

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

1  
2 The virtual meeting was called to order at 6:54 p.m. by Planning Board Chairman Peter  
3 Hogan. Present virtually at the opening of the meeting were Ex-Officio David Litwinovich, and  
4 regular Board members Ed Carroll and Amy Sanders.

5  
6 Also present virtually were Planning Coordinator Shannon Silver, Planning Consultant  
7 Mark Fougere and Planning Board Assistant Nadine Scholes.

8  
9 Absent was Planning Board Vice Chairman Mark Suennen.

10  
11 Present in the audience for all or part of the virtual meeting were Earl Sandford, Ed  
12 Becker, Michael Dahlberg, Paul Sizemore, Deborah Lerner, Rick Martin, Richard Bortz, Lee  
13 Brown, Lynn LeClair, Tim LeClair and Beth Stevens.

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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09/22/2020

Roll Call attendance, Peter Hogan present and alone, Amy Sanders present and alone, Ed Carroll present and alone, David Litwinovich present and alone, Mark Fougere, Planning Consultant, present and alone, Shannon Silver, Planning Coordinator, present and alone and Nadine Scholes, Planning Assistant, present and alone.

**BRADFORD TREE AND LAWNCARE, LLC (OWNER)      Adjourned from August 25, 2020**

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

Public Hearing/Major NRSPR/Nursery-Garden Center

Location: Chestnut Hill Road

Tax Map/Lot #15/32-4

Small Scale Planned Commercial "COM" District

Earl Sandford presented the proposed site plan for Bradford Tree and noted that the owner, Ed Becker joined the meeting to answer any questions the Board may have on the proposed site plan. He noted that the site walk was conducted on Saturday, August 29, 2020 and Kevin Leonard had 20 items that he had after reviewing the plans and drainage report. The plans have been revised per Kevin Leonard's comments, but the revised plans have not yet been submitted to the Planning Department. Earl Sandford said that Kevin Leonard had also indicated some minor corrections which are updated on the plan.

Earl Sandford explained that the original proposed plan had shown 2 buildings, with one of the buildings proposed as future construction but now the owner has decided to only propose one building for office, staff room, classroom, restroom, etc., because the green houses could be used for retail. He noted that the size of display area "A" had been slightly increased with the elimination of the second building.

Earl Sandford noted the revised plans with the removal of the second building downsized the sq. ft. requirement for drainage and Kevin Leonard had requested a foot of stone be added under the 3 green houses before the drainage runs into the raingarden identified on the plan as RG1. He stated that in the original drainage calculations he had not included the impervious area for the construction entrance, and if the calculations are affected by adding this impervious area, catch basins could be added on each side of the entrance just before the security gate.

Earl Sandford requested that the Planning Board review and approve the proposed locations shown on the plan for the solar panels and wind turbine because the owner would like to construct these sooner rather than later. If the location or design changes, Earl Sandford confirmed that any updates from what is being proposed would be presented to the Planning Board for approval before moving forward with the solar panels or wind turbine.

Earl Sandford noted that one of the comments/questions presented by Kevin Leonard, was if loam and grass in the display areas would be a suitable surface treatment. Earl Sandford noted that he would question if river stone would be acceptable as a more suitable surface

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**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**BRADFORD TREE AND LAWNCARE, LLC, cont.**

treatment in the higher traffic display areas, which is still pervious, as a substitute for grass. Earl Sandford explained that most of the driving surface would be a gravel surface except for the hashed-out entry way.

Amy Sanders asked if the rain garden drainage calculations included exfiltration. Earl Sandford replied that the drainage calculations do include exfiltration. Amy Sanders verified that the design purpose for raingardens was not to retain water but rather infiltrate water into the ground and be dry. Earl Sandford agreed. He noted that the only concern with raingardens is in the early spring when the ground is still frozen, it may not drain until the ground thaws, which is true for most drainage designs.

Amy Sanders asked Earl Sandford about using something other than gravel in the parking area, noting that the Regulations required a compacted gravel surface at a minimum. Earl Sandford said compacted gravel would be used in order to follow the requirements, but he noted that some loam maybe added into the mix for some lower traffic areas. The Planning Coordinator, Shannon Silver explained that a waiver could be requested for any items required in the Regulations if needed.

Amy Sanders noted that she had concerns with the display "B" not having some permanent plantings as it would be an open display area, she asked if there was anything that could be planted for street facade. Earl Sandford replied that display area "B" is proposed for a snow storage area in the winter and it may be difficult to plant anything permanent in that area. Ed Becker agreed with Earl Sandford about keeping that display area clear of permanent plantings because that area was designed for display and snow storage in the winter months. Mark Fougere suggested using bark mulch instead of grass in display area "B" if it were to be used for snow storage. Ed Becker said that the best suitable surface would be determined and used in display area "B".

