

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2013 Meetings**

October 8, 2013

1 The meeting was called to order at 6:36 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular member Peter Hogan, alternate members David Litwinovich and Mitch
3 Larochelle, and Ex-Officio Dwight Lovejoy. Also present were Planning Coordinator Nic
4 Strong and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Mike Dahlberg, LLS, Jay &
7 Dot Marden, Karen Roach, Selectman Christine Quirk, Selectman Rodney Towne, Bob Todd,
8 LLS, Guy Tino, Randy Parker, Dana Lorden, Dawn Tuomala and Dave Elliott.

9
10 The Chairman seated David Litwinovich as a full-voting member in Mark Suennen's
11 absence and seated Mitch Larochelle as a full-voting member in Don Duhaime's absence.

12
13 **NEW ERA C.F. TRUST (OWNER)**

14 **DAHLBERG LAND SERVICES, Inc. (APPLICANT)**

15 Submission of Application/Public Hearing/Minor Subdivision & Lot Line Adjustment

16 Location: Gregg Mill & Beard Roads

17 Tax Map/Lot #6/12-14 & 6/12-12

18 Residential-Agricultural "R-A" District

19
20 Present in the audience were Mike Dahlberg, LLS, Jay & Dot Marden and Karen Roach,
21 Rodney Towne, Christine Quirk and Bob Todd, LLS.

22 The Chairman read the public hearing notice. He stated that the applicant had submitted
23 waivers and the Board had decided to act on the waivers following a site walk. He continued
24 that the site walk had taken place on October 5, 2013. He noted that no revised plans had been
25 submitted. He indicated that the Board needed to act on the submitted driveway permit
26 applications.

27 The Chairman asked if Mike Dahlberg, LLS, had anything to add to the discussion. Mike
28 Dahlberg, LLS, answered that he did not have anything to add.

29 The Chairman asked for Mike Dahlberg, LLS, to review the submitted waiver requests.
30 Mike Dahlberg, LLS, stated that a waiver request had been submitted for a Certified Erosion and
31 Sediment Control Plan and explained that the two lots that would be developed, Tax Map/Lot
32 #6/12-14 & #6/12-14-1, were located within the 250' Shoreland Protection area. He continued
33 that at the time the applicant applied for a septic permit the erosion control would be addressed
34 through the required Shoreland Protection Permit.

35 Mike Dahlberg, LLS, explained that a waiver request for a HISS map had been submitted
36 because the property contained one soil type with variable slopes. He continued that the HISS
37 map would not change anything on the plan.

38 Mike Dahlberg, LLS, stated that a waiver request had been submitted for Traffic, Fiscal
39 and Environmental Impact Studies as he did not believe that they were necessary for the
40 proposed two house lots on the 9 acres of land.

41 Mike Dahlberg, LLS, explained that a waiver had been submitted for the Watershed
42 Outline Drainage as it usually applied to developments with a large increase of impervious areas.
43 He indicated that the proposed two house lots would not trigger the need for the Watershed

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1 **NEW ERA CF TRUST, cont.**

2
3 Outline Drainage.

4 Mike Dahlberg, LLS, stated that there was no need to provide soils information for the
5 Wetlands Conservation District as there were no wetlands on the property.

6 The Chairman asked for comments or questions from the Board; there were no comments
7 or questions.

8
9 David Litwinovich **MOVED** to grant the submitted waiver requests based on the
10 justifications presented by Mike Dahlberg, LLS, and also because further review will be
11 forthcoming during the State Shoreland Protection permitting process. Dwight
12 Lovejoy seconded the motion and it **PASSED** unanimously.

13
14 The Chairman indicated that the Road Agent had signed the two driveway permit
15 applications and added some requirements for sight line improvements. He stated that the sight
16 line issues had been noted and reviewed at the site walk.

17
18 David Litwinovich **MOVED** to approve the two driveway permits: #13-31 for Tax
19 Map/Lot #6/12-14-1 and #13-32 for Tax Map/Lot #6/12-14, with the standard Planning
20 Board requirements: 1. This permit requires two inches (2") of winter binder (pavement)
21 to be applied to the driveway to a minimal distance of twenty-five feet (25') from the
22 centerline of the road. 2. The driveway intersection with the road shall be joined by
23 curves of ten foot (10') radii minimum. 3. The driveway shall intersect with the road at
24 an angle of 60 - 90 degrees. Dwight Lovejoy seconded the motion and it **PASSED**
25 unanimously.

