

TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.

05/26/2020

1
2 The virtual meeting was called to order at 6:33 p.m. by Planning Board Vice Chairman
3 Mark Suennen. Present virtually at the opening of the meeting were Ex-Officio David Litwino-
4 vich, regular Board member Ed Carroll and Alternate Board member Amy Sanders. Chairman
5 Peter Hogan had technical issues getting into the meeting at the beginning but then able to con-
6 nect using the dial-in option.

7
8 Also present virtually together from the Town Hall were Planning Coordinator Shannon
9 Silver and Planning Consultant Mark Fougere and Planning Board Assistant Nadine Scholes
10 present virtually.

11
12 Present in the audience for all or part of the meeting were Kevin & Lois St. John, Arthur
13 Siciliano and Barbara Thompson.

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15 Mark Suennen noted that this meeting had been originally postponed due to the COVID-
16 19, first from March 24, 2020, then again postponed from April 28, 2020, Planning Board meet-
17 ing. The Planning Board meeting tonight is being held virtually on ZOOM and the instructions
18 to connect are available on the Town Website.

19
20 **ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER)**
21 **ARTHER F. SICILIANO, JR. (AGENT)**
22 Submission of Application/Public Hearing/Minor Subdivision/2 Lots
23 Location: Butterfield Mill Road
24 Tax Map/Lot #10/4
25 Residential-Agricultural "R-A" District

26
27 Arthur Siciliano presented the proposed subdivision of Tax Map/Lot #10/4, located on
28 the north side of Butterfield Mill Road. He explained that the lot currently consist of 5.83 acres
29 with an existing house and garage. The house and garage have separate driveways. The pro-
30 posal would subdivide the lot into 2 lots. The new lot would create, Tax Map/Lot #10/4-1,
31 which would contain 2.58 acres, with 200.09' of road frontage and include the existing garage
32 and driveway, and Tax Map/Lot #10/4, would be left with 3.25 acres, 347.55' of road frontage
33 and the existing house and driveway.

34
35 Arthur Siciliano noted that the State had approved the subdivision and there are no wet-
36 lands found on the lot. He noted that he certified as a licensed Septic Designer that the entire
37 property is sand and gravel. He noted that he submitted a request for a waiver for a Wetlands
38 Scientist to delineate wetlands, along with the waivers for traffic, fiscal and environmental stud-
39 ies, certified erosion and sediment control plan, and watershed outline & drainage computa-
40 tions. He asked if the Board would like him to go over the reasons now for the waivers he re-
41 quested.

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The Planning Coordinator, Shannon Silver noted that the Board would need to accept the application as complete before they can accept any of the waivers. The Board agreed to hold off on the discussion on waivers.

Mark Suennen asked if the Board had any questions on the proposed subdivision that Arthur Siciliano had presented so far. David Litwinovich asked if the required items noted as missing to accept the application as complete had been submitted. The Planning Coordinator, Shannon Silver replied that all items had been submitted and in addition to that, Arthur Siciliano is aware and has the language needed to update the plan.

David Litwinovich **MOVED** to accept the application as complete and that the proposed 2 lot subdivision would not have Regional Impact. Amy Sanders seconded the motion and it **PASSED** unanimously.

DISCUSSION: Mark Suennen noted that in order for the application to be accepted as complete, the submission of the 3 studies is required and the Board had not yet ruled on the waiver for the studies. He believed the motion to accept the application as complete to be premature.

David Litwinovich **MOVED** to amend the motion made and hold off on accepting the application as complete but still **MOVED** that the proposed 2 lot subdivision would not have Regional Impact. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 4-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-yes.

Mark Suennen noted that Amy Sanders is being placed as a full voting member in Peter Hogan's absence to make a quorum.

Mark Suennen asked Arthur Siciliano to present his support for requesting the waivers. Arthur Siciliano reviewed the reasons for waivers as follows:

- Certified erosion and sediment control plan - the entire site is basically flat, the soils found are sand and gravel, there will be no erosion on the site.

- Traffic, Fiscal and Environmental Impact Studies - with only creating one new lot, traffic would not be an issue in this area of town, adding one additional lot compared to the total number of lots, would not create a fiscal impact, and there are environmental impacts, the land is flat and the soils are sand and gravel.

