

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, August 1st, 2023**

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

Members Absent: Roberta Witham

Staff Present: Kellee Jo Easler—Planning & Community Development Director; Kearsten O’Brien—Deputy Planning & Community Development Director; Kara Gallagher—Planning & Community Development Assistant; Alan Hardy—Code Enforcement Officer/Conservation Commission Chair; Tim Kenney—Fire Chief

Guests: Matt Taylor—Central NH Regional Planning Commission; Mike Tardiff—Central NH Regional Planning Commission; Eric Munro—Manager of Building & Loan Development; Spencer Tate—Meridian Land Services Inc; Joe Wichert—Joseph M. Wichert LLS, Inc; Roger Sanborn—Public; Sarah Millard—Abutter

Joint Meeting with Economic Development Committee-Master Plan Work Session:

Tonight’s meeting was a joint meeting with the Economic Development Committee. Chair Martin turned the meeting over to CNHRPC staff at this time. Mr. Taylor said they were looking for feedback on some of the pending tasks for the InvestNH grant. He said housing really reflects the town’s prosperity and can be one of the biggest investments an individual can make. Housing can also attract and retain employees who are essential for business development. Towns can provide density incentives and reduce minimum lot sizes, allow mixed use, encourage adaptive use of buildings, make zoning, subdivision, and site plan regulations more flexible, improve infrastructure, allow community well and septic, promote infill development, and more to attract housing development.

- **Mill Redevelopment District (MRD)**-The project on Commercial Street is currently on hold with EPA and awaiting a historical report from the state. The Board still needs to have a visioning session. There has been a design charette scheduled for September 9th. Mr. Taylor said it was time to nail down specifics. He asked what the Board would want to see for density, lot sizes, building types, uses, and amenities. Also, what the scale of the buildings should be and if there should be design guidelines. The current regulations require a 10,000 sq ft lot size with water and sewer, and 30,000 sq ft without water and sewer. Mr. Taylor suggested considering not having a minimum lot size and assessing each lot individually. Having flexible regulations could help attract more development. Discussion ensued. Mr. Tardiff said if the town does a Tax Increment Finance (TIF) district, there should be a Memorandum of Understanding (MOU) in place with a Payment In Lieu of Taxes (PILOT) agreement. A TIF is based upon being able to raise the valuation.

Mr. Taylor said if the town adopts a TIF the profits will pay for all the infrastructure improvements.

- **Cluster Development**-Mr. Taylor would like to know if the Board would like to add minimum lot sizes, setbacks, coverage, or frontage requirements to the Cluster Development Ordinance. The current ordinance does not have these. The current ordinance also limits the number of units to 4; should that be changed or keep the requirement the same. Mr. Tardiff would like to know if the Board would like Cluster Development to be the first choice for a subdivision. If so, our ordinance could be rebuilt as easy to use, result in more affordable units, and with flexibility, could be a go-to for a developer.
- **Accessory Dwelling Units (ADU)**-Mr. Taylor said the current ordinance says ADUs are allowed to be attached to single-family homes only, have minimum and maximum size requirements, and are not allowed within manufactured home parks. Mr. Taylor asked the Board to decide if any of those regulations would change. Mr. Tardiff said ADUs could be an answer to the housing shortage and asked how far the Board would like to go to promote ADUs. Chair Martin thought it was very necessary and mentioned that the current ordinance is very restrictive. Discussion ensued. Mr. Donovan thought it would be important to have a regulation in place that keeps an ADU within a certain distance to the primary house on the lot and that the same driveway access be used. Mr. Cherian said it would be important to relax the regulations some, but still have reasonable guidelines in place.
- **Planned Unit Development (PUD)**-Mr. Taylor said a PUD ordinance can be simple as one page. The Tuscan Village in Salem was developed using an ordinance that was one page. The Board would need to determine what areas or parcels in town have the potential for a PUD, like Commercial Street.
- **Tax Increment Financing (TIF)**-Mr. Taylor said CNHRPC staff met with the Select Board and the Penacook Boscawen Water Precinct. PBWP is currently finishing updates to the most recent water maps. The next step would be to figure out what updates are needed to the sewer on Commercial Street.
- **Next steps**-Community engagement, important dates, Old Home Day, design charrette, ideas/questions. OHD will be a perfect event to talk about housing. CNHRPC will have a table at OHD with staff present to answer questions.

Chair Martin opened the Public Meeting at 6:35 p.m.

PCD Assistant Gallagher completed roll call.

