

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

June 25, 2013

1 The meeting was called to order at 6:30 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular members Don Duhaime and Peter Hogan, and Ex-Officio Christine Quirk.
3 Also present were Planning Coordinator Nic Strong, Planning Board Assistant Shannon Silver
4 and Recording Clerk Valerie Diaz.

5
6 Present in the audience for part of the meeting were Dick Perusse, Road Agent, Ed
7 Hunter, Building Inspector/Code Enforcement Officer, Dwight Lovejoy, Selectman, Willard
8 Dodge, Road Committee Member, Dan Donovan, Sr., Dan Donovan, Jr., Greg Michael, Esq., Art
9 Siciliano, LLS, Tris Gordon, Bob and Sharon Huettner, Sam Proctor, Dave Elliot, Charlie
10 French, and Dan Reidy.

11
12 **Discussion with Dick Perusse, Road Agent, re: Cul-de-sacs**

13
14 Present in the audience were Dick Perusse, Road Agent, Ed Hunter, Building
15 Inspector/Code Enforcement Officer, Dwight Lovejoy, Selectman, and Willard Dodge.

16 The Chairman stated that Dick Perusse, Road Agent, was relatively new with regard to
17 the on-going cul-de-sac discussion. He continued that the cul-de-sac discussion was being
18 revisited as the Board was going to do something affirmative by the end of the year. He
19 explained that a new Police Chief and Road Agent had been hired and the Board was polling
20 them and was asking the two following questions, "What is your opinion of cul-de-sac length?"
21 and "Is there anything in the existing regulations that you would want to change with regard to
22 cul-de-sacs or what things could be done on longer cul-de-sacs that would make them more
23 amenable, i.e., underground utilities or drainage depth requirements?"

24 Dick Perusse, Road Agent, noted that he had been working for the Town for a little over
25 two years and he had not gone through the regulation for cul-de-sacs. He stated that it would be
26 a great thing if the Town did not have any cul-de-sacs, however, he commented that would not
27 happen. He indicated that there were a variety of existing cul-de-sac sizes in Town and he
28 believed that they should be standardized. He commented that standardizing the size of cul-de-
29 sacs would make winter maintenance simpler for the Highway Department.

30 Don Duhaime asked for Dick Perusse, Road Agent's, preference with regard to the
31 minimum length of cul-de-sacs. Dick Perusse, Road Agent, stated that he could not answer the
32 question as he had not gone through the regulations. He asked for the current cul-de-sac length
33 maximum. Don Duhaime answered that currently the maximum length of cul-de-sacs was
34 1,000'. The Chairman asked if length mattered to Dick Perusse, Road Agent. Dick Perusse,
35 Road Agent, answered that the length did not really matter to him and that he preferred through
36 roads.

37 The Chairman stated that he never really understood why cul-de-sacs were problematic
38 and asked Dick Perusse, Road Agent, to explain why it was that cul-de-sacs were problematic.
39 Dick Perusse, Road Agent, stated that winter maintenance was problematic. He stated that the
40 majority of the Highway Department trucks had front plows and wing plows and as a result the
41 trucks were either being sucked into snow banks or pushed out of snow banks. He further
42 explained that snow in the turnaround decreased the availability for snow storage. He stated that
43 it was very difficult to plow cul-de-sacs without equipment available to open up the area. He

June 25, 2013

1 **DISCUSSION WITH ROAD AGENT, RE: CUL-DE-SACS, cont.**

2
3 explained that some of the snow was placed on the center islands and that it would be better if
4 the depressed areas were no more than 3' deep; he pointed out that some of the depressed center
5 islands in Town were 5' deep and it was too deep for drainage. He added that in some instances
6 it would be better to have the center island area paved with a catch basin.

7 Don Duhaime asked for Dick Perusse, Road Agent's, opinion on the diameter of the cul-
8 de-sac. Christine Quirk further asked if the diameter should double in size. Dick Perusse, Road
9 Agent, answered that were pros and cons with regard to diameter size. He asked for the size of
10 the diameter of the Twin Bridge Subdivision cul-de-sac. The Coordinator provided Dick
11 Perusse, Road Agent, a diagram of the Town's standard size cul-de-sac detail. Dick Perusse,
12 Road Agent, reviewed the diagram and commented that he would bump up the current 75' radius
13 a little bit.

14 The Chairman asked for an explanation on how cul-de-sacs were plowed. Dick Perusse,
15 Road Agent, explained how cul-de-sacs were plowed; first with the direction of traffic and then
16 the opposite way.

17 Peter Hogan stated that the Board wanted to solve the problems with cul-de-sac designs.
18 He indicated that the Board could make applicants build the cul-de-sacs the way that the Road
19 Agent believed they should be built. Dick Perusse, Road Agent, reiterated that he had not
20 reviewed the regulations and could not answer the question.

21 Don Duhaime asked for Dick Perusse, Road Agent's, opinion of T-intersections or
22 hammerheads for cul-de-sacs. Dick Perusse, Road Agent, stated that he disliked T-intersections
23 because there was no way to get into the T while plowing to clear out the snow.

24 Peter Hogan asked if Dick Perusse, Road Agent, preferred raised cul-de-sacs or cul-de-
25 sacs that were not raised. Dick Perusse, Road Agent, answered that he preferred that the
26 drainage located in the center of cul-de-sacs be raised.

27 Peter Hogan asked if there was a preferred maximum number of houses that should be
28 located around the circle area of a cul-de-sac. Dick Perusse, Road Agent, answered that reducing
29 the number of houses around the circle area of a cul-de-sac would be a great help. He referred to
30 the Twin Bridge Subdivision cul-de-sac and stated that there were at least five houses, which, in
31 his opinion, was too many.

32 Dick Perusse, Road Agent, indicated that drainage in cul-de-sacs was a big issue. He
33 stated that catch basins would make it easier to maintain.

34 Peter Hogan stated that this was one of those neat areas that it was the Road Agent's call
35 and money was no object. He continued that if applicants wanted cul-de-sacs they would have to
36 pay for them and make them maintainable from the Town's perspective. He commented that the
37 Board did not want applicants building things that were difficult to maintain. He stated that the
38 Board wanted to know from the Road Agent his thoughts on whatever would make cul-de-sacs
39 easier for the Town. He further stated that he was sick of hearing from the former Highway
40 Department that cul-de-sacs were too difficult and that they would hold their breath until they
41 turned blue because they did not want them. Dick Perusse, Road Agent, commented that the
42 reality was that there were a number of cul-de-sacs in Town and the Town would continue to get
43 them. Peter Hogan indicated that he liked cul-de-sacs and thought they were pretty good. He

June 25, 2013

1 **DISCUSSION WITH ROAD AGENT, RE: CUL-DE-SACS, cont.**

2
3 went on to say that he believed that Board should do whatever they could to make the people
4 maintaining the cul-de-sacs happy because a happy maintainer made for a happy taxpayer. He
5 added that it was the Board's ultimate responsibility to make sure that the taxpayers were happy.

6 Dick Perusse, Road Agent, indicated that he wanted to review the regulations more than
7 he had and compare a variety of cul-de-sacs. The Chairman stated that the Road Agent was
8 encouraged to review the regulations and come back to discuss with the Board. Peter Hogan
9 added that the Road Agent's notes could be sent to the Board.

10 Peter Hogan asked if the Road Agent wanted any curbing in the middle of the cul-de-sac.
11 Dick Perusse, Road Agent, answered no and added that curbing of any kind made it more
12 difficult and would require more maintenance due to damage. He continued that it would not
13 matter what kind of curbing, i.e., vertical granite, sloped granite or a Cape Cod berm, as there
14 would be damages.

15 Dick Perusse, Road Agent, asked when the Board wanted to hear back from him. The
16 Chairman requested that the Road Agent provide information on cul-de-sacs to the Board by the
17 first Planning Board meeting in September 2013. Don Duhaime pointed out that a discussion
18 relative to cul-de-sacs was scheduled to take place on July 23, 2013, and questioned if the
19 information from the Road Agent be provided by that date. The Chairman stated that if the Road
20 Agent gathered his information prior to the September 2013 meeting it could be submitted.

