

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

January 25, 2011

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1 The meeting was called to order at 6:30 p.m. by Chairman Stu Lewin. Present were
2 regular members Mark Suennen; and, Ex-officio Dwight Lovejoy. Also present were Planning
3 Coordinator Nic Strong, and Planning Board Assistant Shannon Silver. Newly appointed
4 alternate Don Duhaime was also present but, not having been sworn in, was not able to act in an
5 official capacity.

6
7 Present in the audience for all or part of the meeting were Brandy Mitroff, Barbara
8 Thomson, Conservation Commission, Sue Tingley, Charlie Peak, Ed Colburn, Craig Heafield,
9 Dave Elliott, Skip Gomes, Ken Lombard, Jay Marden, Donna Mombourquette, James
10 Denesevich, Tom Carr, CWS, Jay Heavisides, PE, Ken Kozyra and Russ Boland, Fire Inspector.

11
12 **Public Input Session, re: Earth Removal Regulations**

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14 The Chairman read the public input session notice. Present in the audience were Sue
15 Tingley, Charlie Peak, Barbara Thomson, Conservation Commission, Ed Colburn, Craig
16 Heafield, Dave Elliott, Skip Gomes, and Brandy Mitroff.

17 The Chairman briefly reviewed the background for the Earth Removal Regulations,
18 noting that the first public input session was held on June 8, 2010, a discussion took place at the
19 Planning Board meeting of July 27, 2010, and a second public input session was held on August
20 24, 2010.

21 The Chairman informed those present that the Town was, and is, out of compliance with
22 State law regarding excavation and the point of the current process was two-fold: 1) to make the
23 Planning Board the town entity with responsibility for administering earth removal in New
24 Boston, and 2) to revise the Earth Removal Regulations to be in compliance with State law and
25 to include town-specific things. He went on to say that a set of all the forms and checklists had
26 been drafted and was sent to everyone for review and he also noted that the regulations had been
27 redrafted following the prior input sessions to include comments and suggestions that came from
28 the participants.

29 The Chairman noted that one other change made was to move away from a yearly permit
30 requirement with a noticed hearing to a permit that would be valid for some longer period of
31 time, or until the earth removal operation was completed or fell out of compliance. He noted that
32 everyone would have to come in at least once to get up to date with the requirements and this
33 would involve a noticed hearing. He noted, however, that this was the trade off against having
34 yearly hearings.

35 Sue Tingley asked when the new regulations and forms would take effect. She noted that
36 the State permits ran from April to March. The Chairman said that if at the end of this public
37 input session everyone agreed that the regulations were complete the regulations would be
38 scheduled for a public hearing with the Planning Board and then everyone would fill in the
39 applications and submit their forms, have their hearings and be done for a period of time. He
40 said he did not have an exact date for this but it would hopefully be within the next couple of
41 months and certainly within the next six months. In response to a further question from Sue
42 Tingley, the Chairman noted that everyone should simply fill out the State's permits and continue
43 on until informed to follow the Town's procedures.

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1 **PUBLIC INPUT SESSION RE: EARTH REMOVAL REGULATIONS, cont.**

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3 Ed Colburn noted that on the Application Checklist and Waiver Request form, nine
4 Traffic and/or Environmental Impacts Studies were listed as a submission item and he wondered
5 where the details were about those studies. Mark Suennen pointed out that the regulations
6 Section 12, B, 2, referenced those studies and the Subdivision Regulations where further
7 information could be found. Ed Colburn asked if every application would require those studies,
8 to which the Chairman responded, yes, unless a waiver was requested. Mark Suennen explained
9 that the checklist included a section of items that had to be submitted in order for an application
10 to be accepted as complete and then things like the studies mentioned that were included in a
11 section of things that would be submitted prior to final approval. He noted that the Board would
12 discuss these things during the hearing process.

13 Dave Elliott stated that he and his brother, Steve, owned a sand and gravel pit off Todd's
14 Corner and had done so for about 10 years. He stated that he was concerned at having to start
15 from scratch with things such as traffic routes for this existing operation. The Chairman noted
16 that part of the point of what the Planning Board was doing was getting in line with State
17 requirements. He noted that if a pit had been doing things a certain way and was successful with
18 no complaints then the application should capture that fact in order to be clean with the State and
19 clean with the Town's requirements. He stated that his intention was not to change things for the
20 sake of change. Dave Elliott said that it was not clear whether or not an existing operation would
21 be required to do a traffic study. He noted that some years this pit only had 50 loads removed
22 and other years may have 500 loads. The Chairman noted that if the applicant did not think they
23 needed to submit something that was listed in the regulations then they could request a waiver.
24 Dave Elliott said that having seen the Board act on waivers in the past he was a little leery of
25 needing to follow that process. Mark Suennen acknowledged that waivers were not
26 automatically granted and did require a vote of the Board.

27 The Chairman reiterated that in his opinion the applications for earth removals that were
28 existing and ongoing with no problems would be documenting what they were doing and as long
29 as the things listed in the regulations were taken care of or a waiver was requested with the
30 reasons why the things did not have to be done the applicant should be all set. He noted that he
31 did not see this as an exercise in changing what people were doing but an exercise in recognizing
32 that the current situation was not legal and trying to make it right. Dave Elliott said that his
33 concern was that the hearing process opened the door for abutters and anyone who drove down
34 the highway to complain and have the Board retract a permit for something that was already
35 being done. The Chairman restated that the Town had to do something because they were not
36 legal. He said he had expressed before that people living next to a gravel pit should not be
37 surprised. He went on to say that there would be a higher level of scrutiny for a new application
38 because they had not been operating before. He carried on that this process would get all the pits
39 on the record and make them legal with a permit that would not require them to have to come
40 back on an annual basis. The Chairman told Dave Elliott that he had heard and acknowledged
41 his concerns. Dave Elliott said he did not like having to ask permission to keep doing something
42 that he had been doing for years.

43 Dave Elliott asked if the regulations had been modeled off other neighboring towns'. The

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Coordinator explained that the first draft had been taken from the Southwest Region Planning Commission's model with several other towns' regulations looked at for ideas as well, including Hollis, Weare, and Salisbury, among others. Dave Elliott commented that New Boston's regulations and forms included an awful lot of paperwork and he was wondering if there was something from other towns to compare to. He said he understood that it was hard to not make it complicated and this was the way it had to be done because of the attorneys. The Chairman thought that was a good general statement but noted that part of the reason for coming up with the checklists and so on was to make it clearer to everyone what was required. He asked the gravel pit owners and operators to take a look at the forms that would relate to their situation and see if there was anything included that did not make sense and should be changed. Dave Elliott thought that the regulations were well put together, he just wished they were not 60 pages long.

