

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

1

February 26, 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 and Don Duhaime. Also present were Planning  
3 Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie  
4 Diaz.

5 Present in the audience for part of the meeting were Jack Munn, Principal Planner,  
6 SNHPC, David Preece, Executive Director, SNHPC, and Tim White, Principal Transportation  
7 Planner, SNHPC.

8  
9 **Discussion with Jack Munn, Senior Planner, SNHPC, re: Certified Sites Program**

10  
11 Present in the audience were Jack Munn, SNHPC, and David Preece, SNHPC.

12 Jack Munn, SNHPC, noted that David Preece, SNHPC, was present with him and  
13 thanked the Board for allowing them to present their program which was more usually found in  
14 urban areas. He continued that the program could fit into small rural area.

15 Jack Munn, SNHPC, began a power point presentation and stated that this Certified Sites  
16 Program was created through the partnership of the SNHPC and Access Greater Manchester. He  
17 explained that Access Greater Manchester was a regional alliance of all of the towns in the  
18 region as well as the Town of Windham.

19 Jack Munn, SNHPC, indicated that the program he was presenting was entitled  
20 "ReadySetGo! Certified Sites in Southern New Hampshire". He stated that the marketing  
21 company, LTD, created the "ReadySetGo!" logo and it would be trademarked. He noted that the  
22 program was partnered with the NH Division of Economic Development, Fair Point  
23 Communications, Centrix Bank, PSNH and NH CIDOR.

24 Jack Munn, SNHPC, stated that this was the first time that a certified sites program had  
25 been proposed for New Hampshire and the New England Region. He believed that the closest  
26 certified sites program was located in the State of New York. He added that the New York  
27 program could be viewed at [www.buildnewyorknow.com](http://www.buildnewyorknow.com). The Chairman asked where  
28 specifically in New York the program had been implemented. Jack Munn, SNHPC, answered  
29 that it was a statewide program.

30 Jack Munn, SNHPC, informed the Board that he and David Preece, SNHPC, had  
31 presented the New York certified sites program to the NH Division of Economic Development  
32 and asked if the State of New Hampshire could take on a similar program. He continued that the  
33 New Hampshire Division of Economic Development had loved the idea but did not have funding  
34 or manpower for such a program. He explained that he and David Preece, SNHPC, relayed the  
35 New Hampshire Division of Economic Development's position to the Greater Alliance of  
36 Manchester Steering Committee and they offered to support the program the best they could. He  
37 noted that the whole program had taken about two years to get up and running.

38 Jack Munn, SNHPC, explained that the "ReadySetGo!" program was a regional  
39 economic development tool in which certified sites and buildings would be given extra  
40 recognition. He continued that the program would promote greater collaboration between towns  
41 and applicants in developing sites. He stated that the program provided opportunities to market  
42 certified sites on a number of commercial, municipal and national websites. He pointed out that  
43 most importantly the program gave property owners more time to market their certified sites

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1 **CERTIFIED SITES PROGRAM, cont.**

2  
3 which reduced pre-development risks and costs.

4 Jack Munn, SNHPC, listed the benefits of the “ReadySetGo!” as the following:

- 5 • It would bring national and worldwide attention to the region;
- 6 • Property owners/developers would be provided the opportunity to obtain longer plan  
7 approvals that would allow certified sites to be marketed over five years instead of the  
8 typical one-two year approval period; and
- 9 • The program provided an opportunity for certified sites to take advantage of \$25,000 or  
10 more in “soft costs” such as engineering, architectural, site planning, legal, etc. to show  
11 substantial completion of approval conditions.

12 The Coordinator indicated that the Town of New Boston had never recorded site plans  
13 and therefore, the vesting statute did not apply. She asked if having a five year approval for a  
14 site plan made SNHPC nervous as there was no legal requirement to do so. Jack Munn, SNHPC,  
15 answered that it would not make a difference as it was the Planning Board’s approval that was  
16 key. He added that SNHPC could work with the Planning Board to come up with the language  
17 for the Site Plan Review Regulations to address this matter.

18 Jack Munn, SNHPC, explained that ReadySetGo! conveyed an important  
19 message to national site selectors, prospective companies and the business community that there  
20 were certified sites and buildings within the region’s municipalities available for development  
21 and redevelopment purposes.

22 Jack Munn, SNHPC, addressed the details of the program and stated that participation  
23 was strictly optional and participation would be determined by the Planning Board and property  
24 owner. He emphasized that the determination to participate needed to first be made by the  
25 Planning Board.

26 Jack Munn, SNHPC, explained that a certified site was a site or building zoned for either  
27 industrial, office, mixed-use or a combination of the aforementioned. He continued that it was  
28 the site needed to have a boundary survey, and asking price or rental rate.

