

TOWN OF NEW BOSTON

NEW BOSTON PLANNING BOARD

Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.

3/23/2021

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

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

Present in the audience for all or part of the virtual meeting were Kenneth Clinton, Peter Shellenburger, Nick Golon, Zane Merva, Josh Merva, John Merva, Chris and Anne Dodge, Andrea Couture and Tracey Flanders.

Peter Hogan read the meeting preamble as follows,

‘MEETING PREAMBLE DURING COVID-19 EMERGENCY

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

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

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

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

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

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

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

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

ELECTION OF OFFICERS

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.

Ed Carroll **MOVED** to nominate Mark Suennen as Vice Chairman. 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.

Mark Suennen noted that he would not be re-applying for the Planning Board at the end of this term ending 2022, this will be his last year on the Planning Board.

Mark Suennen **MOVED** to nominate David Litwinovich as Secretary. 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.

SHELLENBERGER, PETER & SUSAN, TRUSTEES (OWNER/APPLICANT) MERIDIAN LAND SERVICES, INC. (AGENT)

Submission of Application/Public Hearing/Major/NRSPR/Warehouse Expansion

Location: 11 Byam Road

Tax Map/Lot #6/40-1-1

Small Scale Planned Commercial "COM" District

Ken Clinton, Meridian Land Services, Inc., presented the ECOSMITH site plan expansion, located on Tax Map/Lot #6/40-1-1, owned by Peter & Susan Shellenberger. The 5.64 acre lot is off Byam Road. A site plan was approved for the business operations in 2012 and has been operating since that time. The expansion is proposed to provide additional storage space.

Ken Clinton explained that in order to expand on the existing footprint, modifications would be necessary to the pavement, drainage and relocation of the existing septic system. The addition would be a Morton designed building and will match the style of the existing building. The expansion would be 24' wide x 96' long, 2300 sq. ft., adding 24' wide addition to the entire

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SHELLENBERGER, PETER & SUSAN, cont.

south facing side of building with 2 additional docks and garage bays located on the east side. The new building floor would be 2' lower than the existing floor, the extra height would accommodate the large bales used for storage. The extension of the paved area would accommodate the trucks backing up to the new docks.

Kenneth Clinton explained that the original site plan had included a rain garden for drainage with plantings that were supposed to help with contaminants and the basin design was oversized and dry, killing the plantings. Kenneth Clinton noted that the basin would be shifted to accommodate the expansion of the pavement and based on a recent test pit, the perk rate would allow the basin to be reduced by about 1/3.

Kenneth Clinton stated that the drainage report suggested a +/- 40% reduction on the basin size but that did not include the added swales at the edge of the proposed expanded pavement area and a larger swale to collect runoff from the roof. Both added swales would be grass, and the basin would be kept 1' to 1.5' deep to stay above the seasonal high water table and the calculations would be included in the drainage report. Kenneth Clinton noted that truck tires at the new loading dock would need to be lower than the existing grade to accommodate the drainage. The proposed plan included a 5000-cu. ft. dry well as another component to collect the runoff from the ramp.

Kenneth Clinton noted that the addition would require the existing leach field and tank be shifted to the south and the size would still accommodate the number of employees.

Kenneth Clinton pointed out that the plan shows the boundary limit for the expansion. The expansion would require minimal construction materials and site work.

Peter Hogan noted that in the past there were concepts presented to expand the building in the septic area and asked if this was still the plan because he would suggest instead of shifting the septic now then having to relocate it again, why wouldn't the septic not be relocated with this expansion. Kenneth Clinton noted that he had reviewed the options with the applicant and with the Morton building design and roof truss systems, it would cost much more than what is proposed with the design and roof elevation nearly identical from a 4 to a 3 pitch. Peter Shellenberger noted that he had spent some time with Morton Buildings on the design and the cost would be 70% higher if the 2 buildings were joined and no additional sq. ft. would be gained. He chose this design based on the cost and the space only being for storage.

Mark Suennen questioned if the retaining wall shown 'to be designed' would make up for the 2' elevation grade ramp down to the new floor slab. Kenneth Clinton said yes, it would be a 2' step, and noted the design would be finalized before submitting the application for the Building permit.

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SHELLENBERGER, PETER & SUSAN, cont.

