

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, October 3rd, 2023**

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

Staff Present: Kellee Jo Easler – Planning & Community Development Director, Kara Gallagher – Planning & Community Development Assistant, Dean Hollins – Public Works Director, Tim Kenney – Fire Chief

Guests Present: Eric Munro – Manager of Building & Loan Development, LLC., Spencer Tate – Meridian Land Services, Inc., Tucker McCarthy – DM Holdings. LLC., Peter Stoddard – S & H Land Services, LLC., Asa Osborne – Applicant

Chair Martin opened the Public Meeting at 6:00 p.m.

PCD Assistant Gallagher completed roll call.

Minutes:

August 1st, 2023: The 8/1/23 draft minutes were deferred from the last meeting to allow for section numbers to be added to lines 200-215.

Mr. Tillman motioned to accept the 8/1/23 draft minutes as presented. Seconded by Vice Chair Randall. All in favor. None opposed.

September 5th, 2023: Ex-Officio Carey requested one change – Line 168: change “was” to “is”. Mr. Cherian requested two changes – Line 45: change “formally” to “formerly” and Line 266 – change “interesting” to “intersecting”.

Mr. Crawford motioned to accept the 9/5/23 draft minutes as amended. Seconded by Mr. Cherian. All in favor. None opposed.

Public Hearing for 2023-2030 Capital Improvement Plan (CIP):

PCD Assistant Gallagher read the following notice: Notice is hereby given in accordance with RSA 675:7 that the **Boscawen Planning Board** will meet on **Tuesday, October 3rd, 2023** after 6:30 PM, at 116 North Main Street, 4th Floor, to hold a public hearing during its regular meeting to consider the **2023-2030 Capital Improvement Program (CIP)** as amended.

PCD Director Easler said the purpose of this Public Hearing was to give the PB and/or the public a chance to ask questions about the C.I.P. If the PB votes to approve the C.I.P., it will go before

the Select Board for budgeting. Chair Martin wanted to specify that the intent of the C.I.P. was solely a planning document to prepare for future long-term expenditures. Department Heads give input and the PB and Finance Director Kate Merrill put the plan together.

Chair Martin opened the Public Hearing at 6:40 p.m.

Mr. Cherian asked if the *Sewer Infrastructure Improvement Project #3 and #4* had been removed from the *Projects* section. Previously it was listed under *Projects* and *Bonds*. The C.I.P. showed the *Sewer Infrastructure Improvement Project #3 and #4* with an anticipated cost of \$0 and a note that read “Bond-see below for payments that begin in 2026”.

Mr. Cherian asked about the two *Commercial Street Cleanup* projects. One was a grant and the other was listed as donations. Mr. Cherian asked for clarification if these must be listed on the C.I.P. even though they do not come from tax dollars. Ex-Officio Carey said yes.

Ex-Officio Carey questioned the item “Police Back Entrance Stairs”. The minimum amount for items listed on the C.I.P. is supposed to be \$10,000. This item was listed for \$9,000. Discussion ensued.

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

No public comment.

Chair Martin closed the Public Hearing at 6:44 p.m.

Mr. Tillman motioned to recommend the 2023-2030 Capital Improvement Plan to the Select Board. Seconded by Vice Chair Randall. All in favor. None opposed.

Zoning Ordinance and Land Development Regulations Discussion:

Last month PCD Director Easler asked the PB to take the draft of the LDRs home for review and editing. So far, she has only received changes from Chair Martin. The goal was to have the Public Hearing to accept the changes in December, but PCD Director Easler is working with Matt Monahan from Central NH Planning Commission to revamp the Road Acceptance Policy, so it will be more likely that the Public Hearing will be scheduled in January. Chair Martin asked if PCD Director Easler could send the document back around for a final review once her changes and the changes from Mr. Monahan are incorporated.

River Walk Visioning Session for Redevelopment of the Mills:

PCD Director Easler reviewed summary notes from the 9/9/23 River Walk Visioning Session. She asked if there were any other comments. Vice Chair Randall said at the EDC meeting, Mr. John Porter mentioned that he would like to see some areas become Mixed Use, with retail on the first floor and residential on the second floor. Ex-Officio Carey mentioned the survey that is available on the town’s website. The survey asks what residents would like to see during this redevelopment. She said the number 1 item requested so far was a restaurant. Another topic mentioned by Mr.

