

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

**November 26, 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 Duhaim and Mark Suennen, alternate members David  
3 Litwinovich and Mitch Larochelle, and Ex-Officio Rodney Towne. Also present were Planning  
4 Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie  
5 Diaz.

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7           Present in the audience for all or part of the meeting were John Neville, Jacob Neville,  
8 Town Administrator Peter Flynn, Dave Elliott, Selectman Christine Quirk, Tim LeClair,  
9 Selectman Rodney Towne, Town Engineer Kevin Leonard, PE, Road Agent Dick Perusse, Road  
10 Committee Chair Tom Miller, Jim Bath, Jeff Hudson, Mark Correnti, Building Inspector/Code  
11 Enforcement Officer Ed Hunter, Art Siciliano, LLS, and Louis Rumore.

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13           The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's  
14 absence and Mitch Larochelle in Mark Suennen's absence.

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16 **Public Hearing on the Capital Improvements Program, Plan of 2014, as proposed by the**  
17 **CIP Committee**

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19           Present in the audience were John Neville, Town Administrator Peter Flynn, Dave Elliott,  
20 Selectman Christine Quirk, Tim LeClair, Selectman Rodney Towne, Town Engineer Kevin  
21 Leonard and Road Agent Dick Perusse.

22           The Chairman noted that the public hearing had been noticed and that copies of the  
23 proposed plan were available.

24           The Chairman advised that the plan contained a spreadsheet with an outline for the next  
25 six year's allocations as well as currently accrued amounts for each of the major projects. He  
26 noted that the spreadsheet format was consistent with those that had been submitted in the past.  
27 He added that a narrative had also been included that explained each individual item listed.

28           The Chairman invited questions and/or comments from the Board and public; there were  
29 no questions or comments.

30           The Chairman referred to the plan and noted that the Committee was interested in having  
31 a demographic study completed to gather more scientific numbers with regard to potential  
32 increases to the elementary school population. He advised that Dennis Delay of the New  
33 Hampshire Center for Public Policy Studies reported that the population projections showed that  
34 elementary school populations would be decreasing. He asked that this information be  
35 forwarded to Brandy Mitroff.

36           The Chairman unseated Mitch Larochelle as a full-voting member as Mark Suennen  
37 arrived to the meeting.

38           The Chairman asked Mark Suennen for questions and/or comments with regard to the  
39 proposed plan. Mark Suennen noted that there was a \$120K increase from 2014 to 2015 and a  
40 \$250K increase from 2015 to 2016 on the CIP schedule. He believed that the taxpayers should  
41 be alerted to the increases as soon as possible. Rodney Towne pointed out that the increase Mark  
42 Suennen was referring to was a \$0.50 increase. Mark Suennen stated that it was an increase of  
43 \$0.50 per \$1,000.00 and it was significant compared to the last dozen years. Rodney Towne

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1 **CIP PLAN 2014, cont.**

2  
3 noted that all of the information was contained in the Town Report and readily available. The  
4 Chairman added that Brandy Mitroff usually had an article in the New Boston Bulletin with the  
5 information.

6 The Chairman closed the public portion of the hearing and the Board entered into  
7 deliberations.

8  
9 Mark Suennen **MOVED** to submit the CIP Plan of 2014 to the Board of Selectmen and  
10 Finance Committee as written. Don Duhaime seconded the motion and it **PASSED**  
11 unanimously.

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

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

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

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" District

21  
22 Present in the audience were John Neville, Town Administrator Peter Flynn, Dave Elliott,  
23 Selectman Christine Quirk, Tim LeClair, Selectman Rodney Towne, Town Engineer Kevin  
24 Leonard and Road Agent Dick Perusse.

25 The Chairman read the public hearing notice. He stated that a letter dated October 28,  
26 2013, requesting an adjournment to February 2014 had been received from Art Siciliano, LLS.  
27 He noted that the reasons for the request were to allow time to prepare an affordable drainage  
28 plan and because Art Siciliano, LLS, was not available in December or January.

29 The Chairman stated that the application had been accepted as complete on March 14,  
30 2013, and the deadline for Board action was July 18, 2013. He noted that there had been a  
31 number of adjournments and agreements to extend the Board action deadline.

32  
33 Mark Suennen **MOVED** to adjourn the public hearing of Ferus Terra, LLC, Castle  
34 Donovan, III, Arthur F. Siciliano, Land Surveying, LLC, Location: Old Coach  
35 Road, Tax Map/Lot #10/3-2 & 10/3-3, to February 25, 2014, at 6:30 p.m. and to  
36 extend the deadline for Board action to February 25, 2014. Don Duhaime seconded  
37 the motion and it **PASSED** unanimously.

38  
39 **Discussion, re: Road Construction Inspection Procedures**

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41 Present in the audience were John Neville, Town Administrator Peter Flynn, Dave Elliott,  
42 Selectman Christine Quirk, Tim LeClair, Selectman Rodney Towne, Town Engineer Kevin  
43 Leonard, Road Agent Dick Perusse, Road Committee Chair Tom Miller, Jim Bath, Jeff Hudson

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**ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.**

and Mark Correnti.

The Chairman indicated that the purpose of the discussion was to start the process of reviewing and updating the Road Construction Inspection Procedures, (RCIP). He noted that the current RCIP had been adopted two years prior. He continued that a number of issues had been raised with the RCIP and a special Planning Board meeting had taken place on September 17, 2013. He explained that as a result of the special meeting the RCIP would be reviewed and necessary changes would be made. He noted that the discussion this evening was only scheduled for a half hour as the meeting schedule was busy and the Board needed to meet Zoning regulatory deadlines. He indicated that this would not be the only meeting to discuss the RCIP and more detailed discussions would be scheduled. He thanked all those in attendance for the discussion.

The Chairman stated that his primary concern with the RCIP was ensuring that the way things were done were documented. He continued that the previous iteration of the RCIP was created with lots of input that had been gathered through several public hearings. He noted that the public hearings had been well attended by the active and interested participants.

The Chairman believed that it was important that everyone agreed with the goal of the document, "To ensure that the Town gets a quality product during subdivision development so as to avoid long-term maintenance issues and costs in the future". He noted that the current RCIP had been created in an attempt to address issues with roads that had previously been built. He asked if anyone felt that the goals should be changed; no one commented.

The Chairman stated that the first objective of the RCIP was to give clear direction to the Town Engineer regarding the Town's oversight of road construction; the second objective was to provide a written document to give to contractors and developers detailing the Town's oversight of road construction as well as the Town's expectations of how the road would be constructed; and, the third objective was to provide a specifications source for the Town when contracting with an engineer firm. He asked if anyone disagreed with the listed objectives, if the objectives had changed or if the Board should consider incorporating additional objectives; there were no comments.

The Chairman opened the discussion to the Board and audience and asked for general comments to be made as more detailed comments would be addressed at subsequent meetings. John Neville believed that the Planning Board should be relieved of some of their duties once a plan was approved as the Board hired an outside engineering firm to handle projects. He continued that the Town Engineer was a licensed engineer in the State of New Hampshire and was able to determine what was right and what was wrong. He explained that things were always tweaked in the field regardless of what was on the plan in order to accommodate certain conditions or problems that occurred during construction. He expressed concern that a lot of time was wasted bouncing back and forth to meetings and waiting for decisions. He reiterated that the Town Engineer was licensed by the State of New Hampshire to make decisions and noted that the Board usually deferred to the Town Engineer's decisions. The Chairman commented that John Neville had made a good point.

