

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

May 14, 2013

1 The meeting was called to order at 7:00 p.m. by Planning Board Chairman Stu Lewin.  
2 Present was regular member Don Duhaim, alternate member David Litwinovich and Ex-Officio  
3 Christine Quirk. Also present were Planning Coordinator Nic Strong and Planning Board  
4 Assistant Shannon Silver.

5  
6 Present in the audience for part of the meeting were Craig Heafield, Keith Savage, Dan  
7 Donovan, Sr., Dan Donovan, Jr., Arthur Siciliano, LLS, Kathleen Nichols, Karen Kersting, Dave  
8 Elliot, and Paul Sizemore.

9  
10 **HEAFIELD, CRAIG E. & CYRSTAL L. (OWNER)**  
11 **KEYLAND ENTERPRISES, LLC (APPLICANT)**  
12 Public Hearing/NRSPR/Landscaping/Garden Center  
13 Location: 722 River Road  
14 Tax Map/Lot #6/22  
15 Small Scale Planned Commercial "COM" District

16  
17 Present in the audience were Craig Heafield, Keith Savage, Dan Donovan, Sr., Dan  
18 Donovan, Jr., and Kathleen Nichols.

19 The Chairman read the public hearing notice. He stated that application was complete  
20 and the deadline for Board action was June 27, 2013. He noted that an informational discussion  
21 had taken place on January 8, 2013, and a public hearing had occurred on April 23, 2013. He  
22 indicated that recent correspondence included a memo from the Board of Fire Wards, a copy of a  
23 revised Driveway Permit #05-319-0024, that referenced the new use as a proposed garden center  
24 and a letter dated April 25, 2013, from Kathryn and Daniel Jacques with regard to the berm. He  
25 pointed out that revised plans had not been submitted by the deadline for Board review. Craig  
26 Heafield indicated that he had submitted revised plans earlier that day.

27 The Chairman stated that as previously discussed at the April 23<sup>rd</sup> hearing and at the May  
28 4<sup>th</sup> site walk, the Board would feel more comfortable with a formal easement for the maintenance  
29 access to the berm. Craig Heafield asked if the Board was looking for something more formal  
30 than a letter from the abutter. The Chairman answered, yes, and added that they were looking for  
31 something to be submitted to the Registry of Deeds. He acknowledged that the current abutter  
32 was the sister of the owner, however, he noted that that may not always be the case. He stated  
33 that the Planning Coordinator would be able to supply examples of easement language.

34 The Chairman requested that an as-built be submitted after the project was completed.  
35 Craig Heafield agreed to submit an as-built.

36 The Chairman stated that a review would be completed on the revised plans that were  
37 submitted.

38 The Chairman asked for the proposed landscaping to be discussed. Keith Savage pointed  
39 to the plan and indicated that the 25' buffer adjacent to the road would be planted with maple  
40 trees, and the existing oaks and a clump of birch would remain. He stated that the deciduous  
41 shrubs were marked in green on the plan and explained that the area would also include raised  
42 beds of bark mulch. He indentified a location on the plan that contained landscaping for  
43 perennials and shrubs. He stated that an existing oak tree would remain at the entrance of the

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

May 14, 2013

1 **HEAFIELD, cont.**

2  
3 garden center. He pointed to the location of a proposed shade tent and trellis as well as three  
4 proposed raised beds for display areas. He provided the Board with photographs of his current  
5 garden center as examples of the proposed landscaping. He pointed to the plan and explained  
6 that the yellow area was for proposed shrubs and container stock.

7 The Chairman asked for the proposed plantings in the 25' buffer. Keith Savage answered  
8 that the proposal for plantings in the 25' buffer included small deciduous shrubs. The Chairman  
9 asked how tall the shrubs would grow. Keith Savage answered that the shrubs would grow about  
10 2'- 3'tall. He added that red sunset maple trees would also be planted and he anticipated that  
11 they would grow to the height of 35' or 40'. He stated that the proposed plantings would be  
12 similar to the existing growth on the property.

13 Craig Heafield pointed out the location of the building setback line and explained that it  
14 was located 50' from the State's right-of-way. He noted that it was prohibited to have the  
15 building, driveway or parking located in the setback. He continued that the setback had to be  
16 clear from the ground to the sky. He stated that the area would be clear with the exception of  
17 plants in containers. Keith Savage stated that the berms would be raised and feather out to  
18 nothing. The Chairman indicated that he had driven by Mr. Savage's existing property on several  
19 occasions and noted that it looked really nice. He asked for confirmation that there was nothing  
20 being proposed within the 50' setback that would be permanent. Keith Savage confirmed that  
21 nothing permanent would be located within the 50' setback. He identified the proposed location  
22 for the balled and burlap trees.