Dave Elliott stated that, in addition, to the sand and gravel operation he was also in business building roads and building sites, parking lots and so on for commercial operations. He thought that the new regulation would add paperwork and time to every project he would have to do by having to ask for an exemption to remove material in conjunction with a building project. He noted this was in part to do with the definition of excavation contained in the regulations although he was still not completely clear on how this would affect things. The Coordinator noted that the removal of earth products as incidental to a subdivision or construction of a commercial building would not require an earth removal permit but would be dealt with as an exemption under the Earth Removal Regulations through the Site Plan Review or Subdivision process and the Board would be able to set hours of operation, truck routes and so on during that process. Dave Elliott thought that this was a classic situation that would come up more and more as lots that were difficult to develop were proposed for various uses. He thought that if the material removed was sold then it could not be considered incidental to the construction of either the subdivision or the commercial property. The Coordinator stated that her understanding was that incidental related to the fact that the material had to be removed in order to perform what would be the principal use on the property. She noted that the person was not intending to be an earth removal operation but was moving the material in order to do what they wanted to do with the property and the material was in the way of doing that. The Coordinator pointed out that there was a section in the Earth Removal Regulations regarding a claim that the removal was incidental to construction. She said that when the applicant was proving this to the Planning Board during a Subdivision or Site Plan it would be fairly easy to prove the incidentality of the removal with the grading plan and so on. She stated in those cases there would not be an Earth Removal Permit with associated hearing but they would have to follow the operational and reclamation standards from the Statute which were also listed in the regulations. The Coordinator noted that the Board, as part of this review, could set hours of operation, routes, numbers of trucks and so on. The Chairman thought that Dave Elliott's initial take on the requirements of this section was wrong. He noted that earth removal in order to make room for the proposed principal use on the property that was shown on the subdivision plan and it was determined to be incidental it would be covered in the subdivision plan then no additional requirements would be made under the Earth Removal Regulations.

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3 Ed Colburn pointed out that on the Earth Removal Application Form the Authorization to
4 Enter Subject Property seemed overly broad to him as far as a time frame during which
5 inspectors could access the site. He thought the same format as the authorization used for site
6 walks with an announced time for a site visit would be a better way of approaching this. The
7 Chairman noted that the language here was the same as on the Planning Board's subdivision and
8 site plan application forms. He acknowledged that excavation was an ongoing activity as
9 opposed to a subdivision that would be inspected once for approval and once for compliance but
10 noted that the wording was consistent with other Planning Board applications so it was not
11 singling out the earth removal operations in any way. The Chairman thought the Board could
12 consider including the requirement for 24 hour notice of an inspection. Ed Colburn noted that he
13 would have suggested 48 hours prior notice. The Chairman noted that he would prefer not to
14 make any changes to this language because it was consistent with other applications but noted it
15 was a good point to consider. He asked the Board if they had any comments. Mark Suennen
16 prefaced his comments with the statement that he was sure that the present company were all
17 good operators who remained in compliance and this would never be a concern, but he would be
18 against giving any notice for some kind of compliance inspection or an inspection of a complaint
19 because that would allow time for the issue to be fixed. He did agree that as a courtesy persons
20 conducting other kinds of inspections should make every effort to schedule a time for the site
21 visit. Dave Elliott stated that he was not completely comfortable with the idea of unannounced
22 site visits but acknowledged the need in compliance situations. He stated that he did not think it
23 a good idea to allow site inspections to be wide open for everybody, noting that it was not always
24 the case that the inspector knew what they were looking for, or at. Mark Suennen pointed out the
25 need for personal protective equipment in some situations and the need for safety. Dave Elliott
26 also stated that his equipment had been vandalized a few times over the last few years and he
27 took whatever means necessary to provide security for his gravel pit. He said again that he
28 agreed with the need for unannounced compliance visits but would like to see 24 or 48 hour
29 notice for the others. The Chairman noted that he did not agree but it was a valid point and the
30 Board would discuss it.

31 Craig Heafield asked if he were going to fill out an Existing Excavation Exemption
32 Application, did he still need to fill out the Application Checklist and Waiver Request Form.
33 The Board noted that he did not, but Mr. Heafield pointed out that the first paragraph on the
34 Checklist form stated: " The applicant shall complete this checklist as part of every Earth
35 Removal application.", which he interpreted to be required for every type of removal operation.
36 It was determined to add quotation marks around the words "Earth Removal Application" in
37 order to denote the fact that the checklist was only to be use for that specific type of application.
38 Craig Heafield noted that he had an additional question about existing excavations within the
39 regulations but it would take a minute for him to find his question.

40 Skip Gomes asked about crushers and screeners and noted that there used to be a
41 requirement for a hearing if a pit owner wished to operate a crusher. The Chairman noted that
42 the regulations had been written as follows: "Material Processing The Regulator recognizes
43 that as part of an earth removal operation there may be occasions that material processing, such

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3 as, crushing and screening, is needed as a temporary and incidental accessory activity. Such
4 activities may only take place if approved by the Regulator upon request of the Applicant during
5 the application process. Such approval is not intended to approve, nor shall it constitute approval
6 of, an ongoing permanent commercial/industrial crushing or processing operation. The
7 Regulator reserves the right to set limitations on the processing of materials, including, but not
8 limited to, hours of operation.". The Chairman went on to say that the Board had removed the
9 need for a special hearing but included the need for the use of crushers or screeners to be
10 identified during the application process and the right of the Board to set the hours of operation
11 and other limitations on such uses.

12 Craig Heafield noted that his other question was to do with Pages 27 & 28 under the
13 section to do with Exemptions. He noted that on Page 27, the regulations stated that the
14 Regulator "may" require a public hearing, but on Page 28, the regulations stated that a hearing
15 would be required. The Chairman stated that this would be investigated to see what the correct
16 language should be.

17 Craig Heafield next noted the section regarding Waste Disposal which prohibited
18 hazardous materials being brought to a pit and disposed of and asked about the reference to
19 organic material, noting that he had allowed people to bring leaves and woodchips and so on to
20 his pit to dump them. The Chairman noted that this language made direct reference to RSA
21 149:M,1, which very likely contained a definition of what was considered organic material and
22 this would also be investigated and an answer made available by the next time the regulations
23 were discussed.