Amy Sanders asked why the forebay was removed from the original submitted drainage design. Kenneth Clinton said that the forebay is a feature of the 'raingarden' and that particular type of basin has a sediment forebay that most of the sediment drops out as the water settles before it enters in the raingarden, mostly to protect the plantings from accepting too much sediment. Once the raingarden is eliminated and with the swales proposed, which also act as treatment, the treatment area needed would be much less.

Amy Sanders asked how the sediment would be prevented from entering into the infiltration basin and clogging its abilities to infiltrate. Kenneth Clinton said there would be some maintenance required just as the existing raingarden had been by the owner. He explained that the basin would not be maintenance free, the owner would inspect periodically and if needed remove the sediment that built up. Amy Sanders replied that by adding forebays, that would help control the spread of sediment into the infiltration basin. Kenneth Clinton responded that the forebays would be an extra measure that he does not find as necessary, and he did not find that to be required with this design. Amy Sanders said that forebays are a typical feature and should be included in the design as originally proposed. Peter Shellenberger explained that the sediment he removed with his Kubota tractor was only 3-4 buckets full over the 9 years of maintaining the existing drainage structures, he never had any issues. He noted that even if there were forebays, they would require maintenance to remove the sediment buildup and he does not believe there would be any environmental impacts if the forebays were not included in the design.

Peter Hogan confirmed that the entire parking lot is paved, and the sand collected in the stormwater structure would be coming from the trucks. Peter Shellenberger said that was correct, and would be traction sand. Mark Suennen noted that there would be other contaminants from the trucks, i.e. anti-freeze, oils, etc. Peter Hogan noted that should not be an issue because of the DOT restrictions and newer trucks not leaking fluids like the older trucks.

The Board discussed and everyone agreed to conduct a site walk on Saturday, March 27, 2021, at 8:00am. Mark Suennen asked to stake out the corners of the additional pavement and building expansion.

Peter Hogan opened for public comment.

Jane Beaulieu, Piscataquog River Local Advisory Committee (PRLAC), noted that this particular application is out of the 250' setback, requiring the Committee to comment on the site development. She explained that the PRLAC is seeking a representative for New Boston and if anyone is interested, ask Nadine Scholes for Dick Ludders, PRLAC Chairman, contact information or she can provide his contact information to anyone that would like to contact him. She thanked the Board for allowing her to speak.

Peter Hogan closed the hearing for public comment.

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SHELLENBERGER, PETER & SUSAN, cont.

Cahli Carothers asked the applicant what happened to the polluted sediment materials that are pulled out of the drainage. Peter Shellenberger replied that the sediment pulled out of the drainage is reused to sand the parking lot.

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

Mark Suennen asked if the Board agreed to send the drainage report and plans to the Town Engineer to review. The Board agreed. Amy Sanders noted there are some specific concerns that she had and would like the Town Engineer to review as follows:

- the removal/lack of forebay(s) between the pavement and pond; (added on 3/30/21 revised plan)
- infiltration rates, depth of pond, and .3' of freeboard;
- any comments on groundwater pollution

Amy Sanders asked Kenneth Clinton if the proposed development was under the 100k sq. ft. triggering an AoT permit being necessary. Kenneth Clinton replied development would be below the threshold requiring an AoT permit.

Mark Suennen **MOVED** to adjourn the hearing to April 27, 2021, at 6:30 p.m. Amy Sanders seconded the motion. Motion **PASSED**. 5-0, Roll Call Vote: Peter Hogan-yes, Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.

MOK, GLORIA SUK YEE (OWNER)

MERVA PROPERTIES, LLC (APPLICANT)

TFMORAN, INC. (AGENT)

Submission of Application/Public Hearing/Major/NRSPR/General Office Building

Location: Chestnut Hill Road

Tax Map/Lot #15/32-1

Small Scale Planned Commercial "COM" District

Nick Golon, TFMoran presented the proposed Site Plan application to construct and operate general office buildings, on Tax Map/Lot #15/32-1, containing +/- 5 acres. He explained that the lot is currently owned by Gloria Suk Yee Mok and the applicants are Josh and Zane Merva from Merva Properties, LLC. The proposed site plan would be to construct two (2), 6000 sq. ft. buildings with four (4), 1500 sq. ft units in each, for a total of eight (8) units. Nick Golon noted that Zane Merva would provide the details of the proposed operation for their business.

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MERVA PROPERTIES, LLC, cont.

