

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

06/09/2020

1  
2 The virtual meeting was called to order at 6:33 p.m. by Planning Board Chairman Peter  
3 Hogan. Present virtually at the opening of the meeting were Planning Board Vice Chairman  
4 Mark Suennen, Ex-Officio David Litwinovich, and regular Board members Ed Carroll and Amy  
5 Sanders.

6  
7 Also present virtually were Planning Consultant Mark Fougere and Planning Board As-  
8 sistant Nadine Scholes.

9  
10 Absent was Planning Coordinator Shannon Silver.

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

14  
15 Peter Hogan read the meeting preamble as follows,

16  
17 **'MEETING PREAMBLE DURING COVID-19 EMERGENCY**

18 Good evening, as Chairman of the Town of New Boston Planning Board, I am invoking  
19 the provisions of RSA 91-A:2, III (b) during the current State of Emergency. Governor Sununu  
20 has issued Emergency Order #12, pursuant to Executive Order 2020-04, that allows local gov-  
21 ernment and this public body to meet virtually. I am declaring that conducting this meeting is  
22 imperative and required in order to continue vital Town government, services and operations.

23 We have utilized the Zoom platform to conduct the meeting and all Board members will  
24 have the ability to communicate concurrently and the public has access to concurrently listen  
25 and if necessary, will be given the opportunity to participate in the meeting when opened for  
26 public comment.

27 If anyone has an issue connecting, they should contact Nadine Scholes [REDACTED]  
28 [REDACTED]

29 Property owners, applicant and direct abutters were given proper notice of this hearing,  
30 along with the instructions of how to access the meeting. Public Notice and Zoom access in-  
31 structions were also posted for public view on Town website.

32 To help minimize background noise and provide privacy to everyone, we have started  
33 this meeting with all microphones muted and video cameras off. You do not need to turn on  
34 your camera to participate in the meeting and we ask that everyone keep their microphones  
35 muted unless you would like to speak. Any public comment will need to wait until the meeting  
36 is opened to the public and will need full name and address stated for the record.

37 If anyone accessing this meeting is disruptive, they will be asked to cease the disruptive  
38 behavior. Should the disruption continue thereafter, that person will be automatically removed  
39 from the meeting.

40 Please be aware all votes taken during this meeting will be done by Roll Call vote. Let's  
41 start the meeting by taking a Roll Call attendance. When each member states their name, please  
42 also state if there is anyone else in the room with you during this meeting, under the provisions  
43 of the Right-to-know law.'

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Roll Call attendance, Peter Hogan present and alone, Amy Sanders present and alone, Ed Carroll present and alone, David Litwinovich present and alone, and Mark Suennen present and alone.

**ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER)**

**Adjourned from May 26, 2020**

**ARTHUR F. SICILIANO, JR. (AGENT)**

Submission of Application/Public Hearing/Minor Subdivision/2 Lots

Location: Butterfield Mill Road

Tax Map/Lot #10/4

Residential-Agricultural "R-A" District

Mark Fougere noted that the Board had been presented the proposed subdivision at the May 26, 2020, meeting. At that time the application was not accepted as complete and the Board had agreed to conduct a site walk before acting on the waivers that were requested. The site walk was conducted on May 31, 2020, and the Board had been provided with the site walk notes and those who attended can discuss the findings relative to the site walk. Mark Fougere explained that the applicant submitted a letter in regard to what items could be offered for the substantial completion, which are adding a well and power on the new lot being created.

Arthur Siciliano noted that the plan was revised to show the existing driveway up to the existing garage, and a note added regarding the requirement for a sprinkler system. Arthur Siciliano stated that he would want Kevin St. John to speak in his place regarding what was found at the site walk because he was not able to attend.

Peter Hogan asked whom from the Board attended the site walk. David Litwinovich replied that he, Amy Sanders and Mark Suennen were at the site walk. He noted that the lot was mainly very flat, the Board walked the property and reviewed the proposed boundaries. He explained that Rick Kohler also attended the site walk to confirm that there are no wetlands found on the lot.

