

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

1

February 12, 2013

1 The meeting was called to order at 7:00 p.m. by Planning Board Chairman Stu Lewin.  
2 Present were regular members Mark Suennen, Don Duhaime and Peter Hogan, alternate member  
3 David Litwinovich and Ex-Officio Dwight Lovejoy. Also present were Planning Coordinator  
4 Nic Strong and Recording Clerk Valerie Diaz.

5  
6 Present in the audience for part of the meeting were Kevin Leonard, P.E., and James  
7 Brace, Police Chief.

8  
9 **Discussion with Kevin Leonard, P.E., Northpoint Engineering, LLC, re: Road paving and**  
10 **testing procedures and contract renewal.**

11  
12 Present in the audience was Kevin Leonard, P.E.

13 Kevin Leonard, P.E., stated that he put together a presentation that provided an overview  
14 of road paving and paving inspection. He encouraged the Board to ask questions as he went  
15 along. (See presentation filed with these minutes.)

16 Kevin Leonard, P.E., indicated that he would discuss the basics of road paving which  
17 included paving equipment, site preparation before paving started, weather constraints, asphalt  
18 placement and compaction and what the inspector looked for when pavement was being  
19 installed.

20 Kevin Leonard, P.E., pointed to an illustration of a paving machine and explained how  
21 the machine operated.

22 Kevin Leonard, P.E., moved on to the next slide and noted that there was a photograph of  
23 a “rolling train”. He explained that a “rolling train” consisted of a static or vibratory steel-drum  
24 roller, a pneumatic-tired roller and a static steel drum-roller, moving behind the paving machine  
25 in a staggered formation to achieve optimal results.

26 Kevin Leonard, P.E., stated that site preparation needed to be completed before a paving  
27 crew arrived at a site. He explained that a layout would be marked with grade stakes offset from  
28 centerline. He further explained that blue top stakes would be placed in the centerline of the road  
29 and would be graded over. He noted that a fine grader with automated controls was used to  
30 create a uniform crown and a longer grader helped to smooth out irregularities. He stated that  
31 once the grading was complete a vibratory roller was used to roll the road and tighten everything  
32 up. He added that the rolling was typically completed the day of or the day before paving was to  
33 begin. Mark Suennen asked if there was a window of time that the pavement needed to  
34 completed in before it was necessary to re-grade. Kevin Leonard, P.E., answered that it was not  
35 usually a problem. He noted that in situations where a downpour of rain occurred after the fine  
36 grading had been completed, but prior to the pavement being installed, it may be necessary to re-  
37 grade.

38 Kevin Leonard, P.E., continued his discussion of the site preparation and noted that any  
39 existing pavement needed to be sawcut and milled because any time it was necessary to tie into  
40 an existing street there needed to be a suitable butt joint for the binder. He stated that on  
41 occasion it may be necessary to shim a binder course in order to remove any bumps or improve  
42 the crown.

43 Kevin Leonard, P.E., pointed to photographs of the road construction of Indian Falls and

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1 **KEVIN LEONARD, cont.**

2  
3 Susan Roads. He noted that the photographs were examples of fine grading, a roadway surface  
4 that was ready to be paved, sawcut and cold planing existing pavement, and existing pavement  
5 being shimmed.

6 Kevin Leonard, P.E., informed the Board that per NH DOT, Standard Specifications for  
7 Road and Bridge Construction, the road surface shall be dry, with no puddles, and frost-free; the  
8 surface temperature shall be above 40 degrees Fahrenheit for courses greater or equal to 1¼”  
9 compacted depth and the surface temperature shall be above 50 degrees Fahrenheit for courses  
10 less than 1¼” compacted depth. Don Duhaime asked if top coat would be done at 40 degrees  
11 Fahrenheit rather than 50 degrees Fahrenheit. Kevin Leonard, P.E., answered that per DOT  
12 specification it could be done at 40 degrees. Don Duhaime stated that he had never seen DOT  
13 paving anything unless the temperature was at least 50 degrees Fahrenheit and rising. Kevin  
14 Leonard, P.E., believed that October 1<sup>st</sup> was the Town's deadline for wearing course. He  
15 continued that historically the Town had allowed for paving to occur after the October 1<sup>st</sup>  
16 deadline, with Road Agent approval.