Zane Merva introduced his brother, Josh Merva, and his father, John Merva. He noted that they grew up in Weare, NH, and Josh still resides in Weare, but Zane himself, had moved to New Boston about 2 years ago. Zane Merva said that he and his brother had started Silikhan Publishing Group about 20 years ago, which they create and manage online auto enthusiast news websites and social media pages. They have and maintain professional relationships with auto manufacturers and companies, the largest website they own, GM-Trucks.com, is the largest General Motors truck and SUV website in the world, which had recently reached over 1.5 million users.

Zane Merva noted that they had rented an office in Henniker, NH, for the past +/- 10 years, but he and Josh are at the point financially and reaching the ultimate dream of having their own building. Zane Merva explained that most of the work is done on a computer, managing the 1.5 million users and they have over a dozen remote contributors that submit written articles, which are edited and published online. He explained that recently they have ventured into creating video reviews of the vehicles and products they review. Once a week (normally on Thursday's) a new vehicle is dropped off at their office, and they spend the next week driving that vehicle, take photos and discuss with the readers. Having a quiet and professional work environment is truly vital to their business success. Zane Merva said that Nick Golon will present more details of the proposal, he wanted to make the Board aware that the facility is larger than what they currently would need but they hope to grow and need additional space in the future. They would initially only need between two (2) and four (4) out of the 8 units proposed and would rent out the units they would not occupy. He noted that they would work closely with the Planning Department to assure that any potential tenant would comply with the Zoning Ordinance and Regulations in Town. Although the proposed buildings would have garage doors on the backside, the overall design is specifically NOT an industrial style structure, the intent with the building design would be to fit and compliment the area.

Nick Golon noted that the 5+ acre lot is located on Chestnut Hill Road, immediately after the road name changes from New Boston Road with the Air Force Tracking Station located southwest, residential abutters located to the north and an existing Eversource substation directly to the west. There is an existing 100' wide Eversource easement running west to east across the subject lot.

Nick Golon explained that the 2 buildings will be approximately 6000 sq. ft. per building, 60' deep by 100' wide, broken down into four (4) units in each building with 1500 sq. ft. per unit. The applicant's business would occupy at least two (2) to three (3) units to start and the remaining unoccupied units would be rented out to tenants.

Nick Golon noted that the lot would be accessed through a shared driveway off of Chestnut Hill Road, approved by NH DOT and the shared driveway proposed would provide access to Tax Map/Lot #15/32-2 and #15/32-3, both lots are currently vacant, located to the east of the subject lot.

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MERVA PROPERTIES, LLC, cont.

Nick Golon pointed out the twenty-one (21) parking spaces located in the front of the buildings and adequate area identified for snow storage. The septic and well proposed would be shared by both buildings.

Nick Golon presented the proposed lighting plan and noted that they had taken the residential abutters concerns into consideration and the lighting was contained to be sure not to reach above 0.1 Illuminance (Fc), beyond the 100' wide easement.

Nick Golon explained that there would be riprap along both sides of the 50' access, being an open channel drainage system, that would ultimately discharge into the stormwater infiltration basin. He explained that NH DOT required a culvert across the access and forebays to treat runoff before discharging into the stormwater infiltration basin. Nick Golon noted that Sanford Engineering had provided the drainage evaluation created for the Bradford Tree development and where that site's discharge point was located and any additional discharge from that site would be conveyed into the stormwater drainage on this site and additional protection would be necessary and the pretreatment forebays and infiltration basin were sized accordingly, and the BMP calculations shown on the plan. Nick Golon explained the closed portion of the drainage with catch basins was to collect drainage flow on the north side of the driveway and discharged into the down stream forebay area.

Nick Golon presented the landscape plan and pointed out the proposed sixteen (16) Canadian hemlocks on the opposite side of the easement (closer to the abutters) for added buffer protection along the residential abutters to the north. Nick Golon stated that he had contacted Russ Malley at Eversource, and he had sent the plan for review to assure what is being proposed would be consistent with the expectations within close proximity of the easement. Along the frontage, trees would be added as a natural buffer with some breaks between to provide an appropriate site line distance. The cross hatched area along the roadside identified in the New England Roadside Matrix upland seed/shrub mix to be planted along the frontage that would not need to be mowed and provides additional natural buffer along the road.

Nick Golon noted that the building would be designed by Dennis Myers, Architect on record, and would be a wood framed, asphalt shingle roof, vinyl clapboard siding and PVC trim that would be painted to match the buildings natural earth tones to fit in with the natural surroundings.

