

**Town of Boscawen  
PLANNING BOARD  
Boscawen Municipal Complex  
FINAL MEETING MINUTES  
Tuesday, July 6, 2021 at 6:30 PM**

**Present:** Mark Varney—Chair; Fred Reagan—Vice Chair; Barbara Randall; Gary Tillman; Roberta Witham; Loren Martin; Paul Dickey —Alternate Ex-Officio;

**Excused:** Lorrie Carey—Ex- Officio, Rhoda H. Hardy—Alternate

**Staff Present:** Kellee Jo Easler—Planning & Community Development Director; Crystal Tuttle—Recording Secretary; Kearsten O’Brien— Assistant Planning & Community Development; Alan H. Hardy— Town Administrator

**Guests:** Web Stout— Surveyor; Jeff Burd— Engineer; Tom Berkeley— Property Owner/ Developer; Ryan Audley— Property Owner; Tim Bernier— Surveyor

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Chair Mark Varney opened the public meeting at 6:30 p.m. Ms. Tuttle completed roll call.

**Minutes**

**Mr. Tillman motioned to accept the draft minutes as presented, Vice-Chair Reagan seconded. All in favor. None Opposed. Mrs. Martin abstained.**

Director Easler introduced the continuation of the 16 Lot Subdivision located at Map 183D Lot 16-1. The Board had not accepted the application as complete in the previous meeting.

**Mrs. Randall motioned to accept the application as complete, Mrs. Witham seconded. All in favor. None Opposed.**

Mr. Stout presented that the biggest changes to the plans for Map 183D Lot 16-1 were the changes in the number of lots and the decision to not use Town sewer. The sewer pump proved to be too costly and so the lots were reduced to accommodate septic systems for each lot. The three items Mr. Stout and Mr. Berkeley are waiting on are the State driveway permit, State Subdivision approval, and the DES wetland permit.

Mr. Burd presented the changes requested by Underwood Engineers (UE) that were brought up at a June 11, 2021 meeting. Comment #13 stating that Lot One is irregularly shaped still meets the Town minimum lot size requirement. Steep slopes and wetlands were removed from the total buildable lot size. This is now reflected on the revised plans. The next comments from UE was #22 & #40, which address the slope and the gutter flow of the roadway. The closed drainage system was extended an additional 100 feet with a 3 percent cross slope, which should improve

the drainage gutter flow. Mr. Burd commented that this is engineer discretion and feels that this design is best for the plan.

Vice-Chair Reagan addressed the placement of the mailbox area, which had been moved to the right side of the road and lengthened. The United States Postal service has not responded to Vice-Chair Reagan's request for clarification on cluster mailboxes versus individual boxes at the homes. Mr. Berkeley has been told previously that this is required, yet the Town has not received any notification of this requirement. The Town would prefer not to have this cluster for maintenance purposes.

Mr. Dickey asked if a cul-de-sac could be built with the lot size change. Mr. Stout stated that the hammerhead design is what Public Works Director Hollins, prefers for plowing. Lot 7 & 8 will have driveways that come off the hammerhead, but not at the ends like Public Works Director Hollins requested.

Vice-Chair Reagan asked about UE's comment regarding the water quality at the end of the water main. Mr. Burd stated that he thinks this question refers to flow and he can shorten the water main. UE also stated in their review that the gas and water main separation should be increased and Mr. Burd will change this as well. Chair Varney asked if #51 regarding the labeling of hydrants will be done and Mr. Burd said yes.

Director Easler asked if the Board had reviewed the Fiscal Impact Study and comments from Central New Hampshire Regional Planning Commission (CNHRPC). Vice-Chair Reagan questioned how the estimate of school age children in this subdivision was calculated. 52 bedrooms are proposed and if you subtract the rooms for parents, this leaves 36 bedrooms. This data reflects that 36 bedrooms would house only 7 children. Mr. Burd commented that he thinks this is based off an accepted ratio from the State.

**Chair Varney opened the public hearing at 6:58 p.m.** He asked that abutters for and against speak first, then the public following. All questions are to be directed to the Planning Board and not the applicants.

No abutters for this application. Chris Blanchard of 160 North Main Street, an abutter against, stated that he built his home 15 years ago when this area was zoned R1. He would like to see consistency with the zoning in Town. Mr. Blanchard requested that a buffer be built along the back sides of lots 1 & 2. His deck is 8 feet off the ground, so he would like something higher to preserve his privacy. A letter sent by Mr. Blanchard is included at the end of the minutes as well as a letter from Keith Marshall of 169 North Main St.