John Neville referred to the Chairman's second objective with regard to the Town's

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**ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.**

oversight of road construction. He commented that he did not believe that some of the inspections were necessary “24/7”, i.e., watching someone install drainage pipe all day. He continued that the Town would be better off cutting down on some of the inspection fees. He provided the Board with a list of surrounding community’s inspection fees for roads which were 1/6<sup>th</sup> of the cost that New Boston charged. He stated that if the Town was looking for roads that would last longer they should require that more material be added to the sub-grade level of the road or require extra asphalt be added. He continued that a reputable contractor did not need to be watched over as much as was currently required. He suggested that a clause be created to require additional funds be deposited into the escrow account to cover the cost of additional inspections for contractors that did not have established reputations in Town or if the Town Engineer was having problem with a contractor.

John Neville noted that in addition to the information of surrounding communities’ inspection fees he would also provide the Board with a package from an engineering firm. The Chairman requested that the package be dropped off prior to the next scheduled meeting in order to give the Board an opportunity to review it.

Dave Elliott felt that the RCIP was put together to build the best road that could be built for New Boston and that it would last a long time. He stated that he fully backed the RCIP, however, he believed that far too much money was being spent on engineering. He offered to supply documents on other projects that he had worked on in other towns that showed engineer fees that were dramatically lower than New Boston’s engineering fees. He went on to say that he had recently completed a road in the Town of Hollis that was 1,650’ in length and noted that Hollis was considered a “tough” town to work in. He advised that the engineering inspection fee for the road was \$3K. He provided that the inspection fees for the construction of Wright Drive in New Boston was around \$90k and noted that it was only 1/3 longer than the road in Hollis. He believed that requiring a developer to spend this money did not benefit the Town. He stated that the inspections that had been completed for the road in Hollis were just as adequate as those performed in New Boston. He added that lots of mistakes had been made with regard to the inspections that were not completed properly for Wright Drive and there was no way for him to recoup the money. The Chairman asked for clarification that Dave Elliott believed that there was too much money spent on inspection oversight and not engineering. Dave Elliott confirmed that he believed too much money was spent on inspection oversight. He added that if the goal was to make a better road more money could be spent on a better road instead of wasted on engineering expenses. He noted that the Town’s road construction standards were minimum standards, i.e., gravel, crushed gravel and pavement. He commented that the inspection fees were outlandish and that he had never had these kinds of charges when building roads. He noted that the developer was charged the road inspection fees and not the road contractor. Dave Elliot commented that he lived in New Boston all of his life and he would like to stay in New Boston. He felt that the Town was not getting their money’s worth out of the road with the way they were being handled. He continued that there was no reason to go through the mistakes and problems that they were going through. He stated that there were constant questions and emails after emails. He advised that he had spent several thousands of dollars to have the design engineer

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**ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.**

verify that things were the way he had said they were to the Town Engineer. He continued that no money ever came back to him when the Town Engineer said something was not right and he proved that it was right.

Road Committee Chair Tom Miller agreed with John Neville that the Town Engineer should be responsible for inspections but added that the Road Agent should also be responsible. He explained that the Road Agent was the one who inherited the road when it was completed and he should be consulted with regard to problems during construction.

Road Committee Chair Tom Miller stated that there had been constant complaints with regard to over inspection. He noted that he had worked for the State of New Hampshire for thirty-three years as an inspector and offered to accompany the Town Engineer during inspections in order to make an independent determination on whether or not too many inspections were occurring. He indicated that once a trust was built between a contractor and Town Engineer there should not be a need for as much inspection. He continued that if the contractor was not looking to build that trust then the Town Engineer would have to be onsite all of the time.

John Neville did not believe that it was necessary for a contractor to call an engineer every minute of the day for an inspection. He continued that the engineer should have free rein on their inspections instead of having set inspections. He added that the communication should be open for the contractor to ask the engineer questions. He stated that he and the Town Engineer did not hit it off too good in the beginning but were doing a little bit better. He cited an instance in which he believed he was trying to be proactive with regard to a soil test but had not followed the correct chain of command. He advised that he had been scolded for trying to do something better for the Town. John Neville stated that he believed that contractors needed more freedom. He indicated that on all of his jobs outside of New Boston he was able to hire his own soils testing company. The Chairman noted that John Neville had made a restatement of his original point of relieving the Planning Board of some of their duties after a plan was approved and give the Town Engineer more responsibility. John Neville added that the contractor needed to be given more responsibility as well. He reiterated that it was usually the developer or contractor to hire the soil tester and asked for Dave Elliott's experiences. Dave Elliott stated that there had been numerous occasions that reports had been made that he was not doing things right that were technically false reports. He explained that he would have an engineer say that he was in fact right. He added that he had received a lot of emails from the Coordinator that had told him to stop doing what he was doing. He stated that he wanted to emphasize that he did not believe that the Planning Board should be involved following plan approval because he did not think there were enough qualified people that could make a real, educated, qualified decision on what should be done on a road. He further stated that the Planning Board's decisions were often as harmful as they were helpful. He stated that when building a road things needed to move along quickly and contractors should not be expected to wait six or eight weeks for a decision for minor changes that could be approved by engineers.

Road Committee Chair Tom Miller stated that if he were a contractor he would not be able to work under the Town's current conditions. He explained that when he was in the field

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**ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.**

the State would give him a set of plans and money and would tell him to build the job. He continued that he would make changes that he believed were appropriate and unless there was a major change the State would not hear from him again. He added that all of the designers went away until he called upon them. He stated that contractors could not afford to wait as they were paying equipment fees. He added that it made things better in the field as it would give the Town Engineer and Road Agent the authority to decide what they wanted in the road.

The Chairman indicated that he did not want this matter to linger and had come up with a proposed plan for closure. He pointed out that because the RCIP was a Planning Board document it needed to be worked on during public meetings and a public hearing was required for a vote on the final version. He suggested that interested parties obtain a copy of the current RCIP and submit suggested changes to the Planning Department. He proposed that the suggested changes be reviewed at the first meeting in January, allow the Planning Department to research any necessary items, schedule a review of the draft document for the second meeting in January and schedule a vote on the final draft for the first meeting in February. Dave Elliott expressed concern that there was not enough time given to do it but noted that it did not sound as though it could be moved any faster. The Chairman stated that he assumed that the construction of roads slowed down during the winter. Dave Elliott stated that the Chairman's assumption was not accurate as he worked twice as hard in the winter to keep his crews working efficiently and had half the spare time in the winter than he did in July. The Chairman stated that if they did not take enough time to think about the changes and looking into them the Board could end up with something that could make matters worse. John Neville advised that he would be out of town during the months of January, February and part of March and asked if he could submit his suggested changes through letters. The Chairman answered yes.

The Chairman thanked all of those in attendance for the discussion.

**SHAKY POND DEVELOPMENT, LLC**

Public Hearing/Minor Subdivision/17 Lots and one open space lot.

Discussion, re: amending existing conditions to subdivision plan relative to submission of the bond and fees.

Location: Susan Road

Tax Map/Lot #15/15

Residential-Agricultural "R-A" District

Present in the audience were Town Administrator Peter Flynn, Dave Elliott, Selectman Christine Quirk, Tim LeClair, Selectman Rodney Towne, Road Agent Dick Perusse, Jim Bath, Jeff Hudson, Mark Correnti and Building Inspector/Code Enforcement Officer Ed Hunter.

The Chairman read the public hearing notice. He stated that a letter dated October 9, 2013, from Jim Bath, for Shaky Pond Development, LLC, requested a waiver to the fees and bonding conditions that had been attached to the subdivision approval. He noted that there were no outstanding fees and there was a credit in the amount \$249.00. He advised that the subdivision had been approved with conditions on January 13, 2009.