23 The Chairman asked the Coordinator if she believed the proposed number of trees and  
24 shrubs met the Zoning requirements in terms of density. The Coordinator could not answer the  
25 question without reading the requirements. Keith Savage stated that horticulturally speaking, the  
26 Zoning requirements of planting 3" caliper trees, every 300 s.f. would not work. The Chairman  
27 stated that his concern was that for the proposed use of garden center the applicant's landscaping  
28 plan worked to showcase that kind of facility. He noted, however, that future uses may be better  
29 served by providing more shielding from the road which was partly the intent of the Zoning  
30 Ordinance's landscaping requirements. Craig Heafield thought that he would have to come back  
31 to the Board to make any changes. The Coordinator indicated that a change in use would require  
32 discussion of a new site plan and the potential would exist to discuss different landscaping  
33 requirements at that time.

34 The Chairman asked for comments and/or questions from the Board. David Litwinovich  
35 asked for the height of the trees that were proposed to be planted in the landscape buffer. Keith  
36 Savage answered that the proposed trees were 12' -13' tall.

37 The Chairman asked if anyone had an issue with the proposed landscaping. Christine  
38 Quirk commented that she did not have a problem with the proposed landscaping. She went on  
39 to say that she agreed with the Chairman that more protection may be required if the use  
40 changed.

41 The Chairman asked if the applicant and owner had seen the memo from the Board of  
42 Fire Wards. Craig Heafield answered no but stated that he had spoken with the Fire Inspector  
43 the previous day. The Chairman indicated that the Fire Wards wanted to see an internal plan of

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

May 14, 2013

1 **HEAFIELD, cont.**

2  
3 the building. The Coordinator explained that the Building Inspector would address that issue.

4 The Chairman asked if anyone believed the plan should include a Stormwater  
5 Management Plan. The Chairman asked that a note or memo from the engineer be submitted to  
6 certify that water from the site would not flow onto any of the abutting lots. Craig Heafield  
7 agreed to add the note or memo.

8 Craig Heafield stated that he had submitted updated proposed lighting. The Chairman  
9 reminded him that whatever was on the approved plan needed to appear at the site in order to be  
10 approved for compliance.

11 The Coordinator asked if a separate landscape plan would be submitted. Craig Heafield  
12 answered that he would have the landscape plan as a separate sheet.

13 Don Duhaime asked if the berm had been hydro-seeded. Craig Heafield answered yes  
14 and noted that the driveway was currently under construction.

15  
16 The Chairman seated David Litwinovich as a full-voting member in Mark Suennen and  
17 Peter Hogan's absences.

18  
19 David Litwinovich **MOVED** to adjourn the Public Hearing/NRSPR/Landscaping/Garden  
20 Center, Craig E. & Crystal L. Heafield, (Owner) and Keyland Enterprises, LLC,  
21 (Applicant), Location 722 River Road, Tax Map/Lot #6/22, Small Scale Planned  
22 Commercial "COM" District, to May 28, 2013, at 8:00 p.m. Don Duhaime seconded the  
23 motion and it **PASSED** unanimously.

24  
25 **FERUS TERRA, LLC (OWNER)**

26 **CASTLE DONOVAN, III (APPLICANT)**

27 **ARTHUR F. SICILIANO LAND SURVEYING, LLC (APPLICANT)**

28 Submission of Application/Public Hearing/NRSPR/to allow the construction and operation of an  
29 Assisted Living Residence/Supported Residential Health Care Facility

30 Location: Old Coach Road

31 Tax Map/Lot #10/3-2 & 10/3-3

32  
33 Present in the audience were Dan Donovan, Sr., Dan Donovan, Jr., Arthur Siciliano, LLS,  
34 Kathleen Nichols, and Karen Kersting.

35 The Chairman read the public hearing notice. He noted that the application form and  
36 cover sheet was completed, signed and submitted on April 29, 2013. He added that there were  
37 no outstanding fees.