Kevin Marshall of 19 Gage Street, asked where the Environmental Impact Study was, as it was outstanding at the last meeting. Mr. Stout stated that this is something they are still waiting on from DES. Mr. Marshall would also like a barrier on the Gage Street side of this development.

No public for or against.

**Chair Varney closed the public hearing at 7:03 p.m.**

Town Administrator Hardy asked what the Board is requiring of the applicant in regards to the mailboxes if the Postal Service is not corroborating. Chair Varney does not wish to impose undue stress to the applicant, so the mailboxes will remain on the plans until noticed from the Postal Service.

The conditions for approval are as follows:

1. Approval of State Subdivision, Wetland, and Driveway permits;
2. If cluster mailbox is not required by USPS it does not need to be put in;
3. 12ft vegetative buffer on the north side for lots 1-4 and on the south side for lot 16, such as Hemlock or Arborvitae trees;
4. Comments 42-51 from 2<sup>nd</sup> Review of Underwood Engineers dated July 2, 2021 review.

**Mrs. Martin motioned to accept the application with conditions. Mr. Dickey seconded. All in favor. None opposed.**

**Ms. Tuttle read the public notice for Map 47 Lot 6 as follows:**

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, July 6, 2021** 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 Earth Excavation**, submitted and owned by **Ryan Stacy LLC, 11 Vaughn Road, Bow NH 03304** with a location of **Map 47 Lot 6, 243 Daniel Webster Highway**, located in an **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.

Director Easler stated that the application is complete, including waivers. Mrs. Randall stated that she is an abutter to this property, but did not wish to recuse herself as she can remain fair and unbiased. None on the Board voted for her recusal.

Director Easler stated the Conditional Use Permit should be addressed first. Mr. Bernier presented the plans for a small gravel pit located on Daniel Webster Highway. The lot is a total of 243 acres, but at this time the applicant, Ryan Audley, wishes only to excavate a little over 2 acres. This plan does not include a parking plan as there will only be a few employees on site, no public allowed on this property. There are no direct abutters to the dig site. Only 80,000 yards of material to be excavated, no need for an AOT permit at this time. Mr. Bernier and Mr. Audley estimate 20 trucks per day until the project is finished. 155:E is the State RSA regulating earth

excavation and this has been included on the plans. It shows regulations regarding moving material and reclamation standards. Partial waivers were requested due to the size of the property not being excavated. The mine will be located in the lowest area of the property, so the storm water drains into the pit. This pit contains very sandy soil, so drainage should not be a problem.

Mr. Audley introduced himself as the third generation president and owner of R.S. Audley, which has operated in Bow for 67 years. This is the first time his company is proposing a project in Boscawen. They have operated several gravel pits in the State, and do not wish to aggravate the property owners or the Town.

Mr. Dickey asked if the 20 trucks per day were owned and operated by R.S. Audley, and Mr. Audley said yes. There will also be a water truck on site for any dust. State roads will mainly be used for the travel of the trucks. Vice-Chair Reagan asked if any crushing or screening was to be done on this property, and Mr. Audley stated at this time it is just front loader gravel.

**Mrs. Randall motioned that there was no regional impact with this project. Chair Varney seconded. All in favor. None opposed.**

**Chair Varney opened the public hearing for the conditional use permit at 7:45 p.m.**

Abutter Melvin Furbush of 239 DW Highway, not for or against, asked if the applicant would need permission from the Town to blast if that needed to happen. Mr. Audley stated that he would come back to the Planning Board if they were to run into ledge that needed to be mined.

Joe Colby of 270 High Street, for, questioned the depth of the cut for the size of the lot. Mr. Bernier stated that the cut will be 24 feet. Mr. Colby asked if storm water permits are required and would like the materials removed to be monitored.

Abutter against, Tammy Porter of 239 DW Highway, requested that the start times for operations be changed to 7 or 7:30 a.m.

Abutter, Brendan Jackson of 6 Fairbanks Drive, does not want to see this turn into a mega pit. Mr. Jackson would like to maintain the forest for recreational activities and agrees with Mrs. Porter on the start times. Mr. Jackson did state that Mr. Audley has been very courteous to the abutters and it is greatly appreciated.

Abutter, Reverend Dr. Roger Sargent of 10 Hope Ave, does not object to the gravel pit but does have concern about making it a large pit.