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**1 SHAKY POND DEVELOPMENT, LLC, cont.**

2  
3 The Chairman asked if Jim Bath if he had any information to add. Jim Bath thanked the  
4 Board for considering the waiver request. He noted that nothing had really changed and that he  
5 had been keeping the Planning Department updated on the status of the subdivision. He stated  
6 that Doug Hill was his realtor and he continued to have Ray Shea of Sandford Engineering to do  
7 the plan upgrades. He added that he had forwarded a letter from Ray Shea to the Planning  
8 Department that noted they were behind on finishing up documentation that was needed to  
9 record the plan.

10 Jim Bath stated that he was working with Fast Designs of Bedford to create a sign for the  
11 subdivision. He believed that he needed to establish an identity for the Shaky Pond  
12 development. Jim Bath indicated that he was creating a marketing package for potential  
13 buyers/investors and wanted to indicate that the bonding would be delayed until such a time that  
14 the project was shovel ready.

15 The Chairman advised that in order to obtain building permits and certificates of  
16 occupancy the bond needed to be submitted. Jim Bath stated that he understood and would make  
17 it a condition of the sale.

18 The Chairman stated that the Board had had a similar request from the owner of Forest  
19 View II, however, the owner of Forest View II had submitted the bond and asked for it back. He  
20 noted that Jim Bath had not submitted the bond yet and was requesting that its submission be  
21 delayed.

22 The Chairman asked if Jim Bath had requested that all fees be delayed, i.e., construction  
23 monitoring escrow, offsite road improvement fees, cistern fees, etc. in addition to the delay for  
24 the submission of the bond. Jim Bath answered yes.

25 The Chairman indicated that the request could be granted with the condition that the  
26 bond/fees would not be required until such time as the applicant:

- 27 a) was ready to build the road and posted a Letter of Credit/bond/cash security, and  
28 all other required fees as noted in conditions 6 through 10 of the original Notice  
29 of Decision, at that time; or  
30 b) submitted all of the required fees and built the road according to the approved  
31 plan, followed all of the Town's construction inspection procedures, through  
32 binder pavement, or some other point in construction, at which time a bond/letter  
33 of credit/cash security could be established for the remaining items; or  
34 c) submitted all of the required fees and built the road according to the approved  
35 plan, followed all of the Town's construction inspection procedures, through  
36 completion and sign-off, at which time a two year maintenance bond would be  
37 required.  
38

39 The Chairman asked if Jim Bath preferred one option over the others. Jim Bath answered  
40 that he did not have a preference as he did not have enough experience to know which option  
41 was the better than the others. He stated that he wanted to ethically present a package to a  
42 developer or investor that was the truth. The Chairman believed that the first option was the  
43 easiest and cleanest. Jim Bath agreed with the Chairman and noted that everything listed in

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**SHAKY POND DEVELOPMENT, LLC, cont.**

option would be included in a purchase and sales agreement. The Chairman stated that it would also be required that the bond estimate be recalculated at the time the bond would be submitted.

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

Jim Bath asked who would provide the bond estimate. The Coordinator answered that the design engineer provided the bond estimate.

The Chairman asked if Jim Bath planned to finalize the plans and record them now. Jim Bath answered yes and noted that Sandford had pushed the finalization back two months. The Chairman asked if Jim Bath was agreeable to the condition that the plan be recorded within the next six months. Jim Bath answered yes. Discussion regarding this matter, however, resulted in the Board leaving the remaining deadlines for submission items the way they were.

Mark Suennen **MOVED** to grant the request that Conditions Precedent #6 through 10 from the Notice of Decision dated January 13, 2009, be amended and that the Letter of Credit, road construction monitoring inspection fee, cistern security and construction monitoring fees and the offsite road improvement fees for the Subdivision of Shaky Pond Development, LLC, Susan Road, Tax Map/Lot #15/15, not be required to be submitted until such time as the applicant:

- is ready to build the road and will then post a Letter of Credit/bond/cash security, and all other required fees as noted in conditions 6 through 10 of the original Notice of Decision, at that time;

Said determination having been made based upon the recognition of the fact that the roads upon which Shaky Pond needs to access have not been approved for public travel, therefore the applicant cannot market his subdivision appropriately at this time.

The amount of the securities for the road and cistern construction shall be calculated using the current regulations and bond estimate forms in place at the time the security is to be submitted and shall be reviewed and approved by the Town's Consulting Engineer. The amount of the road construction monitoring escrow is to be calculated by the Town's Consulting Engineer as noted in Condition Precedent #7.

All other terms and conditions of the January 13, 2009, approval, and the October 23, 2012, extension approval, to remain in full force and effect.

Don Duhaime seconded the motion and it **PASSED** unanimously.

**SHB PROPERTIES, LLC**

Compliance Hearing/Public Hearing/Major Subdivision/7 Lots

Location: Pulpit, Bedford & Campbell Pond Roads (New Road-Pulpit)



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**1 SHB PROPERTIES, LLC, cont.**

2  
3 Tax Map/Lot #12/65  
4 Residential-One "R-1" District  
5

6 Present in the audience were Dave Elliott, Selectman Christine Quirk, Selectman Rodney  
7 Towne, Road Agent Dick Perusse, Jim Bath, Jeff Hudson, Mark Correnti, Building  
8 Inspector/Code Enforcement Officer Ed Hunter and Tim LeClair.

9 The Chairman read the public hearing notice. He stated that the application and plans  
10 were approved with conditions on January 23, 2007. He noted that the deadlines for the  
11 conditions subsequent and precedent had been extended and the final deadline date for the  
12 conditions subsequent was October 31, 2013.

13 The Chairman advised that the Board held a site walk on November 9, 2013, and there  
14 were two outstanding issues. He explained that a different culvert than shown on the plan had  
15 been used, however, the NH DES Dredge and Fill Permit had been amended in 2007 to allow  
16 the use of RCP pipe instead of the box culverts shown on the approved plan. He stated that a  
17 granite bound could not be located during the site walk. He continued that a surveyor went on  
18 site and found the marker which was an iron pin with a cap set in a boulder flush with the  
19 ground. He noted that a waiver was required.

20 The Chairman stated that the Town Engineer had provided an Outstanding Items  
21 Summary dated October 11, 2013, and had subsequently provided a letter on October 22, 2013,  
22 that advised all outstanding items had been completed with the exception of some incidental  
23 loam and seeding. He noted that the areas had been loamed and seeded but growth had not yet  
24 reached satisfactory levels due to the time of year.

25 The Chairman advised that updated as-built plans had been submitted on November 21,  
26 2013. He indicated that a two year maintenance bond was required of the subdivision and noted  
27 that the original bond amount was \$235,000. He explained that 10% or \$23,500 was needed for  
28 the maintenance bond. He added that depending on what type of bond was submitted, it may  
29 require review by Town Counsel. He noted that the as-built plans indicated that the bounds had  
30 been set, however, the as-built plans do not get recorded and Condition Subsequent #6 required  
31 submission of a Certificate of Bounds Set to be recorded at the HCRD. He went on to say that a  
32 waiver needed to be submitted for the use of a pin instead of granite as noted above. The  
33 Coordinator advised that a waiver had been submitted. The Chairman explained that the waiver  
34 requested that the iron pin be used in the boulder instead of setting a granite bound.

