

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, March 7th, 2023**

Members Present: Mark Varney—Chair; Loren Martin—Vice Chair; Barbara Randall; Gary Tillman; Roberta Witham; Rhoda Hardy; Lorrie Carey—Ex-Officio

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: Web Stout—FWS Land Surveying PLLC; Tim Bernier—T.F. Bernier, Inc.; Christopher Knight—Knight Brothers Development, LLC; Paul Chisolm—Keach-Nordstrom Associates, Inc.; Tucker McCarthy—DM Holdings, LLC

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

PCD Assistant Gallagher completed roll call.

Minutes:

Mrs. Hardy requested several changes:

- Line 150 and 160: Change “Schmidal” to “Schmidl”
- Line 160: Change “statue” to “statute”

Mrs. Randall motioned to accept the February 7th, 2023 draft minutes as amended. Seconded by Vice Chair Martin. All in favor. None opposed.

Old Business:

Class VI Road Discussion-Schedule Site Walk: PCD Assistant Gallagher created a new template for all the current and discontinued roads in Boscawen. This was created to assist in identifying the private and Class VI roads in town. This discussion is prudent for the Planning Board to advise the Select Board on whether building permits should be issued on Class VI roads. The site walk will assist the Boards with understanding why emergency services cannot be provided to these roads. The Select Board has denied building permits on Class VI roads each time it has been brought up in the past. Code Enforcement Officer Hardy said the reason for the discussion this time is, should residents who currently own homes on Class VI roads and constructed prior to zoning, to be able to put up a garage, shed, etc. on their property. This does not include the construction of new homes. Discussion ensued about unique roads within the town. CE Officer Hardy mentioned Commercial Street, for example, is a unique street because the town only owns the travel surface with the abutting property owners owning the land underneath. The town only has a sewer easement. PCD Director Easler suggested the Board visit Chadwick Hill Road,

Merrill Corner Road, Moss Hill Road and Newbury Street. CE Officer Hardy suggested inviting the other Boards and Commissions. The Board set a tentative date for the site walk for May 6th at 8:00 a.m. at the Fire Station.

New Business:

Public Hearing-Amendment and Transfer of Excavation Permit Map 183D Lots 133 & 134:

PCD Assistant Gallagher read the following Public Notice: Notice is hereby given in accordance with RSA 675:3 that the Boscawen Planning Board will meet on **Tuesday, March 7, 2023** after 6:30 PM, to hold a Public Hearing for the following: Request for an **Amendment** to the **Excavation Permit and Transfer of the amended permit to the new owner per RSA: 155-E, for Sled Road LLC, 4 Campground Road, Boxford, MA 01921, located at Map 183D, Lot 133 & 134, Commercial Street and River Road, Boscawen NH 03303** in a **MRD** zone. Should a decision not be met, the application will stay on the PB agenda for the following month.

Chair Varney asked if the application was complete. PCD Director Easler said yes.

Vice Chair Martin motioned to accept the application as complete. Seconded by Mrs. Randall. All in favor. None opposed.

Chair Varney asked if the application was considered of regional impact.

Chair Varney motioned that there is no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Varney opened the Public Hearing at 6:54 p.m.

Mr. Web Stout said this application was for a change of ownership. The gravel pit is no longer owned by the Piontowski Trust. The new owner is Sled Road LLC. He said there has been no changes to the pit in approximately 8 years. There has been minor sand removal, which has been stored in piles, but not excavated. The State has already been notified, which is a requirement within 10 days from the change of ownership. The original permit for this pit was issued in 1997, and then Carl Piontowski bought the pit in 2000. This pit and the gravel pit on High Street near the Salisbury line were tied together 23 years ago with a \$50,000 bond. Mr. Stout and PCD Director Easler have worked out a new bond amount of \$16,518 for the new owner. Mr. Stout said he has completed all revisions to the plans that were requested by Central NH Regional Planning Commission except for Stormwater Management and the silt fence. He said these are difficult to show on the plans for this site. There has never been issues with water running off this site because it is essentially a big bowl. He explained that on sheet 4 of the plans, he included a section of notes for the silt fence.

Chair Varney asked PCD Director Easler if she was satisfied with the bond. She said she was and that she has reached out to the Trust to let them know that in order to have the bond released, there must be a Public Hearing. She has not heard anything back. She has spoken with Underwood Engineers and they do not feel there is any reason to do an ESR, since there has not been any activity, until the yearly inspection in the fall. Back in 2000, Mr. Stout said the bond

was created based upon approximately \$2,500-\$3,000 per acre. Now that price is closer to \$13,000-\$18,000 per acre. A small amount in the back corner has been reclaimed already. There is about 140,000 cubic yards to still be excavated.

Chair Varney asked if there were any questions or comments by abutters or public.

None seen or heard.

