

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Wednesday, July 5th, 2023**

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

Members Excused: 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; Alan Hardy—Code Enforcement Officer; Tim Kenney—Fire Chief

Guests: Matt Taylor—Central NH Regional Planning Commission; Mike Tardiff—Central NH Regional Planning Commission; Frederick Schneider—Owner of Safe Space Storage; Gerald McCann—Abutter; Thomas & Jody Berkeley—Owners of Riveredge Properties LLC; Chris Blanchard—Abutter; Sandy Cushman-Forcier—Abutter; Tucker McCarthy—Owner of DM Holdings, LLC; Mark Beaudoin—Partner of Nixon Peabody LLP; Chip Fredette—SAI Group; Keith Vellante—RF Engineer, C Squared Systems LLC; Ross Cunningham—Merrimack County Administrator; Bill Bevans—Abutter/Public; Spencer Tate—Wetland Scientist for Meridian Land Services Inc; Eric Munro—Representative for Building & Loan Development; Jaimie Hanna—Abutter; Kathy Hanna—Abutter; Tracy Huckins—Abutter; Scott Martin—Abutter; Sarah Millard—Abutter; Margaret Boyles-- Abutter

Commercial Street Update:

Mr. Tardiff and Mr. Taylor came to the meeting to provide an update on the Commercial Street upgrades. At the last meeting, discussion took place around creating a Tax Increment Finance (TIF) District in the Commercial Street area. Since then, Mr. Taylor and Mr. Tardiff attended a Select Board meeting and a Penacook Boscawen Water Precinct meeting. Mr. Tardiff said they’ve been discussing the proposed boundaries of the district, and how to build the TIF process. The proposal would be to incorporate the majority of Commercial Street, as well as a couple of parcels on Fisher Ave. Because of the water line Rights of Way that work their way down, he said there will be a lot of room to modify as the process develops. A lot of the focus thus far has been on water, and the Precinct will be undergoing a mapping process. There should be some updated digital maps later this summer or in the fall. Realistically, the funding for the TIF District would need to go through engineering early on to determine the cost for the water and sewer line extension, and street improvements. Mr. Taylor said the valuation will depend upon what the town wants to see in the Mill Redevelopment District, such as the density and type of construction. PCD Director Easler asked if there had been any talk about extending the TIF District to River Road. There is an industrial parcel that could be a good addition. Mr. Tardiff said a larger TIF always

has a better chance of being successful. Mr. Tardiff and Mr. Taylor said a Planned Unit Development in that area might be a good avenue to pursue and for the Board to think about what else they'd like to see. PCD Director Easler said the Rail Trail will hopefully be extended through Commercial Street as well. Discussion ensued. PCD Director Easler said there are a couple of abutters who may be interested in working with the town during the redevelopment. Mr. Tardiff said we are still waiting on EPA sign off to continue cleaning up the area.

Mr. Taylor reminded the Board that there is still work to be done for the updates to the Master Plan Housing Chapter. He is looking for guidance and feedback on what everyone would like to see.

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

PCD Assistant Gallagher completed roll call.

Member Resignation: Chair Martin said with regret, the Planning Board accepted Mr. Mark Varney's letter of resignation. Chair Martin asked Planning Board Alternate Joshua Crawford to fill the vacancy. Mr. Crawford accepted and will now be a regular voting member of the Board.

Minutes:

Ex-Officio Carey motioned to accept the 6/6/23 draft minutes as presented. Seconded by Vice Chair Randall. All in favor. None opposed.

New Business:

Public Hearing for 3-Lot Minor Subdivision Map 45 Lot 33: Chair Martin said the Board received a letter from Mr. Joseph Wichert asking to continue this Public Hearing to the August meeting due to the large agenda in July.

Mr. Tillman motioned to move the Public Hearing for a 3-Lot Minor Subdivision for Map 45 Lot 33 to a date certain of August 1, 2023. Seconded by Mr. Cherian. All in favor. None opposed.

Public Hearing Request for Extension Map 79 Lot 123: 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 **Wednesday, July 5, 2023 after 6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, during a *regular meeting* of the Board, to hear a request to **Extend the Site Plan Notice of Decision from meeting on 07.01.21**, submitted and owned by **Frederick Schneider PO BOX 715, Bristol NH, 03222** with a location of **Map 79 Lot 123, 85 Daniel Webster Highway, located in an IND zone**. Upon a finding by the Board that the request meets the requirements of the Zoning Ordinance and the Land Development Regulations, the Board may conduct a Public Hearing on the merits of the proposal. 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.

