

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

July 23, 2013

1 The meeting was called to order at 6:30 p.m. by Chairman Stuart Lewin. Present were
2 regular members Mark Suennen, and Don Duhaime; alternate David Litwinovich; and, ex-officio
3 Dwight Lovejoy. Also present were Planning Coordinator Nicola Strong, and Planning Board
4 Assistant Shannon Silver.

5
6 Present in the audience, for all or part of the meeting, were Jeffrey Taylor, Steve
7 Whitman, Selectman Christine Quirk, Mike Dahlberg, LLS, and Sean Campbell.

8
9 **Discussion with Jeffrey H. Taylor & Steve Whitman, Jeffrey H. Taylor & Associates, re:**
10 **Master Plan Visioning process.**

11
12 The Chairman called the meeting to order and noted the first item of business which was
13 a meeting with Jeff Taylor and Steve Whitman, Jeffrey H. Taylor and Associates, to discuss the
14 Master Plan Visioning process. The Chairman apologized for opening the meeting
15 approximately ten minutes late. He noted that the last Master Plan update was done in 2006 so a
16 new one was due-ish. He further noted that the Board was investigating options for external
17 assistance with the input gathering process. The Chairman asked that Jeff Taylor and Steve
18 Whitman explain to the Board the services they could offer, how their process would work and
19 what an approximate cost might be for budgeting purposes.

20 Jeff Taylor began by noting that he had been a land use planner for many years beginning
21 with a 12 year stint in the 1970's for the City of Berlin, NH. He noted that he was hired as the
22 Director of the Office of State Planning (OSP) in 1989 and was its director under Governors
23 Gregg, Merrill, and Shaheen and was then let go by Governor Benson. Jeff Taylor said that he
24 then opened his own planning consultancy and worked almost exclusively with New Hampshire
25 cities and towns. He went on to say that in 2003, Steve Whitman, with whom he had worked at
26 the OSP, joined him at the consulting company.

27 Steve Whitman informed the Board that he had moved to New Hampshire in 1997 and
28 was a planner at the Lakes Region Planning Commission and a circuit rider planner for the Town
29 of Northfield before he worked for the OSP. He noted that the positions at the OSP were
30 uncertain and he chose to leave and work with Jeff Taylor and was now in his 11th year of
31 consultancy. He considered himself fortunate to have worked with a range of cities and towns.
32 Steve Whitman said that they could go over their company's services, some ranges of prices, and
33 some examples of work they had performed for other communities.

34 Jeff Taylor stated that they did not have a standard approach for this type of work
35 because each community was different. He noted that he and Steve Whitman would first meet
36 with the Planning Board to get their thoughts on how to approach the work and this work could
37 involve forums, surveys, workshops at town meetings, breakfast meetings and so on. He went
38 on to say that they had worked with towns where they had done the entire Master Plan update to
39 towns where they had played only a minimal role in the process. Jeff Taylor said that the Town
40 of Bethlehem had divided their Master Plan update into chapters and each Board member had
41 taken a chapter to update. At the end Jeff Taylor's company had been hired to assemble the
42 separate chapters into one plan and to add things that had perhaps been overlooked along the
43 way. Jeff Taylor said that at the other end of the spectrum they had written Berlin's Master Plan

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2 **cont.**

3
4 for them chapter by chapter and had presented each chapter on a monthly basis to a group of
5 about 18 people that included the Planning Board and others.

6 Jeff Taylor next said that visioning activities could be done in a number of different
7 ways. He noted that he liked to ask groups for three things they like about their community that
8 they want to still be there in 20 years and then three things that concern them and that they hope
9 will be fixed, corrected or improved in 20 years. He went on to say that state statute requires
10 only two sections in a Master Plan - the vision statement and the future land use plan; everything
11 else is recommended but not required. Jeff Taylor told the Board that the Town of Farmington
12 was tired of public forums and opted instead to have the Planning Board members individually
13 go to other venues and meetings to talk with people within their own groups. Steve Whitman
14 said that in some communities they have used a land use planning exercise where the participants
15 are given different types of development to fit into their community and they find out how hard it
16 is to use the Town's vision and rules and regulations to manage future development.

17 Jeff Taylor explained that because their approach was so fluid depending on what each
18 community needed them to do, so were the costs for the services provided. He noted that the full
19 Berlin Master Plan rewrite cost \$10,000 a chapter for a total of \$95,000 which included mapping.
20 Some of the funding came from a private foundation and was not all from taxes. He thought that
21 a visioning session with the land use planning exercise would cost between \$8,000 - \$10,000.
22 Jeff Taylor then distributed to the Board an outline of past work that they had done.

23 Steve Whitman noted that many Master Plans were dense documents with lots of data
24 and noted that as an alternative a Master Plan could be published as a two part document with an
25 executive summary type report that included the vision and the future land use and the second
26 part being the detailed data and statistics. He noted that he had used this approach with the
27 Newfound Lake Watershed Project where the plan was 1,300 pages long and a 43 page executive
28 summary had also been produced. He also noted that the Town of Harrisville had published a
29 poster for their Master Plan.

30 Jeff Taylor said that an important part of the Master Plan was the recommended
31 implementations chapter which suggested actions for the town to consider in moving forward.
32 He noted that the Planning Board could enlist the help of other Town agencies in getting some of
33 the actions completed and the Board could then check in with those agencies on a regular basis
34 to see how those things were coming along.

35 Dwight Lovejoy asked if the update was mandated. Jeff Taylor stated that an update after
36 five years was good and ten years was long, so between five and eight was optimal. Steve
37 Whitman said that state law recommended five to ten years but this was not required. Jeff Taylor
38 stated that the real problems arose when a Town was taken to court for something if the Zoning
39 Ordinance had been changed and did not match the policies outlined in the Master Plan. The
40 Chairman asked how long ago the New Boston Master Plan was done. The Coordinator said the
41 last update was done in 2006 making it seven years old.

42 The Chairman asked if in the last year or two Jeff Taylor and Steve Whitman had been at
43 public forums at which there was an Agenda 21/free state presence and how they dealt with it.

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2 **cont.**

3
4 Jeff Taylor said that this had been an issue for the City of Dover but the process was such that
5 everyone got their chance to speak and it did not become disruptive. He noted that should one
6 individual attempt to take over the meeting it would be dealt with so that they would not be
7 allowed to override others. Steve Whitman noted that this could be a matter of concern if out of
8 town people were coming to meetings and attempting to take over the proceedings. He noted
9 that some towns have become more regimented in their scheduling of public meetings, for
10 example, by giving residents and property owners the right to speak first and then allowing other
11 interested parties afterwards.

12 David Litwinovich asked if there were other examples of a more middle ground approach
13 to public input gathering, noting that the formal input sessions sometimes were perceived as the
14 organization trying to force the issue down the participants' throats while surveys were
15 responded to poorly. Jeff Taylor stated that in Portsmouth, neighborhood team leaders had been
16 assigned to invite neighbors for dessert and coffee and to ask them the questions about the future
17 visioning in a more informal setting. He noted that it was quite effective to go to the people
18 rather than try to bring the people to the Board. Steve Whitman said that going to other
19 meetings, for example, the Fire Department, School Board and so on, was another way to get the
20 input. David Litwinovich asked if it was possible to come up with six effective questions that
21 would cover the scope of the Master Plan. Steve Whitman stated that the vision was the
22 important part and the questions were who are we, what are the issues, what are the things we
23 want to preserve, and the things we need to address. Jeff Taylor said this went back to what he
24 had said at the beginning about the three things people wanted to retain and the three things that
25 people wanted to change about their community. He said that getting answers to those questions
26 from 75 individuals would give a good idea of a consensus of a core vision. Steve Whitman said
27 that the drafts for any update would be reviewed with the Planning Board and then published for
28 public input on the draft.

29 Jeff Taylor asked what the Board's schedule for the Master Plan update was. The
30 Chairman indicated that because money would be requested for the work by warrant article the
31 project would not take place until 2014. He said that the Board was exploring the various
32 options open to them in order to accomplish the update and that cost was a factor in that
33 exploration. He did not think that the Town was looking at a full blown Master Plan update, but
34 more a focused vision update and facilitation therefor.