Mark Suennen noted that one of the front granite boundary markers would need to be replaced after he confirmed in the Subdivision Regulations that all front bounds are required to be granite markers. Amy Sanders mentioned that the plan also identified that marker is a granite bound. Kevin St. John explained that front property marker was a granite bound but it had been plowed over and he would have it replaced if required. He noted that he found the iron pin in the ground and he had cleared around it and put a flag marker to easily find the pin. The Board agreed that a granite marker would be required on the front property lines and that would need to be installed/replaced.

Mark Suennen stated that nothing was found during the site walk that would require the applicant to submit any of the studies and the waiver requested for Traffic, Environmental and Fiscal studies could be granted.

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**ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER), cont.**

Mark Suennen **MOVED** to grant the waivers for the Traffic, Fiscal Impact and Environmental Impact Study. Ed Carroll seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-yes.

Amy Sanders opined that the plan should include the wetlands scientist stamp noted that there are no wetlands found on the lot. Mark Suennen mentioned that a letter was submitted by Richard Kohler, a Certified Wetlands Scientist, confirming that there are no wetlands on the lot and he would be willing to accept the letter as an attachment to the plan. Amy Sanders noted that she would prefer that the recorded plan be stamped by the Wetlands Scientist. The Board discussed further and decided to take a vote on the plan being stamped.

Mark Suennen **MOVED** to accept the stamped letter addendum from the Wetlands Scientist confirming there are no wetlands found on the lot. Ed Carroll seconded the motion. Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-no, Mark Suennen-yes. Motion **PASSED**, 4-1.

Amy Sanders questioned if a waiver would be required for the Site Specific Soils Mapping because normally that would be required for lots under 5 acres. Amy Sanders noted that the applicant did provide the NRCF Soils Survey which could be accepted as an alternative for this particular subdivision. Mark Fougere stated that a waiver should be submitted for any items that are required in the regulations. Peter Hogan asked Arthur Siciliano to draft up the waiver for the Site Specific Soils Map and the Board could review that request now with the other waivers that were originally requested. He noted that the additional waiver request would need to be sent to the Planning Department for the record.

Mark Suennen **MOVED** to grant the waiver for the Certified Erosion and Sediment Control Plan, based on the lot being flat, not having wetlands and the partial development is stabilized, until such time the lot is developed further, which would then be determined by the Building Inspector if a plan would then be required. Amy Sanders seconded the motion. All were in favor and the motion **PASSED**, 5-0, Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-yes.

Mark Suennen **MOVED** to grant the waiver for the Watershed Outline & Drainage Computations, based on the existing development being stabilized and there being no potential for runoff onto the road, until such time a new building is proposed to be constructed, which will then be determined by the Building Inspector.

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**ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER), cont.**

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

Mark Suennen asked if the Board had any opinions regarding the requirement for the soil map. Amy Sanders noted that because the Board would not require the drainage calculations and the State would approve a septic plan, the soils map would not be beneficial for this particular subdivision. Mark Suennen agreed and explained that he believed because of the current COVID-19 situation the Board could accept the submission of the additional waiver during the meeting, which could be added as a condition precedent to submit the additional waiver request to the Planning Department and revise the plan to include the additional waiver granted. The Board agreed.

Arthur Siciliano read off the request he drafted during the meeting for the waiver as follows, 'the waiver to not require the Site Specific Soils Mapping is requested due to the site is all one type of soil, Windsor loamy sand. The soil mapping would provide no additional information for the subdivision of this lot. The soils and test pit data in our opinion is sufficient.'

Mark Suennen **MOVED** to grant the waiver for the Soils Mapping, based on the findings at the site walk of the soils being mostly sand and the test pit data submitted verified that. Amy Sanders seconded the motion. All were in favor and the motion **PASSED**, 5-0, Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-yes.

David Litwinovich noted that the Board would need to accept the application as complete before the Board moves on to discuss anything else.

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

Mark Fougere noted that the applicant had submitted suggestions for substantial completion, as installing a well and power to the site, which the potential buyers plan to do immediately. The Board discussed further with the applicant the items that would be accepted as substantial development on the new lot being created with an existing garage. The Board agreed to accept the driveway that was already completed as the substantial development and installing a well and electrical to the site as the substantial completion.

Peter Hogan opened for public comment. There were no comments.

