

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

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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 Peter Hogan; and, Ex-officio Dwight Lovejoy. Also present
3 were Planning Coordinator Nic Strong, and Planning Board Assistant Shannon Silver.
4

5 Present in the audience for all or part of the meeting were Kevin Leonard, PE, Northpoint
6 Engineering, LLC, Tom Miller, Chair, Road Committee, Willard Dodge, Road Committee
7 Member, Jason Lopez, Vinnie Iacozzi, John Regan, and Keith Diaz.
8

9 **Discussion, re: Construction Monitoring Inspection Procedures Draft.**
10 **(Kevin Leonard, Northpoint Engineering, LLC, and members of the New Boston Road**
11 **Committee to be present)**
12

13 The Chairman noted that the first part of the meeting would be a discussion about the
14 draft Construction Monitoring Inspection Procedures that Kevin Leonard, PE, had been working
15 on. Kevin Leonard, PE, Northpoint Engineering, LLC, and Tom Miller, Chair, and Willard
16 Dodge, Road Committee Member were present for this discussion.

17 Kevin Leonard noted that he had first submitted a draft of this document in November
18 2010 and had met with Tom Miller to make sure that the items listed included the things that
19 were being done today and also met the Road Committee's expectations, and to see if there were
20 additional things that should be incorporated. He noted that following the Planning Board's first
21 review of the draft, and at the Planning Board's request, he had attempted to quantify the
22 financial impact of the proposed additional inspections and tests to an applicant building a road
23 in New Boston. He noted that this was difficult to do as every site was different but he had used
24 a 1,000' cul-de-sac as a typical project for purposes of the exercise. Kevin Leonard hoped that
25 the draft would generate input and thoughts from the Board members for things to change or add
26 to the document. He went on to say that he had spoken with the Coordinator to clean up some
27 typographical errors and inconsistencies in the use of terms, for example, he had used both
28 "periodic inspections" and "part time inspections" which he changed to the use of "part time
29 inspections" throughout. He stated that he would like to talk about anyone's concerns and work
30 on getting a final draft put together. Kevin Leonard also noted that he had a question about the
31 adoption of the document and whether it would be a standalone document or be part of the
32 Subdivision Regulations, noting that it probably could be adopted either way.

33 The Chairman noted that the anticipated increase in costs based on Kevin Leonard's
34 "typical" road was \$2,500 and said he would be more interested to find out what percentage of
35 the total project this \$2,500 represented. Kevin Leonard suggested using Page Lane as an
36 example of a cul-de-sac of right around 1,000', noting that it was a straightforward project that
37 had gone smoothly and cost roughly \$12,000 - \$14,000 in inspections. The Chairman noted that
38 for this project the increase was approximately 20%. Kevin Leonard pointed out that the \$2,500
39 was actually fairly size-independent because of the nature of the tests being performed which
40 were not necessarily based on length of road. He noted that the most recent project with Indian
41 Falls Road was being done in phases which would require testing and coring for each phase
42 whereas if the whole thing was done at once there may only be one day of testing and coring.
43 The Chairman clarified that the testing that was being added would be done for whatever the

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1 **DISCUSSION RE: ROAD INSPECTION PROCEDURES, cont.**

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3 amount of paving that was done in a given work period. Kevin Leonard stated that it was
4 relatively easy to pave 1,500' of road in a day. The Chairman asked if paving two days in a row
5 would require two days of testing or if the first day would be enough. Kevin Leonard said that
6 would be a judgment call on his behalf and would depend on different factors, including whether
7 or not the same crew came back the second day to complete or carry on the project.

8 Tom Miller explained the tests that were being discussed. He noted that uncompacted
9 asphalt was very porous and sponge-like, therefore, taking in water which created problems
10 during the freeze/thaw cycle in winter and spring by breaking up the pavement. He noted that
11 most of the tests being included were for compaction; compaction resulted in the voids being
12 removed from the material. Tom Miller noted that compaction took place twice; when the
13 asphalt first came off the paver with a vibratory screed; and then with a roller. He noted that the
14 rolling was the key to how much compaction was achieved. He also pointed out that the
15 temperature of the asphalt was important. Tom Miller said that tests to check compaction would
16 result in roads that lasted more than a few years.

17 Mark Suennen asked why the Marshall Test was performed at the plant. Tom Miller
18 explained that when asphalt was batched it was a mixture of liquid asphalt, stone and sand. He
19 said it was important to control the liquid asphalt in the mixture: too much and the pavement
20 stayed soft; too little and the pavement rattled apart. Mark Suennen said that the process would
21 be for two tests, one at the plant and the other when the material was placed. Tom Miller agreed.
22 Willard Dodge stated that adding these tests worked in the Town's favor as they would
23 encourage a contractor to work with larger sections of pavement at a time to avoid multiple tests.
24 Tom Miller agreed, noting that cold joints were a bad thing. Kevin Leonard said it was very
25 unusual for a contractor to pave 200' at a time and paving was usually done a day at a time.

26 Tom Miller noted that this draft document also include testing for select materials by
27 testing for wear. He said that all rock was different and could break down in the freeze/thaw
28 cycle. He said crushed gravel broke down and turned into powder that was not acceptable in the
29 roadway.