- Watershed outline & drainage computations - again the land is flat, and soils found present are sand and gravel, there would be no need for watershed outline or drainage comps.

- Wetland Scientist delineation of wetlands - as a permitted sewage septic system designer, his permit allows him to identify wetlands and he is certifying that there are no wetlands on either lot.

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Mark Suennen confirmed that a test pit must have been done for the new lot and asked what the test pit showed for drainage. Arthur Siciliano noted that there is an 8' water table, all sand and after 24" loose, light yellow-brown sand. Mark Suennen confirmed again with Arthur Siciliano that he would state that his test pit findings would indicate the soil would drain well. Arthur Siciliano agreed.

Mark Suennen asked if the Board had any discussion on the waivers requested. Amy Sanders questioned if the Board previously had set a precedent by accepting a Septic Designer to certify wetlands, the Regulations specifically state that must be done by a Wetlands Scientist. Mark Suennen asked the Planning Coordinator to correct him if he was incorrect and noted that he believed the Regulations state that a wetland has to be delineated by a certified Wetlands Scientist but it does not indicate that a certified Wetlands Scientist has to certify that there isn't any wetlands on the lot. The Planning Coordinator, Shannon Silver and Planning Consultant, Mark Fougere noted that Mark Suennen was correct. Mark Suennen opined that he would agree a person certified in septic design is aware enough to know the markers that would identify a wetland exists and if a Wetlands Scientist would need to delineate the boundaries of said wetland.

Arthur Siciliano noted that typically, if he found any wetland identifiers, he would have a Wetlands Scientist delineate the wetlands. Mark Suennen explained that he thought the nature of Amy Sander's question is how you (Arthur Siciliano) determine whether or not there is something that could be a wetland to be delineated. Amy Sanders agreed. The Planning Coordinator, Shannon Silver asked if Amy Sander's question was specifically because of the waiver request for the erosion and sediment plan or just in general. Amy Sanders replied that it was just in general and she understood that Arthur Siciliano may have the experience to identify wetlands, but she wondered by allowing, if it sets the precedent that any septic designer can certify themselves that there are no wetlands, she does not believe that would be accurate. Mark Suennen asked if the Board would like to conduct the site walk to confirm that there are no wetlands worthy of being delineated. David Litwinovich stated that he per usual would like to conduct a site walk. Mark Suennen asked if the Board agreed to hold off on acting on the waivers until after conducting the site walk. The Board agreed.

Kevin St. John noted that he had supplied some photos and aerial views of the property to the Planning Coordinator, Shannon Silver just because of the current State of Emergency we are in and wanted everyone to see the property. Mark Fougere pulled up the images provided to share with the Board, they were reviewed, and the Board decided on conducting a site walk, noting that all the current Governor Orders will be followed by the Board members, including wearing face masks and staying 6 feet apart. The site walk is to review the site physically for driveway locations, site distances and such.

The site walk was scheduled for Saturday, May 31, 2020, at 8:00 a.m.

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Kevin St. John noted that Arthur Siciliano would not be able to attend the site walk because he is stuck in California, but Kevin St. John could be there in his place.

Amy Sanders questioned why the plan identifies a 'proposed driveway location' but the aerial views and photos submitted show the driveway installed going to the existing garage. She continued that the property is described as an open field, which she disagrees with what was shown in the photos to exist as an open field. Mark Suennen agreed that the lot is more developed than what is shown on the plan and he asked Arthur Siciliano to address this concern. Arthur Siciliano and Kevin St. John explained that the driveway is existing, and the plan would be revised but the driveway permit was applied for and approved by the Town of New Boston, along with the building permit for the garage. The Planning Coordinator, Shannon Silver reminded the Board that back in 2017, Arthur Siciliano and Mr. St. John came to the Board for an informational session to explain that the intent would be to eventually subdivide this lot off and at that time, they had built a garage on the lot and got a secondary driveway permitted. The driveway permit existed and would need to be revised with the new Tax Map/Lot #, once the subdivision is approved and the new lot would have the garage and driveway on it.

