

TOWN OF BOSCAWEN
Planning Board
Boscawen Municipal Complex

MEETING MINUTES – APPROVED
Monday, March 9, 2015

Planning Board Members present: Bruce Crawford, Chair, Paul Strieby, Vice Chair, Doug Hartford, Roberta Witham, Jeff Reardon, Alternate, and Matt Lampron, Alternate. Alternates will be voting.

Planning Board Members absent: Rhoda Hardy, Karen Mackenzie.

Planning Board Member Ex-Officio absent: Bernard O. Davis, Jr.

Planning Board Alternate Ex-Officio absent: Roger Sanborn

Others present: Dana Willis and Peter Henenberg for CA Fields; Web Stout for Piontkowski; Alan Hardy, Planning & Community Development Director, Kellee Jo Easler, Planning & Community Development Assistant.

Meeting was called to order by the Chair at 7:07 pm.

Minutes from the February 10, 2015 meeting were reviewed. One amendment was agreed upon; line 158 after “Town Counsel that there is no intention” add “by the applicant”.

Motion to approve the Minutes with the correction noted was made by Doug Hartford, seconded by Jeff Reardon and passed by a unanimous vote.

Chair Crawford asked Kellee Jo Easler if they could have the Minutes emailed out prior to the meeting; the same time as the meeting notice/agenda.

Old Business

- **CALIFORNIA FIELDS**

Alan Hardy discussed condominium documentations. Lot 5 was discussed. There was also discussion regarding sewer connection fees.

Applicant has spoken with the Public Works Director about the sewer connection fees. Kellee Jo Easler said that the fee went down. The connection fees will be \$29,000. Chairman Crawford asked about the

number of sewer hookups. The applicant stated there will be 4, one per building. Applicant also stated that they would be charged by the incoming rate. Alan Hardy asked him to have that conversation with Dean Hollins and the Board of Selectmen. The charges will be established by an agreement between the Water Department, Public Works Department and the applicant. That discussion is not for the Planning Board. Jeff Reardon felt there was a discrepancy between original proposal and what he's reading regarding lot 5. The applicant stated that lot 5 is not included in this project. Alan Hardy stated that the applicant proved that they could put storage units on lot 5, which was not always part of the condo project. Jeff Reardon asked if lots 1-4 would have units on them and also what would be on lot 5? Would it be common land? Applicant stated that it would not be common land. The town required them to divide the property into 5 lots.

Paul Strieby confirmed that the owner would recap prior to building construction. Applicant stated that they would upgrade to current standards. There is nothing saying that they have to do this.

The applicant stated that lots 1, 2, 3 and 4 will have buildings on them. People would not like them to mix that use with the Brownfield Program. They could put storage units on that lot or they could use it as an accessory use to what is already there. They do not know what it will be used for as it is a separate lot. Alan Hardy stated that the Board's standard was to prove lot 5 was to be a viable use. Storage units are not directly tied to or have to do with the condos. Jeff Reardon asked if this proves that lot 5 could be used. Applicant stated that they have decided to land bank it. Jeff Reardon asked about the floodway line. Alan Hardy stated that was set by FEMA changing that line. They have relocated those units that were too close to the flood line within the project. Paul Strieby asked if all of the items were taken care of that were noted at last month's meeting except the condo documents. The applicant stated that they had no items left to take care of. They also stated that there is a standard boiler plate for condo documents. Jeff Reardon said there is a subdivision and approval for condos. The original subdivision shows that they had to have 5 lots. He asked when the project was started. The applicants stated that the project was started in October of 2001. Jeff Reardon asked if there was some discrepancy. Alan Hardy said to put aside anything that has to do with the subdivision. That piece of this application is done. That one piece of land got subdivided into 5 lots and 5 lots were created with the proposal for condos on 4 units and they were to prove a viable use for lot 5. The original application is for units on 4 lots. Matt Lampron asked to see the original plan for the subdivision. Alan Hardy said that the physical plan will show the 5th lot as that lot it was always in the subdivision. The proposal was for 4 lots. Alan Hardy said there was never a site plan that showed only 4 lots. Paul Strieby asked Bruce Crawford if they can put off a decision until next month when there are more members here. He would like Rhoda Hardy and Bernie Davis in this discussion.