30 The Chairman noted that he had looked at the document and thought it was very good,
31 and although he had worried initially that it was a little too specific he had since decided that it
32 probably was not. He asked how this document would be incorporated into what the Town was
33 currently doing, whether it would be part of the Subdivision Regulations or a standalone
34 document. The Coordinator noted that it could be adopted either way. The Chairman asked the
35 Coordinator if there was any document like this currently. Tom Miller stated that what the Town
36 had now was causing the Town to take a very big hit by not getting the testing done. Kevin
37 Leonard stated that with the exception of the pavement testing, the gravel wear test, and full time
38 underdrain inspections everything else in this document was currently being done in terms of
39 inspections for the Town of New Boston. Tom Miller stated that the Town's old document was
40 not a good document and the Town was not getting a good road out of the document. The
41 Chairman asked how the old document would get pulled into the new procedures. The
42 Coordinator clarified that there was not currently any document to do with these procedures. She
43 noted that what the Board had been operating on were the procedures that were set in place back

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1 **DISCUSSION RE: ROAD INSPECTION PROCEDURES, cont.**

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3 in 1988 or 1989 when the Town's first consulting engineering company, Dufresne-Henry, was
4 hired. She noted that the Board and other parties, although she was unsure who else had input at
5 the time, came up with a list of things to be inspected, there was a sign off form which required
6 certain steps to be taken care of before the contractor could move on to the next one, and so on.
7 The Coordinator noted that as things progressed over the years the policies that were followed
8 for road inspections increased but nothing was written into a formal document. She noted that
9 when Northpoint Engineering was first hired, she had gone back over the various inspection
10 sheets, precon agendas and things that were being done and that were working, and had pulled
11 them together into an agenda for the first meeting she had with Kevin Leonard. She noted that
12 the things that had been added were the things that Tom Miller had wanted to include regarding
13 extra testing and making the underdrain inspections full time. She also noted that this was the
14 first time that a document had been created pulling all these things into one place.

15 Peter Hogan thought it was a little frightening to see how much it cost to have the
16 contractors baby sat by the Town's engineer. He asked what other towns were doing. Kevin
17 Leonard stated that it depended on the town; some towns monitored construction full time and
18 some did no monitoring at all. He noted that it depended on how aggressive the Town was about
19 getting a good product. Mark Suennen stated that the Town did not want to be in the position of
20 needing a road re-built in 7 - 10 years. Willard Dodge stated that Tucker Mill Road had
21 underdrain installed that was never tested and that was going to cost the Town eventually to fix
22 it. Tom Miller pointed out that a smart contractor could make a killing on the Town because the
23 specification for crushed gravel used to include a +/- measurement. He noted that crushed gravel
24 was the most expensive material and allowing an inch +/- on subgrade would encourage the
25 contractor to boot the subgrade up an inch so now the 6" of crushed was 5". He noted the next
26 thing he would do if he was an unscrupulous contractor would be to make sure that the gravel
27 was down an inch, leaving 4" of crushed. With fine grading allowed a half inch +/-, only 3 ½
28 inches of crushed was left instead of the required 6". Peter Hogan thought that was a fairly
29 simple change. Tom Miller stated that was in there now. He went on to say that the asphalt
30 plants offered deals on cold pavement and there was no way the Town monitored that. He stated
31 that now with the core requirements if the pavement did not pass they would have to do it again.

32 Willard Dodge noted that Lincoln and Foxberry Drives were recently overlaid and the
33 boards at the end of the paver were not set correctly resulting in a 23 ½' wide road and
34 correspondingly thin pavement. Tom Miller noted that a core test would find those types of
35 issues. Mark Suennen asked if the cores would be centerline or edge cores. Tom Miller noted
36 that they would be random. Kevin Leonard noted that this had been left open, as was the
37 frequency of the core testing. He noted that there would be at least one core per job. He also
38 noted that usually the same person performed the core test that was performing the compaction
39 testing. Dwight Lovejoy asked if the core testing would take place at the time of installation of
40 the pavement or later. Tom Miller said that the core tests could be done afterwards but the idea
41 was to prevent problems so the tests should be done in a timely manner. Kevin Leonard said that
42 where the core was thin or there was no compaction it was important to have the tests done in
43 real time so that whatever needed to be done to fix the situation could be done quickly. He noted

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1 **DISCUSSION RE: ROAD INSPECTION PROCEDURES, cont.**

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3 that when any problems came up it was important to determine how to handle the situation and
4 who would make the final decision on what to do. Kevin Leonard also commented on the
5 tolerances allowed, noting that the contractors' layout was relied upon when stringing the road
6 and the inspector would rely on the stakes being right. He said the road could be paved to binder
7 and then the as-built would prove the road to be off by an inch or two. He said that there would
8 be no way to know that beforehand because no surveyor would have been involved up until the
9 as-built stage. Tom Miller noted that in the field he would run inspections to check the grade
10 and it was seldom found that a mistake would carry for the length of a road. He thought that if
11 one core showed thin pavement then more samples should be taken to see if it was the same for
12 the rest of the road section. Mark Suennen thought that language should be added to the
13 responsibilities of the Town's consulting engineer regarding Kevin Leonard reviewing proposed
14 repair and mitigation plans in the event that an issue needed to be rectified. He noted that at
15 some point Kevin Leonard would sign off on the plans but the proposal for how to fix the issue
16 should come from the developer/contractor.