Porter was the need for another access to that area. He said how great it would be if there was a way to get down to Commercial Street from the Hannah Dustin Park and Ride. Chair Martin said she was a fan of the idea of a Mixed Use area. Discussion ensued.

Old Business:

Continued – Architectural Drawings for Map 81B Lot 35: Mr. McCarthy presented the changes made to the plans as requested at the July meeting and in the Notice of Decision from 7/5/23. The main changes were the exterior staircases that were proposed as being on the ends of the building, and the decorative pieces that exist on the current house be incorporated. Mr. McCarthy said the staircases will now be covered and constructed in the center of the back of the building. As for the decorative pieces, the existing pieces will not fit the new building because the roof pitch is different, but Mr. McCarthy said he will replicate them. The Board approved of the changes and thanked Mr. McCarthy.

Continuation of Public Hearing for Major Subdivision for Cluster Development Map 94 Lot 23:

PCD Director Easler said she received comments back from Underwood Engineers earlier in the day. As requested at the last PB meeting, Public Works Director Hollins and Fire Chief Kenney were both present at the meeting to address any concerns or questions the PB may have. Mr. Tate said the two unresolved comments that were received from UE were:

1. *Sufficient parking area for DPW personnel to park vehicles when performing maintenance on the stormwater features: The meeting minutes note the Planning Board is deferring to Dean Hollins* – Mr. Tate said he and Mr. Munro feel this requirement would create unnecessary impervious area. Chair Martin asked if there was curbing proposed in those areas. Mr. Tate said some of the areas will have Cape Cod Berms, but some areas will not have any curbing. PWD Hollins said he would prefer to have a designated area to park equipment so that having a flagger could be avoided but would be flexible with what the PB decides. Mr. Tate mentioned there are 3 spots already in the plan design where vehicles/equipment could park. Chair Martin expressed concern of additional areas paved for this requirement because the way the proposed road is designed, and the function of the stormwater and drainage, is to make sure water is diverted properly to the right places.
2. *Technical review regarding the roadway profiles: UE would like more time to review the revised plans in regards to the water table, we are specifically concerned that there may be areas where underdrain is recommended to maintain the long-term structural integrity of the road. If this project is approved at tonight's meeting, we recommend a condition that the Applicant work with UE and Dean Hollins on any outstanding roadway and drainage concerns* – Mr. Tate said underdrains are specified both in the plan profile and the details on Sheet D-1 and D-4. He said the details are from the town roadway specifications. Mr. Cherian clarified that the underdrains are not designed to help water flow, their purpose would be if water got under the road to help with drainage. Mr. Tate confirmed.

Chair Martin asked if there were any other questions from the PB.

Mr. Crawford asked if there will be power lines above ground. Mr. Munro said the first 1200 ft into the road will be above ground because of the box culvert.

In the September meeting, a question about the dry hydrant was raised, and the PB deferred to Fire Chief Kenney. Mr. Cherian asked if the Fire Department would own the dry hydrant or if there would be an easement provided. Fire Chief Kenney said part of the agreement was the applicant must show there will be enough water, the water volume will maintain and not freeze through, the applicant must maintain the dry hydrant for a certain period, and at the end of that period an easement would be dedicated to the Fire Department. Mr. Cherian asked if the easement would kick in as soon as the dry hydrant is built whether the town takes over the road or not. Mr. Tate said as soon as the plan gets recorded the easement becomes active. Mr. Cherian asked if the town's council had reviewed the easement. PCD Director Easler confirmed. She said all easements and legal documents will receive final approval by the town's council before recording. Mr. Tate said the curbing was removed in the vicinity of the Dry Hydrant per UE request.

Vice Chair Randall asked to review the previously approved waivers. The waivers are as follows:

1. Section 4.1.4 – Depiction of abutter easements, preservations, and restrictions on plans;
2. Section 4.1.14 – Color photographs of buildings;
3. Section 6.4.3 – Depiction of wells and septic systems within 200 ft of site;
4. Section 6.6.8 – The location and type of lighting for outdoor facilities;
5. Section 6.7 – Building size both existing and proposed (total and by building).

Chair Martin asked about the other waivers that were requested. Mr. Tate said he had previously withdrawn the waivers that were deemed not applicable.

The PB discussed the potential Conditions of Approval provided by CNHRPC, UE, and a list compiled by PCD Director Easler from data gathered at previous meetings.