29 Jack Munn, SNHPC, identified the three levels of certification as the following:

- 30 • Level 1. Completion of a non-binding Concept Plan or a non-binding Design Review  
31 and a vote of endorsement allowing the applicant to proceed with submittal;
- 32 • Level 2. Site Plan or Master Plan approval from the Board; and
- 33 • Level 3. Level 2 certification and a utility plan showing the availability and/or the  
34 provision of utilities.

35 Jack Munn, SNHPC, stated that the SNHPC had been working on the ReadySetGo!  
36 program for the last two years and had met with most of, if not all, of the region’s town  
37 planners. He added that they had also met with local developers and real estate attorneys. He  
38 commented that a lot of the towns had liked the idea of the ReadySetGo! program and pointed  
39 out that the Town of Goffstown liked it so much that a map of a section of Route 114 in  
40 Goffstown was included on the presentation slides. He noted that the slide contained proposed  
41 certified sites areas and reiterated that it was the Planning Board’s decision to offer the program  
42 and where the certified sites would be allowed.

43 Jack Munn, SNHPC, indicated that the following were the steps necessary to participate

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1 **CERTIFIED SITES PROGRAM, cont.**

2  
3 in the ReadySetGo! program:

- 4 • Step One: Review the ReadySetGo! website and program materials to see if the program  
5 is right for your community. Review the town's zoning ordinance and zoning map and  
6 determine what area(s) and zoning districts should be included.
- 7 • Step Two: Hold a public hearing to decide whether to participate in the program.
- 8 • Step Three: At the public hearing, amend the Planning Board's site plan, subdivision,  
9 and/or land regulations to authorize and incorporate ReadySetGo! in the Board's  
10 regulations.
- 11 • Step Four: Submit the public hearing minutes, amendments and updated regulation to  
12 Southern New Hampshire Planning Commission verifying participation.
- 13 • Step Five: Begin to advertise the program on the Town's website and distribute program  
14 materials and brochures to the public and potential applicants through the Planning  
15 Board or Planning Department office.

16 Jack Munn, SNHPC, concluded the presentation by saying that the ReadySetGo! program  
17 would help bring businesses to the community, help bring nationwide exposure to the  
18 community and assist in building a network of certified sites in the region.

19 David Preece, SNHPC, stated that he would be happy to answer any questions. He  
20 indicated that this evening's presentation was the fourth one to have taken place in the region.  
21 The Chairman asked where the other presentations had taken place. David Preece answered that  
22 they had presented to the Town's of Candia, Windham and Manchester. He added that they were  
23 scheduled to present to the Town of Hooksett next week.

24 The Chairman asked how many industrial lots were located in New Boston. The  
25 Coordinator answered that there was one lot zoned for industrial use.

26 The Chairman asked what criteria the Planning Commission would use in reviewing the  
27 applications. Jack Munn, SNHPC, explained that the criteria were that the Planning Board  
28 approves the endorsement of the applications. He went on to say that the SNHPC would check  
29 the zoning and plan requirements. He stated that he could send the Coordinator a copy of the  
30 application and also referred the Board to the SNHPC's website to download a copy of the  
31 application. David Preece, SNHPC, added that a fee would be charged for each application. He  
32 continued that the exact cost had not been determined, however, they were thinking of charging  
33 \$1,000 per application. He explained that the fee would compensate the SNHPC for the time  
34 spent working with the commercial real estate databases. He noted that the applicant would be  
35 responsible to pay the application fee and there would be no cost to towns.

36 The Chairman asked if it was only SNHPC offering this type of program. David Preece,  
37 SNHPC, answered yes and added that there would be an advisory committee comprised of  
38 stakeholders. He explained that the purpose of the committee would be to advise SNHPC on the  
39 sites and ensure that they should be promoting certain sites within the region. Jack Munn,  
40 SNHPC, noted that the advisory committee had not been created but would consist of their  
41 partners as well as utility companies. David Preece, SNHPC, stated that it was important that  
42 once a site was approved as a certified site that all the information was correct and could be  
43 verified as it carried national recognition.