Nick Golon explained that the traffic memorandum prepared and submitted for this project, identifies peak hour volume on Chestnut Hill Road is +/- 114 vehicles per hour, the use proposed adding an estimated sixteen (16) trips during peak hours and with Chestnut Hill being a DOT maintained State Road, it would be adequate to handle the increase of the additional anticipated traffic with trips proposed.

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MERVA PROPERTIES, LLC, cont.

Mark Suennen assumed that the two (2) buildings would mirror each other but questioned what would be in the space between the buildings. Nick Golon replied that currently is proposed as a grass area. Mark Suennen confirmed that there would not be a continuous roof between the buildings. Nick Golon said that would be correct. Mark Suennen asked what the symbol represented shown on the plan between the buildings. Nick Golon replied that would be a catch basin.

Mark Suennen questioned if the units would have floor drains. Nick Golon replied no.

Amy Sanders asked what the west side elevation would look like. Nick Golon said the west side should mirror the east side elevation, but the architect is still finalizing the building design.

Amy Sanders questioned if there would be any type of signage proposed on the buildings or on the road at the entrance off Chestnut Hill Road. Nick Golon replied not at this point, but he would finalize those details with the applicants.

Amy Sanders asked which and how many units would the applicants occupy with their business operations. Nick Golon responded that they planned to occupy at least two (2) to three (3) units in one building to start with the goal of needing additional space to grow into in the future. Zane Merva explained that they would want to eventually occupy all four (4) of the units in one of the buildings and if they needed to expand in the future, they could occupy additional units in the other building but their ultimate goal would be to grow their business and need all eight (8) of the units but that would be if they were able to grow the business to need that much space.

Amy Sanders asked if the color of the bay doors in the back of the building would be a color that would match the neutral color of the buildings. Zane Merva noted that they have not finalized the building design, but they plan to use natural colors to blend into the area.

Amy Sanders asked how many employees the business would need or anticipate needing for the space they would be occupying. Zane Merva replied that on a day to day currently, it was just him and his brother, Josh Merva, but on occasions there would be a videographer/photographer that would come in to take videos/photos, and sometimes have extra help come in to help clean a vehicle but normal day to day in the office, it was just him and his brother.

Amy Sanders asked if there was a list of proposed business's that they may want to occupy the other units. Zane Merva replied that they would prefer to stay within the permitted uses allowed by right included in the Zoning Ordinance, but they do need a quiet working environment for their business, if a tenant were to be making loud noises, or even banging, that would interfere with their business operations dramatically.

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MERVA PROPERTIES, LLC, cont.

Amy Sanders asked if the vehicles that are replaced on a weekly basis would be brought in on a large trailer or would it be driven to them. Zane Merva replied that the vehicles are driven to them, by the fleet management company, out of Massachusetts and the driver drops off a new vehicle and takes the one they had for the past week, generally this happens on Thursday's every week. Amy Sanders questioned what they would do with the vehicles. Zane Merva said that they get to treat it like it was their own, drive it to and from work, grocery shopping, if the vehicle had towing capabilities, they test hauling and evaluate the vehicles performance overall, pros and cons.

Amy Sanders asked if there are any other products they test besides vehicles. Zane Merva said they have reviewed other items related to vehicles, including after market items, i.e. intakes, floor mats, bed covers, head lights, etc. Amy Sanders asked if they would do everything in the rear of the building where the bay doors would be located. Zane Merva noted that the building they currently rent is very similar to what is proposed, an office out front and the garage in the back. They use the garage space to take photos of the vehicle and such for posting online in an environment not exposed to the outdoor elements.

David Litwinovich asked if it was general practice to integrate runoff from another site. Nick Golon noted that offsite drainage should be included as part of any stormwater evaluation. In this properties case, the grading plan shows there is a fairly well identified channel across the entirety of the property that discharges onto Tax Map/Lot #15/32-2. Nick Golon explained that he had contacted Sandford and Earl Sandford shared the stormwater evaluation plan created for the development of Tax Map/lot #15/32-5, and included the discharge runoff coming from that lots overflow into the stormwater design for Tax Map/Lot #15/32-1, which he believed was just good engineering practice.

Mark Suennen questioned the location of the driveway, it appeared to be on another lot. Nick Golon explained that there would be one (1) shared access off Chestnut Hill Road for Tax Map/Lot #(s) 15/32-1, 15/32-2 and 15/32-3, and a driveway easement would be necessary. Zane Merva noted that there is a P&S agreement with the property owner based on the site plan approval for Tax Map/lot #15/32-1, they intend on purchasing all three (3) vacant lots.