17 The Chairman stated that he did not see the Road Committee listed in the document with
18 any responsibilities attached. Tom Miller asked what the Chairman thought the Road Committee
19 would be responsible for. The Chairman stated that he did not have specifics and perhaps the
20 Road Committee was not supposed to be included. Kevin Leonard noted that when this
21 document was drafted he took the information from the Coordinator and the agenda that he had
22 been preparing for preconstruction meetings to list the things that needed to be done. He said
23 that he was open to do what the Board decided. Dwight Lovejoy asked if the Road Agent would
24 get involved with this and wondered about the Road Agent checking underdrains and so on.
25 Tom Miller stated that when Kevin Leonard found any problems the first person he should go to
26 was the Road Agent. Willard Dodge agreed that the Road Agent should be involved on a regular
27 basis with new roads being built in town. Kevin Leonard stated that the Subdivision Regulations
28 and notes on subdivision plans indicated that the Road Agent could do certain things, such as
29 adding underdrain and guardrail as part of construction. He stated that when a Road Agent was
30 hired in New Boston he would communicate with them on a regular basis and get opinions on
31 things. Peter Hogan stated that he did not want the Road Agent to be watching new roads get
32 built. Willard Dodge agreed, but noted that the Road Agent should be aware of what was going
33 on for each project to avoid situations similar to ones that currently existed with problems that
34 needed to be fixed. Peter Hogan stated that he had no interest in getting anything other than the
35 best road for the Town and if extra testing was required in order to do that, so be it. He
36 wondered how problems with roads had been able to occur when the engineer was being paid to
37 watch them and wondered also if there were changes proposed in Kevin Leonard's document that
38 would prevent the type of issues that were happening. Kevin Leonard stated that the roads that
39 had been inspected by Northpoint Engineering were quality roads. He noted that there was
40 always the possibility of a situation coming up due to something outside the scope of the design
41 of the road, pointing to the cracking on Christian Farm Drive as a good example of something
42 that had happened in spite of the road being built and inspected correctly. He noted that there
43 had not yet been any exploratory assessment of what was going on with that situation. Tom

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1 **DISCUSSION RE: ROAD INSPECTION PROCEDURES, cont.**

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3 Miller stated that not every inspector had the same background in construction and four years of
4 school did not necessarily mean that the person knew about inspections. He noted that the
5 average person would not think about how to cheat the crushed gravel requirement. Kevin
6 Leonard stated that he had always made the contractor come in at or below the design elevation
7 for subgrade which could result in more gravel being used.

8 Mark Suennen stated that the Road Committee should not be listed in this document,
9 serving as they did in an advisory capacity to the Road Agent and Board of Selectmen. Kevin
10 Leonard thought that a sentence could be added to the introduction that the Town's consulting
11 engineer worked as an agent of the Planning Board and Road Agent and would consult with
12 them as needed. He noted that there was constant communication with the Road Agent and
13 Planning Department with regard to what the contractor was proposing or needed to change
14 during construction.

15 The Chairman asked if Tom Miller was satisfied with the document. Tom Miller noted
16 two things. Firstly, the compaction tests which he noted were included at 100-foot intervals on
17 alternating lanes. He said this may be decreased lengthwise based on the compaction results and
18 the 100' intervals should be listed as a maximum which could save on some testing costs. He
19 noted that if the contractor was placing materials, watering it correctly and rolling it right and
20 achieving 95% compaction it should be good for quite a stretch of road. Alternatively, if the
21 contractor was struggling to get 95% and was not rolling it right then testing at 100' intervals was
22 appropriate. Mark Suennen noted that this was also a factor of the temperature of the day on
23 which they were putting down the materials. Tom Miller noted that water was a key factor in
24 this and the proctor testing would show where the water needed to be used.

25 Tom Miller noted that his second issue was with crushed gravel which the draft suggested
26 should be within 1/2" of the design elevations. He said that using an automated grader should
27 allow that to be closed up to 1/4" or less and he considered a 1/2" sloppy. Kevin Leonard stated
28 that his question on that was that the selects and paving were based on the stakes set at layout
29 and if the as-builts came back showing the field elevation 1 1/2" different from the design
30 elevation and the regulations specified 1/4" that was a problem. Tom Miller suggested then
31 removing the tolerance completely which would not then pin the engineer down to any number.
32 Mark Suennen noted that this would not conflict with the sentence above which read: "The
33 Contractor shall grade the crushed gravel to match the design elevations.". He noted that Kevin
34 Leonard would then be in the position of determining what the match was.

35 Tom Miller noted for paving that the compaction testing had not included a frequency for
36 the tests. Kevin Leonard stated that he had filled in no more than 1,500' after speaking with Tom
37 Miller on this matter. He noted that there would be one test per road and if it was longer than
38 1,500' then further tests would be required.

39 Kevin Leonard asked if the Board wished to add language to the draft regarding his role
40 as an agent of the Planning Board and Road Agent. The Chairman did not think this needed to
41 be added specifically and no other Board member had a comment on it, therefore, the language
42 did not need to be added.

43 The Chairman asked what the next step would be with this document. He asked if any

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1 **DISCUSSION RE: ROAD INSPECTION PROCEDURES, cont.**

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3 road construction was taking place now. Kevin Leonard stated that everything was shut down
4 for the winter. He asked what was to happen when Indian Falls Road construction started back
5 up and whether or not they would be subject to this newly adopted document. The Chairman
6 thought it should apply to that project. The Coordinator noted that this was not feasible if the
7 procedures were adopted as part of the Subdivision Regulations because the application was
8 approved under the regulations at that time. Mark Suennen did not think these procedures should
9 be adopted as part of the Subdivision Regulations anyway and thought it should be a standalone
10 document that outlined the Town's expectations of the Town's consulting engineer to make sure
11 the Town received a quality road at the end. The Coordinator thought the document should be
12 adopted at a regular Planning Board meeting after notice on the agenda but it would not require a
13 fully noticed public hearing.

14 Kevin Leonard envisioned some resistance from the contractor of Indian Falls Road when
15 the additional inspections were required. The Board noted that any questions should be referred
16 to them. Kevin Leonard thought that the document would most appropriately be distributed and
17 discussed at the preconstruction meeting for a project, noting that it would take the place of the
18 agenda he had been preparing for those meetings. The Chairman thought it would be a good idea
19 to have a road contractor take a look at the procedures to get their input on the document.

