

**Town of Boscawen  
PLANNING BOARD  
Boscawen Municipal Facility  
FINAL MEETING MINUTES  
Tuesday, April 2, 2024**

**Members Present:** Loren Martin – Chair (Virtual); Barbara Randall – Acting Chair; Ed Cherian; Gary Tillman; Josh Crawford; Roberta Witham; Lorrie Carey – Ex-Officio & Bill Bevans – Alternate Ex-Officio

**Staff Present:** Kellee Jo Easler – Planning & Community Development Director, Kara Gallagher – Planning & Community Development Coordinator, Ruth Ashby - Planning & Community Development Assistant

**Guests Present:** Matt Monahan – Central NH Regional Planning Commission; Tom Berkeley – Riveredge Properties, LLC; Tim Bernier – T. F. Bernier Inc/Hoyle-Tanner; David Caron – Applicant/Developer

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Acting Chair Randall opened the Public Meeting at 6:37 p.m. and PCD Coordinator Gallagher completed roll call.

Acting Chair Randall informed the Board that Chair Martin was out of state and would be participating virtually as an emergency exists. All motions would require a roll call vote.

**Minutes:**

Ex-Officio Carey requested the following changes to line 34: add a comma after “by” and remove the comma after “of”.

**Ex-Officio Carey motioned to accept the draft minutes as amended. Seconded by Acting Chair Randall. 6 in favor. None opposed. Mr. Tillman abstained. Motion passed.**

**Annual Election of Chair and Vice Chair:**

**Acting Chair Randall motioned to re-elect Loren Martin as Chair. Seconded by Mr. Crawford. 6 in favor. 1 opposed. Motion passed.**

**Acting Chair Randall motioned to elect Josh Crawford as Vice Chair. Seconded by Chair Martin.**

Mr. Cherian asked if Mr. Crawford had taken the State provided Planning Board training. Mr. Crawford said he had not but would be happy to take the recommended training.

**3 in favor; 1 in favor under the condition Mr. Crawford take the recommended training. 2 opposed. Mr. Cherian abstained. Motion passed.**

## **Old Business:**

*Land Development Regulations Review:* Mr. Monahan, CNHRPC, was present to review the most recent draft of the LDRs prior to scheduling a Public Hearing to accept all proposed changes. He brought his laptop to make any final edits. Mr. Monahan suggested the Town Attorney and Underwood Engineers do a final review of specific sections prior to the Public Hearing. The sections discussed were:

**Section 2.2** – Section was edited to provide an optional meeting for applicants prior to submitting an application. The benefit of this meeting was to identify any issues early on.

**Section 2.3** – Added “Applicants may request a Conceptual Consultation with the Planning Board, per NH RSA 676:4.”

**Section 2.4** – Remove “Plan” in the title, add “including sewer lines” to Section 2.4.5.

**Section 3.3** – Deleted reference to RSA 12 K:7.

**Section 3.4** – Added “RSA 12 K:7” to replace reference in Section 3.3 and added a list of communities within 20 miles of Boscawen.

**Section 7** – Due to changes in RSAs, a paragraph was deleted from Section 7.2 (covered in 7.3), a paragraph was deleted in Section 7.3 (covered in 7.2), and two paragraphs were deleted in 7.4 (covered in 7.2 and 7.3).

**Section 8.2** – Added to Section 8.2.12 “Town of Boscawen Sewer Use Ordinance,” most recent version.

**Section 8.5** – Provided clarity to “Buildable Lot size.” Added to Section 8.5.8. “Each lot shall have no less than 30,000 square feet of contiguous Buildable Land.” Chair Martin had requested a change to this edit. Mr. Monahan changed the sentence to read, “Each lot shall have no less than the contiguous building land as required by the Zoning Ordinance.” Added to Section 8.6.11, “Further, the developer shall make provisions to ensure access and the effective private maintenance of all mailboxes and/or mail delivery receptacles.”

**Section 8.10** – Added to Section 8.10.9, “In accordance with the provisions of NH RSA 147:8, any development proposed that fronts on a public street and is within 100’ of a sewer line, shall inquire with the Boscawen Public Works Department as to if they will be required to connect to that line, unless waived in writing by the Department of Public Works.”