Paul Strieby made a motion to hold this application over to the next meeting when more members are available. No action was taken on the motion.

Alan Hardy asked if the Board were to place this applicant on the next month's agenda would they be willing to make a commitment that a vote will be taken at that time. Paul Strieby said that they could make a decision as they cannot, in all fairness to the applicant, keep going month after month. Bruce Crawford doesn't want to prolong the decision either but he wants to make sure all members are comfortable with the request.

Paul Strieby withdrew his Motion.

Applicant requested that they vote on it now and confirm it this month. Alan Hardy asked the Board if there were any other concerns. Paul Strieby mentioned concerns with the playground. The applicant said they would give the town money towards the playground, which may not necessarily be on the site. Paul Strieby read through long list of requirements; shoreline permit, condition old/new, adopt by Dr Boisvert by reference, sewer connections, applicant and selectmen and public works will reserve, condo documents, landscaping plan remains the same, Alan Hardy's certification accepted by reference, lights, sidewalks, original final approval of June 13, 2007, and the playground. Alan Hardy will double check if the amount for the playground was to be \$10,000 or \$20,000. He will look in the 2006 or 2007 Minutes for the dollar value. Paul Strieby stated that after that is addressed the only issue is the condo documents. Alan Hardy stated that the recommendation is that they reregister the trade name and correct the owner's name. The plan does not need to be signed by the owner. Paul Strieby felt that it boiled down to whether or not lot 5 was common land or not. Matt Lampron stated that he's never seen the original documents saying lot 5 was never common area. He feels that it would be bad form if 5 out of 6 people, who never saw the documents, approve them. Paul Strieby is also hesitant. Bruce Crawford said that the file is very thick and the Board will not be able to go through and review the thick file at a meeting. Alan Hardy reiterated what the plan said; when you look at lot 5 you will never see anything on the plan that touches that piece of land. The Planning Board never said to build on it. If lot 5 were going to be put through for a useable use, they would have to come back to the Board for approval. Alan Hardy asked what the Board wanted to see out of the file. Matt Lampron wants to see the first few sheets of the application. He wants to see what was approved. Alan Hardy said he could find the original application for the next meeting. Bruce Crawford agrees. Alan Hardy said he doesn't think the Board has a reason after they review the information to continue this discussion. Roberta Witham felt they would be able to make a decision next month.

Alan Hardy made the Board aware that there is a mechanism that is triggered when the Planning Board has had something too long. It can be brought to the Board of Selectmen. He'd prefer that doesn't happen but it can be tendered at any time. He feels the Planning Board does not have a lot of time at this point. He'd like to have a decision between this meeting and next meeting. Bruce Crawford stated that having Roger Sanborn at next month's meeting may be of value. Alan Hardy feels that he is comfortable that there has been enough change happening at every meeting regarding this application. Alan Hardy stated that a conditional approval is an option, but he feels it is not a good option as the Board doesn't know what the conditional approval would be subject to.

The Board felt that they could make a decision at next month's meeting. Doug Hartford asked if Alan Hardy would check the original approval and see if there is a discrepancy. Check to see if the September 24, 2014 approval is different from the original approval. Matt Lampron feels that they need to find out if there is an approval that lot 5 is not attached to this. If he would make a motion it would be that the condition would be that lot 5 is not attached. The Board concurs.

Applicant felt that it would create a hardship for them not to have a decision as they wouldn't be able to market lot 5. Alan Hardy asked the owner if he wanted a vote right now. The owner said that if they frame it the way Matt Lampron stated it, and make it subject to no discrepancy and a conditional approval that would incorporate the Boisvert letter or whatever else they need. Alan Hardy doesn't

believe they will find a discrepancy in the record. Bruce Crawford feels that they owe themselves, and the town, the time to go through that file. The applicant doesn't feel they should go through the entire file.

Paul Strieby said that the Board is committing that they will vote on this next month. Matt Lampron said that there will be a list of things this approval would be subject to.

Paul Strieby would like to see the Board move on and make a decision next month. Kellee Jo Easler asked if the Board wanted Roger Sanborn to attend next month's meeting. Chair Crawford said he does not need to as he is not needed.

A motion to continue this case to next meeting upon which time the Board will render/act on the application was made by Paul Strieby, seconded by Doug Hartford and passed by a unanimous vote.

