

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

August 27, 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, Mark Suennen and Peter Hogan, alternate member  
3 David Litwinovich and Ex-Officio Dwight Lovejoy. Also present were Planning Coordinator  
4 Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5 Present in the audience for part of the meeting were Brandy Mitroff, Fire Chief Dan  
6 MacDonald, Road Committee Member Willard Dodge, Fire Inspector Russ Boland, Police Chief  
7 Jim Brace, Road Agent Dick Perusse, Road Committee Chair Tom Miller, Road Committee  
8 Member Joseph Constance, Mitch Larochelle, Vinnie Iacozzi, Dave Elliott, and Sean & Lisa  
9 Campbell.

10  
11 **Continued discussion, re: Cul-de-sacs**

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13 Present in the audience were Brandy Mitroff, Fire Chief Dan MacDonald, Road  
14 Committee Member Willard Dodge, Fire Inspector Russ Boland, Police Chief Jim Brace, Road  
15 Agent Dick Perusse, Road Committee Chair Tom Miller, Road Committee Member Joseph  
16 Constance, and Mitch Larochelle.

17 The Chairman handed out his input to the Board members with regard to the cul-de-sac  
18 discussion. He indicated that he had included information from a case study that he had received  
19 during his 2012-2013 Planning Board training. He further indicated that a letter from Dick  
20 Perusse, Road Agent, that contained his input on cul-de-sacs had also been distributed to the  
21 Board members.

22 The Chairman advised that the Board had discussed cul-de-sac regulations, spoken with  
23 the new Road Agent, Dick Perusse, as well as the new Police Chief, Jim Brace. He stated that  
24 the purpose of this evening's meeting was to discuss ideas for changing, leaving or modifying  
25 the regulations.

26 The Chairman stated that the first requirement of the current cul-de-sac regulations was  
27 that it be proven that a through road could not be constructed. He continued that there was a  
28 maximum length for all three classes of cul-de-sacs of 1,000' and that a cul-de-sac could not in  
29 the future be considered an existing road and no extensions to a cul-de-sac would therefore be  
30 allowed.

31 The Chairman stated that the issue with the regulations was that the Board had  
32 consistently approved cul-de-sacs that were longer than the 1,000' maximum length. He noted  
33 that most recently the Board had asked Dick Perusse, Road Agent, if there was anything he  
34 would like changed with regard to the Subdivision Regulations.

35 The Chairman asked Mark Suennen to summarize his proposed changes to the cul-de-sac  
36 regulations. Mark Suennen proposed the following changes:

- 37 • No new roadway or cul-de-sac shall be longer than 1,000' and define the  
38 measurement;
- 39 • No back lots on any non-connecting streets;
- 40 • All proposed utilities shall be underground from 100' from the edge of the  
41 roadway;
- 42 • Mandatory 15' clear zone maintained along the edge of all non-connecting streets;

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**CUL-DE-SAC DISCUSSION, cont.**

- No drainage structures shall be permitted under the roadway deeper than 8' to the bottom of the pipe;
- No non-connecting streets are permitted to connect to any existing or proposed non-connecting streets, even if the total distance is less than 1,000';
- A 30K gallon cistern shall be required on any non-connecting street longer than 600';
- There shall be no more than 3 driveways that intersect with non-connecting streets beyond the throat of the turnaround;
- There shall be a maximum of 12 driveways along any non-connecting street;
- The developer of a non-connecting street shall provide evidence to the Planning Board where a secondary connection may be feasible in the future;
- The Planning Board reserves the right to disallow any non-connecting street if it is judged to be in the best interest of the Town's connected street network;
- The Planning Board will not consider any through road phasing plan that creates a temporary non-connecting street longer than 600' without a bond for the full roadway and will not consider any phasing plan that creates a temporary non-connecting street longer than 1,000'; and
- Proposed cul-de-sac roads' center islands shall have drainage that is elevated but in no case shall the grade be more than 30" below the adjacent roadway grade.

The Chairman asked for David Litwinovich's proposed changes to the cul-de-sac regulations. David Litwinovich commented that he liked the 1,000' maximum length and believed that the Board should aggressively enforce it. He stated that based on input from the Road Agent and Fire Department he was in favor of increasing the diameter of the cul-de-sac. He added that it would be helpful to break out a section of the table in the Subdivision Regulations for subdivisions on cul-de-sacs with lot sizes and frontage specifically and so on. He believed that there were some cul-de-sacs that had too many lots crammed in.

The Chairman asked Don Duhaime for his proposed changes to the cul-de-sac regulations. Don Duhaime stated that the Board needed to discourage developers from proposing cul-de-sacs and instead encourage through roads that would assist emergency personnel, school buses and highway crews in completing their tasks. He further stated that density issues needed to be addressed and duplexes should not be allowed to be included. He suggested that underground utilities be required as well as additional cisterns if needed, ranging in size from 10K gallons to 30K gallons. He stated that back lots should not be allowed. He requested that a discussion take place with regard to rip rap swales versus grass swales. He commented that rip rap swales he had seen were hideous and that grass swales looked neater.

The Chairman asked if Don Duhaime proposed that cisterns be required for cul-de-sacs. Don Duhaime answered that he believed cisterns should be a mandatory requirement for cul-de-sac approval.

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1 **CUL-DE-SAC DISCUSSION, cont.**

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3 The Chairman stated that his proposed changes to the cul-de-sac regulations were as  
4 follows:

- 5 • Require underground utilities;
- 6 • Limit the depth of the underground drains;
- 7 • No back lots;
- 8 • Maximum driveway length;
- 9 • No non-connecting roads off non-connecting roads or consider total length  
10 calculations;
- 11 • Applicants to provide concessions for approval of length over 1,000', e.g. require  
12 divided roadway, intermediate turnaround every 1,000' to start at 1,000', add to  
13 setbacks and/or reduce density.

14 The Chairman indicated that he agreed with the Road Agent's suggestion for increasing  
15 the diameter of the turnaround. The Road Agent clarified that he did not wish to increase the  
16 diameter of the turnaround and that the letter he submitted stated that the Town should move  
17 forward with what was currently listed in the Subdivision Regulations.

18 The Chairman asked for Peter Hogan's proposed changes to the cul-de-sac regulations.  
19 Peter Hogan stated that he did not care about the length of cul-de-sacs and believed they should  
20 be evaluated based on a scale. He commented that just because a cul-de-sac was longer did not  
21 mean that increased density would be approved. He stated that not allowing back lots would  
22 eliminate the issue of multiple driveways running around the end of the cul-de-sac and the  
23 ensuing plowing issues. He continued that the Board already required underground utilities and  
24 he agreed that it should remain a requirement for cul-de-sac approval. He indicated that any  
25 diameter changes were completely up to the discretion of the Road Agent. The Chairman asked  
26 if underground utilities were currently required for cul-de-sac approval. Peter Hogan answered  
27 that he did not believe that it was a requirement in the Subdivision Regulations but should be for  
28 cul-de-sacs.

29 Peter Hogan stated that underground drainage needed to be limited to whatever depth the  
30 Road Committee had previously stated. He commented that he liked cul-de-sacs and believed  
31 that under certain conditions they were a very good design. He added that he believed most  
32 people would like to live on a cul-de-sac.

33 Dwight Lovejoy stated that one thing had jumped out at him and that was that money  
34 could not be an issue for approving a cul-de-sac; that just because it was more expensive to  
35 construct a through road that would not automatically guarantee a cul-de-sac would be approved.

36 The Chairman invited comments and/or questions from the public. Willard Dodge of  
37 Tucker Mill Road and the Road Committee commented that he was encouraged by what he had  
38 heard during the Board's discussion. He stated that he hoped the Board would stick to what they  
39 had said rather than finding excuses to allow longer cul-de-sacs. He continued that it was  
40 extremely important that the Board pay attention to the people present in the audience that had to  
41 deal with cul-de-sacs. He noted that decisions made by the Board affected everyone in the  
42 audience personally but did not affect the Board members.

