

# Town of Boscawen, NH

## PLANNING BOARD

### Boscawen Municipal Complex

#### MEETING MINUTES - APPROVED

**Tuesday, April 14, 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 and Jeff Reardon

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

Planning Board Alternate Ex-Officio absent: Roger Sanborn

Others present: Web Stout and Mark Piontkowski for Piontkowski Enterprises, Peter Henenberg and Dana Willis for CA Fields, Donald Fannie and Joe Wichert for Delois-Fannie Subdivision, 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.

**Motion made by Vice Chair Strieby and seconded by Mr. Hartford to approve the minutes of the March 9, 2015 meeting, as amended. Motion was approved by all Board members.**

Amendments include:

Page 2, Second Paragraph should read: Paul Strieby confirmed that the owner would recap prior to building construction. Applicant stated that they would upgrade to current standards. There is nothing saying that they have to do that.

Page 2, Fifth Paragraph: change Jeff Strieby to Paul Strieby.

Page 3, Third Paragraph, Second Line: Remove the words "if he".

Page 5, Fourth Line under CC EDMUNDS MEMO: change the word "hole" to deep.

#### **New Business**

- **Gravel Pits – Piontkowski**

F. Webster Stout, Surveyor, commented on an Earth Excavation Application submitted by Piontkowski Enterprises with the locations of existing and proposed excavations at Map 94, Lot 23 located at 477 High Street in an AR Zone. As indicated in a March 12, 2015 letter to Craig Rannie, Land Resource Specialist in the Water Division of the NH Department of Environmental Services (NHDES), existing conditions

have not changed. The State has asked for photos which Mr. Stout will take tomorrow now that the snow has melted. Applicant is seeking approval of renewal to run concurrent with the State which requires updated plans of the project every five years from the issuance/renewal of the permit. Alan Hardy read the conditions of approval as follows:

- 1) The hours of operation will be Monday-Friday 7:00 a.m. to 6:00 p.m. Saturday hours will be 7:00 a.m. to 4:00 p.m.
- 2) If a cemetery is found, they will contact the proper authorities.
- 3) A 100' buffer strip or green area will be maintained all the way around the property.
- 4) No more than ten (10) acres will be open at any one time.
- 5) No crushing on Saturdays.
- 6) No operation on Sundays or Holidays.

**In accord with NH RSA 676:4, I (d), (1), Chairman Crawford opened the public hearing at 7:20 p.m. on the subject excavation application for Map 94, Lot 23. No comments, in favor or opposed, were made by abutters or members of the public. Chairman Crawford closed the public hearing.**

**Vice Chairman Strieby moved to conditionally approve permit application for Map 94, Lot 23, pending receipt of the Alteration of Terrain (AOT) permit renewal and verification by the Code Enforcement Officer. The motion was seconded by Mr. Hartford and passed unanimously.**

The second excavation application submitted for renewal by Piontkowski Enterprises is located at Map 183D, Lot 134 located at River Road and Commercial Street. The same conditions apply.

**In accord with NH RSA 676:4, I (d), (1), Chairman Crawford opened the public hearing at 7:30 p.m. on the subject excavation application for Map 183D, Lot 134. No comments, in favor or opposed, were made by abutters or members of the public. Chairman Crawford closed the public hearing.**

**Vice Chairman Strieby moved to conditionally approve permit application for Map 183D, Lot 134, pending receipt of the Alteration of Terrain (AOT) permit renewal and verification by the Code Enforcement Officer. The motion was seconded by Karen Mackenzie and passed unanimously.**

**Motion was made by Vice Chairman Strieby to authorize Chairman Crawford to sign final permits. The motion was seconded by Mr. Hartford and passed unanimously.**

- **Delois-Fannie Subdivision**

Joe Wichert, L.L.S. and Donald Fannie came forward and presented revisions made to their application to create a five-lot subdivision with a shared access way located at Map 83, Lot 8-1, 151 – 157 North Main Street in Boscawen. Chairman Crawford suggested the application be accepted as complete since “nothing new is being constructed”, and hold a Public Hearing on the matter at next month’s Planning Board meeting. The Chairman also reminded attendees that in seeking relief from frontage requirements, a petition to change the zoning from a Commercial Zone (200’ frontage required) to Residential R2 zoning passed at town meeting.