38 The Chairman explained that the proposal was the subject of a ZBA hearing for a  
39 variance. He continued that the variance was granted on March 12, 2013, to allow for the  
40 construction and operation of an Assisted Living Residence, Supported Residential Health Care  
41 Facility, with the condition that a Non-Residential Site Plan Review application be submitted to  
42 the Planning Board.

43 The Chairman stated that the plans had been reviewed against the checklist requirements

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

May 14, 2013

1 **FERUS TERRA/DONOVAN, cont.**

2  
3 and there were some outstanding issues to be discussed.

4 Dan Donovan, Sr. stated that he currently owned two similar facilities in town and the  
5 proposed facility was similar to the Bedford Road facility. He noted that the proposed facility  
6 would only be one story and would not have a garage under. He explained that the proposed  
7 facility would serve adults with brain and spinal cord injuries as well as adults with neurological  
8 diseases. He deferred site work questions to Arthur Siciliano, LLS.

9 Arthur Siciliano, LLS, stated that currently there were two lots and they would be  
10 combined. He pointed to the plan and identified the location of the driveway, septic systems and  
11 garage. He indicated that he had completed the basic grading for the site and he had proposed  
12 landscaping that needed to be reviewed. He advised that he had gone over the parking  
13 calculations with the Coordinator and needed to add an additional space to the plan. He stated  
14 that he wanted to speak with the Board this evening and on the site walk before having an  
15 engineer complete a Stormwater Management Plan. He asked the Board for any questions.

16 The Chairman stated that the applicant had submitted all items required for a completed  
17 application.

18  
19 Don Duhaime **MOVED** to accept the application of Ferus Terra, LLC (Owner), Castle  
20 Donovan, (Applicant), Arthur F. Siciliano Land Surveying, LLC (Applicant), Location:  
21 Old Coach Road, Tax Map/Lot #10/3-2 & 10/3-3, Residential-Agricultural "R-A", as  
22 complete. Christine Quirk seconded the motion and it **PASSED** unanimously.

23  
24 The Chairman advised that the deadline for Board action was July 18, 2013.

25 The Chairman asked if Mr. Siciliano had seen the review comments. Arthur Siciliano,  
26 LLS, answered yes. The Chairman stated that the drainage would be discussed at the site walk.

27 The Chairman asked if there would be a loading dock. Arthur Siciliano, LLS, answered  
28 that there would not be a load dock but there would be a walkout.

29 The Chairman asked if the driveway was going to be paved. Arthur Siciliano, LLS,  
30 answered yes.

31 The Chairman asked if the plan for merging the lots had been discussed with the  
32 Coordinator. Arthur Siciliano, LLS, answered no and suggested that the approval of the site plan  
33 be conditioned on the lot merger. He indicated that the lot merger would be completed prior to  
34 the issuance of the building permit. He explained that they wanted to close on the property prior  
35 to the lot merger. The Chairman asked if there were any issues with Mr. Siciliano's suggestion.  
36 The Coordinator answered that it would be fine.

37 The Chairman advised that the applicant needed to obtain a driveway permit as the  
38 driveway was being moved.

39 The Chairman asked for the number of employees that would work at the facility and at  
40 what times shift changes would take place. Dan Donovan, Sr., advised that 8-9 employees  
41 would work during the first shift, 5 employees would work during the second shift and 4  
42 employees would work during the third shift. He noted that the facilities did not receive many  
43 visitors, however, there would be as many parking spaces as they could fit in the back of

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

May 14, 2013

1 **FERUS TERRA/DONOVAN, cont.**

2  
3 building as it assisted with plowing.

4 The Chairman asked if there was an exterior plan for the proposed building. Dan  
5 Donovan, Sr., stated that the exterior of the building would resemble a farm building, i.e., a  
6 house with a barn. The building design plans were displayed.

7 The Chairman asked for the location of the external lights. Dan Donovan, Sr., indicated  
8 that there would not be many lights on the front of the building and that most of the external  
9 lighting was located at the back of the building. He pointed to the plan and identified the  
10 location of a 40 watt light that was over the front door. Arthur Siciliano, LLS, identified the  
11 location of two lights on the back of the building. Dan Donovan, Sr., noted that the lighting  
12 specifications had been submitted to the Board.

13 The Chairman asked if the flow calculations were only based on the number of beds and  
14 number of employees and if visitors were taken into consideration. Dan Donovan, Sr., explained  
15 that because there were so few visitors, it did not need to be part of the calculation. He went on  
16 to say that the residents at the facilities lived there for years and had lost most of their associates  
17 and friends because they were no longer able to function.