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1 **CUL-DE-SAC DISCUSSION, cont.**

2  
3 Peter Hogan stated that of those present in the audience only Dan MacDonald, Fire Chief,  
4 had given the Board a negative opinion with regard to longer cul-de-sacs. Dan MacDonald, Fire  
5 Chief, of Tucker Mill Road stated that he was present representing the Fire Department. He  
6 stated that the Board had proceeded with cul-de-sac discussions during the last three months with  
7 two new department heads without speaking with the Technical Review Committee; a committee  
8 that had been approved by the Planning Board. He continued that it had been agreed that the  
9 best solutions arose when all the departments got together and worked it out. He clarified that  
10 the input that he provided was not coming from him but from the Fire Department, the Police  
11 Department and the Highway Department.

12 The Chairman pointed out that the reason the Board had recently spoke with the Road  
13 Agent and Police Chief was because they were new to the discussion. He stated that as far as he  
14 knew the Fire Department's position on cul-de-sacs had not changed. He explained that the  
15 Planning Board had been having these discussions in an effort to move forward with the issue.  
16 He stated that the Departments that were not asked to come in should not feel left out as it was  
17 not the intent. He noted that the Board was planning on having further discussions before any  
18 changes were made to the regulations.

19 Dan MacDonald, Fire Chief, asked if every ordinance would be revisited when a new  
20 department head was hired. The Chairman answered that not every ordinance would be  
21 reviewed, however, he stated that the cul-de-sac issue had been a continuing problem and it was  
22 a goal of the Planning Board to come to a resolution by the end of the year, i.e., change the  
23 regulations or continue with current regulations and as a Board stick to what was written. Dan  
24 MacDonald, Fire Chief, thanked the Chairman for his explanation and stated his point was well  
25 taken. He added that the department heads had been concerned because they found out about the  
26 meetings after they had taken place. He continued that they all had a stake in the matter. He  
27 acknowledged that their positions on the matter had not changed but questioned whether the new  
28 department heads had the benefit of all the past meetings and discussions. The Chairman  
29 reiterated that the Board had meet with the new Road Agent and Police Chief to obtain their  
30 input on cul-de-sacs. He stated that the Board was trying to come up with some ideas to put on  
31 the table and that would allow the discussion to come to an agreement.

32 Dan MacDonald, Fire Chief, stated that despite what Peter Hogan stated, he was present  
33 to represent the Fire Wards. Peter Hogan clarified that when he said Dan MacDonald, he meant  
34 to say Dan MacDonald who represents the Fire Department and the Fire Wards.

35 Willard Dodge, Road Committee, stated that everyone that was part of the Technical  
36 Review Committee was in favor of not going beyond the 1,000' maximum. The Chairman stated  
37 he would not disagree with Willard Dodge, Road Committee.

38 The Coordinator clarified that the Technical Review Committee was put in place to  
39 review subdivision applications together. She explained that prior to the formation of the  
40 Technical Review Committee, plans were sent to individual departments for review and the  
41 Planning Department did not always hear back. She went on to say that when a major  
42 subdivision was proposed all the departments would get together to look at the plan. She pointed

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1 **CUL-DE-SAC DISCUSSION, cont.**

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3 out that the Technical Review Committee was not a committee that reviewed regulations. She  
4 noted that the 1,000' cul-de-sac length maximum came out of discussions involving two  
5 particular subdivisions. She reiterated that the Technical Review Committee did not get together  
6 to review regulations and regulations were reviewed during public discussions at the Planning  
7 Board level.

8 Peter Hogan asked the Fire Department and Fire Wards under what circumstances would  
9 they acknowledge that a cul-de-sac was a good design. Dan MacDonald, Fire Chief, answered  
10 that he acknowledged that cul-de-sacs were in the ordinance. He added that things such as the  
11 1,000' length and underground utilities were good and in the ordinance. The Chairman noted  
12 that underground utilities were not requirements listed in the cul-de-sac regulations and nor  
13 currently was the depth of the underground drainage.

14 Peter Hogan asked, for the benefit of the Town, if there was a cul-de-sac that was a better  
15 design than a through road anywhere. Dan MacDonald, Fire Chief, answered that through roads  
16 were optimal as they provided two ways in and two ways out. Peter Hogan asked if through  
17 roads were still a better design regardless of where the property was located and/or the contours  
18 of the property. Dan MacDonald, Fire Chief, answered that through roads provided two ways in  
19 and two ways out and were an optimal design for the Police Department, Highway Department  
20 and Fire Department. He continued that cul-de-sacs were the second choice but only if the  
21 length was limited to limit the exposure to some hazards. Peter Hogan provided a hypothetical  
22 situation where he owned a piece of property that was 2,500' in length and a through road could  
23 be put in by utilizing land that would result in a 10% grade. A cul-de-sac that was longer than  
24 the regulations, however, could be put in and stay on that portion of the lot that resulted in a  
25 lesser grade to the road. He asked if the Fire Department would rather have a very steep through  
26 road or a less steep longer cul-de-sac. Dan MacDonald, Fire Chief, stated that Peter Hogan had  
27 placed himself in the position of a developer and he was hoping that the people here would not  
28 even listen to it. He continued that the departments were here to protect the Town and to provide  
29 the best services at a minimum cost. Peter Hogan asked if the Fire Department could adequately  
30 serve a through road at a 10% grade with crazy driveways or would it be preferable to have a  
31 1,200' cul-de-sac that was moderately modified that allowed for a couple of lots in certain places  
32 with the remaining 100 acres of land being put into conservation. He asked if Dan MacDonald,  
33 Fire Chief, understood his question. Dan MacDonald, Fire Chief, answered that he understood  
34 the question and stated that it sounded like Peter Hogan was trying to represent developers.  
35 Peter Hogan disagreed. Dan MacDonald, Fire Chief, stated that the 1,000' length was optimal.  
36 He further stated that the rules and regulations that were in place had been agreed upon by the  
37 various departments in the Town for the benefit of the Town and not the developer. Peter Hogan  
38 commented that Dan MacDonald, Fire Chief, simply did not understand the process. The  
39 Chairman explained that as long as a developer could propose a plan that met the regulations  
40 there was nothing that the Planning Board could do to deny it. He reiterated Peter Hogan's  
41 hypothetical situation and explained that the Board would not be acting for the developer. He  
42 stated that the question being asked was if a slightly longer cul-de-sac with better grade and

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1 **CUL-DE-SAC DISCUSSION, cont.**

2  
3 reduced density was better for the Town than a through road at a 10% grade with crazy  
4 driveways. Dan MacDonald, Fire Chief, stated that if he was being asked as the Fire Department  
5 to compromise the rules and regulations of the Town he would answer no. He added that 70% of  
6 the Town's cul-de-sacs were above and beyond the ordinance. Willard Dodge, Road Committee,  
7 suggested that the 10% grade be changed. The Chairman noted that the grade was a separate  
8 issue. Dan MacDonald, Fire Chief, asked if the 10% grade was approved. The Chairman  
9 answered yes. Dan MacDonald, indicated that he was willing to live with the regulations. The  
10 Chairman stated that Dan MacDonald, Fire Chief, had answered Peter Hogan's question by  
11 stating that a through road with a 10% grade and crazy driveways was better than a less steep  
12 cul-de-sac that was longer than 1,000'. Dan MacDonald, Fire Chief, stated that the departments  
13 had lived up to the ordinances and regulations but the Planning Board had not.