In response to review by the Central NH Regional Planning Commission (CNHRPC), the applicant provided waiver requests for Subdivision Checklist Requirement Items 11 (wetlands) and 23 (water and sewer lines). In response to questions, the applicant stated that the project is not proposing a town road. There will be a private driveway, a portion owned by each of the four lot owners, who will be responsible for maintenance. As recommended, a Declaration of Easements, Covenants, and Restrictions was provided. The applicant expects to come back to the Planning Board when the back parcel (Lot 8-1) is developed.

**A motion was made by Roberta Witham to accept the application as complete. Seconded by Karen Mackenzie and passed unanimously.**

Chairman Crawford asked Board members to be prepared to hold a Public Hearing on the matter at its next Board meeting on May 12, 2015.

### **Old Business**

- **California Fields (Continued)**

In follow-up to the March 9, 2015 Planning Board meeting, staff and Board members researched the entire CA Fields file. Alan Hardy stated that a 5-lot subdivision and site plan was conditionally approved on June 12, 2007 and approved in final on November 13, 2007. The five lots all part of the common areas.

Questions from the Planning Board focused on the road, whether there was to be a single condo association or multiple associations, showing the common areas in condo documents and whether there are any common areas without a building, the value of the bond for improvements, and the need for a master document to address road maintenance for all lots.

The proposed conditions were reviewed:

- 1) All prior conditions from the original approval shall be adopted by reference.
- 2) In accord with Planning Board meeting minutes of October 11, 2005, applicant agreed to donate up to \$16,200 for the playground, payable prior to building construction.

**Rhoda Hardy moved to accept condition #2. Seconded by Karen Mackenzie and approved by all Board members.**

- 3) Dr. Richard Boisvert, NH Division of Historical Resources
  - a. Original Conditions of June 12, 2007 – On the plan.
  - b. Email with detailed conditions dated January 23, 2015

**Motion was made by Karen Mackenzie to accept conditions listed in the January 23, 2015 email from Dr. Boisvert. Seconded by Doug Hartford and approved by all Board members.**

- 4) Landscape plan E12 dated September 18, 2007 – Already Approved

The Board added a condition regarding head lights coming onto the property. **Karen Mackenzie moved that applicant work with staff to implement additional measures as necessary to inhibit vehicle light pollution onto abutting properties. Seconded by Rhoda Hardy and approved unanimously.**

- 5) Sidewalks, shown on plans E11 & E12 dated August 25, 2005 – Already Approved.
- 6) Owner shall provide to the Town of Boscawen a financial guarantee for all improvements, in an amount approved by the town and in a form acceptable to the town. Refer to C1 June 14, 2007 in General Notes 1. Bond for private road.

Chairman Crawford expressed concern that if the project gets abandoned before completion, runoff must be prevented and the area stabilized. It was projected that road and cap costs might total approximately \$150,000. The cap will mainly be equipment and labor. Applicant agreed to provide a guarantee of 10 percent of the cost totaling \$15,000.

**Motion was made by Karen Mackenzie to require applicant to secure a \$15,000 cash bond for reclamation/restoration as referred to on C1 June 14, 2007 in General Notes 1. Seconded by Doug Hartford and approved unanimously.**

- 7) Special Exception dated April 6, 2004 (3 conditions) – Adopted by Reference
- 8) Five Lot Subdivision & Site Plan Review (6 conditions) – Nothing to be Done
- a. Conditional Approval dated June 12, 2007
  - b. Final Approval dated November 13, 2007
- 9) Maintenance of Road, Driveways & Parking

- a. Driveway cut access for all five lots shall conform to the Town of Boscawen Typical Road Construction Details Reference, adopted on June 12, 2012.
- b. New Road and structures shall conform to the E-9-1-1 Addressing Standards Guide prepared by the State of NH Emergency Services June 2013, as determined by the E-9-1-1 Liaison for the Town
- c. Minimum number of outdoor parking spaces, on each lot, shall be no less than the number of dwelling units on each lot. These outdoor parking spaces shall be compliant with minimum standards of the American's with Disability Act (one van space per complex).