35 Jeff Taylor and Steve Whitman thanked the Board for the opportunity to meet with them
36 and left the meeting.

37 The Chairman suggested that the Board address the various options available to them at
38 the next meeting. He asked the Coordinator if she had anyone else coming in to talk to the Board
39 about the Master Plan. The Coordinator did not; she noted that now the Board had met with a
40 private consultant, the University of New Hampshire Cooperative Extension (UNHCE) people
41 and they were familiar with Southern New Hampshire Planning Commission (SNHPC) and what
42 they could do and the fourth option would be for the Board to do the update themselves. The
43 Coordinator noted that there are many planning consultants in New Hampshire but she had

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3
4 picked Jeff Taylor and Steve Whitman because they are so good at what they do and because Jeff
5 Taylor had been the Director at OSP for so many years. Dwight Lovejoy asked what kind of
6 workload a Master Plan update would put on the Planning Department and the Coordinator
7 answered that would depend on how the Board decided to proceed and who would be doing the
8 work.

9 The Chairman asked the Coordinator for clarification on her statement that the Board was
10 familiar with what SNHPC could do. He asked if she meant that their work would be similar to
11 what they had done for the Mixed Use District session in 2012 and/or the other plans that they
12 have prepared for the Town. The Coordinator answered, yes. The Chairman asked if SNHPC
13 had done any of the last Master Plan update facilitation. The Coordinator said that SNHPC had
14 facilitated the session at the school on the Future Land Use chapter that the Master Plan
15 Committee had drafted. The Chairman asked if this would be an extra activity for SNHPC and
16 not covered by dues. The Coordinator stated that would be the case. The Chairman asked the
17 Board if anyone was interested in having SNHPC come to a meeting to answer the same question
18 about what they could do for the update. Mark Suennen stated that he did not have any interest
19 in having SNHPC come and meet with the Board about this and that he did not want to have
20 them associated with future planning in New Boston. Don Duhaime agreed and said he was not
21 impressed. The Chairman asked if this was based on the experience with the Mixed Use District.
22 Mark Suennen said that the facilitated session in October 2012 was not well handled and he did
23 not want to have SHNPC handle badly a session that would inform the Master Plan that the
24 Board would be beholden to for the next five to ten years. He did not want the SNHPC name on
25 this next Master Plan update.

26 Dwight Lovejoy asked if there was a plan in place now. The Chairman explained that
27 there was a Master Plan in place that had last been updated in September 2006 and that the Board
28 wanted to update it before the ten year mark. He further noted that the last couple of years the
29 Board had not put forward a proposal for the update due to the cost and the situation with the
30 budget and the economy. The Chairman asked David Litwinovich if he had anything to add
31 about having SNHPC work on the update. David Litwinovich indicated that he agreed with the
32 other two Board members. He also said that he felt strongly that whoever was hired to work on
33 the update, the Planning Board should be the face out in front at the input sessions and so on. He
34 did not think that the Board could do all the work but thought it was important that the Board be
35 very visible during the update.

36 The Chairman suggested that 30 minutes be set aside at the next meeting to discuss the
37 options. The Coordinator said that based on the Board's comments at this meeting and
38 conversations that have happened between the Mixed Use District session and now, the Board
39 needed to talk to the Planning Commission. She thought it important to outline the reasons the
40 Board was looking to move in a different direction with this update and to address the concerns
41 that the Board had with the facilitations. The Coordinator went on to say that it was important to
42 be able to continue to work with SNHPC for maps and other work that required the use of the
43 data that they had gathered and stored. She thought the Board owed them the courtesy of letting

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3
4 them know that the Board was going in another direction for public sessions but continued to
5 find the Commission valuable for many things that they do for the Town within the dues paid.
6 The Chairman asked if SNHPC were aware of the two meetings the Board had had so far with
7 regard to the Master Plan update. The Coordinator answered that they were not and noted that
8 the Board actually had a quote from SNHPC for updating the Master Plan from three or four
9 years ago.

10 The Chairman noted that he agreed with the idea of talking to SNHPC about this but that
11 he would wait until the next meeting when the Board would discuss the four options for the
12 Master Plan update in more detail. The options were UNHCE, private consultant, SNHPC or the
13 Planning Board. The Chairman noted that the Board's consensus was that SHNPC would not be
14 invited to come and give a pitch to the Board about what they could do for the update. He then
15 noted that following the discussion regarding the pros and cons of each approach he would be
16 able to speak to the SNHPC about the Board's concerns with working with them further in future
17 planning matters.

18
19 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
20 **JULY 23, 2013, INCLUDING, BUT NOT LIMITED TO:**

- 21
22 1. Approval of the June 11, 2013, minutes distributed by email.

23
24 Mark Suennen **MOVED** to approve the minutes of June 11, 2013, as written. Don
25 Duhaime seconded the motion and it **PASSED** unanimously.

- 26
27 2. Approval of the June 25, 2013, minutes distributed by email.

28
29 The Chairman mentioned a couple of sections of the June 25, 2013, minutes where his
30 recollection of the conversation was not the same as it was documented in the minutes. Others
31 who had read the minutes and/or attended the meeting thought that the wording was either
32 reflective of the discussion and/or got across the understanding of what happened. The
33 Chairman did note that on Page 19 there was a stray occurrence of the name "Elliott" which was
34 not part of a sentence and should be deleted.

35
36 Don Duhaime **MOVED** to approve the minutes of June 25, 2013, as amended. Dwight
37 Lovejoy seconded the motion and it **PASSED** with Don Duhaime, Stu Lewin and Dwight
38 Lovejoy voting **AYE**, and Mark Suennen **ABSTAINING**.

- 39
40 3a. Summary of Events Report received July 8, 2013, from Kevin M. Leonard, P.E.,
41 Northpoint Engineering, re: Bituminous Curb/Paved Shoulder Field Change, Twin
42 Bridge Estates-Phase II, Wright Drive Station 13+00 to 17+50, for the Board's review
43 and discussion.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 3b. Background information, re: swales and Road Committee review, for the Board's
4 information.

5
6 The Chairman noted that the story behind the story was that assertions were made during
7 the meeting about timelines that did not quite line up with the Town Engineer's reports and the
8 Town Engineer had gone back and put together a more detailed list than what was in the field
9 reports and also Kevin Leonard, PE, had spoken with Dick Perusse, Road Agent, before
10 submitting the document to verify the events were Dick Perusse's recollection as well. The
11 Chairman said that this document was meant to document for the record... because what happens
12 during meetings was that people were talking in generalities and saying what they thought had
13 happened and who had said what so this timeline was meant to be a more concrete and factual
14 account of events for the record. The Chairman asked if anyone had any questions.

15 The Coordinator noted that Kevin Leonard, PE, had a question in this document about
16 whether or not the Planning Board wanted to have the berm placed now. She noted that
17 ordinarily the berm was not placed until the wearing course of pavement was done but there was
18 no fixed date for that to happen so Kevin Leonard, PE, was suggesting that the berm be done
19 now and delineated with delineators. This was so the runoff did not go across the paved area and
20 get to the detention area without being directed by the berm. The Coordinator noted that Dick
21 Perusse, Road Agent, need to weigh in on this as well but since the Board was not meeting until
22 August it would be helpful if the Board said whether or not they thought that was a good idea.

23 The Chairman clarified that basically because it could be a really long time before the
24 subdivision was finished, the stuff should be in place to handle the drainage and make it work the
25 way it should. And the question was whether the Board recommends or feels that it should be
26 done now and then fixed later if there are any issues with it.