Mark Suennen asked if the riprap shown to cross over the access just after the entry to the proposed site, splits and then stops. Nick Golon noted that would require a culvert when the other two (2) lots are developed. Mark Suennen clarified what the driveway grade would be, 6% or 8%. Nick Golon replied 8%.

Peter Hogan asked how long the driveway was up to where it turned off into the proposed development site. Nick Golon replied 390'. Peter Hogan asked when the subdivision was done. Nick Golon replied that the subdivision was done in 1978, by TFMoran, revised by Sandford within the last four (4) years and the driveway permit was renewed in 2020, with NH DOT. Peter Hogan explained that he had concerns with the shared driveway being so long and

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MERVA PROPERTIES, LLC, cont.

noted that a proposed shared driveway would not be approved now with the current regulations. Nick Golon noted that the State approved the driveway cut and that would be the access for Tax Map/Lot #15/32-1, 15/32-2, and 15/32-3. Nick Golon stated that the driveway was designed and approved with the location of the driveway on the existing property line dissecting the lots. Peter Hogan said he would want to check the maximum length allowed for COM driveways. The State had specifically noted 'should not be a private drive or road' on the approved permit.

Mark Suennen wanted to go over the permitted use identified by the applicant as 'newspaper' to be sure the proposed use in fact falls under the use selected. Mark Suennen asked the applicants to explain what happens with the vehicle once dropped off. Zane Merva explained that they would evaluate/drive it for the week, take photographs and write review articles to be posted on their website. Mark Suennen noted that although the specific use is not included under current Zoning, he agreed with the Building Inspectors suggested use for this business as a 'newspaper'. Josh Merva noted that the main business operations on a day-to-day basis was done on a computer, updating the website, and writing articles. The other tasks, of photographing and producing videos was only 5% to 10% of the business operations.

Mark Suennen opined that 'office space' could be a better use to identify the proposed use for the Merva's operations.

Peter Hogan noted that if there were to be repairs on vehicles allowed in this development, that could have environmental impacts and an appropriate water treatment system would be required before operating that kind of use.

Ed Carroll asked if it should be noted on the site plan what the potential uses could be for the other units occupied by the tenants. Mark Suennen believed that if a potential tenant proposed a use that is allowed by right in the Commercial district, no additional applications would be required for the tenants use. The Planning Coordinator, Shannon Silver agreed with Mark Suennen and added that if a tenant proposed a use allowed in the district, they would only need to come into the Planning Office, review the site plan and if they agree that their operations would comply with the site plan, they will only need to sign the adherence statement. Nick Golon noted that they add a list to the site plan of what permitted uses they would want as tenants.

Nick Golon explained that there are 22 parking spaces proposed with an additional space dedicated for additional parking if the added uses would require oversized or additional parking spots based on that use. He pointed out where the future parking area would be on the plan.

Amy Sanders questioned if there is enough space to expand the septic system if necessary. Nick Golon said the septic could be expanded on in the future if needed.

Peter Hogan opened for public comment.

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MERVA PROPERTIES, LLC, cont.

Chris and Anne Dodge, 366 Chestnut Hill Road, asked if the north elevation could be shown on the screen. He explained that the backside of the building as shown, would be the view from their living room window and questioned why the building could not be rotated to swap the direction so they would be viewing the front side of the building instead. Chris Dodge said he had concerns with office space having oversized bay doors, he opined that was a trojan horse in the terms of what businesses would be attracted as tenants. He felt that based on the Special Exception being withdrawn for the uses allowing vehicle repair, those could be suggested again in the future. He does not feel like the intended use(s) had been addressed for the units that would be rented.

Chris Dodge said he appreciated the applicants attempt with buffer to plant hemlocks to help block the view of the building from his property but explained that there have been issues with young hemlocks in the area being eaten by some kind of pest.

Chris Dodge asked if oil mitigation is proposed with the infrastructure. Nick Golon replied that there would not be any floor drains requiring proper spill management or a counter measurement plan for the storage of oils/contaminants. Chris Dodge asked if that would alleviate any future proposed use for automotive or small engine repair. Nick Golon explained that if a use were proposed that would require floor drains, etc., the site plan would need to be revised in order to even accommodate that use. Mark Fougere added that auto/small engine repair would also require a Special Exception and the Zoning Board would hold a public hearing and the abutters would be notified. Any use not allowed by right would require a Special Exception first be granted by the Zoning Board before updating the site plan with the Planning Board.