24 The Chairman suggested that after the three input sessions that had taken place on the
25 regulations, and considering the fact that the regulations had taken two years to get to this point,
26 the next step should probably be to go to public hearing rather than another input session. He
27 said that everyone would still get the opportunity to review the final draft and make any further
28 comments or suggestions that may come up between now and then, but it was time to get the
29 regulations adopted and get everyone applicated and heard. Mark Suennen agreed. He noted
30 that all the questions this evening had been solid questions on the wording and set up of the
31 regulations and these things could be handled at a public hearing.

32 Craig Heafield asked one final question about Existing Excavations and whether there
33 were any provisions for crushing and screening. The Coordinator noted that if an applicant
34 chose to prove that they were an Existing Excavation according to statute and the regulations
35 they would then be governed only by the statute and the town's allowed uses, for instance,
36 temporary stockpiling of materials from jobsites, crushing, and so on, were not discussed in the
37 statute. The Chairman thought that this was a good question to find out the legal answer on,
38 noting, as did Dave Elliott and Craig Heafield, that uses such as crushing and screening may
39 have taken place in the older pits under the old town regulations.

40 The Chairman thanked everyone for coming and for the suggestions and comments. He
41 noted the next step would be a public hearing that would incorporate the answers from this
42 evening's input session.

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1 **TWIN BRIDGE LAND MANAGEMENT, LLC Adjourned from 12/14/10**

2 Public Hearing/Major Subdivision/26 Lots

3 Location: Twin Bridge Road & West Lull Place

4 Tax Map/Lot #2/62-12 & 3/5

5 MHP w/R-1 allowance & "R-A" District

6
7 The Chairman read the public hearing notice. Present in the audience were Tom Carr,
8 CWS, and Jay Heavisides, PE, representing the applicants who were not present. Also present
9 were Ken Lombard, Jay Marden, Donna Mombourquette, James Denesevich, Barbara Thomson,
10 Conservation Commission, Brandy Mitroff and Dave Elliott.

11 The Chairman gave a brief background to the application and noted that recent
12 correspondence consisted of a memo from the Fire Wards regarding fire fighting water supply;
13 the draft minutes of the January 13, 2011, Road Committee meeting; and, an email from Tom
14 Carr, CWS. The Chairman noted that no revised plans were submitted for tonight's meeting
15 pending the waiver request for the road grade at the intersection of Twin Bridge Road and
16 Wright Drive. He next asked that if anyone in the audience wished to speak they wait to be
17 recognized and then give their name and address for the record.

18 Tom Carr, CWS, stated that he anticipated limited discussion on the application this
19 evening. He noted that they were working on the road issues with the Road Committee and had
20 a follow up meeting scheduled with that Committee on February 17, 2011, to go over the revised
21 plans before the Road Committee would make any recommendations to the Planning Board.
22 Tom Carr, CWS, went on to say that the engineer had corrected the sag curves to meet the design
23 requirement of a 35 mph road. He also noted that the Road Committee discussed Kevin
24 Leonard, PE, Northpoint Engineering's last letter regarding shallow swales along Wright Drive.
25 One item Tom Carr, CWS, said that Kevin Leonard, PE, needed the Board to weigh in on was
26 #38 from his last letter regarding the limits of work and associated bonding.

27 The Chairman stated that before getting into discussion of the roadwork and bonding he
28 would like to hear about the Road Committee's preliminary agreement regarding the intersection
29 of Wright Drive and Twin Bridge Road. Tom Carr, CWS, stated that if the intersection was
30 designed with the regulation -3% for 75' from the centerline of Twin Bridge Road, the road grade
31 would be too low to make the detention basin in that location work for the 50 year storm. He
32 said that the applicants had requested a waiver to be allowed to design the road at -2% for 20' but
33 the Road Committee thought that 20' was too close to the intersection and they wanted at least
34 50' to the low point. He went on to say that Jay Heavisides, PE, was working on this issue to
35 meet the Road Committee's request. The other item that the Road Committee discussed was the
36 shallow swales alongside the road in this location. Tom Carr, CWS, noted that the Road
37 Committee wanted the swales to be increased from their current 7 - 8" deep to at least 12" deep
38 at a 1% pitch and to have them constructed of asphalt which would allow themselves to clean out
39 the sediment during flow situations and catch the sediment in a sediment bay.

40 Tom Carr, CWS, noted again that Kevin Leonard, PE, wanted the Board to address the
41 road bond and construction monitoring costs along with the offer of the sand and gravel to the
42 town. He noted that this was discussed in #38 of Kevin Leonard, PE's, December 12, 2010,
43 letter which he read for the record:

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1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

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3 "Wright Avenue has a substantial cut section between STA 23+00 and 28+00, followed
4 by a substantial fill section between STA 28+00 and 32+80. The roadway plans have been
5 revised to depict the lot grading as we previously suggested. The unique nature of the existing
6 topography in this area and the necessity to perform extensive earthwork on the lots raises
7 several questions, which the Planning Board should discuss."

8 Tom Carr, CWS, noted that the AoT permit had been approved with a "V" cut grading
9 design and now it was clear that the lots and road would have to be graded together. He noted
10 that the concern was how the road bond and construction monitoring costs for escrow were going
11 to be calculated. He continued to read from Kevin Leonard, PE's, letter:

12 "In New Boston, typically the roadway improvements are constructed to include the
13 driveway aprons. When a builder goes to develop a house lot he simply ties into the driveway
14 apron and causes little to no disturbance to the roadway improvements. In this case the bulk
15 excavation required to site the homes makes this approach impractical.

- 16 a. We recommend that the Planning Board define the limits of work that should be
17 completed as part of the roadway construction. Given the bulk excavation
18 required and resulting slopes we also recommend that the plan be approved with a
19 construction phasing plan and corresponding stabilization protocol. This will
20 have to take into account the fact that the Alteration of Terrain permit was
21 approved with a maximum of 5-acres disturbed at any one time."

22 Tom Carr, CWS, noted that the limits of work were all the grading shown on the SP
23 sheets of the plan set and noted that this included all the drainage, recharge and so on needed for
24 the road surface. He added that the AoT permit limited disturbance to five acres and said that
25 meant anything that was rough graded and exposed without stabilization. Tom Carr, CWS,
26 noted that what he had discussed with Kevin Leonard, PE, and would like to propose to the
27 Board, was to have all of the grading, including the grading for the lots, in five acres increments,
28 define the limits of the construction to be stabilized. He suggested that when the first five acres
29 was stabilized then the next phase could be started. Tom Carr, CWS, said that this approach split
30 the construction into four phases which were not all exactly five acres each but were close to it.
31 He noted that the lines depicting the phases had been included on the plans and would give
32 Kevin Leonard, PE, definition as to where each phase began and ended and would aid in
33 verifying that the project remained within the AoT permitting requirements. The Chairman
34 asked if Kevin Leonard, PE, was OK with this approach. Tom Carr, CWS, noted that he was,
35 adding that he had originally proposed adding a note to the plan to detail this matter which Kevin
36 Leonard, PE, was not in favor of.

