

**Town of Boscawen**  
Planning Board Boscawen Municipal Complex  
Meeting Minutes  
Tuesday, July 11, 2017 at 6:30pm

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

Member Absent

Alternate Members Present: Rhoda Hardy (voting member)

Alternate Members Absent Jeff Reardon

Member Ex-Officio Absent: 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

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Chairman Crawford called the meeting to order at 6:32 pm with a voting Board.

Roll call made by Kellee Jo Easler.

Review and Acceptance of Prior Meeting's Minutes: The Board reviewed minutes from the June 13, 2017 meeting. Line 63 should be "it's" not "its". A **motion** to approve the Minutes was made by Rhoda Hardy, seconded by Jim Scrivens and passed by a unanimous vote.

Old Business:

Continuation of the public hearing for:

Application for a 3 lot subdivision submitted by Winnipocket Properties, LLC 88 State Shed Road, PO Box 2089, Henniker NH 03242, for Map 47, Lot 27, located at 307 High Street, Boscawen NH 03303, in an AR Zone.

Testified: Joseph M. Wichert, LLC, Land Surveyor and Aaron Wechsler, owner from Aspen Environmental Consultants representing Winnipocket Properties LLC. It is an existing 15.65 acre parcel and they are trying to create 2 new building lots. One lot will have the existing unit on a 2.87 acre lot and a 1.986 acre lot in the middle and then a lot 2.81 acre lot. On lot 27-2 there is no non-buildable area. Lot 27-1 they are asking a waiver to the topography in the back; about 6 acre. They have over 120,000 s.f. of buildable area. Lot 27, with existing house, they have 121,800 s.f. of buildable land. Last month the majority of the conversation was about the proposed driveway and access. The applicant met with the abutters in the last 2 months. They owners had asked for waivers on erosion control, etc. They have had AC Engineering draw up a driveway plan for them and it showed the grading. The driveway rating is similar to what they had in May. They have a section with a 15% grade, some 7% grade, etc. They increased the size of the ditches. They have state subdivision approval for lot 27 and 27-2. They have spoken with DOT. There is currently a driveway for the existing house. South of that would be the

entrance to the lots. Their proposal is to create 2 new building lot. A small lot and a larger lot. They haven't seen any comments regarding roadways, etc. Some water has been diverted away to the wetlands. Further up there is a cross culvert that will also divert the water.

Board member noted that the turning point of the water is concerning especially where it relates to the abutter and his driveway.

Bruce Crawford asked about the waiver request. The applicant asked for waivers on the topography and wetlands on the parent track. The back, which is a dog leg, they have tried to show enough to show compliance to the Ordinance. Bruce asked the Board their thoughts.

A **motion** to accept the waiver on topographic survey was made by Jim Scrivens, seconded by Rhoda Hardy and passed by a unanimous vote.

Bruce asked if any of the Board went to view the property. Some of the Board did.

Applicant walked the site with the owner yesterday and the engineer plan that Anthony did is an option, but talking with the owner he wanted to have the option to split up the driveway sooner than what was shown on the plan. He'd like to know where the Board stood on that request. He sketched out where the driveways would go. It would bring down the shared portion of the driveway 90 to 100 feet before it split off. Chair Crawford noted that basically there is 3 driveways off of one. Applicant said correct. Chair Crawford noted that they are dealing with 3 vacant lots and whoever buys those lots may want something different. Applicant said the driveways would be installed as the owner has plans to install them. Because of the ledge issue, they didn't show an exact easement location on the plan as they thought the driveways would shift if they hit ledge. Alan Hardy asked if the Board would accept this for consideration tonight. Rhoda Hardy felt it was wrong to have something to come in this evening. It is difficult when something comes in at a meeting that none of the Board has seen. Alan Hardy said if the Board feels it can't act tonight they can always continue. Chair Crawford noted that looking at the sketch of the road, which doesn't show anything about drainage, etc., he doesn't see how they could do that. Alan Hardy noted that normally whether it's a 1 lot subdivision or a 50 lot subdivision, when a lot is created, a driveway permit or curb cut should be available at subdivision. He believes the issue here is that with this proposal they don't have a maximum slope. The applicant didn't have time to finalize it. The layout is 20 feet wide to the shared portion. It's not shown on the sketch. They don't have any silt over 15% on this plan. They can submit additional information on this request. If the person bought the center lot and he'd like to build in that location, they would have access. Right now the thought is to go to the top of the back lot to put the house up. Discussion regarding access way to middle lot. They have a state approved septic system.

