

TOWN OF NEW BOSTON

NEW BOSTON PLANNING BOARD

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

12/8/2020

1
2 The virtual meeting was called to order at 6:30 p.m. by Planning Board Chairman Peter
3 Hogan. Present virtually at the opening of the meeting were Vice Chairman Mark Suennen, Ex-
4 Officio David Litwinovich, and regular Board members Ed Carroll and Amy Sanders.

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

8
9 Present in the audience for all or part of the virtual meeting were Travis & Amy Koep-
10 pel, Mark Melanson and Stanley Sinclair.

11
12 Peter Hogan read the meeting preamble as follows,

13
14 **'MEETING PREAMBLE DURING COVID-19 EMERGENCY**

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

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

24 If anyone has an issue connecting, they should contact Nadine Scholes [REDACTED]
25 [REDACTED]

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

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

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

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

41
42 Roll Call attendance, Peter Hogan present and alone, Mark Suennen present and alone,
43 Amy Sanders present and alone, Ed Carroll present and alone, David Litwinovich present and

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1 alone, Mark Fougere, Planning Consultant, present and alone, Shannon Silver, Planning Coordi-
2 nator, present and alone and Nadine Scholes, Planning Assistant, present and alone.

3
4 **KOEPPPEL, AMY (OWNER & APPLICANT)**

5 **KOEPPPEL, TRAVIS (OWNER & APPLICANT)**

6 Submission of Application/Public Hearing/CUP & NRSPR/Minor/Kennel

7 Location: Bog Brook Road

8 Tax Map/Lot #9/41-1

9 Residential-Agricultural "R-A" District

10
11 Travis and Amy Koeppel presented the proposed site plan and noted that the State re-
12 quires anyone breeding and planning to sell more than 25 puppies in a year is subject to register
13 as a kennel with the State. Travis Koeppel stated that they have no intentions to board dogs
14 now or in the future, they only intend to breed a few litters a year. The proposed kennel appli-
15 cation is merely for the breeding and selling puppies, the State does not separate a kennel from
16 breeding and the limit of 25 puppies per year required them to register as a kennel. They want
17 to comply with State and Town regulations, but they exclusively are only proposing breeding
18 and selling dogs, there is no desire to have any sort of kennel operations now or in the future.
19 He stated that they have been breeding for 5 years.

20
21 Travis Koeppel noted that when the puppies are ready to go home with their new own-
22 ers, all customers would need a scheduled appointment on the pick up day, and appointments
23 would be staggered throughout the day so there would only be one (1) customer/family at a time
24 on the property. Travis Koeppel mentioned that there are three (3) designated parking areas
25 shown on the proposed site plan. There would not be any impacts to traffic or the neighbor-
26 hood.

27
28 Travis Koeppel explained the breeding process, and once the puppies are born, they are
29 kept inside the house during the whelping phase then would be moved into the heated garage at
30 about a month old and all the puppies go home around 8 weeks old.

31
32 Mark Suennen mentioned that the applicants stated they had been breeding dogs for 5
33 years and questioned how long the owners have been breeding at their home in New Boston
34 prior to presenting the application for a site plan. Travis Koeppel replied they had purchased
35 the home in New Boston in 2019 and since moving in they only have had one (1) litter. He ex-
36 plained that the State limited the number of puppies bred and sold to a maximum of 25 per year
37 and if they had a few litters within a year, they could exceed that limit. When he presented the
38 form provided by the State to the Planning Department for sign off, he was instructed that an
39 application would need to be submitted and approved by the Planning Board for a Non-Residen-
40 tial Site Plan in order to sign the State's form to confirm that they are in compliance with the lo-
41 cal Zoning Ordinance. Travis Koeppel stated that they want to comply with all the State and
42 Town regulations in order to breed dogs legitimately. The State had recently changed the re-
43 quirements for dog breeders.

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KOEPPPEL, AMY & TRAVIS (OWNER & APPLICANT), cont.