18 The Chairman asked for further comments and/or questions from the Board; there were  
19 no comments or questions.

20 The Chairman asked for comments and/or questions from the audience. Kathleen  
21 Nichols pointed out the location of her property on the plan. She indicated that she had owned  
22 her land for the last forty years. She stated that she had concerns with the side and back of the  
23 proposed building. She referenced Section 320.4, of the Zoning Ordinance, and noted a  
24 requirement for a 25' landscaped buffer all around for businesses that moved into rural,  
25 residential areas. She hoped that there would be landscaping between her property and the ring  
26 road. She explained that the area she was concerned about had been clear cut and there was no  
27 landscaping at all. She also noted that there should be landscaping around the proposed garage  
28 as she would be able to see that as well. The Chairman pointed out that if this were a residential  
29 garage being built it would not need any screening.

30 Kathleen Nichols noted that the location of the proposed facility was a rural, residential  
31 area and as such she was hopeful that the applicant would use "dark-sky" lighting and ensure that  
32 the lights did not shine up. The Chairman stated that the proposed lighting would shine down.

33 Karen Kersting of 540 Old Coach Road stated that she lived across the street from the  
34 proposed facility and commented that she appreciated the proposal for a front door light. She  
35 believed the applicant had addressed her landscaping concerns.

36 The Chairman asked if Ms. Nichols had an existing home on her property that was not  
37 shown on the plan. Kathleen Nichols answered that currently there was not a home on the  
38 property, however, she and her husband had plans to retire to the property.

39 Castle Donovan commented that the proposed facility was not a business and was a  
40 residence, as determined by the federal government. He noted that the information could be  
41 found under the Fair Housing Act. The Chairman noted that the variance that was requested had  
42 not necessarily requested that the application be considered as such. He stated that the Board  
43 would look into that further and he did not want to be definitive at this point.

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

May 14, 2013

1 **FERUS TERRA/DONOVAN, cont.**

2  
3 The Chairman asked for further comments and/or questions; there were no further  
4 comments or questions.

5 The Chairman requested that the center line of the driveway, outline of the proposed  
6 building and proposed paved area corners be marked for a site walk. The Coordinator suggested  
7 that a couple of points on the Nichols' lot line be marked as well. Art Siciliano, LLS, pointed out  
8 that the lot line was a stone wall and therefore easy to find. David Litwinovich requested that the  
9 proposed garage also be marked. The site walk would be scheduled for Wednesday, May 22,  
10 2013, at 6:30 p.m.

11 Christine Quirk asked Ms. Nichols how much land she owned on Old Coach Road.  
12 Kathleen Nichols answered that she owned 15 acres.

13 The Chairman advised that abutters would not be receiving further notices with regard to  
14 scheduled meetings and they needed to be responsible for tracking when meetings were  
15 scheduled. He noted that the next meeting on this matter was scheduled for May 28, 2013, at  
16 8:30 p.m.

17  
18 Don Duhaime **MOVED** to adjourn the public hearing of Ferus Terra, LLC (Owner),  
19 Castle Donovan, (Applicant), Arthur F. Siciliano Land Surveying, LLC (Applicant),  
20 Location: Old Coach Road, Tax Map/Lot #10/3-2 & 10/3-3, Residential-Agricultural "R-  
21 A", to May 28, 2013, at 8:30 p.m. David Litwinovich seconded the motion and it  
22 **PASSED** unanimously  
23

24 The Chairman explained that members of the public needed permission to walk the  
25 property with the Board at the site walk. Dan Donovan, Sr., gave permission to abutters to  
26 attend the site walk.  
27

28 **Discussion, re: plan amendment to Sizemore Truck & Auto, 150 Weare Road, Tax**  
29 **Map/Lot #5/29-1, Existing Non-Residential Site Plan to show the location of a proposed**  
30 **building for an office that will replace the existing building and provide additional storage**  
31 **for the existing business. This is to an expansion of the existing business.**  
32

33 Present in the audience were Paul Sizemore and Dave Elliott.

34 The Chairman invited Mr. Sizemore to present to the Board. Paul Sizemore explained  
35 that the current set-up at his shop did not offer him privacy or cleanliness (dust/fumes/grease)  
36 with the office inside the existing shop building. He pointed to a plan of the property and  
37 identified the location of a proposed office building. He indicated that a design for the building  
38 had not been chosen but he believed it would about 24' x 30' in size. He stated that initially he  
39 had thought of using a temporary trailer to house the office, however, he believed they were ugly  
40 and expensive.

