

Town of Boscawen

Planning Board
Boscawen Municipal Complex
Meeting Minutes – Draft
Tuesday, April 4, 2017 at 6:30pm

Members Present: Bruce Crawford – Chair, Roberta Witham – Vice-Chair, James Scrivens, Barbara

Randall, Jeff Reardon, Matt Lampron

Alternate Members Present: Rhoda Hardy

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

Alternate Member Ex-Officio Present: 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 6:31pm with a voting board.

Roger Sanborn was named as Member Ex-Officio alternate for the meeting replacing Bernie Davis who was excused.

Roll Call by Recording Secretary

Review and Acceptance of Prior Meeting's Minutes:

The board reviewed draft minutes from the March 7, 2017 meeting.

Motion made by James Scrivens, and seconded by Jeff Reardon to accept the minutes as written. All in favor.

Winnepocket Subdivision Continuation:

An application for a 3 lot subdivision has been continued to the next Planning Board meeting on May 2, 2017 at 6:30pm.

New Business:

- **Cold Brook Gravel:**

The board reviewed a memo dated April 4, 2017 from Code Enforcement Officer Alan Hardy in regards to the start of the 2017 season at Cold Brook Gravel. Cold Brook Gravel anticipates utilizing some of their floating crusher production days prior to the May 1, 2017 start date. They are entitled to 40 floating days before or after their normal season. Crushing operations and related work will be conducted under the conditions outlined in the Town of Boscawen Earth Excavation Permit #PB01122016-1.

- **Member Update:**

Jeff Reardon's Planning Board term expires in April 2017. He would like to continue as an Alternate Member of the board going forward. No one had any objections.

- **One Riverside Place – Update:**

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Alan discussed with the Board members the significance of the Certificate of Registration issued February 6, 2017 from the Attorney General's office. This review is required by RSA 356-B:54, II. This review is to ascertain if the disposition of any condominium unit or interest therein is legally sufficient to protect the rights of the purchasers. As a reminder, the Planning Board still must review and accept the condominium documents as part of their approval.

Old Business:

• Dollar General – Continuation:

Please note: All documents referred to in these minutes that the board members review are contained in our digital Dropbox. If you wish to review these documents, please contact Kellee Jo Easler for access.

Chairman Bruce Crawford recused himself as Chair because he is a direct abutter to the Site Plan Application. He then excused himself from the table and moved to the audience. Roberta Witham, Vice-Chair, was named Chair for the remainder of the meeting.

Application for Site Plan Review for 7500+ SF Retail Store submitted by Boscawen DG, LLC, 83 Orchard Hill Park Drive, Leominster, MA 01453, on land owned by The Peach Pond Trust, 100 River Road, Boscawen, NH 03303 with the location at Map 81A, Lot 42, 169 King Street in a COM zone.

Austin Turner of Bohler Engineering and John Scribner of Lisciotti Development stepped before the board with an update on the status of the Site Plan Application. At the last hearing the board had voted to release the application for an independent peer review to be completed by Underwood Engineering, Inc. under ESR-45. Underwood Engineering was given a specific scope and they were tasked with reviewing the application material and offering feedback both to the board and the applicant. UEI issued a comment letter, (UEI 1st Review), dated March 6, 2017. At that time Bohler Engineering was able to engage with the peer review engineer to satisfy any comments or answer questions. Bohler Engineering, (BE), received the letter from Underwood Engineering before the March 7, 2017 Planning Board meeting. The applicant opted to continue to the next month in order to understand the comments and address them prior to the meeting. The comments from UEI have been satisfactorily addressed by the applicant. A 2nd Review letter dated April 3, 2017 from Underwood states that they concur with the applicant's responses. The new plans are representative not only of their meeting, but they also capture their conversations and document the applicant's feedback in regards to their comments. Mr. Turner states he would be happy to review the specifics of the review. Chairwoman Witham requested that the applicant briefly go over the specifics.