35 Mark Suennen asked if the original performance bond had been returned in full. The  
36 Coordinator answered no. Mark Suennen asked if a small portion of the maintenance bond  
37 should not be released for the loam and seeding. The Coordinator answered that the Board  
38 needed to discuss the issue and advised that it was cumbersome to keep a performance bond in  
39 place for such a small amount. She continued that the applicant intended on submitting a  
40 maintenance security and a little extra could be added to the bond for the stabilization. She  
41 explained that retaining the performance bond would not work and the Board needed to  
42 determine if a separate bond would be required or if they wanted to make the stabilization part  
43 of the maintenance bond. The Chairman asked for the Board member's opinion on the matter.

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**SHB PROPERTIES, LLC, cont.**

Mark Suennen suggested that the applicant be asked in what form the maintenance bond would be submitted. Jeff Hudson indicated that the First Colebrook Bank had promised to submit the maintenance bond as a Letter of Credit within the next ten days. Mark Suennen stated that he would be comfortable making the stabilization subject to the Letter of Credit and that the expectation was that the stabilization would be achieved during next year's growing season and secured by the maintenance bond. The Chairman asked for confirmation that Mark Suennen recommended that part of the \$23,500 would be used for the stabilization. Mark Suennen answered yes and explained that if stabilization was not achieved the Town would use part of the maintenance bond. Dave Elliott commented that this was always the case. Mark Suennen explained that usually the Board received a guarantee that an area was stabilized prior to recommending that a road be accepted. Dave Elliott asked if this would be the case with regard to damage to pavement or grass. The Coordinator clarified that a maintenance bond was used for defects in workmanship and not to be used for items that have not been completed for grass that had not grown.

Mark Suennen **MOVED** to accept the waiver for Subdivision Regulations, Section XI-A, to allow for the use of an iron rod in the boulder as opposed to the granite bound required based on the fact that a granite bound was inordinately cumbersome to put in in this location and the iron pin served the spirit and intent of the regulation. Don Duhaime seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to confirm compliance with the conditions subsequent to the approval of the Major Subdivision/7 Lots of Tax Map/Lot #12/65, SHB Properties, LLC, Bedford, Pulpit and Campbell Pond Roads and to release the financial security being held for the subdivision, subject to:

**CONDITIONS PRECEDENT:**

1. Submission of financial security in the amount of \$23,500, and in the form of a Letter of Credit which will be retained for two years as a maintenance security. Said security may require review by Town Counsel, the cost of which shall be borne by the applicant. \* (The loam & seed that was not yet stabilized is included in the maintenance security).
2. Submission of any fees required for recording of the warranty deed for the road and/or other legal documents at the HCRD.
3. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD.

The deadline date for compliance with the conditions precedent shall be **January 26, 2014**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under

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1     **SHB PROPERTIES, LLC, cont.**

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3             RSA 676:4-a to revoke the approval.  
4             Don Duhaime seconded the motion an it **PASSED** unanimously.

5  
6             Jeff Hudson asked if this would be sent to the Board of Selectmen. The Coordinator  
7 answered that the Board would recommend to the Board of Selectmen that the road be accepted  
8 once all of the conditions were satisfied.

9  
10    **RUMORE, LOUIS & MARCIA**

11    Submission of Application/Public Hearing/Major Subdivison/5 Lots

12    Location: Bedford Road  
13    Tax Map/Lot #8/78  
14    Residential-Agricultural “R-A” District

15  
16             Present in the audience were Dave Elliott, Selectman Christine Quirk, Selectman, Rodney  
17 Towne, Road Agent Dick Perusse, Mark Correnti, Timothy Reilly, Building Inspector/Code  
18 Enforcement Officer Ed Hunter, Tim LeClair, Arthur Siciliano, LLS, Louis Rumore and Louis  
19 Rumore.

20             The Chairman read the public hearing notice. He noted that the application form and  
21 coversheet had been signed and submitted on November 8, 2013. He advised that the tax map  
22 scale copy of the final plat had not been submitted. Art Siciliano, LLS, submitted same.

23             Arthur Siciliano, LLS, noted that the owner Louis Rumore was present with his son,  
24 Louis Rumore.

25             Arthur Siciliano, LLS, indicated that the total area of the property was 87.83 acres and  
26 noted that there was an existing house, barn, leach field and well on the property. He stated that  
27 the proposal was to divide the property into five lots and advised that Tax/Map Lot #8/78 would  
28 be 58.18 acres, Tax/Map Lot #8/78-1 would be 20.03 acres, Tax/Map Lot #8/78-2 would be 2.41  
29 acres, Tax/Map Lot #8/78-3 would be 5.03 acres and Tax/Map Lot #8/78-4 would be 2.19 acres.  
30 He noted that none of the property existed in a flood zone. He pointed out that a cistern was  
31 located on Pheasant Lane for fire protection and advised that all of the houses would be within  
32 2,000’ of the cistern. He stated that he had applied for driveway permits for the new lots and  
33 identified the location of an existing driveway on the plan for which there was a driveway  
34 permit. He explained that there was not a permit for an existing culvert and he had submitted an  
35 application for a Dredge and Fill permit through NH DES.

36             Arthur Siciliano, LLS, offered to answer any questions. Mark Suennen asked for the  
37 distance between the corner bound of Tax Map/Lot #8/78-1 and Tax Map/Lot #8/80. Arthur  
38 Siciliano, LLS, answered that there was roughly 12’ between Tax Map/Lot #8/78-1 and Tax  
39 Map/Lot #8/80. The Chairman asked for an explanation as to why Lot #8/78 would continue to  
40 wrap around the bottom of the proposed new lots as shown on the plan. Art Siciliano, LLS,  
41 explained that this was in order to maintain the current use status of the property by keeping the  
42 lots connected to the parent parcel.

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1 **RUMORE, LOUIS & MARCIA, cont.**

2  
3 Mark Suennen **MOVED** to accept the application for a Major Subdivision for Louis &  
4 Marcia Rumore, Location: Bedford Road, Tax Map/Lot #8/78, Residential-Agricultural  
5 “R-A” District, as complete. Don Duhaime seconded the motion and it **PASSED**  
6 unanimously.  
7

8 The Chairman indicated that the deadline for Board action was January 30, 2014.

9 The Chairman commented that it would be difficult for the applicant to get the required  
10 sight distance for the driveway on the corner. Arthur Siciliano, LLS, pointed out that the  
11 applicant already had a driveway permit for the existing driveway on the corner and added that  
12 the proposed driveways all met the sight distance requirements. Don Duhaime stated that there  
13 was definitely a sight distance problem with lot #1 and asked when the permit was issued. The  
14 Planning Board Assistant answered that the driveway permit was issued in June of 2012 and  
15 noted that because it was a single lot it only had required approval by the Road Agent. The  
16 Chairman indicated that the sight distance matter would be addressed during the site walk.

17 The Chairman asked if there were plans for future development. Arthur Siciliano, LLS,  
18 answered that there were no plans for future development at this time. Rodney Towne asked if  
19 there had been plans for future development when the first lot was subdivided. Arthur Siciliano,  
20 LLS, indicated that there had been no previous subdivisions. He pointed to an area on the plan  
21 that could potentially be re-subdivided. Mark Suennen agreed that the parent lot, Tax/Map Lot  
22 #8/78, was the only lot that could be further subdivided.

23 The Chairman stated that the Board needed to consider whether an after the fact CUP  
24 should be required to go along with the after the fact Dredge and Fill Permit. Mark Suennen  
25 suggested that the determination be made following the site walk.