20 Mark Suennen asked if Kevin Leonard was responsible for oversight of the SWPP plans
21 required by the EPA, to which Kevin Leonard responded that he was not. He said that quite
22 often when he was onsite inspecting erosion control measures and so on he would see the
23 specified SWPP inspector for the project also viewing the site. Mark Suennen suggested
24 highlighting in the document that the Town's consulting engineer was only responsible for
25 making sure that a SWPP was in place and was not responsible for any inspections under that
26 document.

27 Tom Miller asked how to amend the regulations to only allow concrete cross pipes in
28 road construction. The Chairman asked him to look at the way the regulations were currently
29 written and submit a proposal to change the language. He said the Planning Board would review
30 the proposal at a meeting and consider making changes to the Subdivision Regulations.

31 Tom Miller then asked the Board if they would be interested in taking a tour on a
32 Saturday to see some of the town's roads and how they were doing. The Chairman noted that he
33 would be interested in such an outing.

34 Tom Miller next asked if it would be possible to set up an impact fee to take care of
35 maintenance issues with detention ponds in town. He noted that the Highway Department was
36 understaffed and underfunded and he did not know how they would be able to keep up with the
37 detention structures. Peter Hogan asked if they needed to be dredged. Tom Miller said that they
38 did and also noted that other maintenance, such as pulling weeds away from the standpipes,
39 would be needed. The Chairman asked that Tom Miller discuss this with the Coordinator.

40 The Chairman noted that a final version of the document would be distributed and a
41 hearing held to adopt it. He thanked Kevin Leonard and Tom Miller for their work on the
42 procedures.
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1 **VISTA ROAD, LLC (OWNER)**

2 Submission of Application/Public Hearing/Major Subdivision/2 Lots

3 Location: Byam Road and River Road (Route 13)

4 Tax Map/Lot #6/40-2

5 Residential-Agricultural "R-A" District

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7 The Chairman read the public hearing notice. Present for the applicant was Vinnie
8 Iacozzi of Thibeault Corporation, and Jason Lopez, a project manager, from Eric C. Mitchell and
9 Associates. Also present was abutter John Regan and Road Committee Member Willard Dodge.

10 The Chairman noted that this was the first hearing on the application. He informed John
11 Regan that he would have an opportunity to ask questions if he wished later in the proceedings
12 after giving his name and address for the record.

13 Jason Lopez submitted revised 11" x 17" copies of the plan that included the checklist
14 review comments. He noted that the subdivision proposed to divide a 9.12 acre lot with the
15 existing farmhouse from the total parcel. He also noted that the land had frontage on Route
16 13/River Road and Byam Road. The larger backland piece was noted as being 49.6 acres and the
17 intention was to leave that land until a later date when it would be decided if the Town would
18 buy it for open space, or it would remain a single family houselot, or if it would be subdivided
19 further. Jason Lopez stated that there was no clear direction at this time as to what would happen
20 to that land. He noted that the backland piece extended from Byam Road through to Wilson Hill
21 Road. He said that the lot currently had 80' of frontage on Byam Road, and a buildable envelope
22 proved that the lot could stand on its own. He went on to say that he had made corrections to the
23 plan based on the Coordinator's checklist review. He noted that many of the comments were to
24 do with missing deed references and also noted that he had added the wetland calculations
25 showing the amount of contiguous dryland on each lot.

26 Jason Lopez stated that a driveway permit had been applied for with NH DOT for access
27 from Route 13/River Road. He noted that no permit had been filed with the Town for access
28 from Byam Road as the intent was not to access the parcel from Byam Road. He thought that at
29 the time a building permit was applied for or a further subdivision was proposed the issue of a
30 road from Byam Road would be addressed. Dwight Lovejoy asked if the proposal was to run a
31 driveway alongside the existing driveway to the farmhouse. Jason Lopez indicated that it was.
32 Mark Suennen pointed out that the label for the easement area shown in this location should be
33 corrected to refer to the easement as being for the benefit of Lot #6/40-2-1. Dwight Lovejoy
34 asked why the applicant did not just use the Byam Road frontage for access. Jason Lopez noted
35 that a wider wetland crossing would be needed and the State required wetland impacts to be
36 avoided or minimized. Vinnie Iacozzi stated that the old design for a 55 lot subdivision included
37 a bridge to cross the wetlands which would cost \$75,000 - \$100,000. He noted that Vista Road,
38 LLC, had been in discussions with the Open Space Committee and Conservation Commission
39 about the possibility of the Town acquiring Lot #6/40-2 and abutting 6/33, which discussions
40 were ongoing. He stated that this subdivision to cut off the farmhouse and field was being done
41 to facilitate the possible purchase of the larger pieces of land by the Town. Vinnie Iacozzi went
42 on to say that if this land ended up being subdivided they would have to come back before the
43 Board with an application to do so. He noted that one of the agreements as part of the discussion

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1 **VISTA ROAD, LLC, cont.**

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3 regarding the prior possible subdivision of Lot #6/40-2 and 6/33 was that no access would be
4 down Wilson Hill Road (now Thompson Lane) to River Road. The Chairman asked if the only
5 reason for the proposed access easement was to provide a driveway to proposed Lot #6/40-2-1
6 and, therefore, prove the eligibility of the lot. Vinnie Iacozzi noted that this was one purpose but
7 also to maintain access to River Road for this lot if the farmhouse lot was sold. He stated that he
8 did not want to close off the possibility of the use of this area until the final use of the parcel was
9 determined. The Chairman asked why the land shown as the easement area was not simply made
10 part of Lot #6/40-2-1. He asked how big the easement area was, to which Jason Lopez replied
11 that it was a little under an acre in size. Vinnie Iacozzi noted that originally he was going to try
12 to keep the farmhouse lot big enough to qualify for current use but the design of the potential
13 50+ lot subdivision of Lot #6/40-2 meant that the lot lines had to be configured a certain way
14 which reduced the acreage of the farmhouse lot.