Mr. Turner explained the following:

1. Site Drainage Design (Sheet 5 of 15)

- a. Utility Crossing: Making sure that pipes weren't intersecting and that there is sufficient soil coverage. BE provided documentation on the plans. No further comment.

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- b. Catch Basin CB-3: Making sure there was appropriate cover over the pipe out of the catch basin. BE confirmed they do, it meets manufacturer recommendation. No exception taken.
- c. Pipe Separation at Drain Structures: Proximity of pipes to each other and drainage configuration. They do have the separation. Controls are in place. No exception taken.
- d. Ridgeline at Drive Entrance: Grading at the driveway. UEI wanted additional information – identify gutter lines/specific grading conditions. BE added detail.
- e. Proposed Driveway Culvert: Sized appropriately. Size bump from 12 to 15 which BE accommodated. No exception taken.
- f. Drain Pipe Connections at Existing Structures: UEI asked that the current structure be replaced because it is dated. Ensure integrity. BE agreed to replace it. No exception taken.
- g. Drain manhole and ADA Curb Ramp: Existing structures will be maintained. No exception taken.
- h. NHDOT Approval: DOT has reviewed their plans. The new plans are representative of the applicant's response to NH-DOT. NH-DOT had similar comments as Underwood. No exception taken.
- i. Infiltration Basin #1: Specific grading within the basin itself. No exception taken.

2. Soil Erosion and Sediment Control Plan (Sheet 7 of 15)

- a. How sediment will be removed from basins. No exception taken.
- b. Measures in place already identified in Erosion Control Plan. No further comment.

3. Drainage Construction Details (Sheet 13 of 15)

- a. Flared End Section w. Rip Rap Apron: Side sloping of basins, calculations showing length of rip rap. No exception taken.
- b. Infiltration Basin #1 Outlet: Performance of storm water basin. No exception taken.
- c. Typical Section through Infiltration Basin: Clarify information further to give contractor additional information. There is a plan view, and section view going through the basin. No further comment.

4. Drainage Report:

- a. Basis of Design Infiltration Rate: Confirmation of infiltration rate, soil type. Additional information provided based on their exploration findings. No further comment.
- b. Recharge Volume: Confirmation of existing and post development recharge volumes. UEI requests that BE document that they meet the standard. No exception taken.
- c. Watershed Maps: Full scale watershed plans to confirm delineation. No exception taken.
- d. HydroCAD Model Conditions: Modeling for storm water system. Models refined and provided the new calculations. No exception taken.
- e. Operations and Maintenance Plan: Provided additional logs so the owner can document that maintenance is being performed. There are specific time intervals where maintenance is recommended. No further comment.

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5. WB-67 Turning Exhibit:

- a. Range of Turning Movements: Onsite vehicle turning movements were discussed. Specific information was presented for loading. This particular comment was also made by DOT. DOT wanted proof that vehicles could maneuver into loading position onsite and not have to use Route 3. Dollar General coordinates their loading to off-peak hours. They don't want it impeding operations. A note has been added to the Site Plan that a vehicle maneuvering has to be onsite and not using the public right of way. Notes will be added to the site plan to clarify unloading requirements.

6. Traffic Memorandum:

- a. UEI takes no exception to the Applicant's statement that a traffic impact study is not warranted since the trip generation will be under 100 trips per hour. No further review is required. This standard can be found in the Institute of Transportation Engineers, (ITE), Trip Generation Manual, 9th Edition.

UEI noted that they have no further comments based upon the information provided and therefore no further review is necessary at this time.

James Scrivens says he still has concerns in regards to parking and turning radiuses for delivery trucks. Even if delivery was done during off peak hours, if there is a car in the parking lot it's going to prevent a truck from getting in. Mr. Turner says they have alternate loading approaches. Dollar General is going to make sure that when the delivery truck arrives, that it's not impeding on operations. Roger Sanborn asked if Dollar General can assure that there won't be trucks parking on the street. Mr. Turner stated that trucks aren't allow to, but that he can't say they won't. Matt Lampron stated there is no parking allowed on King Street and there are already notes on the site plan.