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1 **CERTIFIED SITES PROGRAM, cont.**

2  
3 Mark Suennen asked for the \$25,000 “soft costs” to be further explained. Jack Munn,  
4 SNHPC, stated that the money was a cost of the developer. He explained that the \$25,000 could  
5 be allowed to be used as part of the applicant’s vesting requirements for their plan. Mark  
6 Suennen advised that the Board determined active and substantial development on a case-by-case  
7 basis. Jack Munn, SNHPC, commented that it was a good practice to determine active and  
8 substantial development on a case-by-case basis. He continued that the Board could consider  
9 adding the \$25,000 soft costs as one aspect of meeting the active and substantial development  
10 requirement. He added that the certified sites program did not apply to residential properties.  
11 Mark Suennen stated that there would not be any industrial subdivisions with the one lot that was  
12 zoned Industrial. David Preece, SNHPC, pointed out that the Town did have commercial  
13 properties. Mark Suennen agreed that commercial properties existed along Route 114, however,  
14 those commercial properties were intended to be part of the Small-Scale Planned Commercial  
15 District. He continued that the Commercial District was not intended for large, complex  
16 developments. He commented that the program sounded like it would be a better fit for the  
17 Manchester Airport area. Jack Munn, SNHPC, agreed and stated that it was more for an urban  
18 setting, however, it could be customized to fit a rural character community. He noted that New  
19 Boston had a lot of abandoned gravel pits and those lands could become valuable and could be  
20 potential candidates for certified sites.

21 Mark Suennen referred to Step 3 of the five steps to participate in the ReadySetGo!  
22 program and asked if there was available sample language to amend the site plan, subdivision  
23 and/or land use regulations. Jack Munn, SNHPC, answered yes and noted that a template had  
24 been sent to the Board. He continued that the language provided gave the Planning Board  
25 authority to implement the program, identified the zoning districts that would be allowed,  
26 included the option to consider the 5-year plan site plan approval and included the option for the  
27 \$25,000 soft costs. He encouraged the Coordinator and Town Counsel to review the language.  
28 He indicated that several attorneys had reviewed the language including Attorney Marks of  
29 Goffstown and Karen McGinley of Manchester.

30 David Preece, SNHPC, reiterated that participation in the program was optional and that  
31 participating was a step towards being proactive in fostering economic development in the  
32 community. He went on to say that the Board would be able to determine the location for  
33 economic development instead of being given an application for a big box store in an area that  
34 was not appropriate. He continued that the program put the Board in the driver’s seat and made  
35 them more accountable for what they wanted to see in their community. He added that the  
36 program also gave the property owner a longer time to market the property. The Chairman  
37 disagreed with David Preece, SNHPC, and stated that the program did not change zoning or  
38 offering locations to develop a box store. He continued that the program identified areas that  
39 could be marketed to make them more visible. David Preece, SNHPC, explained that the  
40 program helped market certain areas for economic development. Jack Munn, SNHPC,  
41 commented that the fairgrounds land could someday make a beautiful industrial park. Mark  
42 Suennen advised that the feedback that the Board had received from the community was that  
43 they would not be happy with an industrial park located at the fairgrounds.

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1 **CERTIFIED SITES PROGRAM, cont.**

2  
3 David Preece, SNHPC, indicated that the next step for the Board was to discuss the  
4 program and contact Jack Munn or himself if they were interested in moving forward with the  
5 program. The Chairman commented that he was skeptical that anyone visiting the certified sites  
6 website would be looking for something that New Boston could provide. He believed that the  
7 program would work for the City of Manchester and the Towns of Londonderry, Goffstown and  
8 Hooksett. David Preece, SNHPC, suggested that the Board view the State of New York website  
9 as they had urban and rural sites listed. He added that the National Certified Sites website could  
10 also be visited for lists of urban and rural sites. The Chairman asked for the URLs of the  
11 websites mentioned. David Preece, SNHPC, indicated that he would forward the information to  
12 the Coordinator.

13 Jack Munn, SNHPC, informed the Board that during the Regional Economic  
14 Development Plan update a site selector visited New Boston and was impressed by an electronics  
15 firm that was operating in a local barn. David Preece, SNHPC, added that similar operations  
16 could be bring more tax revenue to the Town. Mark Suennen stated that he would be looking for  
17 an applicant to approach the Board to become involved in the program and not for the Board to  
18 go actively looking for applicants. He agreed that the Town may need the program someday.  
19

20 **Discussion with Tim White, Principal Transportation Planner, SNHPC, re: Ten-Year**  
21 **Transportation Improvement Plan**

22  
23 Present in the audience was Tim White, SNHPC.

24 Tim White, SNHPC, thanked the Board for giving him the opportunity to address them  
25 this evening. He stated that he was the Principal Transportation Planner for SNHPC and that he  
26 was present because he was beginning the development of the FY 2015-2024 Ten Year Highway  
27 Plan. He indicated that he was visiting as many communities in the region as possible and New  
28 Boston was his ninth or tenth visit. He stated that the last time he was before the Board was  
29 about two years ago and the discussion was relative to the current Ten Year Plan which was  
30 signed into law by Gov. Lynch in June of 2012.