Minutes:

Vice Chair Randall requested the following changes to the July 5th, 2023 draft minutes:

- Line 38-insert a space after “down,” and decapitalize “he”.
- Line 41-insert a comma after “realistically”.
- Line 102-insert a comma after “done”.

Mr. Tillman motioned to accept the July 5th, 2023 draft minutes as amended. Seconded by Vice Chair Randall. All in favor. None opposed.

Vice Chair Randall requested two changes to the July 29th, 2023 draft minutes:

- Change “bio-retention” be changed to “bioretention”.
- Change “Charian” to “Cherian”.

Mr. Tillman motioned to accept the July 29th, 2023 draft minutes as amended. Seconded by Chair Martin. All in favor. None opposed.

Old Business:

Continuation of Public Hearing Request to Decrease and Reconfigure Map 81B Lot 35: Mr. Tucker McCarthy submitted a written request to continue the Public Hearing to September 5th, 2023 due to not being able to submit materials by the required deadline.

Mr. Tillman motioned to continue the Public Hearing for a request to decrease and reconfigure for Map 81B Lot 35 to a date certain of September 5th, 2023. Seconded by Vice Chair Randall. All in favor. None opposed.

Continuation of Public Hearing for 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 PM** at the Boscawen Municipal Complex, 116 North Main St, 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 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.
- 2.) An application for a **Major Subdivision – Cluster Development Application** 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.

The Conditional Use Permit application was found to be of Regional Impact to Salisbury at the June meeting, therefore all abutters were renotified. The town of Salisbury’s Planning Board Chair spoke at the June Public Hearing. No other comments were received.

Chair Martin asked if the application was administratively complete. PCD Director Easler said yes, pending review of waiver requests.

Vice Chair Randall motioned to accept the 31-Lot Major Subdivision for Cluster Development application as complete pending review of waiver requests. Seconded by Mr. Tillman. All in favor. None opposed.

Spencer Tate presented on behalf of Building & Loan Development LLC. Mr. Eric Munro, Manager of Building & Loan Development LLC was also present. Mr. Tate discussed the design of the subdivision and how the applicant met or intends to meet all requirements of the Cluster Development regulations. Mr. Tate explained the gross lot area, net lot area, the location of the wetland areas and slopes greater than 15%, the lot configuration, and proposed road design. Mr. Tate clarified that the shaded area on the plans showing a lighter gray which depicted delineated wetland areas, and the darker gray areas show slopes greater than 15%. Mr. Tate then discussed the details of the plans. The proposal was for 30 buildable lots and 1 lot to remain as the parent lot (Map 94 Lot 23), for a total of 31 new lots. Mr. Tate discussed the design of the proposed road. The proposed road would meet the requirement of a 75-degree approach angle. The road will be two-lanes, paved, with a width of 22 ft, a 30 ft apron, and meets adequate site distance. NHDOT verbally approved this location, the applicant is now waiting on a formal permit. The road exit will have a stop sign and street sign. A Traffic Study was done on Route 4 and meets the standards. Mr. Tate explained that the original Cluster mailbox location was not up to USPS standards. USPS requested the mailbox be 20-25 ft into the subdivision. The applicant plans to move it to meet USPS standards. Mr. Tate stated he would like to move it 50-60 ft into the subdivision instead. During initial conversations with Department Heads, Public Works Director Dean Hollins stated he does not want to be responsible for the snow maintenance in and around the cluster mailbox. Discussion ensued. Mr. Tate mentioned the wetlands crossing and how there were many concerns regarding the topic. He proposed a 4x4 box culvert, which would exceed the hydraulic capacity needs. Mr. Tate received comments from NHDES today, and nothing will warrant a new design, but they may need to provide additional material or information. AOT comments were also received, and there were no design revisions requested. Underwood Engineers review came back yesterday. Most of the comments were about plan clean up and clarifications on easements. Mr. Cherian asked if Mr. Tate would like to address any of the comments that he has received so far. Mr. Tate had not reviewed NHDES comments but had no opposition to the AOT comments. He had nothing substantial for comments regarding the Underwood review except about landscaping. Their intent is to leave as much of the land as natural and untouched as possible. Ex-Officio Carey asked how often the town should anticipate issues with the wetland crossing. Mr. Tate said the crossing exceeds the 50-year storm event minimum. He thought the town would likely have to fix existing areas long before this location. Mr. Cherian asked what the timeline would be to respond to the different reviews and comments received recently. Mr. Tate said his office expects to have responses to Underwood, DES and AOT within two weeks. Mr. Tate spoke about the open space requirements. The Cluster Development regulations state that two mechanisms can be pursued, either a Homeowners Association or shared ownership. Abutters had concerns regarding the long-term management of the open space. Mr. Tate reached out to the Conservation Commission to pursue an easement. The CC denied the easement request. There will be covenants and deed restrictions on the open space parcel. Conservation Commission Chair Hardy explained that the CC has too many uncompleted projects currently to take on the proposed easement. Discussion ensued.