26
27 The Chairman asked if the applicant was okay with the comments from the Coordinator
28 with regard to the proposed easement deed. Mike Dahlberg, LLS, answered yes. The Chairman
29 asked if any Board members felt that the proposed deed needed to be reviewed by Town
30 Counsel. He noted that the deed was similar enough to other deeds that had been previously
31 approved and he did not believe it was necessary to send to Town Counsel. The Board members
32 agreed with the Chairman.

33 The Chairman stated that a Shoreland Protection Permit was needed before the lot could
34 be disturbed by stumping or construction. Mike Dahlberg, LLS, agreed with the Chairman's
35 statement.

36 The Chairman explained that historically the Board had made the following items
37 requirements for active and substantial development or building and substantial completion of
38 improvements:

39 Active and Substantial Development

- 40 • Recording of Mylar at the Hillsborough County Registry of Deeds

41 Substantial Completion of Improvements

- 42 • Installation of driveway and foundation within the 5 year vesting period.

43 The Chairman asked if any Board members disagreed with the listed requirements; no members

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1 **NEW ERA CF TRUST, cont.**

2
3 disagreed.

4 The Chairman asked for comments and/or questions from the audience; there were no
5 comments or questions. The Chairman asked for comments and/or questions from the Board;
6 there were no comments or questions.

7
8 Peter Hogan **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for
9 New Era CF Trust, for Tax Map/Lot #6/12, 6/12-12 and 6/12-14, Gregg Mill and Beard
10 Roads, such that Tax Map/Lot #6/12-14 is divided into two lots: Tax Map/Lot #6/12-14
11 of 2.66 acres and Tax Map/Lot #6/12-14-1 of 2.73 acres; and such that Parcel A of 0.235
12 acres is annexed from Tax Map/Lot #6/12-14 to Tax Map/Lot #6/12; and Parcel B of
13 5.738 acres is annexed from Tax Map/Lot #6/12-14 to Tax Map/Lot #6/12-12, subject to:

14
15 **CONDITIONS PRECEDENT:**

- 16 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,
17 including all checklist corrections and any corrections as noted at this hearing;
- 18 2. Submission of the Mylar for recording at the HCRD;
- 19 3. Submission of State Subdivision Approval, including adding the approval
20 number to the final plat;
- 21 4. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to
22 the issuance of a building permit, will be required for land disturbance or
23 development in 'Critical Areas' (both those designated on the plan or created
24 during development). For building permits requiring an ISWMP, Certificates of
25 Occupancy will only be issued after receipt of a 'Stormwater Management Plan
26 Compliance Statement' as specified in the New Boston Subdivision Regulations."
- 27 5. Deeds for each lot shall have the following statement: "The property herein
28 described is subject to the following condition as described in the recorded
29 subdivision plan referenced above: A Stormwater Management Plan will be
30 required prior to the issuance of a building permit if any land is to be disturbed in
31 the designated or created Critical Areas.
- 32 6. Payment of any outstanding fees related to the subdivision application and/or the
33 recording of documents with the HCRD (if necessary).
- 34 7. Upon completion of the conditions precedent, the final plans and Mylar shall be
35 signed by the Board and forwarded for recording at the HCRD.

36
37 The deadline date for compliance with the conditions precedent shall be **December 8,**
38 **2013**, confirmation of which shall be an administrative act, not requiring further action by
39 the Board. Should compliance not be confirmed by the deadline date and a written
40 request for extension is not submitted by that date, the applicant is hereby put on notice
41 that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
42 approval.