Matt Lampron states he did some measurements in regards to turning movements based on Dollar General's drawings and it clearly shows the vehicle driving up over the curb in two different locations. "That's with a perfect driver" he said. Matt builds roads for a living and has replaced many curbs because there isn't a perfect driver out there. When turning movements show tires going over the curb as they are entering he gets concerned because you need to add a couple feet on either side for real life drivers. He also measured from the nose of the truck to the fence – which is 8 feet. If there is 12 inch snow cover it will use up 100% of the snow storage and it will prevent a truck from turning around. Mr. Turner says they had talked previously about adding more snow storage out back. He can also refine the truck movements and flare the openings. A rumble strip can also be considered. Discussion ensued. Mr. Lampron wanted to make sure that a security fence in the rear of the property was included. A resident, Fordyce Pearl, had concerns at a prior meeting about people cutting through the woods. Mr. Turner noted that the recommended fence is included in the new plan.

Mr. Hardy noted that they printed the approved septic design and made mention to the placement of the snow storage area in regards to the leach field. If the snow can't be stored on top of the leach field then the snow storage becomes a limiting factor. Mr. Turner stated he wouldn't advocate for putting snow on

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top of the leach field. Snow would go on a level area by the trash enclosure. He went on to say that if there is more snow than can be accommodated onsite, then it will be moved offsite.

Barbara Randall returned to the turning exhibits and asked whether it would be possible to use a smaller delivery vehicle at this location. Mr. Turner said his company is tasked with showing the largest possible vehicle in the turning exhibits – which in this case is a WB-67. Dollar General will decide what trucks to use based on the demands of the location. Mr. Turner says typically one truck is carrying supplies for multiple locations in the region.

Mr. Hardy said at this point the missing approval is the driveway permit. He asked Mr. Turner if that is awaiting final changes. Mr. Turner states BE has responded to the DOT comments and anticipates that they will be issuing their permit soon.

Mr. Reardon asked how they were going to preserve the privacy for the neighbors. Mr. Turner says they have incorporated 8 foot solid wood fences on the north and south side of the property. Building aesthetics were discussed. Architecture was changed per board discussion and recommendations at a prior meeting. Mr. Lampron asked whether the fence would be pressure treated. Mr. Turner confirmed that the fence would be pressure treated.

Mr. Hardy asked the board that review a draft proposal dated April 4, 2017 from Underwood Engineering entitled “Engineering Services Request Authorization to Proceed”. It would allow Underwood Engineers to supervise the site work and utility connections. It is an option that would replace adding numerous conditions to the Notice of Decision and a professional would ensure everything is installed properly. Under RSA 676:4-b the board can decide that this expense would be the responsibility of the applicant. Kellee Jo Easler mentioned that we could include a shop drawing review as well. Mr. Turner says the engineer of record being BE would review shop drawings due to liability. Mr. Lampron noted that if any additional review was needed for the shop drawings, he would review them. Mr. Hardy says there haven’t been projects with this amount of detail since around 2008 and he recommends using UEI to provide this engineering oversight. UEI would essentially be the eyes and ears for the town. Mr. Reardon asked who bears the cost of this. Mr. Hardy noted RSA 676:4-b allows the board to impose the cost on the applicant should the board require it. Mr. Turner asked if this is fairly customary in town. Mr. Hardy said yes.

Motion to request that Underwood Engineering, Inc. to supervise the project under the provisions of ESR #48 and request that the expenses are borne by the applicant per RSA 676:4-b. The motion was made by Jeff Reardon, and seconded by Roger Sanborn. All in favor.

