

Town of Boscawen
Planning Board
Boscawen Municipal Complex
Meeting Minutes – Final
Tuesday, June 13, 2017 at 6:30pm

Members Present: Bruce Crawford – Chair, Roberta Witham – Vice-Chair, James Scrivens, Barbara Randall, Matt Lampron.

Alternate Members Present: Jeff Reardon, Rhoda Hardy

Member Ex-Officio Present: Bernard O. Davis, Jr.

Alternate Ex-Officio Absent: Roger W. Sanborn

Others Present: Alan Hardy – Planning and Community Development Director, Kellee Jo Easler – Planning and Community Development Assistant, Katie Phelps – Recording Secretary.

Chairman Crawford called the meeting to order at 6:34pm with a voting board.

Roll call made by Recording Secretary

Review and Acceptance of Prior Meeting's Minutes:

The Board reviewed minutes from the May 2, 2017 meeting.

Motion made by Jim Scrivens and seconded by Vice-Chair Roberta Witham to delete a redundant motion in the minutes on the third page. All in favor.

Motion made by Vice-Chair Roberta Witham and seconded by Bernie Davis to accept the minutes as amended. All in favor.

Winnipocket 3-Lot Subdivision – Continued:

Motion made by Matt Lampron and seconded by Jim Scrivens to accept the continuance of the Winnipocket Application. All in favor.

The Planning and Community Development staff will re-notice this application after a new date has been decided on with the applicant.

Meeting Date Change:

The Planning Board discussed the option of changing the next Planning Board meeting from July 3, 2017 to July 11, 2017. Due to the July 4th holiday falling on the regular meeting date, staff had previously arranged for the meeting to be held on Monday July 3rd. The Board agreed they could make it to the meeting if it was held on July 11, 2017 at 6:30pm.

Motion to change the next Planning Board meeting to July 11, 2017 at 6:30pm made by Matt Lampron and seconded by Bernie Davis. All in favor.

One Riverside Place – Public Hearing:

Attorney J. Bradford Westgate of Winer and Bennett, LLP stepped before the Board to present the Declaration of Condominium for One Riverside Place, A Condominium Community on behalf of Cityside Development, LLC. He drafted the documents and had them reviewed by Town Counsel. Town Attorney Jim Raymond approved it in February. One of the points raised was in regards to the Canal

Town of Boscawen
Planning Board
Boscawen Municipal Complex
Meeting Minutes – Final
Tuesday, June 13, 2017 at 6:30pm

Street address. It has since been updated to reflect Tremont Street. The project has always been listed in Boscawen, not in Concord. The Condominium documents went through the Attorney General's office and were approved last fall. The Certificate of Registration was issued this past February.

The purpose of the Declaration of Condominium and its bylaws is to create the legal rights that condominium owners have when they purchase a unit, as well as how the common land is governed. The basic idea of a condominium is you own air space – essentially floor to ceiling and wall to wall. Owners don't own the structure of the building, or land by themselves. They own their unit inside with the improvements. The document outlines what the units are and establishes the common area. It allows units to be sold individually but it also says that the common area – land, roads, utility systems, and structural components of the building are owned in common with everyone who owns a unit. It also governs how the unit owners regulate themselves. It creates an association of unit owners and sets forth the terms by which they govern. It sets forth how a budget is adopted each year and how general maintenance will be divided by unit owners. The bylaws create the Board of Directors - President, Treasurer, and Secretary.

The plans presented show phasing for the project. It shows five units detailed as "substantially complete". Those will be the first five units that are established and constitute Phase One. Once the plan and Condominium documents are recorded those substantially complete units now exist. Everything out of the first phase is considered convertible land and once more buildings are "substantially completed" the plan will be amended.

Rhoda Hardy requested that "Canal Street" be updated to "Tremont Street" on the Joinder of Mortgagee form. Attorney Westgate agreed and apologized for missing that change. The units adjacent to each other will be connected. Not all connections can be seen on the current phasing plan as they are not yet complete. There will be multiple phases for this project. Bernie Davis asked about the status of capping lot 5. Attorney Westgate said it has not been capped yet and it's not part of the documents. It's part of the issuance of a Certificate of Occupancy. Alan Hardy said the delay about capping lot 5 has been in regards to finding the clay. The goal was to use clay as opposed to a membrane. They have found a source for Boston Blue Clay and Cityside Development is currently looking into options. Mr. Hardy says his contact with DES is keeping him informed of the progression.

Matt Lampron expressed the need for clarification on the lot lines surrounding Kayak Way. He asked if that makes a sixth lot. Attorney Westgate said the "hammerhead" of Kayak Way is merely just a lot of the overall Condominium land. Kayak Way is a private road and it's governed with the common area. Mr. Lampron wanted to ensure that it's part of the Condominium. Exhibit A details the Condominium land. Discussion ensued.