Mr. Frederick Schneider, owner of Space Storage located at 85 Daniel Webster Highway, requested an extension of the Site Plan Notice of Decision dated 7/1/21. His company has had issues with supply chain and getting parts to get the storage buildings built. After the issue was resolved, the employees of the company Mr. Schneider orders his building from went on strike. This has since been resolved as well. Mr. Schneider would like a one-year extension. There will be no changes to the original site plan. Mr. Cherian asked if the project would be complete by July 2024. Mr. Schneider said yes. Ex-Officio Carey asked if the additional fire hydrant had been installed, which was a condition of the original NOD, along with no outside storage on site. Mr. Schneider said there is no outside storage, and the hydrant has not yet been installed, but he will make sure it gets done, most likely first. Mr. Cherian asked if the requirement of an extension was to complete the work or start by the deadline. Chair Martin said Mr. Schneider must start the work before July.

Chair Martin opened the Public Hearing at 6:41 p.m.

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

Mr. Gerald McCann, homeowner of 11 Welcome Ave, spoke neither in opposition nor in favor of the extension. Mr. McCann asked if there would be one or two buildings, and would they be placed in front or behind the existing buildings. Mr. Schneider said there will be two buildings going behind the existing buildings. Mr. McCann asked if there was enough room for two more buildings. Mr. Schneider said yes, after some sand is removed. Mr. McCann thanked Mr. Schneider for answering his questions.

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

None seen or heard.

Chair Martin closed the Public Hearing at 6:43 p.m.

Mr. Tillman motioned to accept the request to extend the Site Plan Notice of Decision from 07.01.21 for one year from July 5, 2023, to July 5, 2024. Seconded by Ex-Officio Carey. All in favor. None opposed.

Public Hearing Request for Extension Map 183D Lot 16 Sublot 1: 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 **Wednesday, July 5, 2023 after 6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, during a *regular meeting* of the Board, to hear a request to **Extend the August Deadline to remove the building by the end of 2021 per the Notice of Decision from the meeting on February 2, 2021**, submitted and owned by **Riveredge Properties, LLC of 140 Peaceful Lane, Penacook, NH 03303** with a location of **Map 183D, Lot 16, Sublot 1, 1 Eagle Perch Drive, located in an CMW&S zone**. Upon a finding by the Board that the request meets the requirements of the Zoning Ordinance and the Land Development Regulations, the Board may conduct a Public Hearing on the merits of the proposal. 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.

Mr. Thomas Berkeley and Mrs. Jody Berkeley spoke to the Board. Mr. Berkeley explained that they were asking to extend the removal of the greenhouse because they use the building as an office space to meet with clients and for storage. He said they put a new roof and siding on the building to make it look nice to residents passing by. They believe this building looks nicer than a job trailer would in its place. Ex-Officio Carey asked if there was still a \$10,000 bond to ensure the removal of the greenhouse. Mr. Berkeley confirmed that was correct. Ex-Officio Carey asked if that amount was sufficient. Mr. Berkeley insisted it would not take much work to remove the building. Vice Chair Randall asked how long of an extension Mr. and Mrs. Berkeley were seeking. Mr. Berkeley said two years. Discussion ensued. Mr. Crawford asked how long the removal of the building would take. Mr. Berkeley said about half a day. Ex-Officio Carey had concerns about a two-year extension not being long enough. She said it took two years to build two houses, and there are fourteen left to build. Chair Martin said installing the infrastructure likely took up a lot of those two years but agreed that it will take longer than two years to build the remaining houses. Mrs. Berkeley said out of those two years, six or seven months was spent waiting for the Attorney General's office.

Chair Martin opened the Public Hearing at 6:52 p.m.