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1 **NEW ERA CF TRUST, cont.**
2

3 The applicants are further put on notice that the lot line adjustment approval as part of
4 this motion constitutes recognition that the lot configurations are in conformance with
5 local land use regulations. To complete the lot line adjustment, deeds must be
6 transferred. Additionally, the applicant is reminded that a Shoreland Protection Permit
7 will be required by the State of NH prior to disturbance of the lots within the Shoreland
8 Protection Area.
9

10 **ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND**
11 **SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**
12

- 13 1. Within 24 months after the date of approval, the following items must be
14 completed in order to constitute "active and substantial development or building"
15 pursuant to RSA 674:39, I, relative to the 5-year exemption to
16 regulation/ordinance changes:

17 **Recording the Mylar at the Hillsborough County Registry of Deeds.**
18

- 19 2. The following items must be completed in order to constitute "substantial
20 completion of the improvements" pursuant to RSA 674:39, II, relative to final
21 vesting:

22 **Driveway and foundation installation within the 5 year window.**
23

24 David Litwinovich seconded the motion and it **PASSED** unanimously.
25

26 **Informational session with Bob Todd, LLS, Todd Land Use Consultants, LLC, to discuss a**
27 **proposed subdivision on Tax Map/Lot #4/5 on Rustic Lane and Route 136.**
28

29 Present in the audience were Bob Todd, LLS, Rodney Towne, Christine Quirk, Dave
30 Elliot, Guy Tino, and Randy Parker.

31 The Chairman noted that this was an informational session and as such preliminary
32 conceptual consultation would be directed at review of the basic concept of the proposal and
33 suggestions which might be of assistance in resolving problems with meeting requirements
34 during final consideration. He continued that such consultation did not bind either the applicant
35 or the Board and statements made by the Planning Board members would not be the basis for
36 disqualifying said members or invalidating any action taken. He stated that they were limited to
37 discussing proposals in conceptual terms only and in general terms such as desirability of types
38 of development and proposals under the Master Plan.

39 Bob Todd, LLS, indicated that he was present on behalf of Denis Pinard, Trustee of the
40 Allen Seymour Revocable Trust. He advised that there was a 7 acre +/- lot located at Tax
41 Map/Lot #4/5 and it had been created in 1986, prior to the existence of Rustic Lane. He
42 explained that the lot was a back lot with a long access strip that was never used. He noted that it
43 was not used due to wetlands as well as a steep slope. He stated that the owner had continued to

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1 **INFO. SESSION, TAX MAP/LOT #4/5, RUSTIC LANE, cont.**

2
3 use the lot with the benefit of an easement on a strip of land that was located on what was now
4 Rustic Lane. He stated that in 1989 the Town took a deed for a portion of Rustic Lane and laid
5 out the road but it ended up slightly off center and the shoulder of the road was physically on the
6 subject property.

7 Bob Todd, LLS, indicated that Tax Map/Lot #1/54 never had frontage on any road and
8 had been granted an easement to the State highway. When Rustic Lane was built the lot had
9 access to that road via easement but the driveway had been built out of the easement area onto
10 Lot #4/5. Bob Todd, LLS, pointed out that the turnaround was located right at the edge of the
11 right-of-way. .

12 Bob Todd, LLS, stated that the easement benefited Lot #1/54 and went with the
13 remaining Dicey property that existed on the other side of the road.

14 Bob Todd, LLS, advised that the Allen Seymour Trust wanted to subdivide Tax Map/Lot
15 #4/5 which would create another back lot with 50' of frontage on Rustic Lane.

16 Bob Todd, LLS, identified the location of the existing house on the plan and noted that it
17 would remain with 2 acres of land. He added that the lot would have a new driveway as the old
18 driveway would be abandoned. He pointed out the location where the owner wished to construct
19 a new house and identified the location of a new driveway. He pointed out the location of an
20 existing utility line and stated that he did not believe it was an issue as it would be a beneficial in
21 providing hook-ups to new development.

22 Bob Todd, LLS, advised that he had completed a topographical survey and a wetland
23 delineation.

24 Bob Todd, LLS, stated that he was looking for guidance on how to handle the
25 encroachment of the Town road onto Lot #4/5.

26 The Chairman acknowledged that Bob Todd, LLS, had a question about the
27 encroachment of the Town road onto Lot #4/5 and asked if he had a question about the driveway
28 that missed the 50' right-of-way. Bob Todd, LLS, answered that the driveway that missed the
29 50' right-of-way was not a serious issue. He added that he would suggest to the owner that an
30 easement for this driveway encroachment stay within the building setback line as it encompassed
31 the entire existing driveway.

