

# Town of Boscawen, NH

## PLANNING BOARD

### Boscawen Municipal Complex

## MEETING MINUTES

**Tuesday, February 10, 2015 at 7:00 PM**

Planning Board Members present: Bruce Crawford, Chair; Paul Strieby, Vice Chair; Rhoda Hardy, Doug Hartford, Roberta Witham, and Karen Mackenzie.

Planning Board Alternates present: Matt Lampron

Planning Board Member Ex-Officio absent: Bernard O. Davis, Jr.

Planning Board Alternate absent: Jeff Reardon

Planning Board Alternate Ex-Officio absent: Roger Sanborn

Others present: Tom Giovagnoli, Peter Henenberg, Dana Willis, Donald Fannie, Joe Wichert, John Keegan, Chair of the Agricultural Commission; Alan Hardy, Planning & Community Development Director and Kellee Jo Easler, Planning & Community Development Assistant.

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The meeting was called to order by the Chair at 7:00 p.m.

Chairman Crawford verified that Karen Mackenzie intends to continue to serve on the Planning Board for another term.

**Motion made by Mr. Hartford and seconded by Mrs. Hardy to approve the minutes of the January 11, 2015 meeting, as amended. Motion was approved by all Board members.**

**Correction includes: Boscawen was misspelled on the second page, second paragraph under “Old Business”.**

### **New Business**

- **Site Plan Review for Organic Layer Farm**

Board members reviewed the application submitted by Tom Giovagnoli for an Agricultural Organic Layer Farm at 468 High Street, at Map 49, Lot 22, located in an AR zone, and encompassing 158 acres. Assistant Kellee Jo Easler stated that the application is complete and includes two waivers.

**Motion was made by Vice Chairman, Paul Strieby, to grant the requested waivers #2 and #9 listed on the application checklist. Motion seconded by Roberta Witham and approved by all Board members.**

**Motion was made by Vice Chairman, Paul Strieby, to accept the subject application as complete. Motion was seconded by Doug Hartford and approved by all Board members.**

Director Alan Hardy asked Mr. Giovagnoli to explain the proposed project. Mr. Giovagnoli, while referencing a graph of the barn structure, stated that:

- 20,000 birds will be housed in an insulated barn
- industry standard requires 1.2 square feet per bird
- temperatures will remain above freezing so that water never freezes
- chicken feed will come in one end of the barn and eggs will go out the other end
- middle section includes layer nests with conveyor underneath
- eggs get packed, flats of eggs go on pallets, and get picked up once a week
- there is a market for manure; manure pit in back of barn; tended to four times a day
- ventilation fans are included; wall folds out for more ventilation

**Chairman Crawford opened the Public Hearing on the matter.** John Keegan, Chair of the Agricultural Commission, rose to express the Commission's support for the endeavor which was voted on at its meeting of January 13<sup>th</sup>, 2015.

Donald Fannie was initially concerned about manure containment and traffic which were addressed satisfactorily by Mr. Giovagnoli. Mark Witowski, an abutter, voiced no objection to the proposal.

Seeing no more abutters in attendance and there being no further comments, **Chairman Crawford closed the Public Hearing.**

**Vice Chairman, Paul Strieby, moved to grant the application, as presented, for the Agricultural Organic Layer Farm at 468 High Street. Seconded by Doug Hartford and approved by all Board members.**

- **Public Hearing on Warrant Articles**

Director Alan Hardy presented a list of the Town's Warrant Articles to be voted on by residents on Election Day, March 10, 2015, and explained that proposed amendments to zoning ordinances *by petition* cannot be amended without a Public Hearing; hence, a public hearing is required for Warrant Article 5 (Amendment No. 4) and Warrant Article 6 (Amendment No. 5) since they were submitted *by petition*.

Petitioners, Donald Fannie and Joe Wichert, spoke in favor of amending Zoning Amendments 4 and 5 and said the properties fit the description of R-2 better than commercial. Mr. Wichert read the description of the proposed R-2 designation. Director Hardy made copies of relevant parcels which were reviewed by Board members.

Amendment No. 5 as proposed by petition amends Zoning Map to change the parcel known as Map 81A, Lot 37, from the Commercial District to the Residential Medium Density District, R-2. The property includes 12.9 acres located across the street from Not Necessarily Antiques. The section along King Street

is zoned commercial; but the bulk of the parcel is zoned residential. There are four or five houses along King Street and Lew Alice goes off to the right and dead ends. The grade is considerable from King Street up. Director Hardy mentioned that much of the parcel “is rock” and on a slope. Chairman Crawford noted that the parcel is in a multi-use district. Director Hardy suggested that a more comprehensive review along those lines may be beneficial in the future.