Amy Sanders asked if the area for the solar arrays had been included in the drainage calculations. Earl Sandford replied no, the panel would be installed on a crushed gravel or grass surface. He explained that water runoff would be dispersed through and around the panels and would not be a sufficient amount of water to include in the site's drainage calculations. Amy Sanders noted that her concern was the 2 areas shown for the solar panels/wind turbine would be gravel and opined those areas should be included in the drainage calculations, especially now that the applicant requested that these items are included with the approval of the site plan. Earl Sandford said that he would discuss with the owner what are the best options for the surface under the solar panel and wind turbine. The Planning Coordinator, Shannon Silver stated that Earl Sandford should respond to the questions presented by Kevin Leonard and whatever is decided for the surface under the solar panels/wind turbine should be included with the plan updates per Kevin Leonard's suggestions.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**BRADFORD TREE AND LAWNCARE, LLC, cont.**

Amy Sanders noted that Kevin Leonard had suggested that the Board question how much traffic would be generated from this use. Earl Sandford stated that the traffic estimates were provided previously and went over what had been submitted on the traffic analysis. He explained that the ITE Trip Generation manual had been used to produce the analysis. There are specific ITE land use codes, Code 818 is for Nursery (Wholesale) and estimates peak PM hour of 5.18 trips per 1000 sq. ft. of Gross Floor Area (GFA), and Code 817 is for Nursery/Garden Center, estimates 36.08 Average Daily Trips (ADT) per 1000 sq. ft. GFA. For this site, the calculation used 3600 sq. ft. + 1400 sq. ft., totaling 5000 sq. ft. which comes out to 26 peak PM trips, 13 in and 13 out, fresh client every 4 minutes worst case and 180 ADT, 90 in and 90 out. Earl Sandford questioned if there were any issues with the traffic analysis that he provided. The Board had no issues.

Amy Sanders asked if the hours of operation would be changed as previously discussed. Earl Sandford replied that the winter plowing operations would be 24/7 depending on the weather. He asked if the Board would approve open-ended hours of operations for the site during the winter. The Planning Coordinator, Shannon Silver noted that currently there are no site plans with open ended hours of operation. She suggested that the site plan list the hours of operation for the nursery/garden center and the winter plowing operations separately.

Ed Becker noted that there could be early morning deliveries, around 4 A.M., during the months the nursery would be open. Peter Hogan said that deliveries at 4 A.M. may become an issue. Earl Sandford and Ed Becker explained that there are no residential properties nearby that would be impacted, the lot is surrounded by Commercial property. Ed Becker noted that the closest residence is about 1000 ft. away and there is heavy vegetation between the properties. David Litwinovich and Amy Sanders noted that they had measured the distance to the nearest residence and found that it was under 1000 ft. The Planning Coordinator, Shannon Silver questioned how many deliveries would be expected during a weeks' time. Ed Becker replied once a week, maybe 2 times tops per week at most. The Board suggested that Ed Becker look into changing the time to a little later in the morning for any deliveries. Ed Becker asked what would be recommended normally for an acceptable time to receive deliveries. Peter Hogan recommended that the hours that are allowed for gravel pits to start in the morning. The Planning Coordinator, Shannon Silver said that gravel pits can warm up machines/equipment at 6:30 a.m. and operation start at 7:00 a.m.

The Board further discussed the hours of operations for the nursery, deliveries, classes and winter operations. The Board agreed on the hours of 6:00 a.m. to 9:00 p.m., Monday through Sunday for the Nursery/Garden Center operations and snow removal operations are exempt. Ed Becker asked if he had a truck breakdown during a weather event and it was taken back to the site to fix it, would that be allowed at any time or would be limited to certain hours. The Board said that if a vehicle broke down during a storm and had to be fixed that would be part of the snow removal operations and exempt.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**BRADFORD TREE AND LAWNCARE, LLC, cont.**

David Litwinovich mentioned that the parking should be identified with signage to specify which are parking for customers.

Peter Hogan questioned if the plow trucks would be stored inside or outside. Ed Becker replied both but most of the trucks would be stored behind the building when not in use. Peter Hogan asked if and where would salt and sand be stored on site. Ed Becker said yes, and the materials would be stored in the bins shown on the plan.

The Planning Coordinator, Shannon Silver went over the items the Planning Board had discussed, solar array and turbine surface details to be added to the site plan, parking/signage, hours of operation and the items that Kevin Leonard had provided his comments on, the Board could decide to adjourn or approve with conditions.