31 Tim White, SNHPC, explained that the Ten Year Plan process was a two year process, as  
32 required by law. He recognized that these were pretty trying times for the communities in the  
33 region and all over the state with regard to funding maintenance and construction of the  
34 transportation infrastructure. He stated that the DOT's priorities for developing the next Ten-  
35 Year Plan were to maintain the current transportation infrastructure and to continue to address  
36 the Red Listed Bridges program. Mark Suennen asked if the bridges would be broken down into  
37 the categories of structurally deficient and structurally obsolete. Tim White, SNHPC, believed  
38 that both categories were included in the Red Listed Bridges program. Tim White, SNHPC,  
39 indicated that as a region the DOT's number one priority was the widening of I-93. He noted  
40 that funding issues for that project needed to be addressed. He stated that other projects that  
41 were important to the region were I-93, Exit 4a, in Derry and Londonderry and I-293, Exit 6 and  
42 7 in Manchester and Hooksett, however, they were not listed in the Ten-Year Plan.

43 Tim White, SNHPC, referred the Board to page two of his handout and pointed to the two

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1 **TEN YEAR PLAN, cont.**

2  
3 year cycle of the Ten Year Plan. He read the following, “Implementation – After adoption by  
4 the Legislature, Metropolitan Planning Organizations (MPOs) incorporate approved projects into  
5 their Transportation Improvement Program (TIP) and the STIP is updated.” He stated that letters  
6 were sent out to all the communities in the region to the Boards of Selectmen that asked them to  
7 list what should be included from their town in the next version of the Ten Year Plan. He  
8 continued that the SNHPC was currently in the process of receiving that input and noted that it  
9 was due by March 8, 2013. He went on to say that once all of the projects in the region were  
10 listed he would bring them to the Technical Advisory Committee in order to have them evaluated  
11 and rated. He continued that the list of evaluated and rated projects from all the regions in the  
12 State were due to the DOT by April 30, 2013. He explained that the DOT would create a first  
13 draft of the Ten Year Plan from the projects submitted. He stated that communities would be  
14 able to comment on the draft Ten Year Plan this coming fall when the Governor’s Advisory  
15 Commission on Intermodal Transportation holds a series of meetings.

16 Tim White, SNHPC, referred to page 3 of his handout and noted that one project was  
17 listed in the current Ten Year Plan, the Riverdale Road Bridge Replacement Project. He  
18 indicated that the following list was part of the SNHPC long range transportation plan:

- 19 • Bog Brook Road – Bridge Replacement
- 20 • Depot Street – Bridge Replacement
- 21 • Dougherty Lane – Bridge Replacement over Mid Branch Piscataquog River
- 22 • East Colburn Road – Culvert Replacement
- 23 • Hilldale Lane – Bridge Replacement over South Branch Piscataquog River
- 24 • Howe Bridge Road – Bridge Replacement
- 25 • New Boston Village Center – CCS Improvement
- 26 • New Boston 14771 – Gregg Mill Road – Bridge Replacement over South Branch  
27 Piscataquog River
- 28 • New Boston 15505 – Tucker Mill Road – Bridge Replacement over Mid Branch  
29 Piscataquog River.

30 Tim White, SNHPC, explained that about 18 projects from nine separate stakeholders had  
31 been submitted during the current Ten Year Plan process and only one project was allowed to be  
32 submitted to the DOT as the region’s top priority. He stated that the one project that was  
33 submitted was a transit project from the Manchester Transit Authority. He stated because the  
34 above listed was not added to the Ten Year Plan it was placed in the SNHPC long range plan in  
35 an effort to continue to promote them as regional priorities.

36 Tim White, SNHPC, advised that the following were Red-List Bridges in New Boston  
37 from the DOT website:

- 38 • NH 13 over South Branch Piscataquog River
- 39 • Dougherty Lane over Mid Branch Piscataquog River
- 40 • Hilldale Lane over South Branch Piscataquog River

41 Tim White, SNHPC, explained that instead of submitting one top priority project from  
42 the region to the DOT, this year they were being asked to submit all projects that were reviewed

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1 **TEN YEAR PLAN, cont.**

2  
3 at the regional level, i.e., all of the projects submitted by the towns, all current projects in Ten-  
4 Year Plan and all of the projects in the SNHPC long range plan.

5 Tim White, SNHPC, thanked the Board for their time and asked if there were any  
6 questions.

7 The Chairman asked if the Ten Year Plan was updated every two years. Tim White,  
8 SNHPC, answered yes. The Chairman asked if it was a complete re-do. Tim White, SNHPC,  
9 answered that the DOT was handling the process differently as they were trying to provide as  
10 much information as they could. He believed that there would be a lot of turnover with regard to  
11 which projects end up in the Ten Year Plan. He explained that in previous cycles of the plan the  
12 projects that were already in the plan were more or less static. He indicated that there could be  
13 some dramatic changes to the projects in the plan based on how the region and State prioritized  
14 the projects.

