

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

Members Present: Bruce Crawford – Chair, Roberta Witham – Vice-Chair, Douglas Hartford, Jeff Reardon, , Rhoda Hardy, James Scrivens.

Members Absent: Matt Lampron

Member Ex-Officio Present: Bernard O. Davis, Jr.

Alternate Member Ex-Officio Absent: Roger W. Sanborn

Others present: Alan Hardy – Planning and Community Development Director, Kellee Jo Easler, Planning and Community Development Assistant, Katie Phelps, Recording Secretary.

Chairman Crawford called the meeting to order at 6:30pm and designated Rhoda Hardy as a voting member.

Review and Acceptance of the Prior Meeting's Minutes:

Motion made by Douglas Hartford and seconded by Rhoda Hardy to approve the minutes from the November meeting as written. All in favor.

Old Business:

- **Continuation – Accessory Dwelling Units**

The board reviewed a response from James Raymond at Upton & Hatfield, LLP, in regards to the drafted Accessory Dwelling Unit Ordinance. He made mention of numerous areas that the board should consider changing. Alan mentioned that in the past the town had two lawyers available from the law firm. One of our lawyers has recently left the firm. This response had been received later than expected which didn't allow for anything to be reviewed prior to the meeting. Going forward, we will have another lawyer available if a faster answer is necessary. The draft will be edited and the public hearing will be continued in January.

- **Continuation – Temporary Events**

Chairman Crawford suggested leaving the number of people completely out of the equation. Technical Review Committee can decide what works for each specific situation. Alan said that if we put it as a Conditional Use we have the advantage of having a Technical Review Committee hearing done within 10 days and the Planning Board would have the final say if someone wants to appeal the TRC decision.

The Table of Uses were reviewed by the board showing Temporary Events requiring Conditional Use permits. Chairman Crawford opened the public hearing and closed with no public comment.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

Motion made by Douglas Hartford and seconded by Roberta Witham that the proposal is in its final form and ready for Town Meeting. All in favor.

- **Cluster Ordinance - Zoning Change**

The Planning Board previously agreed to change the wetlands setback from 100' to 25'.

Conditional Use Permit Criteria was reviewed. Specifically #8 which states: *"There shall be a 25' setback from the jurisdictional wetlands. Neither structures or buildings will be allowed."* Discussion ensued with the board on the differences between a structure and building.

The board suggested editing #8 to say: *"There shall be a 25' setback from the jurisdictional wetlands. Buildings will not be allowed in the wetlands setback."*

Chairman Crawford opened a public hearing and closed with no comment from the public.

Motion made by Jeff Reardon and seconded by Bernie Davis to edit Conditional Use Criteria #8 to: *"There shall be a 25' setback from the jurisdictional wetlands. Buildings will not be allowed in the wetlands setback."* All in favor.

- **MTAG Update**

The MTAG Open House was November 14, 2016 from 6-8pm at the Winthrop Carter House. There was a great turnout and everyone had input for the future of the corridor. The board reviewed an Open House Summary from Central NH Regional Planning Commission outlining the different stations and input from attendees. Jeff Reardon thought the response was better than four years ago. The overall consensus was that this was a positive approach to get ideas from the community on what they would like to see in the corridor as well as areas for improvement. Chairman Crawford said he will compile more information about what people wanted to talk about, not just what they said and have that for our next meeting.

- **Impact Fee Review**

Alan said that in order to have impact fees, we need to review the structure on a regular basis. The town's impact fees are coming up on a 5 year review. There are very few people in the market that do this analysis. Alan knows of one change that could potentially impact us. The school district's bond has been retired and will likely change the calculation.

A quote from BCM Planning, LLC was reviewed by the board. The impact fee schedule was last updated in 2012 and includes public schools, roads, police and town administrative offices. Their proposal would cost not more than \$6,200.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

Bernie Davis asked if we had any other quotes for the work. Alan said we didn't but that if we wait until next month we will miss the budget process. We could approve the funding but leave the person doing the analysis open until a decision is made.

Motion made by Douglas Hartford and seconded by Bernie Davis to approve a study of the impact fee structure in 2017 not to exceed \$6,200. All in favor.

- **Voluntary Lot Mergers**

Kellee Easler stated that as of August 23, 2016, RSA 674:39-a, Voluntary Merger, stated if there are any mortgages on the lots being merged that the resident(s) shall give written notice to each mortgage holder at the time of submission of the application. The consent of the mortgage holder(s) shall be required as condition of approval of the merger and must be recorded with the lot merger. This change only applies to lot mergers.

The board also entered into a discussion of the problems created when applicants do not record deeds in a timely manner. Kellee Easler made a recommendation, also backed by Town Counsel, that the board establish a time line by which the applicant(s) shall file the amended deeds with Merrimack County Registry of Deeds.

Motion made by James Scrivens and seconded by Roberta Witham to require that the applicant shall record the deed within 90 days of the approval with the Merrimack County Registry of Deeds. All in favor.

- **Continuations**

The public hearing on ADUs in the Cluster Ordinance will be continued in January.