26 The Chairman asked Arthur Siciliano, LLS, to address the waiver requests. Arthur  
27 Siciliano, LLS, stated that waiver requests had been submitted for the Traffic and Fiscal Impact  
28 Studies, granite bounds for the front lot corners, wetland delineation for all of Tax Map/Lot  
29 #8/78, site specific soils mapping for all of Tax Map/Lot #8/78, topography for all of Tax  
30 Map/Lot #8/78 and watershed outline and drainage computations. He explained that this was a  
31 five lot subdivision with an existing house on the lot. He continued that there would only be four  
32 new building lots and four additional lots was a minor impact for Bedford Road, therefore, he did  
33 not believe the Traffic and Fiscal Impact Studies were necessary. He advised that granite bounds  
34 were difficult to set in stonewalls and proposed that a hole be drilled and a magnetic nail be used  
35 to mark the corners. He stated that he had performed enough work to prove that the lots met the  
36 Town’s regulations and, therefore, he did not believe that the wetland delineation, soils maps and  
37 topography needed to be required. He explained that a watershed outline and drainage  
38 computations were not necessary as a road was not being constructed for access because all of  
39 the lots had frontage on Bedford Road. It was the consensus of the Board to address the waivers  
40 following the site walk.

41 Mark Correnti of 218 Bedford Road asked if there were any covenants in the proposed  
42 plan that required the existing stonewalls remain in place. Arthur Siciliano, LLS, noted that the  
43 stonewalls would not be removed and explained that State law prohibited the removal of the

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1 **RUMORE, LOUIS & MARCIA, cont.**

2  
3 stonewalls.

4 Mark Correnti asked if there were plans to build homes on the subdivided lots. Arthur  
5 Siciliano, LLS, answered that there were plans for Louis Rumore's son to build a home on one of  
6 the lots.

7 The Board scheduled a site walk for Saturday, December 7, 2013, at 8:00 a.m. The  
8 Chairman requested that the driveways be marked. Mark Suennen requested that the corner  
9 points be marked on the parent lot. Road Agent Dick Perusse noted that he would attend the site  
10 walk.

11 The Chairman asked for any further comments and/or questions; there were no comments  
12 or questions.

13  
14 Mark Suennen **MOVED** to adjourn the public hearing of Louis & Marcia Rumore,  
15 Location: Bedford Road, Tax Map/Lot #8/78, Residential-Agricultural "R-A" District, to  
16 December 17, 2013, at 7:00 p.m. Don Duhaime seconded the motion and it **PASSED**  
17 unanimously.

18  
19 **Discussion, re: Proposed Zoning Ordinance Amendments for 2014**

20  
21 Present in the audience were Building Inspector/Code Enforcement Officer Ed Hunter,  
22 Tim LeClair, Dave Elliott, Selectman Rodney Towne, Selectman Christine Quirk, and Timothy  
23 Reilly.

24 Building Inspector/Code Enforcement Officer Ed Hunter referenced Article 3, Section  
25 308 of the Zoning Ordinance and proposed that language be added to allow for a maximum of a  
26 4' X 4' landing and associated stairs to meet the required egresses out of buildings. He  
27 explained that people often submitted plans with houses that were right on the setback and would  
28 forget about adding room for the door to open. Mark Suennen asked if this situation had occurred  
29 in Town. Building Inspector/Code Enforcement Officer Ed Hunter answered that there had been  
30 one situation with regard to the construction of an addition. He noted that the ZBA had granted a  
31 variance.

32 The Chairman asked for comments and/or questions with regard to the above-referenced  
33 proposal. Mark Suennen commented that he had no problem with the proposal. The  
34 Coordinator asked Building Inspector/Code Enforcement Officer Ed Hunter wanted the word  
35 "stairs" to be added to the proposal. Building Inspector/Code Enforcement Officer Ed Hunter  
36 answered yes.

37 Building Inspector/Code Enforcement Officer Ed Hunter referred to the section of the  
38 Zoning Ordinance that addressed real estate development signs. He indicated that currently the  
39 maximum size of a real estate development sign was 12'. He explained that there was a lot of  
40 information included on the real estate development signs, i.e., the developer, name of the  
41 development, financier of development and map of development. He suggested that most  
42 developers used a sign the size of a 4' x 8' sheet of plywood, which is where he came up with his  
43 suggested 32 s.f. for the sign size. The Chairman pointed out that the section being referenced

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**2014 ZONING AMENDMENTS, cont.**

also covered real estate units for sale or lease. He questioned if the real estate development signs should be separated from the real estate units for sale or lease. Building Inspector/Code Enforcement Officer Ed Hunter answered that he would leave that decision to the Board. The Chairman asked if he would be allowed to hang a 4' X 8' real estate for sale sign on his house if the proposal was approved as written. Building Inspector/Code Enforcement Officer Ed Hunter noted that it was not the intent of the proposal. The Planning Board Assistant pointed out that the two were separate within the ordinance as it was written.

Building Inspector/Code Enforcement Officer Ed Hunter advised that when the Sign Ordinance had been rewritten by committee two or three years ago it had been the intent that the maximum height of signs applied to both freestanding signs as well as those attached to or painted on buildings. He explained that there had been a situation in which a sign was proposed to be attached to a building in the Commercial District that exceeded the 15' limit. He indicated that a variance for the sign had been granted and advised that the ZBA had determined that the ordinance only applied to freestanding signs. He stated that his proposal would clarify that the maximum height would apply to both freestanding signs and signs attached to buildings. The Chairman asked for questions. The Coordinator asked if Building Inspector/Code Enforcement Officer Ed Hunter was okay with the addition of the words "or structure" to his proposal. Building Inspector/Code Enforcement Officer Ed Hunter answered that he was agreeable to the additional language.

Building Inspector/Code Enforcement Officer Ed Hunter proposed that the amount of allowed signage along Route 114 in New Boston be increased. He noted that most of the buildings were set back from the road and had multiple tenants. He pointed out that currently the language for signage was the same for the Village area as it was for the area of Route 114. He advised that a couple of variances had been granted for the Route 114 area. He explained that the proposal allowed for 140 sq. ft. of sign for a lot, 70 sq. ft. along the road/freestanding with an additional 70 sq. ft. allowed on the building. The Chairman questioned if reasoning for ordinances were typically included in the Zoning Ordinance language. The Coordinator indicated that adding the reason for the ordinance helped identify the intent of the ordinance. The Chairman asked for further comments and/or questions. Mark Suennen noted that the Board did not want any sign to cross the right-of-way and suggested adding language that stated signs could not penetrate the Route 114 right-of-way. Rodney Towne pointed out that State law addressed that issue and as such the Town did not need to add it to the Zoning Ordinance.

The Coordinator referenced the earlier discussion with regard to real estate development signs and noted that they required a permit. She explained that a separate real estate sign did not require permits and were only allowed to be 12 sq. ft. The Chairman suggested adding language "to advertise building lots". He further suggested that "or" be struck from the proposed language. He noted that the language could be further discussed at the next meeting during the public hearing.

The Chairman addressed proposed amendment #6 and explained that the Board had discussed moving some landscaping items to the NRSPR regulations from the Zoning Ordinance. He commented that the proposal was consistent with the recommendations from the

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**2014 ZONING AMENDMENTS, cont.**

Board; there was no further discussion.