15 The Chairman asked if projects were prioritized within the entire region. Tim White,  
16 SNHPC, answered that the Technical Advisory Committee would complete the ranking on all the  
17 towns included in the region.

18 The Chairman asked what New Boston projects were listed in the current Ten Year Plan.  
19 Tim White, SNHPC, answered that the Riverdale Road Bridge Replacement Project was in the  
20 current Ten Year Plan.

21 The Chairman asked for an explanation of a TIP Project. Tim White, SNHPC, explained  
22 that the 2013-2016 TIP Projects were those projects that were ready for implementation. He  
23 continued that as those projects were implemented they would be dropped from the Ten Year  
24 Plan and replaced by other projects.

25 Mark Suennen asked if the New Boston Footbridge was included in the current Ten Year  
26 Plan. Tim White, SNHPC, answered that it was not part of the Ten Year Plan most likely  
27 because it was so close to being implemented that it was assumed that it was done.

28 The Coordinator asked who SNHPC was looking to hear back from with regard to the  
29 letter sent to the Board of Selectmen relative to list of projects for the Town. Tim White,  
30 SNHPC, answered that it did not matter and that Planning Boards handled it in most small towns.  
31 Mark Suennen asked if there was an assumption that if the Town did not respond that all current  
32 items stayed on the list. Tim White, SNHPC, answered that the current projects as well as those  
33 projects listed in the long range plan would be evaluated.

34  
35 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
36 **FEBRUARY 26, 2013.**

37  
38 1. Approval of the January 22, 2013, minutes distributed by email.

39  
40 Mark Suennen **MOVED** to accept the January 22, 2013, meeting minutes as written.  
41 Don Duhaime seconded the motion and it **PASSED** unanimously.

42  
43 2. Distribution of the February 12, 2013, minutes for approval at the March 26, 2013,

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 meeting.

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

7  
8 3. Letter with attachments received February 12, 2013, from Kevin M. Leonard, P.E.,  
9 Northpoint Engineering, to Stuart Lewin, Chair, New Boston Planning Board, re:  
10 Proposal for Professional Engineering Services, for the Board's action.

11  
12 The Chairman asked if the Coordinator was aware of any changes to the Town  
13 Engineer's proposed contract for the 2013/2014 year, i.e., rates or terms and conditions. The  
14 Coordinator answered that there were no changes.

15 The Chairman asked if was a good idea to have two people, i.e., Northpoint Engineering  
16 and the Planning Department, responsible for monitoring escrow accounts as was stated in the  
17 contract. The Coordinator answered that it was a good idea and added that it was good for  
18 crosschecking.

19 The Chairman referred to item #6 of the contract and read the following "...all copyright  
20 and other intellectual property rights therein shall be the exclusive property of Northpoint...." and  
21 asked if the aforementioned was an industry norm. Mark Suennen answered yes.

22 The Chairman asked for comments and/or questions. Mark Suennen commented that  
23 there was no reason not to continue with Northpoint Engineering.

24  
25 Mark Suennen **MOVED** to recommend to the Board of Selectmen that the Town of New  
26 Boston continue with the services of Northpoint Engineering for the 2013 year. Don  
27 Duhaime seconded the motion and it **PASSED** unanimously.

28  
29 Mark Suennen stated that the Chairman had commented in the past that the Town  
30 Engineer contract could be put out to bid. He continued that if the Chairman wished to have  
31 the contract bid out, he should think about doing so soon as it was a lengthy process. The  
32 Chairman asked how long the Town had been working with Northpoint Engineering. The  
33 Coordinator answered six years or so. The Chairman commented that the rates had not gone up  
34 and they did good work.

35  
36 4a. Driveway Permit Applications received February 21, 2013, for Twin Bridge Land  
37 Management, LLC, (Wright Drive) Tax Map/Lot #2/62-12 & 3/5, 24 lots, for the Board's  
38 action. (schedule site walk)

39  
40 4b. Copy of Driveway Regulations sections 7, 8, 11, & 12.

41  
42 4c. Section copy of June 21, 2012, Pre-Construction Meeting Minutes.

43



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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 The Chairman addressed items 4a, 4b and 4c together as they were related.

4 A site walk was scheduled for Saturday, March 16, 2013, at 8:00 a.m. and the Board  
5 believed it would take 1 ½ - 2 hours to complete.

6 The Coordinator advised that the applicant wanted to obtain a building permit or one of  
7 the lots, noting that a driveway permit was a prerequisite for a building permit. She continued  
8 that the Building Inspector had issued a foundation only permit because the Driveway  
9 Regulations allowed him to do so. She pointed out that the Board did not have any authorization  
10 to advise the Building Inspector on whether or not to issue a building permit. Mark Suennen  
11 pointed out that the applicant could not obtain a CO until the road was completed.