41 Paul Sizemore pointed to the plan and identified the locations of the access, existing  
42 building and the proposed building. He advised that he had obtained an approved amended  
43 septic permit from the State for the purposes of installing an additional bathroom.

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

May 14, 2013

1 **SIZEMORE, cont.**

2  
3 Don Duhaime asked if the existing building would remain in its location. Paul Sizemore  
4 answered yes. He stated that he had been looking a post and beam style buildings but had not  
5 made any decisions.

6 Christine Quirk questioned if it was necessary to go through the Site Plan Review process  
7 for the additional building. The Coordinator stated that the Board needed to make that  
8 determination.] Christine Quirk stated that she had to go through the Site Plan Review process  
9 for a garage at the Friendly Beaver Campground. The Chairman stated that the plan was updated  
10 to show three additional parking spaces and the proposed location of the building. He went on to  
11 say that the use at the site was not changing. The Planning Board Assistant added that additional  
12 flow was not being added to the business. The Chairman indicated that he wanted Mr. Sizemore  
13 to come back to the Board with the actual size of the proposed building and lighting. Don  
14 Duhaime asked if the driveway would stay the same. Paul Sizemore answered yes and noted that  
15 two of the storage trailers that were currently on the property would be removed. The Chairman  
16 asked Christine Quirk if there was anything else that needed to be added to the plan that was not  
17 there already. Christine Quirk answered that the question should be asked of the Coordinator as  
18 she was unsure. She continued that maybe there was a difference between the campground  
19 putting up a garage versus this proposal. The Coordinator indicated that she would have to  
20 review the files and compare the applications. The Chairman requested that the Coordinator  
21 look into the matter.

22 The Chairman advised that it was possible that Mr. Sizemore may not have to do any  
23 more than he has already completed. He added that the Board would want Mr. Sizemore to  
24 come back to present the actual proposed building. He explained that the office would look into  
25 how to move forward procedurally.

26 It was the consensus of the Board that proposed plan presented was reasonable.

27  
28 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
29 **MAY 14, 2013.**

- 30  
31 5. Letter dated May 1, 2013, from Kevin M. Leonard, P.E., Northpoint Engineering, to  
32 Nicola Strong, Planning Coordinator, re: Twin Bridge Estates-Phase II-Site Stabilization  
33 & Necessary Planning for Future Certificate of Occupancies, for the Board's information.  
34

35 Dave Elliott stated that he was present to hear the opinion of the Board with regard to the  
36 above-referenced matter. He went on to explain that during a pre-construction meeting it had  
37 been discussed that the project would work through bond reductions. He commented that it was  
38 a unique situation and that D&S Excavation was paid through the bond reductions. He said that  
39 he did not necessarily agree with everything stated in the Town Engineer's letter.

40 Dave Elliott stated that he would like to sit through the Board's discussion and make  
41 comments. The Chairman explained that the matter was not scheduled to be discussed. He  
42 stated that it was the Town Engineer's responsibility for keeping track of these things in the  
43 Town's interest and not the developer's interest. He stated that he was concerned with regard to

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 some of the points that the Town Engineer had listed.

4 The Coordinator stated that during the subdivision approval process the Town Engineer  
5 had raised the question of how earth removal or moving from the back of property would be  
6 handled. She stated that it had been determined that the grading and preparation of the lots had  
7 to tie into the grading and the construction of road. She continued that the Board had not  
8 required a bond for the work outside of the right-of-way and had not required  
9 inspection/compaction testing for those lots. She stated that to ensure that the plan itself worked  
10 the AoT Permit had been approved in 5 acre increments and the grading/road work had been tied  
11 together. She pointed out that the issue with the project was that in the push to get the road  
12 completed certain things that were part of the approval were not being concentrated on. She  
13 indicated that the Town Engineer had highlighted these things for the Town and Road Agent in  
14 order to get a plan from the developer with regard to addressing those things that had not been  
15 concentrated on. She stated if there was a period of time when work was not taking place,  
16 something needed to be done to stabilize the open area. She explained that even if there was no  
17 runoff there was still a potential for things to slip and wind to blow.