15 Mark Suennen asked if the frontage of Lot #6/40-2 on Wilson Hill Road was on the Class
16 VI portion of the road and not the graded portion. Jason Lopez confirmed that was correct and
17 drew the Board's attention to the wetland delineation which showed the wetland running down
18 the center of Wilson Hill Road.

19 The Chairman asked for clarification that the driveway permits were in progress. Jason
20 Lopez replied that an application had been submitted to NH DOT but he had not submitted a
21 town application because he was waiting for this meeting to see if one was needed now or if it
22 could be submitted at the building permit stage.

23 Dwight Lovejoy stated that he had a real problem with the brook area and anything being
24 done there, citing runoff from previous subdivisions in the area impacting the river. He thought
25 that this area should be left alone. Vinnie Iacozzi stated that the area had not had any issues with
26 runoff since the floods of 2006, when he noted that the whole section of River Road in this
27 location was underwater. Dwight Lovejoy asked what would happen when excavating began
28 again in this area. Jason Lopez noted that the driveway would not be constructed at this time.
29 He noted that the permit application was submitted to the State to have them recognize the use of
30 the driveway for two properties. Vinnie Iacozzi stated that his hope was that the backland would
31 belong to the Town at some point. He said that he had been negotiating for 18 months to two
32 years with the Board of Selectmen, Open Space Committee and Conservation Commission.
33 Willard Dodge stated that whether or not the Town ended up owning the land there would be
34 access provided in this location and whatever construction took place at a future date would
35 impact the brook area. Peter Hogan stated that he did not care how they developed the backland,
36 his concern was with two separate lots using the same curb cut. He stated that the Town's
37 regulations required that any lot had to be able to sustain its own driveway on its own property to
38 be considered a lot. He stated that the access from Byam Road was questionable due to the
39 wetlands. Vinnie Iacozzi stated that there was already a Site Specific Permit for this property
40 and all the engineering work had been done for this. He went on to say that during discussion of
41 the conceptual subdivision in 2006 and 2007 it was noted that all traffic from a subdivision
42 would have to use Byam Road and there would not be a road out to River Road. He said it was
43 clear that there would be no access to Wilson Hill Road and the only access to the east would be

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1 **VISTA ROAD, LLC, cont.**

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3 to the end of the Swanson Road cul-de-sac. Vinnie Iacozzi stated that the piece of land giving
4 access to Byam Road was only purchased to provide the access to the backland to make the
5 subdivision approvable. He noted that access from River Road could be used for a backlot
6 behind the farmhouse lot which would be permissible under the Town's ordinance. Peter Hogan
7 reiterated that the Town's ordinance stated that each lot had to support its own driveway and an
8 easement was not acceptable. Mark Suennen stated that each lot had its own driveway; Lot
9 #6/40-2 came off River Road and Lot #6/40-2-1 came off Byam Road. He asked Peter Hogan if
10 his issue was that the easement to Lot #6/40-2-1 did not need to be there. Peter Hogan agreed
11 that if the easement was removed from the plan he really did not have an issue with the proposal.
12 The Coordinator pointed out that no driveway permit existed for the Byam Road access point.
13 Jason Lopez stated that he had not submitted a Town application because he wanted to first
14 discuss the matter with the Board.

15 Dwight Lovejoy asked if someone built a house on the backland they would have to
16 maintain their driveway on someone else's property. Jason Lopez stated that in terms of proper
17 planning the access could be provided from Byam Road because the applicant had already dealt
18 with the Wetlands Bureau for a bridge property. He thought that if the land went into open space
19 it might be better to access it from River Road with a smaller wetland crossing and small gravel
20 parking area. Dwight Lovejoy stated that he had a real problem with people walking over other
21 people's property to get to the open space. Vinnie Iacozzi explained that was what the easement
22 was for so that there would be no liability issues with access. The Chairman thought that having
23 people park on Byam Road and walk in from that area would not require any kind of crossing at
24 all. Peter Hogan agreed, noting that just because the land was open space did not mean that the
25 Town had any interest in providing access. He said he would like to see the easement go away.
26 The Chairman thought the area should be part of the lot to which it was providing the driveway.
27 He suggested rearranging the lot layout so that the lot line for Lot #6/40-2-1 went right down the
28 middle of the driveway, providing a shared driveway to both lots. It was noted that 50' frontage
29 needed to be maintained to Lot #6/40-2-1 but the driveway could be shared by both lots. Jason
30 Lopez stated that this was doable and the driveway could quite quickly come over so that the
31 existing driveway would continue to the farmhouse and a new driveway would split onto Lot
32 #6/40-2-1. He noted that the flared section at the intersection of the driveway and River Road
33 could be expanded to allow the shared access. Vinnie Iacozzi stated that this sounded reasonable
34 and they would work on this new lot configuration.