37 Tom Carr, CWS, moved on to #38, c, of Kevin Leonard, PE's, December 12th letter:

- 38 "c. Once the Board has determined the above, it should also consider the limits of
39 work to be included in the roadway bond and limits of work to be inspected by the
40 Towns' consulting engineer. These decisions will need to be made before the
41 Subdivision Guarantee Worksheet or Construction Monitoring Escrow can be
42 completed."

43 Tom Carr, CWS, noted that in consideration of the grading plan and phasing as

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1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

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3 previously discussed, the applicants' suggestion was that the bond include all the roadway
4 infrastructure including, drainage, headwalls, culverts, and so on, and everything associated with
5 roadway construction and the construction monitoring escrow would include a sum of money
6 enough to review all the grading and sitework on the property. The Chairman asked if Kevin
7 Leonard, PE, approved of this proposal. Tom Carr, CWS, stated that he appeared to be OK with
8 it. The Chairman asked if the Board members had any questions.

9 Mark Suennen asked if the idea was to complete Phase 1 before Phase 2, and if so, how
10 would Kevin Leonard, PE, sign off on the phase - with a letter, or by some other means. Or,
11 would the five acres be a rolling five acres? Tom Carr, CWS, stated that was a good question
12 and he did not have a definitive answer for it. He thought the intent was to complete the rough
13 grading, then final grading, then loam and seed, and envisioned that this could work with three
14 separate crews handling each stage and moving through the project. He said that Kevin Leonard,
15 PE, would have the authority to determine how many acres were open and allow more
16 construction to take place or to limit the extent of the work. Tom Carr, CWS, noted that the
17 alternative was to do Phase 1 totally and get approval to move forward based on the finished
18 work. Mark Suennen asked if finishing meant base coat of pavement or gravel. Dave Elliott
19 stated that there was no requirement to get to pavement and noted that stabilization would
20 include gravels and loam, seed and mulch, check dams and so on, but did not require vegetation.
21 He said that the five acre requirement was a standard AoT requirement so this project was no
22 different. He acknowledged that the inspections would be more complicated and having the
23 phasing called out on the plan gave the inspector a better way to control the site and stay within
24 the five acres. Mark Suennen said that it would be important to make sure that the selects tied in
25 properly from one phase to another using this approach. Dave Elliott stated that the subgrades
26 would be extended further into the next phase to allow the proper integration of materials
27 between the phase lines. Mark Suennen thought that the Road Committee would be very
28 interested in how the edges of each phase would be knitted together. Dave Elliott said again that,
29 while not normal in New Boston, this was not an uncommon practice since the five acre rule had
30 become part of AoT permitting some time ago.

31 Jay Marden asked about the elevation of the property as seen from the river and asked if
32 the excavation and grading that was to take place for the subdivision would be seen from the
33 river location. Tom Carr, CWS, indicated the high spot on the plans and noted that this matter
34 was one of concern to the Russell Foundation and Piscataquog Land Conservancy both of which
35 organizations had signed off on this plan. He noted that the excavation and grading would not be
36 seen from the river.

37 Tom Carr, CWS, returned to the matter of the grading and inspections of the road and lot
38 construction. The Chairman asked the Board if they were in agreement with the proposed plan
39 as described by Tom Carr, CWS, previously. Mark Suennen, Dwight Lovejoy and the Chairman
40 all indicated their approval of the plan proposed by Tom Carr, CWS, for phasing, grading,
41 bonding and monitoring.

42 Tom Carr, CWS, returned to Kevin Leonard, PE's, December 12th letter and read #38, b:
43 "b. I understand that the applicant has considered offering the Town surplus material

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1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

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3 associated with these large cuts. If this idea is pursued, the Town and applicant
4 should clearly define the terms of this arrangement (i.e. timing, trucking, loading,
5 etc.)."

6 Tom Carr, CWS, stated that this was a standing offer from the applicants and noted that it
7 did not have to happen. He said that if the town was looking for sand there would be some
8 available but the applicants had never intended to get into legal agreements over it. He stated
9 that the material was there, it would be going, and if the Town wanted some they could take it.
10 Dwight Lovejoy said that the Selectmen were interested and he wanted to spend some time with
11 Dave Elliott to go over what was there. The Chairman asked for clarification that the applicants
12 also intended to remove material from the site. Tom Carr, CWS, stated that there was an excess
13 of 60K cubic yards and the applicants would be taking some themselves. The Chairman asked if
14 there was a plan for the timing of this removal. Tom Carr, CWS, stated that there was no plan
15 for that but it could be at the end because there was no requirement that all the material be gone
16 before the road could be paved. He thought that the material removal could take 2 or 3 years.
17 The Chairman thought that this arrangement was only possible if there was some degree of
18 formality to it because he did not want it to turn into a race for the material that was there. He
19 noted that if the Board of Selectmen and the Road Committee were OK with the arrangement
20 then he would have no further concern.

21 Tom Carr, CWS, said the only other item he wanted to discuss with the Board was the
22 Fire Wards' recent letter of the 11th regarding recommending sprinklers as well as a cistern. The
23 Chairman said that he wished to go over a few other items before discussing that matter. He
24 asked if Tom Carr, CWS, had received the plan review comments from the Planning
25 Coordinator. Tom Carr, CWS, indicated that he had and would be updating the plans when he
26 was sure that the Road Committee was OK with the revisions to the road grade and so on. The
27 Chairman asked if the legal documents could be sent for review now. Tom Carr, CWS, said that
28 he would like to avoid multiple reviews and wondered if these documents could be part of a
29 conditional approval. The Chairman said that normally the Board required the legal documents
30 to be reviewed prior to a conditional approval. He stated that having a conditional approval with
31 large items outstanding and requiring review made the Board nervous. Tom Carr, CWS, stated,
32 in that case, that he would be comfortable having the legal review done now of the deeds and
33 documents.