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

Mr. Chris Blanchard, homeowner of 160 North Main Street, spoke neither in opposition nor in favor of the extension. He requested that there be a deadline set for the extension. He said there were also some conditions of the original Notice of Decision from 2021 that were not given deadlines, and he would like for those to be addressed. Chair Martin asked what he was referring to. Mr. Blanchard said he was talking about the vegetative buffer to be placed on the north side of lots 1-4, and the south side of lot 16. Mr. Berkeley said Mr. Blanchard cut down trees on his own property that contributed to his natural vegetative buffer. Mr. Blanchard said the trees had been ruined due to construction activity. Chair Martin asked if there was a date set on that condition. PCD Director Easler said no. She and Code Enforcement Officer Hardy went out to inspect the lots to see if there was any kind of buffer so far. She said there are vegetative buffers along lots 3 and 4 but could use more around lots 1 and 2. She said lot 16 has hardwoods all around it. Discussion ensued. Chair Martin asked Mr. Berkeley if he had a plan in place to address the buffers. Mr. Berkeley responded that they had been waiting for construction to begin, so they could see what natural buffers existed, and what needed to be planted. He plans to put the buffers in as the lots are developed.

Sandy Cushman-Forcier spoke on behalf of her father, homeowner of 168 North Main Street. She asked if there would be any houses on the side of the ravine closest to her father's property. Mr. Berkeley said no, there are wetlands in that area and therefore it would be unbuildable.

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

None seen or heard.

Chair Martin closed the Public Hearing at 7:04 p.m.

Ex-Officio Carey motioned to approve the request to extend the Notice of Decision from 02.02.21 to remove the green house by August 2023, to August 5, 2025. Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Berkeley asked if they could come back after two years for another extension if they hadn't completed the project. Chair Martin said yes.

Public Hearing Request to Decrease and Reconfigure Map 81B Lot 35: 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 **Wednesday, July 5, 2023 after 6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, during a *regular meeting* of the Board, to hear a request to **decrease and reconfigure the number of apartments in the Site Plan per the Notice of Decision from 03.07.23**, submitted and owned by **DM Holdings LLC, 10 Bricketts Mill Road #D3, Hampstead, NH 03841** with a location of **Map 81B Lot 35, 145 King Street, located in the Village District**. Upon a finding by the Board that the request meets the requirements of the Zoning Ordinance and the Land Development Regulations, the Board may conduct a Public Hearing on the merits of the proposal. 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.

Mr. Tucker McCarthy said the 16 units were approved in March 2023, with 6 two-bedroom units on the 1st floor, and 10 one-bedroom units on the 2nd floor. As his company continued through the process of obtaining state approvals, it was discovered that the site could not handle the septic load being proposed. Mr. McCarthy said they have gone back to the drawing board, and shrunk the proposal to 15 units, one-bedroom each. The site will be able to serve this load. Other than the units, the only change proposed was one of the driveways was moved on the new plan. Chair Martin said she had some concerns about the new plan. After reviewing the plan, she said the aesthetics have changed, which was a big topic of discussion at the original hearing. The Board wanted some of the historical factors of the original site and building incorporated into the new building. The other concern she had was in the original plan, the stairs leading to the second floor were behind the building and covered. The new plan depicts external stairs from the front of the building that are uncovered. Meaning, residents would have to park behind the building, walk around to the front of the building, and up the uncovered stairs. Chair Martin felt as though that would be a safety issue, especially in the winter. Mr. McCarthy responded to the concerns. He said he still planned to incorporate some of the historical factors into the new building that was originally requested by the Board. Mr. McCarthy said that the staircases have not changed. They will still be in the back of the building and covered. Chair Martin insisted that the stairs were uncovered and were on the side of the building in the newly presented plans. Mr. McCarthy clarified that the stairs were indeed on the side of the building and were uncovered, but the second-floor deck leading to each unit was on the back and covered. Chair Martin asked to pull up the original plan for comparison. Discussion ensued. Ex-Officio Carey expressed her own concerns about how the new building plans did not have a "Village" or "Boscawen" feel. She said she

recommended incorporating the architectural features that exist on the current house, as well as placing the historic marker in the picnic area during the original hearing. She also asked if Mr. McCarthy has spoken with the state. There is a plan to widen King Street in the next few years, and she wanted to know if they have enough room in front of the building in case the road is widened. Mr. McCarthy said they were in the process of getting NHDOT approval, and he was aware of the future improvements to King Street. He was told there would be no widening or impact in this area. Chair Martin asked Code Enforcement Officer Hardy and Fire Chief Kenney if either had concerns regarding the stairs. Code Enforcement Officer Hardy said that would fall under the Building Permit process and would be reviewed under the Life Safety Code and Building Codes at the time of submittal. He would have to look under the section referencing stairs in the Building Code, but he was unaware at the time of any requirement for the stairs to be covered. There is, however, a requirement to keep the stairs clean, as a safety issue. Fire Chief Kenney said on his end there are no violations. Chair Martin asked if Mr. McCarthy was amenable to make some changes to the façade and stairs. Mr. McCarthy said he'd be happy to make that a condition of approval. Discussion ensued.

