivided creating 2 additional lots with access to Route 77. The area for the 2 new lots is wooded with wetlands in the middle and at the east end of the lot. The proposed development on both lots is towards the front of the parcel with no proposed impact to the wetlands. Mark Suennen explained that a Conditional Use Permit would be required to cross the wetland if the house site ends up in the SBE in the rear of Lot #5/32-1. Amy Sanders suggested that a note be added to the plan stating that if the development is moved to the back side of the lot a CUP would be required for the wetland crossing. The Board agreed.

Mark Suennen **MOVED** to grant the waiver for the Environmental Impact Study. Ed Carroll seconded the motion and it **PASSED** unanimously.

Mark Suennen read the waiver request for the Fiscal Impact Analysis, the proposed addition of 2 new single family homes will have minimal impact to the Town.

Mark Suennen **MOVED** to grant the waiver for the Fiscal Impact Study. Amy Sanders seconded the motion and it **PASSED** unanimously.

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Mark Suennen explained if the active and substantial improvements are completed within the noted time frames the new lots would be protected and vested if any Regulations were to change. He asked the applicant what the active and substantial improvements would be. The applicant noted that setting the bounds and recording the plan within 2 years for the active improvements and the foundation would be installed within 5 years for the substantial improvements.

Mark Suennen reviewed the conditions precedent and asked how long would be needed to complete the items noted. Robert Kilmer replied 6 months. Mark Suennen noted the deadline for the conditions precedent would be August 11, 2020.

You are hereby notified that the Minor Subdivision/3 Lots, for the Walter Houghton Revocable Trust, Tax Map/Lot #5/32, Weare Road (NH Route 77), in the Town of New Boston, NH, has been conditionally approved by majority vote of the members of the Planning Board on February 11, 2020, on the motion(s):

Mark Suennen **MOVED** to approve the Minor Subdivision/3 Lots, for the Walter Houghton Revocable Trust, Tax Map/Lot #5/32, Weare Road (NH Route 77), subject to:

CONDITIONS PRECEDENT:

1. Compliance with Town Engineer's Final Technical Review Response.
2. Submission of a minimum of five (5) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
3. Submission of a suitable mylar for recording at the HCRD;
4. Digital plat data shall be submitted per Subdivision Regulations Section IV-F, 3.
5. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created during development). For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan Adherence Statement' as specified in the New Boston Subdivision Regulations."
6. Deeds for each lot shall have the following statement: 'The property herein described is subject to the following condition as described in the recorded subdivision plan referenced above: A Stormwater Management Plan will be required prior to the issuance of a building permit if any land is to be disturbed in the designated or created Critical Areas.'
7. Submission of any outstanding fees related to the subdivision application or recording of documents at the HCRD.
8. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

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The deadline date for compliance with the condition's precedent shall be **AUGUST 11, 2020**, 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.

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:
Bounds Set & Recording of Subdivision Plan.
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.

Miscellaneous Business and correspondence for the meeting of February 11, 2020, including, but not limited to:

1. Approval of the January 14, 2020, meeting minutes, with or without changes. (distributed by email)

Mark Suennen **MOVED** to approve the January 14, 2020, meeting minutes as amended. Ed Carroll seconded the motion and it **PASSED.**

2. Distribution of the January 28, 2020, meeting minutes, for approval at the February 25, 2020, meeting, with or without changes. (distributed by email)
3. Email with Map Attachments, received February 3, 2020, from Zachary Swick, SNHPC, to the Planning Coordinator, Shannon Silver, re: Proposed CDP Boundaries for New Boston Village and Klondike Corner, for the Board's review and discussion.

The Planning Coordinator, Shannon Silver noted that there were a few superficial differences and wanted to make sure the Board accepted the proposed CDP Boundaries as shown. The Board agreed to accept the updated CDP proposed boundaries.

4. Discussion with Planning Board, re: Updating the Water Resources Management Plan.

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Miscellaneous Business and correspondence, cont.

The Board agreed to postpone discussion to the next Planning Board meeting because David Litwinovich had updated most of the document.

- 5a. Letter copy, dated February 6, 2020, from Ed Hunter, (acting) Code Enforcement Officer, to William Lambert, Proline Powersports, LLC, re: Special Exception, Tax Map/Lot #3/150, 636 North Mast Road, for the Board's review and discussion.
- 5b. Copy of Zoning Board Notice of Decision, re: Special Exception, for Proline Powersports, LLC, Tax Map/Lot #3/150, 636 North Mast Road, for the Board's review and discussion.
- 5c. Copy of Zoning Board Minutes, from the November 19, 2019, meeting, re: Special Exception, Proline Powersports, LLC, Tax Map/Lot #3/150, 636 North Mast Road, for the Board's review and discussion.

The Planning Coordinator, Shannon Silver explained that after the January 28, 2020, meeting, she had provided a packet to the (acting) Code Enforcement Officer, Ed Hunter, to conduct a site visit. Ed Hunter did not find any issues during his visit with compliance, but he was not able to see the added lighting during the day. She explained that Ed Hunter did notify Will Lambert that with the Special Exception approval he is required to submit a revised site plan before he is allowed to display vehicles for sale. Will Lambert acknowledged that he had to come see the Planning Board with an amended site plan in order to sell or even display vehicles on the lot.

Mark Suennen confirmed that Ed Hunter gave Will Lambert until the end of the month to submit the amended site plan to the Planning Department. The Planning Coordinator, Shannon Silver replied yes, but Will Lambert told Ed Hunter that would not be possible because of the cost to amend the site plan. She noted that Will Lambert should at least come in and update the lighting that was recently added to the building. Also, the existing plan shows 3 separate units with different hours of operation for each unit and Will Lambert now owns and utilizes the entire building for one business.

Mark Suennen questioned if the Board needed to identify a deadline for the submission of a revised site plan based on the Zoning Board's condition to 'forthwith a Non-Residential Site Plan Review with the Planning Board'. Peter Hogan stated that the Zoning Board should start including a deadline in their decision if submission of the site plan application is required next. There have been a few situations that applicants have left thinking they were all set to operate the use they received a Zoning Board approval for. Ed Carroll asked if there could be a standard set time frame or deadline for submitting a site plan with the Planning Board. The Board noted that would need to go to Town Vote and the Board could review that for next year's Zoning Ordinance amendments.

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Miscellaneous Business and correspondence, cont.

The Planning Coordinator, Shannon Silver stated that it would up to the Board, but she thought the Board could wait until the end of February to see what happens with the letter that Ed Hunter had sent. The Board suggested encouraging Will Lambert to come in for an informational discussion with the Board. Shannon Silver noted that she would advise Will Lambert to come in for a discussion the next time she is in contact with him.

6. Copy of 2019 Town of New Boston Report, by SNHPC, for the Board's information.

7. Save the Date Notice for the 26th Annual Spring Planning & Zoning Conference, on Saturday, May 30, 2020, for the Board's information.

8. Invoice dated January 30, 2020, from Northpoint Engineering, LLC, for Deyo Subdivision (Christie Road), Final Technical Review & Discussions with Design Engineer, re: Revised Stormwater Management Final Stabilization, for the Board's information.

Mark Suennen noted that there is an online survey, re: the transportation shuttle and he encourages everyone to take the survey even if they would never utilize the shuttle. The Planning Assistant, Nadine Scholes noted that there is a link on the Town's website to the survey.

Mark Suennen **MOVED** to adjourn the meeting at 8:21 p.m.

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

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 05/26/20