Vice Chair Randall motioned to conditionally approve the 31-Lot Cluster Major Subdivision application 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. Waivers and Conditions of Approval shall be on the final plan;
2. Plan notes regarding easements to state what they are for and whom they benefit;
3. Provide swale whenever there is no curbing.

Conditions subsequent:

1. All state and local permits received;
2. Wells decommissioned and covered;
3. Compliance with any town engineers' requirements regarding the roadway and other public improvements;
4. Impact Fees apply to all lots;
5. USPS approved cluster mailbox and maintained by HOA;
6. Compliance with town counsel regarding any easements, deeds, or legal documents, and paid for by applicant;
7. Easement documents recorded prior to the issuance of any building permits;
8. Existence of an HOA to manage open space, common facilities, and common space;

9. Ensure all areas of improvement are managed by a HOA;
10. Filing of EPA General permit;
11. Applicant to work with Underwood Engineers & Public Works Director on any outstanding roadway & drainage concerns;
12. Inspection fees and Performance Bonds approved by Town Engineer;
13. Compliance with Fire Chief's letter of July 31, 2023.

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

Chair Martin thanked Mr. Munro and Mr. Tate and wished them luck.

New Business:

Public Hearing for 3-Lot Minor Subdivision Map 83 Lot 32: PCD Director Easler read the following 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, October 3, 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 **Asa and Thomas Osborne, 372 Upper City Road, Pittsfield, NH 03263** with a location of **Map 83 Lot 32, 62 Queen 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 Martin asked if the application was of regional impact.

Mr. Cherian motioned the 3-Lot Minor Subdivision Application was not of regional impact. Seconded by Ex-Officio Carey. All in favor. None opposed.

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

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

Mr. Peter Stoddard, S & H Land Services, LLC., presented on behalf of Asa & Thomas Osborne, owners of 62 Queen Street. He said the application was a proposal for a 3-lot subdivision on Map 83 Lot 32, in an R2 zone. The lot contains 5.9 acres and 520 ft of frontage. Requirements for an R2 zone are 40,000 sq ft minimum lot size and 100 ft of frontage. Originally, the applicant wanted to propose a 4-lot subdivision, but because of wetlands on the west side of the lot, it was decided that 3 lots would be more feasible. There was an existing house that was demolished, and a new 1,700 sq ft single-family home is currently being built on 83/32. The 3 bedroom 2 ½ bathroom house is about 75% complete. The house has a state-approved septic design and has been installed

and approved by NHDES. The septic from the previous house was removed. The new proposed lots were shown on the plan as 83/32/1, 83/32/2, and 83/32/3, but PCD Director Easler requested the original lot remain 83/32, and the two other lots be 83/32/1 and 83/32/2. Mr. Stoddard has made these corrections to what will become the final plan for recording. 83/32 was proposed as 0.938 acres or 40,853 sq ft, with 197 ft of frontage. 83/32/1 was proposed as 2.185 acres or 95,175 sq ft, with 161 ft of frontage. 83/32/2 was proposed as 2.778 acres or 120,997 sq ft, with 169 ft of frontage. Subdivision approval was received on September 29th. Mr. Stoddard said the applicant was asking for 3 waivers, the most significant one being for *Usable and Developable Land*. He said following a strict definition of the regulations would exclude areas on the lot that are over 15% slopes or poorly drained wetland to be counted towards the minimum lot size. The state requirements for their lot line calculations cannot include slopes over 35%. That is the threshold Mr. Stoddard uses as “unbuildable”. Mr. Stoddard suggested to PCD Director Easler at their initial application meeting that the town potentially go by the state’s subdivision regulations, since the town is looking to revamp the requirements now. PCD Director Easler agreed with the suggestion. Chair Martin asked about the “well to be discontinued” shown on page 2 of the proposed plans. Mr. Stoddard said that well went with the previous house. The well will be abandoned and discontinued per state regulations. Mr. Cherian asked if it was a dug well or a drilled well. Mr. Stoddard said a drilled well.

Chair Martin opened the Public Hearing at 7:44 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 7:45 p.m.

Chair Martin noted there were comments from PWD Hollins about the need for potential culverts at the base of the proposed driveways. PWD Hollins said he met with Mr. Osborne onsite, they walked the road, and the site distance was great. He thought the areas where the driveways would most likely fall will need culverts. PWD Hollins has given driveway approvals with the condition of installing culverts if necessary. Mr. Cherian asked how the area drains now. PWD Hollins said there is a swale.