32 The Chairman asked for confirmation that the driveway associated with the State
33 Driveway Permit was never built. Bob Todd, LLS, answered that the driveway had never been
34 built.

35 Peter Hogan asked for the access for the existing house lot to be identified. Bob Todd,
36 LLS, identified the location of the existing house lot access on the plan. Peter Hogan asked if the
37 200' square would be located in the new lot. Bob Todd, LLS, answered yes. He noted that the
38 lot contained favorable soil and slopes and also provided good access to the Town road.

39 The Chairman asked the Coordinator how the Board would approach the issue of the road
40 encroachment onto Lot #4/5. The Coordinator indicated that it should be referred to the Board of
41 Selectmen as it was a highway issue.

42 Bob Todd, LLS, reviewed the plan with the Board and pointed out wetlands, septic,
43 driveways and frontage.

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1 **INFO. SESSION, TAX MAP/LOT #4/5, RUSTIC LANE, cont.**
2

3 The Coordinator stated that the proposed back lot was not the usual configuration for a
4 back lot and noted that the Subdivision Regulations required a backlot to have 50' of frontage, be
5 located behind a road frontage lot and to have a corridor of 50' in width extending to the main
6 body of the lot. Bob Todd, LLS, agreed with the Coordinator and stated that the back lot did
7 have the 50' access but did not have a narrow driveway going into the lot that would behind a
8 lot. He continued that the lot would be behind this land of Dicey. Peter Hogan commented that
9 the lot would be more beside the lot and not behind it. The Chairman agreed that the proposed
10 lot was not a back lot.

11 Bob Todd, LLS, asked if the owner would be in compliance with the definition of a back
12 lot with the proposed access. Peter Hogan indicated that the owner would not be in compliance.

13 Bob Todd, LLS, noted that he would discuss the encroachment issue with the Board of
14 Selectmen.
15

16 **Informational session with the owners of Northeast Café to discuss manufacturing wine out
17 of the Café at 8 Mill Street, Tax Map/Lot #19/11, and the use of the warehouse building on
18 Tax Map/Lot #19/11-1, as an accessory storage building to the Café property.**
19

20 Present in the audience were Guy Tino, Randy Parker, Dave Elliot, Dana Lorden, Dawn
21 Tuomala, Rodney Towne and Christine Quirk.

22 The Chairman noted that this was an informational session and as such preliminary
23 conceptual consultation would be directed at review of the basic concept of the proposal and
24 suggestions which might be of assistance in resolving problems with meeting requirements
25 during final consideration. He continued that such consultation did not bind either the applicant
26 or the Board and statements made by the Planning Board members would not be the basis for
27 disqualifying said members or invalidating any action taken. He stated that they were limited to
28 discussing proposals in conceptual terms only and in general terms such as desirability of types
29 of development and proposals under the Master Plan.

30 Guy Tino stated that he was the owner of the Northeast Café and Randy Parker was the
31 owner of the building that housed the Northeast Café.

32 Guy Tino stated that they wanted to know if they could use Tax Map/Lot #19/11-1 for
33 storage for the Café. He indicated that Tax Map/Lot #19/11-1 was located next to the Café and
34 was zoned "R-A". He stated that he had received permission from the owners to use the barn for
35 storage and further stated that it was allowed in the "R-A" District.

36 Guy Tino stated that he had a federal manufacturing license to operate a commercial
37 winery. He explained that wine would not be sold by the glass at the Café and they would only
38 be making and storing the wine onsite. He indicated that he needed a letter from the Town that
39 would be provided to the State that would allow him to move forward.

40 The Chairman explained that in order for a building to be considered an accessory
41 building it needed to be on the same lot as the primary building. He noted that even though the
42 building was next door, it was on a different lot and therefore, did not fit as smoothly with the
43 Zoning Ordinance.

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1 **INFO. SESSION, NORTH EAST CAFÉ, cont.**

2
3 The Chairman asked if the wine would be manufactured in the Café. Guy Tino answered
4 yes and added that the Café met the requirements for the federal licensing. He added that they
5 would be bottling and selling the wine from the Café. He noted that he would be manufacturing
6 less than 2K gallons per year. The Chairman indicated that, if approve, wine manufacturing and
7 retail would be added to the Café site plan.