Mr. Turner asked whether documentation of Underwood Engineering’s time and services will be provided to them. Mr. Hardy said that BE would receive the same information as the town. UEI would create an Engineering Service Request (ESR) that would come to the Board of Selectmen to be approved. The BOS takes the initial responsibility to pay UEI for the work. The applicant would set up an escrow account which would be drawn from to pay the bills. An estimated cost was included in the

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proposal. Mr. Turner asked that if costs get towards the threshold limit, to please advise BE ahead of time. The town would be paying the bill and the applicant would reimburse that cost. Mr. Lampron asked if anything should be added to the proposal. He said there is a retaining wall on the property that is a critical thing to watch as far as backfill materials and compaction of such materials. Mr. Turner said the wall's structural system isn't designed by BE. There is a licensed structural engineer retained by either the Architect or the Contractor. The Contractor will get a set of stamped drawings. Mr. Lampron suggested having the wall reviewed by UE. Retaining wall options discussed.

Motion to include a design review and installation inspection for the earth wall or retaining wall to ensure adequate construction by Underwood Engineering made by Matt Lampron, and seconded by Roger Sanborn. All in favor.

The board entered deliberations. Mr. Hardy said a question had come up regarding the WB-67 and the reference to delivery at "other than peak hours". What does that mean? Mr. Turner said peak would be your weekday 4-6pm or mid-morning when people are on their way to work. Mr. Hardy says arrival time and back up alarms seem to be a recurring issue at numerous other businesses. He asked if the town could reasonably limit the delivery window so deliveries aren't made too early in the morning. Store hours are 8am – 10pm. Mr. Hardy said a preferable place to notate this would be in the Site Plan.

Resident Bruce Crawford made a point of order. He states "The original hearing was cut short and the public was not given a complete opportunity to hear the presentation which has continued for several months now past when the abbreviated hearing was held." He went on to say that, "So I think in the interest of the town, now that we have the whole proposal it would do well to re-open the hearing." Mr. Scrivens asked Mr. Hardy if the public hearing was closed at a prior discussion. Mr. Hardy said to the board members, "You now have before you a point of order." The point is being made that the public wasn't given an opportunity to speak. After reviewing the January 3rd minutes, Mr. Hardy commented, "That position doesn't appear in the record." Mr. Hardy further noted, "The board should decide if his point of order is valid. How was the hearing cut short?" Mr. Crawford said, "It was cut short in that we heard a 25 or 30 minute presentation on the first go-around and since then there has been discussion by the board and discussion by the applicant but there's a lot of information that has come up since that the public never got an opportunity to comment on. He went on to say that, "Normally when it happens everything is presented and then the hearing is held. This one for whatever reason was done backwards and there is case law to support what I'm saying." Mr. Sanborn asked if we need advice from counsel on this. Mr. Hardy said this is not something that counsel will weigh in on. "Counsel makes it very clear that they don't vote," Mr. Hardy said. Mr. Sanborn asked if they have a valid point. Mr. Hardy said when a notice is put together it says that the board may go into a public hearing as a result of the presentation and discussion. The board did go into a public hearing as a result of the discussion and took comment from everybody that was present who wished to speak. Mr. Hardy says Mr. Crawford has the floor as part of the point of order. The question was asked whether we could open up a public hearing without providing notice to the public. Chairwoman Witham said no it's part of the law. Mr. Hardy said you'd have to have the basis for why you opened it up, what change took place that caused you to open