12 The Coordinator stated that the reason she had provided the above-referenced  
13 information was to show that despite their recent statements and actions the applicants were  
14 aware that they needed driveway permits and that they would all be issued together when the  
15 road was at sub-grade.

16 The Planning Board Assistant advised that she had told the applicants that it was not  
17 necessary for them to attend the meeting as she was able to relay the matter. She continued that  
18 the applicants were upset when they found out that approval could not be given until the end of  
19 March because the house on lot #4 was under contract. Mark Suennen commented that the first  
20 lot was very flat.

21 Mark Suennen stated that if the Planning Office heard from the applicant they could  
22 advise that the Board had previously announced that they had a temporary driveway for Tax  
23 Map/Lot # 2/62-12 and would not authorize a second driveway off that same alignment until the  
24 road was completed. He further stated that the Planning Board Assistant was correct in advising  
25 the applicant that he did not need to appear for this evening's meeting.

- 26  
27 5. Construction Services Reports dated January & February 2013, from Northpoint  
28 Engineering, LLC, for Twin Bridge Estates, Phase II (Wright Drive), for the Board's  
29 information.  
30

31 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
32 occurred.  
33

- 34 6. Construction Services Reports dated January 22, 23 and 25, 2013, from Northpoint  
35 Engineering, LLC, for SIB Trust, (Indian Falls/Susan Road Conn), for the Board's  
36 information.  
37

- 38 7. Letter copy dated February 15, 2013, from Kevin M. Leonard, P.E., to Arthur Davis,  
39 Thibeault Corporation of New England, re: Indian Falls/Susan Road Connection-  
40 Bussiere, for the Board's information.  
41

- 42 8. Letter copy dated February 15, 2013, from Kevin M. Leonard, P.E., to Arthur Davis,  
43 Thibeault Corporation of New England, re: Stabilization Measures-Indian Falls/Susan

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Road Connection-Bussiere, for the Board's information.

4  
5 The Chairman addressed items 6, 7 and 8 together as they were related.

6 Mark Suennen stated that a winter stabilization letter had been submitted and asked if the  
7 applicant had provided any information with regard to finishing the road this year. The  
8 Coordinator answered that she did not know of the applicant's plans. She suggested that the  
9 Board ask the applicant what his plans were for the project and how he intended on addressing  
10 the issues listed in the Town Engineer's letters. She pointed out how the applicant moved  
11 forward affected items 11a and 11b of the Miscellaneous Business. Mark Suennen believed that  
12 the questions raised by the Coordinator should be asked.

13 The Chairman decided to continue the discussion under Miscellaneous Business items  
14 11a and 11b.

15  
16 11a. Letter received February 26, 2013, from Kevin M. Leonard, P.E., Northpoint  
17 Engineering, LLC, to Nic Strong, Planning Coordinator, re: Indian Falls/Susan Road  
18 Connection – Construction Monitoring Escrow, for the Board's review and discussion.

19  
20 11b. July 9, 2010, letter copy, re: technical review fees.

21  
22 The Chairman continued discussion of Miscellaneous Business items 4a, 4b and 4c along  
23 with 11a and 11b.

24 The Coordinator stated that the Board had agreed to accept the inspection escrow  
25 payments for the above-referenced subdivision through three installments. She explained that  
26 because the Town Engineer submitted six months worth of billing at one time there was not  
27 enough money in the account to cover the invoices. She stated that the applicant was reviewing  
28 all of the invoices with a fine toothed comb before he submitted additional installments. She  
29 continued that the Town Engineer requested partial payment and was paid the requested amount.

30 The Coordinator stated that because of the way the project was handled, i.e., Thibeault  
31 going in and pulling out and new supers not being aware of what was left to complete, much of  
32 the winter stabilization that would have ordinarily been done had not been completed. She noted  
33 that there was not going to be enough money in the escrow account to complete the inspections  
34 but the Town was still not sure how much more would be required over the amount of the  
35 original estimate. She noted the original estimate had been substantial and that was the reason  
36 that the Board allowed payment of the escrow in installments but it had been a fairly loosely  
37 managed project. She stated the Board needed to know the plan for the project and said that the  
38 applicant seemed to be an absentee developer. She added that the Planning Office was unsure if  
39 the applicant was aware that there had been such a strange approach to the project. She advised  
40 the Board that she had suggested that the Town Engineer, the applicant, a representative from  
41 Thibeault and herself meet to discuss all the issues.