17 Kevin Leonard, P.E., pointed to a photograph of a temperature gun and explained that it  
18 was used to determine the temperature of a ground surface. He added that the temperature gun  
19 also allowed him to monitor the temperature of asphalt as it was being placed.

20 Kevin Leonard, P.E., indicated that asphalt placement and compaction was all about  
21 proper means and methods by a contractor in order to achieve satisfactory results. He went on to  
22 say that per the NH DOT regulations a minimum density of 92% of the maximum theoretical  
23 density was required. He added that the typical rule of thumb was to add ¼” per every 1” of  
24 pavement to be placed to allow compaction to the final required depth. He pointed to a  
25 photograph of a mat being checked for depth. The Chairman asked if the screed on the paver  
26 touched the surface. Kevin Leonard, P.E., answered that it did. He pointed to a photograph of a  
27 breakdown roller making the first pass over the pavement as well as a rolling train that staggered  
28 off the paver.

29 Kevin Leonard, P.E., stated that an inspector was looking for the following with regard to  
30 road construction:

- 31 • Was the site ready to be paved;
- 32 • Placed asphalt temperatures;
- 33 • Proper width, depth and compaction;
- 34 • Proper yield; and
- 35 • Smooth finish.

36 Kevin Leonard, P.E., explained that with regard to asphalt temperature, the material shall  
37 have a temperature between 260 degrees Fahrenheit and 350 degrees Fahrenheit. He continued  
38 that in no case shall discharge temperatures exceed 375 degrees Fahrenheit. He added that  
39 material delivered to the spreader with temperatures less than 250 degrees Fahrenheit shall not be  
40 used. The Chairman asked if the temperatures were taken when the material was on the trucks or  
41 when the mat was being laid out. Kevin Leonard, P.E., answered that the temperature was taken  
42 from the placed mat, except that if the temperature was 260 degrees on the truck he might worry  
43 it would be less than 250 degrees when placed and would check it more often. He added that

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1 **KEVIN LEONARD, cont.**

2  
3 there were rarely problems of this kind although they could occur if there were a lot of trucks on  
4 a job with long wait times before dumping. Trucks would be rejected if the temperature was too  
5 low. David Litwinovich asked if compaction was affected if the temperatures were too low.  
6 Kevin Leonard, P.E., answered yes.

7 Kevin Leonard, P.E., pointed to photographs of joints being raked and a second lane  
8 being paved. He also showed a smart level used to get a 2% crown. He explained that pavement  
9 yield was the amount of asphalt, measured in tons, which needed to be placed to meet the project  
10 specifications, i.e., depth, width, length and compaction. He pointed to a spreadsheet and  
11 explained that it contained information on how pavement area was calculated in order to  
12 determine the asphalt yield for a project. Kevin Leonard, PE, noted that he, like many other  
13 engineers, used the following rule of thumb to calculate the amount of pavement that was used:  
14 # yards x 0.057 x depth = # tons. He noted that he had recently learned that this equation  
15 assumed a 97% compaction. The specification, however, was for 92 - 97% compaction, so the  
16 tons placed varied based on the compaction achieved. Kevin Leonard, PE, went on to say that  
17 using the formula based on a 97% compaction was a conservative approach that may result in  
18 more tons of asphalt being used than simply meeting the specification. Peter Hogan clarified that  
19 this meant that a project that came in under the expected tonnage might simply be because it was  
20 at 92% compaction rather than 97%. Kevin Leonard, PE, agreed, noting that the Daylily lane  
21 issue was that compaction behind the rolling train showed a tonnage lower than a 97%  
22 compaction but it was still within the DOT specification. Kevin Leonard, PE, noted that  
23 ultimately the compaction readings were compared to what the yield was expected to be which  
24 was compared to the placed tonnage. He also noted that a calculation was done ahead of time to  
25 see what would be needed for asphalt and this was re-calculated afterwards to verify the right  
26 amounts were used. The Chairman asked if the density could be determined by knowing how  
27 many tons of asphalt was put down. Kevin Leonard, P.E., answered that calculating the yield for  
28 a specific compaction rate give the number of tons.