**Rhoda Hardy moved to accept conditions 9a, 9b and 9c as written above. Seconded by Doug Hartford and approved unanimously.**

- 10) As a condition precedent, the amended DRAFT condo documents shall be submitted to and approved by Town Counsel, to include provisions for the maintenance of the road. This review will be conducted at the applicant's expense.

The applicant stated that the road will be maintained by the association management company. There was lengthy discussion about lot and property lines. Drawings appear to show a separate lot beyond the five lots. The Town wants Lot 5 taken care of into perpetuity. Alan Hardy stated that the maintenance part of the road is taken care of and there is no risk that the Town will find Lot 5 sitting on its doorstep. Approximately 70,000 square feet on Lot 5 is usable. The Board agreed to include condition #16 (see below).

**Motion was made by Doug Hartford to accept condition #10 as written above. Seconded by Rhoda Hardy and approved unanimously.**

- 11) As a condition subsequent, the FINAL condominium documents shall be signed and recorded and no unit sales until the documents are approved by Town Counsel. This review will be conducted at the applicant's expense.

**Motion was made by Karen Mackenzie to accept condition #11 as written. Seconded by Doug Hartford and passed unanimously.**

- 12) Condo units shall be sprinkled per Ray Fisher's letter of August 3, 2005 – Required by Code
- 13) Five year escrow for taxes (\$1200 per year) on Lot 5 as discussed on March 15, 2005 – Was Not a Condition -- Info Only.
- 14) Outdoor lighting shall be compliant with the Town of Boscawen Zoning Ordinance Article XXIV.

**Motion was made by Doug Hartford to accept condition #14. Seconded by Karen Mackenzie and passed unanimously.**

- 15) **Motion was made by Doug Hartford and seconded by Rhoda Hardy that prior to construction, the applicant shall furnish the building Inspector with building plans that are compliant with the current NH Fire Code, NH Life Safety Code and the Boscawen Building Code. As shown on the Architectural Drawings for the condo units submitted by the applicant, dated August 21, 2006, the drive-in garage continues to be a requirement of the Planning Board. The motion passed unanimously.**
- 16) **Motion was made by Vice Chairman Strieby and seconded by Karen Mackenzie that applicant will provide lot/property lines of subdivision as approved on November 13, 2007 (superimposed property lines over road). Motion passed unanimously.**

Alan Hardy noted that there is a two year deadline from a subdivision approval for an application to remain active. An applicant must provide the Town with a month's notice if an extension is necessary. Mr. Hardy

read the development sequence on E7, and stated that “condition subsequent” must be shown on the plan. The Notice of Decision must be issued within five days.

**Vice Chairman Strieby moved to provide a conditional approval of the CA Fields application based on condition numbers 1-16 as presented and voted upon and approved by the Planning Board. Seconded by Doug Hartford and approved unanimously.**

**Vice Chairman Strieby moved to authorize Chairman Crawford to sign documents outside of the meeting. Seconded by Rhoda Hardy and approved unanimously.**

Chairman Crawford reported on a House Bill in the legislature regarding gravel pits requiring notice to everyone within a ½ mile radius of the property line which would require notification to 700 properties, part of the properties being in Canterbury. The legislation will now be heard in the Senate.

**Motion was made by Karen Mackenzie to have Chairman Crawford represent the Planning Board in opposition to the legislation. Seconded by Doug Hartford and approved unanimously by the Board.**

**Motion to adjourn was made by Doug Hartford and was seconded by Karen Mackenzie. All Board members approved and the meeting ended at 10:00 p.m.**

The Edmunds Site Walk is scheduled for Thursday, April 16 at 4:30 p.m. The next regular meeting of the Planning Board will be held on May 12, 2015 at 7:00 p.m.

*Minutes are respectfully submitted by Suzanne Beauchesne*