35 Vinnie Iacozzi stated that he wished to speak with the Board about fire fighting water
36 supply as he did not think it would apply to this application. Peter Hogan asked where the
37 nearest cistern was. It was noted that there was a cistern on Byam Road. The Chairman asked
38 what the required distance was. He was informed that it was 2,200'. He thought that the cistern
39 was probably within that distance. Jason Lopez stated that he had added Note #10 to the plans in
40 an attempt to deal with this matter: "At this time no construction shall take place on Lot 40-2-1.
41 At the time of application for building permit of (sic) subdivision of land an adequate source fire
42 protection must be proven of (sic) provided.". It was noted that ordinarily a two-lot subdivision
43 would not be subject to fire fighting water supply but Lot #6/40-2-1 was the seventh lot to be

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10

1 **VISTA ROAD, LLC, cont.**

2
3 divided from the parent parcel and the Subdivision Regulations required fire fighting water
4 supply in this situation. The Chairman noted that the applicant should either demonstrate that the
5 lots were within 2,200' of an existing cistern, or that sprinkler systems would be installed.
6 Dwight Lovejoy stated that there would have to be access if the cistern was chosen. Vinnie
7 Iacozzi said that the cistern was right by the side of the road. Dwight Lovejoy stated that there
8 was no road to the property and that was the problem. The Coordinator stated that the
9 requirement was 2,200' to the nearest lot line of the furthest most lot covered, not down into the
10 property in question. Vinnie Iacozzi stated that they would add a note requiring sprinkler
11 systems for future construction. The Chairman pointed out the need for legal documentation in
12 the form of sample deed language and a declaration of covenants and restrictions regarding the
13 sprinkler systems. Vinnie Iacozzi acknowledged this and noted that the rest of the Coordinator's
14 comments had been to do with missing notes and so on.

15 The Chairman noted that the traffic, fiscal and environmental impact studies were
16 currently missing. He noted that if the applicant did not think they needed them they should
17 submit a waiver request. Vinnie Iacozzi noted that the wetlands were all mapped by Peter
18 Schauer, CWS. Jason Lopez said they would submit a waiver request. He asked for a general
19 idea of how the request would be received by the Board. The Chairman stated that, in his
20 opinion, the traffic and fiscal impact studies would be no problem but there may be the need for
21 an environmental assessment of some kind. Dwight Lovejoy stated that he had been notified that
22 anything within 250' of the river needed a permit. Jason Lopez stated that was regarding the
23 Shoreland Protection Act of which he was aware. He also noted that any disturbance on the site
24 would require a SWPP plan with the EPA. Vinnie Iacozzi stated that SWPPs were already on
25 file and a mussel control plan was in place as well. Mark Suennen asked to see the Site Specific
26 Permit that Vinnie Iacozzi had referred to earlier. The Chairman asked that a plan be prepared at
27 a scale to show the whole property on one sheet. Jason Lopez stated that he would take care of
28 it. Mark Suennen asked that the abutters be listed on that plan.

29 The Chairman noted that the application was missing two items to be considered
30 complete: driveway permits and a statement regarding fire fighting water supply. He noted that
31 there had been a verbal statement regarding sprinkler systems which should be submitted in
32 written form. The Coordinator asked if the Board had determined if a permit was required for
33 the Byam Road access. The Board noted their understanding that the applicant would be using
34 the access from River Road as a shared driveway. The Chairman asked for clarification that the
35 permit from the State would be for two single family house lots and any future subdivision of the
36 larger parcel would require review and a road to the subdivision would be off Byam Road. The
37 Coordinator noted that the Board's past practice was to require a Dredge and Fill Permit to prove
38 the viability of the area for access to the lot. She noted that the driveway off River Road would
39 have to meet the requirements of the Driveway Regulations with the length of the shared portion
40 and the 10% maximum grade and so on. She also noted that recently the Board had been
41 discussing these access issues on a case by case basis and wondered if the Board would require
42 the Dredge and Fill Permit to prove that access was possible as had been done for some
43 applications in the past. Peter Hogan stated that they would have to prove that the lot could

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11

1 **VISTA ROAD, LLC, cont.**

2
3 sustain its own driveway so this subdivision would have to prove it for whichever frontage was
4 used. Jason Lopez stated that a Wetlands Permit existed for the crossing off Byam Road so
5 perhaps it would be better to get a driveway permit for that access. Vinnie Iacozzi stated that
6 they could prove that they could access from that location which did not mean that they would
7 actually have to get the permits. Peter Hogan stated that would depend on how believable the
8 plan was. He noted that the Board had required permits to be obtained in the past. He said the
9 burden of proof was on the applicant to show that one of the two areas was able to sustain its
10 own driveway. Vinnie Iacozzi stated that he believed enough engineering had been done on this
11 project to make that statement.

12 The Chairman suggested adjourning the application for two weeks and then acting on
13 completeness; completeness to include a statement regarding sprinklers systems and a driveway
14 permit for whichever access was going to be used. Additionally, some kind of proof of being
15 able to cross the wetlands would be required for either access. Jason Lopez stated that they
16 would provide a plan proving that it could be done. He noted that the intent was not to construct
17 any kind of crossing at this time. Mark Suennen noted that the Board had in the past approved
18 an application with the crossing to be built as a requirement prior to Certificate of Occupancy or
19 Building Permit. The Coordinator stated that the most recent application that was similar to this
20 one was the Nadeau application on Francestown Road. The Board noted that was also on a State
21 road. The Chairman asked if the Board would require a Dredge and Fill Permit or see the plan
22 first and then decide. The Board determined that they would see the plan first and then decide.

23
24 Peter Hogan **MOVED** to adjourn the application of Vista Road, LLC, Submission of
25 Application/ Public Hearing/Major Subdivision/2 Lots, Location: Byam Road and River
26 Road (Route 13), Tax Map/Lot #6/40-2, Residential-Agricultural "R-A" District, to
27 February 22, 2011, at 8:00 p.m. Dwight Lovejoy seconded the motion and it **PASSED**
28 unanimously.

29
30 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
31 **FEBRUARY 22, 2011**

- 32
33 3. Copy of Stormwater Management Plan Adherence Statement received January 27, 2011,
34 from Earl J. Sandford, PE, Senior Engineer, re: Tax Map/Lot #12/35-10-1, Arrowwood
35 Road, Kenneth & Linda Diaz, for the Board's review and discussion.