18 The Coordinator stated that it would be helpful to have Tris Gordon, Bob Huettner, Dave  
19 Elliott, Dick Perusse and Kevin Leonard to get together to determine a plan and how it will all tie  
20 together. Don Duhaime asked if the entire road had been brought to binder. The Coordinator  
21 answered yes.

22 The Coordinator stated that with regard to Certificates of Occupancies, (CO), the  
23 regulation was clear and once the road was brought to binder and guardrails/stop signs/street  
24 signs were installed COs could be issued. She explained that the stabilization and grading was  
25 part of the overall plan approval and needed to be completed for compliance and acceptance.

26 Don Duhaime asked if the guardrails, stop signs and streets signs had been installed.  
27 Dave Elliott answered that the road had recently been paved. He explained that before guardrails  
28 were installed the road needed to be paved, shoulders needed to be finished and the Road Agent  
29 needed to define the locations for the guardrails. He stated that he met with the Road Agent that  
30 day and the guardrail would be installed within the next two weeks. He stated that he had never  
31 been required to have guardrails installed for COs in the past. The Coordinator stated that the  
32 requirement for the installation of guardrails was always noted in the Notice of Decision. Dave  
33 Elliott commented that Wright Drive was much safer than Twin Bridge Road. He explained that  
34 Twin Bridge Road had an 18" shoulder, 1:1 slopes, and was 30' down to the river. He stated that  
35 Wright Drive was a pretty straight road. He indicated that one of the issues with Wright Drive  
36 was relative to dividing ditch lines and those could not be driven through. He stated that the only  
37 guardrail requirements were for cross culverts in the road. He noted that the length of the culvert  
38 pipes were limited in an effort to minimize wetland disturbances. He believed that no safety  
39 hazards existed on the road.

40 The Coordinator asked if the installation of the guardrail was an issue because the  
41 developer wanted a CO prior to installation. Dave Elliott answered yes and advised that a  
42 closing was scheduled for the end of the month. He explained that prior to the CO being issued  
43 the guardrail needed to be installed, inspected and approved. He believed that waiting to get the



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

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 CO would be cutting it close to the wire with regard to the closing.

4 The Chairman asked where the two completed houses were located. Dave Elliott  
5 commented that the two houses, lot #4 and #5, were located in areas where there were no safety  
6 issues relative to the road.

7 Dave Elliott stated that closings had occurred prior to the installation of guardrail during  
8 Phase I of the subdivision on Page Lane. He also indicated that guardrail had not been installed  
9 on Carriage Road prior to closings. The Coordinator stated that the requirement that guardrails  
10 be installed prior to the issuance of COs had been in the Notice of Decisions as long as she had  
11 worked for the Planning Department. She stated that the verification of the installation of  
12 guardrails may not have been verified and she would make sure that it was verified from now on.  
13 Dave Elliott stated that requiring guardrails to be installed prior to the issuance of COs was not  
14 business as usual. The Chairman noted that it was part of the decision and regardless of whether  
15 it was business as usual. He pointed out that it was part of the decision at the time the approval  
16 was granted and it was not a surprise.

17 Don Duhaime stated that another concern of the Town Engineer was that the disturbance  
18 area exceed more than 5 acres. Dave Elliott indicated that at the time the letter was written a lot  
19 of seeding and mulching had been completed for winter conditions. He pointed out that  
20 germination had not started at the time the letter had been written. Don Duhaime asked if the 5  
21 acre area was under control. Dave Elliott answered that approximately 5 acres had been  
22 stabilized. He advised that anything over a 4:1 slope was stabilized and had been since last year.

23 Dave Elliott stated that he was not aware that the AoT permit was tied to house sites; he  
24 thought it was confined to the road. He pointed out that there was separation between the road  
25 and the house sites with existing remaining vegetated areas. Dave Elliot stated that there was no  
26 danger of erosion on lots #4 and #5. He explained that the subdivision was similar to a gravel pit  
27 in that it was self contained and all the water stayed in. He noted that a very small percentage of  
28 water traveled out of the subdivision at the entrance. He indicated that all of the ponds had been  
29 graded to the extent that they could for winter conditions. He went on to explain that the ponds  
30 used a filter material and they were in the process of blending materials to achieve the desired  
31 result.

32 The Chairman noted that the above-referenced letter was three pages in length. He asked  
33 if the first page accurately captured the state of the subdivision. Dave Elliott disagreed with the  
34 statement that “numerous stock piles had not been properly stabilized”. He explained that the  
35 required winter stabilization of seeding and mulching had been completed.

