

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, November 2, 2021**

Present: Mark Varney—Chair; Fred Reagan—Vice Chair; Barbara Randall; Gary Tillman; Roberta Witham; Loren Martin; Lorrie Carey —Ex-Officio,

Excused: Rhoda Hardy— Alternate

Staff Present: Kellee Jo Easler—Planning & Community Development Director; Kearsten O’Brien—Deputy Planning & Community Development Director; Tim Kenney— Fire Chief

Guests: Matt Monahan, Senior Planner—Central New Hampshire Regional Planning Commission; Web Stout— Surveyor; Tim Bernier— Surveyor; William and Maryse Pelletier— Applicants; Jacque Belanger— Surveyor; Gary Kenney-Applicant

Chair Mark Varney opened the public meeting at 6:00 p.m. Deputy Planning and Community Development Director O’Brien completed roll call.

Chair Varney asked for any corrections to the draft minutes, Mrs. Randall stated that Rhoda Hardy was present for the meeting. Ms. Carey asked for corrections to be made to line 48; “into”, line 66 insert “actual,” and line 81 had a motion but no second.

Mrs. Martin motioned to accept the minutes as amended. Seconded by Mr. Tillman. All in favor. None Opposed. Chair Varney abstained.

Chair Varney moved on to the special meeting draft minutes. Ms. Carey had the following changes: Line 27 should be two sentences; line 57 developer should change to engineer; line 68 “a” to be added before review; line 69 question mark added at the end of this sentence; line 73 “engineer” should read “engineering”; line 76 a question mark at end of first sentence should be added; line 80 should read ‘refers to’ public improvements; line 81 “going forward” should be added; line 82 “them” to be replaced with “the question” and line 93 “if” should be added.

Mr. Tillman motioned to accept the minutes as amended. Ms. Carey seconded. All in favor. None opposed. Vice Chair Reagan abstained.

Senior Planner Monahan introduced the edits he made to the Zoning Ordinance (ZO) and the Land Development Regulations (LDR). He stated that these changes were driven by Town Counsel with regards to Conditional Use Permits (CUP) and Village District. Town Counsel would like to see the basics concerning CUP in the ZO, and the mechanics such as applications etc. in the LDR. The other changes Senior Planner Monahan made were to the Village District Ordinance and the lot

requirements. This provided better clarity to the expectations in this zone. Mrs. Randall said on page 70 in the ZO second to the last line, there is a redundant statement that should be removed.

Moving onto the LDRs, Senior Planner Monahan included centralized mailbox and fire protection language. Chair Varney recommended that “frontage on a public way” be removed per Postal Service requirements. Senior Planner Matt Monahan reviewed the fire suppression language. Fire Chief Kenney asked if there could be a change to the requirement to tap into the water precinct if it is 250 feet nearby, as this is not always the case with developments in Town. The word “should” be used in this sentence, unless an exception by the Fire Chief is granted. Director Easler said the LDRs will be voted on at the next meeting and then a public hearing can be held in January. All Zoning Ordinance amendments require a public hearing prior to be added to the Warrant for Town Meeting in March of 2022.

Director Easler introduced Surveyor Tim Bernier for review of the Underwood Engineer Gravel Pit Memos. Surveyor Bernier spoke about Map 47 Lot 6, located on DW Highway first. He stated that the engineer had concerns about the culvert at the driveway and site distance. The State did issue the permit, but also had concerns about the culvert and recommended a ditch be dug off the road and vegetation added to prevent erosion. Wood chips were placed to help erosion control as well. The site distance will need to be engineered, so that is being worked on currently.

Surveyor Bernier introduced the Boscawen DW Hwy Realty LLC pit located at Map 49 Lot 6. The original proposal was to start digging into the bank, yet this was in full view of an abutter. He said this original plan was abandoned, and they decided to start up on the plateau. A buffer of trees was left between the abutter and the mining site. The staging area was moved mistakenly outside of the permitted area and the property owner is amending this with DES because of the AOT. Surveyor Bernier will also submit an amendment to the Planning Board for site review of the area allotted for excavation.

Surveyor Bernier moved on to Map 81 Lot 24, a GMI gravel pit located on Queen Street. This property had various violations when it was acquired by GMI, but those have all been addressed. UE recommended a vernal pool be outfitted with buffer signs, yet Surveyor Bernier said this was 150 feet past where they are allowed to mine. A fence will surround a 40 ft. berm when it is created at this location for safety.