Amy Sanders asked if there were any utilities to the garage. Kevin St. John explained that he had identified that there would be no electricity or water to the garage when he applied for the permit, he noted that a generator could be used if needed.

Mark Suennen questioned the need for fire fighting water supply. The Planning Coordinator, Shannon Silver noted that Arthur Siciliano had been given the language to update the plan and include in the deed for sprinkler systems.

The Board had no further questions and Mark Suennen opened for public comments. There were none.

Mark Suennen mentioned that the applicant should think about what could be done further to develop the lot in 2 years and then in 5 years for the new lot to be vested after approval. Kevin St. John noted that there is a P&S in place with a buyer and they intend on building a home, but he was not sure when they planned on building for sure. Mark Suennen said that the Board could decide during the site walk what could be accepted for development milestones. Kevin St. John said he would appreciate any advice that the Board could offer.

Mark Fougere noted that the hearing would need to be adjourned. The Planning Coordinator, Shannon Silver explained that before the Board adjourned, she had included an item under miscellaneous business to discuss going to once a month meetings for June, July and August. Normally the summer schedule is one meeting in the months of July and August, but she had added June due to COVID-19. She explained that she does not find it necessary to have 2 meetings in June, she does not know of any new applications coming in and virtual meetings were not the preferred way to have Planning Board meetings. She was going to recommend the

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4th Tuesday of the month to the Board but if the Board sees the need, they could decide to have the one meeting in June, on the 2nd Tuesday and on the 4th Tuesday for July and August.

Mark Suennen asked if the Board agreed to have the one meeting in June on the 2nd Tuesday and the one meeting a month on the 4th Tuesday for July and August. The Board agreed.

David Litwinovich **MOVED** to adjourn the hearing to June 9, 2020, at 6:30 p.m. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

Arthur Siciliano and Kevin St. John thanked the Board for being flexible with the meeting schedule in order to get the plan approved before the closing date.

EDWARDS, JOSHUA W. (OWNER) ***TO BE OPENED & ADJOURNED TO JUNE MTG***

EDWARDS, JESSICA L. (OWNER) Adjourned from January 28, 2020

KEACH-NORDSTORM ASSOCIATES, INC. (APPLICANT)

Submission of Application/Public Hearing/Major Subdivision/4 or 6 Lots

Location: Tucker Mill Road & Dougherty Lane

Tax Map/Lot #2/151

Residential-Agricultural "R-A" District

Mark Suennen opened the hearing. Barbara Thompson was present for this hearing. Mark Suennen explained that the applicant requested to adjourn the hearing to the late meeting in June. The Planning Coordinator, Shannon Silver noted that she would advise the applicant what meeting dates are available but because they have had ongoing discussions with Conservation, they may not be prepared for a meeting until the end of July.

Peter Hogan **MOVED** to accept the applicants request to open and adjourn the hearing, to be continued at the meeting on July 28, 2020, at 6:30 p.m. David Litwinovich seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

Miscellaneous Business and correspondence for the meeting of May 26, 2020, including, but not limited to:

1. Approval of the February 11, 2020, meeting minutes, with or without changes. (distributed by email 03/02/2020)

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Miscellaneous Business and correspondence, cont.

Peter Hogan **MOVED** to approve the February 11, 2020, meeting minutes, as amended. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, 1 abstained, Roll Call Vote: Ed Carroll-yes, David Litwinovich-abstained, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

2. Approval of the February 25, 2020, meeting minutes, with or without changes. (distributed by email 03/10/2020)

Peter Hogan **MOVED** to approve the February 11, 2020, meeting minutes, as amended. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, 1 abstained, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-abstained, Mark Suennen-yes.

3. Endorsement of a Subdivision Plan, for The Walter H Houghton Revocable Trust, Tax Map/Lot #5/32, Weare Road (NH Route 77), by the Planning Board Chairman & Secretary.
4. Endorsement of a Notice of Decision Cover Sheet, for The Walter H Houghton Revocable Trust, Tax Map/Lot #5/32, Weare Road (NH Route 77), by the Planning Board Chairman.

Mark Suennen noted that the Board would need to vote on officers at the end of the meeting.