21
22 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
23 **June 25, 2013.**

- 24
25 14. Memorandum with attachments dated June 21, 2013, from Nic Strong, Planning
26 Coordinator, to Stu Lewin, Chairman, and Planning Board Members, re: Accessory
27 Dwelling Units, for the Board's review and discussion. (Ed Hunter, Building Inspector &
28 Code Enforcement Officer to be present)

29
30 Present in the audience were Ed Hunter, Building Inspector/Code Enforcement Officer,
31 and Dwight Lovejoy, Selectman.

32 Ed Hunter, Building Inspector/Code Enforcement Officer, stated that he was present to
33 discuss detached accessory dwellings. He explained that about 1 ½ years ago he had issued a
34 permit to renovate an old home and the owner had represented that the home would be prepared
35 as an attached accessory dwelling. He added that this was being done so that the owner could
36 build a new principal dwelling of whatever size he liked on the same lot in the future. He
37 explained that he had given the owner guidance on this matter and advised that the conditioned
38 space needed to be kept under 1,000 s.f. per the Zoning Ordinance. He stated that the owner
39 had provided a plan to renovate the entire first floor which ended up being slightly over 1,000 s.f.
40 He stated that in order to be under 1,000 s.f. an unheated foyer was subtracted from the square
41 footage total. He further stated that an unheated workshop that was part of the garage and
42 kitchen was also subtracted from the square footage total. He advised that the permit was issued
43 for 978 s.f. of conditioned living space.

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

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Ed Hunter, Building Inspector/Code Enforcement Officer, indicated that he had been to
4 the property on numerous occasions to conducted inspections and the building had been gutted.
5 He stated that during an inspection that took place last week he found out that two bedrooms had
6 been added to the second floor that had not been included in discussions with the owner and
7 were not included in the building permit.

8 Ed Hunter, Building Inspector/Code Enforcement Officer, explained that the bedrooms
9 would be separated out from the conditioned space of the house. He noted that there was no
10 central heating in the home and heat was provided through electricity and a woodstove on the
11 first floor. He stated that the owner did not believe that the two bedrooms on the second floor
12 should be included in the square footage total of the house as they were not being heated. He
13 commented that he felt as though he had been duped.

14 Ed Hunter, Building Inspector/Code Enforcement Officer, stated that the term “heated
15 space” could be vague. He stated he had noted in a letter to the owner that as Building
16 Inspector/Code Enforcement Officer he could only address current zoning. He continued that he
17 had advised that he would be discussing this matter with the Planning Board who had created the
18 current zoning for their opinion on how they had envisioned the term “conditioned space”. He
19 stated that it was his interpretation that a bedroom was considered living space and that the
20 pending situation was outside the intent of current zoning.

21 The Chairman stated that he had reviewed the above-captioned memorandum as well as
22 meeting minutes with regard to the Board’s intent of “conditioned space”. He commented that
23 he agreed with Ed Hunter, Building Inspector/Code Enforcement Officer’s, interpretation. He
24 noted that the Board had started with the term “living space” and changed it to “conditioned
25 space”. He went on to say that the discussion that had taken place made it clear that having two
26 bedrooms that were not heated was not in the spirit of what the Board had intended to do. He
27 believed that adding the two bedrooms turned the accessory dwelling into a three bedroom house
28 and that was not the intent of the building permit or the Zoning Ordinance. He stated that while
29 technically the definition of conditioned space was correct, it was not what the ordinance meant
30 to say in either case.

31 Christine Quirk indicated that she agreed with the Chairman and added that she believed
32 that the owner was trying to “pull a fast one”. Don Duhaime agreed with the Chairman's
33 summary of the intent of the ordinance.

34 Ed Hunter, Building Inspector/Code Enforcement Officer, thanked the Board for their
35 input.

36
37 **Discussion with Charlie French and Dan Reidy from the UNH Cooperative Extension**
38 **office, re: Master Plan Visioning process**

39
40 Present in the audience were Charlie French, Dan Reidy, and Dwight Lovejoy,
41 Selectman.

42 The Chairman advised that the Board was looking to update the Master Plan and was
43 exploring options that were financially palatable. He noted that the Coordinator had completed

June 25, 2013

1 **DISCUSSION WITH UNHCE, RE: MASTER PLAN, cont.**

2
3 some research with regard to obtaining professional help with data collection and public
4 interaction. He stated that it was his understanding that Charlie French and Dan Reidy were
5 present to explain their Master Plan Visioning process.

6 Charlie French stated that he was interested to hear what the Board was specifically
7 looking to do. He noted that in 2003 UNHCE had created a Community Profile for New Boston,
8 New Boston Speaks. He explained that New Boston Speaks was a public process that engaged
9 200 – 300 people in the community. The Coordinator commented that New Boston Speaks had
10 been very well attended. Charlie French indicated that a visioning session had taken place for
11 the community and many of the topics that came out of the session pertained directly to the
12 Master Plan. The Coordinator added that a Master Plan committee had been formed as a result
13 of New Boston Speaks and two years had been spent working on updates to the Master Plan.

14 Charlie French explained that the Community Profile primarily focused on engaging
15 people from the community to share their visions and values for the future of their
16 community. He stated that three active working groups were a result of the process. He advised
17 that the groups provided good information for the Master Plan update and also mobilized people
18 within the community to do something in the process.

19 Charlie French stated that qualitative data had been obtained through the input from
20 session participants. He stated that they had not completed any work relative to data collection,
21 data analysis or demographic trends.

22 Charlie French asked if the Board was looking to have a process that pulled people from
23 the community together to discuss the issues, challenges or visions that the community wanted to
24 grow and develop or not grow and develop. He further asked if the Board was looking to gather
25 data collection for updates to the Master Plan chapters. The Chairman pointed out that he had
26 never been involved in a Master Plan update and deferred the question to the Coordinator. The
27 Coordinator stated that the Board was mainly looking for public input. She explained that there
28 were budgetary constraints and the Board might have some of the data collection conducted by
29 the Southern New Hampshire Planning Commission, (SNHPC), in order to update the drier
30 portions of the chapters. She stated that facilitating the input sessions was the most important
31 part.

32 Charlie French stated that there a couple of ways to gather input. He proposed one way
33 to proceed was to conduct another Community Profile and noted that it was labor intensive. He
34 explained that a Steering Committee from the community would be created made up of a diverse
35 group of people that would coordinate the event and would not be members of the Planning
36 Board or Master Plan Advisory Committee. He continued that he and Dan Reidy would work
37 with the Steering Committee to structure the two day process that would pull people from the
38 community together to discuss the future of the community. He noted that the process took
39 about six months of planning and would involve creating the Steering Committee, marketing for
40 the event, fundraising and organizing the food component for the event. He noted that it was
41 a good idea to kick off a community event with food. He went on to say that they would train
42 local people to assist in facilitating and that those individuals would be able to help keep
43 committees and groups going after the event. He advised that they would provide up to a year's

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

June 25, 2013

1 **DISCUSSION WITH UNHCE, RE: MASTER PLAN, cont.**

2
3 follow-up to action committees to ensure that they had the tools to succeed. He stated that this
4 option could be identified as Action Planning as the process not only gathered information from
5 people, it also engaged people from the community.

6 Charlie French informed the Board that option two focused on the Master Plan and was
7 called a Master Plan Visioning Forum. He indicated that it was more structured than Action
8 Planning and spent less time planning. He explained that the goal of the Master Plan Visioning
9 Forum was to get people to turn out at the event and not to engage people in organizing the
10 event. He further explained that the information gathered was used to guide the Master Plan
11 chapters. He stated that there were no expectations that people would become engaged in the
12 process, however, good input would be gained from the public about their visions for the future.

13 The Chairman asked if the last update to the Master Plan had been done using the
14 Community Profile approach. The Coordinator answered that the Community Profile coincided
15 with needing to do the Master Plan update. She explained that once the Community Profile was
16 completed and people had expressed an interest in updating the Master Plan the Planning Board
17 created a committee. Charlie French added that part of the intent of the Community Profile was
18 to get people engaged. Dan Reidy commented that the New Boston Community Profile was one
19 of the biggest profiles they had ever conducted.

