

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, May 2nd, 2023**

Members Present: Loren Martin—Chair; Barbara Randall—Vice Chair; Gary Tillman; Roberta Witham; Lorrie Carey—Ex-Officio; Bill Bevans—Alternate Ex-Officio

Members Excused: Rhoda Hardy and Mark Varney

Staff Present: Kellee Jo Easler—Planning and Community Development Director; Kearsten O'Brien—Deputy Planning & Community Development Director; Kara Gallagher—Planning & Community Development Assistant

Guests: Matt Taylor—Senior Planner at Central NH Regional Planning Commission; Joyce Manning—President of Woody Hollow Cooperative, Inc.; Joe Wichert—Joseph M. Wichert LLS, Inc.; David Caron—Norac Enterprises LLC; Kevin Leonard—Northpoint Engineering, LLC

Chair Martin opened the Public Meeting at 6:30 p.m.

PCD Assistant Gallagher completed roll call.

Minutes:

Ex-Officio Carey requested one change to Line 72: change “little” to “few”.

Mr. Tillman motioned to accept the 04.04.23 draft minutes as amended. Seconded by Ex-Officio Carey. All in favor. None opposed.

Reappointments:

Chair Martin said Mr. Tillman and Mrs. Witham are both up for reappointment.

Vice Chair Randall motioned to reappoint both Gary Tillman and Roberta Witham for another 3 year term. Seconded by Ex-Officio Carey. All in favor. None opposed.

Membership:

Resignation: Rhoda Hardy submitted her letter of resignation from the Planning Board. Chair Martin suggested a letter be sent to Mrs. Hardy thanking her for her service.

Ex-Officio Carey motioned to accept Rhoda Hardy’s resignation with gratitude of her years of service. Seconded by Mr. Tillman. All in favor. None opposed.

Applications: There were two appointment applications for the Board’s review:

- Ed Cherian-The Board reviewed Mr. Cherian's appointment application. Mr. Cherian will fill out the remainder of Rhoda Hardy's term as a full member. Two members of the Planning Board are required to attend the next Select Board meeting for the application recommendation. Chair Martin and Vice Chair Randall will attend.

Chair Martin motioned to bring Ed Cherian's Planning Board appointment application to the Select Board for approval. Seconded by Vice Chair Randall. All in favor. None opposed.

- Joshua Crawford-The Board reviewed Mr. Crawford's appointment application. Two members of the Planning Board are required to attend the next Select Board meeting for the application recommendation. Chair Martin and Vice Chair Randall will attend. Mr. Crawford will also need to attend the Select Board meeting in order to be sworn in.

Chair Martin motioned to bring Joshua Crawford's Planning Board appointment application to the Select Board for approval. Seconded by Vice Chair Randall. All in favor. None opposed.

Master Plan Work Session:

Matt Taylor from Central NH Regional Planning Commission said that he would like to focus on community engagement as a next step. He has a skeleton draft of the Master Plan Housing Chapter that is not ready for distribution yet because he would like to get some community feedback first. He asked the Board to think about ways in which to reach the community. Mr. Taylor suggested hosting an event in which booths or tables could be set up for the 5 new additions to the Master Plan (the Housing Chapter, the Mill Redevelopment District, the Planned Unit Development Ordinance, the Cluster Development Ordinance, and the Tax Increment Finance District) for residents to stop and learn about each topic. He also suggested a design charrette on Commercial Street. Deputy PCD Director O'Brien suggested asking American National Insurance if the Board could use their parking lot for the charrette. It is close enough to Commercial Street for residents to walk down. Ex-Officio Carey suggested the United Church of Penacook as another location that is close to Commercial Street. Mr. Taylor said he and Mike Tardiff would like to start meeting with different organizations in town who would be willing to listen to the projects, to try and build support. They would like to start out by meeting with the Select Board and other Committees to provide an update and to get feedback. Vice Chair Randall suggested the welcome back barbeque at Boscawen Elementary School would be well-attended for a community engagement event. The event should be planned for summer.

New Business:

Lot Merger Map 83 Lots 88 & 92: PCD Director Easler explained that Woody Hollow was requesting a lot merger. Prior to zoning, a subdivision was done that separated 7 lots from Woody Hollow Cooperative Inc. The intent is to eventually reincorporate all of these lots. So far, one lot has been merged back into the Coop. Woody Hollow has now purchased another lot and would like to merge the parcel back into the Coop. Ms. Manning said the Coop has been performing various upgrades including a new sign, new numbers on each home, and 2 new homes. The Coop

also owns the infrastructure. Once a lot is merged, they run new sewer, water, and electric to that home.