27 The Chairman noted that he was in favor of that. Mark Suennen agreed, with the caveat
28 that the Town of New Boston is not responsible to damage to that curb until such time as the
29 road has been accepted even if the Town decided out of the goodness of their heart to go and
30 plow that roadway. The Coordinator stated that they would not plow the road until it was
31 accepted. Mark Suennen understood but said that did not mean that some other Select Board
32 could decide to generously snowplow that roadway. He noted that he was thinking
33 hypothetically about another long cul-de-sac that was being discussed by the Selectmen, and if
34 that was not accepted as a town road but as a concession the Board may offer to plow the road.
35 Christine Quirk noted that in the case of an emergency if something happened and the rescue
36 crew had to get there, the Town plows would be sent to plow the road for access by the
37 ambulance, even if it was a Class VI road. Mark Suennen noted that the owner of the facility
38 today took responsibility for any damage that occurs on those curbs because they were not part
39 of the original design that was agreed to by the Planning Board. The Chairman stated that
40 worked for him. He confirmed with the Coordinator that no vote was required on this matter,
41 just a consensus.

42 The Chairman asked if anyone on the Board disagreed or wanted to discuss this more or
43 had anything they wanted to add at this point.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Dwight Lovejoy asked if the Board had any idea how far the developers would get with
4 this project this season. The Chairman asked to what Dwight Lovejoy was referring. Dwight
5 Lovejoy said number of houses. The Chairman said that he had no idea and the Board could ask
6 the question hypothetically speaking. Mark Suennen noted that was market based and said that
7 three houses had been sold and several others were for sale. He said that they were selling faster
8 than he expected they would at this stage. The Chairman did not think the build out would be
9 completed by the end of the year. Mark Suennen agreed that it seemed doubtful it would be this
10 season.

11 The Chairman noted that the road was down and the water runoff was going to be
12 happening. He said it was not as if the developer had built half way in and had not done the end
13 of it. He stated that they had basically put the whole road down so all the runoff and all the rest
14 of it needs to be addressed and that was primarily what the point of this was; to make sure that
15 the Town did not get erosion and other things that should not be happening because it is half way
16 done. Dwight Lovejoy stated that he did not know the particulars of what went on as far as
17 having a design and having to compact it layer by layer and he really could not say what created
18 the change. The Chairman asked if that was a question in terms of the contents of the summary
19 of events or that was a question about whether they should have to put down the berm now.
20 Dwight Lovejoy said he did not think they go any further than doing the whole road and berm it
21 out and everything. He said that would be a lot. The Chairman stated that everything at this
22 point had been done except the berm and so this would just say that they needed to finish the
23 berm and if it got damaged in any way, shape or form before the Town accepted it they would
24 have to finish it and bring it up to the original spec before the Town would accept it, regardless
25 of who causes the damage. Dwight Lovejoy asked if the measure that they did was going to be
26 accepted in the whole place or if there were certain spots. Mark Suennen asked if Dwight
27 Lovejoy was asking if the berm was universal or only in this one location. He asked the
28 Coordinator if a plan from Meridian had been received as to what they were proposing. The
29 Coordinator replied that a typical was submitted after the fact. Mark Suennen asked if it was
30 specific to locations. The Coordinator noted that the only place the swale was, was at sta 13 to
31 17 +/- . The Chairman confirmed the location from the first page of Kevin Leonard, PE's,
32 summary as sta 13+00 to 17+50.

33 The Chairman noted that the consensus of the Board was that under those conditions the
34 berm should be installed now. David Litwinovich asked if they would be held to the condition of
35 installing delineators every 25 feet. The Chairman said they would. He noted that at this point
36 the Board only had a typical, not an actual plan. The Coordinator noted that the detail the Board
37 had was the proposed change. She noted that it was not designed precisely for the station it was
38 located at, but was just showing the cross section of what the structure was.

39 The Chairman asked if an as built plan would be submitted of this subdivision that would
40 have this area included. The Coordinator replied that it would.

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42
43

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1 **FERUS TERRA, LLC (OWNER)** **Adjourned from 06/25/13**
2 **CASTLE DONOVAN, III (APPLICANT)**
3 **ARTHUR F. SICILIANO LAND SURVEYING, LLC (APPLICANT)**
4 Public Hearing/NRSPR/to allow the construction and operation of an Assisted Living
5 Residence/Supported Residential Health Care Facility
6 Location: Old Coach Road
7 Tax Map/Lot #10/3-2 & 10/3-3
8 Residential-Agricultural "R-A"
9

10 The Chairman read the public hearing notice. No one was present for this hearing.

11 The Chairman noted that the deadline for Board action had been July 18, 2013, and at the
12 last meeting the applicant had agreed to an adjournment to this evening's meeting. He noted that
13 the applicant had been told to have all their plans and other information submitted a week prior
14 to the meeting. The Coordinator said that the only thing missing was the Stormwater
15 management plans and that was why the applicant's surveyor had requested an adjournment of
16 this evening's hearing to be able to supply that information.

17 The Chairman pointed out that on the Miscellaneous Business agenda there was a copy of
18 a complaint filed by the applicant with the HUD Fair Housing office. He also noted that the
19 Board was in receipt of a letter from Art Siciliano, LLS, requesting an adjournment to the next
20 scheduled meeting and agreeing to an extension of the 65 day deadline for Board action on the
21 application.

22 The Chairman appointed David Litwinovich to be a full member in Peter Hogan's
23 absence.

24 The Chairman asked that the notification to the parties that the adjournment had been
25 granted include another reminder to submit the required information to the Board a week prior to
26 the meeting so that there was time for review and distribution.
27

28 Mark Suennen **MOVED** to adjourn the hearing for Ferus Terra (Owner), Castle
29 Donovan, III (Applicant) and Art Siciliano, LLS, (Agent), Tax Map/Lot #10/3-2 and
30 10/3-3, Old Coach Road, R-A District, to August 27, 2013, at 7:30 p.m., noting the
31 deadline for submission of information for that meeting to be one week prior to August
32 27th, and also that the applicant has asked for an extension to the deadline for Board
33 action to the same date and meeting. Don Duhaime seconded the motion and it **PASSED**
34 unanimously.
35

36 **Miscellaneous Business, cont.**
37

- 38 4. A letter dated July 2, 2013, from Stuart Lewin, Planning Board Chair, to Twin Bridge
39 Land Management, LLC, re: Field Changes to Subdivision Plans, was distributed for the
40 Board's information.
41
- 42 5. Letter received June 27, 2013, from Kevin M. Leonard, P.E., Northpoint Engineering, to
43 Nic Strong, Planning Coordinator, re: Twin Bridge Estates – Phase II, for the Board's

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 information.

4
5 The Chairman noted that this letter outlined the inspections that the developer had had
6 questions about concerning the long term requirements for inspections of the open area and slope
7 issues. This had come up at the June 25, 2013, meeting and the Board had not been sure of
8 exactly what Kevin Leonard, PE, had proposed with regard to ongoing inspections of the
9 property.

- 10
11 6. Email received July 10, 2013, from Vincent Iacozzi, Thibeault Corporation, to Shannon
12 Silver, re: request to meet with Board to discuss outstanding gravel pit permits, for the
13 Board's action.

14
15 The Planning Board Assistant noted that she had sent several reminders to Thibeault
16 Corporation over the last four months or so about the August 1, 2013, deadline that the Board
17 had given them to come into compliance with the earth removal operation on the north side of
18 Parker Road and the one on River Road. She noted that the deadline had been missed and
19 instead Vinnie Iacozzi had sent this email requesting time to meet with the Planning Board to
20 discuss the two pits.

21 The Chairman asked why they would not just file their permit applications. Mark
22 Suennen suggested that the applicant could come and talk to the Board about the restoration of
23 the River Road operation to plan how it would be closed but that they should file a permit to
24 maintain the one they want to keep open. The Chairman asked that Thibeault Corporation be
25 reminded that they missed the original deadline for filing their permit applications and have
26 missed all other deadlines since then, including the recent August 1, 2013, deadline. He
27 suggested that the applicant have a good explanation of why they missed the deadlines and why
28 the Town should not cease and desist their operations, or they could file their permit applications
29 15 days prior to the next meeting.

- 30
31 7. Construction Services Reports received July 10, 2013, dated June 25th and 27th and July
32 2nd and 7th, from Northpoint Engineering, LLC, for Twin Bridge Estates, Phase II (Wright
33 Drive), were distributed for the Board's information.