36
37 Seeing Keith Diaz in the audience, the Chairman jumped to Miscellaneous Business Item
38 #3. The Board was in receipt of a letter from Earl Sandford, PE, regarding the stabilization of
39 this site. Mark Suennen noted that this letter indicated that the site was currently stabilized but
40 would be unstabilized when the foundation was installed at some future date. Earl Sandford, PE,
41 noted in his letter that the size of the area in question was smaller than the exempt area listed on
42 the Board's Stormwater Management bond estimate worksheet. The Chairman noted that a vote
43 would be needed to release the bond for this project and asked how this was usually handled.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Coordinator noted that this situation was a little different than usual because normally the
4 house, septic, driveway and all improvements were done before the bond was released. In this
5 case the driveway and septic were installed first and the house was not yet built. The Chairman
6 asked for the current amount of the bond. The Coordinator stated that the bond was \$11,273.90.
7 She showed the Board the plan so they could see the improvements and where the house was to
8 be built. The Chairman noted that the Board could retain some of the bond for the work
9 remaining. Peter Hogan pointed out that there was no bond for what was left. Mark Suennen
10 stated that the trucks and equipment needed for the foundation installation would need to stay on
11 the stable portions of the gravel driveway. Keith Diaz pointed out that the house site was not in
12 the critical areas defined on the lot. He said that the critical areas were disturbed by the work
13 done last summer and they had all been stabilized.

14
15 Mark Suennen stated that based on the experience the Board had with these residents and
16 their good faith adherence to the plan and the methods of construction they followed to
17 stabilize the initial construction, he **MOVED** to release the full bond at this time and
18 leave it to the Building Department to determine adequate inspections of the final
19 foundation and septic construction outside of the critical area.

20 Peter Hogan seconded the motion and it **PASSED** unanimously.

- 21
22 1. Approval of January 11, 2011, minutes, distributed by email.

23
24 Mark Suennen **MOVED** to approve the minutes of January 11, 2011, as written. Dwight
25 Lovejoy seconded the motion and it **PASSED** unanimously.

- 26
27 2. The minutes of January 25, 2011, were noted as having been distributed by email, for
28 approval at the meeting of February 22, 2011.

- 29
30 6a. Notice of Decision received January 31, 2011, from New Boston Zoning Board of
31 Adjustment, re: 733 Bedford Road, Tax Map/Lot #12/67, for the Board's information.

- 32
33 6b. Town of New Boston, Zoning Board of Adjustment, January 26, 2011, meeting minutes,
34 for the Board's information.

35
36 The Chairman noted #6a. and b. for the Board's information with no discussion taking
37 place.

- 38
39 7. Update, re: Piscataquog Land Conservancy Summit, Saturday, January 29, 2011.
40 (no copies)

41
42 The Coordinator noted that she had attended this meeting at which the Piscataquog
43 Watershed Land Conservation Plan had been discussed. She showed the Board a copy of the co-
44 occurrence map that had been developed for New Boston, noting that the areas with the darkest

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13

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 colors showed the natural resource areas layered on top of each other indicating the areas with
4 the most layers which were the ones that had been identified that were of the most interest for
5 protection. The Coordinator noted that she had since learned that the Southern New Hampshire
6 Planning Commission were going to be approaching the Board soon to discuss the recently
7 updated Piscataquog River Management Plan which had been originally adopted as part of the
8 Master Plan in 2002, and the Piscataquog Watershed Management Plan which was a new effort.
9 She noted that some of the information was duplicated in these various documents and that the
10 recently adopted Open Space Plan included co-occurrence maps also. She noted that the map in
11 the Open Space Plan was done using the composite tax map which made it easier to see where
12 each area was.

13 The Coordinator noted that the Land Conservation Plan was being finalized to include a
14 written document with the maps and the Board would be asked to adopt this plan. She noted that
15 the plan could be adopted by the Conservation Commission; by the Planning Board as a
16 standalone addition to the Master Plan; or by the Planning Board as an integral part of the Master
17 Plan which would require more revisions to the Master Plan. The Coordinator noted that that
18 latter option was the one that the presenters and attendees at the PLC Summit had been in favor
19 or. She noted that an additional option would be to take the various plans and maps and come up
20 with a New Boston specific plan. The Coordinator pointed out that the Land Conservation Plan
21 map had been made with input from various natural resources professionals. Mark Suennen
22 noted that those people would not have any idea what currently existed on the ground and there
23 was the potential for already developed parcels to be listed for protection as well as those parcels
24 that were already conserved. He asked if the PLC and SNHPC had any ideas of what they
25 wanted for restrictions on the land identified as having the most layers of resources. The
26 Coordinator said that was a community decision to make but the natural resource organizations
27 would ideally like to see all that land permanently protected. Mark Suennen noted that when the
28 formal plan was received he would like to get color copies.

29
30 8a. Copy of document from the New Hampshire Housing Finance Authority, titled, *Progress*
31 *In Workforce Housing, A Report on Implementation of the New Hampshire Workforce*
32 *Housing Law*, prepared by the New Hampshire Housing Finance Authority, October
33 2010, for the Board's information.

34
35 8b. Email copies of correspondence from various towns, re: Workforce Housing Ordinance,
36 for the Board's information.

37
38 8c. Copy of article from New Hampshire Town and City, January 2011 edition, titled, *In*
39 *workforce housing cases, fair share evidence should be presented to land use board*, for
40 the Board's information.

41
42 The Chairman noted that this information was in preparation for whatever the Board
43 decided to do on this topic as part of the 2011 goals.