Chairman Crawford opened the public hearing on One Riverside Place.

Resident Susan Searah, abutter, of 56 Eel Street addressed the Board. She lives across the river. She would like to make sure that lot 5 gets capped. She wondered what the individual land owners will be able to do with their property. Will they be able to plant or will the organization handle it? She also didn't see anything in the document about protection of the river. Her final concern is to let people know that the river is not safe.

Town of Boscawen
Planning Board
Boscawen Municipal Complex
Meeting Minutes – Final
Tuesday, June 13, 2017 at 6:30pm

Attorney Westgate said the governance of the immediate area is under the association. Plantings are an association level determination – not a unit by unit determination. In terms of the river, there isn't documentation within the Condominium Documents that talks about the safety of the river or governance of the buffer by the river. That is part of the land use regulations. Alan Hardy said 50 ft. of the shoreline is covered under the Shoreline Protection Act and no changes should be made. The Association would need to abide by those rules. Mr. Hardy said if you were to put up a fence it gives a sense of protection and the Association would therefore accept liability. Discussion ensued.

Hearing no further comments from the audience, Chairman Crawford closed the public hearing.

Motion to accept the Declaration of Condominium for One Riverside Place made by Bernie Davis and seconded by Jim Scrivens as required by Planning Board Notice of Decision, amended June 16, 2015 and recorded at MCRD as Book 3482, Page 2406. Chairman Crawford was in opposition. The motion was approved.

Loudon Regional Impact Discussion:

Chairman Crawford noted that the NH Motor Speedway brought a proposal to the Town of Loudon Planning Board to have a multi-day country music festival at their venue. The Loudon Planning Board determined that such an event would have a regional impact on surrounding towns. While the Town of Boscawen hasn't yet received any correspondence from the Town of Loudon seeking feedback Chairman Crawford wanted to discuss it with the Board. Board members felt that NH Motor Speedway was far enough from Boscawen to have little to no effect on the town.

Motion by Bernie Davis and seconded by Matt Lampron that there would be no negative impact on the Town of Boscawen should NH Motor Speedway be approved for a music festival. All in favor.

Rules of Procedure – Update:

The Board reviewed suggested changes to the Planning Board Rules of Procedure from the Planning and Community Development Staff as well as Chairman Crawford. Chairman Crawford doesn't feel the Board should be given new material minutes immediately before the meetings begin. The Board discussed how far in advance they would like to have information in order to have time to review. Alan Hardy said he didn't think it should be less than the notice requirements – which is ten days. Discussion ensued regarding prospective changes noted by Planning Staff and Bruce Crawford.

Alan Hardy spoke of the Building Code and something called "AHJ". The acronym means Authority Having Jurisdiction. It essentially means that the code designers couldn't decide how to handle it so they left it in the hands of the person in the field. He went on to say that you are always going to have situations that aren't defined but you can try to clarify. Clarification leaves us better than where it started, in Alan's opinion.

Additional changes noted during discussion:

- **Article 6: Duties of the Officers**
 - #4 – Should no member accept the position of Chair pro-tem, the meeting shall be continued to a time and date certain.

Town of Boscawen
Planning Board
Boscawen Municipal Complex
Meeting Minutes – Final
Tuesday, June 13, 2017 at 6:30pm

- **Article 10: General Procedures**
 - #6 – Change CNHRP to CNHRPC
 - #6 – Delete “As found in section 7 below”
 - #7 – Change 5 days to 10 days
 - #7 – Replace “on the following business day” to “on the third business day”
 - #7 – Remove “Material arriving after the five day deadline will be held until the next meeting”
 - #9a – Capitalize “C” in Chair
 - #9d – Remove apostrophe in “Abutters”
 - #9i – Change “evidence” to “information”
 - #9i – Remove “After closing the hearing, if additional information is supplied by the applicant or requested by the Board, the hearing shall be reopened for abutter/public comment”
- **Article 11: Forms**
 - Change Planning Board Staff to Planning & Community Development Staff
- **Article 12: Records**
 - Remove “Planning Board” and “or the Secretary’s agent”

Motion made by Matt Lampron and seconded by Bernie Davis to send a marked-up version of the Rules of Procedure changes agreed upon, as well as a final version. All in favor.

Motion to adjourn made by Matt Lampron and seconded by Bernie Davis. All in favor.

The meeting adjourned at 9:28pm.

Next meeting of the Board will be July 11, 2017 at 6:30pm.

Minutes respectfully submitted by Katie Phelps