29 Kevin Leonard, P.E., pointed to a photograph of a nuclear density gauge and explained  
30 that it was used to perform compaction testing on roads. Mark Suennen commented that one of  
31 the Board's issues with Daylily Lane was that the density gauge was measuring the density at the  
32 seam instead of the center. Kevin Leonard, P.E., clarified that what Mark Suennen was referring  
33 to was coring and not compaction. He noted that the nuclear density gauge was non-destructive  
34 and did not damage the road surface or construction. Kevin Leonard, PE, went on to describe  
35 coring and explained that the coring on Daylily Lane had been done at the centerline of the road  
36 on the seam. He added that samples from the centerline seam were horrible. He pointed to a  
37 photograph of a coring machine and explained that it removed a 4" sample from the road. He  
38 stated that the sample provided a good cross-section of what had been laid. He added that the  
39 sample also allowed the inspector to measure the placed depth. He indicated that lab compaction  
40 testing could also be done on the sample to confirm the placed density.

41 Kevin Leonard, P.E., pointed to an asphalt plant slip and explained that every truck that  
42 drove onto the site had its weight in tons recorded. He continued at the end of the day the placed  
43 amount of tons could be calculated for the site.

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1 **KEVIN LEONARD, cont.**

2  
3 Kevin Leonard, P.E., asked for questions from the Board. Peter Hogan asked how cracks  
4 in the pavement occurred on roads that were one or two years old. Kevin Leonard, P.E.,  
5 answered that the cause of the crack could be different depending on where the crack occurred.  
6 He noted that asphalt did crack and there were different types of cracking. He stated that edge  
7 cracking occurred on the shoulder of the road. He continued that edge cracking occurred most  
8 often because of delivery trucks or oil trucks that parked on the shoulder of the road. He  
9 indicated that cracks could occur at the seam of roads. He asked Peter Hogan if there was a  
10 specific crack he wanted to address. Peter Hogan referred to the cracks on Christian Farm Road.  
11 Kevin Leonard, P.E., believed that groundwater issues contributed to the crack on Christian  
12 Farm Road. Peter Hogan questioned why the failure occurred as an engineer built the road and  
13 Kevin Leonard, P.E., conducted inspections during construction. Kevin Leonard, P.E., stated  
14 that he understood why Peter Hogan questioned the failure, however, D&S had diligently  
15 worked on building the road and he had diligently inspected the road construction. Don  
16 Duhaime asked if the asphalt had ever been tested. Kevin Leonard, P.E., answered no. He noted  
17 that the recommendation had been made to the owner to have the road tested but the owner chose  
18 not to do the testing.

19 The Chairman asked if there were any specifications relative to how often along the road  
20 coring and compaction testing needed to be completed. Kevin Leonard, P.E., answered that the  
21 Town of New Boston required that coring be completed every 1,500' of road. He noted that  
22 coring only sampled a small area of asphalt. He explained that compaction testing occurred  
23 every 100' of road.

24 Dwight Lovejoy asked Kevin Leonard, P.E., to discuss his billing procedures. Kevin  
25 Leonard, P.E., indicated that he should be billing out on a monthly basis, however, due to a  
26 number of false project starts in 2012 and then a glut of work in the fall, he had not submitted his  
27 invoices monthly. He apologized to the Board. He noted that he intended to keep up with the  
28 monthly billing procedure in the future. The Chairman asked if the inspection reports were  
29 provided with the invoices. Kevin Leonard, P.E., answered yes.

30 The Chairman asked for further comments and/or questions; there were no further  
31 comments or questions.

32  
33 **Discussion with James Brace, Police Chief, re: cul-de-sacs.**

34  
35 Present in the audience was James Brace, Police Chief.

36 The Chairman indicated that there had been an ongoing issue with cul-de-sac lengths  
37 between the various Town departments. He stated that in an effort to come to a resolution on the  
38 matter the Board wanted to hear the new Police Chief's thought and opinions on cul-de-sacs  
39 lengths. He added that the Board was available to discuss any other concerns the Chief might  
40 have had with regard to Town planning following the cul-de-sac discussion.