Chair Martin opened the Public Hearing at 7:30 p.m.

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

Ms. Sarah Millard, owner of 106 and 111 North Water Street, asked what would make the town take over the road. Chair Martin said any new road proposal would go before Town Meeting and must be voted upon by the taxpayers. Ms. Millard inquired where the property line lies within the ridge. Mr. Tate showed on the plan where the lines were depicted.

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

Roger Sanborn, owner of 250 and 254 King Street, asked if there was a checklist the applicant must follow before approvals can be given. Chair Martin responded there is a very lengthy list of requirements any applicant must meet when proposing a new subdivision.

Chair Martin closed the Public Hearing at 7:42 p.m.

Waivers:

Section 4.1.4-Depiction of abutter easements, preservations, and restrictions on plans: **Mr. Cherian motioned to grant the waiver. Seconded by Mr. Tillman. All in favor. None opposed.**

Section 6.4.3-Depiction of wells and septic systems within 200 ft of site: **Mr. Tillman motioned to grant the waiver. Seconded by Vice Chair Randall. All in favor. None opposed.**

Section 6.6.7 & 6.7-Open Space Documentation: **Withdrawn.**

Section 4.1.14-Color photographs of buildings: **Mr. Tillman motioned to grant the waiver. Seconded by Mr. Crawford. All in favor. None opposed.**

Section 6.6.8-The location and type of lighting for outdoor facilities: **Mr. Cherian motioned to grant the waiver. Seconded by Mr. Tillman. All in favor. None opposed.**

Section 4.1.9-Code review to be completed by Design Professional: **Withdrawn.**

Section 6.4.3-Easements, right of way and deed restrictions: **Withdrawn.**

Section 6.6.5-Construction cost estimates: **Withdrawn.**

Section 6.6.6-Financial guarantees: **Withdrawn.**

Section 4.1.15-State/Federal Permits: **Withdrawn.**

Section 7.5-Inspection Fee: **Withdrawn.**

Section 6.7-Building size both existing and proposed (total and by building)-**Mr. Cherian motioned to grant the waiver. Seconded by Mr. Tillman. All in favor. None opposed.**

The Board discussed what remains for completion including, but not limited to, open space documentation, feedback from PWD Hollins, and NHDES comments on wetlands. Chair Martin said there are many boxes remaining to checkoff. She would like to see Mr. Tate's responses to USPS, AOT, and Underwood's comments. Fire Chief Kenney's supplied a list of conditions which he requested be addressed before Building Permits/Certificate of Occupancies.

Mr. Tillman motioned to continue the Major Subdivision application to a date certain of September 5th, 2023. Seconded by Vice Chair Randall. All in favor. None opposed.

New Business:

Continuation of Public Hearing for 3-Lot Minor Subdivision Map 45 Lot 33: 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, July 5, 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 **3-Lot Minor Subdivision**, submitted and owned by **Hendo Properties, LLC, 381 Prospect Street, Franklin, NH 03235** with a location of **Map 45, Lot 33, 143 High Street**, located in a **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.

Chair Martin asked if the application was considered regional impact.

Vice Chair Randall motioned the application would not be considered regional impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Martin asked if the application was administratively complete. PCD Director Easler said yes, pending review of waiver requests.

Vice Chair Randall motioned to accept the 3-Lot Minor Subdivision application as complete pending review of waiver requests. Seconded by Mr. Tillman. All in favor. None opposed.