Chair Varney motioned to accept the reviews from Underwood Engineers and the changes proposed by the property owners of Map 47 lot 6, Map 49 lot 6, and Map 81 lot 24. Seconded by Mr. Tillman. All in favor. None opposed.

The review of the Underwood Engineer Memos for gravel pits 94/23 and 183D/134 will be heard at the December Planning Board Meeting. Director Easler commented that these pits are up for sale and the wording on the property says it has transferable permits and yards of product that would convey with the property, yet one of the properties does not have a gravel permit and reclamation needs to be done to both of these properties. Mrs. Martin asked if the pits have had any materials excavated, Director Easler responded that it was very little in prior years. Mrs. Martin

asked about the validity of these permits if nothing has been excavated in years and Director Easler stated that the State of NH Gravel Appraiser, Steve Griffin, has similar concerns..

Deputy PCD Director O'Brien read the following application: Application for a **Conditional Use Permit for an ADU**, submitted and owned by **William and Maryse Pelletier, 7 Cabernet Drive, Concord NH 03303** with a location of **Map 47 Lot 39 Sublot 1, Water Street**, located in an **AR zone**.

Mrs. Randall motioned to accept the application as complete. Seconded by Mr. Tillman. All in favor. None Opposed.

Mrs. Randall motioned that this application does not have regional impact. Seconded by Ms. Carey. All in favor. None opposed.

Mr. and Mrs. Pelletier presented their application for an ADU because they wanted a little more living space. Mrs. Randall asked about the Police Chief's recommendation concerning a barrier, Mrs. Martin stated that she saw a kind of berm located between the home and the road and did not see it as an issue.

Chair Varney opened the public hearing at 7:25 P.M. No abutters for or against. No public for or against. Public hearing was closed at 7:26 P.M.

Chair Varney motioned to accept the application with the conditions of impact fees being paid, and receipt of all State permits. Mrs. Randall seconded. All in Favor. None opposed.

Deputy PCD Director O'Brien read the following application: Application for a **Minor 2-Lot Subdivision**, submitted and owned by **JDL Associates, LLC, 72 Franklin St, Concord NH** with a location of **Map 183C Lot 4, 10 Jackson Street**, located in an **R2 zone**.

Mrs. Martin motioned to accept the application as complete. Seconded by Ms. Carey. All in favor. None opposed.

Ms. Carey motioned that this application presents no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Surveyor Belanger presented the application for the two lot subdivision. The sewer connection has been stubbed off and he would be working with Public Works Director Hollins on connecting to Town sewer. The driveway easement was accepted by Town Counsel.

Chair Varney opened the public hearing at 7:31 P.M. No abutters for or against. No public for or against. Chair Varney closed the public hearing at 7:33 P.M.

Mrs. Martin motioned to accept the application with the conditions of completion of the sewer and driveway permits, impact fees and E911 requirements. Seconded by Mr. Tillman. All in favor. None opposed.

Deputy PCD Director O'Brien read the following: an Application for **Minor Site Plan Review** for an **Automotive Garage and Body Shop**, submitted by property owner **Gary Kenney, 107 High St, Boscawen NH**, with a location of **Map 81D Lot 35, High Street Boscawen NH 03303**, located in an **IND zone**.

Chair Varney asked Director Easler if the application was complete, Director Easler stated that it is pending votes on waivers from the Board.

Chair Varney asked if this application had any regional impact, Mrs. Randall motioned that it did not and Vice Chair Reagan seconded. All in favor. None Opposed.

Surveyor Stout presented the plan to the Board, stating that it may look familiar because of a Lot Line Adjustment in May where 25 feet was added to the back of the existing automotive garage. The applicant has cleaned many vehicles, but is trying to convince his brother to clean up the remaining cars and parts. Currently, the shop has eight customer parking spaces and two for employees. Surveyor Stout is asking for a total of five waivers, two concerning lighting and one being landscaping. Another requested waiver is snow management and erosion control, as there is no evidence of erosion problems and snow is stored next to the building. A waiver for the description of propane and mechanical storage is requested, as all of this is located inside the building. Ms. Carey commented on Building Inspector Bodien's recommendation of reviewing outside storage and a discussion ensued if this concerned parts or cars located behind the fence. Chair Varney suggested continued cleanup of the outside area. Mrs. Randall stated that she would like to speak about Code Enforcement Officer Hardy's question if this is considered an Automotive Service Facility or an Automotive Service Facility/Junkyard. Chair Varney stated that the applicant did not want to apply for a junkyard. He applied for an Automotive Service and Body Shop. Director Easler commented that it is the Board's task to determine which one this property is, as this property is currently in litigation. Mrs. Martin asked if junkyard is defined in the Zoning Ordinance and Chair Varney responded it is. Director Easler stated that the next court date for the applicant is in January. Director Easler then read the definition of junkyard as stated in the ZO: "A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material." Junk Yard, Motor Vehicle reads as follows: "Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more motor vehicle that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material, which has been a part, or intended to be part of any motor vehicle the sum of which parts, or material shall be equal in bulk to two or more vehicles. Motor vehicle junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap where it is intended to burn material, which are parts of a motor vehicle or cut up the parts thereof." Chair Varney stated that in regards to this definition, this property