41 James Brace, Police Chief, stated that he had read through materials provided by the  
42 Coordinator that gave an overview of the ongoing discussion. He continued that he had keyed in  
43 on the former Police Chief's concerns. He stated that natural disasters were temporary in nature

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1 **POLICE CHIEF, cont.**

2

3 and things were in place to relieve them relatively quickly. He stated that a fallen tree on a cul-  
4 de-sac road would most likely be removed within a couple of hours. James Brace, Police Chief,  
5 indicated that when there were instances of downed power lines, PSNH or Comcast could be  
6 contacted to remedy the problem.

7 James Brace, Police Chief, stated that he was not concerned with the typical stuff and  
8 noted that he was concerned with how many people were affected. He suggested that rather than  
9 looking at a distance, i.e., 1,000', he looked at how many people were going to be affected on the  
10 1,000' or 1,500' cul-de-sac. He continued that based on a typical household of 4 people  
11 multiplied by 15 houses, about 60 people would be affected. He indicated that he lived on a cul-  
12 de-sac in Town and in his neighborhood, if the very first house located on the left was cut off, he  
13 would be stuck and no less than 44 people would be affected. He said from a tactical point of  
14 view he needed to determine if people could be evacuated from the cul-de-sac.

15 James Brace, Police Chief, viewed the cul-de-sac issue from a worse case scenario. He  
16 stated that if an incident similar to the shooting in Greenland, New Hampshire, took place in  
17 New Boston some evacuation would occur in the immediate area. He continued that most likely  
18 people would be told to go to their basements where it would be safe as they would be protected  
19 by the concrete. He noted that those people within the cul-de-sac would be stuck for a period of  
20 time as he did not believe it would be safe to evacuate people.

21 James Brace, Police Chief, believed that the Board needed to determine how many  
22 people they would be willing to affect if a cul-de-sac road needed to be shut down for a period of  
23 time due to a natural disaster, a fallen tree across the road, a structure fire or a tactical police  
24 incident. He went on to say that once the number was determined then the Board could  
25 determine how many houses could be allowed. Dwight Lovejoy asked if 65 people was a  
26 reasonable number of people to allow to live on a cul-de-sac. Jim Brace, Police Chief, answered  
27 that he believed 50 to 60 people was a reasonable number.

28 James Brace, Police Chief, stated that situations like ice storms and wind storms were  
29 exceptions and should be taken under consideration, however, he did not believe that the Board  
30 could necessarily plan for those types of natural disasters.

31 Peter Hogan asked James Brace, Police Chief, why he purchased a home on a cul-de-sac.  
32 James Brace, Police Chief, answered that he purchased his home on a cul-de-sac due to the lack  
33 of through traffic. Peter Hogan asked at what point the positives of the design of a cul-de-sac  
34 offset the obscure possibility of the negative. James Brace, Police Chief, believed that there  
35 were benefits to living on a cul-de-sac such as knowing the traffic and your neighbors. He  
36 continued that it was easier to identify strange vehicles in the neighborhood. He stated that  
37 people were mindful of the speed limits in cul-de-sacs because typically young families lived on  
38 cul-de-sacs. He noted that a drawback of living on a cul-de-sac could be a neighbor who drove  
39 over the speed limit but he pointed out that this problem was very manageable as police could  
40 spend more time in the neighborhood.

41 It was James Brace, Police Chief's, understanding that the 1,000' maximum cul-de-sac  
42 length originated with the Fire Department based on the length of their hoses. Peter Hogan  
43 confirmed that the length had originated with the Fire Department and began as 600'. James

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1 **POLICE CHIEF, cont.**

2

3 Brace, Police Chief, noted that added cisterns and requirements to have underground utilities  
4 addressed some of the issues related to longer cul-de-sac lengths.

5 James Brace, Police Chief, indicated that natural disasters, fallen trees and downed wires  
6 would rank highest in probability. He continued that police tactical situations were not as  
7 probable but still needed to be considered. He stated that within any plan a thought process had  
8 to happen where if X event happened, how would it be addressed. He believed that if that  
9 thought process took place then any plan or design that the Board felt was appropriate would be  
10 well executed. He stated that to not do something because there was potential for something to  
11 happen could result in a disservice to the Town.

12 David Litwinovich asked if inconveniencing or cutting residents off was eliminated from  
13 the discussion were there actually any differences between cul-de-sacs and through roads?