- 34
35 8 Construction Services Reports received July 10, 2013, dated June 19th & 21st and July 7th,
36 from Northpoint Engineering, LLC, for SIB Trust, for the Board's information.

37
38 The Coordinator noted that she had been copied on some email correspondence between
39 Bobby Patel, Thibeault Corporation and Kevin Leonard, PE, in which Bobby Patel indicated that
40 Thibeault Corporation would probably be subcontracting out the completion of the Indian
41 Falls/Susan Road project and that he had met onsite with the subcontractor to go over the things
42 that needed to be done. The Coordinator noted that Kevin Leonard, PE, had suggested that there
43 be a meeting of all the parties involved if that was the case and that she had chimed in on the

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2
3 email discussion to say that such a meeting and site walk would be required so that all the parties
4 were on the same page. She asked the Board if that would be their recommendation also.

5 The Chairman asked that a letter be sent to everyone involved that if a subcontractor was
6 used for this project the Planning Board would expect that there would be a preconstruction
7 meeting and a site walk to include the Town Engineer, Planning Department and Road Agent so
8 that everyone was on the same page. He noted that Thibeault Corporation should not be the ones
9 telling the subcontractor what had to be completed. The Board agreed.

10
11 9. Construction Services Report received July 10, 2013, dated July 3rd, from Northpoint
12 Engineering, LLC, for Forest View II, was distributed for the Board's information.

13
14 10. Endorsed Site Review Agreement for Craig E. & Crystal L. Heafield and the Town of
15 New Boston, River Road (RTE 13), Tax Map/Lot #6/22, for the Board's information.

16
17 The Chairman noted that it was a good thing that the details of the berm between this lot
18 and the abutter and the maintenance thereof had been documented in an easement deed since he
19 had noticed the abutting property was now for sale or had been sold.

20
21 11. Letter copy received July 15, 2013, from Russ J. Boland Jr., Fire Inspector, to Benjamin
22 Cass, re: 737 River Road (previously Damian's Restaurant), for the Board's information.

23
24 The Chairman clarified that the Fire Inspector was letting the potential owners of the
25 property know that there was a restriction on the number of occupants allowed at this restaurant.
26 He asked if this was to do with the septic system. The Coordinator replied that it was and that
27 any expansion would need not only site plan review but approval from NH DES. Christine
28 Quirk mentioned that it was her recollection that Damian's had received approval for outdoor
29 seating at picnic tables.

30
31 12. Memorandum dated June 26, 2013, from Shannon Silver, to Peter Flynn, Town
32 Administrator and Board of Selectmen, re: SNHPC Representative from New Boston,
33 was distributed for the Board's information.

34
35 13. Letter copy received July 02, 2013, from Peter Flynn, Town Administrator, to Mr. Joseph
36 Foistner, Esq., re: wetlands violation complaint, was distributed for the Board's
37 information.

38
39 **BOLTON, CHRISTOPHER J. (OWNER)**

40 **BDRC PROPERTIES, LLC (APPLICANT)**

41 **DAHLBERG LAND SERVICES, INC. (AGENT)**

42 Submission of Application/Public Hearing/NRSPR/to operate a contractor's yard for an
43 underground utility testing company and a landscape contractor

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1 **BOLTON/BDRC PROPERTIES, cont.**

2
3 Location: Hemlock Drive
4 Tax Map/Lot #3/52-25
5 Commercial "COM"

6
7 The Chairman read the public hearing notice. Present in the audience were Mike
8 Dahlberg, LLS, and Sean Campbell from BDRC Properties, LLC, applicant.

9 The Chairman noted that there had been several informational sessions over the years for
10 this property, none of which had ever come to application status. Mike Dahlberg, LLS,
11 described the property's location and noted that based on review comments from the Coordinator
12 he had split the plans into existing conditions and proposed conditions. He said that there were
13 things on the plans that he had not labeled as existing which he had corrected and that he had
14 received the checklist review of the plans. The Chairman asked for a high level overview of the
15 proposal before getting into the details of the review.

16 Mike Dahlberg, LLS, stated that the plan before the Board this evening closely mimicked
17 the previous owner, Bob Jenkins' plan proposal from ten years ago. He said that the proposal
18 was for an underground utility testing company to put up a building within which they would
19 store their equipment. The building would be two units and the other unit would be for a
20 landscape contracting business. He further noted that once the applicant purchased the property
21 they would expect to have the building constructed within two months. Mike Dahlberg, LLS,
22 went on to say that the building would be 460' from the edge of pavement on Hemlock Drive and
23 the nearest house was on Tax Map/Lot #3/52-32 which was approximately 550' away. He stated
24 that the facility would not be close to any abutters and there were heavily vegetated buffers in
25 place around the site. Mike Dahlberg, LLS, noted that there were existing gravel areas and rip
26 rap swales. The building, septic system, employee and customer parking, and bins for the
27 landscaper were basically the only things that needed to be done to the site.

28 The Chairman asked if the landscaper was a commercial landscaper. Sean Campbell
29 noted that the supplies would be for the landscape business. Mike Dahlberg, LLS, explained that
30 the materials would be for the landscaper's use only. He noted that the plan review had asked
31 about erosion control for the materials storage areas shown on the plan. He noted that the
32 materials to be stored in those locations were not aggregate materials and loam but rather pipe,
33 fencing and equipment. He went on to say that he was concerned that labeling those areas might
34 get the future users of the areas in trouble if they stored something that was not listed. The
35 Chairman suggested that the labels needed to be more specific. Mark Suennen thought they
36 could say "Equipment and manufactured materials storage" or something similar. The Chairman
37 noted that this discussion in the minutes should make it clear what was intended by these storage
38 areas.

39 The Chairman invited Mike Dahlberg, LLS, to go through the checklist items or give his
40 presentation to the Board. Mike Dahlberg, LLS, began by noting the question with regard to the
41 Town's Groundwater Resources Conservation District. He said he had reviewed Section 204.7,
42 I, 2, under Performance Standards and noted that the only impervious area on the site would be
43 the building at 9,600 s.f. He stated that the ordinance specified that if more than 15% of the lot

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1 **BOLTON/BDRC PROPERTIES, cont.**

2
3 or 2,500 s.f., whichever is greater, was to be rendered impervious then a Stormwater
4 management plan would be required. He noted that the building was 9,600 s.f. which was only
5 1.5 - 2% of the total lot. Mike Dahlberg, LLS, did not, therefore, think he needed a Groundwater
6 Resources Conservation District Conditional Use Permit.

7 As far as landscaping of the lot was concerned, Mike Dahlberg, LLS, said that the Board
8 would see when they did their site walk that the buffers were all heavily vegetated and the plans
9 specified that they would stay that way. Mike Dahlberg, LLS, next noted the parking space
10 calculation. He said that this use was not one that was listed in the Non-Residential Site Plan
11 Review Regulations and as such he was proposing the number of spaces based on what the
12 applicant would require. He noted that there would be three employees for the utility testing
13 company and three employees for the landscaper. He noted that all the equipment would be
14 stored inside. Mike Dahlberg, LLS, stated that he had shown seven customer parking spaces
15 although neither business would really have customers. He said that the parking spaces had been
16 located out of the way of truck movement and that 18 spaces altogether were shown. He added
17 that he had included notes on the plan regarding parking and a construction sequence.

18 Mike Dahlberg, LLS, noted that a Stormwater management plan was not required as the
19 proposed construction was not in critical areas. He then noted that the Coordinator had
20 suggested he look through the Commercial Design Guidelines. The Chairman asked if anything
21 on the existing site plan had to be modified to be included on the proposed site plan. Mike
22 Dahlberg, LLS, said that the building location had to be flattened out a little. He explained that
23 when Bob Jenkins had owned the property and was going to construct a building on the lot when
24 the gravel operation was finished, he had encountered groundwater and put in the swales and
25 ditches at that time as part of the reclamation of the pit. Mark Suennen asked how the boundary
26 for the edge of the usable gravel area would be delineated. Mike Dahlberg, LLS, said that there
27 would be signs for the employee parking spaces versus timbers but he supposed that stakes could
28 be placed to mark the edges. Mark Suennen asked if the natural gravel area elevation would be
29 enough to delineate the travel paths. Mike Dahlberg, LLS, said that it would and that minimal
30 grading was required onsite.