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it up. Mr. Scrivens asked if it could be opened if there was substantial change. Mr. Hardy asked substantial change in what way? Mr. Scrivens asked has anything changed since the public hearing was closed. Mr. Lampron says the changes he's seen were from things requested by the public and the board during the public hearing. The snow storage, the aesthetics, the fencing, and turning movements were all points that the public brought up in the hearing. Mr. Lampron missed the February meeting so he's not sure what was brought up then. Kellee Jo Easler says they talked about peer review at that meeting and the motion was made for UE to do a peer review on drainage calculations, turning exhibits, and traffic memorandum. Mr. Hardy says the final comment in the January minutes states that Pro-Tempore Chair James Scrivens closed the public hearing with no further comment from the audience. Mr. Crawford said that, "I think you remember, everyone that was here, that both Andy and I squawked about that. You know there was much more information to come, a lot of unanswered questions and that we wanted to be able to comment when all the information was in." He went on to say that, "The turning radius for the trucks wasn't in, the snow storage wasn't in, 520 cubic yards of snow that has to be bucketed out back with a 3 yard loader is 120 trips with a loader in the middle of the night. Depending on what the guy has for a loader that can definitely impact the neighbors. There's all kinds of things that have been covered and I think we deserve the right to be heard." Mr. Turner states that the initial application indicated snow storage on the plans. They also provided the truck turning movements with the initial application. That was discussed at our initial hearing as he recalls. In his opinion it isn't new information – they have refined their information based on feedback gathered during the public hearing and comments made by the board. Mr. Crawford went on to say, "There has also been another traffic study done by me which compares the two Cumberland Farms stores – the one on Fisherville Road and the one here." Mr. Hardy interjected, "This is a point of order, this isn't testimony." Mr. Crawford continued, "Ok, but, what I'm saying is there is more information." Mr. Turner said, "I'd suggest this is not a Cumberland Farms." Mr. Lampron asked if snow storage was on the plan during the hearing. Mr. Hardy said you have to determine what has transpired since the public hearing. Is opening up a new hearing justified? If you get to that point are you able to keep discussion to the matter at hand? "That would be the only thing you are discussing", Hardy said. Has new information been presented since the public hearing? That's what you have to decide to move on from the point of order. Chairwoman Witham asked if it was possible to have a private discussion amongst the board pertaining to that to see if they all agree. Mr. Hardy said in order to go into non-public there are only a few ways to do that. The board's ability to consult with counsel is an entirely different process. A discussion with counsel should be face-to-face. If you feel conflicted without talking to counsel then you would continue the hearing and make arrangements for counsel. Mr. Reardon said he thinks that makes sense because the board is being asked to make a judgment call.

Motion to continue the hearing after a meeting with counsel to discuss the matters at hand made by Jeff Reardon and seconded by James Scrivens. No vote taken.

Mr. Hardy said there is a discussion on the motion. Mr. Turner asked if by the Town's ordinance and regulations after an application is accepted is there timeframe in which a decision has to be rendered by

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254 the Planning Board? Mr. Hardy said there is. Mr. Turner asked what the timeframe is. Mr. Hardy said 65
255 days. Mr. Turner says the acceptance was at the January hearing. The applicant could make a request to
256 the Board of Selectmen to compel. It's essentially a legal process for due process. Mr. Scribner asked
257 what needs to be discussed with counsel. Mr. Hardy says that's between the board and counsel. If the
258 applicant wishes to follow that process let them know. Mr. Hardy discussed the process with Mr. Turner
259 explaining the risks and benefits.

260 Resident Andy Newcomb asked if he could comment of Bruce Crawford's point of order as another
261 member of the public and an abutter. Mr. Hardy asked if he was making a different point of order. "Well
262 I'd like to suggest that if the applicant wants to talk about timelines perhaps they should stop postponing
263 hearings", Newcomb said. "There are many members of the public that would like to speak", he
264 continued. Chairwoman Witham said we need to move on to the original point of order.

265 Alternate Member Ex-Officio Roger Sanborn said for the record, as a Selectman, he would like to recuse
266 himself from this discussion at this time as the Board of Selectmen may become involved.

267 Mr. Hardy said there is a point of order as well as a motion awaiting the board's decision to seek
268 counsel. If the meeting is continued the point of order stays in place and starts at the next meeting. At
269 the same time you stand the possibility that the 65 day statute will come in to play which compels the
270 Board of Selectmen to act.