14 James Brace, Police Chief, stated that with regard to tactical issues he would prefer that an  
15 incident took place on a cul-de-sac. He explained that shutting down a through road with high  
16 traffic volumes affected more people than shutting down a cul-de-sac as it was isolated.

17 The Chairman asked if James Brace, Police Chief, had any other concerns to discuss with  
18 the Board. James Brace, Police Chief, answered no. He stated that he had recently been driving  
19 through town and believed that it was very well laid out. Following some further miscellaneous  
20 discussion regarding various roads in town the Board thanked James Brace and asked that he let  
21 them know if he had any thoughts on developments as they were forwarded to him for review.  
22 The Chief stated he was happy to attend meetings as needed if things came up.

23

24 **Discussion, re: Planning Board Goals for 2013.**

25

26 There were no members of the public present in the audience.

27 The Chairman referred to a memorandum from the Coordinator dated February 7, 2013,  
28 re: Goals of 2013. He indicated that the first item to be discussed was regarding cul-de-sacs. He  
29 stated that a separate memorandum from the Coordinator dated February 8, 2013, re: Cul-de-  
30 sacs, had been provided to the Board members and contained interesting information for their  
31 consideration.

32 Mark Suennen believed that there was value to coming to a resolution on the cul-de-sac  
33 matter. He continued that the resolution could be that the Board review cul-de-sacs on a case-  
34 by-case basis.

35 Peter Hogan asked what the dispute was, if any, regarding cul-de-sacs. Mark Suennen  
36 answered that although James Brace, Police Chief, did not seem too concerned with the length of  
37 cul-de-sacs, there were other departments in Town that continued to have concerns. He believed  
38 that the Board should create a rule that addressed how cul-de-sacs would be reviewed in the  
39 future.

40 Peter Hogan believed that cul-de-sacs should continue to be reviewed on a case-by-case  
41 basis. He continued that the Road Agent had specific suggestions with regard to cul-de-sac  
42 design, however, those restrictions had not yet been submitted to the Board.

43 The Chairman asked if underground utilities should be required for cul-de-sacs. Peter

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1 **PLANNING BOARD GOALS, cont.**

2  
3 Hogan answered yes. He added that discussions regarding extension of cul-de-sac lengths  
4 should include the caveat that density be reduced and open space included. He continued that it  
5 should be made clear that back lots were not allowed on cul-de-sacs. Don Duhaime pointed out  
6 that the Christian Farm Subdivision included a couple of back lots. Peter Hogan commented that  
7 the Board should not have allowed those back lots. Don Duhaime stated that he liked the idea of  
8 no back lots on cul-de-sacs.

9 The Chairman concluded the cul-de-sac discussion by saying that the Board would spend  
10 more time reviewing it at a later date.

11 The Chairman stated that the Board needed to decide whether or not they would be  
12 moving forward with the Mixed Use District. Peter Hogan stated that it appeared that people had  
13 been successful obtaining variances from the ZBA for mixed use. He added that when he had  
14 originally proposed the Mixed Use District he had not anticipated that the ZBA would grant  
15 variances.

16 Don Duhaime believed that the Board should move forward with the Mixed Use District.  
17 He acknowledged that there had been bumps along the way but those were to be expected.

18 Mark Suennen stated that he was not in a hurry to move forward with the Mixed Use  
19 District based on the reaction to date. He continued that if there was an outcry from the public or  
20 if the Master Plan suggested that the Town move forward with Mixed Use he would be willing to  
21 do so. Don Duhaime believed that by moving forward with the Mixed Use District it would help  
22 stimulate the Town. Mark Suennen was unsure if the Mixed Use District would stimulate  
23 commercial uses in Town as there was limited space for commercial uses. He added that from  
24 what he had heard there was also limited interest in pursuing commercial uses. He agreed with  
25 Don Duhaime that commercial uses would better serve the overall tax base. He went on to say  
26 that he was not interested at this time to push something forward that the Town was not  
27 interested in doing.

28 Peter Hogan noted that someone looking at one of the buildings in the center of town who  
29 wanted to have a business was told they could not live there too. He noted that now the ZBA  
30 seemed likely to grant variances, people could be given that information if they were interested  
31 in having a business and living there as well. Mark Suennen stated that he thought the  
32 implementation of a Mixed Use District provided people more flexibility to do what they wanted  
33 with their property. He continued that it appeared that more vocal members of the community  
34 did not want to give their neighbors more flexibility.