8 The Chairman asked for comment and/or questions from the Board. David Litwinovich
9 asked if there was an issue making wine versus making a muffin. The Chairman answered that
10 he was unsure and added that there may be no issues.

11 The Chairman stated that there were three matters to discuss; the first was using the
12 building next door, on a different lot, for Café storage. He noted that the second matter was the
13 ability to make and store the wine and the third was selling the wine as retail in addition to the
14 existing business.

15 Guy Tino advised that his current Class C License allowed him to sell retail as long as it
16 did not exceed 20% of a la carte food sales. He noted that with regard to alcohol sales he needed
17 to pay federal taxes prior to sales and would pay state taxes at the time of the sale.

18 Randy Parker stated that when he moved to New Boston in 1963 Cecil Marshall had
19 owned the buildings located at Tax Map/Lot #19/11 & #19/11-1. He stated that Cecil Marshall
20 had operated a meat market and general store out of the buildings. He advised that there had
21 been a connection between the two buildings as he used the barn for his storage. Randy Parker
22 stated that he had removed the passageway as it had rotted and noted that the barn had always
23 been used as an accessory to the market and had been used as an accessory to the Café.

24 The Chairman stated that the Planning Department would spend some time looking into
25 the matters to provide options on how to move forward.

26 Guy Tino asked for the Board's consensus on the possibility of manufacturing wine out
27 of the Café. The Chairman stated that he did not see any reasons not to pursue it, however, he
28 wanted make sure that it fit current Zoning. Peter Hogan commented that it did not bother him
29 in the least.

30 Rodney Towne asked if the issue of using the barn for storage for the Café was strictly
31 the owner's decision and if it could be used for storage rentals for any type of items. The
32 Chairman answered that it may be the case, however, to avoid getting into trouble he wanted the
33 Planning Department to look into it.

34 The Chairman asked for any questions and/or comments; there were no questions or
35 comments. He indicated that the Planning Department would contact Guy Tino or Randy Parker
36 prior to the next meeting if there were any questions and schedule another discussion.

37
38 **S&R HOLDING COMPANY, LLC (OWNER)**

39 **DANA J. LORDEN (AGENT)**

40 Submission of Application/Public Hearing/Minor Subdivision/Lot Line Adjustment

41 Location: McCurdy Road

42 Tax Map/Lot #12/19 & #12/19-40

43 Residential-Agricultural "R-A"

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1 **S&R HOLDING COMPANY, LLC, cont.**

2
3 Present in the audience were Dana Lorden, Dawn Tuomala, Dave Elliott, Rodney Towne
4 and Christine Quirk.

5 The Chairman read the public hearing notice. He indicated that the application form and
6 coversheet had been signed and submitted on September 23, 2013. He noted that fees in the
7 amount of \$125.00 were outstanding.

8 Dawn Tuomala of Monadnock Survey provided revised plans to the Board. She advised
9 that her company had been hired to prepare a certified plot plan for this lot and it had been
10 determined that the original lot line went through the deck that was built for a new house on the
11 lot. She continued that because of the lot line location the house was located in the setback. She
12 stated that the applicant was proposing to make an equal land swap of 0.105 acres. She noted
13 that the areas, wetlands and open space calculations would not change and would fix the issues
14 with the setbacks.

15
16 Peter Hogan **MOVED** to accept the application of S&R Holding, LLC, McCurdy Road,
17 Tax Map/Lot #12/19 and 12/19-40, as complete. David Litwinovich seconded the motion
18 and it **PASSED** unanimously.

19
20 The Chairman stated that the deadline for Board action was December 12, 2013.

21 Dawn Tuomala advised that waiver requests had been submitted for the topographic
22 contours, natural features, existing water mains and for the soil information per the Wetlands
23 Conservation District. She explained that due to the nature of the proposal, an equal land swap,
24 the items listed were not necessary. Peter Hogan stated that he did not have an issue with any of
25 the waiver requests.

26
27 Peter Hogan **MOVED** to grant the four waivers as listed on the October 8, 2013, letter
28 from Monadnock Survey. Dwight Lovejoy seconded the motion and it **PASSED**
29 unanimously.

30
31 The Board decided that a site walk was not necessary for this lot line adjustment.