34 The Chairman next noted that the issue of well radii overlapping lot lines had been
35 discussed at a couple of prior meetings but no decision had been made on how to handle the
36 matter. He stated that this needed a final decision to bring the matter to closure. Tom Carr,
37 CWS, stated that the plans as submitted were legal and acceptable by the State. He did not want
38 to have easements drawn up that could potentially be worthless should the location of a well on
39 an individual lot be different in the end. He added that well release forms or easement plans
40 could be done at the time of construction if they ended up being needed and a note could be
41 added to the plans confirming this. The Board agreed that a note should be added to the plans
42 acknowledging the requirement that easements for overlapping well radii would be required.

43 There being no further items for the Board's discussion, the Chairman asked Tom Carr,

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1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

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3 CWS, to return to the matter of the Fire Wards' recent request. Tom Carr, CWS, stated that in
4 consultation with the applicants and their attorney, their position was that the Town's
5 Subdivision Regulations require one form of fire fighting water supply or the other and they
6 were not willing to do both. He stated that the current plans showed the existing cistern at Twin
7 Bridge Road and noted that the required 2,200' truck travel distance actually covered the lots in
8 the proposed subdivision, except the last 14 on the cul-de-sac. He went on to say that if the
9 preference was for sprinklers, the applicants were willing to sprinkle the last 14 homes. Tom
10 Carr, CWS, noted that the applicants' proposal was to install a 30,000 gallon cistern that would
11 cover all the lots in the subdivision. He noted that they had thought the Fire Wards' preference
12 was for a cistern. The Chairman indicated that his understanding was that the Fire Wards much
13 preferred sprinklers.

14 Dwight Lovejoy did not think the Board should make the applicants put in both a cistern
15 and sprinklers. The Chairman asked how far the proposed cistern was from the end of the cul-
16 de-sac. Jay Heavisides, PE, indicated that it would be about 1,200'. The Chairman noted that
17 this was half the required distance of 2,200'. Tom Carr, CWS, agreed and noted that a cistern
18 was supposed to cover 2,200' in each direction, so only having houses within 1,200' in one
19 direction was a benefit. He pointed out that the proposed cistern would also cover the lots
20 already covered by the existing cistern on Twin Bridge Road. Jay Marden stated that this matter
21 came up time and again and pointed out that the Planning Board's regulations required only one
22 system or the other and the Fire Wards kept trying to get both. The Chairman noted that the Fire
23 Wards were asking for the dual system in consideration of the length of the cul-de-sac. He said
24 that the Board could ask the Fire Wards if only one system was to be used which would they
25 prefer. Tom Carr, CWS, said that if sprinklers were chosen they would only be for the 14 lots
26 not covered by the Twin Bridge Road cistern. He indicated on the plans which lots this would
27 apply to. The Chairman asked if the applicants would be willing to sprinkler two additional lots
28 which would cover the 16 lots proposed within the open space portion of the subdivision on Tax
29 Map/Lot #3/5. Tom Carr, CWS, said he could not speak for the developers. He noted that the
30 rough cost per house for the sprinkler systems was \$4K. He asked Dave Elliott how much a
31 30,000 gallon cistern would cost and was told over \$60K.

32 The Coordinator noted that this issue did keep coming up and noted that the Subdivision
33 Regulations allowed the applicant to propose the type of fire fighting water supply they would
34 like to install, then the Planning Board made the determination after recommendation from the
35 Fire Wards. She noted that there had always been the allowance for the Fire Wards to
36 recommend an additional cistern in circumstances they thought required additional water supply.
37 Brandy Mitroff agreed, pointing out that the Fire Wards often suggested the additional cistern in
38 situations with longer cul-de-sacs. She noted that sprinklers provided life safety protections
39 while the cisterns provided water that could be used for fires in unattached barns or sheds or
40 garages that would not be covered by sprinklers. Tom Carr, CWS, stated that the lots in this
41 subdivision were small and made smaller by the grading and the restrictions on building in
42 certain areas. He did not envision many outbuildings on these properties. Don Duhaime said
43 that the Fire Wards should have input into this decision and the Planning Board should plan for

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11

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 the benefit of the people who would be buying the homes in the subdivision and their safety.

4 Jay Marden asked about the timing of the gravel removal and said that the excess
5 material was from the end of the cul-de-sac and wondered if that meant that no matter how long
6 it took, the material would not be removed until the road was built to that point. He said he did
7 not think that the material should be removed as soon as the road construction began. Tom Carr,
8 CWS, stated that was a fair comment and made sense. He thought that nothing would leave the
9 site until the road and house sites were done. He further noted in response to Jay Marden's
10 previous question about seeing the excavation from the river and a question from Donna
11 Mombourquette about what appeared to be septic system reserve areas in the open space (which
12 he noted had been removed), that one of the NH Department of Resources and Economic
13 Development's (DRED) requirements in accepting the land was that the back property corners
14 had to be pinned, the boundaries between the pins had to be placarded and the limit of the
15 disturbance for the lot grading had to be laid out on the ground.

16 Donna Mombourquette asked about the lot line adjustment with the Martels and was
17 informed by Tom Carr, CWS, that that was off the table.

18 Mark Suennen asked about the open space land and what DRED's position was on
19 recreational use of that land. Tom Carr, CWS, noted that the land could be used by anyone to
20 walk on and the uses reserved were strictly conservation with passive recreation. He stated that
21 no parking area would be provided, no boat launches or anything like that. He further noted that
22 the idea was to leave the land alone and let it grow back. Donna Mombourquette asked how
23 violators would be dealt with. Tom Carr, CWS, noted that the Conservation Commission would
24 have an easement and, therefore, a right to enforce but DRED would be the landowner and have
25 the ultimate responsibility for any legal action that became necessary. He said that the
26 Conservation Commission would be monitoring the land on an annual basis and report their
27 findings to DRED. Donna Mombourquette asked for details of the conservation easement and
28 was advised to discuss this with either the Conservation Commission or Ian McSweeney of the
29 Russell Foundation.