14 Brandy Mitroff of Thornton Road commented that she had liked a lot of what she had  
15 heard this evening. She stated that she would encourage the Board to uphold the 1,000'  
16 maximum if it was decided to continue with the current regulations. The Chairman clarified that  
17 at the end of the cul-de-sac discussions the Board would come up with an agreed upon set of  
18 regulations.

19 The Chairman asked further comments and/or questions; there were none. He stated that  
20 the Board would be discussing this matter again and advised that future discussions would be  
21 listed on the Planning Board's meeting agendas. Mark Suennen encouraged those in attendance  
22 to advise the Board of proposed requirements that should be pursued and proposed requirements  
23 that should not be pursued. Willard Dodge, Road Committee, requested that he receive a copy of  
24 Mark Suennen's proposed changes; Mark Suennen handed Willard Dodge his copy.

25  
26 **Continued discussion, re: Master Plan Visioning Process**

27  
28 Present in the audience were Brandy Mitroff, Willard Dodge, and Mitch Larochelle.

29 The Chairman stated that the Board needed to have a discussion with regard to the  
30 options for updating the Master Plan. He noted that the deadline for updating was approaching  
31 and the process had been deferred the last two years due to budget issues. He indicated that two  
32 sets of people came before the Board to discuss their experiences updating master plans and  
33 provided cost estimates. He continued that there was also an option of working with the  
34 Southern New Hampshire Planning Commission, (SNHPC). He stated that the Board could  
35 complete the update, however, he did not believe that this was a good option.

36 The Chairman invited the Board to discuss their thoughts regarding the two sets of people  
37 that presented to the Board. David Litwinovich stated that if he were to vote this evening on  
38 how to move forward he would vote that the Planning Board look at the Master Plan to  
39 determine what needed to be focused on and then meet with one of the private consultants for a  
40 few hours to gather ideas on the best way to do the update. He went on to say that some goals  
41 that were currently in the Master Plan had not been met and the Board could approach the private  
42 consultants with the list to decide what needed to be done. Peter Hogan asked if David

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1 **MASTER PLAN DISCUSSION, cont.**

2  
3 Litwinovich knew how the goals got into the Master Plan. David Litwinovich believed that  
4 some of the goals ended up in the Master Plan as a result of input from the Town. Peter Hogan  
5 advised that the goals were placed in Master Plan with a caveat that they were only guidelines  
6 and were not binding. He continued that things could be placed in the Master Plan that may not  
7 necessarily match what the Planning Board thought as a result of neighborhood groups getting  
8 together and providing input. He stated that the Board needed to be very careful of what was put  
9 into the Master Plan because the goals could be interpreted as things that need to be done instead  
10 of guidelines. David Litwinovich clarified that he was not suggesting that the goals be  
11 completed but he believed that they needed to be looked at by the Board to determine if they  
12 belonged in the Master Plan.

13 The Chairman asked David Litwinovich for his thoughts on which consultant should  
14 assist the Board with the public input piece of the visioning process, i.e., the Planning Board,  
15 SNHPC, or one of the private consultants. David Litwinovich believed that the Planning Board  
16 should complete the public input gathering using ideas from the consultants from the last  
17 meeting. The Chairman agreed that the SNHPC was not a good choice for gathering input.  
18 David Litwinovich stated that the Board should not have any outside group as the "face" of the  
19 input gathering. The Chairman commented that both private consultants seemed to have lots of  
20 recent experience with the same types of situations that the Board dealt with regard to the Mixed  
21 Use District public input session. He continued that both consultants noted that they had  
22 successfully navigated those issues. The Chairman stated that he was not trained to be a  
23 facilitator for input gathering sessions and he was concerned that the Board would have problems  
24 trying to manage and gather input. David Litwinovich suggested that the private consultants  
25 provide input gathering training to the Board. The Chairman asked if David Litwinovich was  
26 suggesting that the private consultants provide training and guidance to the Board and not  
27 actually conduct the input gathering. David Litwinovich answered yes.

28 Don Duhaime commented that the consultants from the UNH Cooperative Extension  
29 were the lesser of all evils. He believed that they were well spoken and that the other consultants  
30 had confused him. He added that he had not been impressed by the SNHPC-led mixed use  
31 session.

32 The Chairman asked if Don Duhaime shared David Litwinovich's opinion that the private  
33 consultants should not be actively involved in the public input gathering process. Don Duhaime  
34 agreed with David Litwinovich and added that the private consultants should sit in the  
35 background.

36 Peter Hogan stated that he was not impressed with any of the options and hated to hire a  
37 "lesser evil". Don Duhaime pointed out that the consultants could help the Board in answering  
38 questions. Peter Hogan agreed with Don Duhaime. The Chairman stated he had not been  
39 involved in the last update but thought the input gathering was different from generating Master  
40 Plan content. Peter Hogan stated that the consultants would be present when the Board  
41 determined whether or not to accept the update and would particularly insulted if the Board  
42 chose to discard it. He reiterated that the Board would be told that the contents of the update

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1 **MASTER PLAN DISCUSSION, cont.**

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3 were not an ordinance, law or anything binding and that it was just a guide. He reminded the  
4 Board of the Energy Commission's chapter.

5 Dwight Lovejoy commented that he was not impressed with the gentlemen that could not  
6 provide the Board with a cost estimate and that they were pretty vague.

7 The Chairman believed that the consultants from the UNH Cooperative Extension did a  
8 better presentation than the other consultants. He continued that the problem with the other  
9 consultants was that they were willing and able to do anything and the price varied according to  
10 what they were asked to do. He added that he did not get the same warm-fuzzy feeling with the  
11 other consultants that he had with the UNH consultants. He commented that the thought of  
12 facilitating an input session scared him having gone through the Mixed Use District input  
13 session.

14 Mark Suennen indicated that he had no desire in having the SNHPC involved in the  
15 Master Plan. The Chairman noted that the Board agreed with Mark Suennen. Mark Suennen  
16 believed that the Board should "step-out" and do the update as far as they could. He continued  
17 that when the Board could not take the next step they should speak with the private consultants.  
18 He stated that the Board should not hire someone to tell them how to proceed and that the Board  
19 should know what to ask for first.

20 The Chairman asked if the Coordinator had been through the updating process twice in  
21 the past. The Coordinator answered that she had been through the updating process once.

22 The Chairman asked if anyone on the Board or if the Coordinator had any comments or  
23 questions. The Coordinator stated that the update that she had been through was done with the  
24 benefit of the Community Profile. She explained that the Community Profile was a big weekend  
25 event and the Board was totally ill-equipped to put one on. She stated that if the Board planned  
26 on doing the input gathering on a small basis and planned on it taking a lot of time it could be  
27 doable with the right list of questions. She continued that as a Board the chapters could be  
28 updated with regard to the statistical information. Mark Suennen stated that it did not make  
29 sense to hire someone before the Board determined what questions to ask. He stated that the  
30 Board needed to decide what they wanted in the Master Plan and to figure out the reasons that  
31 some of the things in the current Master Plan had not been accomplished.

32 The Chairman noted that the Coordinator had distributed an email with a different  
33 approach that had been done in Burlington. The Coordinator clarified that she had sent out an  
34 email that described a town that had a very different final format for their Master Plan.

35 The Chairman asked if anyone disagreed with Mark Suennen and the Coordinator with  
36 regard to the approach and what the constraint would be on the Board. He further asked if  
37 anyone on the Board disagreed with not using a consultant as the primary input gatherer. Mark  
38 Suennen commented that the Board needed to be the face of the input gathering even if a private  
39 consultant was hired and that support would only be given from the consultant. He noted that the  
40 consultant could act as a facilitator but it would still be the Board asking the questions.