Chris Dodge appreciated the Board's due diligence and keeping the residential abutters best interest in mind. They have lived in New Boston for 28 years and requested that the Board understand that this development would affect their livelihood and property values. Anne Dodge noted that she had been teaching from home for over a year now she can attest that there are never 100 cars per hour passing along Chestnut Hill Road, she does not agree with that number of cars. She also explained that she was concerned with the water table already being concerning low and that additional development could jeopardize their water supply and have an impact on the environment and wetlands.

Andrea Couture, 364 Chestnut Hill Road, and her partner Tracey Flanders started by thanking Nick Golon and the Merva's for the modifications made to the site plan that addressed some of her concerns that were mentioned at the Zoning Board hearing. However, she still had other concerns. Andrea Couture questioned how many bathrooms are going to be needed. Nick Golon replied that the interior space design has not been finalized. The number of bathrooms will be consistent as required by the needs for the use. They will rely on the architect to advise how many bathrooms are needed. Nick Golon stated that he could follow up once the interior space design is complete, if that were something the Board would be interested in knowing. Mark Fougere asked what size septic is proposed. Nick Golon said 300 gallon per day. Mark

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MERVA PROPERTIES, LLC, cont.

Fougere said that would be a similar size for a single family home. Peter Hogan noted that the site development may be limited by the septic design in many ways. Nick Golon agreed that would be a fair representation.

Andrea Couture continued that she was very concerned if auto repair were to be allowed. She confirmed that the process for permitting any auto use would require the applicants to first apply to the Zoning Board for a Special Exception before updating the site plan. Mark Suennen said that would be correct and explained that any use allowed by Special Exception would require a 2-step Board approval process.

Andrea Couture stated that there is not currently a lot of traffic on Chestnut Hill Road but does have concerns with where her driveway is located close to a bend/curve that creates a blind spot. Many people speed and she has almost been hit many times pulling out of her driveway. She stated that she called Highway to express her concerns, which she was told the developer will have some obligations to assure there is a line of sight at the curve. Mark Suennen said he would comment on this and if Nick Golon disagreed, he can speak up. Mark Suennen noted that Chestnut Hill Road is a State road and in order to get a DOT driveway approved, they would have to meet the 400' all season safe site distance in both directions from the proposed driveway location, and with DOT issuing the permit, that certifies that can be achieved. Andrea Couture said that she was told when she called NH DOT, the curve would need to be fixed in order to get the appropriate site distance and asked if she would need to call NH DOT if she still has concerns with the driveway or road. Mark Suennen replied that would be the best option and noted that Brian Defosses at NH DOT office had approved the permit extension, he recommended Andrea Couture contact him regarding her concerns. Nick Golon explained the driveway permit was updated for the use and approved based on the plans submitted showing the centralized driveway with the required 400' site distance being achieved in both directions. Andrea Couture asked the Board if they could look at her driveway on site as she is extremely worried about the site distance.

Tracey Flanders commented that the math adds up to 16 people, if 2 people occupied each unit and asked how a 300 gallon septic would even be able to handle that volume of use. Nick Golon explained that the 300 gallon septic was the minimum allowed by the State and there would not be the higher use like what would be proposed for residential use i.e. appliances, dishwashers, laundry, showers, etc., that would increase water usage.

Andrea Couture asked if there could be a natural buffer left on the backside of the building as a visual and privacy barrier, she expects this development will have effects on her residential property value, privacy, and livelihood. Peter Hogan explained that there is a certain amount of required screening when a commercial property abuts a residential property, but the easement makes screening a bit more difficult. Andrea Couture asked if the Board would walk her driveway to take note of the view from her side. Mark Suennen noted that the Board would

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MERVA PROPERTIES, LLC, cont.

not go on abutters properties without permission. Andrea Couture gave the Board permission and encouraged the Board to walk her driveway to get a visual of the view from her prospective.

Chris Dodge questioned what kind of storage would be allowed in the rear of the building. Nick Golon noted that there is no outside storage proposed anywhere on the site and mentioned that if the building were rotated as it was suggested, the front side of the building facing the residences, there would be much more activity visual to the abutters, including headlights from the cars coming in and out, there would be no benefit to the abutters if the building were rotated, plus there is no reason for visitors to be in the back of building.