30 The Chairman returned to the issue of fire fighting water supply. Mark Suennen thought
31 that if the Planning Board's position was to accept either the cistern or sprinklers, then it would
32 make more sense to require the cistern because it would cover the homes and additional external
33 factors. Don Duhaime pointed out the Fire Department's location in relation to this property,
34 noting that it was at least eight miles away and the members of the department were volunteers.
35 The Chairman noted that his understanding was that the Fire Wards preferred sprinklers to
36 cisterns so he would suggest having the Board of Fire Wards choose which one they would
37 prefer to have in this situation. He noted that the two possibilities were a 30,000 gallon cistern in
38 the proposed location or sprinkler systems for the 16 lots on Tax Map/Lot #3/5. He noted that
39 the slight expansion of the sprinkler coverage was in consideration of the long cul-de-sac. Dave
40 Elliott pointed out that the applicant was OK with sprinklers on the 14 lots not covered by the
41 Twin Bridge Road cistern, but adding two more lots would make a difference of \$8,000. The
42 Chairman noted that the size of the subdivision and the cost of the project made the \$8,000 a
43 fraction of a percent of the total. He noted that the waiver granted for the road length was way

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12

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 over 1,000'. Tom Carr, CWS, understood that the Chairman was looking for a compromise and
4 thought that the costs for sprinkling 16 lots at \$4K were close enough to the cistern at \$60K -
5 \$65K +/- that he could say that the applicant would be OK with whichever system was approved
6 for this subdivision. The Board agreed that this would be the question posed to the Fire Wards.

7 Tom Carr, CWS, asked to be adjourned to the March 22, 2011, meeting, to allow time for
8 all the outstanding items to be wrapped up.

9
10 Mark Suennen **MOVED** to adjourn the hearing and extend the deadline for Board action
11 for Twin Bridge Land Management, LLC, Public Hearing/Major Subdivision/26 Lots,
12 Location: Twin Bridge Road & West Lull Place, Tax Map/Lot #2/62-12 & 3/5, MHP
13 w/R-1 allowance & "R-A" District, to March 22, 2011, at 7:30 p.m.. Dwight Lovejoy
14 seconded the motion and it **PASSED** unanimously.

15
16 **VISTA ROAD, LLC (OWNER)**

17 **ANDERSON & KREIGER, LLP, for New Cingular Wireless PCS, LLC (AT&T)**

18 **(APPLICANT)**

19 Compliance Hearing/Major Site Plan/Personal Wireless Service Facility

20 Location: Thompson Lane (formerly Wilson Hill Road)

21 Tax Map/Lot #6/33

22 Residential-Agricultural "R-A" District

23
24 The Chairman read the public hearing notice. Present in the audience was Ken Kozyra,
25 of KJK Wireless, representing the applicant. Also present was Barbara Thomson, Conservation
26 Commission.

27 The Chairman noted that no one had been present at the site walk held on January 15,
28 2011. He noted that those Board members present had viewed the site against the proposed
29 plans so some things were not in place and the driveway was not plowed so they did not get
30 close to the tower. He said it was hard to determine compliance based on these factors. Ken
31 Kozyra presented as-built plans and noted that this tower was still owned by AT&T unlike the
32 Old Coach Road tower that had been sold. He said that the same thing had happened with the
33 shelter and generator switching positions and the fact that the ground mounted transformer was
34 in fact mounted on the last pole. He went on to say that the plantings had not taken place but
35 everything else was the same and the tower was in the right location. The Chairman stated that
36 he had not been able to get close enough to tell. He stated that this was the problem when no one
37 was present to go over the proposed plan and what had actually been built. He noted that the
38 applicant and representative had known of the site walk. The Chairman pointed out that with all
39 the snow it was impossible to know if the drainage items had been taken care of. Ken Kozyra
40 said that the surveyor had dug down to the ground to determine the beginning and end of the
41 drainage structures.

42 Shannon Silver, Planning Board Assistant, noted that Ed Hunter, Building Inspector and
43 Code Enforcement Official, had commented to her earlier that day that everything from his

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13

1 **VISTA ROAD/AT&T CELL TOWER, cont.**

2
3 standpoint had been taken care of.

4 The Chairman asked the Board how they would deal with the fact that the landscaping
5 and stabilization could not be verified due to snow cover. Mark Suennen noted that there was
6 obviously no way to define permanent stabilization at this point and thought the Board should
7 hold a bond until such time as they could see that this had been done. He said the bond should
8 also include the landscaping. He noted that he would be willing to grant a conditional approval
9 pending the permanent stabilization and landscaping being completed by June 15th. Mark
10 Suennen went on to say that he would also require updated as-builts when the plantings had
11 taken place with a stamp certifying the location. To determine the amount of the bond, the
12 Board reviewed a standard bond estimate form and determined that the trees were not included,
13 but loam and seed was listed at \$4.00/square yard. Following some calculation it was
14 determined that 555 square yards had indicated the need for stabilization on the proposed plans
15 and 30 trees were shown on the proposed plans. Ken Kozyra noted that in one location the plans
16 called for arborvitae, while another location called for 6' tall white pine. The Board determined
17 that the white pine were preferable. It was noted that these were usually approximately \$300 per
18 tree.

19
20 Mark Suennen **MOVED** to confirm that Vista Road, LLC (Owner) and Anderson &
21 Kreiger, LLP, for New Cingular Wireless, PCS, LLC, (AT&T) (Applicant), have
22 complied with the conditions subsequent to the approval of the site plan to install and
23 operate a personal wireless service facility from Vista Road, LLC's property on
24 Thompson Lane, formerly known as Wilson Hill Road, Tax Map/Lot #6/33, and to
25 release the hold on the Certificate of Occupancy/Use Permit to be issued by the Building
26 Department, subject to:

27
28 **CONDITIONS PRECEDENT:**

- 29 1. Submission of a bond for permanent stabilization and tree planting of 30x6' white
30 pines in the amount of \$11,300.00, to be received by **February 15, 2011**.
31 2. Submission of updated as-built plans signed, sealed and stamped by the engineer
32 when plantings have taken place.
33 3. Completion of the site stabilization and installation of 30x6' white pines as shown
34 on the approved plans.

35 The deadline date for compliance with the conditions precedent #2 & 3, shall be **June 15,**
36 **2011**, the confirmation of which shall be an administrative act, not requiring further
37 action by the Board. Should compliance not be confirmed by the deadline date and a
38 written request for extension is not submitted by that date, the applicant is hereby put on
39 notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
40 Approval.

41 Dwight Lovejoy seconded the motion and it **PASSED**, with Mark Suennen and Dwight
42 Lovejoy voting AYE and the Chairman voting NAY.

43

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14

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **JANUARY 25, 2011**

3
4 Russ Boland, Fire Inspector, was present in the audience so the Chairman began with
5 Miscellaneous Business #4.

- 6
7 4. Discussion with Russ Boland, New Boston Fire Inspector, re: Residential Sprinkler
8 Systems.