Mark Suennen asked how many dogs are expected on the property at one time. Travis Koeppel replied that they currently only have one (1) dog living with them that would be bred one last time before being retired and all the other breeding dogs are with other guardian homes full time. When a guardian dog is breed and ready to have the puppies, the dog is then moved to the Koeppel's residence and kept with the puppies until the weaning process is complete, then the guardian dog returns to the rightful owners. Travis Koeppel noted that they only have two (2) guardian dogs currently that would be used for breeding and does not expect to have more than two (2) litters at the same time. Mark Suennen confirmed that there is a total of three (3) breeding dogs, one (1) that lives with the applicants' full time and two (2) others that live full time with another family. Travis Koeppel replied that was correct. Mark Suennen questioned if the applicants had plans to increase the number of breeding dogs. Travis Koeppel explained that each breeding dog is retired after a couple of litters and would be replaced with another guardian breeding dog. They are not breeding dogs as a business entity, it is more of a hobby and their kids help with the puppies which is a learning experience and teaches them about responsibility along the way.

Peter Hogan asked the applicants what kind of dogs they breed. The applicants replied they breed only Australian Labradoodles and they are a member of the Australian Labradoodles Association of America (ALAA).

Mark Suennen noted that the property directly abuts Goffstown and the Board would need to decide if the proposed use would have Regional Impact. Mark Suennen asked the Planning Coordinator if anything had been received from Goffstown regarding Regional Impact. The Planning Coordinator, Shannon Silver replied no.

Mark Suennen **MOVED** to accept that the proposed site plan would not have Regional Impact. 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.

Mark Suennen asked if the applicants had been made aware of the outstanding application fees. Travis Koeppel replied yes, and payment would be provided to the Planning Department immediately.

Mark Suennen **MOVED** to accept the application as complete. 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.

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KOEPPEL, AMY & TRAVIS (OWNER & APPLICANT), cont.

The Planning Coordinator, Shannon Silver mentioned that she had noted a few items on the coversheet from the plan review that were missing on the site plan that the Board should discuss with the applicant, i.e. hours of operation.

Mark Suennen explained that he would accept the site plan hand drawn as it was presented due to the minor nature of the operation, but the plan would need additional necessary details, i.e. district, approximate lot lines, distance to abutters homes, snow storage, etc. He suggested that the applicant work with the Planning Department to provide more detail on the plan.

Mark Suennen asked if the applicants had intentions to fence in the yard. Travis Koepfel said no, they would use a portable folding pen to confine the puppies when brought outside.

Mark Suennen asked the applicants what was their waste removal plan. Travis Koepfel noted that everything is bagged up and disposed of in the dumpster and bleach is used to clean and sanitize.

Mark Suennen asked the applicants how many dogs total will be on the property typically and what would be the maximum number of dogs. Travis Koepfel replied that typically they only have their one family dog that would only be bred one more time then she would be retired. Other than their family dog, the maximum they would have would be three (3) total dogs, up to 2 guardian dogs and their family dog. Mark Suennen questioned how many puppies on average per litter. Travis Koepfel said it would vary, but on average eight (8) to fourteen (14) puppies per litter. If it were a guardian dog that is having the puppies, the dog would be brought to the Koepfel's home 1 week before due date and the guardian dog would stay with the puppies until they are weaned off the mother and start eating solid food, which normally happens about four (4) weeks after they are born, then the guardian dogs goes back to the owners.

Mark Suennen asked if there would be any proposed signage. Travis Koepfel replied no, they would not want to advertise to the public. He explained that customers contact them through the ALAA and normally all the puppies are sold without needing to advertise to the public. Peter Hogan noted that signage would help prevent a customer from going to the wrong address. Travis Koepfel stated that the house number is clearly marked on the mailbox and another sign located at the split in the two (2) driveways. Travis Koepfel questioned if they would be allowed to use a temporary sign or marker to put out just on pick up day. The Board noted that signage is not a requirement but if in the future the applicants added any permanent signage, they would have to return to update the site plan and then would need to obtain a sign permit from the Building Department.

