

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

October 23, 2012

1

1 The meeting was called to order at 7:00 p.m. by Chairman Stu Lewin. Present were
2 regular members Mark Suennen and Don Duhaime, alternate member David Litwinovich, and
3 Ex-Officio Rodney Towne. Also present were Planning Coordinator Nic Strong, Planning Board
4 Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for part of the meeting was Jim Bath, Shaky Pond Development,
7 LLC.

8
9 The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's
10 absence.

11
12 **Discussion, re: Mixed Use Public Input Session and next steps**

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14 The Chairman noted that comments from the evaluation/survey from the input session
15 had been compiled and distributed to the Board members. He asked for comments and/or
16 questions.

17 Mark Suennen commented that he thought the input session was well attended. He also
18 thought that by the end of the input session groups were all "coming to the same place". He
19 noted that there had been a couple of outbursts at the start of the meeting but noted those
20 involved had left the input session prior to the group work. He believed that those who stayed
21 until the end of the meeting were interested in the proposed Mixed Use District. The Chairman
22 indicated that he agreed with all of Mark Suennen's comments.

23 David Litwinovich stated that good comments were made with regard to the lack of the
24 public's understanding of how the existing process worked and why this was being brought
25 forth. He continued that the group work was encouraging because of the constructive
26 discussions that had taken place. He commented that he was disappointed that individuals left
27 prior to the smaller group discussions.

28 Don Duhaime stated that at the end of the input session he felt like the implementation of
29 a Mixed Use District was dead in the water; however, after reading the evaluation/survey results
30 he believed that the process should move forward. He believed that the public wanted more
31 interaction and more input sessions should be scheduled. The Chairman agreed that another
32 public input session should be scheduled.

33 Rodney Towne commented that he was impressed that the general group of people had
34 figured out what the fringe group was up to and sent them on their way without any support. He
35 stated that the public had questioned the difference between what the Board was doing now and
36 what the Board wanted to do with regard to the Mixed Use District. He continued that the Board
37 did not answer a question posed by the public with regard to streamlining the process. He
38 believed that the positive aspects to streamlining needed to be addressed. He stated that there
39 was a fair number of people who believed that the current process required a lot of work and that
40 was a good thing. He said that he was surprised that the only member of the public to champion
41 the Mixed Use District was David Craig. He continued that he would have thought more
42 residents or business owners in the village area would have commented that the proposed Mixed
43 Use District would make things easier for them. He noted that Don Grosso did not seem to be

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1 **MIXED USE DISTRICT DISCUSSION, cont.**

2
3 interested in the Mixed Use District. Mark Suennen pointed out that the businesses in the village
4 area did not have a high turnover and because of that the owners were most likely not looking to
5 change the current use. Rodney Towne pointed out that if Don Grosso or the owners of the
6 Tavern wanted to create apartment rentals in their buildings they would be required to jump
7 through some major hoops. The Chairman questioned if the Board had not made the issue
8 Rodney Towne had pointed out clear enough prior to the input session. Rodney Towne
9 suggested that a matrix of the current and proposed procedures be created and shared at the next
10 public input session. He went on to say that there were Supreme Court and legislative
11 restrictions in place that affected what the ZBA could allow and by creating the Mixed Use
12 District property owners could get around those restrictions. David Litwinovich noted that
13 because it was a public input session the Planning Board had gone out of their way to not say
14 “this is what we should do”.

15 The Coordinator stated that she did not have a good feeling about how the input session
16 went based upon a couple of comments she received from the public. She stated that David
17 Preece, Executive Director, SNHPC, had been prepared to deal with comments and/or questions
18 that might have been asked by members of the anti-planning group Agenda 21. She continued
19 that David Preece, Executive Director, SNHPC, was very quick to stop people from talking and
20 because of that it had led people to think that he was running the show. She believed that there
21 was repair public relations work to be done. She pointed out that for the most part New Boston
22 residents were a very sophisticated group of people who fully understood Zoning, Earth Removal
23 Regulations and Zoning Amendments. She continued that comments made at the start of the
24 meeting may have caused members of the public to question their understanding of the proposed
25 Mixed Use District; however, she believed that those in attendance did understand what a Mixed
26 Use District was and understood how Zoning Ordinances worked. She suggested that instead of
27 scheduling another large public input session, smaller venues could be arranged to promote
28 discussions, i.e., inviting smaller groups to attend Planning Board meetings. She also suggested
29 the possibility of providing more printed information. She stated that people left the input
30 session with a bad taste in their mouths because they believed that were forced into groups and
31 made to speak about the issues. She did agree that the small groups came up with the same
32 major points.

33 Rodney Towne stated that in his opinion no one would be bothered if the Board never
34 brought up the subject of a Mixed Use District again. The Coordinator agreed. Rodney Towne
35 stated that there was good discussion but he believed the majority of the people would have
36 answered no if asked, “Should the Board move forward with a Mixed Use District”. The
37 Chairman questioned if the reason people would have answered no was because it was not good
38 for the Town, the dynamics of the meeting or because people had not understood the benefits
39 provided by such a district. Rodney Towne stated that the Board did not have the ability to show
40 example of current procedures and an example of the benefits of the proposed procedures. The
41 Chairman concluded that the issue was not the idea of the Mixed Use District but the issue was
42 the presentation at the input session.

43 Rodney Towne stated that it probably was not a good idea to have used a magnet group

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1 **MIXED USE DISTRICT DISCUSSION, cont.**

2
3 to facilitate the input session. Don Duhaime added that David Preece, Executive Director,
4 SNHPC, had been abrasive at times and had put people off. Rodney Towne agreed but noted that
5 a session such as this was a real balancing act and sometimes people needed to be shut down.