Peter Hogan opened for public comment. There were none.

The Board decided to adjourn the hearing because the amount of changes to be made should be reviewed again by the Board.

David Litwinovich **MOVED** to adjourn the hearing to October 27, 2020, at 6:30 p.m. Amy Sanders seconded the motion. All were in favor and the motion **PASSED** unanimously. 4-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Peter Hogan-yes.

**SIZEMORE, PAUL D. (OWNER)**

**SIZEMORE TRUCK & AUTO (APPLICANT)**

**KEACH-NORDSTROM ASSOCIATES, INC. (AGENT)**

Submission of Application/Public Hearing/Major NRSPR/Expansion of Vehicle/Truck Sales & Service Commercial Business

Location: 150 Weare Road

Tax Map/Lot #5/29-1

Small Scale Planned Commercial "COM" District

Michael Dahlberg presented the proposed plan for Sizemore Truck & Auto. He noted that the 10+ acre lot is zoned Commercial and the plan submitted proposed the construction of an additional 50x100 foot building with a loading dock. Most of the area is gravel and the associated drainage and ISWMP plan was submitted along with the site plan. He noted that the State septic approval had been received and there were no additional state permits required. There were no waivers requested with the application.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**1    SIZEMORE TRUCK & AUTO, cont.**

2  
3            The Planning Coordinator, Shannon Silver stated that all required items were submitted  
4 for a complete application. She noted that the original site plan was approved back in 1990 for  
5 the trash removal company, and subsequently had changed throughout the years. It is currently  
6 being used for truck and auto repair and services. This site had always been in good standing  
7 with compliance of the site plan and the site is kept clean and tidy. Shannon Silver mentioned  
8 that there are some minor corrections needed to the site plan that the Planning Department could  
9 provide to Michael Dahlberg, and there are some items she noted on the coversheet that the  
10 Board may want to discuss. Before the Board asked questions, she would like to clarify that the  
11 rear setback distance currently shown as 40', would need to be changed to 50'. Michael Dahl-  
12 berg agreed that the rear setback would be changed to 50'. The Planning Coordinator, Shannon  
13 Silver confirmed that the change to the rear setback would not interfere with the No Parking and  
14 Fire Lane zones. Michael Dahlberg replied no, there would be plenty of room still for those ar-  
15 eas with the setback change to 50' in the rear.  
16

17            The Planning Coordinator, Shannon Silver explained that the Fire Department had pro-  
18 vided feedback when they received the Department memo that is distributed when a new appli-  
19 cation is submitted, and they will be reaching out to meet with the owner to discuss what they  
20 recommend for firefighting water supply but the outcome of that discussion would not be pro-  
21 vided until after they met with Mr. Sizemore. She noted that the building size is under the need  
22 for life safety requirements in NFPA but understands that the Fire Department may request  
23 some kind of sprinkler or alarm system be installed in the new building.  
24

25            David Litwinovich **MOVED** to accept the application as complete  
26 and that the proposed site plan would not have Regional Impact.  
27            Ed Carroll seconded the motion. All were in favor and the motion  
28 **PASSED**. 4-0, Roll Call Vote: Ed Carroll-yes, David Litwino-  
29 vich-yes, Amy Sanders-yes, Peter Hogan-yes.  
30

31            Amy Sanders asked what the proposed building would be used for. Michael Dahlberg  
32 responded that the owner could use it for anything that is allowed in the Commercial zone, but  
33 the owner has not decided as to exactly how the building would be used.  
34

35            David Litwinovich noted that the plan review comments identified that parking and  
36 snow removal areas are not delineated on the plan and that should be added. David Litwinovich  
37 suggested that the Board conduct a site walk and asked if an example of what the building  
38 would look like could be provided.  
39

40            Peter Hogan asked if there would be any signage proposed with the additional building.  
41 Michael Dahlberg replied that a sign may be proposed on the side of building like the other ex-  
42 isting buildings.  
43

44            The Board decided to conduct a site walk on Saturday, October 3, 2020, at 8:00 a.m.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**SIZEMORE TRUCK & AUTO, cont.**

Peter Hogan opened for public comment.

Abutters, Deborah Lerner and Rick Martin asked if there were plans for the opposite end of the lot, near the Christmas trees. The Planning Coordinator, Shannon Silver explained that this application was specifically for the additional building and nothing has been submitted in regard to any other additional site changes or additions. The owner can excavate or do site work without prior approval. Deborah Lerner and Rick Martin noted that they had concerns regarding the tree line buffer being removed.