42 Mark Suennen asked how many installments had been set-up. The Planning Board  
43 Assistant answered that three installments had been set-up in the amounts of \$30,000, \$30,000

February 26, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 and \$28,500. She explained that the first and second installments had been paid prior to the  
4 submission of the six month worth of invoices. She continued that at the time the invoices that  
5 totaled \$34,000 were submitted there was \$10,500 in the escrow account. She stated that the  
6 applicant was contacted about making the final installment and he had advised that he would be  
7 reviewing each invoice prior to making the payment. She noted that she had suggested that the  
8 applicant contact the Town Engineer to discuss the invoices. She added that she believed the  
9 applicant would make the final payment. Mark Suennen commented that this situation was a  
10 great lesson for the Town Engineer with regard to submitting invoices and reports in a timely  
11 fashion. The Coordinator did not believe that the delay in submitting invoices would have  
12 changed how the project was ultimately handled and that it would go over budget. Mark  
13 Suennen agreed that there were two separate issues. He continued that the invoicing piece had  
14 burned the Town Engineer and it was his hope that invoices would be submitted on a regular  
15 basis. With regard to the construction issues, Mark Suennen believed that every time the project  
16 was started and stopped it would cost the applicant more money because the Town Engineer  
17 would need to remobilize. He added that it was not the Board's problem but the applicant's  
18 problem. The Planning Board Assistant agreed with Mark Suennen but believed the Town  
19 Engineer needed to make the applicant aware of the situation.

20 It was Mark Suennen's opinion that the Board should require submission of the escrow  
21 and a plan on how the applicant was going to proceed through the construction season. The  
22 Chairman believed that the Town Engineer needed to submit something in written that waived  
23 the requirement for the Town to pay the 1.5% interest fee for late payments.

24 Don Duhaime asked how S&R Holding, LLC, would be affected if the applicant chose  
25 not to move this year. The Coordinator answered that that applicant would be unable to move  
26 forward. Don Duhaime asked if they could tell the applicant to open the road as it was paved.  
27 The Coordinator answered that the road needed to paved to the level that a CO could be issued,  
28 i.e., binder, stop signs, guardrails, etc. She noted that the road would need to be maintained  
29 which meant plowing in the winter. She did not believe that Emile Bussiere would want to plow  
30 a road that had no one living on it. The Planning Board Assistant pointed out that the applicant's  
31 conditional deadline was not until sometime in 2014.

32  
33 10. Zoning Board of Adjustment Meeting Minutes of February 19, 2013, for the Board's  
34 information.

35  
36 The Coordinator advised that the Donovan's were planning a new facility for spinal and  
37 brain injuries. She pointed out that they currently had two facilities in Town, one located on  
38 Briar Hill Road and one located on Bedford Road.

39 The Coordinator stated that the Briar Hill Road facility was established during the late  
40 1980's. She explained that the Planning Board had required that a site plan be completed,  
41 however, the applicant had disagreed because the Federal Fair Housing Act allowed them to  
42 proceed without a site plan. She continued that the legal opinion on the matter sided with the  
43 applicant. She stated that the second facility was allowed to move forward without a site plan

February 26, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 because the Town of New Boston's definition of family differed from the Federal Fair Housing  
4 Act's definition of family. Since the definition of family was updated to deal with this issue it  
5 was possible for the applicant to apply for a variance to be allowed to have his facility  
6 considered a single family home. She noted that the applicant had for some reason submitted a  
7 Special Exception application which he had withdrawn and would be submitting the required  
8 variance application in its place. The Coordinator stated that she was relaying this information in  
9 case the Board heard of this situation and wondered why no site plan was submitted.

10 The Coordinator stated that she would copy a 2005 letter from Town Counsel on this  
11 matter for  
12 the Board.

- 13  
14 9. Memo dated February 22, 2013, from Nic Strong, Planning Coordinator to the Planning  
15 Board, re: Pre-Existing Non-Conforming Uses, Peter Beers, Laurel Lane, Tax Map/Lot  
16 #15/8, with attachments.

17  
18 The Chairman asked what would be sent to Mr. Beers. The Coordinator answered that  
19 Mr. Beers would be sent the draft letter, the current Zoning Ordinance with the non-conforming  
20 uses and the current list of uses in the "R-A" District.

21 Mark Suennen stated that it was not clear in the draft letter that Mr. Beers needs to not  
22 only prove that his businesses were in operation prior to 1990 but he also had to prove that the  
23 businesses had not ceased to operate for longer than a two year period from 1990 to the present  
24 date. He asked that the letter include that the Board required evidence that Mr. Beers had been  
25 operating his businesses continuously through a series of documentation. He added that it  
26 should be clear that the Board would be looking for continuous operation that had not ceased for  
27 two year periods. The Chairman agreed with Mark Suennen's request. He suggested that the  
28 section of zoning that addressed this be cited in the letter.