5. Email received May 12, 2020, from Shiv Shrestha, re: request to extend condition subsequent deadlines for Forest View Phase I, from 05/31/2020, to 05/31/2021, and the conditions subsequent deadline for Forest View Phase II & III, from 11/15/2020, to 11/15/2021, for the Board's action.

The Planning Coordinator, Shannon Silver noted that the Board had granted several extensions for Phase I and this was the 3rd request for Phase II & III. Mark Suennen opined that the deadline dates should be pushed out to a realistic time frame to complete the projects. The Board discussed and decided on accepting the Phase I, deadline as requested to May 31, 2021, and pushed Phase II & III, deadline out to November 15, 2023.

Ed Carroll **MOVED** to grant an extension on the conditions subsequent deadline for Phase I, from May 31, 2020, to May 31, 2021. Peter Hogan seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

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Miscellaneous Business and correspondence, cont.

Peter Hogan **MOVED** to grant an extension on the conditions subsequent deadline for Phase II & III, from November 15, 2020, to November 15, 2023. Peter Hogan seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

6. Discussion with Planning Coordinator, re: going to once a month meeting for June, July and August 2020. (scheduled on the 4th Tuesday of each month)

Mark Suennen noted single monthly meetings would be preferred and allowed during COVID-19 and the Board had previously decided on the meetings to be scheduled as follows, June 9, 2020, July 28, 2020 and August 25, 2020.

Ed Carroll **MOVED** to accept the Planning Board meetings to be once a month and scheduled for June 9, 2020, July 28, 2020 and August 25, 2020. Amy Sanders seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

7. Letter dated May 14, 2020, from SNHPC, re: Membership Dues for Fiscal Year 2021, dues will not increase and stay the same as set from the FY of 2020, for the Board's information.
8. Letter copy dated May 5, 2020, from Peter R. Flynn, Town Administrator, to Mark Suennen, re: SNHPC appointment, for the Board's information.
9. Election of Officers. (added item during meeting by Mark Suennen)

Mark Suennen noted that first he would like to recommend Amy Sanders as a full voting member since David Litwinovich is now sitting in the Selectmen Ex-Officio position. Amy Sanders accepted the recommendation.

Mark Suennen **MOVED** to recommend to the Board of Selectmen that Amy Sanders become a full voting Planning Board member from her current position as an Alternate. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

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Miscellaneous Business and correspondence, cont.

Mark Suennen **MOVED** to nominate Peter Hogan as Chairman. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

David Litwinovich noted that he would be allowed to remain the Planning Board Secretary as the Selectmen Ex-Officio.

Amy Sanders **MOVED** to nominate David Litwinovich as Secretary. Mark Suennen seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

Peter Hogan **MOVED** to nominate Mark Suennen as Vice Chairman. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Peter Hogan-yes, Amy Sanders-yes, Mark Suennen-yes.

Mark Suennen had been reminded at a recent meeting that the SNHPC is updating the long range plan, which is normally done every 2 years and the plan itself goes 25 years out. New Boston has 6 items that are included on the list and 2 of those are DOT items for paving along state roads. There are 4 additional items that were included in the old Master Plan and should be reviewed and updated by Dick Perusse before he resigns from the Road Agent position. The Planning Coordinator, Shannon Silver noted that tentatively Dick Perusse is done in October 2020.

Mark Suennen recommended the Board action be to share this information with Dick Perusse and get his opinion what projects are still applicable and appropriate projects for the long term plan.

The Planning Coordinator, Shannon Silver noted that she would share this email with Dick Perusse and follow up with him to get the items updated before the next Planning Board meeting for the Board to discuss.

David Litwinovich asked if the projects are only on State roads. Mark Suennen believed that they have to be a certain class of road to be accepted on the list.

The Board agreed to discuss as an agenda item at the June 9, 2020, Planning Board meeting.

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1 Amy Sanders **MOVED** to adjourn the meeting at 7:42 p.m.
2 Ed Carroll seconded the motion and it **PASSED** unani-
3 mously.
4

5
6 Respectfully submitted, Minutes Approved: 07/28/20
7 Nadine Scholes, Planning Board Assistant