41 The Chairman asked Mark Suennen would be interested in reviewing the Master Plan to  
42 begin the process. Mark Suennen answered yes, he would go through the Master Plan and point

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1 **MASTER PLAN DISCUSSION, cont.**

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3 out what he thought the next step should be. The Chairman noted that he did not expect Mark  
4 Suennen to work on this independently and believed that he should work with the Coordinator.  
5 Mark Suennen indicated that he would send his input to the Coordinator. David Litwinovich  
6 commented that the Master Plan could be overwhelming and he found that reviewing the Goals  
7 and Objectives was helpful. The Chairman said it was important for the Board to have some  
8 kind of a plan and a vision that they agreed on for the Master Plan so that at the end of next year  
9 those things would have been done and the Board would be where they wanted to be; but the  
10 process should be planned out as a whole before any activities started.

11  
12 **FERUS TERRA, LLC (OWNER)**

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

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

15 **Adjourned from July 23, 2013**

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

18 Location: Old Coach Road

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

20 Residential-Agricultural "R-A"

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22 Present in the audience were Brandy Mitroff, Mitch Laroche, Dave Elliott and Willard  
23 Dodge.

24 The Chairman read the public hearing notice. He indicated that the application had been  
25 accepted as complete on May 14, 2013, which made the deadline for Board action July 18, 2013.  
26 He continued that during the June 25, 2013, meeting the hearing had been adjourned to July 23,  
27 2013. He noted that an extension request had been received for July 23, 2013, and the deadline  
28 for Board action had been extended to this evening's meeting.

29 The Chairman stated that no revised plans had been submitted and a Stormwater  
30 Management Plan had yet to be submitted.

31 The Chairman advised that the applicant had requested that this hearing be adjourned to  
32 September 24, 2013. The Coordinator noted that the Planning Board Assistant had emailed the  
33 applicant to advise that the Board was scheduled to have a meeting on September 10, 2013, and  
34 the hearing could be held at that meeting, however, she had not heard back from the applicant.

35  
36 Mark Suennen **MOVED** to adjourn the Public Hearing/NRSPR/to allow the construction  
37 and operation of an Assisted Living Residence/Supported Residential Health Care  
38 Facility for Ferus Terra, LLC (Owner), Castle Donovan, III (Applicant), Arthur Siciliano  
39 F. Land Surveying, LLC (Applicant), Location: Old Coach Road, Tax Map/Lot #10/3-2  
40 & 10/3-3, Residential-Agricultural "R-A", and to extend the deadline for Planning Board  
41 action, to September 24, 2013, at 7:30 p.m. Don Duhaime seconded the motion and it  
42 **PASSED** unanimously.

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1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
2 **August 27, 2013.**

- 3  
4 1. Approval of a set of the July 23, 2013, minutes distributed by email.  
5 a) first draft;  
6 b) more detailed draft.  
7

8 The Chairman noted that there had been a first draft of the minutes of the July 23, 2013,  
9 meeting and then a more detailed draft had been created due in part to some issues that had been  
10 raised at a Board of Selectmen meeting. He explained that it was felt that having even more  
11 detail than was typically provided would be a good thing. He advised that the Board needed to  
12 accept one set of minutes, with any comments, corrections or complaints.  
13

14 Mark Suennen stated that he had assumed the more detailed draft was more detailed for a  
15 reason and had not bothered to read the first draft. He **MOVED** to accept the second,  
16 more detailed July 23, 2013, meeting minutes, as written. Don Duhaime seconded the  
17 motion and it **PASSED**, with Mark Suennen, David Litwinovich, Peter Hogan, Don  
18 Duhaime and the Chairman voting AYE.  
19

- 20 1a. Discussion re: proposal to retain recording of July 23, 2013, Planning Board meeting  
21 until such time as the Planning Board votes to delete same.  
22

23 The Chairman explained that typically after meeting minutes had been approved the  
24 recording of the minutes was recorded over. He stated that based on some of the comments and  
25 complaints that had been raised at the Board of Selectmen meeting he suggested that the Board  
26 consider hanging on to the tape of the July 23, 2013, meeting. The Coordinator clarified that a  
27 digital recording of the meeting was taken and not a taped recording. Mark Suennen asked if the  
28 Coordinator would not override the digital recording. The Coordinator answered that she could  
29 burn a CD of the meeting and keep it separately. Mark Suennen suggested that the recording of  
30 the meeting be kept for one year from the meeting date.  
31

32 Mark Suennen **MOVED** to keep the digital recording of the July 23, 2013, meeting for  
33 one year from the meeting date; to be terminated July 23, 2014. Don Duhaime seconded  
34 the motion and it **PASSED** unanimously.  
35

- 36 2. Discussion, re: Planning Board Representatives for CIP Committee.  
37

38 The Chairman stated that the CIP process had started again. He noted that Don Duhaime  
39 had served as the Planning Board member on the CIP Committee for the last two years. Don  
40 Duhaime volunteered to continue to serve on the CIP Committee unless another Planning Board  
41 member wished to serve. The Chairman asked if any other members wanted to serve on the CIP  
42 Committee; they did not.

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1 **MISCELLANEOUS BUSINESS, cont.**  
2

3 3. Letter with background information received July 22, 2013, from Ruth R. Trussell,  
4 Trustee, Clark Hill Trust, to Mr. Stuart Lewin, Planning Board Chair, New Boston  
5 Planning Board, re: request to extend conditions subsequent deadline of June 1, 2014, to  
6 June 9, 2018 (current NH DES Dredge and Fill Deadline date), for the Board's review  
7 and discussion.  
8

9 The Chairman stated that this issue had come up previously and the Board had been  
10 uncomfortable with granting an extension past the statutory vesting period. He explained that  
11 Ruth Trussell wrote back to the Board asking for reconsideration. He noted that the Board had  
12 previously extended the conditions subsequent to June 1, 2014.

13 The Chairman asked if any Board members felt that anything had changed from their  
14 previous discussion of the matter on November 8, 2012. Mark Suennen recommended that the  
15 matter be tabled until the March 2014 meeting as there was no urgency to the situation and there  
16 would still be time to deal with it before the June 2014 deadline. The Board agreed with Mark  
17 Suennen's recommendation.  
18

19 5a. Letter dated August 1, 2013, from Kevin Leonard, PE, Northpoint Engineering, LLC, to  
20 Nic Strong Planning Coordinator, re: Forest View II-Wetland Crossing Design Review  
21 for the Board's information.  
22

23 5b. Letter copy dated July 30, 2013, from Terracon Consultants, Inc., to Northpoint  
24 Engineering, LLC, re: Retaining Wall Design- Forest View II, for the Board's  
25 information.  
26

27 The Chairman addressed items 5a and 5b together as they were related. He advised that  
28 he had asked the Coordinator and Planning Board Assistant to provide a copy of the plan as there  
29 seemed to be a lot of issues. He noted that he would view the plan at the close of the meeting  
30 and invited other members to view it as well.  
31

32 6a. Email correspondence dated August 1, 2013, from Andrew B. Livernois, Esq., Ransmeier  
33 & Spellman, P.C., Attorneys at Law, to Jennifer R. Sharrow, Investigator, HUD, re: Rose  
34 Meadow Group, LLC v. Town of New Boston, for the Board's information.  
35

36 6b. Letter copy dated August 1, 2013, from Andrew B. Livernois, Esq., Ransmeier &  
37 Spellman, P.C., Attorneys at Law, to Susan M. Forward, FHEO Region I Director, HUD,  
38 re: Rose Meadow Group, LLC v. Town of New Boston, Response to Charge of  
39 Discrimination, for the Board's information.  
40

41 The Chairman addressed items 6a and 6b together as they were related. He asked if there  
42 was any new information that the Board should know. The Coordinator advised that a meeting

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 was scheduled for the following Tuesday with Andrew B. Livernois, Esq., the Board of  
4 Selectmen and the ZBA to go over HUD's agreement proposal.