- **WHITE PLANT**

Alan Hardy updated the Board and said that the owner is working with Mr. Dupont regarding open space structures. They wanted the site plan to show where the buildings will be placed so that if they wanted to build garages later on it would be noted and there would be enough room. Alan Hardy went on to say that they have an Ordinance called Planned Unit Development now and if they had had it at the time it would have worked for California Field. Planned Unit Developments (PUD's) allows for this project to have been on one single piece of land. He went on to explain how PUD's would work. Jeff Reardon asked how they would adopt a PUD Ordinance. Alan Hardy said that they would go to town meeting in 2016 with a draft. Paul Strieby asked what they need to do with White Plant. Alan Hardy said that they have fashioned condo documents for rental property.

- **WEB STOUT FOR PIONTKOWSKI'S GRAVEL**

Web Stout showed the Board an application for Piontkowski's gravel. There is an application fee of \$300 to go to Central NH Regional Planning for their review. What he is here before the Board to request is for a waiver of the fee. They need to renew their gravel pit application with both the state and the town. Those permits are good for 5 years. Web Stout said that AOT has changed all their requirements involving a lot more with regard for drainage. His plans were approved in 2000, but have been updated. He is asking the Board to waive the \$300 fee because the only change that has happened over 2.5 years ago is 200 cubic yards of processed material being removed from the site. Nothing else has changed. It was not removed just dug. Alan Hardy believes that it was inventory. Commercial Street, the permit is coming up and there has only been 950 cubic yards removed. He is asking for those permit fees to be waived. He showed the Board the plans. Alan Hardy said that he'd like to waive the department head review and outside review. Bruce Crawford doesn't see the sense in it as nothing has happened and it's not a new application, it's a renewal of something that exists. Web Stout said that there is no proposal of any buildings. Paul Strieby asked if the bond stays the same. Web Stout said that was correct. Web Stout said that the Commercial Street property has a proposal of 155,000 cubic yards to be removed. Alan Hardy stated that they are "shelving" the site. Web Stout stated that there will not be much developable area once it is done. Paul Strieby asked if nothing conflicts with AOT.

Will they just be stamping it saying they will give a waiver? Alan Hardy said that was correct. This Board has always put conditions around the hours of operation. Alan Hardy asked if there will be any reclamation in the next plan. No area will come out of use. The majority of the pit stays active. Web Stout identified a work area of 3.5 acres.

Motion to waive the \$300 application fee for Central NH Planning and Department Head Review was made by Doug Hartford, seconded by Jeff Reardon and passed by a unanimous vote.

- **CC EDMUNDS MEMO**

Kellee Jo Easler noted a memo from the Conservation Commission. They made recommendations as there has been a change in the land. Alan Hardy's suggestion would be to hold them as the original plans set from T.F. Bernier that says there will be significant change in the direction they are going. They will be doing vertical excavation instead of horizontal. They will end up with a 60 square foot deep hole. They did not excavate where their approvals from the State and the town showed. They will have to show you what they did excavate and the state and the town will have to agree. Paul Strieby asked when they have to go straight down. Alan said within the next 5 years as they have to go before AOT. Alan suggests that the Board hang onto it until the AOT makes a decision. Paul Strieby asked if Edmunds will require a department review. Bruce Crawford felt it was just a renewal as it has been there and it is still there. Alan Hardy said it looks like they are moving over to the Corn Hill Rd. side of town.

- **CNHRPC – Traffic Count & April: Energy**

The State of NH is asking where the Planning Board would like the readers to be placed. Bruce Crawford said the Board should see where they had them in the last few years to be sure they don't duplicate the placement. Kellee Jo Easler asked if they wanted Central NH to come to the April or May meeting to talk about energy. The Board decided on May for Central NH to come in. Alan Hardy will work with Central NH on the location of the traffic study. Matt Lampron stated that he can check the website to see where they were placed in the past. He will send the information to Kellee Jo Easler to forward to the Board.

- **Medical Marijuana in NH.**

Information was in the Board's packet for their review on their own time.

Adjourn

A motion to adjourn the meeting at 8:50 pm was made by Doug Hartford, seconded Roberta Witham and passed by a unanimous vote.

Respectfully submitted by Rose Fife, Recording Secretary.