Board member: The Board can approve a subdivision with or without driveway, correct? Alan Hardy said that historically they have not asked for the driveway permit for the subdivision approval. Board member said that those could be conditions. At the end of the day they care about the maximum grade, washing out the state highway, etc.

Applicant's representative said that if the Board was willing, they could place a condition that it has approval by DOT and review the easement documents by the town attorney. They understand that the Board historically has not been thrilled with common driveways so they are trying to minimize it. If the Board needs more time to review it, maybe they can touch up the grade, but they are looking for a generic input.

Board member asked if they had an additional permit to cross the wetland. Applicant said that they can span the whole area and they are not doing any work in the wetland itself.

Chair Bruce Crawford opened the hearing.

Abutters in opposition: George Cushman. He wanted to buy this piece of land. He didn't know it was for sale. His daughter lives nearby and she doesn't want a house nearby her. He wondered what the clear cut was about in the back of Lot 27. Alan Hardy said that the cut is not something they have jurisdiction over.

Abutter opposed: Sandy Forcier. She said they have never met with the owner. This is the first time she's seen him face to face. He has never called her. She's very upset how this was handled from the very beginning. She said the owner has never returned a call. She's lived in Boscawen for over 50 years. This is an agricultural area, and if it changes to commercial, would he be allowed to put apartments up there? Now they are being told single family houses. She does not want apartments up there. Alan Hardy asked what the commercial use is that she believes is being entertained. She heard that a store with apartments over and then single family homes would be going in there. Alan Hardy said it is agricultural use. It is now a single family home. Apartments are residential uses, not commercial. Kellee Jo Easler explained what would need a variance or a conditional use permit.

Sue Norcutt was very upset about the disrespect and dishonor given to her parents who were entitled to know what was going on there. It is not a safe area for a subdivision. She's been up there and seen it and seen what has been done to the land up there. There was wild life up there. This land was a community land. They have a snowmobile club in this area. What they are doing by starting a subdivision and they have already threatened her sister about how he will get her land too. That is not right. This is dishonored and disrespect to her family. The owner has not been in contact with her father and sister.

In opposition Katherine (Kat) Norcutt – clearly opposed. Her grandfather spoke before her. The new subdivision will compromise the integrity of the land.

In opposition not speaking. Barry Norcutt, Ron and Linda Cushman and Ken Forcier.

Marlo Herrick of Webster NH and one of the owners. She greatly respects what was said by the previous people that talked. She and her husband are not made of money. It was said that they had met with them. Her husband is Dave Herrick. There is a certain amount of money invested in doing the subdivision. They do not want to lose the quality of the land. One of their boys; they have 4 children; is actually going to purchase one of those pieces. She thanked the Board for doing their jobs.

David Herrick of Webster NH and one of the owners. He had been speaking with the Cushman's on several occasions. Sandy did call him today and he did call her right back. He certainly didn't threaten to buy the land from her or her sister. He's not trying to cause a ruckus. He's trying to keep the peace. They aren't trying to turn the property into a WalMart. Their son is interested in one of the lots. They didn't clear the lot, they thinned it out to enhance the views. There will be young sprouts coming up. They want to put some conservation mix up there.

Chairman Crawford went and looked at the lot. He thought they did a good job clearing it.