20 Dan Reidy asked if the Board was constrained by a timeline with regard to starting the
21 Action Plan or the Master Plan Visioning Forum. The Coordinator answered that the Board
22 needed to follow the budget timeline. She explained that numbers would need to be proposed to
23 the Finance Committee and Board of Selectmen this fall and be voted on in March of 2014 for
24 the work to be completed in 2014.

25 Dan Reidy asked if the Board had spoken with the SNHPC with regard to updating the
26 Master Plan chapters. The Coordinator answered that Charlie French and Dan Reidy were the
27 first set of people that the Board had spoken with and that they intended on speaking with an
28 outside planning consultant as well. She noted that the SNHPC would be contacted at some
29 point. Dan Reidy added that they also offered assistance with updating Master Plan chapters.
30 Charlie French advised that they had a great relationship with David Preece and Jack Munn of
31 the SNHPC.

32 The Chairman asked if Charlie French and Dan Reidy had done a Community Profile
33 recently. Charlie French answered that they had been doing variations of the Community
34 Profile. He explained that they had taken a break from conducting Community Profiles in order
35 to evaluate the impacts that they have had over the last years. Dan Reidy stated that he had
36 recently completed one for the Peterborough Library. He added that they tailored the
37 Community Profiles to fit the need of the community. He stated that he had worked with a
38 Steering Committee and the Peterborough Library when trying to determine if they wanted an
39 expansion. He explained that the first issue that needed to be addressed was the location of the
40 library. He continued that they had been undecided if they wanted to do things on the current
41 site or move to a different site. He indicated that it took about six months for the decision to be
42 made. Charlie French advised that they had completed 80 Community Profiles across the State
43 since 1996.

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

June 25, 2013

1 **DISCUSSION WITH UNHCE, RE: MASTER PLAN, cont.**

2
3 The Chairman asked if Charlie French and Dan Reidy had run into the Agenda 21 folks
4 during any of the recent Community Profiles. Charlie French answered yes and stated that they
5 were involved in the Granite State Futures Project. He explained that it was a project
6 spearheaded by SNHPC and to create Regional Plans around what people valued and saw for the
7 future of their communities. He continued that the UNH Cooperative Extension's role in
8 collaboration with the Percy Institute has been to conduct and facilitate those regional forums.
9 He went on to say that they had facilitated nine of the regional forums. He stated that at least six
10 or seven of those forums there had been a strong contingent of Free State Movement members.
11 He indicated that there was a different perspective that was portrayed at those meetings and there
12 were some efforts to derail the process. He advised that in the end they had some good
13 discussions. He believed that the Free State Movement members had perceived the process to be
14 a threat because they felt that anything planning related was about taking control of property
15 rights. He continued that the Free State Movement members came to realize that this was their
16 opportunity to share information. He stated that UNHCE's goal was not to lead people in a
17 direction and that it was simply to get a diversity of view points. He noted that it had been
18 challenging but they had figured out a way to manage the process in a way that did not create
19 tension. Dan Reidy added that he had participated in three of the forums. He explained that
20 while facilitating smaller groups there were no problems because he made sure to write down
21 all the comments everyone had said. He added that as much as Free State Movement members
22 tried to get him to state his own opinion about things, they had not succeeded. Charlie French
23 pointed out that the facilitators were trained to be able to handle that type of dialogue and not
24 engage in sharing opinions.

25 Charlie French indicated that many communities were worried about the Free State
26 Movement and did not want to publicize their events. He stated that not advertising was
27 not a good idea and the Town should endeavor to get diverse viewpoints. Dan Reidy stated that
28 the Town of New Boston had a good track record of getting people out to attend the events.

29 Charlie French provided the Board with packets of information of their services.

30 The Chairman asked for comments and/or questions. The Coordinator asked if 2014
31 worked for their schedule. Dan Reidy answered yes. Charlie French commented that the
32 process may not take as long due to the memory of the last Profile.

33 Charlie French pointed out that due to budget cuts there was a cost for the Community
34 Profile of \$1,500.00. He added that they were willing to talk about the cost as they wanted to
35 make it work. The Coordinator asked for the cost of the Master Plan Visioning Forum. Charlie
36 French answered that the cost of the Master Plan Visioning Forum was about \$1,000.00. He also
37 offered that he could assist in setting up a community survey if that was desired. He stated that
38 he helped with the survey design and questions but the content was generated by the community.

39 The Chairman asked for further comments and/or questions; there were none.

40
41
42

June 25, 2013

1 **Continued discussion, re: Zoning Ordinance/Subdivision/Non-Residential Site Plan Review**
2 **Regulation questions**

3
4 The Board took a five minute recess to read a memorandum on landscaping as well as a
5 draft response to send to the Conservation Commission regarding open space subdivisions.

6
7 Present in the audience was Dwight Lovejoy, Selectman.

8 The Chairman stated that the Board would discuss a response to the Conservation
9 Commission regarding open space subdivisions. He explained that the response provided more
10 specific questions and guided the Conservation Commission to not set up more work than
11 needed.

12 The Chairman referred to the second sentence of the second to last paragraph. He
13 suggested that "If you have ideas about the Open Space Subdivision Ordinance in general, the
14 Planning Board strongly encourages you to submit them for initial review before undertaking a
15 lot of work that the Planning Board does not have the capacity to participate in at this time." be
16 changed to the following, "If you have more general ideas about the Open Space Subdivision
17 Ordinance that would benefit from a subcommittee, the Planning Board strongly encourages you
18 to submit them for initial review..."

19 The Chairman commented that the response captured what the Board was asking and
20 addressed the two specific points made by Mark Suennen.

21 The Board agreed with the suggested change and that it be sent to the Conservation
22 Commission.

23 The Chairman referred to the landscaping memorandum and stated that he liked the
24 suggestion that made the Zoning Ordinance less specific and put the requirements into the Site
25 Plan Regulations. He went on to say that he liked having the ability to come up with the a
26 solution without having to deal with the question of whether or not it met Zoning Regulations.

27 The Chairman asked for comments and/or questions from the Board; there were none.

28 The Chairman stated that at the July 23, 2013, meeting the Board would discuss cul-de-
29 sacs. He indicated that Board members were going to review the current regulations and make
30 suggested changes. He stated that the second item on the agenda was meeting with Jeff Taylor &
31 Associates for consideration for the facilitated Master Plan input session. He noted that the third
32 item on the agenda was discussion of updates to Recreational Camping Parks. He asked
33 Christine Quirk if she would be at the July 23, 2013, meeting. Christine Quirk answered yes and
34 indicated that if she was not serving on the Planning Board as the Board of Selectmen
35 representative she would attend as an audience member.

36 The Chairman reminded the Board to complete their review of the Water Resource
37 Management Plan for discussion at the August 27, 2013, meeting. He stated that landscaping
38 would be also be discussed.

39
40 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
41 **June 25, 2013, Cont.**

42
43 1. Approval of the May 28, 2013, minutes distributed by email.

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

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Peter Hogan **MOVED** to approve the May 28, 2013, meeting minutes as written. Don
4 Duhaime seconded the motion and it **PASSED** unanimously.

- 5
6 3. Letter dated June 17, 2013, from David J. Preece, AICP, Executive Director, SNHPC, to
7 Nic Strong, Planning Coordinator, re: SNHPC Representative from New Boston, for the
8 Board's action.

9
10 The Chairman asked if the current Representative was still interested in being the
11 SNHPC Representative from New Boston. The Coordinator answered yes.

12 The Chairman asked the Board if they believed they should be looking for a different
13 representative. The Board agreed that the current representative should continue to serve as the
14 SNHPC Representative from New Boston.

15
16 Peter Hogan **MOVED** to recommend Bo Strong to the Board of Selectmen for re-
17 appointment to the SNHPC. Don Duhaime seconded the motion and it **PASSED**
18 unanimously.