35 The Chairman closed the Mixed Use discussion by tabling what had already been done  
36 on this topic, pending new information or work on the Master Plan that may influence this  
37 subject.

38 The Chairman addressed the next goal as a “list of roads for the Master Plan”. The  
39 Coordinator stated that she had provided the old Master Plan information to the Board. She  
40 noted that the old Master Plan had included a list of all the roads in town with their deficiencies  
41 and an approximate timetable by which they would be repaired or improved.

42 The Coordinator stated that the Planning Board could deny a subdivision application on  
43 the basis of it being scattered and premature if the plan included a road that the Town had no

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1 **PLANNING BOARD GOALS, cont.**

2  
3 intention of improving. She continued that the developer could offer to make the improvements  
4 in order to gain the frontage needed for a subdivision. She stated that without a list and plan in  
5 place for improvements, the Planning Board would not know which roads would be improved  
6 when. She indicated that the Highway Department and Road Committee had started work on the  
7 list a few times in the past, however, it was difficult to do because it was time consuming, i.e.,  
8 identifying cracks, potholes, etc. in the roads. She believed it was a good idea to have the list but  
9 believed there was a low probability that it would be completed.

10 Mark Suennen asked if the program used to complete the list was GIS based. The  
11 Coordinator answered yes.

12 The Coordinator stated that it was worth a conversation with the Road Agent, Road  
13 Committee and Board of Selectmen to determine if it was something they would be willing to  
14 do. Mark Suennen commented that it would be best to determine the position of the Road Agent,  
15 Road Committee and Board of Selectmen on this matter prior to having a discussion. Dwight  
16 Lovejoy informed the Board that the Highway Department was working on mapping culverts  
17 and stonewalls, etc.

18 The Chairman stated that with regard to Workforce/Multi-Family Housing nothing had  
19 changed over the last year. Mark Suennen noted that there was proposed legislation to require  
20 5% Workforce/Multi-Family Housing in subdivisions and asked that the Planning Department  
21 monitor HB 215. The Coordinator had suggested moving goals like this one to a separate section  
22 of the Goals table for things that should be kept track of but were not of immediate concern. The  
23 Board agreed.

24 The Chairman indicated that the Board should go through the Future Land Use section of  
25 the Master Plan to determine if there were any recommendations that should be worked on in  
26 2013.

27 The Chairman stated that the Planning Department would evaluate the possibility of an  
28 in-house update to the Master Plan. Mark Suennen asked the Coordinator if she had anyone in  
29 mind, other than SNHPC, to gather public input to be used to update the existing Master Plan.  
30 The Coordinator answered that outside consultants could be used to gather public input. The  
31 Chairman asked if the Coordinator could contact some outside consultants to obtain an estimate  
32 for gathering public input. Mark Suennen suggested that other towns be contacted to find out  
33 how they updated their Master Plan and find out the cost to update.

34 The next suggested goal was Zoning Ordinance, Subdivision and NRSPR Regulations.  
35 The Chairman noted that with things being slow on the application front it made sense to do the  
36 type of work suggested by this goal but asked that a list of topics to consider be created to avoid  
37 having the Board spin their wheels.

38 The Coordinator noted that there was no funding for an update to the Water Resources  
39 Management Plan but she continued to believe that it was a valuable resource. She suggested  
40 that the Board each be given a copy of the plan so they could make that determination for  
41 themselves this year.

42 Mark Suennen asked if the Town Administrator required that the Coordinator create a list  
43 of goals for the Planning Board. The Chairman answered that the list of goals were not a



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1 requirement of the Town Administrator but a way to keep the Board on task during the year.

2  
3 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
4 **FEBRUARY 12, 2013.**

5  
6 1. Approval of the January 8, 2013, minutes distributed by email.

7  
8 Peter Hogan **MOVED** to approve the meeting minutes of January 8, 2013, as written.  
9 Mark Suennen seconded the motion and it **PASSED** unanimously.

10  
11 2. Distribution of the January 22, 2013, minutes for approval at the meeting of February 26,  
12 2013.

13  
14 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
15 occurred.