Alan Hardy suggested that they wait to see what the modifications are before they close this hearing. Once they have the driveway permit and septic design and the easement, from there there's not much more that they would

need. The easement review would be left to the future as that is the one thing that would keep this conditional until the appropriate decisions made.

Chair Crawford closed the hearing.

Kellee Jo Easler went over notes from the last meeting.

Discussion ensued regarding whether or not to have a cistern as part of this subdivision. Chairman Crawford asked what the recommendation of the Fire Chief was. Alan Hardy noted that they may not require sprinkler system. A note from Fire Chief was read into the record and said 3 houses with one common drive should be either sprinkled or a cistern in place as they do not have a water source. The applicant's representative said that because only the first 90 feet was a common drive and the rest of the driveways were private, he didn't think they'd need a cistern.

The Board noted that there was a lot of new information being presented tonight and maybe they needed time to review it before taking action.

Applicant's representative was hoping to close the hearing tonight with some conditions in place. They could do a large cistern, but those are normally done for 10 lots and up. Would the cistern be public or private? Maybe they need more information from the Fire Chief.

One of the Board felt that he was looking at conditioning it, such as the driveway so that it could be reviewed at a later time. Bruce Crawford said that the driveway has been laid out but the design that they finish with has to be approved by others than the Planning Board. He has a hard time voting in favor of a cistern for 2 new houses. If it were more, that would be different. The applicant's representative said they could finish their design and have the Fire Chief review it if they would like. Alan Hardy said that right now they are talking about drawings that the Fire Chief hasn't seen and that isn't right. A Board member asked if they were recommending a subdivision based on a driveway. Alan Hardy said that the driveway's biggest issue is the easement.

Conditions would include: subject to impact fees, driveway permit and erosion control requirements, DES approvals, final driveway design for review of compliance, grade, erosion control and DOT.

Alan Hardy asked if they would limit final grade. Chair Crawford said 15% was noted and he would be okay with that. Fire Chief Ray Fisher could review the driveway design. Alan Hardy said that as far as the recommendation it was based on the nearest water supply. It wasn't referenced to grade. When you fix the grade to a maximum 15% you address that concern. The question is do you wish to require a cistern based upon an unknown distance to make that recommendation. Chair Crawford noted that there was a barn fire across the street a while ago and the water superintendent said that at no time was the water shut off from the hydrant they were pumping from. Enough water was ferried in. Alan Hardy said that one house, the existing one is close to the road. So you are really only talking about 2 homes.

Chairman Crawford asked if the motion was to approve with those conditions. Alan Hardy stated that they should add review by council that the easement is in its proper form.

The list of conditions: 1. Subject to impact fee. 2. Subject to NHDOT driveway permit and erosion control approval 3. Subject to NHDES requirements should any alterations change there. 4. Subject to final driveway

approval for compliance, grade, erosion control and DOT approval. 5. Subject to review by Council that the easement is in its proper form.

Alan Hardy asked how many of those conditions are administrative in nature. Chair Crawford felt they were all administrative. Alan Hardy said that they could appoint an administrative office to review and approve the submissions and approvals. He also noted that he would normally be the administrator.

A **motion** to approve was made by Matt Lampron subject to the above listed conditions and the Code Enforcement officer would be appointed as the Administrative Officer to review all documents, seconded by Barbara Randall and passed by 5-1 vote with Rhoda Hardy in opposition. A **motion** to allow the Chair to sign outside of a meeting by Matt Lampron seconded by Barbara Randall and passed by a unanimous vote.

#### New Business:

Application for Phase 2 of a 5 Phase Major Subdivision. Phase 2 consists of an 8-Lot Subdivision submitted by Viola P. Knowlton Rev Trust of 1992, Edward Knowlton, Trustee, 37 Als Avenue, Allentown NH 03275, for Map 45, Lot 29, Sub lot 2, location of Westside of Knowlton Road, Corn Hill Road & Water Street, Boscawen NH 03303, in an R1 Zone.