- 19
20 4. Letter received June 11, 2013, from Kevin Leonard, P.E., Northpoint Engineering, LLC,
21 to Nic Strong, Planning Coordinator, re: Twin Bridge Estates-Phase II-Wright Drive
22 Binder Pavement, for the Board's information.

23
24 Peter Hogan stated that he had a huge problem with the first item. He pointed out that the
25 developer/applicant changed the design and went to a Cape Cod berm. He continued that the
26 Town did not allow Cape Cod berms and that it would be peeled off the first time it was plowed.
27 He commented that if the curbing there was so important, granite should be used that would
28 sustain the blade of the plow. The Coordinator noted that the Road Agent had agreed to the
29 change. Peter Hogan commented that he did not care that the Road Agent had agreed to the
30 change and stated that the Road Agent was not the Planning Board. The Coordinator explained
31 that the Road Agent had the authority with this matter. Peter Hogan commented that the
32 applicant probably badgered the Road Agent until he gave up. He reiterated that if the
33 developer/applicant wanted berm there then it should be granite. He stated that cape cod berm
34 was an unacceptable alternative.

35 Peter Hogan asked if the Board of Selectmen would accept the Cape Cod berm. Christine
36 Quirk indicated that she did not know much about what Peter Hogan was discussing. Peter
37 Hogan explained that a Cape Cod berm was asphalt that was molded onto existing asphalt. He
38 continued that the wing of a plow blade would peel the berm off. Christine Quirk noted that the
39 Road Agent had mentioned this type of issue earlier in the evening. Peter Hogan stated that the
40 idea for the Cape Cod berm had been presented to the Road Agent by Dave Elliot and ultimately
41 approved on the day of paving. He continued that the Town was going to need to maintain the
42 berm and it would not be replaced until after its design intent was no longer needed in the spring.
43 He explained that maximum snow melt occurred in the spring.

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Christine Quirk suggested that the Board ask the Road Agent why he approved the Cape
4 Cod berm and if there was something they were not aware of. The Coordinator stated that a
5 Cape Cod berm was a standard practice. Peter Hogan stated that it was not standard in New
6 Boston. The Coordinator pointed out that Cape Cod berms had been used in Town. Peter Hogan
7 asked where Cape Cod berms had been used. The Coordinator answered that Cape Cod berms
8 had been used on Indian Falls Road. Peter Hogan disagreed and stated that the Board had
9 required that granite be used. Don Duhaime added that the applicant's proposal had been Cape
10 Cod berm on Indian Falls and the Board denied the proposal due to the frequency of plowing.
11 The Coordinator stated that she was aware that communities had used Cape Cod berms and that
12 New Boston had Cape Cod berms. She believed that the question was to be asked of the Road
13 Agent and Town Engineer. Don Duhaime pointed out that the Road Agent had stated previously
14 this evening that Cape Cod berms were not a good idea. Peter Hogan added that if the berm was
15 directing water into its suitable treatment area it would be needed most during the spring when
16 the maximum amount of snow melt ran down the road. He did not believe that the berm would
17 be there in the spring and the water would go wherever it wanted and would undermine the road.
18 He reiterated that the Cape Cod berm was an unacceptable design change.

19 The Chairman asked that the Coordinator make that request.

20 Peter Hogan stated that if a berm was needed then it needed to be granite to withstand the
21 cutting edge of a plow. He added that it was not unheard of for the Town to plow with a road
22 grader and that a road grader would surely remove the berm.

23 The Coordinator asked if Peter Hogan realized that the Cape Cod berm was located off
24 the shoulder. Peter Hogan answered yes. He continued that if a rise was needed it had the
25 potential for being "winged" clean off. The Chairman agreed that the shoulder disappeared.
26 Peter Hogan agreed with the Chairman and added that granite was used because it was more
27 resistant to the plow. He went on to say that the Road Agent had previously stated that even
28 granite had a chance of taken out by a plow. The Coordinator commented that she wondered
29 what the shoulder detail had looked like. She advised that the paved swale detail had been
30 replaced with a paved shoulder detail. Peter Hogan commented that a plow wing would float
31 right over a swale. Don Duhaime stated that Dave Elliot had stated that he could not construct
32 the swale. Peter Hogan commented that Dave Elliot had told him that there was no such thing as
33 asphalt that looked like brick. He noted that it was huge money, however, huge money and not
34 existing were not the same thing.

35 The Chairman requested that a copy of the original swale design be reviewed and that the
36 Coordinator check with the Road Agent about the Cape Cod berm.

37 The Chairman asked that the Coordinator mention to the Town Engineer that his tutorial
38 on road paving was time well spent as it helped him understand his memo.

39 The Chairman indicated that the Wright Drive binder pavement came up short and Kevin
40 Leonard, PE, was recommending that the 50 ton be placed into the next coat that would be put
41 down. Peter Hogan stated that they were more than 50 tons short because they extended the
42 shoulder and built a Cape Cod berm.

43 The Chairman asked if anyone had recently been by the subdivision; no one had been by

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 recently. He stated that when he had been there two weeks ago he had seen areas where the
4 tracks did not follow the driveways. He also indicated that the disturbed area was still way over
5 the 5 acre requirement. He noted that after reviewing the minutes Dave Elliot had clearly stated
6 that the disturbed area would be at 5 acres within two weeks. Christine Quirk agreed. The
7 Coordinator advised that the Town Engineer had relayed that they were at the 5 acres of
8 disturbed area, however, because there was no money in the account the Town Engineer would
9 not be going out to confirm. The Chairman asked if there was 85% vegetation. The Coordinator
10 did not believe the area was stabilized with vegetation but loam and seed was down.

11
12 The Board took a five minute recess to review a memorandum dated June 25, 2013, re:
13 Construction Monitoring Escrow.

- 14
15 5. Construction Services Reports received June 11, 2013, May and June 2013, from
16 Northpoint Engineering, LLC, for Twin Bridge Estates, Phase II (Wright Drive), for the
17 Board's information.

18
19 Present in the audience were Dwight Lovejoy, Selectmen, Willard Dodge, Tris Gordon,
20 Dave Elliot, Dan Donovan, Sr., Sam Proctor and Dan Donovan, Jr.

21 The Chairman referred to the May 22nd and May 24th reports and stated that following:

- 22 • Dave stated the driveways were ready for binder paving.
23 • Kevin checked and a couple of them were not at the right slopes.
24 • Kevin was going to recheck before paving.
25 • Dave was not sure what the paving schedule was for the next week.
26 • The paving company showed up the next day and started to pave.

27 The Chairman asked if the driveway slopes had been fixed prior to being paved. The
28 Coordinator answered that she was unsure. Dave Elliot stated that all of the driveways had been
29 accepted by the Road Agent. The Chairman asked if the driveways had the correct slopes. Dave
30 Elliot answered yes and said that the Road Agent was fine with what had been done there. The
31 Chairman stated that the question he had asked was if the driveways had the right slopes and if
32 they sloped away from the road like they were supposed to. He asked that Dave Elliot let the
33 Board know if the slopes were correct.

34 The Chairman asked if it was unclear to Dave Elliot that the Town Engineer wanted to
35 check the driveway slopes prior to paving. Dave Elliot stated that checking the driveway slopes
36 prior to paving had never been brought up. He continued that there had been a question about
37 one driveway at the entrance. He indicated that the driveway he previously mentioned was at the
38 correct slope. He stated that there had been no misunderstanding with regard to the paving
39 schedule. The Chairman advised that the Town Engineer's report stated that Dave Elliot had
40 been unsure of the paving schedule for the following week and then the paving took place the
41 next day. Dave Elliot stated that the note was not accurate and explained that the Town Engineer
42 had days of notice to the paving schedule. He added that the driveway inspections had been
43 completed days before the paving had been done. He indicated that he did not have exact dates

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

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 but could go back through his diary and get the information. The Chairman asked that he
4 provide the dates to the Board. Dave Elliot believed that they had prepared the driveways for
5 paving on a Thursday and the paving took place later the following week. The Chairman
6 referred to the Town Engineer's report and indicated that the dates were a Wednesday and a
7 Friday of the same week. He reiterated that he was curious to find out whether the platforms met
8 the requirements to slope away from the road.