9
10 Russ Boland noted that the Fire Wards had sent a request to the Planning Board that the
11 Subdivision Regulations be amended to require either a cistern or sprinklers for all subdivisions,
12 not just those of five lots or more. He noted that following his last meeting with the Planning
13 Board he had been asked to find out some costs for New Boston to see if they were different
14 from the national statistics and also to find out the effectiveness of the systems from a New
15 England perspective. Russ Boland stated that from an effectiveness standpoint the experience in
16 New England mirrored the national statistics. As far as costs were concerned, Russ Boland
17 noted that New Boston was trending higher than the national average, based in part of the lack of
18 municipal water and the need, therefore, for a pump and tank. He noted that the alternative
19 system which was tied to the domestic water supply would require extra cost in terms of a
20 variable speed pump and/or extra capacity in the well casing for the required water supply. The
21 Chairman asked if this was the same for other rural New England communities and Russ Boland
22 replied yes, it was not specific to New Boston. In response to a question from Mark Suennen,
23 Russ Boland noted that the numbers in his latest letter dated January 25, 2011, were based on
24 total purchase price of properties not just the cost of the building. Russ Boland noted that Life
25 Safety, a sprinkler company, had given him a rough estimate of \$2/square foot and he noted that
26 the pump created the bulk of the cost. He noted that the applicant earlier this evening had
27 indicated a cost per house of \$4,000 and assumed that this must have been based on a bid for 14
28 homes.

29 Russ Boland noted that he had reported back to the Fire Wards after his first meeting with
30 the Planning Board and they were asking that the Planning Board consider their request ready to
31 start July 1, 2011, when the moratorium was lifted by the State. He noted that there were 22
32 pieces of legislation pending to do with the sprinkler issue and code enforcement so things were
33 still up in the air.

34 Mark Suennen asked to confirm that the proposal would allow either an approved cistern
35 or sprinklers for all subdivisions. Russ Boland said that was his understanding after speaking
36 with the Fire Wards. He stated that this situation was not unique to New Boston and most towns
37 seemed to have evolved to having two types of system: the cisterns which were really all about
38 property conservation; and the sprinklers which were for life safety.

39 The Chairman noted that the request was to require fire fighting water supply for all lots
40 where the regulations currently call for it only at the fifth lot. Mark Suennen stated that in the
41 big scheme of things this did not seem to be a big request, other than for the subdivisions that cut
42 one small lot from a large lot. Dwight Lovejoy asked if it was plausible for long cul-de-sacs that
43 both systems could be needed once a road went beyond 1,000'. He noted that the regulations

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15

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 required one system or another and an applicant could not be forced to do something over and
4 above the regulations. Don Duhaime suggested that the Fire Wards be brought in to discuss that.
5 The Chairman noted that the first goal on the Board's list for 2011 was to deal with the cul-de-
6 sac issue and that was when it would be discussed. He noted that the pending request from the
7 Fire Wards did not appear to be that outrageous. Russ Boland thought that there would come a
8 point in time that the Board would want to meet with the Fire Wards to stop him running back
9 and forth between them. The Chairman thought that the Planning Board was at a point where the
10 request could be considered, probably without needing a meeting with the Fire Wards and that
11 there did not seem to be that much more discussion that would require Russ Boland to keep
12 meeting with both parties. He said that the request could be pulled together with other changes
13 required to the Subdivision Regulations and a public hearing held on everything at once.

14 Mark Suennen asked if there was any cost savings attached to a system that was installed
15 to run off the domestic water supply. Russ Boland stated that the system still had to meet NFPA
16 13 standards and the heads were fed by PEX tubing and needed a variable speed pump. He
17 noted that domestic systems were designed with a 2-head calculation, meaning that they had to
18 supply 26 gallons a minute for ten minutes, i.e. 13 gallons per head per minute. He further noted
19 that the tanks used were usually 30 gallon tanks. Russ Boland noted that the additional costs for
20 this type of system were the variable speed pump or the additional 300 gallons of water in the
21 well casing. This system was dependent upon the recharge in the area within which the well was
22 located. The Chairman asked if the regulations specified anything other than NFPA. Russ
23 Boland stated that the chapters in NFPA 13D dealt with the combined systems and
24 approximately two years ago the Fire Wards had agreed to allow the domestic water supply
25 system. He noted that the plumbing for such a system had to be installed by a licensed plumber
26 while domestic plumbing could be done by the homeowner.

27 Don Duhaime asked if anyone went back to check on sprinkler systems once they were
28 installed and operational. Russ Boland answered that no one checked on the systems. He said
29 that a few years ago the Fire Department had sent out 100 letters offering services to inspect the
30 systems and no one had been interested. He noted that the cost of such a service was about the
31 same as furnace maintenance; in the \$150 - \$200 range. Don Duhaime asked what was the point
32 of the regulation if no one followed up on it. He said if something in the system broke no one
33 would be any the wiser. This was dangerous, Don Duhaime said, because the Fire Department
34 would be expecting a sprinkler system to activate and it may not. Russ Boland stated that the
35 Fire Department had no jurisdiction to inspect these systems in single family homes. Shannon
36 Silver pointed out that the Fire Department could not sign off on the systems being in good
37 working order due to the liability issue involved if something happened, especially since they
38 were not the installers of the system. She noted that the sprinkler companies offered that service
39 for a fee. Russ Boland stated that the systems needed to be worked and have the pumps
40 exercised on a regular basis.

41 Mark Suennen asked if the Planning Board were willing to require fire fighting water
42 supply for three or more lots but not for one or two lot subdivisions, would the Fire Wards be
43 willing to negotiate that. Russ Boland said he did not know because this had not been discussed.

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16

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 He noted that at some point the issue would be removed from local jurisdiction and the state
4 would require sprinklers in all new construction.

5 The Chairman asked the Board if they needed any more information, if the matter should
6 be discussed later, or if the number of lots should be discussed. Mark Suennen stated that he was
7 thinking about the Townes family splitting off one lot, and the Swinfords, and he was not sure if
8 he wanted to require those to become sprinklered.

9 The Coordinator noted that when the regulation had originally been enacted it was
10 determined for some reason that any subdivision with 5 or more lots would need a cistern. She
11 wondered what had changed that would mean that 1 - 5 lots now needed this protection. Russ
12 Boland was not sure that anything had changed and noted that sprinklers were different than
13 cisterns. The Coordinator noted that Russ Boland was right, and pointed out that when
14 sprinklers became an option the existing language that required cisterns for 5 or more lots was
15 simply adapted to include sprinklers. She noted that this did not really make sense and
16 wondered if the Board should consider two different regulations. She noted, however, that there
17 would not, obviously, be many applicants choosing to put in a cistern if sprinklers were available
18 for subdivisions less than 5 lots. The Coordinator went on to say that when the language was
19 first included for cisterns the Board had been careful not to allow anyone to come in with a three
20 lot subdivision and then come back with further subdivisions that together would equal 5 lots but
21 individually did not meet that number. She said that the Board would have to be equally careful
22 if they decided not to include one and two lots subdivisions in this regulation to make sure that
23 unscrupulous parties did not use it as a way to avoid having to take care of the issue. The
24 Chairman noted his concern that if the two systems were split up there would be no way to get
25 cisterns. He wondered what a trigger for a cistern might be. Don Duhaime suggested that a
26 3,000' road with one way in and out would be a good one. The Chairman noted that the solution
27 would be to include the circumstances under which a cistern would be required. Don Duhaime
28 thought it was important to give the Fire Department an additional hand to discharge their duties.