Andy Warren of 221 DW Highway, of the public, wanted to know if the property was going to be posted. Mr. Audley stated that officially the property will be posted, but if the public is willing to sign waivers then the property can be used with permission from him.

Kevin Marshall asked if a traffic impact study was going to be done for Daniel Webster Highway. Chair Varney stated that this is not needed for a conditional use permit.

**Chair Varney closed the public hearing at 8 p.m.**

**Mrs. Martin motioned to accept the application with conditions, seconded by Mr. Tillman. All in favor. None opposed.**

The conditions for approval are as follows:

1. Applicant must come back to the Planning Board if they are to start blasting;
2. Yearly Town Engineer inspection;
3. Hours of operation Monday- Friday 7am to 5pm and Saturday 7am to noon;
4. Work with Association of Bosniaks to find out times of services.

The site plan for Map 47 Lot 6 presented was addressed, all conditions included. **Chair Varney opened the public hearing at 8:11 p.m.** No abutter or public comments. **Chair Varney closed the public hearing at 8:12 p.m.**

**Mrs. Randall motioned to accept the site plan application as complete. Mr. Dickey seconded. All in favor. None opposed.**

Ms. Tuttle read the public notice as follows:

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, July 6, 2021 after 6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, during a *regular meeting* of the Board to hear an Application for a **Minor 2-Lot Subdivision**, submitted and owned by **Boscawen DW Highway Realty LLC** with a location of **Map 49 Lot 6, 451 Daniel Webster Highway, located in an AR 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.

Director Easler introduced the application for a 2 lot subdivision, and stated that it was complete except for waivers. **Mrs. Randall motioned that there was no regional impact, seconded by Mr. Dickey. All in favor. None opposed.**

Mr. Bernier introduced the plan to divide an existing home with the property proposed to become a gravel pit. The house has existed on this property for 40 years and will sit on 27 acres. The house shares a driveway with GMI and the McKerleys. In order to satisfy zoning, the lot had to

be configured unusually. The surrounding 75 feet of land between the home and the Town line prevents an orphaned piece of property. No new driveway and no new structures proposed.

Director Easler said that the driveway easement will require legal counsel, and would like the legal fees to be paid by the applicant as a condition. Mrs. Martin stated that a spelling correction is needed on the plan.

**Chair Varney opened the public hearing at 8:27 p.m.** No abutter or public comment. **Chair Varney closed the public hearing at 8:28 p.m.**

**Chair Varney motioned to accept the application as complete with conditions, seconded by Mr. Dickey. All in favor. None opposed.**

The conditions of approval are as follows:

1. Easement approved by Town Counsel
1. Legal Fees paid by Applicant
2. Update Current Use map

Director Easler gave the Board gravel pit updates. Currently the Town has four gravel pits. The High Street gravel pit permit is not currently active. When the engineers review these pits, Director Easler will give an update to the Board. Discussion ensued about a grandfathered gravel pit that files every year for the 100 yards of excavated material and if the Town will monitor this. Town Administrator Hardy recommended this.

**Mrs. Randall motioned to adjourn, seconded by Mr. Tillman. All in favor. None opposed.**

Next meeting is scheduled for August 3, 2021 at 6:30 p.m.

*Respectfully submitted by Crystal Tuttle*

## ADDENDUMS

### 1. Letter Received from Mr. Blanchard of 160 North Main St:

Hi Mark,

I would introduce myself, I don't think we have formally met. I am assuming you probably know where I live, at 160 N Main St.

Looks like this project has changed again, dropping it back to 16 house lots. Finally realizing the cost of extending the sewer line is not practical.

The site walk through last month, I found it funny that it was directed as far away from our line as possible.

I will be at the meeting on Tuesday and will bring my points up at the meeting. Unfortunately, I will probably be the only one. But please share this with the rest of the board. I am impressed at the effort the board has put into this project and appreciate the time you all put into the position. I am not sure if you saw my previous email, that I sent back in January. It was sent to Mr. Hardy and Mrs. Easler, I know Mr. Berkeley also ended up with it and didn't care for what I had to say. As I heard from him right away, accusing me of slander for some reason.

Zoning - We started building our house just 15 years ago in 2006, after subdividing my grandmothers 4+ acre lot with just under 500' of frontage. Only consisted of adding a single house on the new 2+ acre lot in what was then an R1 zone. It only required a set-back variance between the garages, to keep them in place. I communicated with all of the neighbors and positioned the new house to have minimal impact to any neighbors or people driving down the road. This required putting it close to the line of the property owned by Agnes Marshall, also zoned R1 like ours. Which was then land locked with minimal frontage with her existing house and the old flower shop. So not likely to be developed.