- 5  
6 7. Letter received August 7, 2013, from Ken Lombard, Open Space Committee, to Nic  
7 Strong, Planning Coordinator, re: Open Space, for the Board's review and discussion.

8  
9 The Chairman noted that the above-referenced letter was in response to specific questions  
10 asked by the Planning Board of the Open Space Committee. He stated that the letter could be  
11 discussed at this meeting or could be discussed when this topic was discussed at a future  
12 meeting. The Board agreed to discuss at a future meeting.

- 13  
14 8. State of New Hampshire Driveway Permit #05-319-0025, dated July 30, 2013, re: Sue  
15 Ann Tingley, Tingley Family Trust, Tax Map/Lot #8/106, NH Route 13, Mont Vernon  
16 Road, Paving apron at existing entrance to gravel pit, for the Board's information.

17  
18 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
19 occurred.

- 20  
21 9. Letter copy received August 7, 2013, from Richard & Karen Heselton, 99 Riverdale  
22 Road, to Ed Hunter, Zoning & Code Enforcement Officer, re: cease and desist order for  
23 the Board's information.

24  
25 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
26 occurred.

- 27  
28 10. Driveway Permit Application received August 16, 2013, from Glover Construction, re:  
29 Tax Map #5/16-1, Christian Farm Drive, relocation of existing driveway, for the Board's  
30 action.

31  
32 The Chairman advised that the above-referenced driveway location had been changed.  
33 He asked to view the original location; it was pointed out on the plan.

34 Don Duhaime asked if the Road Agent had reviewed the change. The Coordinator  
35 answered yes.

36 Mark Suennen asked if there was an existing driveway. The Coordinator answered that  
37 only the apron had been installed. Mark Suennen asked if the existing apron would be  
38 eliminated. The Coordinator answered yes.

39  
40 Mark Suennen **MOVED** to approve Driveway Permit # 1326 for the relocation of the  
41 driveway at Tax Map/Lot #5/16-1, Christian Farm Drive, with the standard Planning  
42 Board requirements: this permit requires two inches (2") of winter binder (pavement) to

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 be applied to the driveway to a minimal distance of twenty-five feet (25') from the  
4 centerline of the road; the driveway intersection with the road shall be joined by curves of  
5 ten foot (10') radii minimum; the driveway shall intersect with the road at an angle of 60 -  
6 90 degrees; and, the existing driveway location shall be returned to natural condition with  
7 the apron removed. Don Duhaime seconded the motion and it **PASSED** unanimously.  
8

- 9 11. Application for Appointment to the CIP Committee received August 20, 2013, for the  
10 Board's information.  
11

12 The Chairman indicated that an Application for Appointment to the CIP Committee had  
13 been received from Ken Lombard. Brandy Mitroff pointed out that approval from the Planning  
14 Board was not needed for this appointment as Ken Lombard would be serving on the Committee  
15 as a member of the Finance Committee.

16 The Chairman asked if Ken Lombard was replacing a previous CIP Committee member.  
17 Brandy Mitroff advised that Lou Lanzalotti had resigned from the Finance Committee.  
18

- 19 12. Email received August 20, 2013, from Erin Grubb, to Shannon Silver, re: 2013 Municipal  
20 Law Lecture Series, for the Board's information.  
21

22 The Chairman advised that Board members that were interested in attending any of the  
23 above-referenced lecture series needed to contact the Planning Board Assistant. Mark Suennen  
24 asked if CEU's were given for attendance. The Coordinator answered that she was unsure but  
25 would check.  
26

27 **Discussion with Vincent Iacozzi, Thibeault Corporation, re: gravel permits**

28  
29 Present in the audience were Vinnie Iacozzi, Dave Elliott, Mitch Larochelle, Willard  
30 Dodge and Brandy Mitroff.

31 The Chairman noted that the gravel pits being discussed were located at Parker Road and  
32 N.H. Route 13 a/k/a River Road, Tax Map/Lot #3/57 & 6/45, Residential-Agricultural "R-A"  
33 District and the Commercial "COM" District.

34 The Chairman stated that the Town's Earth Removal Regulations were rewritten and  
35 adopted by the Planning Board on March 22, 2011. He noted that following the adoption the  
36 Planning Board became the Regulator and the Board of Selectmen were no longer the Regulator.

37 The Chairman stated that the Planning Board had given all existing earth removal  
38 operations in New Boston five months to submit updated applications. He continued that a  
39 reminder letter was sent to all outstanding pit owners on September 19, 2011, giving them the  
40 upcoming meeting dates and times.

41 The Chairman advised that Vinnie Iacozzi discussed potential grandfathering of the pit  
42 located on Parker Road during the September 11, 2012, meeting. He noted that a letter

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1 **THIBEAULT CORP., EARTH REMOVAL DISCUSSION, cont.**

2  
3 confirming the discussion was mailed to Vinnie Iacozzi on September 20, 2012. He further  
4 noted that the letter included the new deadline for application of August 1, 2013. He indicated  
5 that at least ten emails had been sent between September of 2011, and July of 2013, by the  
6 Planning Board Assistant, that reminded the applicant of the need to submit applications for the  
7 two remaining pits. He pointed out that these were the only two pits in New Boston that had not  
8 had applications submitted.

9 The Chairman stated that an email was received on July 10, 2013, from Vinnie Iacozzi,  
10 regarding the two outstanding pits with a request that the Board discuss the matter at the August  
11 meeting. He further stated that the Board discussed the email at the July 23, 2013, meeting and a  
12 letter was sent to Vinnie Iacozzi on July 24, 2013. He indicated that Vinnie Iacozzi had replied  
13 by email on August 1, 2013, and was now before the Board.

14 Vinnie Iacozzi agreed with the Chairman's summary of events.

15 The Chairman asked if any material had been removed from either gravel pit since  
16 August of 2011. Vinnie Iacozzi answered no.

17 The Chairman commented that he hoped that Vinnie Iacozzi was present to get the two  
18 gravel pits straightened out in order to be in compliance. Vinnie Iacozzi stated that he was  
19 present to discuss straightening out the pits.

20 Vinnie Iacozzi referred to the pit located at Tax Map/Lot #6/45 and advised that an  
21 application for an earth removal permit would likely never be submitted. He explained that long  
22 and extensive negotiations had taken place with the Board of Selectmen with regard to the Town  
23 purchasing the property. He continued that a Warrant Article was created and failed to pass in  
24 March of 2013. He stated that from the time he had met with the Board in August of 2011 until  
25 March of 2013 the reclamation plans had been held in abeyance. He explained that a clause in  
26 the purchase and sales agreement required that reclamation be completed for the mutual benefit  
27 of the Town and Thibeault Corporation. He further explained that whatever reclamation would  
28 be completed would give the Town more useable property and input would be provided by the  
29 Town's Engineer.

30 Vinnie Iacozzi advised that he had been approached by the Open Space Committee to see  
31 if there were any pieces or parcels that could be broken out and have acquisitions completed in a  
32 piecemeal fashion, by donations and/or current use funds. He stated that he was meeting with  
33 the Open Space Committee on September 16, 2013. He noted that if Thibeault Corp. did not  
34 have any clear direction following the meeting they would probably have their engineer begin a  
35 reclamation plan. He added that he did not envision any more material being taken from the pit.

36 The Chairman clarified that until there was an approved application in place no material  
37 would be removed from the pit. Vinnie Iacozzi agreed that no material would be removed from  
38 the pit until the permit was renewed or a new permit received.

39 The Chairman asked if there were any questions and/or comments regarding the gravel  
40 pit located at Tax Map/Lot #6/45; there were no questions or comments.

41 The Chairman requested that Vinnie Iacozzi provide an update via email regarding the  
42 September 16, 2013, Open Space Committee meeting, prior to the September 24, 2013, Planning

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1 **THIBEAULT CORP., EARTH REMOVAL DISCUSSION, cont.**

2  
3 Board meeting. Vinnie Iacozzi agreed to provide an update.