9 The Chairman asked for questions and/or comments; there were no questions or
10 comments.

- 11
12 6. Copy of Foreclosure Deed signed May 22, 2013, from TD BANKNORTH, N.A., to
13 Glover Construction, LLC, re: Christian Farm Drive, for the Board's information.

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

- 17
18 7. Distribution of the June 11, 2013, minutes, for approval at the July 25, 2013, meeting,
19 distributed by email.

20
21 The Chairman acknowledged receipt of the above-referenced matter; no discussion
22 occurred.

- 23
24 8. Memorandum with attachments dated June 20, 2013, from Nic Strong, Planning
25 Coordinator, to Planning Board Members, re: Dedication and Acceptance of Roads, for
26 the Board's information.

27
28 The Chairman stated that the end result of the above-referenced matter was that it was
29 possible for the roads to revert, however, it was not automatic and an action had to be taken.

- 30
31 9. Memorandum with attachments dated June 20, 2013, from Nic Strong, Planning
32 Coordinator, to Planning Board Members, re: Open Space Priorities, for the Board's
33 information.

34
35 The Chairman acknowledged receipt of the above-referenced matter; no discussion
36 occurred.

- 37
38 10. Memorandum copy with attachment dated June 21, 2013, from Shannon Silver, Planning
39 Board Assistant, to Peter Flynn, Town Administrator and Board of Selectmen, re:
40 Warranty Deed - Christian Farm Drive, for the Board's information.

41
42 The Chairman asked if Doug Hill had signed the above-referenced Warranty Deed. The
43 Coordinator answered yes.

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

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 12a. Copy of Zoning Board of Adjustment, Notice of Decisions, Tax Map/Lot #1/11 & 25,
4 Bunker Hill Road and Tax Map/Lot #3/150, 636 North Mast Road, for the Board's
5 information.

6
7 12b. Copy of Zoning Board of Adjustment, June 18, 2013, Draft Meeting Minutes, for the
8 Board's information.

9
10 The Chairman addressed items 12a and 12b together as they were related. He asked if
11 Scott Whitney needed to come back to the Board. The Coordinator advised that he had fulfilled
12 his conditions administratively.

13
14 13a. Letter received June 21, 2013, from Kevin M. Leonard, P.E., to Nic Strong, Planning
15 Coordinator, re: Indian Falls/Susan Road Connection - Bussiere – Construction
16 Monitoring Escrow, for the Board's information.

17
18 13b. ESTIMATE OF REMAINING CONSTRUCTION MONITORING – 6/21/13
19 Indian Falls/Susan Road Connection – Bussiere, Tax Map 12; Lots 88, 89, & 93-38, for
20 the Board's information.

21
22 The Chairman addressed items 13a and 13b together as they were related. He asked
23 the status. The Coordinator stated that the applicant had been asked for money and that she had
24 not heard when they were planning to start back up.

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

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

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

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

31 Location: Old Coach Road

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

33 Residential=Agricultural "R-A"
34

35 Present in the audience were Dwight Lovejoy, Selectman, Tris Gordon, Dave Elliot, Dan
36 Donovan, Sr., and Dan Donovan, Jr., Arthur Siciliano, LLS, Greg Michael, Esq., Dick Perusse,
37 Road Agent and Willard Dodge.

38 The Chairman stated that at the meeting of May 28, 2013, there had been a discussion
39 regarding what the ZBA variance had granted and that the applicant was going to
40 discuss the matter further with his attorney. He noted that nothing had been submitted in
41 preparation for the hearing.

42 Arthur Siciliano, LLS, advised that the issues had been resolved and they were going to
43 move forward. He indicated that he had updated the plan since the first review. He noted that

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

June 25, 2013

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

2
3 the buffer had been cut back to 15' and the following items had been added to the plan:
4 shrubbery, a plan key and the purpose of plan. He stated that the plan was ready for a review and
5 that he still needed to complete the drainage.

6 The Chairman advised that the Board only held meetings on the fourth Tuesday during
7 the months of July and August and the next scheduled meeting was July 23, 2013. He noted that
8 submission items need to be submitted one week prior to the scheduled meeting. Arthur
9 Siciliano, LLS, agreed to adjourn the meeting to July 23, 2013.

10 The Chairman asked for comments and/or questions from the Board; there were no
11 comments or questions from the Board.

12 Greg Michael, Esq., introduced himself and indicated that the applicant had asked him to
13 review some of the aspects of the proposed plan. He stated that he was not present to argue
14 about anything and was trying to be consistent with the regulations. He indicated that he was
15 looking clarification of the post approval process. He asked if there was a special process for
16 obtaining a Certificate of Occupancy, (CO), after the building was constructed. The Chairman
17 deferred the question to the Coordinator. The Coordinator explained that the Planning Board
18 would give the applicant conditional approval which involved conditions precedent, i.e.,
19 submission of revised plans, paperwork items and fees. Greg Michael, Esq., commented that he
20 understood the conditions precedent. The Coordinator advised that the conditions subsequent
21 would be building the facility. She continued that at the end of construction a compliance site
22 walk would take place, followed by a compliance hearing. She stated that if everything had been
23 completed according to the plan and the as-built was correct, the CO would be released from the
24 Building Inspector. Greg Michael, Esq., asked for confirmation that the facility just needed to be
25 built to the plan and that there was no magical shift anywhere as there would be a lot money
26 going into the project. He further asked if the conditions subsequent were compliance with the
27 plan and construction. The Coordinator answered yes and reiterated that the conditions
28 precedent involved all of the paperwork. Greg Michael, Esq., stated that he understood the
29 conditions precedent. The Coordinator stated that the conditions subsequent involved building
30 the facility. Greg Michael, Esq., asked if any conditions precedent needed to be satisfied prior to
31 obtaining the building permit. The Coordinator answered yes and stated that the conditions
32 subsequent would be building the facility to the plan. She continued that an as-built would be
33 submitted to prove that the facility had been built according to plan, followed by a Planning
34 Board inspection and a subsequent hearing. Greg Michael, Esq., asked what would happen if the
35 building was shifted 2' to the left. The Coordinator advised that the Planning Department
36 should be contacted before changes were made. Greg Michael, Esq., stated that they planned to
37 build the facility according to the plan as they were spending a fair amount of money for the
38 design scheme. He asked if minor field changes required a call to the Planning Department. The
39 Coordinator explained that moving the building required Planning Board approval but changing
40 a pear tree to an apple tree, for example, could be discussed in the office. The Chairman stated
41 that if anything on the plan needed to be changed the Planning Department needed to be
42 contacted.
43

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

June 25, 2013

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

2
3 Peter Hogan **MOVED** to adjourn Ferus Terra, LLC, (Owner), Castle Donovan, III,
4 (Applicant), Arthur F. Siciliano Land Surveying, LLC, (Applicant), Public
5 Hearing/NRSPR/to allow the construction and operation of an Assisted Living
6 Residence/Supported Residential Health Care Facility, Location: Old Coach Road, Tax
7 Map/Lot #10/3-2 & 10/3-3, Residential-Agricultural "R-A", to July 23, 2013, at 7:30
8 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.
9

10 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
11 **June 25, 2013, Cont.**

12
13 2a. Email received June 19, 2013, from Twin Bridge Land Management, LLC, to Shannon
14 Silver, re: Construction Monitoring Escrow Account balance and final deposit amount,
15 for the Board's review and discussion. (Twin Bridge Land Management, LLC, will be
16 present)
17

18 2b. Printout of Construction Monitoring Account Escrow activity, for the Board's
19 information.
20

21 11. Memorandum with minutes attached from Nic Strong, Planning Coordinator, to Planning
22 Board Members, re: Twin Bridge, Wright Drive, Inspections, for the Board's
23 information.
24

25 18. Memorandum dated June 25, 2013, from Northpoint Engineering, to Nic Strong, re: Twin
26 Bridge Estates Phase-II, Construction Monitoring Escrow.
27

28 The Chairman addressed items 2a, 2b, 11 and 18 together as they were related. Present in
29 the audience were Dave Elliot, Tris Gordon, Willard Dodge, Bob and Sharon Huettner, Dick
30 Perusse, Road Agent and Dwight Lovejoy, Selectman.