271 **Motion to continue the meeting made by Barbara Randall, and seconded by Chairwoman Roberta**
272 **Witham. No vote taken.**

273 Mr. Reardon said he needs more clarification. He thinks it sounds like if we continue we'll have to come
274 back next month and make a decision regardless; which takes away the ability for us to have another
275 public hearing. Mr. Hardy said that's not correct. You will have two things at play – the process that
276 we're in right now and regardless of the conversation with counsel is if the 65 day statute is invoked.
277 That process has a clear purpose. Mr. Reardon said if it is invoked we're likely to come to the next
278 meeting with an order from the Select Board saying make a decision. Mr. Lampron asked if there has
279 been a proclamation of what has changed. He hasn't heard concretely what is new. He asked Mr. Hardy,
280 "What do you think has changed?" "Nothing, I don't believe anything has changed" said Chairwoman
281 Roberta Witham. The point of order said the hearing was cut short. Mr. Crawford said, "The hearing
282 concluded because nobody had anything else to talk about because there was never much information
283 given in the first place. Since then, there has been all kinds of information – like tonight the thing with
284 the retaining wall. Never gave that a thought but it's going to be a couple feet from the property line but
285 it's got to stick back how far? Other issues I made before were trees that were cut that the stumps not be
286 excavated, that they be ground. So now we have to dig up to put those things in. So there's all kinds of
287 things that weren't brought up before and now we have more information and it can be brought up." Mr.
288 Hardy asked if that helped. Mr. Lampron said no, because that's not new on the plan. The inspection is
289 new. "That's providing a higher level of scrutiny for the town", Hardy said. "You've got abutters and
290 neighbors who aren't engineers... I don't know how you did it, what holds it up, or whether it will fall

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291 down or anything else about it. Obviously you do and these guys do, so ya know its information we
292 didn't have before." Crawford said. "The retaining wall has been up plenty of times Alan - it hasn't
293 changed, the grading hasn't changed, we're talking about construction oversight which is a customary
294 practice for the town." Mr. Turner said. "It's not a Site Plan item that's been revised or adjusted. It
295 didn't just appear, it's been there since our initial application." Turner said.

296 Mr. Hardy said the board has to resolve the question of what is different. You still have a motion and
297 second. Mr. Reardon said there is a motion to meet with counsel and another motion to continue the
298 meeting. Mr. Crawford said, "I guess if I can reinforce what I was saying, you see that black bag I left
299 up on the table? In January I had one folder, that's what I have now. Everything in that bag has to do
300 with Dollar General. So was there more information since January? Yep. As far as the 65 day things,
301 those usually don't end well for the applicant because you have to make a decision. Ok we made one –
302 No." Mr. Hardy said this is a very dangerous area where you're walking in between a point of order and
303 testimony in his opinion. Chairwoman Witham asked if everyone was in agreement to continue the
304 meeting. Mr. Turner said he could tell the board where they stand on the situation. We're approaching
305 the 90 day mark and from their opinion they've done everything the board asked of them. They were
306 close to the 65 day mark when they were asked to do the peer review which they did and responded to.
307 They have a letter that says no further action required. In his opinion there hasn't been any new
308 information provided during this process other than refining. They haven't changed anything. Mr. Hardy
309 asked that the board deal with something – either the point of order or continuation. It cannot sit here
310 because both sides will think of things and it will cross the line between the original point of order and
311 testimony.

312 Chairwoman Witham asked if we could withdraw the motions and start over. Mr. Hardy said the motion
313 can be withdrawn and the board can return to deliberation again. Mr. Lampron says the board's
314 responsibility is to protect the public and their interests. "The point is the public hearing was held before
315 all the information was in." Crawford said. Mr. Hardy said if Mr. Crawford wants to comment on the
316 point of order that's fine, but it's not an open debate. This is at a deliberation stage with the board.
317 Chairwoman Witham said we need to vote yes or no. Further discussion ensued.