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

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.

Mr. Tillman motioned to approve the request to decrease the number of apartments from 16 units to 15 units in the Notice of Decision from 03.07.23. with the following conditions:

Conditions Precedent:

- 1. Come back to the August 1, 2023, Planning Board Meeting with changed plans to depict a village district façade in front of the building.**

Seconded by Mr. Cherian. All in favor. None opposed.

Public Hearing for Conditional Use Permit & Major Site Plan for a Telecommunications Tower Map 49 Lot 21: PCD Assistant Gallagher read the following Public Notice: Notice is hereby given in accordance with NH RSA 676:4, I, D1, NH RSA 674:54, NH RSA 12-K:7, and the **Town of Boscawen Land Development Regulations and Zoning Ordinance** that the **Planning Board** will meet on **Wednesday, July 5, 2023 after 6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, during a *regular meeting* of the Board, to hear a request to for a **Conditional Use Permit and Major Site Plan to construct and operate a 120' wireless telecommunications facility**, submitted by **Nixon Peabody for Bell Atlantic Mobile Systems LLC, d/b/a Verizon Wireless of 900 Elm Street, Manchester, NH 03101** with a location of

Map 49, Lot 21, 335 Daniel Webster Highway, located in an AR zone. Upon a finding by the Board that the request meets the requirements of the Zoning Ordinance and the Land Development Regulations, the Board may conduct a Public Hearing on the merits of the proposal. 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 based on Central NH Regional Planning Commission's review, the application for the Conditional Use Permit was complete with no waivers, and the application for the Major Site Plan is requesting waivers.

Mr. Mark Beaudoin provided a brief overview of the application. He said there is a gap in coverage in the Verizon network between Routes 3&4. He said the proposed solution was a 120' monopole with ancillary structures, such as a generator, various cabinetry, an ice bridge, etc. all within a 75' x 75' leased area. The landowner would be the Merrimack County Farm. Next, Mr. Chip Fredette presented the site plan maps to show existing towers in Boscawen and the predicted coverage once the new tower is constructed. It was his job to find a location for a new cell tower that would satisfy the gap in coverage in the area. The goal was to connect the footprint of Boscawen to the footprint of Northfield. He said there won't be much coverage to the west because of the hills there. When looking for potential sites, they will look for existing towers to attach new antennas to. In this case, there was another tower on the same parcel, but because of it being placed at a lower ground elevation that site would not have worked. Verizon only builds a new tower when absolutely necessary and will attach antennas to existing sites if possible. In this situation, a new tower was the best option. The proposed access and utility easement will lead from Route 3 and travel through the facility following existing roads to Tote Road in a westerly direction. The road would be improved slightly by adding crushed gravel, but otherwise doesn't need many upgrades. 2/3 of the proposed access road already exists, and the last 1/3 would be a new access road through the field. Mr. Fredette discussed the details of the site plan including dimensions of the compound. He mentioned that the pole and compound would be built to serve other carriers in the future. Once the site is constructed, there would be about one visit a month during good weather. There would be no visits during the winter unless necessary. Mr. Fredette provided a photo simulation report. A red weather balloon was floated up into the air and monitored by one person while another drove to vantage points around town and took photos to show where the proposed tower would be visible. Even if the balloon couldn't be seen, a photo was taken to prove that. Mr. Tillman asked if the existing tower in Boscawen was 4G. Mr. Fredette said that was correct. Mr. Tillman asked if the proposed tower would be 5G. Mr. Fredette said eventually, but not right away. Alternate Ex-Officio Bevans asked if there would be flashing lights on the tower. Mr. Fredette said no. Only if the tower was over 200' or within a certain proximity of an airport or helipad. Mr. Cherian asked if there were any DES permits required. Mr. Fredette said no. Mr. Cherian clarified that the tower would lease the land from Merrimack County and have an easement to use the existing roads. Mr. Fredette said that was correct. Discussion ensued. Mr. Keith Vellante presented topography maps, showing the existing towers, the proposed tower, and their coverage. He explained when there is too much usage in an area, there needs to be a way to support that usage. Currently, the existing towers are trying to support the usage, which creates unreliable service. A new tower will relieve

some of the stress from the existing towers, so they may service their areas better and provide a more balanced network overall.