Richard Bortz, also an abutter, noted that he had similar concerns regarding the clearing of trees along the buffer to residential abutting properties.

Peter Hogan noted that the Board would discuss the concerns presented with the owner at the site walk. There is a required buffer that would need to be maintained between abutting properties.

There were no other public comments.

David Litwinovich **MOVED** to adjourn the hearing to October 27, 2020, at +/- 7:00 p.m. 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, Peter Hogan-yes.

**Discussion, re: 2021 Zoning Ordinance / Building Code Amendments.**

Mark Fougere noted that he provided the Board with a few examples of Solar Regulations from the Town of Henniker and Hollis to give the Board ideas as to what other towns have put in place for Commercial Solar. He stated that Henniker's regulations had worked well for them.

Lee Brown, 146 Briar Hill Road, explained that he had provided some documents for the Board to review in regards to Commercial Solar. He suggested the Planning Board consider adding regulations into Zoning for 'Commercial Solar' that would work well for New Boston as he is interested in doing something along these lines in town. Lee Brown suggested the Board members review the NH Model Zoning that he provided to the Planning Department. He opined that the NH Model Zoning Ordinance represents both sides well and he would like to see New Boston introduce proper regulations for commercial sized, solar farms. He explained that NH DES has already implemented an AoT permit for floor solar panels at a larger commercial scale.

The Board discussed at what level of scale would be controlled by regulations if something for solar were added into the Zoning Ordinance. The Board decided that the regulations

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**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**Discussion, re: 2021 Zoning Ordinance / Building Code Amendments, cont.**

would be more for a larger commercial sized solar farm, that would generate enough power to be sold to customers. New Boston does currently require a building permit for residential use solar but nothing for a larger scale. The State of NH does have regulations in place for large scale commercial, requiring submission of engineered plans and permitting procedures.

The Board decided to continue the discussion and they requested that the model ordinance be provided for review.

**Miscellaneous Business and correspondence for the meeting of September 22, 2020, including, but not limited to:**

1. Distribution of the August 25, 2020, meeting minutes, for approval at the October 27, 2020, meeting, with or without changes. (distributed by email)
2. Approval of the July 25, 2020, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the July 25, 2020, meeting minutes, as written. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, Roll Call Vote: Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Peter Hogan-yes.

3. Endorsement of Revised Conditional Use Permit Plan and Profile, for Frank Whipple & Bruce J. Williams, Weare Road, Tax Map/Lot #5/32-1, by the Planning Board Chairman and Secretary.
4. Letter received September 17, 2020, from Kevin Leonard, P.E., re: 2-YR Maintenance Bond & Final Inspection, Woodland Development - Fieldstone Drive, for the Board's action.

The Planning Coordinator, Shannon Silver noted that Kevin Leonard had identified a sink hole and he suggested the Board retain a bond for \$250 until the sink hole is filled by the developer. Also, it is recommended that an additional \$500.00 be submitted to be retained by the Town and those funds are to be used by the Highway Department to seal the cracks along Fieldstone Drive. The Board could vote to release the 2 year maintenance bond but on the conditions that the sink hole is fixed and the \$500 is provided by the developer.

Peter Hogan questioned if \$500.00 would be a sufficient amount to seal the cracks and questioned why the Town should be responsible for crack sealing on a new road. The Planning Coordinator, Shannon Silver noted that the amounts were recommended by Kevin Leonard, Town Engineer, and Allen Brown, Interim Road Agent. Peter Hogan noted that he disagreed



# TOWN OF NEW BOSTON

## NEW BOSTON PLANNING BOARD

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09/22/2020

### Miscellaneous Business and correspondence, cont.

with the recommendation that the Town should be responsible for fixing a road that is only a few years old. He opined that the developer should be responsible for the cost and completing any needed repairs to the road they constructed, not taxpayers, that is why a 2 year maintenance bond is required once a new road is accepted and taken over by the Town.

Lynn and Timothy LeClair questioned why the Board wouldn't agree and accept the Town Engineer and Road Agent's recommendations, both people are hired by the Town. They explained that they have searched the road for the identified sink hole and they have not been able to find it. The Board noted that the Town Engineer could flag or identify the location of the sink hole for the developer to fill.

Peter Hogan stated that he does not agree with the Town Engineer's recommendations, he believed the developer should be responsible for repairs on a new road. He noted that there could be underlying issues that are causing the road to crack.

Ed Carroll questioned if the Planning Board should postpone the release and request further clarification from the Town Engineer and the Road Agent to justify the amounts that were recommended.