318 Bruce Crawford made a second point of order that the board can appoint Rhoda Hardy as a voting
319 member seeing he recused himself. Mr. Hardy says Rhoda cannot replace the Selectman's representative
320 by statute. Mr. Crawford said she would replace him, not the Selectmen's representative. Mr. Hardy
321 concurred with Mr. Crawford's point that the Chair could make that decision.

322 Chairwoman Witham appointed Rhoda Hardy as a voting member.

323 **Motion that the board dismiss Bruce Crawford's first point of order on the basis that new**
324 **information has not been presented since the hearing on January 3, 2017 was closed. The motion**
325 **was made by Rhoda Hardy and seconded by James Scrivens. All in favor.**

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Two Motion(s) Withdrawn – Jeff Reardon and James Scrivens withdrew their motion and second to seek counsel and Barbara Randall and Chairwoman Roberta Witham withdrew their motion and second to continue the meeting.

Bruce Crawford made a third point of order that he left a packet of letters for the board to review. Mr. Hardy asked if the board was taking testimony. Testimony can take two forms – verbal and written. That would have to be done in a public hearing. Chairwoman Witham said this information would have to be presented in a public hearing.

Motion to dismiss Bruce Crawford’s third point of order made by James Scrivens, and seconded by Rhoda Hardy. All in favor.

Mr. Hardy said the only item outstanding, to his knowledge, is the driveway permit. He noted that the septic system design is there along with an approval to construct. In order for the board to move forward with an approval it would need to be a Conditional Approval subject to receipt of a driveway permit. The board cannot withhold an approval subject to a State or Federal permit. Rhoda Hardy noted UE’s 2nd Review dated April 3, 2017 #5 which states, “The Town should consider approval conditions that restrict deliveries or require smaller delivery vehicles during business hours.” Mrs. Hardy asked if this is a condition. Mr. Hardy said it was discussed – whether to put a note in the plan or make it a condition of approval. At this point there isn’t a motion to approve or deny. If the board approves, at that time they can decide what the conditions of approval are.

Motion made by Rhoda Hardy and seconded by James Scrivens that the Application for Site Plan Review for a 7500+ SF Retail Store submitted by Boscawen Dollar General, LLC, 83 Orchard Hill Park Drive, Leominster, MA 01453, on land owned by, The Peach Pond Trust, 100 River Road, Boscawen, NH 03303 with the location at Map 81A, Lot 42, 169 King Street in a COM Zone be conditionally approved subject to receipt of a NH DOT Driveway permit. Alan Hardy, Code Enforcement Officer, is named as Compliance Officer to confirm receipt of the document and placement of the conditions on the plan. All in Favor.

The board discussed conditions for approval.

Items to be incorporated into Site Plan:

- Side lot privacy fence shall be submitted to side abutters with a choice from three (3) fence details including pressure treated and paint, vinyl, or stained pressure treated to be hand delivered by Boscawen Police Department with a response time limit of ten (10) business days or the fence detail reverts back to the original plan.
- The Security Fence shall be placed along back of lot on the 317 contour.
- Stumps shall be ground instead of removed along the side lot borders to prevent any encroachment to an abutter.

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- **Snow removal by trucking or loader on or off site shall take place no earlier than 7:00am and no later than 10:00pm.**
- **Sheet 4 – Change Delivery note from “are anticipated to” to “shall”.**
 - **Deliveries shall occur between 7am and 10pm outside peak hours.**
- **No Outside Sales – Merchandise shall be restricted to inside the store only.**
- **As-built plans shall be submitted upon project completion.**
- **Zoning Ordinance Article XXIV – Reference lighting ordinance in the Outside Lighting Plan.**

Motion to authorize Vice-Chair Roberta Witham to sign outside of a meeting made by Rhoda Hardy, and seconded by James Scrivens. All in favor.

Motion to adjourn made by Vice-Chair Roberta Witham, and seconded by Barbara Randall. All in favor. The meeting adjourned at 10:00pm.

The next meeting will be May 2, 2017 at 6:30pm.

Minutes respectfully submitted by Katie Phelps