Joe Wichert – representative. He came before the Planning Board once last year. They are now back to divide up this parcel. Ken Knowlton passed away a few years back and Ed Knowlton is the trustee. They would try to develop the simple lot first. What they would like to do is create 7 new lots, which is Phase 2. There will be 3 more phases at a later date. They want to create 7 new lots. One lot is east of the Knowlton's residence. Six lots are north that are going to run through and go out to Water Street. The property is zoned R1. Municipal water is on Knowlton Road. There is an 8 inch water main in the road but Water Works doesn't know where it is. Lots will have onsite septic. The driveways will all be single driveways. The last ones they did were subject to road agents review and approval. It was conditionally said they had to get the curb cuts and they can do that. Driveways have not yet been shown as Mr. Knowlton is going to sell the lots but he is the builder. They will adhere to setbacks. The biggest set of comments were not driven from this phase, but more on an overall scope of the project. They would have a 10 lot road front total to date. They would have 8 new lots, the remainder parcel and the lot they cut out with the old house. Impact Fee study requirements were discussed and it was noted that a physical impact study would be required when a 2% increase happened. That would be at 28 units. They are not there yet. Their State application is pending and they are hoping to get it this week. Lot 23-9 has corner frontage, but they are willing to stipulate that the driveway comes in on the Knowlton Road frontage. They are looking for the Board to take the overall total development and let them know what additional studies the Board is looking for.

Kellee Jo Easler talked with Matt last Friday and because it is such a big phase, they wouldn't necessarily need the studies talked about but he highly recommends doing them. A letter from the water precinct states that the water capacity is available is needed. If Dean is good with the layouts and the drainage of the driveways he is willing to hear his input. Phase 3 should include all the studies that are required. Alan Hardy asked about the Water Street access to Phase 5.

Chair Crawford noted that there is no problem servicing any of the homes according to Peter of the Water Precinct. Kellee Jo Easler needs contact email information. She asked if all information needed to be sent out to all commissioners. Much discussion ensued regarding the water supply to the lots. Alan Hardy asked about the



driveway curb cut. What if a letter was requested from Dean saying that he will issue a driveway permit for all those lots because that is really all the Board needs to know. The Board concurred.

A **motion** that the application is administratively complete was made by Roberta Witham, seconded by Jim Scrivens and passed by a unanimous vote.

A **motion** was made by Jim Scrivens and seconded by Rhoda Hardy that there would be no regional impact due to the application and was passed by a unanimous vote.

Phase 3 and Phase 4 may never happen so the Board does not need to take action on the impact fee piece of that.

Kellee Jo Easler said the only condition is subject to driveway, etc.

Hearing was open to public. No one there to speak for or against the request.

A **motion** to approve the subdivision application subject to acceptance confirmation by the Code Enforcement Officer for the DES permit and State Subdivision approval and letter from Public Works Director regarding driveway permits was made by Jim Scrivens, seconded by Barbara Randall and passed by a unanimous vote.

#### Rules And Procedure Review

The Chair noted that they clarify things that the Board was unclear on in the past. It specifies if the Chair and Vice Chair are not available and no one feels comfortable chairing the meeting the meeting will be recessed to the next available meeting date.

A **motion** to approve the Rules and Procedures as amended was made by Barbara Randall, seconded by Matt Lampron and passed by a unanimous vote.

Much discussion ensued regarding new projects that may be coming forward.

Doggy daycare was discussed. The question was if they wanted to amend the site plan. The consensus of the Board was that they were okay with it going before Technical Review.

Impact Fee update: More questions and a meeting will be coming forward soon.

A **motion** to adjourn the meeting was made by Matt Lampron, seconded by Barbara Randall and passed by a unanimous vote.

**Next Meeting:** August 1, 2017 at 6:30 pm.

*Respectfully submitted,  
Rose Fife*