31 The Chairman pointed out that the materials storage bins were noted as being 24' in depth
32 on the detail but 20' on the plan itself. Mike Dahlberg, LLS, stated that was a holdover from an
33 older plan and they would be 20'. He returned to the subject of the Commercial Design
34 Guidelines, noting that he had read through them but did not think they would apply because the
35 building would not be visible from the road. He said it would be a steel building. The Chairman
36 asked if pictures were available. Mike Dahlberg, LLS, stated he would have pictures for the next
37 hearing. He noted that the building would not be ugly but would certainly be utilitarian and due
38 to its distance from the road he said again that he did not think the design guidelines applied.
39 The Chairman said the Board would consider this once they had seen the site and pictures of the
40 building. He asked if the building would be one or two stories. Mike Dahlberg, LLS, said it
41 would be one story, 21' high.

42 The Chairman asked about the sign for the business. Mike Dahlberg, LLS, said that there
43 was an existing sign in place although it was not in very good repair. He said it had been there in

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1 **BOLTON/BDRC PROPERTIES, cont.**

2
3 2007 when some survey work was done. He went on to say that Mr. Campbell did not know if
4 he wanted to have a sign but the landscaper was certainly going to have one.

5 The Chairman asked if the existing gravel drive to the back of the lot was going to
6 remain. Mike Dahlberg, LLS, stated that it was and that it had been there as interior lot access
7 when Bob Jenkins owned the lot. He said that there was the future possibility of another
8 building being placed there at which point the design guidelines would be pertinent.

9 The Chairman asked if the gate indicated was existing. Mike Dahlberg, LLS, said that it
10 was and he would add the word "existing" to the label.

11 The Chairman noted that the application appeared to be complete.

12
13 Mark Suennen **MOVED** to accept the application for Christopher Bolton, (Owner),
14 BDRC Properties, LLC (Applicant), Dahlberg Land Services, Inc. (Agent), Submission
15 of Application/Public Hearing/NRSPR/to operate a contractor's yard for an underground
16 utility testing company and a landscape contractor, Hemlock Drive, Tax Map/Lot #3/52-
17 25, Small Scale Planned Commercial "COM" District, as complete. Don Duhaime
18 seconded the motion and it **PASSED** unanimously.

19
20 The Chairman noted that the applicant had a pending application for a Special Exception
21 with the ZBA for the contractor's yard. Mike Dahlberg, LLS, confirmed that he would be before
22 the ZBA a week before the Planning Board's next meeting in August.

23 The Chairman asked Mike Dahlberg, LLS, if there was anything on the checklist review
24 that he did not plan to do. Mike Dahlberg, LLS, stated that there was nothing in the checklist or
25 the notes on the plan that gave him pause. He said that some of the issues were because the plan
26 had not been clear as to what was existing and what was proposed so some of the details weren't
27 needed because the features were already there.

28 The Chairman asked the applicant to address the hours of operation, noting that the plan
29 currently just said 24 hours. He said that since there were two proposed businesses there should
30 be regular business hours for each one and then a note about the need for 24 hour access for
31 emergency situations and winter plowing, etc. He reminded the applicant to supply pictures of
32 the proposed building, including the lights that were proposed.

33 Mark Suennen asked about the salt and sand storage for the landscape contractor, noting
34 that this may become an issue for the Groundwater Resources Conservation District. Mike
35 Dahlberg, LLS, thought that those materials would have to be covered and contained and that he
36 would make a plan for that.

37 The Chairman asked about the landscaping and whether or not it met the Zoning
38 Ordinance requirements. He thought the plan should be more specific as to what currently
39 existed onsite to verify it met zoning requirements and also to give any future owners of the
40 property an idea of what would have to be maintained. Mike Dahlberg, LLS, said that on the site
41 walk the Board would see that the perimeter of the site was very heavily vegetated with thick
42 brush or tree cover. The Chairman told the applicant to bear in mind that this was a potential
43 issue and that the Board would view the existing vegetation on the site walk. Mike Dahlberg,

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1 **BOLTON/BDRC PROPERTIES, cont.**

2
3 LLS, said that the plans already specified that existing vegetation would remain in the 25' and 15'
4 buffers and he did not know what more he could do. Mark Suennen stated that on the site walk
5 the Board may determine that certain trees in particular had to remain, or that there was to be no
6 cutting or trimming of certain areas. He said this item should be postponed until after the site
7 walk.

8 The Chairman asked if anyone on the Board thought a Traffic Impact Analysis would be
9 required for this site plan. He suggested that a memo describing what the anticipated traffic flow
10 would be like and the reasons a full blown study would not be required might be appropriate and
11 that way the Board could determine whether or not a study was needed.

12 David Litwinovich asked about the equipment the applicant had for the utility repair
13 work that they do. Sean Campbell stated that he had three service trucks under 26,000 GVW and
14 he went all over New England for water taps and insertion valves.

15 A site walk was scheduled for Monday, August 12, 2013, at 6:30 p.m. The applicant was
16 asked to have the building corners staked and the parking areas and materials bins marked in
17 some fashion. The Chairman stated that the Board would also be looking at the area that would
18 be the driveway and gravel area around the building. He reminded the applicant that any updates
19 or submissions had to be made a week prior to the Board's meeting.

20
21 Mark Suennen **MOVED** to adjourn the application of Christopher Bolton, (Owner),
22 BDRC Properties, LLC (Applicant), Dahlberg Land Services, Inc. (Agent), Submission
23 of Application/Public Hearing/NRSPR/to operate a contractor's yard for an underground
24 utility testing company and a landscape contractor, Hemlock Drive, Tax Map/Lot #3/52-
25 25, Small Scale Planned Commercial "COM" District, to August 27, 2013, at 8:30 p.m.
26 Don Duhaime seconded the motion and it **PASSED** unanimously.

27
28 **This will be a public meeting per RSA 676:1 for the Board to discuss proposed**
29 **amendments to the Rules of Procedure. (SEE ATTACHED)**

30
31 The Chairman read the public hearing notice. No one was present in the audience and the
32 Chairman noted that he would not, therefore, read the proposed amendments in their entirety. He
33 noted that there were three amendments. The first amendment proposed changing the time of the
34 start of the Planning Board meetings to 7:00 p.m. Amendment #2 was to update the section
35 regarding the structure of the Board's meetings to include the agreed upon change in timing of
36 work session discussions between the 1st meeting and 2nd meeting of the month. Amendment #3
37 was to take care of various typographic inconsistencies in various sections.

38 Don Duhaime asked if the Board would rather move the start time back to 6:30 p.m. He
39 noted that the 7:00 p.m. time was to convenience Peter Hogan. The Chairman noted that the
40 Rules of Procedure currently said 6:30 p.m. but the time had changed to 7:00 p.m. during a
41 period that he had a work assignment out of state and could not be back by 6:30 p.m. Upon the
42 end of that assignment the Chairman had asked the Board if they wanted to change back to 6:30
43 p.m. and Peter Hogan had expressed that he preferred the 7:00 p.m. start. The Rules of

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1 **RULES OF PROCEDURE, cont.**

2
3 Procedure had never been amended to change the time. Mark Suennen said he had no problem
4 with 6:30 p.m. David Litwinovich was fine with 6:30 p.m. The Chairman said that Peter Hogan
5 had been to one meeting since the time change so it did not appear that the 7:00 p.m. start was
6 helping him out. He agreed that getting done earlier rather than later was a good thing.

7
8 Mark Suennen **MOVED** to reject Proposed Amendment #1 to the Rules of Procedure and
9 leave the start time of the Planning Board's meetings as it is at 6:30 p.m. Don Duhaime
10 seconded the motion and it **PASSED** unanimously.