31 The Chairman stated that he had reviewed previous meeting minutes and it was his
32 understanding that the plan had been approved against recommendation from the Planning
33 Department to allow the applicant the opportunity to submit part of the escrow and had required
34 that the remaining escrow amount be deposited once the account was at \$10,000.00. He noted
35 that the applicant would be advised when the account balance was at \$10,000.00. He indicated
36 that the applicant had been notified that the account was at \$10,000.00 and was currently below
37 \$10,000.00. Tris Gordon stated that Northpoint Engineering came up with an estimate of almost
38 \$100,000.00 and the project was between 85% and 90% completed.

39 Tris Gordon asked if the Board was monitoring removal of material from one lot to
40 another lot and if he was paying the Town Engineer for the monitoring. He asked if he would
41 call his insurance company if there was a cracked foundation and tell them that the Town
42 Engineer completed the inspections. He went on to say that they had always done this through
43 the Code Enforcement Officer. He commented that he did not blame Northpoint Engineering for

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 wanting to monitor as much as they could in order to make as much money as they possibly
4 could but he did not understand why someone was monitoring when it was not in any of the
5 approvals that they had received. He further commented that he did not understand why they
6 were paying fees for the monitoring of removal of material from one lot to the next. Peter Hogan
7 asked what day Tris Gordon was referencing. Tris Gordon answered that he was referencing the
8 letter dated June 25th from Northpoint Engineering. Peter Hogan stated that he was looking at
9 the bill from Northpoint Engineering and he wanted to reconcile it. Tris referred to the letter
10 dated June 25th from Northpoint Engineering and stated that the Town Engineer wanted to
11 monitor the State of NH DES AoT Permit. He commented that he had never heard of a town
12 engineer monitoring an AoT Permit on site.

13 The Chairman referred back to his original point and asked if the applicant agreed that
14 the terms of the escrow agreement had been made very clear, several times, during the approval
15 process. Tris Gordon agreed. Bob Huettner advised that they had not received notification by
16 mail that the account was below \$10,000.00 and they were made aware through an email from
17 the Planning Board Assistant asking why the Planning Department had not heard from them on
18 this matter. He continued that the project was about 75% completed and they questioned why
19 they were being asked to deposit an amount which was almost half the original amount with only
20 25% of the work remaining. The Chairman explained that the plan approval and what the
21 applicant had agreed to numerous times during the approval process was that a certain amount
22 would be deposited and when the account fell below \$10,000.00 the remaining amount would be
23 deposited. Bob Huettner asked if Northpoint Engineering could reevaluate the amount to be
24 deposited. The Chairman stated that the applicant was changing what they had agreed to. Bob
25 Huettner stated that they were inquiring to see if Northpoint could reevaluate the amount to be
26 deposited. The Chairman asked what the applicant would do if the Board told them no and
27 required that they abide by the terms of the approved agreement. Tris Gordon acknowledged
28 that they had agreed to the approved plan but were now before the Board to discuss the matter.
29 Don Duhaime stated that the Planning Board Assistant had mailed the original letter two months
30 ago. Tris Gordon advised that they had received an email two or three weeks ago. Bob Huettner
31 noted that they had sent a check immediately when a second bill from Northpoint Engineering
32 had been submitted and dipped into the remaining \$10,000.00 in the escrow account. Tris
33 Gordon pointed out that the Town Engineer had not included that information in his letter dated
34 June 25, 2013. Bob Huettner clarified that their inquiry was not whether or not they should pay
35 any more money but was that the estimated amount seemed to be substantially more than what
36 was left to be completed. He continued that they were asking if Northpoint Engineering could
37 reevaluate the amount. The Chairman indicated that Northpoint Engineering had reevaluated the
38 amount. The Planning Board Assistant informed the Board that a check from the applicant had
39 been received and an additional \$35,640.00 needed to be deposited.

40 Tris Gordon asked if they were paying Northpoint Engineering to monitor removal of on-
41 site material. He indicated that they had never agreed to pay Northpoint Engineering to monitor
42 on-site material. The Chairman referred to an itemized list from Northpoint Engineering and
43 asked the applicant which line item he was referencing. Tris Gordon indicated that he had just

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 received the letter dated June 25, 2013, from Northpoint Engineering five minutes prior and had
4 not gone through the line items and referred the Board to the 5th paragraph of the letter. He
5 asked if the Board was taking liability on the individual sites. The Chairman explained that what
6 the Town Engineer was trying to express in his letter was relative to the AoT permit that the
7 applicant had not been conforming to. He explained that the permit allowed for no more than
8 five acres of disturbed area open. He noted that the Town's approval was based on this
9 requirement. He continued that because this lot had a lot of issues the Town was concerned.
10 Tris Gordon stated that they had not had any issues. The Chairman reiterated that there were a
11 lot of concerns and there were requirements in the approval that the disturbed, open area would
12 not exceed five acres. He pointed out that the disturbed, open area had exceeded five acres and
13 now the Town was making sure that the applicant was staying within the five acre requirement.
14 Bob Huettner indicated that they had exceeded the five acre requirement due to opening up new
15 sites. He advised that they were not aware that the five acre requirement for the road
16 construction also included each individual house site under construction. The Chairman stated
17 that it was his understanding that it was five acres of lot, whether it was house or road. He
18 continued that when the road was stabilized it would no longer be considered part of the five
19 acres. Tris Gordon stated that they were currently under the five acre requirement. The
20 Chairman pointed out that they were not under the 5 acre requirement for almost two months.
21 Tris Gordon stated that they were talking about now. The Chairman reiterated that the Town had
22 a lot of concern about that and it had become apparent that the applicant had issues with
23 conforming to the five acre requirement. He explained that the hours the Town Engineer lists in
24 his letter represented the hours that it would take to ensure that they were conforming to the
25 terms of the approval. He went on to say that the requirements were that at any given time the
26 site needed to be within the five acre requirement.

27 The Chairman stated that the applicant had requested a detailed estimate from the Town
28 Engineer and one had been provided. He asked what part of the estimate the applicant
29 questioned. Tris Gordon answered that he had not time to review the breakdown. The Chairman
30 stated that they would pause for five minutes to review the letter dated June 25, 2013, from the
31 Town Engineer. Dave Elliot asked to address a couple of things and the Board did not, therefore,
32 pause the meeting.

33 Dave Elliot advised that for the time of year of the project they were in conformance.
34 The Chairman asked Dave Elliot if he was going to say anything new that he had not already said
35 the last two times he had attended. He stated that he did not want to listen to it again. He
36 continued that Dave Elliot had been before the Board twice and really long discussion had taken
37 place. He noted that if Dave Elliot had something new to say he would be glad to listen to it.
38 Dave Elliot stated that winter stabilization was something the Board should give a lot of
39 consideration to. He continued that there was a point when an area was legally stabilized due to
40 all of the regulations and then they had to wait for the growing season. He believed that the
41 initial report from the Town Engineer was completed when that could not occur and so it was a
42 false statement. He commented that if grass cannot grow but it had been seeded and mulched for
43 winter stabilization... The Chairman interrupted to say that when he had gone to the site there

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 was more than 5 acres of disturbed area open. Dave Elliot stated that currently there was not
4 more than five acres open. Peter Hogan commented that just because seed was put on
5 something, it did not mean it was stabilized. Dave Elliot informed the Board that he did what the
6 regulations told him to do. The Chairman indicated that four weeks ago there was more than five
7 acres that was open and completely exposed with no seed, loam or hay. He commented that he
8 was not sure what Dave Elliot was trying to say as there was a time when bare land was exposed.