Chair Martin asked if the application was complete.

PCD Director Easler said the application was complete. If the merger passes, Ms. Manning will sign as President, and all Planning Board members will need to sign as well.

Vice Chair Randall motioned to approve the lot merger application for Map 83 Lot 88 and Map 83 Lot 92. Seconded by Ex-Officio Carey. All in favor. None opposed.

2-Lot Subdivision Map 81D Lot 42: PCD Assistant Gallagher read the following Public Notice: Notice is hereby given in accordance with **NH RSA 676:4, I, D1** and the **Town of Boscawen Land Development Regulations** that the **Planning Board** will meet on **Tuesday, May 2, 2023** after **6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, Boscawen. During a **regular meeting** of the Board they will hear an Application for a **2-Lot Subdivision**, submitted and owned by **Maureen & Gordon Smith, 17180 Lavender Avenue, Port Charlotte, FL 33948** with a location of **Map 81D, Lot 42, Woodbury Lane**, located in a **R1** zone. Upon a finding by the Board that the application meets the submission requirements of the Zoning Ordinance and the Land Development Regulations, the Board will vote to accept the application as complete and a Public Hearing on the merits of the proposal may follow. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Chair Martin asked if the application was complete.

PCD Director Easler said the application was complete with waivers.

Mr. Tillman motioned to accept the 2-Lot Subdivision application as complete with waivers. Seconded by Mrs. Witham. All in favor. None opposed.

Chair Martin asked if there was regional impact.

Vice Chair Randall motioned that there would be no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Martin opened the Public Hearing at 7:05 p.m.

Joe Wichert presented on behalf of Maureen and Gordon Smith, owners of 18 Woodbury Lane. Mr. Wichert said there are two parcels in the deed, one being located at 18 Woodbury Lane at Map 81D Lot 42, and one located across Water Street at Map 45 Lot 39. The one to be subdivided is 81D/42 and there are no changes proposed to 45/39. The lot as it exists has 90,889 sq. ft. and is 2.0865 acres. There is significant frontage on both Woodbury Lane and Water Street. There will be no proposed access from Water Street. There was a house on the lot previously in the center that has been demolished and a new house is being built on the west side of the lot. The new lot being proposed would be Lot 42 Sublot 1 on the east side of Lot 42. The new lot will have 42,959 sq. ft. of area, 183.5' of frontage, zoned R1, with water services. 81D/42 will have 41,995 sq. ft.

of total buildable area, and 81D/42/1 will have 40,019 sq. ft. of total buildable area. The applicant is requesting multiple waivers:

1. #22.v-The shape, size, height, dimensions, location and use of existing and proposed structures on the site and those existing within 200': The plan shows the structure on site and abutting houses within limits of the plan view. The location of the proposed house was unknown at the time of submission.
2. #28-The size and location of all public service connections: The plan shows visible utilities. There are no proposed public improvements.
3. #29-The location of existing and proposed well(s), with 75' well radius, septic systems on the site and within 200' of the site: The plan shows features on the subject lot but the applicant had no right to go onto abutting properties to locate septic systems. The area is serviced by the Penacook Boscawen Water Precinct.
4. #30-The size and location of all existing and proposed water mains, sewers, culverts, proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage: The plan shows 4,000 sq. ft. leaching areas and specifies the lots will be serviced by the Water Precinct. The Precinct does not have accurate records showing the location or size of existing water mains. No proposed public improvements.
5. Section 8.7.5 of LDR-60' Wide Street Right of Way: Requested a waiver to allow Woodbury Lane to be a 50' ROW.
6. The following waivers were requested and were not applicable to the application: #19.iv, #21, #31, Legal Documentation for all Subdivisions Items A-C.

Chair Martin asked if there were any questions from the Board.

Ex-Officio Carey asked if the applicant had obtained a Driveway Permit. Mr. Wichert said there is an active Driveway permit for the house under construction. Their intent is to repurpose the existing curb cut that was a part of the original house. Chair Martin questioned the other lot in the deed (45/39). She said 45/39 is not surveyed or combined with the plan as presented, and the application said the lots would be consolidated. She asked what the thought process was behind that and why the Board would look to consolidate across a state road. He said there is one deed that describes both parcels, and the town has these assessed to one owner but as two separate lots, assuming because of the bisection of Water Street. Mr. Wichert thought it would make sense to combine 45/39 and 81D/42 for taxation purposes. Discussion ensued.