11
12 The Chairman asked if there was any discussion regarding the other two proposed
13 amendments. There was none.

14
15 Mark Suennen **MOVED** to accept Proposed Amendments #2 & #3 to the Rules of
16 Procedure as written. Don Duhaime seconded the motion and it **PASSED** unanimously.

17
18 **Miscellaneous Business, continued**

19
20 14a. Letter copy received July 9, 2013, from U.S. Department of Housing and Urban
21 Development to Town of New Boston, ZBA, re: Housing Discrimination Complaint, was
22 distributed for the Board's information.

23
24 14b. Memorandum with attachments dated July 10, 2013, from Nic Strong, Planning
25 Coordinator, to Mark Butler, HUD, re: Housing Discrimination Complaint, was
26 distributed for the Board's information.

27
28 14c. Email received July 16, 2013, from Jennifer R. Sharrow, Equal Opportunity Specialist,
29 HUD, to David Craig & Nicola Strong, re: HUD Complaint - Rose Meadow Group v.
30 New Boston Zoning Board, was distributed for the Board's information.

31
32 14d. Email correspondence from David Craig to Nicola Strong, re: HUD Complaint - Rose
33 Meadow Group v. New Boston Zoning Board, was distributed for the Board's
34 information.

35
36 14e. Email correspondence from Nicola Strong to Peter Flynn, Town Administrator, re: HUD
37 Complaint - Rose Meadow Group v. New Boston Zoning Board, was distributed for the
38 Board's information.

39
40 The Coordinator noted that she was meeting with Bill Drescher, Esq., the next day at 2:00
41 p.m. to go over this matter with him.

42
43 15. Article, entitled "*I Recuse Myself*", By C. Christine Fillmore, published in the

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 July/August 2013, issue of New Hampshire Town & City, was distributed for the Board's
4 information.

5
6 16. Copy of Supreme Court Case Charles A. Roberts v. Town of Windham, argued May 9,
7 2013, opinion issued July 16, 2013, was distributed for the Board's information.

8
9 17. Letter with invoice attachment received July 17, 2013, from David J. Preece, AICP,
10 Executive Director/CEO, SNHPC, to Stuart Lewin, Planning Board Chair, re: SNHPC
11 Membership Fee for Fiscal Year 2013-2014, was distributed for the Board's information.

12
13 18. Email received July 18, 2013, from Robin H. LeBlanc, Executive Director, Plan New
14 Hampshire, to Nic Strong, Planning Coordinator, re: Spring 2014 Charrette Applications,
15 was distributed for the Board's information.

16
17 19. Email received July 19, 2013, from David Litwinovich, to Nic Strong, Planning
18 Coordinator, re: Cul-de-sac input, for the Board's information.

19
20 The Chairman said that he would hold off on this item until the cul-de-sac discussion
21 later in the meeting.

22
23 20a. Draft copy of Town of New Boston, Selectmen's Meeting Minutes, July 15, 2013, for the
24 Board's information. To be discussed at the August meeting.

25
26 20b. Copy of notes as taken by Nic Strong, Planning Coordinator, at the July 15, 2013,
27 Selectmen's meeting, for the Board's information. To be discussed at the August
28 meeting.

29
30 20c. Letter dated July 23, 2013, from Stu Lewin, Planning Board Chair, to New Boston Board
31 of Selectmen, re: Response to Board of Selectmen Meeting of July 15, 2013, David
32 Elliott Agenda Item, for the Board's information. To be discussed at the August meeting.

33
34 The Chairman noted that the Board could read these items but they would not be
35 discussed until the August meeting when David Elliott would have returned from vacation and
36 would be able to be present at the Board's meeting if he wanted to. The Chairman updated the
37 Board that David Elliott had complained to the Board of Selectmen about his treatment at the
38 Planning Board meeting but that the Chairman did not want to discuss this without him being
39 present.

40
41 21. Letter received July 22, 2013, from Ruth R. Trussell, Trustee, Clark Hill Trust, to Mr.
42 Stuart Lewin, Planning Board Chair, New Boston Planning Board, re: request to extend
43 conditions subsequent deadline of June 1, 2014, to June 9, 2018 (current NH DES Dredge

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 and Fill Deadline date), for the Board's review and discussion.

4
5 The Chairman noted that the Planning Board had granted a previous extension to Ruth
6 Trussell's deadline to 2014 and the State had extended her Dredge and Fill Permit to 2018. He
7 further noted that Ruth Trussell was requesting that the Board extend their deadline to match the
8 2018 State deadline.

9 The Board noted that the request had been received the previous day and determined that
10 they would discuss this matter again at the next meeting so the Coordinator had time to review
11 the file and pull out the information with regard to the active and substantial deadlines for this
12 project.

13
14 22a. Construction Monitoring report dated May 22, 2013, re: Twin Bridge Land Management
15 for the Board's information.

16
17 22b. Email correspondence dated July 22, 2013, between Nic Strong, Planning Coordinator
18 and Kevin Leonard, P.E, Northpoint Engineering, re: Twin Bridge Phase II/access road
19 design change, for the Board's information.

20
21 22c. Email correspondence dated July 22, 2013, between Nic Strong, Planning Coordinator
22 and Kevin Leonard, P.E, Northpoint Engineering, re: Twin Bridge Phase II/access road,
23 recommendations to confirm road was built to specifications, for the Board's
24 information.

25
26 The Chairman noted that item 22a was an older daily report that led to the other two
27 items. He noted that his basic take on this was that they had built the access road to the detention
28 pond off the Wright Drive cul-de-sac had been built without inspections. The Coordinator
29 explained that this was the steep access road off the back of the cul-de-sac down to the detention
30 basin. Mark Suennen confirmed that this was done without anyone observing and monitoring it.
31 The Coordinator said that was correct and that there had been no final approval given to mix
32 loam in with the gravel for the surface of the road. She noted that David Elliott had come up wit
33 the idea of mixing loam with gravel for the surface of the access road to help it be a growing
34 media. The Coordinator went on to say that David Elliott had spoken to Dick Perusse, Road
35 Agent, and in trying to find out whether the approval was actually given, Kevin Leonard, PE, had
36 informed the Coordinator that Jeff Madon had been on site the previous week and the access
37 road was already constructed without the benefit of inspection as it had been put in during the
38 period that Northpoint Engineering was not doing inspections while waiting for the escrow
39 money to be submitted. The Coordinator stated that the Planning Board Assistant had raised the
40 question of how the Town would know that the access road had been built correctly so she had
41 asked Kevin Leonard, PE, what his suggestions would be to confirm construction was
42 satisfactory - core tests, test pits, etc. She noted that Kevin Leonard, PE's, second email
43 suggested test pits and he had spoken to David Elliott who was on vacation who agreed that test

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 pits would be the way to go to show anyone that it had been done right.