**Chairman Crawford opened the Public Hearing.** Donald Fannie stated that he did not know how much of the slope could be used. It was mentioned that both the Zoning Board and the Select Board recommended said changes to Zoning Amendment No. 5. There were no further comments from the public. **Chairman Crawford closed the Public Hearing.**

**Vice Chairman Paul Strieby moved that the Planning Board recommend adoption of Warrant Article 6 (Zoning Amendment No. 5) as stated. Seconded by Rhoda Hardy and approved by all Board members.**

**Chairman Crawford opened the Public Hearing.** Amendment No. 4 as proposed by petition amends the Zoning Map to change the parcel known as Map 83, Lot 8, Sublot 1, from the Commercial District to the Residential – Medium Density District, R-2. The property is a 3.4 acre lot and includes four cottages. The Zoning Board did not weigh in on this amendment. The Board of Selectmen has indicated it will concur with the Planning Board’s recommendation. Vice Chairman Strieby verified that the advantage of amending to an R-2 designation was “use”. Director Hardy reviewed the footnote changes addressed during the last Planning Board meeting. There were no comments from the public. **Chairman Crawford closed the Public Hearing.**

**Rhoda Hardy moved that the Planning Board recommend adoption of Warrant Article 5 (Zoning Amendment No. 4) as stated. Seconded by Karen Mackenzie and supported by all Board members.**

### **Old Business**

- **California Fields (Continued)**

Documents reviewed by the Planning Board include an amendment to the Site Plan for relocating five housing units from the previously approved site plan due to changes in the FEMA Flood Insurance Rate Map. The discussion centered on the subdivision of the land (California Fields) located at Canal and Crescent Streets which encompasses Lot 62 and Sub-Lots 2-5 which updates the initial application listing the lots as 1, 2, 3, 4, 5. The first four lots are to house condominiums and the fifth to be used as an accessory to the living units.

The Shoreland Permit was addressed in an email from Darlene Forst, Shoreland Section Supervisor at the NH Department of Environmental Services which reads: “The Department believes your project should fall under the exemption from permitting granted under RSA 483-B:5-b Permit Required; Exemption, VI. The Shoreland minimum standards should have been addressed during the wetlands and AoT review processes.” [See reference in Planning Board Meeting Minutes of December 9, 2014]. The issue of a Shoreland Permit is no longer an issue. The email also noted that Wetlands and Non-Site Specific Permit #2013-01918 and AoT Permit #AoT-0753 are in effect.

As part of the review process, Alan Hardy, Code Enforcement Officer, and Peter Henenberg met with Dr. Richard Boisvert of the NH Division of Historical Resources (DHR). Due to the new location of required drainage swales, Dr. Boisvert has listed new conditions which were discussed at length. Dr. Boisvert's memorandum provides more detail for the monitoring at the California Fields project *[attached]*. Adherence to the document will satisfy the needs of the DHR for compliance with relevant regulations. The Board acknowledged Dr. Boisvert's authority on the matter as the State's archeologist.

**Motion was made by Mr. Hartford to adopt by reference Dr. Boisvert's guidelines as listed in a memorandum dated January 23, 2015. Seconded by Mrs. Hardy and approved by all Board members.**

There seemed to be a misunderstanding regarding the cost of sewer connections. The Board suggested that the issue be clarified with the Select Board.

Assistant Kellee Jo Easler read through an email from James Raymond, Town Counsel, suggesting that the name of the project be clarified since the Secretary of State's office has the trade name "Hannah Dustin Landing, A Condominium" as inactive. Attorney Raymond also stated that the plan should provide confirmation on the treatment of the empty Lot 5. There was lengthy discussion on the use of Lot 5 which is not, and never has been, considered "common area".

**Motion was made by Paul Strieby to report back to Town Counsel that there is no intention by the applicant to make Lot 5 "common area". Seconded by Roberta Witham and approved by all Board members.**

In response to Chairman Crawford's question, Alan Hardy stated that an additional review of the documents need NOT be made by the Central NH Regional Planning Commission. Site plans, such as landscaping, sidewalks, etc., that have already been approved have not changed so do not require additional review or approval. Kellee Jo Easler noted that the Sheet Index label needed to be updated to reflect the words "Site Plan".

The original approval date for the project was June 13, 2007. The Board went through the Checklist Requirements which have been met. *[See minutes of the Planning Board meeting of December 9, 2014]*. The Board agreed there was no need to continue a Public Hearing.

**Vice Chairman Paul Strieby moved to continue the proceedings to the next meeting of the Planning Board on Monday, March 9, 2015. Seconded by Rhoda Hardy and approved by all Board members.**

**Motion to adjourn was made by Doug Hartford and was seconded by Roberta Witham. All Board members approved and the meeting ended at 10:02 p.m.**

The next regular meeting of the Planning Board is on Monday, March 9, 2015 at 7:00 p.m.

*Minutes are respectfully submitted by Suzanne Beauchesne*