36 Dave Elliott noted that the Town Engineer had stated on the first page of the letter that  
37 the infiltration basins had been “roughed in and had not been finished”. He explained that the  
38 infiltration basins could not have been finished during the time that the letter was written due to  
39 winter conditions.

40 Dave Elliott pointed out that the Town Engineer had addressed the silt fences. He  
41 advised that 95% of the silt fence was installed according to the plan in any place that they had  
42 been working. He stated that wherever the silt fence was required it had been installed and  
43 maintained. He acknowledged that the weight of the snow pulled some of the fabric off the

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 stakes, however, they had stapled the fabric back onto the stakes.

4 The Chairman moved on to the second page of the letter and noted that it addressed  
5 stabilization. He indicated that Mr. Elliott had previously spoken about the stabilization and  
6 asked him if they were under the 5 acre requirement. Dave Elliott answered yes.

7 The Chairman stated that the last page of the letter dealt with the COs. Dave Elliott  
8 explained that the issue pertained to the requirement of installing the guardrail prior to the  
9 closing. He stated he was not saying he could not install the guardrail within the next two weeks,  
10 however, he believed it would be a challenge.

11 Dave Elliott stated that the last issue in the report was relative to the "pit area". He  
12 understood that there was a maximum amount of material that was allowed to be removed from  
13 the subdivision, however, he had been unable to find a requirement that required he remove the  
14 material in a certain amount of time. He believed that the Town Engineer was concerned about  
15 the open excavation area which will have 60K yards of material removed. The Coordinator  
16 clarified that it was not an excavation operation and that it was incidental to construction. She  
17 continued that the minutes clearly stated that the lots and road needed to be graded together and  
18 that the AoT Permit was limited to 5 acres and anything that was rough graded and exposed  
19 without stabilization defined the limits of the construction to be stabilized. She explained that  
20 because it was all supposed to be tied together it effectively said that the time limit was when the  
21 work was completed.

22 The Chairman commented that this subdivision may not have been approved in the  
23 business as usual way because of the amount of material that needed to be removed. He stated  
24 that he would like to table this matter for the evening. He continued that the Board members  
25 should take a look at the subdivision and schedule the Town Engineer, Road Agent and Dave  
26 Elliott to be present at the next meeting to discuss the matter. He then requested that the  
27 Planning Office look into past meeting minutes on this subdivision so that the Board could get a  
28 recollection of what happened and decide whether to schedule a meeting of all parties.

29  
30 1. Approval of the April 09, 2013, minutes distributed by email.

31  
32 Don Duhaime **MOVED** to approve the minutes of April 09, 2013, as written. David  
33 Litwinovich seconded the motion and it **PASSED** unanimously.

34  
35 2. Approval of the April 23, 2013, minutes distributed by email.

36  
37 Don Duhaime **MOVED** to approve the minutes of April 23, 2013, as written. David  
38 Litwinovich seconded the motion and it **PASSED** unanimously.

39  
40 3. Memorandum dated April 24, 2013, from Ed Hunter, Building and Code Enforcement  
41 Officer to New Boston Planning Board, re: Non-Foundation Structures, for the Board's  
42 review and discussion.

43

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 The Chairman asked how someone would currently move forward with installing an  
4 above-ground pool that did not meet the 50' setback. The Coordinator explained that the person  
5 would be required to appear before the Board to obtain approval. The Chairman asked if there  
6 was a form, fee or checklist associated with this matter. The Coordinator answered no.

7 The Chairman asked if there had been any applications under this section. The  
8 Coordinator answered that the only one was with regard to a trailer on the Dodge property on  
9 Tucker Mill Road.

10 Don Duhaime commented that an above-ground pool was not a permanent structure and  
11 could go into the wetland buffer.

12 The Chairman did not believe the above-referenced matter was an issue as no one had  
13 ever requested it. He continued that if a request was made then the Board should handle the  
14 matter. Don Duhaime disagreed and thought the matter could be left to the Code Enforcement  
15 Officer's discretion with regard to a pool. David Litwinovich was concerned that pool water  
16 could pose a threat to wetlands. Don Duhaime explained that the concentration of chemicals in  
17 the pool water could not affect anything. Christine Quirk added that the chlorine would  
18 dissipate.