The Board discussed and agreed to conduct a site walk on Sunday, December 13, 2020, at 9:00 a.m. The Board explained to the applicant that they would not enter the house, nor

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KOEPPPEL, AMY & TRAVIS (OWNER & APPLICANT), cont.

would they be concerned with the interior of the home, the Board would only view the exterior of the property for parking, lighting, signage, etc.

Peter Hogan opened for public comment.

Abutter, Mark Melanson, 220 Bog Brook Road, noted that he did not have concerns with what the applicant proposed but thought the word 'kennel' could lead the owners to be able to operate at a larger scale and start boarding dogs, which could become very noisy. Peter Hogan explained that the Board could put a restriction on the site plan approval that prevents the operation to grow beyond a small home business.

Abutter, Stan Sinclair, 3 Lockwood Drive, noted that he had shared some information regarding dog waste and explained that the runoff from said property could contaminate dug wells in the neighborhood if the waste is not properly discarded.

Travis Koeppeel confirmed that all dog waste is and will be picked up immediately, bagged and thrown away in the dumpster. The puppies don't normally make a ton of noise at a young age. He reiterated that they have absolutely no desire or intent to become a boarding kennel. The application request had to be labeled as a kennel because that is the only category available for an application for 'pet vendor' from the State and also the Town.

Peter Hogan explained that the abutters concerns are documented and the Board would conduct the site walk, note any other concerns and could place restrictions that would need to be noted on the plan for approval.

There were no other public comments, the public hearing was closed.

Mark Suennen **MOVED** to adjourn the hearing to January 12, 2021, at 6:30 p.m. 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.

Miscellaneous Business and correspondence for the meeting of December 8, 2020, including, but not limited to:

1. Distribution of the October 27, 2020, meeting minutes, for approval at the January 12, 2021, meeting, with or without changes. (to be distributed by email)
2. Distribution of the November 10, 2020, meeting minutes, for approval at the January 12, 2021, meeting, with or without changes. (to be distributed by email)

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Miscellaneous Business and correspondence, cont.

3. Approval of the September 22, 2020, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the September 22, 2020, meeting minutes, as amended. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, 1-Abstained, Roll Call Vote: Peter Hogan-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes, Mark Suennen-abstained.

4. Endorsement of a Site Review Agreement, for Bradford Tree & Lawncare, LLC, Edwardo and Melissa Becker, d/b/a Chestnut Hill Nursery, for Tax Map/Lot #15/32-1, Chestnut Hill Road, by the Planning Board Chairman.

5. Endorsement of a Site Review Agreement, for Sizemore Truck & Auto, Paul D. Sizemore, expansion including new building, for Tax Map/Lot #5/29-1, 150 Weare Road, by the Planning Board Chairman.

6. Copy of updated Planning Board Goals 2021 spreadsheet, for the Board's information and discussion.

The Planning Coordinator, Shannon Silver noted that the spreadsheet had been updated adding the following items that the Board would discuss in 2021;

-Non-Residential Site Plan Regulations

-Review of off-site road improvements and 2-year maintenance security

Shannon Silver noted that the two (2) items above would need to be discussed with the Road Agent and Town Engineer, she requested that both of them attend the Planning Board meeting on January 12, 2021 for a discussion with the Board.

Ongoing Items are as follows;

-Workforce Housing, reviewed with Zoning updates in 2021 to include options for WFH;

-Water Resource Management Plan, the Board recommended that Mark Fougere look into if this document is worth updating, this will need follow up discussions to come to a conclusion;

-CEDS, Ed Carroll noted that he would reach out to the Committee for updates;

-Master Plan, next update would be due in 2026 and would keep on spreadsheet to remind the Board when the next update is required;

-Planning Board Fillable Forms, the Planning Coordinator, Shannon Silver mentioned that the Planning Assistant, Nadine Scholes had recommended this goal and she would be responsible for completing the task to convert all application forms to a fillable PDF format, this would create a more user friendly option for customers, engineers, etc.

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Miscellaneous Business and correspondence, cont.