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

Ex-Officio Carey expressed concerns about the current bond. PCD Director Easler said they have to stick with the current bond and divide it up fairly between the two pits until Underwood does their yearly inspection. That would be the time to revisit the bond amount. Discussion ensued.

Chair Varney asked if the application had any waivers requested. PCD Director Easler said no.

Chair Varney closed the Public Hearing at 7:13 p.m.

Vice Chair Martin motioned to conditionally approve the transfer of the amended excavation permit to the new owner per RSA: 155-E, as the proposal complies with the Zoning Ordinance and Land Development Regulations given the plans presented, with the conditions precedent as follows:

- 1. Reclamation Bond in place and reviewed by the Town Engineer at the annual review;**
- 2. Conditions on final plan;**
- 3. All state and local permits.**

Seconded by Mrs. Randall. All in favor. None opposed.

Public Hearing-Conditional Use Permit Map 183C Lot 121: PCD Assistant Gallagher read the follow 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, March 7, 2023** after **6:30 PM** at the Boscawen Municipal Complex, 116 North Main St, Boscawen. During a **regular meeting** of the Board they will hear an application for a **Conditional Use Permit to construct a two-family dwelling unit**, submitted by **Knight Brothers Development LLC, 7 Merrimack Street, Concord, NH 03301** with a location of **Map 183C Lot 121, Sweatt Street**, located in a **R2** 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.

Chair Varney asked if the application was complete. PCD Director Easler said yes.

Chair Varney motioned to accept the application as complete. Seconded by Vice Chair Martin. All in favor. None opposed.

Chair Varney asked if the application was considered of regional impact.

Vice Chair Martin motioned that there is no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Varney opened the Public Hearing at 7:15 p.m.

Mr. Bernier told the Board that the proposed duplex would be going on Sweatt Street on the vacant lot that was recently involved in a Lot Line Adjustment to make it into a more traditionally shaped lot. The proposal meets zoning requirements and setbacks. The site would be served by existing water lines. The applicant is currently working with the Public Works Director to extend the sewer lines. The current sewer lines are about 200 feet away. Mr. Bernier said the proposed duplex will be compatible with the area, as there is another multi-family dwelling at 10 Sweatt Street. The building will include garages underneath and will be substantial rental units. Each unit will be two bedrooms and about 1073 square feet. There will be no adverse impact on the area.

Chair Varney asked if there were any questions or comments by abutters or public.

None seen or heard.

Chair Varney asked if there were any questions or comments by the Board or staff.

None see or heard.

Chair Varney closed the Public Hearing at 7:23 p.m.

Vice Chair Martin motioned to approve the Conditional Use Permit for a two-family dwelling unit, as the proposal complies with the CUP criteria of Article XXI of the Zoning Ordinance and Land Development Regulations, given the plans presented. Seconded by Mr. Tillman. All in favor. None opposed.

Public Hearing-Conditional Use Permit and Major Site Plan Review 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 **Tuesday, March 7, 2023** 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 & Major Site Plan Review for a 16 Unit Residential Apartment Building**, submitted and owned by **DM Holdings LLC, 10 Brickett Mill Road, Hampstead, NH 03841** with a location of **Map 81B Lot 35, 145 King Street, Boscawen, NH 03303** located in the **Village District**. 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.

Chair Varney asked if the application for the Conditional Use Permit was complete. PCD Director Easler said yes.

Vice Chair Martin motioned to accept the application as complete. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Varney asked if the application was considered of regional impact.

Chair Varney motioned that there is no regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Varney opened the Public Hearing at 7:25 p.m.

Mr. Chisolm explained that Mr. McCarthy and his partner have purchased 145 King Street and have begun cleaning up the site in preparation for the proposed 16-unit apartment building. This site is surrounded by Commercial uses and they believe the apartments will fit in nicely. The site is a 1.68 acre lot and will be serviced by existing water lines and a private septic system. The building will include 6 two-bedroom apartments and 10 one-bedroom/studio apartments. The site will have a private driveway and parking area in the rear, as well as on site garbage disposal containers. The building will have a full sprinkler system and will comply with all current life safety codes. The applicant will need approval from NHDOT for the driveways, and NHDES approval for the septic system. The use of the site will not have substantial adverse impact on highway or pedestrian safety, or an adverse impact on the natural and environmental resources of the town. There was a detailed stormwater system report submitted that meet the current Alteration of Terrain Bureau regulations where no stormwater system exists currently.

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

PCD Director Easler suggested setting a condition that the associated Major Site Plan is approved, as stated by CNHRPC.

Ex-Officio Carey urged the applicant to tie in the history of the site if possible. Mr. McCarthy originally had planned to name the building "Fessenden Apartments". It was suggested to him to use another name due to "Fessenden Terrace" and "Fessenden Drive" being right behind this site. Mr. McCarthy asked if there were any historical name suggestions to let him know. He also said he will place the historical marker to the picnic area. Ex-Officio Carey requested that the peaks of the building be given more of a "village feel" and suggested looking at Franklin Savings Bank. Mrs. Randall suggested giving a list of names to the elementary school, and letting the kids pick.