16  
17 3. Endorsement of a Non-Residential Site Plan Review for Erik Fey, Ski Services Shop, Tax  
18 Map/Lot #11/12, Hooper Hill Road, by the Planning Board Chairman and Secretary.

19  
20 The Chairman indicated that the above-referenced document would be executed at the  
21 close of the meeting.

22  
23 5. Article, titled: Follow The Money: New Hampshire's Transportation Infrastructure in  
24 Decline, by Timothy W. Fortier & Paul Sanderson, published in New Hampshire Town &  
25 City, January/February 2013 edition, for the Board's information.

26  
27 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
28 occurred.

29  
30 6. Bond Release recommendation #3, from Kevin Leonard, P.E., Northpoint Engineering,  
31 LLC, to Nic Strong, Planning Board Coordinator, re: Twin Bridge Estates, Phase II, for  
32 the Board's action.

33  
34 The Chairman asked for comments and/or questions from the Board. Peter Hogan  
35 commented that he had no problem with the above-referenced recommendation.

36 The Chairman asked if grass would grow from loam and seed that had been snowed on  
37 prior to germination. Mark Suennen stated that it was not uncommon to put loam and seed on  
38 frozen ground. He continued that ultimately it was the applicant's responsibility to ensure that  
39 the area was stabilized once the conditions were ripe for stabilization.

40 The Chairman asked about the amount to be released for culverts, noting that either  
41 culverts were installed or they were not. Mark Suennen pointed out that the recommendation  
42 was to hold 10% of the bond for the box culvert, headwalls and water sealant application.

43 Dwight Lovejoy asked if there would be area marked for parking off West Lull Place.

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Mark Suennen explained that the access requirement to the open space was a requirement of the  
4 Board of Selectmen and was not part of the bond and not part of the Planning Board's review.

5 The Chairman asked if anyone disagreed with the recommended bond amount to be  
6 released. Mark Suennen stated that the amount to be released appeared to be reasonable and  
7 added that the Town would continue to retain \$780K.  
8

9 Mark Suennen **MOVED** to accept the Town Engineer's estimate of bond release #3, for  
10 \$91,714.56. Peter Hogan seconded the motion and it **PASSED** unanimously.  
11

12 4a. Email received January 24, 2013, from John Bastoni, Laurel Lane, re: business being  
13 operated from 119 Laurel Lane, for the Board's review and discussion.  
14

15 4b. Letter copy dated January 24, 2013, from Ed Hunter, New Boston Code Enforcement  
16 Officer, to Mr. Peter Beers, 119 Laurel Lane, re: Home Shop/Contractor's Yard, for the  
17 Board's information.  
18

19 4c. Letter copy received January 29, 2013, from Ed Hunter, New Boston Code Enforcement  
20 Officer, to Mr. Peter Beers, re: response to January 24, 2013, letter above, for the Board's  
21 information.  
22

23 4d. Letter received February 7, 2013, from Mr. Peter Beers, to the Town of New Boston, re:  
24 business conducted from 119 Laurel Lane, prior to 1990, for the Board's review and  
25 discussion.  
26

27 The Chairman addressed items 4a, 4b, 4c and 4d together as they were related.

28 The Chairman asked if the issue with the above matter was that the property was only  
29 grandfathered for auto sales and businesses other than auto sales were being operated without  
30 a required site plan. The Coordinator explained that Mr. Beers was representing to the Board  
31 that he had also operated the other businesses in question prior to 1990 and, therefore, believed  
32 that they should also be grandfathered.

33 The Coordinator explained that in 1990 the Town's Zoning changed and property  
34 owners were informed that if they wanted existing businesses to be grandfathered they needed  
35 to submit a form. She stated that the form included detailed information about all businesses  
36 being operated from a property owner's property. She noted that Mr. Beers failed to submit the  
37 form.

38 The Chairman asked if the business being operated had to be owned by the property  
39 owner and pointed out that one of the businesses listed belonged to someone other than Mr.  
40 Beers. The Coordinator answered that the business owned by someone other than Mr. Beers  
41 could be an issue for grandfathered status if he did not reside at the property prior to 1990.