The Chairman stated that the proposed amendment #7 was relative to the Recreational Camping and Parks standards that had been previously discussed. He noted that the current buffer area was 200' adjacent to all property lines. He continued that a suggestion had been made at the last meeting to add an exception to the requirement that stated the following, "...except if the adjacent property is Town owned land in which case the buffer area of natural vegetation shall be at least...". He pointed out that a decision on the buffer amount had not been made and stated that the suggested amounts were 50', 100' or 150'. Dwight Lovejoy stated that with no future building in the area he did not believe a 50' buffer was too extreme. Christine Quirk recalled that the Board had also discussed making the entire buffer around campgrounds 100' with 50' adjacent to Town owned property. Dwight Lovejoy reiterated that there was no harm in decreasing the buffer to 50' adjacent to Town owned property. David Litwinovich indicated that he was agreeable to decreasing the buffer adjacent to Town owned property to 50' and decreasing the buffer from 200' to 100' that did not abut Town owned property. Christine Quirk stated that if the buffer was decreased to 100' she would no longer be interested in the section that allowed underground utilities to be within a certain portion of the buffer. It was stated that currently the regulations did not allow use of the first 100' of the buffer. The Coordinator referenced the Planning Board minutes of September 24, 2013, and read the following, "Christine Quirk suggested that the buffer be dropped to 100' around the entire campground. Peter Hogan believed that Christine Quirk should concentrate on the buffer on Town owned property as abutters might claim that their property values would be depreciated". She continued that at the end of the discussion the three buffer amounts for consideration did not include 100' around the entire campground. She noted that it was the Board's prerogative to decide to change that number at any time, however, this had not been discussed and decided upon at any prior meetings. The Chairman asked if anyone felt any differently after hearing the comments from the previous discussion; no one felt differently.

The Chairman advised that proposed amendment #8 addressed the requirement for separate toilet areas for males and females and noted the change as follows, "Toilet areas shall be provided in accordance with applicable state and local laws". The Chairman asked for any other proposed changes to amendment #8; there were no changes.

The Chairman explained that proposed amendment #9 would change the requirement to maintain a minimum heat of 70 degrees Fahrenheit in all service buildings.

The Chairman stated that proposed amendment #10 and those after were to do with Personal Wireless Service Facilities. The Coordinator stated that the Board had received SB 101 in August of 2013 that was relative to changes to personal wireless service facilities. She explained that two sections had been added, 1) towns could not have a review process involving planning boards or hearings for co-locations or minor modifications and 2) items that towns may not do. She noted that New Boston did not do any of the items listed with the exception of taking bonds for the removal of towers if the use was discontinued or abandoned. She stated that she had not spoken with Town Counsel with regard to other means to ensure that towers were removed if abandoned. The Chairman pointed out that the item being defined in "F" was

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1 **2014 ZONING AMENDMENTS, cont.**

2  
3 missing.

4 The Coordinator advised that she also needed to add an additional proposed amendment  
5 for Section 315 of the Zoning Ordinance that erroneously referred to the old Earth Removal  
6 Regulations.

7 The Chairman asked for further comments and/or questions; there were no comments or  
8 questions.

9  
10 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
11 **November 26, 2013.**

12  
13 1. Approval of the October 22, 2013, minutes, distributed by email.

14  
15 Mark Suennen **MOVED** to approve the meeting minutes of October 22, 2013, as  
16 written. Don Duhaime seconded the motion and it **PASSED** unanimously.

17  
18 2a. Driveway Permit Applications received October 28, 2013, for TLL Land Development,  
19 LLC, (Fieldstone Drive) Tax Map/Lot #9/21-5-1 thru 9/21-5-8, for the Board's action.

20  
21 2b. Site walk notes from November 9, 2013, site walk.

22  
23 Present in the audience were Tim LeClair and Timothy Reilly.

24 The Chairman addressed items 2a and 2b together as they were related. He referred to  
25 driveway permit #13-39 and stated that the Road Agent had listed the culvert requirement but  
26 failed to check the box. He asked if the driveway required a culvert. The Planning Board  
27 Assistant answered yes.

28 The Chairman indicated that the driveways had been reviewed at the site walk.

29  
30 Mark Suennen **MOVED** to approve the driveway permits for Tax Map/Lot #9/21-  
31 5-1 thru 9/21-5-8, with the standard Planning Board requirements: 1) This permit  
32 requires two inches (2") of winter binder (pavement) to be applied to the driveway to a  
33 minimal distance of twenty-five feet (25') from the centerline of the road; 2) The  
34 driveway intersection with the road shall be joined by curves of ten foot (10') radii  
35 minimum; and 3) The driveway shall intersect with the road at an angle of 60 - 90  
36 degrees. Don Duhaime seconded the motion and it **PASSED** unanimously.

37  
38 12. Email correspondence dated October 29, 2013, thru October 31, 2013, re: Fieldstone  
39 Drive design changes, for the Board's review and discussion.

40  
41 Present in the audience were Tim LeClair and Timothy Reilly.

42 Tim LeClair indicated that he had an issue with a small section of road. He explained  
43 that the approved plan showed a slope area that required a 2:1 grading. He continued that a



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**MISCELLANEOUS BUSINESS, cont.**

boulder wall was shown on the plan to assist with obtaining the 2:1 slope. He advised that the section of the boulder wall had been removed, however, he was still able to obtain the 2:1 slope. He noted that the Town Engineer was aware of the matter. He stated that the Town Engineer questioned if the proper slope was obtained without encroaching on the neighboring property. He went on to say that Bob Todd, LLS, had surveyed the area and confirmed that he had not encroached on the neighboring property.

Tim LeClair stated that the approved plan required a 2:1 slope with the boulder wall, however, he was able to obtain a 2:1 slope without the boulder wall. He asked the Board if he was required to go through the design change process. The Chairman asked if the drainage or swale changed in the area in question. Tim LeClair answered no.

The Chairman pointed out that historically this matter would be handled through a design change. He continued that if Tim LeClair could provide documentation from his engineer that confirmed that the intent of the original plan was met this could be one of those instances moving forward that could be taken care of with the Town Engineer. Tim LeClair indicated that the Town Engineer had received an email from his design engineer that confirmed that the 2:1 slope had been met.

It was the consensus of the Board that they would defer to the Town Engineer's approval and reflect any approved changes on the as-built.

11. Letter dated November 21, 2013, from Timothy C. Reilly, 28 Bedford Road, to New Boston Planning Board, re: winery home business, for the Board's review and discussion. (Mr. Reilly will be present.)

Present in the audience was Timothy Reilly.

The Chairman stated that Mr. Reilly was proposing a business at his house. Timothy Reilly indicated that there were no changes to the structure and advised that the Building Inspector/Code Enforcement would require a permit for electrical work, i.e., installation of outlets and lighting. He explained that he was installing a cooler in his barn in order to control the temperature for fermentation of wine.

The Chairman noted that there were no employees, deliveries or retail sales at the property. Timothy Reilly stated that all the sales would be conducted at farmer's markets and through wholesale. He added that he had contacted his neighbors, Gary Thuillier and Peter Chickering and both did not have a problem with the proposed business.

The Coordinator advised as long as there were no employees, customers, signage or storage a site plan was not usually required. She continued that a standard letter could be sent advising that if any of those previously listed items changed a discussion would be required with the Planning Board.

It was the consensus of the Board to send the standard letter described by the Coordinator.

3. Endorsement of a Subdivision/LLA Plan for New Era C.F. Trust, LLC, Tax Map/Lot

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**MISCELLANEOUS BUSINESS, cont.**

#6/12, 6/12-12 & 6/12-14, Gregg Mill & Beard Roads, by the Planning Board Chairman & Secretary.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

4. Endorsement of a Notice of Decision Cover Sheet for New Era C.F. Trust, LLC, Tax Map/Lot #6/12, 6/12-12 & 6/12-14, Gregg Mill & Beard Roads, by the Planning Board Chairman & Secretary.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

5. Endorsement of a Site Review Agreement for BDRC Properties (Applicant) and Christopher Bolton (Owner), Tax Map/ Lot #3/52-25, Hemlock Drive, by the Planning Board Chairman.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

- 6a. Letter dated October 25, 2013, from Nic Strong, Planning Coordinator, to Townes Family Trust, re: Review of Site Plan for Excavation Plan/Tax Map/Lot #10/73, Lyndeborough Road, for the Board's information.