32 The Chairman asked for questions and/or comments from the Board and the audience;
33 there were no questions or comments.

34
35 Peter Hogan **MOVED** to approve the Minor Subdivision/Lot Line Adjustment
36 Plan for S&R Holding Company, LLC, for Tax Map/Lot #12/19 and 12/19-40,
37 McCurdy Road, such that Parcel A of 0.105 acres is annexed from Tax Map/Lot
38 #12/19-40 to #12/19, and Parcel B of 0.105 acres is annexed from Tax Map/Lot
39 #12/19 to #12/19-40, resulting in no change to the existing acreages of each parcel
40 and therefore leaving Tax Map/Lot #12/19 with 72.15 acres and Tax Map/Lot
41 #12/19-40 with 1.755 acres, subject to:

42
43 **CONDITIONS PRECEDENT:**

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S&R HOLDING COMPANY, LLC, cont.

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
2. Submission of the Mylar for recording at the HCRD;
3. Submission of a certificate of bounds set and the appropriate fee for recording same with the HCRD. (If necessary.)
4. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD.
5. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **December 8, 2013**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

The applicants are further put on notice that this lot line adjustment approval constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred.

Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
October 8, 2013.**

1. Approval of the September 10, 2013, minutes as distributed by email.

Peter Hogan **MOVED** to approve the minutes of September 10, 2013, as written. David Litwinovich seconded the motion and it **PASSED** unanimously.

2. Approval of the September 17, 2013, minutes distributed by email.

The Chairman believed that Mark Suennen had made a comment with regard to the Town Engineer coordinating the testing for the Town. The Coordinator stated that she would recheck the recording of the meeting and the minutes would be brought back to the next meeting for approval.

- 3a. Copy of letter dated September 25, 2013, from Stuart Lewin, Planning Board Chair, to Emile Bussiere, Esq., re: Indian Falls/Susan Road Connection, New Boston, NH, for the Board's information.

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

5

6 3b. Letter dated September 30, 2013, from Kevin Leonard, P.E., Northpoint Engineering,
7 LLC, to Bobby Patel, Thibeault Corporation of New England, re: Indian Falls/Susan
8 Road Connection, for the Board's information.

9

10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

12

13 4. Letter dated September 18, 2013, from Earl Sandford, P.E., re: Forest View II,
14 Wetland Crossing Design Review, with attachments, for the Board's information.

15

16 The Chairman asked if the above-referenced response had been reviewed by the Town
17 Engineer. The Coordinator answered that Kevin Leonard, PE, was reviewing the submission
18 now.

19

20 6. Email dated October 2, 2013, from Kevin Leonard, P.E., to Bobby Patel, Thibeault
21 Corporation, re: Indian Falls/Susan Road Connection, for the Board's information. (With
22 attached back up documents.)

23

24 The Chairman acknowledged receipt of the above-referenced matter; no discussion
25 occurred.

26

27 7. Site Inspection Notes, Saturday, October 5, 2013, Paul Sizemore, 150 Weare Road, Tax
28 Map/Lot #5/29-1, office trailer, for the Board's information.

29

30 The Chairman acknowledged receipt of the above-referenced matter; no discussion
31 occurred.

32

33 8. Letter copy dated October 6, 2013, from Kevin Leonard, P.E., Northpoint Engineering, to
34 Mr. John Neville, John E. Neville Excavating, Inc., re: Woodland Development (Lemay
35 Subdivision) – Testing Coordination, for the Board's information.

36

37 The Chairman referenced the last second to last paragraph of the September 17th meeting
38 minutes and commented that Kevin Leonard, P.E., was exactly right with regard to the direction
39 given to him by the Planning Board.

40

41 9. Letter received October 8, 2013, from George Merrill, C&G Ledges, 11 Whipplewill
42 Road, Tax Map/Lot #3/63-13, NRSR/Storage Buildings, request for a 2 year extension
43 to his conditions subsequent deadline of November 1, 2013, for the Board's action.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Coordinator advised that the above-referenced matter was originally approved in
4 2002 and construction had been ongoing since that time. She explained that there were eight
5 separate building units. She stated that in November of 2011 an extension had been granted for
6 the conditions subsequent to November 1, 2013.