4 Vinnie Iacozzi advised that there would also be discussion relative to a conservation  
5 easement to be held by the Conservation Commission or the Open Space Committee for land  
6 along the river associated with Tax Map/Lot #6/14.

7 The Chairman asked if there were any further questions and/or comments regarding the  
8 gravel pit located at Tax Map/Lot #6/45. Mark Suennen asked by whom and when was an Intent  
9 to Excavate filed for the pit located at Tax Map/Lot #6/45. Vinnie Iacozzi answered that he had  
10 filed all of the Intents to Excavate as a matter of course. He stated that he was in the hospital in  
11 early May 2013 and had filed them when he was released. He explained that he was pressed by  
12 Mary Pinkham-Langer at the DRA to make sure they got filed, whether or not there was a  
13 permit. Mark Suennen stated that on file there was an Intent to Excavate. Vinnie Iacozzi agreed  
14 that there was Intent to Excavate and added that it was only an intent. He continued that an  
15 intent did not permit the removal of material and they abided by that requirement. He noted that  
16 they had several other inactive pits in NH that they also filed Intent to Excavates paperwork.

17 The Chairman referred to the gravel pit located at Tax Map/Lot #3/57 and asked Vinnie  
18 Iacozzi to address it. Vinnie Iacozzi stated that the original intent had been to mine gravel  
19 minimally and most of the engineering had been completed for the permitting process. He  
20 continued that they had a client that was interested in putting in a more permanent operation in  
21 the pit. He indicated that the proposed operation required a site plan as opposed to the types of  
22 plans that were normally associated with sand and gravel operations. He stated that he was just  
23 made aware of the potential use of this lot ten days prior and had not had a chance to meet with  
24 the client yet. He believed if the negotiations went well they would come back to the Planning  
25 Board with a formal site plan. He advised that he could provide the Board with a more definitive  
26 response within the next two weeks. The Chairman asked if there could be an update on whether  
27 or not the plan would work by the September 24, 2013, Planning Board meeting. Vinnie Iacozzi  
28 answered yes.

29 Vinnie Iacozzi asked if the Planning Board or ZBA handled CUPs. Mark Suennen  
30 answered that the Board handled them for wetland crossings. Vinnie Iacozzi asked if wetland  
31 crossings were the only thing that required CUPs. Mark Suennen answered yes. The  
32 Coordinator added that CUPs were also required in the Groundwater Resources District.

33 Vinnie Iacozzi stated that he agreed not to remove any material from this site either until  
34 the permit was reactivated. The Chairman said that would be appropriate until September 24,  
35 2013. He expressed his concern that this matter was already two years out and he did not want it  
36 to continue to drag out. He asked that a permit be applied for or the reclamation be completed to  
37 close down the pit.

38 The Chairman asked that instead of the previously requested email that Vinnie Iacozzi  
39 attend the September 24, 2013, meeting. Vinnie Iacozzi agreed to attend the September 24,  
40 2013, meeting.

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

42

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1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
2 **August 27, 2013, cont.**

3  
4 The Chairman advised that a request had been made for Twin Bridge Land Management  
5 to have a discussion at this evening's meeting, however, because of everything that had  
6 transpired since the previous meeting the Board decided to change the agenda and not have the  
7 discussion until after they received clarification from Town Counsel. He stated that items that  
8 reflected what had happened during the last month would be distributed but not discussed.

- 9  
10 21. Letter copy dated August 23, 2013, from Stuart Lewin, Planning Board Chairman, to  
11 Twin Bridge Land Management, LLC, re: Wright Drive, Tax Map/Lot #2/62 & 3/5,  
12 Discussion at the August 27<sup>th</sup> meeting, for the Board's information. No discussion to take  
13 place.  
14  
15 13. Letter dated July 26, 2013, from Nicola Strong, Planning Coordinator, to Twin Bridge  
16 Land Management, LLC, re: Wright Drive Construction, Tax Map/Lot #2/62 and 3/5.  
17 Distribution only. No discussion to take place.  
18  
19 14. Letter dated July 26, 2013, from Nicola Strong, Planning Coordinator, to Kevin Leonard,  
20 PE, Northpoint Engineering, LLC, re: Twin Bridge Land Management, LLC, Wright  
21 Drive. Distribution only. No discussion to take place.  
22  
23 15a. 11" x 17" plan entitled Excavation Limit Exhibit Land of Twin Bridge Land  
24 Management, LLC, Wright Drive, with hand entered legend "stumps", received August 8,  
25 2013. Distribution only. No discussion to take place.  
26  
27 15b. Email dated August 8, 2013, from Shannon Silver, Planning Board Assistant, to Twin  
28 Bridge Land Management, LLC, re: Stump Locations. Distribution only. No discussion  
29 to take place.  
30  
31 15c. 11" x 17" plan entitled Stump Location Exhibit prepared for Twin Bridge Land  
32 Management, Tax Map 3 Lots 5-4, 5-5 & 5-6. Distribution only. No discussion to take  
33 place.  
34  
35 15d. Email dated August 12, 2013, from Kevin Leonard, PE, to Nicola Strong, Planning  
36 Coordinator, re: Twin Bridge Estates - Phase II. Distribution only. No discussion to take  
37 place.  
38  
39 15e. Email dated August 12, 2013, from Kevin Leonard, PE, to Nicola Strong, Planning  
40 Coordinator, re: On-site stump dumps. Distribution only. No discussion to take place.  
41  
42 15f. Email dated August 12, 2013, from Kevin Leonard, PE, to Nicola Strong, Planning

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**MISCELLANEOUS BUSINESS, cont.**

Coordinator, re: Twin Bridge Stump Location. Distribution only. No discussion to take place.

15g. Environmental Fact Sheet, WD-DWGB-21-1, 2011, Site Selection for Private Drinking Water Wells, for the Board's information.

15h. Email dated August 13, 2013, from Nicola Strong, Planning Coordinator, to Tris Construction, D&S Excavating, Tom Carr, re: Wright Drive Subdivision. Distribution only. No discussion to take place.

15i. Section copy of Planning Board minutes of September 14, 2010, re: Twin Bridge Land Management, LLC. Distribution only. No discussion to take place.

15j. Section copy of Planning Board minutes of January 25, 2011, re: Twin Bridge Land Management, LLC. Distribution only. No discussion to take place.

15k. Section copy of approved Subdivision Plan, Sheet SP3, re: note on Well Easements. Distribution only. No discussion to take place.

15l. Section copy of approved Subdivision Plan, Sheet SP3, re: proposed layout at the time of approval for wells, septic and houses on Lots #3/5-4, 3/5-5 & 3/5-6. Distribution only. No discussion to take place.

15m. Email dated August 13, 2013, from Tom Carr, CWS, to Nicola Strong, Planning Coordinator, re: Wright Drive Subdivision with 11" x 17" plan entitled Stump Location Exhibit with Potential Well and Septic Locations Prepared for Twin Bridge Land Management, LLC, Tax Map 3 Lots 5-4, 5-5 & 5-6. Distribution only. No discussion to take place.

16. Email dated August 13, 2013, from Nicola Strong, Planning Coordinator, to the Planning Board, re: Twin Bridge Land Management, LLC, Wright Drive update. Distribution only. No discussion to take place.

17a. Email dated August 5, 2013, from Kevin Leonard, PE, Northpoint Engineering, to Dave Elliott and Kevin Anderson, re: Twin Bridge Infiltration Rates, with attachments. Distribution only. No discussion to take place.

17b. Memo dated August 15, 2013, from Nicola Strong, Planning Coordinator, to Planning Board, re: Infiltration Basins, Wright Drive. Distribution only. No discussion to take place.