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

- 6b. Endorsement of the Excavation Plan for Townes Family Trust, Tax Map/Lot #10/73, Lyndeborough Road, by the Planning Board Chairman & Secretary.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

- 7a. Letter dated October 25, 2013, from Nic Strong, Planning Coordinator, to Townes Family Trust, re: Review of Site Plan for Excavation Plan/Tax Map/Lot #13/6, Lyndeborough Road & 2nd NH Turnpike, for the Board's information.

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

- 7b. Endorsement of the Excavation Plan for Townes Family Trust, Tax Map/Lot #13/6,

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**MISCELLANEOUS BUSINESS, cont.**

Lyndeborough Road & 2nd NH Turnpike, by the Planning Board Chairman & Secretary.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

8a. Letter dated November 22, 2013, from Nic Strong, Planning Coordinator, to Townes Family Trust, re: Review of Site Plan for Excavation Plan/Tax Map/Lot #13/31, Lyndeborough Road & 2nd NH Turnpike, for the Board's information.

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

8b. Endorsement of the Excavation Plan for Townes Family Trust, Tax Map/Lot #13/31, Lyndeborough Road & 2nd NH Turnpike, by the Planning Board Chairman & Secretary.

The Chairman stated that the above-referenced document would be executed at the close of the meeting.

9a. Letter dated October 30, 2013, from Emile R. Bussiere, Jr., to Shannon Silver, Planning Assistant, re: Indian Falls/Susan Road subdivision and a request to amend the conditions to his subdivision approval re: the road bond, for the Board's action.

9b. Email correspondence dated October 23 and 24th, 2013, between Emile R. Bussiere, Jr., Esquire and Nicola Strong, for the Board's information.

The Chairman addressed items 9a and 9b together as they were related.

The Chairman asked if a public hearing was required for the above-referenced matter. The Coordinator answered that a public hearing was required if the Board intended to consider the request.

The Chairman noted that the request being made for release of the road bond was similar to the requests made by the applicant of the Forest View II subdivision as well as the Shaky Pond subdivision. He asked if all fees had been paid. The Coordinator advised that the road was almost completed. The Chairman asked for clarification of the request. The Coordinator explained that the applicant was requesting that he not be required to have a bond with the understanding that he would not be allowed to obtain building permits or certificates of occupancy until the road was completed or until he resubmitted the bond at the time of building.

The Chairman noted that the amount of the remaining bond was \$189,234.36. He indicated that the Board needed to determine if they would entertain the request and schedule a public hearing or if they would deny the request. Mark Suennen pointed out that the two previously referenced subdivisions had not started building prior to the release of their bonds. The Chairman asked if the road only needed to have the topcoat to be considered complete. The

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**MISCELLANEOUS BUSINESS, cont.**

Coordinator indicated that punch list items also needed to be completed.

Don Duhaime stated that the cul-de-sac at Indian Falls Road had been broken up and made into a through road with a barrier at the end. He questioned how the Town would plow the road. The Coordinator advised that an agreement had been reached with the Road Agent for some means of turning around at the end. Don Duhaime did not believe that the current condition of Indian Falls Road was the proper way to leave it over the winter. He noted that a gravel landing had been created on Susan Road for trucks to turn and back-up. The Coordinator stated that the Indian Falls Road matter was on their list of things to do. Don Duhaime advised that no one had been at Indian Falls Road in over two weeks. The Coordinator stated that it was something that the Road Agent needed to continue working on with them. Don Duhaime stated that he had an issue with releasing the bond and not having things completed. The Chairman stated that a condition of addressing the bond release request could be that the two turn-around areas be completed to the Road Agent's satisfaction. He asked if this condition addressed Don Duhaime's concern. Don Duhaime answered yes. Christine Quirk noted that a public hearing would require that the applicant be present and other concerns could be addressed.

The Chairman asked that a letter be sent advising that a public hearing would be scheduled and also to advise that the Board would consider the request only when the Road Agent confirmed the turnarounds were satisfactory.

Mark Suennen stated that unless he heard something earth shattering he was not about to approve the release of a bond for a partially completed road.

10. Letter dated November 19, 2013, from Matthew Hozeny, to New Boston Planning Board, re: 56 Lull Road-equipment storage, for the Board's review and discussion.

The Chairman stated that Matthew Hozeny advised that he had a lot of heavy equipment left over from previously operating a business and wanted to know if he could store it on his property. He believed that if Matthew Hozeny was not running a business the Town could not do anything about the storage.

The Coordinator explained that a neighbor had complained about the heavy equipment, the Building Inspector/Code Enforcement Officer looked into the matter and it was determined that Matthew Hozeny should contact the Planning Board for their determination.

The Chairman requested that a letter be sent to Matthew Hozeny advising him that there was nothing within the Town's ordinances or regulations that prohibited him from having the heavy equipment on his property, however, if he decided to operate a business he needed to come before the Planning Board. The Board agreed with the Chairman's request.

13. Letter copy dated November 7, 2013, from Robert Todd, Todd Land Use Consultants, to LeClair Builders, re: Fieldstone Drive/location of road cut, for the Board's information.

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

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**MISCELLANEOUS BUSINESS, cont.**

1  
2  
3 14. Letter copy dated October 31, 2013, from Ridgely Mauck, P. E., Alteration of Terrain  
4 Bureau, State of NH, DES, to Townes Family Trust, re: AOT Permit WPS-5142, Tax  
5 Map/Lot #10/73, Progress Plan Update received, for the Board's information.  
6

7 15. Letter copy dated October 31, 2013, from Ridgely Mauck, P. E., Alteration of Terrain  
8 Bureau, State of NH, DES, to Townes Family Trust, re: AOT Permit WPS-7870, Tax  
9 Map/Lot #13/6, Progress Plan Update received, for the Board's information.  
10

11 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
12 occurred.  
13

14 16. Letter copy dated October 31, 2013, from Ridgely Mauck, P. E., Alteration of Terrain  
15 Bureau, State of NH, DES, to Townes Family Trust, re: AOT Permit WPS-7896, Tax  
16 Map/Lot #13/31, Progress Plan Update received, for the Board's information.  
17

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

21 17. Letter dated October 23, 2013, from Kevin Leonard, PE, Northpoint Engineering, LLC,  
22 re: Twin Bridge Estates Phase II, As-Built Plan Review Comments, for the Board's  
23 information.  
24

25 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
26 occurred.  
27

28 18a. Letter copy dated October 28, 2013, from Daniel A. Donovan, to: Peter Flynn, Town  
29 Administrator, re: New Hampshire Right-To-Know Law Request, for the Board's  
30 information.  
31

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

35 18b. Letter copy dated November 5, 2013, from Peter Flynn, Town Administrator, to Mr.  
36 Daniel A. Donovan, re: New Hampshire Right-To-Know Law Request, for the Board's  
37 information.  
38

39 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
40 occurred.  
41

42 18c. Letter dated November 20, 2013, from Daniel A. Donovan to Peter Flynn, Town  
43 Administrator, re: New Hampshire Right-to-Know Law Request, for the Board's

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**MISCELLANEOUS BUSINESS, cont.**

information.

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

19. Economic Benefits of Certified Sites Programs flyer for the Board's information.

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

20a. Copy of New Boston Planning Department Report for Budget 2014, for the Board's information.