**Section 10.3** – Language provided by Underwood Engineers, Mr. Monahan pasted the wording into the LDRs.

**Section 12.3** – Added “Code Enforcement Officer,” “Contiguous Land,” added clarity to “Subdivision, Minor,” and edited “Unbuildable Land.” Chair Martin asked why these definitions were being added to the LDRs when they are in the Zoning Ordinance. Mr. Monahan edited “Contiguous Land: Refer to Zoning definition.” Mr. Monahan said the Zoning Ordinance could have a different use for the term Code Enforcement Officer, but he will check.

**Constructions Procedures Manual Section 3** – Edited section to reflect the changes to RSA 674:36, Summary of Changes pursuant to SB 78 that went into effect October 3, 2023.

Mr. Monahan hopes to have the final draft by June, after incorporating Public Works Director Dean Hollins’ comments into the Road Acceptance Policy draft. Ex-Officio Carey requested “Select Board” be used throughout the document instead of “Selectmen.”

**Acting Chair Randall motioned to request Town Council to review the Land Development Regulations prior to acceptance by the Planning Board. Seconded by Chair Martin. 7 in favor. None opposed. Motion passed.**

*Riveredge Bond Reduction Discussion:* PCD Director Easler and PW Director Hollins met with Mr. Robert Saunders of Underwood Engineers, to review the request for the bond reduction that was received on March 4<sup>th</sup>. The request was approved by Underwood and verified on March 28<sup>th</sup> with Mr. Berkeley and his engineer Mr. Jeff Burd. A decision was made that the road was significantly complete. PCD Director Easler said As-builts were required and will be made a condition of the release. Mr. Berkeley will have 30 days to submit the As-builts. The request was signed by Mr. Saunders and Mr. Berkeley thus far, and Mr. Berkeley was present at the meeting to make the request in person to the Planning Board. Mr. Berkeley asked what the deadline was to get the As-builts submitted. PCD Director Easler said he had until April 27<sup>th</sup>. She also said that in the next few weeks Underwood will do a walk through and create a punch list. Mr. Berkeley asked if July 2025 was still acceptable to lay the topcoat. PCD Director Easler said fall of 2025 weather permitting. Mr. Berkeley asked if he was unable to meet the As-built deadline would he have to formally apply for an extension. Mr. Cherian said he would need to come back to the Planning Board.

**Mr. Cherian motioned to approve to release the bond subject to receipt of the As-built plans by April 27<sup>th</sup>, 2024. Seconded by Mrs. Witham. 7 in favor. None opposed. Motion passed.**

**New Business:**

*Public Hearing for Condominium Minor Subdivision Map 83 Lot 9:* PCD Coordinator 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, April 2, 2024, 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 Condominium Minor Subdivision, submitted and owned by Cynthia & Dave Caron of 21 Village Street, Penacook, NH 03303, with a location of 2 A&B-8 A&B Villa Brasi Lane, Boscawen, NH 03303, Map 83 Lot 9, located in an 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.

Acting Chair Randall asked if the application was of regional impact.

**Mr. Cherian motioned that the Condominium Minor Subdivision application was not of regional impact. Seconded by Mr. Crawford. 7 in favor. None opposed. Motion passed.**

Acting Chair Randall asked if the application was complete. PCD Director Easler said pending waiver requests. Mr. Tillman asked how this application was considered a minor subdivision. PCD Director Easler said this application was for a change of ownership type and after consulting with

CNHRPC it was determined that this condominium conversion was considered a minor subdivision.

**Mr. Crawford motioned to accept the Condominium Minor Subdivision application as complete with waiver requests. Seconded by Mr. Tillman. 7 in favor. None opposed. Motion passed.**