4 Mark Suennen stated that the original plan was supposed to be gravel with loam on top,
5 seeded and mulched to make it look natural but it was a stabilized roadway with a grass surface
6 essentially. The Coordinator stated that as far as she recalled that was the plan but she did not
7 have the detail in front of her. Mark Suennen stated that David Elliott had then had the idea to
8 mix the layers of materials so that it would be less likely to rut. The Coordinator stated that if
9 traffic was to access this road then it would not be mud, it would have some gravel mixed in.
10 Mark Suennen said it sounded like David Elliott had this idea, talked to a couple of people and
11 then went off and did it. The Coordinator said that appeared to be the case and the Chairman
12 noted that was consistent with what had been going on there. Mark Suennen asked if Kevin
13 Leonard, PE, was now suggesting test pits to verify the access road was stable. The Coordinator
14 said the access road had been put in without being inspected at all. Mark Suennen asked if the
15 cores were going to show that there was an adequate amount of gravel that the plans said should
16 be there. He said that it obviously did not meet the plans. The Coordinator said that the top
17 mixed layer at the moment did not meet the plans. She further noted that David Elliott had not
18 liked the way it came out anyway and went back and put more crush on top. Mark Suennen did
19 not see any value in doing a core at this time. He said the access road was out of spec and not
20 built to the plan and was at their own risk and he thought it could be tested at some time in the
21 future. In fact, he stated, the Town could wait until the day before acceptance to tell them to fix
22 it. He did not think there was any sense in going and taking cores now if David Elliott is going
23 to continue changing it. Mark Suennen thought that it should be left to grow, if that's what the
24 intent is, and then the Board could look at it and decide if there was a reason to core it. He noted
25 that ultimately the Board did not have to accept it as is because they went off and messed with it.
26 The Coordinator noted that in order to know what they have to fix, they were going to have to
27 dig into it to make sure the construction was okay. Don Duhaimé said that a test pit now would
28 indicate whether the material was suitable. The Planning Board Assistant thought that Mark
29 Suennen was saying that there was no point checking the material if the Board already knew that
30 the material used was incorrect. The Coordinator stated that the material had been changed was
31 just the top and the material at the base should have been placed to the right depths. The
32 Chairman said the Board did not know that because no inspections were done. The Coordinator
33 said there were two separate questions. The only thing that had been changed was the method of
34 getting something to grow on that access road. She noted that underneath that they would have
35 put in whatever the plan called for for the subgrade. Mark Suennen stated that the Board had no
36 idea whether the correct structure was there and Kevin Leonard, PE, wanted to find out if the
37 structure was there now. The Coordinator stated that was correct, that the base would be tested
38 to make sure it conformed to the plan. Mark Suennen asked why that had to be done now. The
39 Coordinator stated that they were onsite, still working. Dwight Lovejoy asked if this was the
40 access road that went down to the river. The Coordinator noted that this was right off the back of
41 the cul-de-sac; the very steep driveway that went down to the detention basin. Dwight Lovejoy
42 did not think there was anything going to be down there. Mark Suennen explained that there was
43 going to be drainage structures at the bottom of the hill that, in theory, would require checking

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 by the Highway Department every six months. Mark Suennen said he did not like it but he was
4 not going to say the Board should not do it. Don Duhaime said that it was out of control and that
5 David Elliott seemed to be doing what he wanted when he wanted to. The Chairman said that
6 the Board needed to send something in writing that addressed this matter. Mark Suennen stated
7 that the Board already had. The Chairman thought the Board should send a letter saying that
8 they had previously sent you this, you have again not followed what it is you're supposed to do.
9 You have built this road, not according to plan, without any inspections as required so the
10 Planning Board is putting you on notice that they were reserving the right not to accept it and
11 require that it be redone according to what the plan was. He noted that the Board would decide if
12 and how they would accept it as currently constructed. The Chairman said that they could not
13 just not do anything. He said that would get to Mark Suennen's point that they had been told
14 once before and they went ahead and did exactly what they had been told not to do. Mark
15 Suennen was not sure of the value of another letter. He said dig a test pit and verify that the
16 structure was there. The Chairman thought there should be a hole at the top and one at the
17 bottom and maybe two or three along the way in between. One pit was not enough for the
18 Chairman in one place. He further thought that the Town Engineer should pick the four
19 locations. He said again that this was an exact example of what the Board had told the
20 developer/contractor not to do and it had happened again. Mark Suennen said that such a letter
21 should not be sent until the results of the test pits were back.

22 The Chairman asked if the letter was going to tell the developer/contractor to dig four test
23 pits in random locations picked by the Town Engineer. He said there were other things that
24 needed to be included in whatever letter was sent to the developer/contractor. Mark Suennen
25 read Kevin Leonard, PE's, email in which it was suggested that several test pits be dug and in
26 which it was noted that David Elliott had said he got a little carried away.

27 Mark Suennen asked if the Board had heard from Dick Perusse, Road Agent, on this
28 matter. The Coordinator noted she had emailed him that day but had not heard back. Mark
29 Suennen said that if Dick Perusse, Road Agent, was willing to say that he had approved the
30 change then all of this discussion was just noise. The Chairman stated that he would agree with
31 that but was assuming that was not going to be the case. The Planning Board Assistant said that
32 he may say he approved the change but there had still been no inspections. Mark Suennen said
33 that information would speak to what would be put in the letter because if the Road Agent had
34 approved the change then the Board did not need to address that. Mark Suennen said that he
35 wanted the test pits to be dug in the presence of the Town Engineer so he could verify that the
36 depth of the road was according to spec even if the material itself was not. He noted that the
37 Town Engineer could then give the Board a statement saying that it was completely out of spec,
38 it's of satisfactory depth but not satisfactory material or it's all good. And then the Board would
39 then know how to address that with the developer/contractor. The Chairman asked how long the
40 access road was. Mark Suennen thought it was approximately 500'. The Chairman asked if
41 three test pits chosen by the Town Engineer would be enough. Mark Suennen thought the Town
42 Engineer should decide. The Chairman did not want to put Kevin Leonard, PE, in the position of
43 having to choose. He thought the Board should pick. The Chairman went on to say that the

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 location could be picked by the Town Engineer but the number that should be done should be
4 determined by the Board. Dwight Lovejoy asked if this was okay by the Road Agent why dig it
5 up? The Chairman explained that if the Road Agent had approved any change it was only to the
6 surface material for the access road and the construction of the access road should have been
7 inspected.

8 Mark Suennen agreed with three test pits, randomly selected for locations by the Town
9 Engineer, in the presence of the Town Engineer, with the Town Engineer providing a report on
10 what is found and its relationship to the specs that were established for that access road. And
11 then the Board could decide the next move. The Board agreed.

12 The Chairman next noted that Kevin Leonard, PE, pointed out in his email that there
13 were three outstanding design changes. Mark Suennen asked if Kevin Leonard, PE, was
14 informing the Board that he was waiting for answers or looking for direction. The Coordinator
15 stated that Kevin Leonard, PE, had told David Elliott that Meridian Land Services needed to be
16 involved in the proposed design changes. She further noted that Kevin Leonard, PE, had spoken
17 to Ridge Mauck at DES regarding the acceptable range for the drainage from the infiltration
18 basins. She noted that the design engineer had designed them to a certain calculation and Kevin
19 Leonard, PE, knew that the State would accept a lower number on the calculation and have said
20 that, so Meridian had to ask them to formally approve the lower number and they had not done
21 that yet. Mark Suennen clarified that the design was at a higher number, but the state would
22 accept a lower number. The Coordinator noted that by getting approval for a lower number it
23 would make the construction of the infiltration basins easier because it had been hard to get the
24 mix to work for the material to be placed in the bottom of the basins. Mark Suennen asked if this
25 change was for basins that were already built or basins that were pending flow. The Coordinator
26 stated that they still had not figured out the mix for the bottom of the basins so the base was there
27 but the material had not yet been put in. Mark Suennen stated that he had driven by on Sunday
28 and there were several basins that were dry and lined but maybe not lined with the right material.
29 The Coordinator stated that a design change was required for the mix as well because the design
30 engineer had spec'd out the mix and it was not working. Dwight Lovejoy stated that his
31 understanding was that they could not get the material to compact at the angle on the side of the
32 basins that would be required. Mark Suennen asked if there was an impression that D&S
33 Excavating was having trouble communicating with Meridian, that they were choosing not to get
34 in touch with them or that it was a money thing and they just did not want to pay them any more.
35 The Coordinator stated that she did not know that but could speculate that the difficulty might be
36 a Twin Bridge Land Management/Meridian issue. The third design change was to do with a
37 stump dump location plan. The Coordinator explained that originally they were not going to
38 have a stump dump, they were going to grind everything and use it onsite or remove it offsite.
39 She noted that Kevin Leonard, PE, had told David Elliott that the location had to be documented
40 and noted in the deeds to the lots on which the stumps were buried and there needed to be a plan
41 but that still had not happened. The Chairman asked if this should be as an as-built or pre-
42 approved change. Mark Suennen stated this had to be an approved change because it had to go
43 into a deed for a property. He said that the Board could tell the Building Inspector not to

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 approve any further foundation permits, permits or CO's until such time as they prove out where
4 any stumps are that have already been buried and where they plan to bury stumps in the future.
5 He noted that should be a very simple thing.