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

20b. Memorandum copy dated October 24, 2013, from Nic Strong, Planning Coordinator, to Finance Committee Members, Peter Flynn, Town Administrator & Board of Selectmen, re: Master Plan Update, Warrant Article, for the Board's information.

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

20c. Copy of Draft October 24, 2013, Finance Committee Meeting Minutes, for the Board's information.

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

21. Letter with plan attachment dated November 6, 2013, from Earl Sandford, P.E., Sandford Surveying & Engineering, Inc, to Nicola Strong and Town of New Boston Planning Department, re: Forest View II- Wetland Crossing Design Review, for the Board's information.

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

22. Email dated November 11, 2013, from David J. Preece, AICP, SNHPC, to Nicola Strong, re: Planning Board and ZBA Training – Topics Wanted, for the Board's review and discussion.

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1 **MISCELLANEOUS BUSINESS, cont.**  
2

3 The Chairman encouraged that topics related to the above-referenced request be  
4 submitted directly to the Coordinator. David Litwinovich thought it would be useful to have a  
5 site plan reviewing session to be able to pick out the important issues on a plan. He also thought  
6 that workshops similar to Kevin Leonard, PE's paving presentation were very helpful.  
7

8 23. Article, titled: Attaching "Conditions" to Approvals in Land Use Boards, by Paul  
9 Sanderson, published in the New Hampshire Town & City, November/December 2013,  
10 edition, for the Board's information.  
11

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

15 24. Letter copy with email attachment dated November 14, 2013, from David J. Preece,  
16 AICP, SNHPC, to Peter Flynn, Town Administrator, re: New Hampshire Top 100  
17 Hazardous Intersections, for the Board's information.  
18

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

22 25. Stormwater Management Plan Adherence Statement with bond worksheet attached, dated  
23 November 20, 2013, from Monadnock Survey, re: S&R Holdings Company, LLC, Tax  
24 Map/Lot #12/19-40, McCurdy Road, for the Board's action.  
25

26 The Chairman stated that the above-referenced plan was in adherence with the exception  
27 of an area of grass growth. He noted that there was no recommendation with regard to the  
28 amount of security to hold for this area. The Coordinator advised that the Building  
29 Inspector/Code Enforcement Officer had been told that the applicant would submit a  
30 recommendation for an amount but they had not done so.

31 The Chairman asked if the 10% contingency could not be released. The Coordinator  
32 stated that the Board did not have to act on the matter until a recommendation was submitted.  
33

34 The Chairman listed the following options for the Board to consider:

- 35 • Not act until a recommendation for the amount was submitted;
- 36 • Keep the 10% contingency; or
- 37 • Determine a different amount to cover the cost of the disturbance area.

38 Don Duhaime recommended that at least half of the bond be held to cover the cost of the  
39 disturbance area. The Chairman believed that half the amount was too high. Mark Suennen  
40 believed that 10% of the bond should be held or \$627.50. The Chairman agreed with Mark  
41 Suennen.

42 Mark Suennen **MOVED** to retain \$627.50 of the bond for S&R Holdings Company,  
43 LLC, Tax Map/Lot #12/19-40, McCurdy Road as security for the remaining area to

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**MISCELLANEOUS BUSINESS, cont.**

achieve grass growth. Don Duhaime seconded the motion and it **PASSED** unanimously.

26. Copy of New Boston Zoning Board of Adjustment Meeting Minutes of September 17, 2013, approved November 19, 2013, for the Board's information.

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

- 27a. Copy of Notice of Decision from New Boston Zoning Board of Adjustment November 19, 2013, meeting, re: Tax Map/Lot #3/150, 636. Mast Road, Unit A, for the Board's information.

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

- 27b. Copy of the New Boston zoning Board of Adjustment Draft Meeting Minutes of November 19, 2013, for the Board's information.

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

28. Copy of the New Boston Board of Selectmen Special Meeting Agenda, November 1, 2013, for the Board's information.

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

29. Construction Services Reports received November 26, 2013, dated October and November 2013, from Northpoint Engineering, LLC, for SIB Trust/Indian Falls and Susan Roads, for the Board's review and discussion at a future meeting if necessary.

30. Construction Services Reports received November 26, 2013, dated October and November 2013, from Northpoint Engineering, LLC, for S&R Holdings Company, LLC/Forest View II, for the Board's review and discussion at a future meeting if necessary.

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

31. Construction Services Reports received November 26, 2013, dated October and November 2013, from Northpoint Engineering, LLC, for TLL Land Development



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**MISCELLANEOUS BUSINESS, cont.**

– LeClair Builders/Woodland Development, LLC, for the Board’s review and discussion at a future meeting if necessary.

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

32. Construction Services Reports received November 26, 2013, dated October and November 2013, from Northpoint Engineering, LLC, for Twin Bridge Estate/Phase II, for the Board’s review and discussion at a future meeting if necessary.

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

33. Construction Services Reports received November 26, 2013, dated October and November 2013, from Northpoint Engineering, LLC, for SHB Proprieties, LLC, for the Board’s review and discussion at a future meeting if necessary.

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

34. Letter received November 26, 2013, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Nic Strong, Planning Coordinator, re: Forest View II – Phase II Wetland Crossing – 3<sup>rd</sup> Design Review, for the Board’s information.

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

35. Letter from John Neville Excavating, Inc., dated November 26, 2013, to New Boston Planning Board, re: requested substitute soils and compaction testing sub-contractor, Forest View II, McCurdy Road & Susan Road, New Boston, for the Board’s action.

The Chairman stated that the request was similar to what the Board had approved for John Neville with regard to Fieldstone Drive, i.e., using the same consultant and in the same manner.

Mark Suennen asked if the Town Engineer had submitted an inspection fee estimate for the above-referenced subdivision. The Coordinator answered that the funding for the fees had been submitted.

The Chairman noted that until the changes were made to the RCIP a vote was needed and it needed to be clear that the testing was under the direction of the Town Engineer for the Town’s convenience. He added that any other testing that John Neville wished to do through ConTest was up to him. Don Duhaime asked if the Town had a problem allowing a contractor to hire

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 their own sub-contractor with oversight from the Town Engineer. The Planning Board Assistant  
4 suggested that the matter be researched further by gathering information from other towns. The  
5 Chairman agreed with the Planning Board's Assistant suggestion.

6 Don Duhaime asked if the Town Engineer had run into any problems with ConTest with  
7 regard to Fieldstone Drive. The Coordinator did not believe that the testing had been a problem  
8 but there had been some scheduling issues at the beginning. The Chairman asked if the Board  
9 could make the approval of a motion contingent on the Town Engineer's opinion that there had  
10 been no problems. Dwight Lovejoy stated that the Chairman needed to remember that the Town  
11 Engineer worked for the Board. He continued that he was not going to call the Town Engineer  
12 and ask his advice on anything. Mark Suennen agreed with Dwight Lovejoy and stated that  
13 unless there was an issue that had been brought to the Board he was going to assume that there  
14 were not any problems.

15

16 Mark Suennen **MOVED** to accept John Neville's proposal to use ConTest to do his  
17 testing under the same stipulations and conditions that the Board had provided under the  
18 ongoing Fieldstone Drive work. Dwight Lovejoy seconded the motion and it **PASSED**  
19 unanimously.

20

21 Mark Suennen **MOVED** to adjourn at 9:56 p.m. Dwight Lovejoy seconded the motion  
22 and it **PASSED** unanimously.

23

24 Respectfully Submitted,  
25 Valerie Diaz, Recording Clerk

Minutes Approved:  
12/17/2013