9 Tris Gordon referred back to the June 25, 2013, letter from Northpoint Engineering, "Cut
10 and Fills, Bulk Lot Earth Work". He asked for an explanation of "Bulk Lot Earth Work". The
11 Chairman believed that "Bulk Lot Earth Work" was relative to the requirement that no more than
12 five acres of disturbed area was allowed to be open as it had been demonstrated that they were
13 not capable of doing that. Tris Gordon asked what the Town Engineer would be checking. The
14 Chairman explained that the Town Engineer would be making sure that no more than five acres
15 of disturbed area was exposed. Tris Gordon asked if that would take 40 hours. The Chairman
16 stated that it would not be 40 hours but a number of visits. The Coordinator added that because
17 the Board had told the Town Engineer the outside slopes of the project and their stabilization was
18 the end goal of the project the visits would probably last two to three years or less. Tris Gordon
19 asked what the Town Engineer was checking. The Coordinator explained that the Town
20 Engineer would be checking the outside perimeter of the site and the slopes that were part of the
21 grading on the subdivision plan that Tom Carr, the applicant's wetland scientist and project
22 manager had suggested that the Town Engineer look at. She noted that the information she had
23 just given was contained within the Planning Board meeting minutes. Tris Gordon believed that
24 those things fell under the jurisdiction of the Code Enforcement Officer. The Coordinator
25 pointed out that those things were not the responsibility of the Code Enforcement Officer for this
26 approval. She continued that she had sent a copy the meeting minutes to Steve Elliot and they
27 very clearly stated that to answer the Town Engineer's questions Tom Carr suggested that the
28 Board set limits of what needed to be inspected. She stated that the limits were set and could be
29 found in the minutes. Tris Gordon asked again what the Town Engineer would be inspecting.
30 The Coordinator answered that the Town Engineer would be inspecting the outside grading of
31 the perimeter of the site. She explained that when the big hole was filled and the backside was
32 sloped the way it needed to be the Town Engineer would verify that it was stabilized. She also
33 explained that Town Engineer would be monitoring to ensure that during the process the
34 applicant remained within the AoT Permit five acres. Tris Gordon asked if the monitoring would
35 stop if there was less than four acres of moving material left. The Coordinator answered yes as
36 long as the site was stabilized. Peter Hogan answered no and stated that the applicant had set
37 things in motion that the Board was not going to unreel. He went on to say that a perfect one that
38 was "crap" was the Cape Cod berm that was put in instead of having a depressed area for water
39 flow. He indicated that the Board was challenging the change and referred to it as "crap". He
40 stated that the berm would be peeled off by snow plows. He continued that just because Dave
41 Elliot badgered the Road Agent until he gave up, and he was sure he had done so because he did
42 it to the Board, it was not okay. Dave Elliot stated that he did not appreciate Peter Hogan talking
43 to him in that way. Peter Hogan commented that he did not care what Dave Elliot appreciated.

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Dave Elliot advised that he had invited the Road Agent to express an opinion on the change and
4 left the decision entirely up to them. Peter Hogan stated that Dave Elliot had been around long
5 enough to know that the Board would never go along with a Cape Cod berm. The discussion
6 became more heated and the Chairman intervened.

7 The Chairman stated the "Bulk Lot Earth Work" had been explained, i.e., 10 visits = 40
8 hours. Tris Gordon did not believe it had been explained but went on to the next question he had
9 with regard to "Miscellaneous Sloping and Grading". He questioned the listed 18 hours for six
10 visits. He questioned if "Bulk Lot Earth Work" was the same as "Sloping and Grading". He
11 commented that the breakdown was not very good. He noted that there was no other sloping and
12 grading to be completed with the exception of what had previously been discussed under "Bulk
13 Lot Earth Work".

14 The Chairman asked if there were any other questions with regard to the itemized list.
15 Tris Gordon stated that he did not have any other questions. He went on to say that the two
16 items he listed seemed to be doing the same thing. The Chairman asked if the applicant would
17 be all set if the Board dropped the 18 hours for "Miscellaneous Sloping and Grading" and kept
18 the 40 hours for "Bulk Lot Earth Work". Tris Gordon stated that he wanted to drop both of the
19 items. The Chairman explained that they could not drop both and referred him back to the
20 original approval. Tris Gordon stated that the Town Engineer should really only be looking at
21 sloping and grading.

22 Peter Hogan asked if the applicant had ever read the construction reports. Tris Gordon
23 answered yes and commented that they were very confusing and added that it was like reading
24 his attorney and engineer reports. He advised that he had seen two guys walking down the road
25 checking how the grass was growing for eight hours. He stated that if the Board put a certain
26 amount of money in his account and asked him to bill them, he would use very dime of it. Peter
27 Hogan commented that the whole process and what the Town Engineer billed annoyed him a lot.
28 He stated that it did not seem like the construction process was moving as smoothly as it should.
29 Bob Huettner pointed out that there were a lot of new technologies being used, i.e., the material
30 being used in the detention ponds. Peter Hogan indicated that the plan should have included
31 those things so that things were not being constantly changed on site. The Coordinator pointed
32 out that the plan had specified the material to be used in the detention pond. She explained that
33 the design had come from the Design Engineer and the Town Engineer reviewed the proposal.
34 She went on to say that it was not the Town Engineer's job to offer alternatives if the design
35 proposed would work.. She advised that the letter dated June 25, 2013, from Northpoint
36 Engineering, stressed that D&S Construction had great communication in this project and that
37 everything had gone smoothly. She stated that with regard to Peter Hogan's previous comments,
38 this was not the project in town that should be focused on for being problematic. Bob Huettner
39 added that Dave Elliot had busted his butt to make things happen. He continued that he knew
40 that they had gotten a little of sorts with the area that was open but Dave Elliot had gone above
41 and beyond to make things right as quickly as possible. Dave Elliot commented that there had
42 never been one bit of erosion on the project other than where there was a cut face in the
43 operating sand operation. The Chairman indicated that it was good that there were no erosion

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 problems.

4 Tris Gordon stated that Terracon had been conducting compaction tests with a 2lb
5 hammer to pound in the stakes. He explained that he had seen the Terracon employee beating on
6 the stake for about 1 and ½ hours and offered him a sledge hammer. He believed that the
7 Terracon employee would have worked for eight hours using the 2lb hammer. The Chairman
8 suggested that these types of issues be addressed at the time they were happening. Tris Gordon
9 stated that he only saw the bill after it had already been paid. The Chairman stated that if the
10 applicant was seeing things that were taking an excessive amount of time to complete then he
11 should address them in the context of that being a problem. Tris Gordon asked who he should
12 contact to address the problems. The Coordinator answered that the applicant should contact the
13 Planning Department. Tris Gordon believed that Northpoint Engineering was looking at the
14 escrow account as an open checkbook. The Coordinator explained that that was not the way it
15 worked. She noted that Northpoint Engineering was not out to fleece anyone and that the Town
16 Engineer was an honest person.

17 Tris Gordon stated that it seemed like an awful lot of money for 15% or 20% left of the
18 job. He indicated that the amount being requested was half of what they had already paid for the
19 project. The Chairman referred to the breakdown and asked what the applicant did not think
20 would be required. Tris Gordon did not believe that the breakdown was very detailed. He
21 commented that he was unsure of the item "Excess Road Construction". He stated that he agreed
22 with the item "Ditch Line Treatment Swales" as they had a lot of those to complete. He
23 reiterated that he did not know what "Excess Road Construction" was referencing. The
24 Chairman asked if there was an access road that had yet to be constructed. Tris Gordon
25 answered no. The Coordinator pointed out that there was an Access road that needed to be
26 completed at the back of the cul-de-sac. Tris Gordon advised that the road was complete. Dave
27 Elliot clarified that the road was not completed. The Chairman stated that there was construction
28 monitoring that was associated with an "Access road" that needed to be completed, three hours
29 for three visits. He asked if the applicant believed it should take less time. He stated that if it
30 only ended up taking one hour, the applicant would get money back but he did not want to be in
31 a situation where he had to come to the applicant ten more times to get money for things that
32 ended up being more. He advised that if the applicant had issues with the construction
33 monitoring he needed to make the Planning Department aware of the problem at the time it
34 happened. He continued that the applicant needed to be clear about the issue so the Board could
35 do something about it.