Mark Fougere mentioned that he briefly discussed Impact Fees with David Litwinovich, regarding amendment suggestions to the State Statute. Mark Fougere said the Board could advocate with a State Senator or State Representative on what is the best option to present suggestions for an amendment to the State Statute.

David Litwinovich explained that he would be interested in making suggestions on loosening the RSA to allow the Town to use the Impact Fee Ordinance that had been implemented into the Town of New Boston Zoning Ordinance.

David Litwinovich mentioned that the Board of Selectmen had been reviewing a trucking issue with the Police Chief and updating the Town Trucking Ordinance. He asked if anyone of the Board members had recommendations re: trucking limits that could help the Board of Selectmen come to a solution to ease the truck traffic through the neighborhoods on Byam and Wilson Hill Road. Recently the truck traffic has increased and those people with concerns had come to the Board of Selectmen looking to reduce truck traffic cutting through Byam/Wilson Hill Roads. David Litwinovich noted that estimations of trucks on a daily is up to 60 trips per day.

The Planning Coordinator, Shannon Silver mentioned that the biggest issue for New Boston is the amount of gravel pits in Town, which is high for a Town like New Boston, but it would be difficult to put limits in that area because there are no other routes to get to that side of Town. Shannon Silver said that she would contact other Town's with gravel pits to gather information on how they handle truck traffic.

David Litwinovich said that he would be interested if anyone on the Board had suggestions regarding the trucking issue and amending the Impact Fee Statute. Mark Fougere told David Litwinovich to contact him regarding the Impact Fee Statute because he is familiar with the RSA but amendments to the Statute would be difficult to get through the State successfully.

7. Invoice received November 12, 2020, from Northpoint Engineering, LLC, for Bradford Tree & Lawncare, LLC, Completed 2nd Technical Review, for the Board's information.
8. Invoice received November 12, 2020, and Construction Reports for services rendered from September 28, 2020 to November 1, 2020, from Northpoint Engineering, LLC, for Forest View II, Phase II & III, Ongoing Construction Monitoring, for the Board's information.

Mark Suennen asked why the Conservation Commission had been out marking Conservation trails during active construction and also had suggested to the contractor to change the materials that are specified by the State to be used for the natural bottom in the crossing that was being installed. The Planning Coordinator, Shannon Silver said that Laura Bernard had

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Miscellaneous Business and correspondence, cont.

told her the conservation areas had been marked incorrectly and needed to be relocated on the site.

Mark Suennen said the biggest concern to him was why was a member of the Conservation Committee was out on the site when there was active clearing and construction. The Planning Coordinator, Shannon Silver agreed that was concerning to the contractor also, but she cannot answer the reason for why they were out there during active construction.

Mark Suennen recommended that the Board of Selectmen discuss where the level of responsibility the Conservation Commission has on changing the plan or permit that the State or Town approves. He noted that they should not be out on the property when there is active construction. The Planning Coordinator, Shannon Silver said that the contractor had express concerns that could be a major liability for them if someone ends up hurt on a job site.

Peter Hogan asked Mark Suennen where he read that Conservation was out on the job site. Mark Suennen replied that it was included in the report dated October 2, 2020, that came from Northpoint Engineering.

9. Invoice received December 1, 2020, for services rendered from November 2, 2020 to November 25, 2020, from ConTest Consultants, Inc., for Forest View II, Phase II & III, Field Tests and Analysis, for the Board's information.

The Planning Coordinator, Shannon Silver asked if the Board would want to continue having only one meeting in January and February. She noted that Town Vote is scheduled for the 2nd Tuesday of March, and the Board would only have one meeting on March 23, 2021. The Board agreed and came to consensus to continue one meeting per month, on January 12, 2021 and February 9, 2021 with the March meeting scheduled for March 23, 2021, due to Town Vote on March 9, 2021.

There were no other items to be discussed.

Amy Sanders **MOVED** to adjourn the meeting at 7:37 p.m. Ed Carroll seconded the motion and it **PASSED** unanimously.

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 2/11/21