6 The Chairman asked if the changes needed for the infiltration basins would make it easier
7 to finish them and find the right materials to use in the bottom. The Coordinator stated that as
8 the basins were being constructed in accordance with the plan, these issues cropped up, and in
9 order to make it work the design engineer has to specify the things that need to be changed on
10 the approved plan and then the basins will work. The Chairman pointed out that the design
11 changes had to be approved before the basins were finished.

12
13 23. Email from Kevin Leonard, PE, dated July 23, 2013, with attachment re: amount of open
14 acreage on Wright Drive, Twin Bridge Land Management, LLC.

15
16 The Chairman noted that this had only just come in that day and that Kevin Leonard, PE,
17 had plotted the open, unstabilized acreage and it was still over the required five acre undisturbed
18 area that is both a condition of the Board's approval as well as the State AoT permit. He stated
19 that this was contrary to the statements David Elliott had made three meetings ago when he said
20 he would have it done in two weeks. The Chairman suggested that the Board send a letter
21 reminding the developer and contractor that David Elliott had said at a meeting that this would
22 be taken care of in two weeks and he did not do so, that the site is not in compliance with either
23 the Town's or the State's approval and that the Board expected the site would be brought into
24 compliance as had been promised.

25
26 **Continued discussion, re: Zoning Ordinance/Subdivision/Non-Residential Site Plan Review**
27 **Regulations questions**

28
29 The Chairman noted that the Board had decided the discussion this meeting would be
30 about the Recreational Camping Park Standards. He noted that the observation had been made
31 that the Town's ordinance was old and outdated. He noted that because the ordinance was a
32 Zoning Ordinance it was voted on by the townspeople and it covered the specifics for setting up
33 a new campground. He asked how this would apply to existing campgrounds. Mark Suennen
34 said that existing campgrounds that predated the ordinance would be grandfathered. The
35 Chairman asked what would happen if a zoning change took place that would be less restrictive.
36 Mark Suennen stated that the owners of the campground could make modifications to their plan
37 to meet the current Zoning Ordinance.

38 The Chairman noted that the Coordinator had distributed a memo, a comparison of
39 several different towns and the regulations from those towns. He noted that he knew nothing
40 about campgrounds and had seen that some towns' regulations were different from New Boston's
41 and some were the same. He thought that the Board should be considering specific changes if
42 they were needed and he was not sure what would be a good change to make.

43 Christine Quirk stated that New Boston's regulations were strict compared to a lot of

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ZONING ORDINANCE/SUBDIV/ SITE PLAN REGS, DISCUSSION, cont.

other campgrounds. She said that one good change that had happened a couple of years ago was with the criteria that restrooms had to be located within 500' of a campsite. She noted that the Zoning Ordinance had been amended to exempt sites that had sewer connections from the requirement of being within 500' of a restroom. Christine Quirk noted that one thing that could be changed was the requirement that separate bathrooms be provided for males and females. She noted that the private restrooms at her campground had a shower, sink and toilet and could be used by anyone. She noted that the library had run into the same issue. The Chairman wondered if the type of restroom was specified, noting that obviously stalls within a larger room would need to be separate but private, self-contained bathrooms had no need for segregation. Mark Suennen assumed that the campground's bathrooms had locking doors which Christine Quirk confirmed. The Coordinator asked which rules Christine Quirk was talking about because she did not know under whose rules a campground and library would be treated the same. Christine Quirk suggested that the Coordinator speak with Don Chapman about the issue.

Christine Quirk next noted the requirement that the restrooms be heated to 70 degrees. She pointed out that none of the other ordinances contained that requirement. The Coordinator stated that Lebanon had the same language and she assumed that it came from whatever model regulation had been circulating at the time, noting that New Boston's ordinance had been enacted in 1989 and had not been updated much since then. The Chairman thought perhaps the ordinance could differentiate between three season service buildings and those that would be used year round which would need the heat. Mark Suennen did not think that the two changes - separate restrooms and heated restrooms - were unreasonable on the surface.

Christine Quirk then mentioned the issue of the buffer required by New Boston's ordinance at 200', pointing out that most of the other ordinances had 50 - 75' buffers on the sidelines and some of them required 150' buffers against main or state roads. She said she would like to ask the Board if they would ever consider dropping the 200' to 100' along town owned property boundaries which would not interfere with homeowners. The Chairman noted that some of the ordinances had 150' buffers from roads. Christine Quirk thought that most of them said Class V or State roads. She noted that the original 200' buffer was put in to eliminate problems between the campground and its neighbors and that originally stemmed from New Boston resident Ella Daniels having trouble with her land on Daniels Lake in Weare that used to be crossed by campers from the neighboring campground to get to the lake. Christine Quirk noted that the buffer was originally 300' and was reduced to 200'. She thought that if the reason for the buffer was not to irritate the neighbors then it could remain at 200' abutting privately owned land and be reduced where the campground abutted town owned property which would never be sold.

The Chairman noted that the only wrinkle he could see with having a variable buffer would be the corresponding variable "setbacks" on the interior of the campground which could cause confusion about where exactly the campsites and other facilities could be located. Christine Quirk noted that for her campground there would only be two corners where that could be a concern. The Chairman asked if town land could never be sold. Christine Quirk said it never had been. The Coordinator stated that it could be sold and it was up to the Board of

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1 **ZONING ORDINANCE/SUBDIV/ SITE PLAN REGS, DISCUSSION, cont.**
2

3 Selectmen at the time to decide whether or not to sell land. Christine Quirk noted that if the
4 Town ever sold any land it would be up to the future buyers to find out about the neighboring
5 land uses and buffers and so on. The Chairman asked what the requirements were in the
6 ordinance for visual screening. Mark Suennen stated that a buffer of natural vegetation was
7 required and had to be maintained in accordance with the approved plan. Christine Quirk stated
8 that the campground had more plans than any other business in town.

9 The Chairman stated that the Board could take the points raised by Christine Quirk into
10 consideration. Christine Quirk noted that she only had a couple of neighbors that complained
11 when she expanded the campground and the abutters all knew that they could contact her with
12 any issues and she would deal with them then and there. The Chairman asked if there were any
13 other campgrounds in New Boston aside from Christine Quirk's. The Coordinator stated that the
14 Wildwood Campground which was the only other one had closed down some years before. The
15 Chairman asked if there was any land in New Boston that would make practical sense for
16 someone to come in and open a new campground. The Coordinator noted that there were still
17 possibilities. Christine Quirk thought that in the last 25 - 30 years in New Hampshire there had
18 only been one new campground that had opened. She stated that the State's rules and regulations
19 were too onerous to make it an easy proposition and the money required to start a campground
20 was substantial. She said that large corporations were offering lots of money to buy existing
21 campgrounds as they would not be subject to the new rules.

22 The Chairman asked if there were any further questions or comments on this topic. Mark
23 Suennen stated that the requests sounded reasonable and a little investigation would help the
24 Board decide whether or not the changes were feasible. Christine Quirk said that if she found
25 anything else she would bring it to the Board's attention.

26
27 **Continued discussion, re: Cul-de-sacs**
28

29 The Chairman noted that David Litwinovich had sent an email with his thoughts on the
30 cul-de-sac issue as noted above under Miscellaneous Business #19. Both Mark Suennen and
31 Don Duhaime had prepared their suggestions for how to deal with the Subdivision Regulations
32 **CUL-DE-SACS, cont.**
33

34 on cul-de-sacs and submitted their paperwork to the Chairman. Because it was getting late, the
35 Chairman noted that copies would be made of Mark and Don's comments to be distributed for
36 the next meeting.
37

38 At 9:30 p.m. Don Duhaime **MOVED** to adjourn. Mark Suennen seconded the motion
39 and it **PASSED** unanimously.
40

41 Respectfully submitted,
42 Nicola Strong
43 Planning Coordinator

Minutes approved: 08/27/2013