Amy Sanders suggested a fence and tree buffer could be proposed along the pavement on the backside of the proposed building rather than adding a tree buffer on the other side of the easement, closer to the residential abutters, that may not help visually since the site's elevation is higher than residences. Nick Golon noted typically the buffer element is placed as close to the area that you are attempting to eliminate the site line from. Nick Golon mentioned that there is a substantial natural buffer existing, and the Board would be able to get a visual during the site walk, then they could decide if additional screening would be necessary.

The Board discussed and agreed to schedule the site walk on Saturday, March 27, 2021, at +/- 8:30 a.m. Mark Suennen listed the items that the Board would like to see flagged on the site.

Mark Suennen noted that there was a traffic study submitted but the fiscal and environmental studies were not submitted. Amy Sanders asked if the development would meet the criteria requiring an AoT permit. Nick Golon replied that would be required and the application for the permit had been submitted but could take some time for the State to approve. Amy Sanders noted that the AoT permit required a wildlife/habitat assessment and that could be shared with the Planning Board not requiring that a separate environmental study or waiver be submitted. The Board agreed.

Amy Sanders asked if the drainage report/plans should be sent to the Town Engineer for review. The Board agreed to send the Town Engineer the items for review.

Mark Suennen **MOVED** to adjourn the hearing to April 27, 2021, at +/- 7:30 p.m. Amy Sanders seconded the motion. Motion **PASSED**. 5-0, Roll Call Vote: Peter Hogan-yes, Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.

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Continued Discussion, re: Updates to Non-Residential Site Plan Review Regulations.

Continued Discussion, re: Amendments to New Boston Road Construction Inspection Procedures.

Mark Suennen recommended postponing the discussions for updates to the Non-Residential Site Plan Regulations and the amendments to the Road Construction Inspection Procedures until the next scheduled meeting. The Planning Coordinator, Shannon Silver noted that the Board could review the amendments made to the Road Construction Procedures and if there are any recommended changes that could be discussed at the next meeting.

Miscellaneous Business and correspondence for the meeting of March 23, 2021, including, but not limited to:

1. Distribution of the February 9, 2021, meeting minutes, for approval at the April 27, 2021, meeting, with or without changes. (to be distributed by email)
2. Approval of the January 12, 2021, meeting minutes, with or without changes. (distributed by email)

Mark Suennen **MOVED** to approve the January 12, 2021, meeting minutes, as written. Ed Carroll seconded the motion. Motion **PASSED**. 5-0, Roll Call Vote: Peter Hogan-yes, Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.

3. Endorsement of a Notice of Decision Coversheet, Minor Subdivision/Lot Line Adjustment, for Eugene S. & Helen B. Caggiano and Steven W. & Angela Caggiano, Tax Map/Lot #1/11 & 1/25, Bunker Hill Road, by the Planning Board Chairman.
4. Discussion, requested by Peter Hogan, Planning Board Chairman, re: in-person Planning Board meetings.

The Board discussed available options to start in-person meetings or hybrid with the Board in-person and everyone else virtually and decided to continue with a 100% virtual platform until both the Board and Public could attend the meetings in person.

5. Letter received, March 2, 2021, from Earl Sandford, PE, Sandford Surveying & Engineering, Inc., re: Request to extend the conditions subsequent deadline of March 26, 2021, to March 26, 2023, for the Non-Residential Site Plan, for Michael J. & Shayna L. Chase, Tax Map/Lot #10/12, 127 Butterfield Mill Road, to operate a lodging house, for the Board's action.

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Miscellaneous Business and correspondence, cont.

Mark Suennen **MOVED** to grant an extension on the conditions subsequent deadline for the Non-Residential Site Plan, for Michael J. & Shayna L. Chase, from March 26, 2021, to March 26, 2023. Amy Sanders seconded the motion. All were in favor and the motion **PASSED**. 5-0, Roll Call Vote: Peter Hogan-yes, Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.

6. Email copy, dated February 11, 2021, with Report and Field Change Plan attachments, from Kevin Leonard, PE, Northpoint Engineering, Inc., re: Forest View II, 2nd Construction Phase (Phase II & III) Field Change / Plan Clarifications from Sandford Surveying & Engineering, for the Board's review.

Mark Suennen requested photos be submitted to show the aesthetics of the changes made to the retaining walls, as noted in Change #2 and #4.