Chair Varney asked if there were any questions or comments by abutters or public.

None seen or heard.

Chair Varney closed the Public Hearing at 7:52 p.m.

Chair Varney motioned to conditionally approve the Conditional Use Permit for the 16-unit apartment building, with the condition that the associated site plan is approved, as the proposal complies with the CUP criteria of Article XXI of the Zoning Ordinance and the Land Development Regulations given the plans presented. Seconded by Vice Chair Martin. All in favor. None opposed.

Chair Varney asked if the application for the Major Site Plan Review was complete. PCD Director Easler said it was complete with waivers.

Chair Varney motioned to accept the application as complete with waivers. Seconded by Vice Chair Martin. All in favor. None opposed.

- Waiver 1: #16 of the General Information checklist-The requirement to provide a code review by a design professional. The applicant asked to be able to submit the code review at a later time. Before any building permits can be pulled, they will have plans stamped by a licensed engineer.
- Waiver 2: #7 of the Supporting Documentation for the Major Site Plan checklist-The requirement to provide a report from the Conservation Commission. The applicant requested to remove the requirement of a submittal of a report from the Conservation Commission. The project is outside of all wetlands and shorelands. Deputy PCD Director O'Brien brought this project proposal to the last Conservation Commission meeting and there were no concerns as long as the project stays outside of the 25 foot wetland setback.

Chair Varney motioned to accept the waivers. Seconded by Vice Chair Martin. All in favor. None opposed.

Chair Varney opened the Public Hearing at 7:55 p.m.

Chair Varney asked if there were any questions or comments from the Board.

Ex-Officio Carey asked if there will be one or two driveways. Mr. Chisolm said two driveways, each consisting of two-way entrances, contingent upon NHDOT approval of the current plan. They may need to adjust plans depending on what NHDOT asks for. Mr. McCarthy said the main reason they went with the current design for the driveways was for ease of fire department access. Ex-Officio Carey asked if there would be areas for children to stand while waiting for school bus pick up. Mr. Chisolm said yes. Ex-Officio Carey asked where the mailbox would be placed. Mr. Chisolm said a centralized mailbox would be able to fit anywhere along the exterior of the parking lot in the rear of the building. Ex-Officio Carey expressed concerns about the increase of traffic volume to and from this site during morning and afternoon peak hours. Mr. Chisolm replied that a Traffic Impact Assessment was submitted with the application. That assessment showed that the total traffic increase will be less than 1%, and explained some of the details for the peak hours. Ex-Officio Carey asked how far the building will be from the road. Mr. Chisolm said about 14 feet. Ex-Officio Carey said when the King Street project starts, the state may widen the road. PCD Director Easler said there is no updated information about the

King Street project. Ex-Officio Carey asked about the impact on the brook that runs behind the property. Mr. Chisolm said there will be no runoff to the brook and the site will have multiple catch basins. The proposed stormwater management system will exceed the requirements of A.O.T. Ex-Officio Carey asked what type of lighting will be on the site. Mr. Chisolm replied there will be small, residential lights above each door that point down, as well as three poles with back shields and cutoffs that angle towards the building, and lights that illuminate the driveways.

Chair Varney asked if there were any questions or comments by abutters or public.

None seen or heard.

Chair Varney closed the Public Hearing at 8:11 p.m.

Mrs. Randall motioned to conditionally approve the Major Site Plan application for the 16-unit apartment building as the proposal complies with the Zoning Ordinance and the Land Development Regulations given the plans presented and waivers granted with the conditions as follows:

- 1. Waivers and conditions on the final plan;**
- 2. Impact Fees apply;**
- 3. All local and state permits;**
- 4. Cluster Mailbox per USPS requirement.**

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

Other Business:

Planning and Community Development Department Update: PCD Director Easler said that CNHRPC will be working on the Housing Chapter of the Master Plan soon now that the grant has gone through. She said there will be a June visioning session. Matt Taylor, from CNHRPC will attend the April meeting.

PCD Director Easler brought up a discussion about moratoriums that took place during the “Meet the Select Board Candidates Night”. She said a few years back there was a moratorium in place and there were issues with it. The town was given time, but did not adjust the CIP. CE Officer Hardy said the state changed the law because many towns were using moratoriums to stop growth. He said the purpose of a moratorium is not to control growth, but to give a town the time needed to prepare for growth. Vice Chair Martin suggested adopting a Growth Ordinance to limit the amount of building permits issued in a year, in order to prepare for growth. CE Hardy said the last time that was in place, the town never came close to meeting that threshold. Discussion ensued.

The next meeting will be held April 4th, 2023 @ 6:30 p.m.

Motioned to adjourn made by Mr. Tillman. Seconded by Mrs. Hardy. All in favor. None opposed.

Respectfully submitted by Kara Gallagher.