42 Peter Hogan asked if Mr. Beers was operating a junk yard from his property. The  
43 Coordinator answered that she had not viewed the property and could not answer if a junk yard

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 was being operated. Peter Hogan stated that Mr. Beers could only operate a junk yard if it was  
4 approved by the State. Dwight Lovejoy added that parking was not permitted on a Class VI  
5 road. Peter Hogan believed that trucks parked on Laurel Lane at Mr. Beers' property should be  
6 towed. The Coordinator stated that the tractor trailer being parked in the road was a matter for  
7 the Code Enforcement Officer to address. She continued that only matter the Planning Board  
8 could deal with was determining if Mr. Beers had grandfathered status for the other businesses  
9 that he was operating based on the letter he submitted. Peter Hogan stated that the letter  
10 submitted from Mr. Beers did not establish that he had been operating his businesses prior to  
11 1990. He recommended that the Board of Selectmen contact a towing company and have any  
12 vehicle parked on the road towed.

13 It was Mark Suennen's understanding that Peter Hogan did not believe that any of the  
14 information submitted by Mr. Beers justified that he had any businesses prior to Zoning going  
15 into effect. Peter Hogan stated that Mr. Beers may have done a whole bunch of little things.

16 Peter Hogan believed that there were other ways Mr. Beers could prove he had been  
17 doing business prior to 1990 and believed that some of the businesses would have been  
18 registered with the State. Mark Suennen was unsure if the businesses would have been  
19 registered with the State.

20 The Chairman asked what information needed to be provided if the information  
21 submitted by Mr. Beers was not good enough to establish grandfathered status of his businesses.

22 Mark Suennen stated that the Planning Board had accepted that Mr. Beers operated an  
23 auto sales business on his property prior to 1990. He continued that based on the information  
24 submitted it suggested that Mr. Beers may have been a certified septic installer, driveway paver  
25 and/or worked in gravel pits. He continued that he was willing to consider that Mr. Beers had  
26 operated the businesses prior to 1990, however, the documentation submitted did not prove that  
27 to him. Peter Hogan added that operating a loader in Bo Strong's sandpit did not give approval  
28 for a gravel pit at his house.

29 Peter Hogan stated that he would believe that Mr. Beers had operated some sort of  
30 contractor's yard 20 years ago. Mark Suennen asked what type of documentation was needed to  
31 prove to Peter Hogan that Mr. Beers had operated a contractor's yard. Peter Hogan suggested  
32 that invoices or business advertisements be submitted. Don Duhaime suggested that a tax return  
33 be provided. Mark Suennen commented that because the Mr. Beers failed to submit the required  
34 paperwork to obtain grandfathered status for his businesses in 1991, the burden of proof fell on  
35 him now to prove that he operated businesses prior to 1990. He continued that the Board was  
36 allowing Mr. Beers to submit appropriate documentation for consideration as a twenty-two year  
37 late grandfathering application.

38 The Coordinator noted that if Mr. Beers could not prove that he had these businesses then  
39 and was still running them now he would need a site plan under current regulations. She stated  
40 that she would compose a draft letter and email it to the Board for their approval. The Chairman  
41 requested that the email be sent prior to the next meeting in order for the Board to review it.

42 David Litwinovich asked if this matter paralleled the missed deadline for the Thibeault  
43 gravel pit permit. Mark Suennen believed that the two matters were similar. He stated that

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 documentation needed to be submitted to the Town for grandfathered status and the form was  
4 missing from the Town's records. He continued that an individual came before the Board and  
5 represented that he had submitted the required form. He went on to say that in contrast to the  
6 Thibeault matter, Mr. Beers has never claimed to have previously submitted the required form.

7

8 David Litwinovich commented that he felt that the Board slighted those people who had  
9 submitted the required documentation when it was due when they allowed individuals to submit  
10 documentation years after the deadline. He continued that part of him felt that the Board should  
11 not go out of their way to assist Mr. Beers in obtaining grandfathered status as it was unfair to  
12 those who submitted the form by the deadline. Mark Suennen commented that the Board had  
13 proven to be flexible with these matters in the past.

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14 Peter Hogan **MOVED** to adjourn at 9:37 p.m. Mark Suennen seconded the motion and it  
15 **PASSED** unanimously.

16

17 Respectfully Submitted,  
18 Valerie Diaz, Recording Clerk

Minutes Approved:  
03/26/13