- 7a. Letter copy, dated February 25, 2021, from Robert R. Kelly, 56 Weare Road, to Wayne & Cathy Daniels, 11 Weare Road, re: Deeded Right of Way and junk removal, for the Board's information.
- 7b. Letter copy, dated February 26, 2021, from Robert R. Kelly, 56 Weare Road, to Stephen Marshall, 24 Weare Road, re: Deeded Right of Way Periodic Notification, for the Board's information.
- 7c. Letter copy, dated March 2, 2021, from Building Inspector/Code Enforcement Officer, Dan Kramer, to Wayne B. Daniels, Trustee, re: junk yard complaint, for the Board's information.

David Litwinovich noted that the Board of Selectmen are following up on this situation and the Daniels' are working to rectify the situation.

8. Letter copy dated March 1, 2021, from the New Boston Board of Selectmen, to Cahli Carothers, re: Planning Board Alternate Member Appointment, for the Board's information.
9. Notice for the NHOSI 27th Annual Spring Planning & Zoning Conference (to be held virtually), on Saturday, May 15, 2021, for the Board's information. (sent email to Planning Board, on March 19, 2021)
10. Email received February 25, 2021, from Noah Hodgetts, NH OSI, to Planning Assistant, Nadine Scholes, re: Registration for OSI Plan Webinar Series - Regional Housing

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Miscellaneous Business and correspondence, cont.

Initiatives Roundtable, for the Board's information. (sent email to Planning Board, on February 26, 2021)

11. Invoice received March 10, 2021, and Construction Reports*, for services rendered from February 1, 2021, to February 28, 2021, from Northpoint Engineering, LLC, for Forest View II, Phase II & III, Ongoing Construction Monitoring, for the Board's information. (*see separate attachment 'Construction Reports, Feb.2021' for details)

12. Endorsement of Driveway Permit(s), for S&R Holding Co., LLC, c/o Shiv Shrestha, Tax Map/Lot #(s) 12/19-23, 12/19-24, 12/19-25, 12/19-35, 12/19-36, 12/19-37, 12/19-38, 12/19-43, 12/19-44, 12/19-45, 12/19-46, 12/19-47, 12/19-48, 12/19-49, 12/19-50, 12/19-51, 12/19-52, 12/19-53, 12/19-54 and 12/19-55, Lorden Road, by the Planning Board Chairman.

13. Letter copy, dated March 15, 2021, from the New Boston Board of Selectmen, to Peter Hogan, re: Planning Board Member Reappointment, for the Board's information.

14. Letter copy, dated March 15, 2021, from the New Boston Board of Selectmen, to Edwin Carroll, re: Planning Board Member Reappointment, for the Board's information.

15. Email copy, dated March 21, 2021, from Police Chief, Jim Brace, to Building and Code Enforcement Officer, Dan Kramer, re: Proline Motorsports, 636 North Mast Road, Abutter Complaint, for the Board's information.

The Planning Coordinator, Shannon Silver went over some of the details that had led up to the Police Chief emailing the Building and Code Enforcement Officer, Dan Kramer. She explained that there had been an abutter with complaints that were discussed with the Board about a year ago. Dan Kramer thought the noise had stopped, but now again the abutter contacted the Police Chief to complain and sent him a video clip, which the Chief forwarded to Dan Kramer to investigate. Another letter will be sent to Proline to cease and desist the afterhours activity as that would be a violation of the site plan approval. Shannon Silver noted that there should be follow up that she will provide to the Board at the next meeting.

David Litwinovich suggested the Planning Board discuss and work on how to enforce compliance with site plans and/or what laws are available to the Town to define the legal path and how Code Enforcement can issue violations and be able to issue fines for non-compliance of site plans. The Planning Coordinator, Shannon Silver would reach out to legal counsel and may request the Building Inspector and Planning Board have a discussion with legal counsel to clarify what legal rights the Town has if violations occur.

The Board agreed to schedule a non-public meeting with legal counsel and the Building Inspector to discuss in detail what the Town could do to impose enforcement of Zoning and

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Miscellaneous Business and correspondence, cont.

collection of fines. The Planning Coordinator, Shannon Silver told the Board if they had specific topics they would like discussed, to send those to her ahead of time to prepare for the discussion with legal counsel. Shannon Silver noted that she would contact legal for availability to have the non-public meeting on May 11, 2021.

There were no other items to be discussed.

Mark Suennen **MOVED** to adjourn the meeting at 10:11 p.m.

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

Respectfully submitted,
Nadine Scholes, Planning Board Assistant

Minutes Approved: 05/25/21