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 17c. Email dated August 15, 2013, from Kevin Leonard, PE, Northpoint Engineering, LLC, to  
4 David Elliott, re: Twin Bridge Estates - Phase II. Distribution only. No discussion to  
5 take place.

6  
7 18. Letter dated August 12, 2013, from Nicola Strong, Planning Coordinator, to Tom Miller,  
8 Road Committee Chairman, re: Request for Road Committee input on plan change for  
9 Twin Bridge Land Management, LLC, Wright Drive, Tax Map/Lot #2/62-12 and 3/5.  
10 Distribution only. No discussion to take place.

11  
12 19. Letter dated August 20, 2013, from Kevin Leonard, PE, Northpoint Engineering, LLC, to  
13 Nicola Strong, Planning Coordinator, re: Twin Bridge Estates - Phase II. Distribution  
14 only. No discussion to take place.

15  
16 22. Letter copy dated August 26, 2013, from Kevin M. Anderson, E.I.T., Meridian Land  
17 Services, Inc., to Kevin M. Leonard, P.E., Northpoint Engineering, LLC, re: Area of  
18 disturbance, Wright Drive Construction, Twin Bridge Land Management, LLC, for the  
19 Board's information. No discussion to take place.

20  
21 23. Letter dated August 27, 2013, from Tom Miller, Chairman, Road Committee, to Planning  
22 Board Members, Re; Request for Road Committee input on plan change for Twin Bridge  
23 Land Management, LLC, Wright Drive, Tax Map/Lot #2/62-12 and 3/5. For distribution  
24 only. No discussion to take place.

25  
26 24. Copy of draft Board of Selectmen minutes from August 19, 2013, meeting. For  
27 distribution only. No discussion to take place.

28  
29 The Chairman stated that a list of the previously mentioned Miscellaneous Business items  
30 could be provided to members of the public upon request. Dave Elliott requested a copy; the  
31 Planning Board Assistant provided a copy.

32 Dwight Lovejoy asked Dave Elliott if he had submitted a letter to the Board of Selectmen  
33 earlier in the day. Dave Elliott answered that he had submitted a letter to the Board of  
34 Selectmen's office earlier in the day. Dwight Lovejoy asked if Peter Flynn, Town Manager,  
35 planned on bringing the letter forward this evening. Dave Elliott answered that he did not know.

36 Brandy Mitroff asked if the information contained in the Miscellaneous Business items  
37 that were just listed by the Chairman were public. The Chairman answered yes but reiterated  
38 that they would not be discussed. He added that there would be a discussion at some future  
39 Planning Board meeting.

40  
41 20a. Copy of Zoning Board of Adjustment, Notice of Decisions, Tax Map/Lot #18/3, Depot  
42 Street and Tax Map/Lot #3/52-25, Hemlock Drive, for the Board's information.

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1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 20b. Copy of Zoning Board of Adjustment, August 20, 2013, Draft Meeting Minutes, for the  
4 Board's information.

5  
6 The Chairman addressed items 20a and 20b together as they were related. He asked the  
7 Coordinator if the above-referenced matter was related to the next scheduled public hearing. The  
8 Coordinator answered yes. She explained that due to a scheduling mix-up the applicant had  
9 missed the meeting so the ZBA denied the Special Exception without prejudice with the  
10 expectation that it would be resubmitted in September. She stated that the Planning Board's  
11 approval could be contingent upon receipt of the Special Exception.

12  
13 Brandy Mitroff asked for an explanation of the following text that was located under  
14 Miscellaneous Business between items 12 and 13:

15  
16 **“Email dated August 21, 2013, Stu Lewin, to Planning Board members and Nicola  
17 Strong, Planning Coordinator, re: Board Poll Question - Response Required.”**

18  
19 The Chairman advised that a discussion with Dave Elliott and Twin Bridge Land  
20 Management had been scheduled for this evening's meeting. He stated that he had wanted to  
21 change the agenda and not require the parties to attend the meeting and to distribute the  
22 Miscellaneous Business items without discussion. In order to make this change he had sent out  
23 an email to the Board members requesting a "yes" or "no" answer to the proposed change to  
24 defer discussion of the items or continue with discussion of the items. He said there had been  
25 five "yes" answers, to continue the discussion to a future meeting, and one sort of "no". The  
26 Chairman added that a copy of the email was included in Miscellaneous Business. He said that  
27 having asked the parties to attend this meeting, he had not wanted them to show up and there be  
28 no discussion.

29  
30 The Board took a seven minute recess prior to the next hearing.

31  
32 **BOLTON, CHRISTOPHER J. (OWNER)**

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

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

35 Public Hearing/NRSPR/to operate a contractor's yard for an underground utility testing company  
36 and a landscape contractor

37 Location: Hemlock Drive

38 Tax Map/Lot #3/52-25

39 Commercial "COM"

40  
41 Present in the audience were Sean and Lisa Campbell, Brandy Mitroff, Willard Dodge,  
42 Mitch Larochelle and Dave Elliott.

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

2  
3 The Chairman read the public hearing notice. He stated that the application had been  
4 accepted as complete on July 23, 2013, and the deadline for Board action was September 26,  
5 2013. He indicated that there was an issue with the Special Exception from the ZBA but noted  
6 that the Planning Board could require that the Special Exception be a condition precedent to their  
7 approval. He stated that revised plans had been submitted on August 9, 2013, and had been  
8 reviewed. He added that a site walk had taken place on Monday, August 12, 2013.

9 The Chairman asked the applicant if he had anything he wanted to address. Sean  
10 Campbell stated that he did not have anything to address.

11 The Chairman asked if the applicant had made a decision about signage as the location  
12 was shown on the plan but the design was not. Sean Campbell asked if the sign could be  
13 addressed at a future time following the approval. The Chairman explained that a sign would not  
14 be allowed to be posted until the applicant received approval for it. The Chairman asked if the  
15 sign location should be removed from the site plan. The Coordinator answered no and advised  
16 that should the applicant decide to move forward with a sign he would need to contact the  
17 Building Department for a permit.

18 The Chairman stated that a sign had been proposed to denote the customer parking area  
19 but no detail had been submitted. Lisa Campbell noted that there would not be any customers,  
20 however, she would put up a standard customer parking sign.

21 The Chairman noted that there had been a lot of discussion about landscaping and having  
22 coverage to ensure that the building would not be seen from the roadway. He stated that a note  
23 had been made on the plan and read it as follows, "Landscape Buffer was confirmed by an onsite  
24 visit by the Planning Board on August 12, 2013. Any future on-site work that would impact the  
25 Landscape Buffer will require a meeting with the Planning Board to confirm adherence to the  
26 landscape buffer requirement". He explained that if anyone ever wanted to change the buffer  
27 they would need to come back to the Board.

28 The Chairman asked if the applicant would agree to trimming the brush on Hemlock  
29 Drive as a condition subsequent. Sean Campbell asked if the area in question was Town  
30 property. Mark Suennen answered that the area from the utility pole to the roadway was Town  
31 property. The applicant agreed to the condition.

32 The Chairman advised that the Board was making receipt of septic system operational  
33 approval a condition subsequent.

34 The Chairman read Notes #18 and #19 on the plan that were relative to the Groundwater  
35 Resources Conservation District. Mark Suennen asked if "Aquifer Overlay District Regulations"  
36 should be changed in Note #18. The Coordinator answered that "Groundwater Resource  
37 Conservation District" should replace "Aquifer Overlay District Regulations". The Board agreed  
38 to the change.

39 The Chairman stated that there had been a question about installing a sign up the hill  
40 from the property that warned of traffic entering. He asked if the applicant agreed to install the  
41 sign. Lisa Campbell answered that they would work with the Highway Department to install a  
42 sign.