The site plan review for **Dollar General** will also be continued in January.

- **Case Numbers for Applications**

Chairman Crawford suggested a different numbering system for applications going forward. For example: There have been two applications for the Knowlton's this year. If we could assign case numbers it would be easier to keep track of them. Everyone agreed that it made sense to start January 1, 2017.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

New Business:

- **3 Lot Subdivision – Steve Krikorian**

F. Webster Stout of FWS Land Surveying, PLLC stepped forward to present a proposed 3-lot subdivision on behalf of Steve Krikorian. The location of the proposed subdivision is at Map 79, Lot 106 - 12 Goodhue Road, Boscawen, NH 03303 in an R1 zone. It is located on the western end of Goodhue Road. The property currently consists of 3.368 acres. They are looking to subdivide and create two additional new lots – 106-1 and 106-2. There will be no problem supplying the two new lots with water as it is available at the street. State Subdivision Approval is required and as of today it has been submitted and given a work number, however, it has yet to be approved.

Mr. Stout states that he met with Public Works Director Dean Hollins regarding driveways for the two new lots because he had concerns about safe sight distances. He was told it shouldn't be an issue. He also states that he reviewed comments from Central NH Regional Planning with their biggest concern being that the driveways weren't shown on the map. He states he can show the driveways and do the application permits. He can also have a wetlands scientist draft a letter that there are not any wetlands on the property. Test pits have been done on all 3 lots. He was unable to find State septic information on the existing building and thinks it was done prior to 1967. The minimum frontage is 125' and they exceed that requirement.

Chairman Crawford opened a public hearing and asked for any abutter comments first.

Ernie Jones of 9 Goodhue Road came forward. He is happy to see this on his road. He said his home is across the street from the proposed subdivision and that he has concerns because there have been a number of accidents in the area. He would like to know where the driveways are going to be for each lot. Mr. Stout showed him the approximate placement for the driveways. Mr. Jones stated that people speed on Goodhue Road because it connects Route 3 and 4. He asked what type of houses would be built. Mr. Stout replied single family. Mr. Jones asked if the water pressure was ok because it never used to be. Mr. Stout stated the Peter at the Water Precinct said between 45-50 PSI. Ernie closed by saying he is supportive but wants it to be done the right way.

Chairman Crawford asked if any other abutters or non-abutters wished to speak. The public hearing was closed with no further comment. Board discussion regarding driveways ensued.

Motion made by Jeff Reardon and seconded by James Scrivens to conditionally approve the 3 lot subdivision subject to the conditions below. Alan Hardy, as Code Enforcement Officer, will be responsible for ensuring compliance. All in favor.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

- **Conditions include:**

1. **Data table on the contents of Checklist Item #8,**
2. **Driveway permits from the Town of Boscawen's Public Works Director for the two outside lots,**
3. **Receipt of State Subdivision Approval,**
4. **Impact fees have been assessed by the Planning Board,**
5. **Applicant shall record new deeds as a condition subsequent within 90 days from approval.**

- **7 Lot Subdivision/LLA – Edward & Kenneth Knowlton/Brad & Kennetha Marshall**

Joseph M. Wichert L.L.S. presented a proposed 7 lot subdivision and lot line adjustment on behalf of Edward and Kenneth Knowlton and Brad and Kennetha Marshall.

Mr. Wichert began with the Lot Line Adjustment. Brad and Kennetha Marshall live at Map 45, Lot 95 – 5 Water Street in Boscawen. The current lot is 8.17 acres. Their intent is to purchase 4 acres of backland from the Knowlton Revocable Trust to add to their property. It will allow the Marshalls to apply for a current use designation or buffer for any future use.

The second part of the application involves the Knowltons developing their land by subdivision. The intent of the application is to subdivide up this parcel. The lot is located at Map 45, Lot 30 consists of 44.4 acres. It's in the R1 district and has access to municipal water. It requires 125' of frontage and 40,000 sq. ft. of buildable area. There is a 50ft access on Water Street as well as 50ft access on Corn Hill Road. There is currently a long strip of frontage on Knowlton Road. They are proposing to make 6 new building lots with a reduced remainder lot for a total of 7 lots. 4 acres will be part of the lot line adjustment for the Marshalls. The new building lots acreage created will be: 3.29, 6.79, 1.50, 1.20, 1.17, 5.06, and the remainder will be 21.41. The wetlands delineation has been done and noted on the map. State Subdivision Approval is required for the 4 lots under 5 acres. They just got the final signature but haven't yet submitted for the approval.