Waivers:

Section 6.5.5 Soil Mapping & Soil Scientist – Mr. Stoddard said wetland mapping had been done for this project but did not feel necessary to complete HISS mapping, because lot loading calculations were critical for state subdivision approval. Mr. Cherian asked if percolation testing was done on the site for septic. Mr. Stoddard said yes, and the soil is moderately-well drained. **Mr. Cherian motioned to grant the waiver. Seconded by Ex-Officio Carey. All in favor. None opposed.**

Section 6.5.17 Public Utilities Letter – The existing lot has electricity, but no water, natural gas, or sewer. Mr. Stoddard didn't feel as though letters would be applicable. **Mr. Tillman motioned to grant the waiver. Seconded by Vice Chair Randall. All in favor. None opposed.**

Section 8.4 & 12.3 Usable & Developable Land – Discussed above. Mr. Tillman asked for clarification on this waiver. Ex-Officio Carey said the applicant was seeking to waive the 15% requirement. **Vice Chair Randall motioned to grant the waiver. Seconded by Mr. Crawford. 6 in favor. 1 opposed.**

Mr. Cherian suggested the PCD office send a letter to NHDES regarding the Subdivision Approval. The approved lots listed were 83/32/1, 83/32/2, 83/32/3 and should be changed to 83/32, 83/32/1 and 83/32/2. PCD Director Easler will make sure a letter is sent to NHDES immediately upon approval.

Chair Martin stated on CNHRPC's review, a potential condition of approval was "*Lot 32-1 (to be renumbered as Lot 32) shows portions of its protective well radius on Lot 32-2 (to be renumbered as Lot 32-1). A release of liability for the portion of the well radius on the abutting lot should be filed at the registry of deeds as a condition of approval.*" Mr. Stoddard said as of August 29th, the state no longer requires recorded well releases. However, he said if the well radius goes over the lot for a new lot, they still want to see either a recorded easement, or proof that it goes into an area that is not developable. PCD Director Easler said HB247 speaks to that.

Vice Chair Randall motioned to conditionally approve the 3-Lot Minor Subdivision application 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 and Conditions shall be shown on final plan;**
3. **Existing well shown within Sublot 1 to be decommissioned per state regulations and noted on final plan.**

Conditions subsequent:

1. **Impact Fees Apply for Sublots 1 and 2;**
2. **Driveway culverts for Sublots 1 and 2 if required, and approval by Public Works Director.**

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

Chair Martin thanked Mr. Stoddard and Mr. Osborne.

Other Business:

NHMA Land Use Conference: The Planning Board track is Saturday, October 14th 9-3, and the Zoning Board of Adjustment track is Saturday, October 21st 9-3. The senate is still trying to pass a requirement for training for PB and ZBA members. Email PCD Assistant Gallagher to sign up.

2023 Planning & Zoning Bills Final for Distribution 9/8/23: PCD Director Easler provided copies for the PB and said the document shows the bill number, when it was signed and when the effective date is. PCD Director Easler plans to talk to Mr. Monahan about the bills.

NHMA 2023 Annual Conference and Exhibition: The conference will be Wednesday, November 15th 8-4:30 and Thursday, November 16th 8-4:30. Email PCD Assistant Gallagher to sign up.

Electric Aggregation Committee Public Hearing: PCD Director Easler said the Public Hearing to hear the proposal for establishing the Community Power Program along with joining the coalition was September 23rd. 3 members of the public attended including Vice Chair Randall and there was a 1 1/2-hour long discussion. There were no changes requested. The next Public Hearing will be November 13th at 6:00 p.m. If no changes are requested in November, the Electric Aggregation Plan will be updated to show the two required Public Hearing dates, and the next step will be to present the EAP to the Select Board.

Road Acceptance Policy: PCD Director Easler went over the policy with the town's counsel and over the years there has been approvals by the Select Board and Town Meeting. The policy was approved in 1994 but was amended. She has asked the Select Board to do a warrant article allowing Town Meeting to make the determination if a road becomes a town road.

The next meeting will be held on November 7th, 2023 @ 6:30 p.m.

Mr. Tillman motioned to adjourn. Seconded by Vice Chair Randall. All in favor. None opposed.

Respectfully submitted by Kara Gallagher.