29 Mark Suennen suggested that the Planning Board should come up with what they thought
30 would be a suitable amendment to the Subdivision Regulations and present it to the Fire Wards
31 for their review and input. He noted that if the sprinklers and cisterns were separated then it
32 would be discussed and decided upon through the process. The Chairman agreed but noted that
33 some Board members were missing and suggested waiting until more members were present.
34 The Board agreed to discuss this matter again with a full Board.

35
36 Don Duhaime left the meeting.

37
38 1. Approval of December 14, 2010, minutes, distributed by email.

39 Mark Suennen **MOVED** to approve the minutes of December 14, 2010, as written.
40 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

41
42
43 2. Approval of December 28, 2010, minutes, distributed by email.

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17

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen **MOVED** to approve the minutes of December 28, 2010, as written.
4 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

- 5
6 3. Endorsement of a Corrective Lot Line Adjustment Plan for C.V.I. Development, Inc. &
7 Timothy & Suzanne O'Brien, Tax Map/Lot #'s 8/62-7 & 8/62-8, Fraser Drive, by the
8 Planning Board Chairman and Secretary.
9

10 The Coordinator explained that it had recently come to the Planning Department's
11 attention that this Lot Line Adjustment Plan from 2004 contained an error. She noted that the
12 box on the plan containing the total acreages before and after the lot line adjustment was correct,
13 and the Planning Board had approved the plan based on those numbers. However, the box on the
14 plan indicating "Parcel A" which was the piece of land coming from Lot #8/62-8 and going to
15 Lot #8/62-7 showed an incorrect number. It was supposed to be 0.108 acres and the plans
16 showed 0.136. The Coordinator said that the Assessor had used that number and had, therefore,
17 incorrectly listed the size of the lots in the assessing database for many years. She noted that
18 since this matter had come to her attention she had asked the plan drafter and Northpoint
19 Engineering to recalculate Parcel A based on the metes and bounds and both of them came up
20 with 0.108 acres. She noted that the corrective plan listed the right lot sizes and would be
21 recorded at the Hillsborough County Registry of Deeds. She further noted that the property
22 owners would be sent a copy of the plan for their records and the lot that had overpaid taxes
23 would be offered the opportunity to apply for an abatement for 2010, although the Assessor had
24 calculated that it would be less than a dollar.

25 The Chairman said that he would sign the plans at the end of the meeting. The
26 Coordinator stated that she would contact Peter Hogan or Dean Mehlhorn to see if either of them
27 could stop by the Town Clerk's office on their late evening to sign the plan so it could be
28 recorded.
29

- 30 6. The draft Meeting Minutes of the New Boston Road Committee, January 13, 2011,
31 meeting, were distributed for the Board's information.
32

33 Mark Suennen noted that he still had something to research that had been mentioned in
34 the minutes to do with stop signs and stop bars. He recalled having read something in a national
35 guidance document that suggested that if a stop sign was installed, the stop lines on the road had
36 to be used. He noted, however, that there may be exceptions, if the traffic on the road was less
37 than 400 trips per day, for example. He said he would investigate this and report back to the
38 Board and the Road Committee
39

- 40 7. A daily road inspection report dated, December 15, 2010, from Northpoint Engineering,
41 LLC, re: SIB Trust-Indian Falls/Susan Road, was distributed for the Board's information.
42

- 43 8. The Coordinator reminded the Board about the Piscataquog Land Conservancy Summit

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18

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 to be held at the Whipple Free Library on Saturday, January 29, 2011. The Board asked
4 the Coordinator if she was planning to attend. The Coordinator stated that she would be
5 attending this meeting.

- 6
7 5. Memorandum dated January 10, 2011, from Nic Strong, Planning Coordinator, to Stu
8 Lewin, Planning Board Chairman, re: Driveway Issue, Tax Map/Lot #8/9, Briar Hill
9 Road, for the Board's review and discussion.

10
11 Dwight Lovejoy stated that he had reviewed the recently submitted driveway permit and
12 had informed the contractor that the driveway required a -3% grade away from the road and a
13 culvert. The Coordinator stated that the Planning Department had a driveway permit from 1979/
14 1980 for the original barway which was the original driveway to this lot. She noted that at some
15 point the owner was saying that this second driveway was installed and had been used as the
16 driveway for which the recent permit was submitted. She noted that the two driveways were not
17 200' apart as required by the Town's Driveway Regulations.

18 Mark Suennen stated that the most recent driveway was apparently paved prior to a
19 permit being issued. He said in that case the owner should use the old driveway and take out the
20 new one. Dwight Lovejoy stated that there was a drainage issue from the new driveway into
21 Brian Hill Road. Mark Suennen said that there was a legal permit from 1979. The Chairman
22 agreed, noting that the original driveway was fine and permitted and could stay. He said that the
23 new driveway was built without a permit and did not meet the regulations, therefore, it should be
24 removed. Alternatively, the problems with the new driveway could be fixed and the old one
25 removed. The property owner could not have both driveways because they were not 200' apart.
26 Mark Suennen stated that if the driveway had been installed following the regulations the
27 property owner would not be faced with the issue of choosing between driveways.

28 The Board asked that the property owner be given the choice of continuing to use the
29 original permitted driveway and removing the new illegally installed driveway or fixing the
30 issues identified with the new driveway and removing the original driveway.

31
32 **Discussion, re: Planning Board Goals**

33
34 The Chairman noted that discussion of the Planning Board's Goals for 2011 would be
35 continued at the next meeting.

36
37 Mark Suennen **MOVED** to adjourn the meeting at 10:00 p.m. Dwight Lovejoy seconded
38 the motion and it **PASSED** unanimously.

39
40 Respectfully Submitted,

41
42 Nic Strong
43 Planning Coordinator

Minutes Approved:
As written 02/22/11