19  
20 Christine Quirk **MOVED** to allow the Code Enforcement Officer to say that above-  
21 ground pools could be considered non-foundation structures with the stipulation that the  
22 Planning Board be notified in writing for every instance. Don Duhaime seconded the  
23 motion and it **PASSED** unanimously.

24  
25 4a. Letter dated April 24, 2013, from Nic Strong, Planning Coordinator, to Peter  
26 Shellenberger, re: Paving gravel driveway and parking area, Warehouse, Tax Map/Lot  
27 #6/40-1-1, Byam Road, for the Board's information.

28  
29 4b. Email received April 29, 2013, from Kenneth C. Clinton, LLS/PLS, Meridian Land  
30 Services, Inc., to Nicola Strong, re: Ecosmith-Shellenberger, Pavement Considerations,  
31 for the Board's review and discussion.

32  
33 The Chairman addressed items 4a and 4b together as they were related.

34 The Coordinator advised that part of the driveway was paved and the applicant was  
35 looking to do the rest of the area. The Chairman asked who would be responsible for the pre and  
36 post pavement inspection with verification reports. The Coordinator indicated that the  
37 information was not specified but she believed Meridian Land Services, Inc. would most likely  
38 complete the reports.

39 Don Duhaime stated that he did not have an issue with the paving as the engineer felt  
40 comfortable with it. The Board agreed that this was an appropriate request.

41  
42 6. Email dated May 10, 2013, from James Bath, Shaky Pond Development, to Nic Strong,  
43 Planning Coordinator, re: DES Wetlands Approval, for the Board's information.

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2

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

5

6 7. Update, re; Christian Farm Drive.

7

8 The Coordinator advised that the letter of credit had been called and the funds were  
9 transferred to the Town's account. She noted that the funds would be moved to a separate  
10 escrow account for the Christian Farm Drive project.

11 The Coordinator stated that at the last Board of Selectmen meeting the residents of  
12 Christian Farm Drive and Road Agent were present. She indicated that a discussion took place  
13 with regard to who would complete the road.

14 The Coordinator stated that she had sent an email to the Town Administrator, Road  
15 Agent and Board of Selectmen that informed them that there were still a lot of questions and  
16 until some of those questions were answered the project should not be pushed too quickly with  
17 the project, i.e., if money was left over did it need to be returned to someone?; could the Town  
18 keep the money for maintenance purposes? The Coordinator explained that because the closing  
19 had not taken place it was not yet known if the new owner purchased the road along with the  
20 lots. She also pointed out that it was not certain if a deed would come to the Town for the road  
21 or if would be considered a right-of-way. She noted that the process had started to move over to  
22 the Board of Selectmen and decisions regarding the road would be the Board of Selectmen's to  
23 make. She added that the Board of Selectmen would not be able to accept the road if it were  
24 not given to the Town. She noted that the closing would take place on May 25, 2013, and some  
25 of the questions would be answered.

26 Christine Quirk stated that the Board of Selectmen had agreed to take over the road and  
27 take care of it. She added that it did not appear that there would be enough money to subcontract  
28 the work out and that the Highway Department would need to complete the road. The  
29 Coordinator stated that the Town Engineer had prepared an estimate that showed there was  
30 enough money to repair and complete the road. She stated that it was her understanding that the  
31 cost to complete the road going to come in lower than estimated because the Road Agent had a  
32 bid for pavement that was less than the Town Engineer's estimate.

33 Christine Quirk advised that the Board of Selectmen had told the residents of Christian  
34 Farm Drive that they were going to be taking the road over and had requested that the Town  
35 Administrator look into postal service. She added that they had discussed accepting the road  
36 within the next couple of weeks. The Coordinator pointed out that Board of Selectmen may not  
37 be able to accept the road as there may not be a road to accept. She explained that there may  
38 only be a right-of-way and the letter from Town Counsel said that the determination could not be  
39 made until after the closing.

40

41 8. Report on OEP Spring planning conference.

42

43 The Chairman advised that he and David Litwinovich had attended the OPE Spring

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

May 14, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 Planning Conference. He stated that he had attended a discussion with regard to population  
4 projections and it was believed that student populations were continuing to drop and the issue of  
5 expanding schools may not be an issue anymore.

6

7 Don Duhaime **MOVED** to adjourn at 9:00 p.m. David Litwinovich seconded the motion  
8 and it **PASSED** unanimously.

9

10 Respectfully Submitted,  
11 Valerie Diaz, Recording Clerk

Minutes Approved:  
06/11/2013