In the last nine years there have been numerous zoning changes, over 20 I believe. This including making everything along North Main St changed to commercial in 2012. Which also increased the frontage requirement, so not a real big impact on things. Later in 2015 that frontage requirement was changed to 100'. For no real reason, except to allow Don Fannie to split up Jurta's old property and keep frontage and access to the back couple acres. Since then the Village District was added in the northern end of North Main and King St, but stopping just north of us. At some point Don Fannie was also able to now change his property to R2.

With all of these changes we now have 5 zones within a quarter mile on N Main. R2, Commercial, Conservation, R1, and Village District. This totally defeats the purpose of zoning and has now allowed for a huge residential development to be built, in a now Commercial Zone, where "Residential Development is not encouraged" but is still allowed.

There is only one other thing in common with the last 9 years in Boscawen, you can add that name here.

Current Development - For the development itself, it will be another road for the town to maintain, when it could just be done as an association for the home owners to be responsible for. I am glad we will not be maintaining a sewer pump station. I also do not believe putting a road through the small wetlands is practical, but it will make a nice home for the mosquitos I guess. On the personal side, this still puts 4 houses right down our line, just feet off our back deck. Totally eliminating the seclusion we created for ourselves just 15 years ago. Not just with putting

houses behind us, but the 2 or 3 years of construction and equipment noise we will have to deal with. We put up with the skidder going by our deck for a few weeks, but will ask for a barrier to be put in place before construction starts. Down the back line of the proposed lots 1 & 2 at a minimum. A regular fence will not be enough, as we are already elevated. Back in 2006, was the year of the floods. We hit ground water, from the adjoining wet lands when we dug for the foundation. Had to raise things up about 5' to avoid having a wet basement. Our back deck is about 8' off the ground. So the proposed lots 1 & 2 and maybe more, will be in a similar situation, the next year of high water levels.

I would be happy to discuss things further with you. As my biggest point moving forward is correcting the current zoning and then leaving it alone. We need to control the inevitable growth of the town, with some practical zoning requirements that don't need to be changed to meet an individuals goals. I grew up in Penacook during the growth of the 70's and 80's. It should be a good example that more houses does not help bring down property taxes. Talk to people in Penacook, they used to say they lived there, because they did not want to live in Concord. I have talked to people in Boscawen, that have told me they live here, because they don't want to live in Penacook. We need to keep it that way for them.

I wish we could also improve the communication with towns people and give them a reason to show up to vote on town matters. Only having 146 people to show up on town meeting day to vote, is just baffling to me.

Thanks,  
Chris Blanchard

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2. Letter received from Keith Marshall of 169 North Main Street:

June 30 2021

Boscawen Planning Board

My name is Keith Marshall I live at 169 North Main Street and I am against the development being proposed at 152 North Main Street.

We have commercial land to help bring businesses to this town and residential is Generally not encouraged in a commercial zone. So why allow development in this zone. Lot size should be much bigger.

My family has been farming the same land in Boscawen for 102 years and have been using town water to irrigate our crops for as long as I can remember. I have big concerns about the volume of water, if it changes even a little bit I may not be able to irrigate my crops. This business spans four generation, what a shame to have to go out of business because of this. The water precinct should be able to know what the volume has been the last three or four years which has worked for use. A simple yes from the precinct doesn't work, they should have some records of volume.

My other concern is this road being a town road. There is no reason for this to be a town road. The road goes nowhere and 99% of the people in this town will never use it. Why should we as tax payers have to take care of and repair this road and a retention pond. There are people in this town that can't pay their taxes now. Some will say we have other developments that are town roads. Just because we made mistakes in the past does not mean we should keep making them. This should



be a private road with an association. Look at what other towns are doing. In the southern part of the state and coastal region they are private roads.

I hope that the planning board would look out for its tax payers

Anytime you put a development next to an agricultural business

Big or small it is nothing but a problem. We are too noisy, too smelly

Too much dust, start too early or work too late. I speak from experience

I have managed a 600 acre farm in south NH for over thirty years and have 5 developments around us. Nothing but problems. People think your land is their land. We should be preserving agriculture and open space in this town not making it easier for developers. Some people think that residential housing will make our taxes lower what a mistake that is. We need to change our zoning in this town and soon.

It seems to me that it is a big safety problem to have only one egress to this development. Especially for rescue and fire.

I would like this in the official record.

Thank you

Keith Marshall