Chair Martin opened the Public Hearing for the Conditional Use Permit at 8:13 p.m.

Chair Martin asked if there were any abutters for or against the Conditional Use Permit.

Mr. Bill Bevans, homeowner of 416 High Street, said the corner of his property is about 3,000 ft from the proposed tower. He said he was in favor of the proposal.

Chair Martin asked if there was any public for or against the Conditional Use Permit.

Mr. Ross Cunningham, Merrimack County Administrator, said this had been a long-term project in which they worked together to make the least amount of impact on the property. He said there is an existing fire range at the top of the site for the Sheriff's Office and part of the benefit from this agreement was to make the access road more accessible for all parties. He said the Commissioners unanimously supported the contract. Mr. Cherian asked if the tower would be in the same location as the proposed solar project. Mr. Cunningham said the solar will be closer to the other tower.

Chair Martin asked if there were any comments or questions from staff.

Fire Chief Kenney said during the last rainstorm, he had three emergency calls in the area of the Merrimack County Nursing Home, and he could not make a phone call during any of the emergencies. He was hopeful that the proposed tower would help cover some of the dead zones.

Chair Martin closed the Public Hearing for the Conditional Use Permit at 8:19 p.m.

Ex-Officio Carey motioned to approve the Conditional Use Permit application with the following conditions and findings of facts:

Finding of Facts: The application complies with the Town of Boscawen's Zoning Ordinance and Land Development Regulations given the plans presented and waivers granted.

Conditions Precedent:

- 1. Pending the approval of the Major Site Plan Application.**

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

Chair Martin opened the Public Hearing for the Major Site Plan at 8:24 p.m.

Chair Martin asked if there were any abutters for or against the Major Site Plan.

None seen or heard.

Chair Martin asked if there was any public for or against the Major Site Plan.

None seen or heard.

Chair Martin closed the Public Hearing for the Major Site Plan at 8:24 p.m.

The Board discussed the waivers requested.

Ex-Officio Carey motioned to waive the Development Impact Study Report which contained the following:

- a. Building size both existing and proposed (total and by building).**
- b. Total impervious surface and ground floor area of all buildings in square feet.**
- c. Floor area in square feet of existing and proposed uses.**
- d. Number of existing and proposed residential dwelling units, by type and number of bedrooms, and total number of dwelling units in the development and each building.**
- e. Drainage information including summary for major projects and for minor projects drainage calculations with measures to be used to control both the quantity and off-site drainage.**
- f. Traffic generation for existing and proposed uses for AM, PM peak hours and Saturday peak hours for retail only, and total Average Daily Trips (ADT).**
- g. Community facility impacts**
 - 1. For residential uses estimated number of school age children.**
 - 2. Amount and disposal method for solid waste and recycled materials.**
- h. Estimated value added by development, tax status, estimated Current Use penalty, if any.**

Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Cherian asked if Fire Chief Kenney had any concerns about the waiver for the Public Safety Report. Fire Chief Kenney has spoken with Mr. Cunningham and has no concerns.

Mr. Tillman motioned to waive the Public Safety Report—Reports from the Police and Fire Departments indicating their ability to serve the proposed application, and any unusual or possibly hazardous issues raised by the proposed buildings, structures or uses. Seconded by Mr. Cherian. All in favor. None opposed.

Mr. Tillman motioned to waive the drainage study for major projects over 20,000 square feet. Seconded by Mr. Crawford. All in favor. None opposed.

Mr. Tillman motioned to waive the traffic study for projects which generate over 20 Peak Hour Trips or 200 Average Daily Trips (ADT). Seconded by Ex-Officio Carey. All in favor. None opposed.