7
8 Peter Hogan **MOVED** to extend the conditions subsequent to November 1, 2015, for
9 George Merrill, C&G Ledges, 11 Whipplewill Road, Tax Map/Lot #3/63-13, Small Scale
10 Planned Commercial District. David Litwinovich seconded the motion and it **PASSED**
11 unanimously.

- 12
13 10. Letter received October 8, 2013, from Richard Perusse, Road Agent, to Stuart Lewin,
14 Planning Board Chairman, re: Under Drain, Fieldstone Drive and Lorden Road for the
15 Board's information.

16
17 The Chairman acknowledged receipt of the above-referenced matter; no discussion
18 occurred.

19
20 **David Litwinovich to report on his findings relative to the Water Resources Management**
21 **Plan Goals & Objectives and potential updates.**

22
23 Present in the audience were Dave Elliott and Christine Quirk.

24 The Chairman stated that David Litwinovich had volunteered at the last meeting to
25 review the Water Resources Management Plan, (WRMP), goals and objectives and provide input
26 to the Board.

27 David Litwinovich noted the following as options for updating the WRMP:

- 28 • Hire SNHPC to assist with update for a fee of \$14,600;
29 • Do nothing; or
30 • Redline the plan with the following for the review by the Planning Board and
31 Planning Department:
32 1. Review and verify that conditions in the plan still exist.
33 2. Update items to current conditions without incurring expenses.
34 3. Change reference to outdated information i.e., Zoning Ordinance, Fire
35 Protection Code, point pollutant sources, etc.

36
37 David Litwinovich listed items contained in recommendations for the Non-Regulatory
38 and Regulatory Programs. He highlighted items that had been implemented and he believed
39 discussion should take place for the possibility of removing those recommendations.

40
41 **Non-Regulatory Programs**

- 42
43 1. **Planning Board requests that the SNHPC keeps them informed of new data for local**

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1 **WATER RESOURCES MANAGEMENT PLAN, cont.**

- 2
- 3 use and regional/state water resources programs.
- 4 2. Provide the public with educational information concerning proper use and
5 maintenance of septic systems.
- 6 3. Conservation Commission should encourage residents and businesses to conserve
7 water.
- 8 4. Conservation Commission, Fire Department and Recreation Commission should co-
9 sponsor Household Hazardous Waste Collection Day.
- 10 5. Conservation Commission and Piscataquog Watershed Association should continue
11 to try and obtain wetlands through gift etc. to prevent development of wetland areas
12 and maintain flowage.
- 13 6. Planning Board should work with neighboring towns to protect watersheds.
- 14 7. Conservation Commission should work to include funding in the CIP for acquisition
15 of land to protect surface and groundwater resources.
- 16 8. Highway Department should use properly calibrated salt spreaders to limit
17 contamination.
- 18 9. Conservation Commission should sponsor programs from UNH Cooperative
19 Extension and the USDA to control agricultural runoff.
- 20

21 **Regulatory Programs**

- 22
- 23 1. Non-Residential Site Plan Review Regulations should be amended to require all
24 applicants to identify petroleum and chemical storage tanks.
- 25 2. Building Code Ordinance should be amended to review the building permit
26 application to obtain storage tank information not covered in the NRSPR in note #1.
- 27 3. Zoning Ordinance should be amended to establish a Groundwater Resources
28 Conservation District.
- 29 4. Conservation Commission should consider mapping and documenting prime wetlands
30 and recommend their adoption as part of the Zoning Ordinance. Once this is
31 completed the State of NH is required to give special consideration to these areas
32 during the review of dredge and fill permit applications.
- 33

34 David Litwinovich noted that he had not reviewed the Building Code.

35

36 The Chairman asked if David Litwinovich's suggestion was to complete an internal
37 update with the Planning Department and Planning Board. David Litwinovich answered yes.

38 The Chairman suggested that the Board review and comment on David Litwinovich's
39 summary of the WRMP and schedule a discussion for a couple meetings out. He asked if there
40 was a soft copy of the WRMP. The Coordinator did not believe that there was ever a soft copy
41 created, the original having been done in 1989. The Chairman asked the Coordinator to provide
42 a suggestion on how to create the update, i.e., redlined, change pages or scanned in.