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14

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 9. A letter dated February 8, 2011, from Jed. Z. Callen, Esq., to New Boston Zoning Board
4 of Adjustment and New Boston Planning Board, re: RSA 676:5, III Appeal of Planning
5 Board Interpretation/Application of Zoning Ordinance, Re: Neville Site Plan Application
6 for Tax Map/Lot #3/63-24, was distributed for the Board's information.

7
8 4. Discussion, re: Fire Wards Residential Sprinkler System request.
9

10 The Chairman noted that this item was discussion regarding the Board of Fire Wards'
11 request as presented by Russ Boland, Fire Inspector, at recent meetings regarding amending the
12 Subdivision Regulations to require sprinklers for all subdivisions.

13 Mark Suennen stated that he had been thinking about this matter and did not think it was
14 something the Planning Board should be responsible for unilaterally. He thought if the Fire
15 Wards felt strongly about this they should present it as an amendment to the Building Code and
16 let the town vote on it.

17 It was noted that the current regulation allowed for either a cistern or sprinklers for
18 subdivisions of five or more lots. Mark Suennen pointed out that the Fire Wards could ask for a
19 cistern at any point. Peter Hogan disagreed with this. The Chairman also noted that the Fire
20 Wards had the right to ask for a cistern according to the Subdivision Regulations. Peter Hogan
21 stated that this would require some justification which thus far had not been successful.
22

23 Mark Suennen **MOVED** that the Planning Board does not accept the Fire Wards' request
24 at this time and instead recommends to the Fire Wards to bring this up as a ballot issue
25 for the Town Meeting of 2012. Peter Hogan seconded the motion.

26 DISCUSSION

27 The Chairman asked how to modify the wording of the motion. The Coordinator said he
28 should outline what he would like to change and see if Mark Suennen would be interested
29 in amending his motion. The Chairman said he would like language added that would
30 explain that the Planning Board thought that topics of this nature should be acted on by
31 the Town and not by a single Board.
32

33 Mark Suennen **MOVED** to amend his motion as follows: "Whereas the Planning Board
34 has determined that issues dealing with mandatory sprinkling of private homes is an issue
35 bigger than the Planning Board should make the determination at public hearings,
36 therefore, the Planning Board is not moving forward with the Fire Wards' request at this
37 time and instead is recommending to the Fire Wards to bring this to the whole Town to
38 be voted on at the Town Meeting in 2012." Dwight Lovejoy seconded the amended
39 motion. The Chairman called for a vote: Mark Suennen, Peter Hogan and Dwight
40 Lovejoy voted NAY, and the motion **FAILED**.

41
42 The Chairman called for a vote on the original motion. Mark Suennen, Peter Hogan and
43 Dwight Lovejoy voted AYE, and the motion **PASSED**.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman said that, with the Board's approval, he would like to thank Russ Boland
4 for his efforts and explanations and the statistics he had provided to the Board on request. Mark
5 Suennen stated that he had done a fine job as intermediary between the Planning Board and
6 Board of Fire Wards.

- 7
8 5. Letter received January 31, 2011, from David J. Preece, AICP, Executive Director,
9 SNHPC, to Stuart Lewin, New Boston Planning Board Chair, re: Update of the State of
10 NH's Ten-Year Transportation Improvement Program FY 2013-FY 2022, for the Board's
11 review and discussion.

12
13 The Chairman noted that this letter was a follow up to Tim White, Senior Transportation
14 Engineer, SNHPC's visit to the Board in November 2010. The Chairman wondered if the letter
15 should be run by the Road Committee for their input on projects to include in the 10-year plan or
16 if the Planning Board's recommendations should be run by them for review. Mark Suennen
17 suggested that Willard Dodge, Road Committee Member, who was still in the audience be asked
18 for his opinion. Mark Suennen explained that every two years the State's 10-year program for
19 DOT was updated and SNHPC submitted projects to be included. He noted that the current list
20 for New Boston included Gregg Mill Road Bridge, the Millpond footbridge project, and Tucker
21 Mill Road bridge. He recommended in view of the recent changes to the CIP and the warrant
22 articles that would be placed on the ballot for bridge projects Gregg Mill Road and Tucker Mill
23 Road bridges should be pulled off the list as they were going to be outside of the 10 year
24 window. In their place the Riverdale Road bridge replacement in 2014 should be added. Willard
25 Dodge stated that he could not speak for the whole Road Committee but Mark Suennen's
26 description was accurate regarding the timing of these projects. Mark Suennen asked if any
27 other items should be included in the Regional Transportation Plan that was a 25 year plan.
28 Willard Dodge thought that the bridges listed for years further out than 2022 should be added to
29 the other list. The Board asked for clarification of what types of projects would be included in
30 the Regional Transportation Plan and asked the Coordinator to report back at the next meeting.

31
32 There were no other listed items but the Coordinator noted that Jim Hansen, property
33 owner on Briar Hill Road who had been notified that one of his two driveways needed to be
34 removed, had been given until February 4th to let the Board know how he planned to address the
35 matter and had not yet responded. Dwight Lovejoy stated that he had been to the site and only
36 one driveway was being used; the new driveway. The Chairman asked the Coordinator to send
37 one more letter reminding Mr. Hansen that they had not heard from him and asking him again
38 how he planned to take care of the issue so that the Board could discuss it at the last meeting in
39 February.

40
41 Mark Suennen **MOVED** to adjourn the meeting at 9:15 p.m. Peter Hogan seconded
42 the motion and it **PASSED** unanimously.

43

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16

1 Respectfully Submitted,
2
3 Nic Strong
4 Planning Coordinator

Minutes Approved:
As written 02/22/11