Mrs. Witham motioned to waive the environmental report for projects over 20,000 square feet of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts. Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Tillman motioned to waive the fiscal impact study for projects with 10 or more dwelling units. Seconded by Ex-Officio Carey. All in favor. None opposed.

Mr. Tillman motioned to waive the report from the Conservation Commission—for projects over 20,000 square feet of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts. Seconded by Mr. Crawford. All in favor. None opposed.

Mr. Tillman motioned to waive any additional reports or studies deemed necessary by the Board to make an informed decision. Seconded by Mr. Cherian. All in favor. None opposed.

The Board discussed the potential conditions of approval provided by CNHRPC.

Chair Martin stated for the record that once this application had been received it was determined to be of Regional Impact. In anticipation of that determination and following federal guidelines, staff noticed all abutters and towns within a 20-mile radius. There was no response from any abutter.

Mr. Tillman motioned to approve the Major Site Plan Application with the following conditions and findings of facts:

Finding of Facts: The application complies with the Town of Boscawen’s Zoning Ordinance and Land Development Regulations given the plans presented and waivers granted.

Conditions Precedent:

- 1. Removal bond estimate and Code Review to be provided to PCD Office with Code Enforcement Officer for approval and posted prior to construction of the site;**
- 2. All Waivers and Conditions of Approval be depicted on the plans.**

Seconded by Mr. Crawford. All in favor. None opposed.

Public Hearing for Conditional Use Permit & Major Subdivision for Cluster Development Map 94 Lot 23: 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, June 6, 2023 after 6:30 p.m.** at the Boscawen Municipal Complex, 116 North Main Street, during a *regular meeting* of the Board to hear two applications submitted and owned by **Building and Loan Development, LLC. of 23 Bush Hill Road, Kinnelon, NJ, 07405** with a location of **Map 94 Lot 23, 477 High Street, located in an AR zone.**

- 1) An application for a **Conditional Use Permit—Cluster Development Application**

Upon a finding by the Board that the applications meet the submission requirements of the Zoning Ordinance and the Land Development Regulations, the Board will vote to accept the applications 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 for the Conditional Use Permit was complete with no waivers, and the application for the Major Subdivision Plan is requesting waivers.

Chair Martin made a statement to the audience. She said the Planning Board has a decision to make based upon what is presented to them at the Public Hearing. She said if the applicants meet the requirements of the Zoning Ordinance and Land Development Regulations, that were approved and adopted by the voters of the Town of Boscawen, the Board is required by law to approve that application.

Mr. Cherian motioned that the application for the Conditional Use Permit was complete. Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Spencer Tate discussed the criteria for the Conditional Use Permit in the Zoning Ordinance, Article XIV-Cluster Developments, 14.02-Conditional Use Permit Required:

1. The property is located in the AR zone;
2. The parcel is 126.2 acres;
3. Test pits were conducted on all proposed lots for septic and wells, and will have a well location;
4. The density would not exceed what would be permissible under a conventional subdivision-30 lots can be supported;
5. At least 40% of the parent tract is devoted to open space: required-50.4 acres proposed-71.6 acres;
6. At least 33% of the required open space is "buildable": required-16.7 acres proposed-46.6 acres;
7. Open space will be permanently protected-via open space documentation;
8. Very little land area being proposed for building has wetlands, mainly primary crossing;
9. Single family units are proposed, 75' non-build/green space buffer will be maintained around perimeter of parent tract.

The proposed subdivision configuration was shaped based on slopes, wetlands and wildlife corridors that connect to adjacent properties.

The Board discussed details of the application. Ex-Officio Carey read Article XXI-Conditional Use Permits, 21.07-Conditions of Approval for the audience.

Chair Martin opened the Public Hearing for the Conditional Use Permit at 9:07 p.m.

Chair Martin asked if there were any abutters for or against the Conditional Use Permit.

Ms. Jaimie Hanna, spoke on behalf of her parents Kathleen and Emmett Hanna, homeowners of 475 High Street, and mentioned she will be taking over the property someday. She said this

subdivision almost completely surrounds the property. She and her parents have seen flags that they felt did not line up with what they're being told. She said dirt was being moved for one of the sites that day and the pond on their property that was normally clear had become very murky because of the construction activity. She asked if the entire property was previously owned by Piontowski. She asked if only one Wetland Scientist had looked at the property or was a second opinion sought. She asked if NHDES had been involved. She was concerned about the wildlife. She said the water runoff from the proposed sites was a major concern for them. Chair Martin said a lot of her concerns would be covered under the major Subdivision application.