meets the definition of a junkyard because of the materials stored behind the fence. Ms. Carey commented that if it is the applicant's intent to be just an Automotive Service Facility, then the items behind the fence need to be cleaned up. Chair Varney agreed and stated that as a condition a deadline needed to be set for the court date in January. Vice Chair Reagan stated that the deadline should be set to a year from this date, since the materials belong to the applicant's brother. Mrs. Randall stated that this had already been brought to court and it has been over a year for cleanup already. Mrs. Martin asked what the outcome of the decision made at this meeting will result in concerning the court? Chair Varney and Director Easler stated that if this property were defined as a Junk Yard-Automotive Vehicle, then DES has certain requirements that must be met. Mrs. Martin then asked if the definition of a Junk Yard-Automotive Vehicle can be set until a date certain, giving the applicant time to cleanup. Vice Chair Reagan commented that there has been evidence of the applicant attempting to clean up the property and he did not feel that a year deadline was inappropriate. Mrs. Randall stated concerns about prolonging the timeline, since this had already been brought to court and what the implications would mean legally.

Chair Varney said that the waivers need to be voted upon.

Ms. Carey motioned to accept the waiver for the landscape plan. Mr. Tillman seconded. All in favor. None Opposed.

Ms. Carey motioned to accept the waiver for storm-water and erosion control. Mr. Tillman seconded. All in favor. None opposed.

Mrs. Martin motioned to accept the waiver for lighting requirements. Seconded by Vice Chair Reagan. All in favor. None opposed.

Mrs. Martin motioned to accept the second waiver regarding lighting. Chair Varney seconded. All in favor. None opposed.

Chair Varney motioned to accept the waiver for description of propane tanks etc. Seconded by Vice Chair Reagan. All in favor. None opposed.

Chair Varney opened the public hearing at 8:06 P.M. No abutters or public comments. Chair Varney closed the public hearing at 8:07 p.m.

Director Easler stated that she recommends the Board speak to the Select Board Ex- Officio about their decision. Ms. Carey commented that this has been an ongoing issue and the court has placed responsibility on the Board to make a legal recommendation. However, she would like to help the applicant achieve their goal. The property as it stands now would be considered a junkyard, yet that is not the intent of the applicant. A date certain should be set for cleanup, and if the work is not completed by the set date it will remain an automotive junkyard.

Vice Chair Reagan motioned to determine the property is now considered an Automotive Junk Yard. The applicant has one year to clean the property and return to the Planning

Board at a date certain of November 1, 2022 to reapply for Site Plan Review. Code Enforcement Officer will make quarterly inspections through February 2022. Mrs. Martin seconded. All in favor. None opposed.

Director Easler requested the Board look at the meeting schedule for 2022- 2023 for any errors. She discussed the 2022 budget review. This coming year the focus is on Planned Unit Development and the Renewable Energy Ordinances. The Energy Committee will take the lead with recommendations for the Energy Ordinance to be crafted and sent to CNHRPC who will put together drafts for the Planning Board. Both the Ordinances will plan to be submitted for the 2023 Town Meeting. Ms. Carey requested that Commercial Street and the Pavilion at Boscawen Town Park be added to the CIP with dollar amounts for the next update.

Chair Varney said that Exit 17 has started cutting trees for the future Market Basket and NH State Liquor Store Roundabout. He will be in contact with the Concord Planning Board to keep updated.

Mrs. Martin motioned to adjourn. Seconded by Mrs. Randall. All in favor. None Opposed.

The next meeting will be held on December 7, 2021.

Respectfully submitted by Crystal Tuttle