**Acting Chair Randall opened the Public Hearing at 7:25 p.m.**

Mr. Tim Bernier presented on behalf of Dave and Cynthia Caron. Mr. and Mrs. Caron own four rental duplexes located at 2 A&B-8 A&B Villa Brasi Lane. The proposal was to change the type of ownership from rentals to condos to allow Mr. and Mrs. Caron to sell the units individually. There were no physical changes proposed to the site from what was originally approved. Mr. Bernier said there were some specific documents required that were also listed in an RSA. The plans clearly list what comes included with the condo, such as sewer and water. The intent was so a buyer would see exactly what they were getting with their purchase of the condo and what their rights will be. The Bylaws and Declaration were reviewed by Town Counsel. There was one requested change that was made, and the documents were resubmitted. The waiver for the topographical plan was because this site was virtually flat, would have no contours and was not required by statute. The other waiver was for soils and steep slopes because there were no changes proposed to the site. Each unit will have a limited common area in the form of parking spaces and some of its own space outside the building. This development will be a condo association with each unit getting one vote. Mr. Tillman asked about the land that was not part of the limited common area, specifically the area that was designated for snow. Mr. Bernier explained that the limited common areas were assigned to each specific unit. The other unassigned areas were designated for maintenance crews to store equipment and tools or snow. Mr. Cherian asked if the land under each unit is owned by the individual. Mr. Bernier said the individual owns the inside of the unit and the association owns the outside. For example, if one of the buildings needed a new roof, the association would pay for the roof. Mr. Bernier thought the land under each unit would be a part of the common land. Mr. Cherian asked about the shared wall of each duplex. Mr. Caron said the walls were fire rated with each unit having its own drywall and a space in between the two walls. Mr. Tillman asked if each unit had its own attic space. Mr. Caron said yes, and the fire separation goes up to the roof. Mr. Cherian asked Mr. Caron if he as the developer would run the association until 3/4 of the units had been sold. Mr. Caron said yes or 2 years. Mr. Cherian asked how the financials would work. Mr. Caron will maintain the operating expenses until the association takes full ownership.

**Acting Chair Randall asked if there were abutters for or against.**

None seen or heard.

**Acting Chair Randall asked if there was any public for or against.**

None seen or heard.

**Acting Chair Randall closed the Public Hearing at 7:37 p.m.**

**Mr. Crawford motioned to accept the waiver for *section 6.5.2 Topographical Plan*. Seconded by Mr. Cherian. 7 in favor. None opposed. Motion passed.**

**Mr. Crawford motioned to accept the waiver for *section 6.5.4 Soils and Steep Slopes*. Seconded by Mr. Cherian. 7 in favor. None opposed. Motion passed.**

**Mr. Cherian motioned to approve the Condominium Minor Subdivision application. Seconded by Chair Martin. 7 in favor. None opposed. Motion passed.**

*Impact Fee Assessment Review:* Acting Chair Randall said Town Counsel and CNHRPC have suggested a study be done. CNHRPC has offered to work with the Board and Mr. Mark Fougere to get an estimate of what the study would cost for next year. Chair Martin said she was uncomfortable with the impact fees as they're currently outlined. She would be more comfortable with zeroing out impact fees until a new study could determine what the actual needs are as a result of new development rather than to continue to collect fees particularly for schools when it's not needed. Mr. Cherian agreed. He'd like to see the original study from 2007. He also said the Board has the ability to waive impact fees which could be a way to halt the collection until a new study can be completed. Ex-Officio Carey cautioned against that practice because the recent houses in the same areas of new development have been paying their impact fees as required. Chair Martin said there are specific requirements for waiving impact fees. Mr. Cherian asked if instead of waiving the impact fees could the same amount be collected but be directed in different ways. Ex-Officio Carey thought that was possible. The fee would remain the same to be equitable to those building in town but would change the purpose of the individual category. Discussion ensued. Mr. Cherian suggested at the next meeting to discuss reallocating the impact fee categories. All concurred. Ex-Officio Carey suggested reaching out to the Urban Planning program at UNH. She said there may be a Master student that could use a study project. Chair Randall asked to have this topic added to the May agenda.

### **Other Business:**

Ex-Officio Carey said there is a new piece of legislation being reviewed that would not allow a full-time employee of the town to participate in any committee, i.e. Technical Review Committee. Mr. Monahan said that would conflict with the RSA relating to TRC. Discussion ensued. Ex-Officio Carey will send the bill information around.

PCD Director Easler said there were 2 potential minor subdivisions and a potential gravel permit that would be coming before the Board in the next few months.

**The next PB meeting will be held on May 7, 2024 @ 6:30 p.m.**

**Mr. Tillman motioned to adjourn. Seconded by Acting Chair Randall. 7 in favor. None opposed. Motion passed.**

*Respectfully submitted by Kara Gallagher.*