David Litwinovich mentioned that he felt it to be unfair to the developer for the Board to question the Town Engineer and Road Agent judgements/recommendations on what would be acceptable for repairs, that should be handled directly with the Town Engineer and Road Agent at another time. He opined that he would prefer moving forward with the request to release the bond under the recommendations that the Town Engineer had presented to the Board.

The Board discussed the items with the LeClair's that they would be responsible for in order to release the 2 year Maintenance Bond for Fieldstone Drive as follows:

- 1) Request that Town Engineer flag/identify the sink hole location on site for the developer to fill as recommended by the Town Engineer.
- 2) LeClair's to advise once the sink hole is filled.
- 3) Town Engineer to inspect the work completed and provide feedback to the Planning Department.
- 4) LeClair's to submit \$500.00, paid to the Town, for the Road Agent to seal the cracks found on Fieldstone Drive, to be completed in the Spring/Summer of 2021.

David Litwinovich **MOVED** to accept the Town Engineer recommendations in order to release the 2 year Maintenance Bond, including the submission of \$250.00 security, to be held until the Town Engineer inspects the sink hole to be filled by LeClair Builders and the submission of \$500.00, to be paid to the Town for the Highway Department to seal the cracks found on Fieldstone Drive.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2020 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

09/22/2020

**Miscellaneous Business and correspondence, cont.**

Ed Carroll seconded the motion. Roll Call Vote, 2-1; Amy Sanders abstained due to conflict of interest. David Litwinovich - yes, Ed Carroll - yes, Peter Hogan - nah. The motion **PASSED**.

Peter Hogan suggested that the Planning Coordinator, Shannon Silver request that the Town Engineer and the Road Agent attend a meeting to further discuss with the Planning Board the process of inspecting a new road and how to finalize any repairs in the future.

5. Email copy, received September 22, 2020, from Beth Stevens to Planning Assistant, Nadine Scholes, re: Potential NRSPR Application for an Outdoor Event Venue, Tax Map/Lot #11/10, Hooper Hill Road, for the Board's discussion.

The Planning Coordinator, Shannon Silver explained that Beth Stevens would like the Board to provide her some guidance on the best direction for applying to operate an Outdoor Event Venue on her property. Shannon Silver noted that the Board could suggest the owner submit a preliminary application in order to conduct a site walk to see the property and provide some recommendations for site operations.

Beth Stevens noted that she had asked the Planning Department how to request the Planning Board conduct a site walk and provide her assistance with the operation of an outdoor venue. She explained that she currently owned a few abutting lots and has plenty of space to rotate parking. She said she would like to operate at a very small scale, she does not want or plan to exceed the limit of 49 attendees for a minor Outdoor Event Venue.

The Board agreed with the Planning Coordinator's suggestion of submitting a preliminary application in order for the Board to schedule a site walk to be able to review the site and provide the owner with some suggestions.

Beth Stevens questioned if the 1000' required tree buffer could be waived or even reduced if there is no audio equipment proposed to be used for event music. The Planning Coordinator, Shannon Silver said that would be difficult to decide without the event specifics. The Board would review those specifics once an application is submitted. Beth Stevens was instructed to follow up with the Planning Department to provide the application documents.

6. Email with attachment received September 21, 2020, from Kevin M. Leonard, PE, Northpoint Engineering, LLC, re: Forest View II, Phase II & III, Pre-Construction Meeting Minutes, Agenda and Information, for the Board's information.

The Planning Coordinator, Shannon Silver mentioned that the pre-construction meeting for Forest View II had finalized the missing items, all bonds are in place, and construction of the road for Phase II and III had started.

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

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09/22/2020

**Miscellaneous Business and correspondence, cont.**

7a. Memorandum, dated September 21, 2020, to Planning Board Chairman, Peter Hogan, re:  
Start-up of 2021-2026, Capital Improvements Plan Process, for the Board's information.

7b. Memorandum, dated August 19, 2020, to Planning Board Chairman, Peter Hogan, re:  
CIP Info & Schedule - UPDATE including attachment '2020 CIP MEETING AT-  
TENDEES GUIDELINES & PROVISIONS DURING COVID-19', for the Board's in-  
formation.

The Planning Coordinator, Shannon Silver noted this years' CIP Committee meetings  
will be held at the Library in order to have enough space to conduct in-person meetings and fol-  
low the social distancing requirements put in place by Governor Sununu and CDC.

Ed Carroll asked if the Library had availability for those meetings. The Planning Coor-  
dinator, Shannon Silver replied yes, the Library has confirmed availability and scheduled the  
meeting room for all 3 CIP scheduled meetings.

Amy Sanders **MOVED** to adjourn the meeting at 9:54 p.m.

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

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 12/8/20