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

2  
3 The Chairman noted that the hours of operation listed on the plan were listed as Monday  
4 through Friday, 6:00 a.m. - 6:00 p.m., Emergency Hours, 24 hour access to necessary equipment.  
5 No work to be done on equipment outdoors during evening hours. He recommended that “24  
6 hours access to necessary equipment” be changed to “24 hours access to necessary equipment to  
7 enter and exit facility only”. He further recommended that “no work to be done on equipment  
8 outdoors during evening hours” be changed to “no work on equipment to be done outdoors  
9 outside of standard hours of operation”. Peter Hogan believed that the proposed hours of  
10 operation were wrong. He advised the applicants that this was the time to request hours that  
11 would allow them flexibility of operations in the future rather than only just covering what their  
12 usual working hours were. He noted that their business plan could change in the future and they  
13 would be stuck with what was on the plan or have to come back to the Board to change it. The  
14 applicants suggested new regular hours of operation of Monday through Saturday 6:00 a.m. -  
15 9:00 p.m.

16 Peter Hogan asked why the Board requested that the applicant provide the types of  
17 vehicles and number of employees that entered and exited on a daily basis. The Chairman  
18 answered that he had requested the information because he was curious. Peter Hogan stated that  
19 he did not want the letter dated August 5, 2013, from Michael Dahlberg, LLS, to be attached to  
20 the site plan as it could restrict the types of vehicles that were allowed to come and go. The  
21 Chairman stated that the letter was not part of the approval and only offered an answer to the  
22 question “What are you doing now?”

23 The Chairman stated that the proposed hours of operation language would be as follows,  
24 “24 hour access to necessary equipment to enter and exit facility only. No work to be done on  
25 equipment outdoors outside standard hours of operation. Standard hours of operation, Monday  
26 through Saturday, 6:00 a.m. - 9:00 p.m.” Lisa Campbell pointed out that her husband  
27 occasionally worked on a Sunday. The standard hours of operation were changed to Monday  
28 through Sunday, 6:00 a.m. - 9:00 p.m.

29 The Chairman asked if there were any further questions and/or comments; there were  
30 none.

31 The Chairman explained the conditions precedent and conditions subsequent.

32 The Chairman referred the Board to Conditions Subsequent #5 and asked if the Board  
33 agreed with the change from “...as discussed at the August 12, 2013, site walk” to “...as agreed to  
34 at the August 27, 2013, public hearing”. The Board agreed to the change.

35  
36 Peter Hogan **MOVED** to approve the Non-Residential Site Plan Application by BDRC  
37 Properties, LLC, on property of Christopher Bolton, to operate a Contractor's Yard and  
38 Landscaping Business from property on Hemlock Drive, Tax Map/Lot #3/52-25, subject  
39 to:

40  
41 **CONDITIONS PRECEDENT:**

- 42 1. Submission of a minimum of four (4) revised site plans that include all of the

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
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August 27, 2013

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

- 2  
3 checklist corrections and any corrections as noted at this hearing;
- 4 2. Execution of a Site Review Agreement;
  - 5 3. Submission of any outstanding fees.
  - 6 4. Receipt of Special Exception from the Zoning Board of Adjustment.

7 The deadline for complying with the conditions precedent shall be **November 27, 2013**,  
8 the confirmation of which shall be an administrative act, not requiring further action by  
9 the Board. Should compliance not be confirmed by the deadline date, and a written  
10 request for extension is not submitted prior to that date, the applicant is hereby put on  
11 notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke  
12 the approval.  
13

14 **CONDITIONS SUBSEQUENT:**

- 15 1. All site improvements are to be completed as per the approved site plans;
- 16 2. The Town of New Boston Planning Department shall be notified by the applicant  
17 that all improvements have been completed, and are ready for final inspection,  
18 prior to scheduling a compliance hearing on those improvements, a minimum of  
19 three (3) weeks prior to the anticipated date of compliance hearing;
- 20 3. Submission of as-built plans, certifying that the improvements were constructed  
21 in accordance with the approved plans;
- 22 4. Submission of approval for operation of septic system from NH DES Subsurface  
23 Bureau.
- 24 5. Trimming of brush on Hemlock Drive and installation of a sign warning of  
25 Traffic Entering as agreed to at the August 27, 2013, Planning Board hearing,  
26 with the Road Agent's input.
- 27 6. Any outstanding fees related to the site plan application compliance shall be  
28 submitted;
- 29 7. A compliance hearing shall be held to determine that the site improvements have  
30 been satisfactorily completed, prior to releasing the hold on the issuance of any  
31 Permit to Operate/Certificate of Occupancy, or both. No occupancy/use of the  
32 contractor's yard or landscaping business shall be permitted until the site  
33 improvements as noted have been completed, and a site inspection and  
34 compliance hearing held.

35 The deadline for complying with the Conditions Subsequent shall be **August 27, 2014**,  
36 the confirmation of which shall be determined at a compliance hearing as noted in item  
37 #7 above.

38 Mark Suennen seconded the motion and it **PASSED** unanimously.  
39

40 **Continued discussion, re: Zoning Ordinance/Subdivision/Non-Residential Site Plan Review**  
41 **Regulations questions.**

42 The Board agreed to table the above-referenced discussion to a future meeting.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
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August 27, 2013

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
2 **August 27, 2013, cont.**

- 3  
4 4. Application for Appointment to the New Boston Planning Board received August 12,  
5 2013, for the Board's action. (Applicant will be present)

6  
7 Present in the audience were Mitch Larochelle, Willard Dodge and Dave Elliott.

8 The Chairman noted that Mitch Larochelle had sat through the entire meeting and asked  
9 if he was still interested in being on the Board. Mitch Larochelle answered yes.

10 The Chairman explained that the Board met the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month with  
11 the exception of July and August when the Board only met on the 4<sup>th</sup> Tuesday.

12 The Chairman asked if any Board members had any questions for Mitch Larochelle.  
13 Mark Suennen asked if he had any particular interest in what the Board did. Mitch Larochelle  
14 answered yes and that he was interested in learning about the regulations. He stated that he was  
15 concerned about a lot of the new regulations. He added that he wanted to be on the inside to  
16 know what things were coming down. He stated that he had customers that appeared before the  
17 Board and were shocked because they do not get involved and know what is going on.

18 Mark Suennen noted that Mitch Larochelle was a contractor and asked if he had any  
19 applications before the Board or expected to be before the Board within the next six months.  
20 Mitch Larochelle answered no. He added that he had a client that had an approved house plan  
21 and driveway. He stated that if he had a client before the Board he would bow out of the  
22 discussion as it was a conflict of interest.

23 The Chairman asked if Mitch Larochelle had experience with road construction. Mitch  
24 Larochelle answered that he had been part of a lot of the phases with the Olde Colony  
25 development but he was not a road builder.

26 The Chairman asked if Mitch Larochelle was willing to give up a Saturday to attend a  
27 training that was held at the Radisson in Manchester, NH. Mitch Larochelle answered yes. The  
28 Chairman requested that Mitch Larochelle meet with him for an hour on a Saturday or Sunday to  
29 discuss how the meetings were run. Mitch Larochelle agreed.

30  
31 Peter Hogan **MOVED** to recommend that Mitch Larochelle's Application for  
32 Appointment to the New Boston Planning Board be forwarded to the Board of Selectmen  
33 for approval. Mark Suennen seconded the motion and it **PASSED** unanimously.

34  
35 The Chairman noted that an updated Rules of Procedure had been distributed to the  
36 Board.

37  
38 Peter Hogan **MOVED** to adjourn at 9:05p.m. Mark Suennen seconded the motion  
39 and it **PASSED** unanimously.

40  
41 Respectfully Submitted,  
42 Valerie Diaz, Recording Clerk

Minutes Approved:  
As amended 9/24/13