Mr. Wichert did receive the review from Central NH Regional Planning Commission. One of the comments touched on the Subdivision data table. There was information provided on the map but Matt wanted it shown on the plat. Another comment was in regards to water connections and where they would be. He spoke to Peter at the Water Precinct and there is an 8" water main that runs on the west side of Knowlton Road, but there aren't any real plans or specifications that show the location. He was hesitant to make an assumption as to its location without a plan because someone could potentially call him on showing it in the wrong spot. He states he added note #13 on sheet one that states that the water connections will be approved by Penacook-Boscawen Water Precinct. The intent is to subdivide and sell the lots so they didn't want to illustrate driveways not knowing where they would end up. Test pits were done.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

There is currently a snowmobile trail going through the property. It enters on Corn Hill Road and exits on Knowlton Road. There is no deeded easement for the snowmobile trail. The Knowltons allowed the trail to be there and their approach would be to market the lots with the snowmobile trail there but they aren't looking to guarantee through an easement that it can stay. They would like to leave that decision up to the buyers.

Lot 30-1 was discussed – Bernie was wondering where the proposed house lot was. There are obvious wetlands on the lot. The question was raised of whether the buildable upland is contiguous. Mr. Wichert said the 81,000 is not. It is broken up into 4 pieces of buildable upland. Alan asked what the largest buildable area is. Mr. Wichert was unsure, but wasn't sure if it would be the 40,000 required. He states when he looked he didn't think it had to be contiguous. He will look into it and get back to us.

Alan Hardy suggested that we get back to the Lot Line Adjustment part of the application. Chairman Crawford opened the public hearing for the Lot Line Adjustment.

Paul Dickey of 36 Corn Hill Road stepped forward with a couple questions. He asked for clarification of exactly where the adjustment would be and what happens to the wetlands. Mr. Wichert indicated the cross culvert and wetlands on the map. Part of what the Marshalls would be buying would have wetlands in it. Mr. Dickey showed his home on the map and wondered what would happen to the land behind him. Mr. Wichert told him it would still be part of lot 30, except the acreage would go from 44.4 to 21.41. Mr. Dickey asked how that lot would be accessed. Mr. Wichert showed him the 50ft section on Corn Hill Road but it could potentially be a driveway. Mr. Dickey thinks the location of the snowmobile trail has moved over more.

David Murray, Vice President of the Townline Trail Busters snowmobile club, stepped forward to speak in regards to the application. He stated the Knowlton family has been a gracious family for decades. They have allowed snowmobiles on their property and the last thing he wants to do is take a position of being in the way of allowing any property owner to do what is their right to do with their property. The trail in question is a state primary trail. He is asking the board that as the Knowltons move forward in the process that they try to work with the property owner, new owners, and possibly the snowmobile club. The Townline Trail Busters have done \$400,000 worth of trail improvements between Black Water Dam, Riverhill Market, and the Merrimack County Nursing Home. If the board sets a precedent that a property owner can't do what they want with their property, ultimately there will be no one opening up their property to snowmobiles. If a re-route is necessary they are willing to help. Some people look at having snowmobile access on their property as something that adds value.

Chairman Crawford said we would get back to that portion of the application.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

Motion made by Bernie Davis and seconded by James Scrivens to approve the lot line adjustment on the condition that the deed is recorded within 90 days of the *entire* application being approved. All in favor.

Chairman Crawford returned to the snowmobile trail on the Knowlton lot. It has generated tremendous email responses from people looking to preserve the trail. The emails were reviewed by the board. He would like to see the trail accommodated somehow. Mr. Wichert said they would like to leave the trail decision up to the new buyers – but there is no guarantee that it will be protected. Buyers could potentially see the snowmobile trail access as a feature. Mr. Wichert said they could mark the snowmobile trail on the plan and inform potential buyers that it exists. It could be a compromise.

Rhoda Hardy said this subdivision plan was set up in 1993. The snowmobile club should have known for quite some time that this could happen. Things do change and this isn't something she feels the Planning Board should get involved with. We don't even get involved when two people have a common driveway. Bernie Davis recommended seeking legal because the Planning Board may not have the right to get involved with that. If the new buyers aren't ok with the trail, the snowmobile club will have to find another route. Mr. Wichert agreed to include a note on the plan indicating that the snowmobile trail runs through the area.

Chairman Crawford asked for abutters and non-abutters to comment on the subdivision application.

Steve Johnson of 25 Water Street said he came to find out more about information about the application and mentioned that the snowmobile trail could be a selling point. Chairman Crawford closed the public hearing with no further comment from the audience.

Motion made by James Scrivens and seconded by Bernie Davis to conditionally approve the 7 lot subdivision subject to the conditions noted. Alan Hardy, Code Enforcement Officer, will be responsible for ensuring compliance. All in favor.

- **Conditions:**
 1. Water connections to be shown on the plan,
 2. Driveway permit approval by the Public Works Director,
 3. State Subdivision Approval must be received by the Code Enforcement Officer,
 4. Impact fees have been assessed by the Planning Board,
 5. Snowmobile Trails Noted on Plan, and
 6. Applicant shall record new deeds as a condition subsequent within 90 days of the *entire* application being approved.

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Final
Tuesday, December 6, 2016 at 6:30 PM

The meeting adjourned at 9:45pm.

Next meeting of the board will be Tuesday, January 3, 2017 at 6:30pm.

Have a wonderful New Year! See you in 2017!

Minutes respectfully submitted by Katie Phelps