43

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1 **Continued discussion, re: Zoning Ordinance/Subdivision/Non-Residential Site Plan Review**
2 **Regulations questions, particularly landscaping.**

3
4 Present in the audience was Dave Elliott and Christine Quirk.

5 The Chairman stated that it had been proposed to move some of the landscaping specifics
6 out of Zoning and replace them with a reference to the Non-Residential Site Plan Review
7 Regulations where that language would be moved to. He commented that the proposed changes
8 looked great as they were written. David Litwinovich agreed with the Chairman. He questioned
9 if the Commercial Design Guidelines matched the proposed changes.

10 Mitch Larochelle commented that he had not yet reviewed the proposed changes. Dwight
11 Lovejoy stated that he was good with the proposed changes.

12 The Chairman stated that the Board would plan to move forward with the proposed
13 changes and schedule the appropriate public hearings.

14
15 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
16 **October 8, 2013, Cont.**

17
18 5a. Letter dated October 2, 2013, from Brian Pratt, P.E., CLD Consulting Engineers, re:
19 Fieldstone Drive, Tax Map/Lot #9/21-5, revision to original detention pond design, for
20 the Board's action.

21
22 5b. Email dated October 8, 2013, from Kevin Leonard, PE, Northpoint Engineering, LLC, re:
23 review of detention pond design change.

24
25 The Chairman questioned if the Board needed to wait 45 minutes to discuss the above-
26 referenced matters as the applicant had planned on attending the discussion. The Coordinator
27 advised that she had the phone numbers for the parties. She asked if the Board wanted to wait
28 and have her contact the parties and advise of the schedule change or act on the matter and she
29 could contact them after the discussion. The Chairman asked for the Board member's thoughts
30 on the matter. Peter Hogan indicated that he would not wait 45 minutes to have the discussion.

31 The Chairman stated that in the midst of doing construction the applicant had run into
32 ledge and as a result the detention pond could not be constructed as originally planned. He
33 advised that a new plan had been submitted. Peter Hogan believed that it was more accurate to
34 say that the applicant did not want to construct the detention pond as originally planned as
35 opposed to saying that they "could not".

36 The Chairman advised that the Town Engineer had reviewed the proposed changes and
37 was concerned that the drainage computations did not meet the original design intent. The
38 Coordinator clarified that the question from the Town Engineer was specific and explained that
39 the original basin had an area at the bottom of the basin of a certain number of square feet and a
40 top, storage number with a certain number of square feet. She continued that from the original
41 hydro-cad calculations Northpoint Engineering determined that the bottom of the basin and the
42 top number were different from the original numbers on the plan. She stated that the Town
43 Engineer needed clarification that the applicant had based the revised plan numbers on the

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 original plan numbers and to ensure that the detention ponds would keep the same capacity.

4 The Chairman stated that as long as the proposed changes met the original set of values
5 and the Town Engineer and/or the Road Agent were agreeable to the new plan the Planning
6 Board could approve the proposed design change. He continued that the Board could also decide
7 to reject the design change or could wait for the applicant to arrive to discuss.

8 Dwight Lovejoy asked if the only thing being changed was the surface area. The
9 Chairman indicated that the bottom area was changing as well. Peter Hogan stated that intent of
10 a detention pond was to absorb a high flow of water and disperse it slowly and questioned how
11 that could occur on ledge. Dave Elliott clarified that the intention of a detention pond was to
12 hold a large volume of water and release it slowly and absorption was not a factor. The
13 Chairman asked how the slower release occurred if it was not absorbing the water. Dave Elliot
14 explained that the slower release occurred through the outlet. Dwight Lovejoy pointed out the
15 outlet on the plan.

16
17 Peter Hogan **MOVED** to accept the recommendations of the Town Engineer to
18 prove the calculations and upon his approval the Planning Board approved the design
19 change. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

20
21 The Coordinator indicated that she would attempt to contact the parties to let them know
22 the results of the discussion and try to avoid them coming to the Town Hall for no reason.

23
24 Peter Hogan **MOVED** to adjourn at 8:07 p.m. David Litwinovich seconded the motion
25 and it **PASSED** unanimously.

26
27 Respectfully Submitted,
28 Valerie Diaz, Recording Clerk

Minutes Approved: 10/22/13