Ms. Tracy Huckins, landowner of 40 North Water Street, asked if the applicant had gone in front of the Zoning Board of Adjustment for a Variance. Chair Martin said a Variance was not required. Ms. Huckins asked what the difference was between a Variance and Conditional Use Permit. Mr. Cherian said a Conditional Use Permit is required in a particular district with conditions attached to it, and a Variance is a request to do something that is not allowed in a particular district.

Mr. Scott Martin, landowner of Map 49 Lot 57 on High Street, said he had concerns about how much of the property contained wetlands and offered to bring anyone who also had concerns about the wetlands out to walk his property. He said he has a lot of knowledge about the property because he hunts and fishes and goes out often.

Ms. Sarah Millard, homeowner of 106 & 111 North Water Street, said she heard about this development via email 4 weeks ago and knew nothing about the application. She asked if the water supply to the lots would be serviced by the town or by wells. She asked if the open space would be going into Conservation, because there is a lot of Conservation land surrounding the parcel. She said she doesn't want unauthorized people on her land. Even though her land is posted, people still go hunting and fishing, and she has had other issues over the years. She felt as though this application was dropped on the abutters. Chair Martin said all abutters have been notified prior to every Public Hearing.

Margaret Boyles, homeowner of 17 Old Turnpike Road, Salisbury, said she understands the need for housing and was not opposed to development. But she said she has had many problems with unauthorized use of ATVs during all seasons on her property. She said there is a very rich wildlife habitat all throughout the land. Her concerns were that once the subdivision is complete, there will be many trails created that aren't supposed to be, and that will drive the wildlife away.

Chair Martin asked if there was any public for or against the Conditional Use Permit.

Mr. Bevans said across the street is a chicken farm that houses 20,000 chickens, and eventually may have as many as 40,000. He wanted this to be public knowledge because the smell from a chicken farm can be quite strong. He referenced a farm in Auburn that was shut down due to a new development that was constructed next to it, and many complaints of the smell by the abutters.

Chair Martin asked if there were any other comments or questions from the Board or staff.

PCD Director Easler suggested the Board read Public Works Director Dean Hollins second review. DPW Director Hollins suggested that this application be sent to Underwood Engineers for review.

Chair Martin felt as though that review would go with the Major Subdivision application and not the Conditional Use Permit application.

Chair Martin closed the Public Hearing for the Conditional Use Permit at 9:32 p.m.

Mr. Cherian said he felt as though the applicant had provided all of the necessary information to meet the requirements of the Conditional Use Permit. Discussion ensued on potential conditions of approval.

Mr. Cherian motioned to approve the Conditional Use Permit application with the following conditions and findings of facts:

Finding of Facts: The application complies with the Town of Boscawen's Zoning Ordinance and Land Development Regulations given the plans presented and waivers granted.

Conditions precedent:

- 1. Approval of proposed Major Subdivision;**
- 2. Requirements of Article XIV Cluster Developments including management of open space as stipulated in section 14.06.b of the Boscawen Zoning Ordinance.**

Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Cherian asked if the Board had done a site walk for this project yet. PCD Director Easler said they had not. Mr. Cherian asked if that could be done prior to the August meeting. Mr. Tillman asked if the property was walkable. Mr. Munro said some of it would be. Ex-Officio Carey mentioned several concerns that had been raised by the abutters and asked if there was any way to see some of the concerns while on the site walk. Mr. Tate said yes, he would be happy to show the Board whatever they need to see. The site walk was scheduled for July 29th at 8:00 a.m.

Chair Martin suggested the Major Subdivision application be sent to Underwood Engineers. The applicant had concerns about paying for that service prior to the application being accepted. The applicant will let staff know if they want to pursue this avenue.

Chair Martin motioned to continue the Major Subdivision application to a date certain of August 1st, 2023. Seconded by Vice Chair Randall. All in favor. None opposed.

The next meeting will be held on July 29th, 2023 @ 8:00 a.m.

Mr. Tillman motioned to adjourn made by. Seconded by Mrs. Witham. All in favor. None opposed.

Respectfully submitted by Kara Gallagher.