29 Mark Suennen pointed out that the Board had not required that Mr. Beers provide proof  
30 of continuous operation of his auto sales business and approved his grandfathered status based on  
31 license that was dated prior to 1990. He reasoned that the Board accepted that he had operated  
32 one business but now needed better documentation to prove that multiple businesses operated  
33 from the same location. The Coordinator added that the license provided as proof of the auto  
34 sales business was a State document. Don Duhaime asked what would happen if the documents  
35 were not provided by Mr. Beers. Mark Suennen answered that the Board would not accept that  
36 the businesses were grandfathered and would recommend that the Board of Selectmen issue a  
37 cease and desist of the operations. The Coordinator clarified that the Board could request that  
38 the Code Enforcement Officer issue a cease and desist directly.

39 The Coordinator advised that she would update the draft and email to the Board members  
40 for review. The Chairman asked that the date noted in paragraph three of the letter be written  
41 out.

42  
43

February 26, 2013

1 **Continued discussion, re: Planning Board Goals 2013**

2  
3 There were no members in the audience present.

4 Mark Suennen asked the Coordinator to explain the Application for Community Profile  
5 or Master Plan Assistance. The Coordinator explained that the University of New Hampshire  
6 Cooperative Extension, (UNHCE), offered a program to communities for input gathering. She  
7 stated that the service had been used in 2004 for a successful Community Profile, “New Boston  
8 Speaks”. She indicated that the input that came from the program guided the Master Plan  
9 update.

10 The Coordinator explained that the UNHCE offered a Master Plan Assistance program  
11 that was a scaled down version of the Community Profile. She stated that the program was  
12 geared toward only gathering input for the town’s Master Plan. She informed the Board that a  
13 committee still needed to be formed to organize the program but UNHCE would provide or train  
14 local people to facilitate the meeting. She noted that the cost for such a program was \$1,500.

15 Mark Suennen asked if the Master Plan Assistance program would be a one day program.  
16 The Coordinator thought so.

17 The Coordinator contacted Charlie French at the UNHCE and he had advised that they  
18 were just gearing up to start the sessions. She continued that there was no money set aside for  
19 such a program this year but money could be budgeted for it to take place next year. The  
20 Chairman commented that Charlie French had done a good job facilitating the cul-de-sac  
21 meeting. The Coordinator noted that Charlie French worked a lot with arbitration and consensus  
22 building.

23 The Coordinator stated that she would also look into other outside consultants to get an  
24 idea of costs.

25 Mark Suennen asked if input gathered from a Master Plan Assistance Program would be  
26 enough to complete the statutorily required Master Plan Update. The Coordinator explained that  
27 there were not any statutorily required updates. She continued that the information gathered  
28 would help guide the future land use chapter. She stated that there would not be a dry update to  
29 the tables.

30 The Chairman asked when the last update for the Master Plan was completed. The  
31 Coordinator answered the last update was completed in 2006. The Chairman asked how many  
32 years the update needed to be completed. The Coordinator answered that the updated needed to  
33 be completed every five to ten years.

34 The Chairman moved on to the Board’s goal of cul-de-sacs and stated that he agreed with  
35 the Board needed to finalize the discussion with a vote this year.

36 The Coordinator asked if the Chairman was going to prioritize the goals. The Chairman  
37 answered yes.

38 Mark Suennen stated that it would be worthwhile to review and discuss the questions  
39 listed under Zoning Ordinance, Subdivisions and NRSR Regulations over the course of the  
40 year. The Chairman suggested that one question be discussed at every Planning Board meeting.  
41 Mark Suennen further suggested that one of the questions be picked at the March 26, 2013,  
42 meeting for discussion at the following meeting as a Miscellaneous Business item.

43 The Chairman listed the following Planning Board Goals in order of priority:

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

February 26, 2013

1 **PLANNING BOARD GOALS, cont.**

2

3

1. Cul-de-sacs

4

2. Zoning Ordinance, Subdivision and NRSPR Regulations

5

3. Master Plan

6

4. Other Zoning Districts

7

5. List of roads for Master Plan

8

The Chairman asked that Board members review the list of questions listed under Zoning Ordinance, Subdivisions and NRSPR Regulations and share any others that should be considered at the following meeting.

10

11

The Chairman advised that his commute to Burlington, Massachusetts, would be ending soon and he would be willing to discuss moving the meeting time back up to 6:30 p.m. He noted the discussion could be done at the next meeting when more Board members were present.

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Mark Suennen **MOVED** to adjourn at 9:24 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.

16

17

18

Respectfully Submitted,

Minutes Approved: 4/9/13,

19

Valerie Diaz, Recording Clerk

as amended