Vice Chair Randall motioned to waive #22.v. Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Wichert said there will be no new water mains, only a service off of the existing water main. PCD Director Easler said a condition of approval should be an as-built plan depicted on the final plan to show where the water lines are. Mr. Wichert asked for clarification about the as-builts. The town requires a separate plan for as-builts, which he said makes sense for a utility extension, but for a single new house lot it is difficult to create a whole separate plan to just show extensions. What Mr. Wichert requested was to add the as-built information onto the current plan.

Mr. Tillman motioned to waive #28 with the condition of as-builts on the final plan. Seconded by Mrs. Witham. All in favor. None opposed.

Vice Chair Randall motioned to waive #29. Seconded by Ex-Officio Carey. All in favor. None opposed.

Vice Chair Randall motioned to waive #30. Seconded by Mr. Tillman. All in favor. None opposed.

Vice Chair Randall motioned to approve the waiver for Section 8.7.5 of the Land Development Regulations. Seconded by Chair Martin. All in favor. None opposed.

Chair Martin said the requested waivers for Legal Documentation for all Subdivisions Items A-C were not applicable.

Chair Martin asked if there were any abutters for or against.

None seen or heard.

Chair Martin asked if there was any public for or against.

None seen or heard.

Chair Martin closed the Public Hearing at 7:32 p.m.

The Board discussed the potential conditions of approval as stated in the review from Matt Monahan of CNHRPC.

Ex-Officio Carey motioned to conditionally approve the 2-Lot Subdivision application with the following conditions as the proposal complies with the Zoning Ordinance and the Land Development Regulations given the plans presented and waivers granted:

Conditions precedent:

- 1. All State and Local Permits;**
- 2. Waivers to be shown on plan;**
- 3. Line of site distance to be added to plan.**

Conditions subsequent:

- 1. As-Built drawings to be added to pre-existing plan with consultation with Planning and Community Development Staff and CNHRPC Staff;**
- 2. Impact Fees Apply.**

Seconded by Vice Chair Randall. All in favor. None opposed.

Conditional Use Permit & Minor Site Plan for PUD Map 183D Lot 100: Notice is hereby given in accordance with NH RSA 676:4, I, D1 and the **Town of Boscawen Land Development Regulations** that the **Planning Board** will meet on **Tuesday, May 2, 2023** after **6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, Boscawen. During a ***regular meeting*** of the

Board they will hear an Application for **Conditional Use Permit & Minor Site Plan Review for Planned Unit Development**, submitted and owned by **Norac Enterprises LLC, 21 Village Street, Concord, NH 03303** with a location of **Map 183D Lot 100, Norac Drive**, located in a **COM** zone. Upon a finding by the Board that the application meets the submission requirements of the Zoning Ordinance and the Land Development Regulations, the Board will vote to accept the application as complete and a Public Hearing on the merits of the proposal may follow. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Chair Martin asked if the Conditional Use Permit application was complete.

PCD Director Easler said the application was complete with waivers.

Vice Chair Randall motioned to accept the Conditional Use Permit application as complete with waivers. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Martin asked if there was regional impact.

Vice Chair Randall motioned that there would be no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Martin opened the Public Hearing at 7:41 p.m.

Kevin Leonard, Northpoint Engineering, LLC, presented alongside Dave Caron, applicant and owner of Norac Enterprises, LLC. Map 183D Lot 100 is 2.157 acres and in a COM zone. All the surrounding properties are zoned R2. Mr. Caron and his wife Cynthia bought the property in 2017, and in 2018 a Minor Site Plan was approved through the Technical Review Committee for a barber school, 4 manufactured homes and several garages. In 2020, there was an amendment to the site plan, to add a duplex. In February of 2023, Mr. Leonard and Mr. Caron attended the Planning Board meeting to give an update that the barber school is no longer a feasible option and to receive feedback on how to rework the Minor Site Plan. The purpose of this application was to propose a Planned Unit Development that would replace the barber school with two modular duplex units. Each would have two 1-bedroom units of approximately 707 sq. ft. and a reshaped garage of 3040 sq. ft. A garage and carports were approved as a part of the 2018 Site Plan and were never built, so this proposal is a reworked version of that original plan. There will be a new driveway and parking area for the proposed duplexes. There are existing water and sewer services. The waivers being requested are:

1. #30 (Section 8.12 of LDRs)-Landscape plan: The proposed grounds are planned to be basic, with lawn, pavement and crushed stone drip edges for simplicity of long term maintenance.
2. #31, #32, #33 (Section 8.12 of LDRs)-Outdoor lighting plan: Pole mounted lighting is not proposed, traditional wall mounted lights will be used. There will be no signs.