36 Peter Hogan handed Tris Gordon an itemized bill from Northpoint Engineering and
37 suggested that he asked the Town Engineer about specific charges that he questioned, i.e.,
38 drafting CO's. The Coordinator advised that the Planning Board had received a report from the
39 Town Engineer relative to concerns with the five acres and what needed to happen to get CO's.
40 She stated that the Board had reviewed the packet two or three meetings ago.

41 The Chairman stated that when he took out the 18 hours for "Miscellaneous Sloping and
42 Grading" the amount to be deposited was reduced by \$1,350.00. He indicated that the new total
43 to be deposited was \$34,290.00. Tris Gordon commented that "it is what it is". He stated that he

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 would be keeping a real good eye on the costs. He believed that there had a been a lot of
4 wasteful time spent sitting in trucks and hanging out as well as monitoring things that did not
5 need monitoring. The Chairman repeated that the applicant needed to be specific about issues
6 and address them at the time they happened. The Coordinator asked if the applicant still had a
7 copy of the Town's Road Construction Inspection Handbook. She explained that the Board of
8 Selectmen and Road Committee had very specific things that they needed to be looked at and
9 those things were in the handbook. Tris Gordon asked if he should be asking the Town Engineer
10 what he was monitoring when he was on site. The Coordinator answered yes and stated that he
11 should continue to ask until he felt comfortable. Don Duhaime asked if the Town Engineer
12 called before showing up on site to complete inspections. Tris Gordon answered that the Town
13 Engineer showed up whenever he wanted to show up. Dave Elliot explained that during the fall
14 they had been in constant communication with the Town Engineer and they either called him or
15 he was there daily. He stated that this spring the Town Engineer tended to stop in without
16 calling when they were not doing anything that required an inspection. Don Duhaime stated that
17 he was told to monitor because more than five acres of disturbed area was open at one time.
18 Dave Elliot stated that the Town Engineer would spend four hours on the side of the road in their
19 truck making notes. Don Duhaime stated that Dave Elliot had been to six meetings and had
20 argued the same point. Dave Elliot argued that he had not been to six meetings and that this was
21 his second time. The Chairman agreed that it was Dave Elliot's second or third meeting. The
22 Coordinator clarified that Dave Elliot had attended three meetings. The Chairman agreed and
23 explained that Dave Elliot had attended a meeting and addressed an informational Miscellaneous
24 Business item for 45 minutes, another meeting was scheduled with all of the principals in the
25 room, and the third meeting was this evening's meeting.

26 Dave Elliot believed he should be at the meeting to comment on things that were being
27 discussed. He stated that he lived in New Boston his entire life, built roads and doing site work
28 for over 40 years and operated in more gravel pits than anyone else. The Chairman did not
29 disagree with Dave Elliot's comments, however, he advised that when a plan was approved with
30 certain conditions those conditions needed to be met even if the conditions were requiring things
31 to be done differently then they had been done in the past. He noted that this plan had a lot of
32 issues and there was a lot of concern and additional oversight added to it.

33 Dave Elliot referenced the previous discussion regarding the Cape Cod berms. He
34 explained that he had invited Continental Paving, one of the biggest and best known paving
35 companies in the area, to come to the site and give instructions on how to create the swale. He
36 continued that Continental Paving had great concerns with the swale. He stated that he spoke
37 with the Design Engineer, the Road Agent and Northpoint Engineering regarding the concern
38 about how the swale would function. He noted that he had not bullied anyone. Peter Hogan
39 clarified that he had said "badgered" and not "bully". Dave Elliot commented that he had not
40 badgered anyone and that the concern had been brought up because of Continental Paving's
41 concern. The Chairman stated that the issue was not getting rid of the swale and replacing it
42 with a berm. He explained that the issue was the method of doing the berm versus doing
43 something more permanent like granite. Dave Elliot indicated that the Cape Cod berm was a

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

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 substitution that could be done and the cost was approximately a balance. He stated that the
4 Cape Cod berm had been discussed one week before paving. The Chairman stated that the
5 concern of the Board was with the solution of the Cape Cod berm versus something more
6 permanent. Dave Elliot advised that he asked what needed to be done and was given direction
7 by the Road Agent and Town Engineer. The Chairman indicated that this matter was now
8 between the Planning Board and the Road Agent. Dave Elliot believed that he was doing the
9 Town a justice in making this change.

10 The Chairman stated that there were two options with regard to the amount of money that
11 would be deposited into the escrow account. He indicated that the first option was to stick with
12 the Town Engineer's enumerated estimated and add the bill that was received today in the
13 amount of \$2,748, for a total of \$38,388.00. He stated that the second option was to drop the 18
14 hours from the "Miscellaneous Sloping and Grading" item and add the bill for a total of \$37,038.

15
16 Christine Quirk **MOVED** that the 18 hours be taken off and the bill that was owed be
17 added for a total of \$37,038.00. Don Duhaime seconded the motion.

18 **Discussion:** Peter Hogan pointed out that the fee was not being waived and should the
19 work be required the amount would need to be paid. The Chairman reiterated that point.
20 Tris Gordon asked if lot compaction was to be monitored. The Coordinator answered
21 that it was not and never had been.

22 The Chairman called for a vote and the motion **PASSED** unanimously.

- 23
24 15. Email request received June 24, 2013, from Vincent Iacozzi, Thibeault Corporation, to
25 Shannon Silver, re: request to extend the Conditions Subsequent deadline for Tax
26 Map/Lot #6/40-2, Conditional Use Permit, from July 13, 2013, to January 13, 2014, for
27 the Board's action.

28
29 The Chairman asked if the conditions had been extended in the past. The Coordinator
30 answered no. Peter Hogan asked if there was any downside to extending the conditions. The
31 Coordinator answered no.

32
33 Peter Hogan **MOVED** to extend the Conditions Subsequent deadline for Tax Map/Lot
34 #6/40-2, Conditional Use Permit, from July 13, 2013, to January 13, 2014. Christine
35 Quirk seconded the motion and it **PASSED** unanimously.

- 36
37 16. Letter received June 25, 2013, from Don Grosso, to New Boston Planning Board, re:
38 installation of a shed at the Post Office, for the Board's review and discussion.

39
40 The Chairman asked if the plan needed to be marked up and sent back. The Coordinator
41 answered that she did not believe the plan needed to be marked up. She pointed out that the
42 dumpster was being removed and the small shed would be placed on the existing pad that was
43 used for the dumpster.

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

23

June 25, 2013

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 The Chairman asked if the above-referenced letter should be attached to the plan. The
4 Coordinator answered yes.

5

6 Don Duhaime **MOVED** to approve the request that the Post Office site plan be amended
7 by attaching Don Grosso's letter dated June 25, 2013, thereto, and that the dumpster
8 would be removed and a shed placed on the existing pad in its place. Peter Hogan
9 seconded the motion and it **PASSED** unanimously.

10

11 17. Letter received June 24, 2013, from Sue A. Boore, to Stu Lewin, Chair, Planning Board,
12 re: status of Christian Farm Drive, for the Board's information.

13

14 The Planning Board Assistant advised that after receiving the above-referenced letter she
15 called Sue Boore and left a message and told her to feel free to call the Planning Office to
16 discuss the matter further; Sue Boore had not returned the phone call.

17 The Chairman asked if the lot that Sue Boore purchased could be subdivided. The
18 Coordinator believed there was a covenant on the lot that prohibited it from being subdivided.
19 She noted that when the lot was purchased the Boore's knew that it could not be subdivided.

20 The Chairman thanked the Planning Board Assistant for calling Sue Boore and asked for
21 a letter to be sent that stated the lot could not be subdivided.

22

23 Peter Hogan **MOVED** to adjourn at 9:02 p.m. Don Duhaime seconded the motion and it
24 **PASSED** unanimously.

25

26 Respectfully Submitted,
27 Valerie Diaz, Recording Clerk

Minutes Approved:
07/23/2013