Mr. Wichert presented on behalf of Hendo Properties LLC. The applicant purchased the existing house located at Map 45 Lot 33 and is currently in the process of completing renovations. The proposed application was to reconfigure the parent tract to create 3 lots. 2 of the lots have frontage on Raymond Road. The Water Precinct provided a letter stating service can be provided to the new lots. NHDES septic approval had not been received at the time of the meeting. The proposed subdivision is zoned R1. The existing lot (45/33) has 5.35 acres, with 354 ft of frontage on High Street and 670 ft on Raymond Road. 45/33 will be reduced in size to approximately 40,953 sq ft. The buildable area of 45/33/1 will be 43,928 sq ft, with 125 ft of frontage. The buildable area of 45/33/2 will be 3.4 acres, with 428 ft of frontage. On 45/33/2, there's a large wetlands complex to the left, known as Tannery Brook, with a large bank area before the building site. In an R1 zone, the subdivision requirements state a buildable lot must have at least 125 ft of road frontage and 40,000 sq ft of buildable area. The proposed lots meet these requirements. PW Director Hollins was concerned about the driveways. The road is built up where the driveway was proposed at 45/33/1. Mr. Wichert said a culvert will be installed. He plans to place the driveway on the southside of the proposed lot, which would be a little flatter. 45/33/2 will be fairly flat, but Mr. Wichert said he would be willing to install a culvert. The Conservation Commission submitted a letter, with the recommendation that a silt fence be placed, and best stormwater management practices be used. They also asked the Board to keep in mind that the proposed subdivision was in a major wildlife and aquatic wildlife corridor. Mr. Wichert said that he was not proposing any impact to the wetlands, and they will adhere to the 25-ft setback requirement. Mr. Wichert

discussed FEMA's update to the draft Flood Maps dated 2022. He said the newer maps base flood elevations won't change. The highest base flood elevation shown on the proposed plan is 369, and that number doesn't change on the new maps. The bank is approximately 8-12 ft tall. Mr. Wichert requested 10 waivers. Deputy PCD Director O'Brien asked if FEMA identifies this parcel as needing flood insurance, does that restrict where they can build. Code Enforcement Officer Hardy said each case is different. Until there are plans of what is to be built, that question is difficult to answer. Discussion ensued.

Chair Martin opened the Public Hearing at 8:49 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 8:49 p.m.

Waivers:

#22.v-The shape, size, height, dimensions, location and use of existing and proposed structures located on the site and those existing within 200 ft of the site: **Mr. Tillman motioned to grant the waiver. Seconded by Mr. Cherian. All in favor. None opposed.**

#28-The size and location of all public service connections: **Mr. Tillman motioned to grant the waiver. Seconded by Mr. Crawford. All in favor. None opposed.**

#29-Location of existing and proposed wells, with 75 ft well radius, and septic systems on the site and within 200 ft of the site: **Mr. Tillman motioned to grant the waiver. Seconded by Mr. Cherian. All in favor. None opposed.**

#30-The size and location of all existing and proposed water mains, sewers, culverts, proposed connections, or alternative means of providing water supply and disposal of sewage and surface drainage: **Mr. Tillman motioned to grant the waiver. Seconded by Mr. Crawford. All in favor. None opposed.**

#19.iv-Existing and required parking spaces: **Mr. Tillman motioned the waiver was not applicable. Seconded by Mr. Crawford. All in favor. None opposed.**

#21-the location of any common area, or limited common area, or land units within a condominium: **Mr. Tillman motioned the waiver was not applicable. Seconded by Ex-Officio Carey. All in favor. None opposed.**

#31-Description and location of any solar, wind or other types of on-site power generation, fuel or other mechanical or service equipment: **Mr. Tillman motioned the waiver was not applicable. Seconded by Mr. Crawford. All in favor. None opposed.**

Legal Documentation for all Subdivisions Items A, B & C: **Mr. Tillman motioned the waivers were not applicable. Seconded by Mr. Crawford. All in favor. None opposed.**

Mr. Cherian motioned to approve the 3-Lot Minor Subdivision as the proposal complies with the Zoning Ordinance and the Subdivision Regulations given the plans presented and waivers granted, with the following conditions:

Conditions precedent:

1. All State and Local Permits;
2. Waivers to be shown on plan;

Conditions subsequent:

1. As-Built drawings to be added to pre-existing plan;
2. Impact Fees Apply;
3. Silt fence to be in place for erosion control and storm water management during construction;
4. Driveway culverts to be installed.

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

Other Business:

PCD Director Easler said on July 14th, the Technical Review Committee approved a Lot Merger for the existing Ross Express business and the 56-acre lot they recently purchased. Ross Express will be applying for an amendment to their existing site plan through the TRC to expand the business. The new building proposal will be a 100 ft wide, 300 ft long, 60 door terminal with no change to the access. The building will be as far back into the new land as possible. Discussion ensued.

The next meeting will be held on September 5th, 2023 @ 6:30 p.m.

Mr. Tillman motioned to adjourn. Seconded by Mr. Cherian. All in favor. None opposed.

Respectfully submitted by Kara Gallagher.