Chair Martin suggested the Board review the list of concerns in CNHRPC's review:

1. Include the location of the enclosed dumpster, or other trash management provision on the final plan. Mr. Caron stated there is no dumpster proposed. Tenants will be responsible for taking their trash to the town's transfer station.
2. The applicant should receive a driveway permit. The applicant is prepared to comply with all state and local permits.
3. There may be an access deed on the property. Mr. Leonard said no one has been able to find any recorded easements for this property.
4. The lot is not large enough to permit the requested overall density. A lot line adjustment or lot merger would be required to resolve this issue. Mr. Caron is prepared to do a lot line adjustment if requested. Mr. Caron wanted to remind the Board that the use of this property before he and his wife bought it, was a mobile home park, where most of the homes were dilapidated or condemned. As it sat, that property could have supported roughly 30 mobile homes. In addition to what is being proposed, there will only be a total of 14 units on this lot, as all of the residential buildings are duplexes. Mr. Caron expressed frustration due to multiple meetings with staff and the Board, and the density was never seen as an issue until now. Chair Martin said when Mr. Caron originally presented this idea, the Board had no issues with it. Discussion ensued regarding Article XII Planned Unit Development (PUD), its intent and the housing shortage currently in NH. The Board was very much in agreement to the plan that Mr. Caron and Mr. Wichert presented and felt it met the definition of PUD.

Chair Martin asked if there were abutters for or against.

None seen or heard.

Chair Martin asked if there was any public for or against.

None seen or heard.

Chair Martin closed the Public Hearing at 8:13 p.m.

Ex-Officio Carey motioned to waive the requirement for landscaping as stated in Section 8.13 of the Land Development Regulations (#30). Seconded by Mr. Tillman. All in favor. None opposed.

Ex-Officio Carey motioned to waive the requirement to show the location for a proposed dumpster (#36). Seconded by Chair Martin. All in favor. None opposed.

Ex-Officio Carey motioned to waive the requirement for outdoor lighting as stated in Section 8.12 of the Land Development Regulations (#31, #32, and #33). Seconded by Vice Chair Randall. All in favor. None opposed.

Ex-Officio Carey motioned to conditionally approve the Conditional Use Permit and Minor Site Plan Review application with the following conditions as the proposal complies with the Zoning Ordinance, Land Development Regulations, Conditional Use Permit criteria, and Article XII Planned Unit Development given the plans presented and the waivers granted:

Conditions precedent:

1. All State and Local Permits;
2. Waivers to be shown on plan;

Conditions subsequent:

1. Impact Fees Apply;

Seconded by Vice Chair Randall. All in favor. None opposed.

Other Business:

Class VI Road Walk: The walk was cancelled due to lack of attendance. Public Works Director Hollins offered to tour the roads that the Board had previously discussed and will report his findings to the Planning and Select Boards. Anyone who wishes to join PWD Hollins is welcome to. Chair Martin requested pictures or videos be taken for review.

Planning and Community Development Department Update: PCD Director Easler said the Board will need to discuss the C.I.P. in the next month or two. Anything that receives impact fees must be listed on the C.I.P. The fees can only be used for Capital Improvements, not maintenance.

Map 79 lot 123: PCD Director Easler said the storage units on DW Highway will be hitting their 2 year mark in July. She will send the owner a reminder to act on the site plan or it will be null and void. The owner could request an extension.

Map 183D Lot 16 Sublot 1: PCD Director Easler said the greenhouse/building that is located at the beginning of Eagle Perch Drive is up in August. The owner will need to request an extension if he wants to continue using it.

Merchant's Way Update: The newest plans are available for viewing in the PCD office or on the website.

The next meeting will be held on June 6th, 2023 @ 6:30 p.m.

Motioned to adjourn made by Mr. Tillman. Seconded by Vice Chair Randall. All in favor. None opposed.

Respectfully submitted by Kara Gallagher.