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**ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER), cont.**

Mark Suennen reviewed the conditions precedent for approval and questioned how long would be needed to complete the items he noted. Arthur Siciliano replied 30 days. Mark Suennen noted the deadline for the conditions precedent would be July 9, 2020.

Mark Suennen **MOVED** to approve the Minor Subdivision/2 Lots  
Kevin Oliver and Lois D. St. John, Tax Map/Lot #10/4, Butterfield Mill  
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 updated waiver request paperwork for the file, to include the additional waiver request (soils mapping) and update plan note to include all the waivers requested and granted;
3. Replacement of south east front lot line granite boundary marker. (Plan Ref: front granite marker closest to Utility Poll 18/18);
4. Submission of sample deed language, re: sprinkler system;
5. Submission of the mylar for recording at the HCRD;
6. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary);
7. Upon completion of the condition's 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 **JULY 9, 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 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:  
**Substantial development already occurred with a driveway previously installed.**
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 well & electrical.**

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**ST. JOHN, KEVIN OLIVER & LOIS D. (OWNER), cont.**

Ed Carroll seconded the motion. All were in favor and the motion

**PASSED**, 5-0 Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes,

David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-yes.

**Continued Discussion, re: SNHPC Regional Transportation Long Range Plan Update.**

Mark Fougere noted that the Road Agent had provided comments for each project included in the Long Range Plan.

Mark Suennen reviewed the Road Agents comments as follows,

- pavement rehab on Rt. 136 was done in 2018;

- bridge improvements on Meetinghouse Hill Road were done in 2017;

- intersection and site distance improvements were partially completed on Rt 13, but the improvements at the intersection of Rt. 136 & Rt. 77 have not been completed;

- pavement rehab on Rt. 77 was completed but without the bike/pedestrian improvements as indicated in the original requirements.

Mark Suennen questioned if the Board had any recommended projects to add to the 25 year Long Range Plan. The Board had no additional projects at this time. Mark Suennen confirmed the 3 projects that still have to be completed and will remain on the Long Range Plan for projects to be completed in New Boston as follows,

- New Boston Village center improvements;

- intersection improvements on east side of Meetinghouse Road bridge, Rt. 136;

- intersection improvements/site distance on Old Coach Road/Rt. 136 & RT 77/Clark Hill Road.

Mark Suennen explained that the Board would have the opportunity every two years to add to the 25 year Long Range Plan and he would submit the items that are not completed that would need to remain on the list for projects in New Boston to SNHPC.

**Miscellaneous Business and correspondence for the meeting of June 9, 2020, including, but not limited to:**

1. Distribution of the May 26, 2020, meeting minutes, for approval at the July 28, 2020, meeting, with or without changes. (distributed by email)
2. Letter copy dated May 26, 2020, from Dan Kramer, Building Inspector/Code Enforcement Officer, to Shannon Silver, Planning Department, re: Pro Line Powersports, 636 North Mast Road, excessive noise complaint, for the Board's information.

Peter Hogan questioned if the Building Inspector/Code Enforcement Officer verified that the complaint was in fact an issue before sending a letter. He believed the Building

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**Miscellaneous Business and correspondence, cont.**

Inspector/Code Enforcement Officer should confirm any complaint made before sending a cease and desist notice.

The Planning Assistant, Nadine Scholes mentioned that the site plan still needed to be updated by the current owner because the entire building is now being utilized for one business use, which a discussion had been scheduled for the owner to come in to discuss updating the site plan with the Planning Board, but that had to be postponed due to COVID-19.

Mark Suennen suggested that the current owner be recommended to submit the updated site plan as soon as the Board meetings are back to being conducted in person at the Town Hall. The Board agreed and noted that all complaints should be verified by the Building Inspector/Code Enforcement Officer before sending a notice to the owner of the complaint made and/or sending a cease and desist notice.

David Litwinovich mentioned that the Building Inspector/Code Enforcement Officer should need to identify to the Planning Department who or where the complaint came from, and how that complaint was verified. Mark Suennen suggested that David Litwinovich discuss with the Board of Selectmen that the Building Inspector/Code Enforcement Officer should be required to verify any complaints made.

Amy Sanders **MOVED** to adjourn the meeting at 7:44 p.m.  
Mark Suennen seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 08/25/20