6 The Chairman asked if the Coordinator agreed that people would be okay if no one
7 brought up the proposed Mixed Use District again. The Coordinator believed that the members
8 from the public that attended the input session would not care if the Board never addressed the
9 Mixed Use District matter again. She went on to say that she was unsure how the dozens of
10 people who did not show up to the session and have not commented would feel about the matter
11 not moving forward. Rodney Towne commented that he was bothered that members of the
12 public that would be affected by the Mixed Used District did not attend the public input session.

13 Don Duhaime asked if there had been any responses to the online questionnaire. The
14 Coordinator answered that only one person had completed the online questionnaire.

15 Mark Suennen addressed Rodney Towne's previous suggestion about providing the
16 public with the proposed procedures. He stated that there was not a proposed process because
17 the Board wanted input first and he noted that the performance standards would create a property
18 dependent situation. He explained that it would be very difficult to get any use other than a
19 home business in the Mill Street area. He noted that during the small group discussions he had
20 heard people comment that they liked the small, rural village that currently existed and they
21 would not be amenable to small-scale commercial in that area. Rodney Towne stated that
22 someone had suggested that the village area be looked at separately from the other locations
23 identified on the proposed Mixed Use District area. Mark Suennen stated that the impression he
24 got was that the public did not want things to change in the village area. He continued that they
25 were comfortable with the current mix that existed and they were satisfied with the process that
26 got it there. He stated that if what was being proposed was not significantly better than what
27 existed currently it should not move forward as it did not make sense to continue if another
28 cumbersome process was being created.

29 David Litwinovich believed that changing Zoning to allow for the use of residential
30 apartments in the existing commercial buildings would be an incredibly easy sell. He thought
31 the resistance came from people thinking residential areas would be turned into commercial
32 areas.

33 The Coordinator asked how the Chairman wanted to address a letter he received and if a
34 brief thank you message should be placed in the December issue of the New Boston Bulletin.
35 The Chairman asked the Coordinator to craft a brief response letter that thanked the writer for
36 their comments. He stated that it would be a good idea to have something to put in the
37 December issue of the New Boston Bulletin.

38 The Chairman asked for further comments and/or questions; there were no further
39 comments and/or questions.

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1 **Discussion, with Jim Bath, Shaky Pond Development, LLC, Tax Map/Lot #15/15, re:**
2 **extending the conditions precedent deadline.**
3

4 Present in the audience was Jim Bath.

5 The Chairman invited Jim Bath to present to the Board. Jim Bath thanked the Board for
6 taking their time to listen to him and thanked the Coordinator for arranging the meeting.

7 Jim Bath stated that he was the sole owner of the Shaky Pond Development. He
8 explained that in the beginning he had two partners but due to financial stresses and distractions
9 they were no longer involved with the project. He stated that he was present this evening to
10 petition the Board to grant him a little more time to implement his business plan and market the
11 project properly in order to save it from ruin.

12 Jim Bath indicated that he had a unique set of circumstances that he would explain in an
13 effort to validate his request. He explained that on December 6, 2011, he was diagnosed with
14 degenerative disk disease. He continued that he underwent emergency surgery that required six
15 hours in the operating room, six days in the ICU and six months of recovery time. He stated that
16 the surgery was successful and he was pain free and doing well, however, two months after the
17 surgery he was diagnosed with disk damage in his cervical area. He explained that he had to
18 have surgery to correct nerve damage that was affecting his arms. He went on to say that the
19 surgery took four hours, two days in the ICU and four months of recovery. He noted that he was
20 currently under the care of his surgeon until January 2013.

21 Jim Bath advised that while he was recovering from his surgeries he wrote a business
22 plan so that he could attack this problem properly and not whine about the poor economy and
23 lack of investors. He asked the Board to give him back his lost year. He noted that he had taken
24 the time to create a business plan, reconnected with Ray Shea from Sandford Engineering for
25 technical support, reconnected with the Planning Department for compliance and guidance
26 purposes, and had a relationship with Emile Bussiere, Jr., who was the contiguous landowner.
27 He stated that Emile Bussiere, Jr., was savvy, trustworthy and he liked him a lot. He continued
28 that he had made a presentation to Emile Bussiere, Jr., about investing in the project and was not
29 told no, but instead told not now. He believed his plan had credibility.

30 Jim Bath stated that if the Board granted him an extension he would promise to work
31 hard, well and smart to save the project from ruin. He went on to say that if the project was
32 ruined because of the partnership it would affect his savings and that he was not looking for
33 sympathy but wanted to the Board to know what was driving him to succeed. He stated that
34 even though he was 70 years old, he was a youthful 70 year old, had good energy and was bound
35 and determined to make the project work not only for himself but for the Town. He requested a
36 one year or more extension.

37 The Chairman stated that the original conditions precedent deadline was January 13,
38 2010, and following previously granted extensions the current conditions precedent deadline was
39 January 13, 2013, and the current conditions subsequent deadline was January 13, 2014.

40 The Chairman asked if Jim Bath could briefly describe his business plan. Jim Bath
41 indicated that he could share his business plan, however, it could only be done in a non-public
42 forum and a non-disclosure form would be required. The Chairman understood Jim Bath's
43 position.

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

2
3 The Chairman asked if Jim Bath was looking for an extension of the conditions precedent
4 deadline to January 13, 2014, and the conditions subsequent deadline to January 13, 2015. Jim
5 Bath answered that he was looking for an extension of one year or more. He noted that he did
6 not want permits and approvals to expire while he was in the middle of trying to sell the
7 property. Mark Suennen asked what Jim Bath was hoping to have accomplished by January 13,
8 2014. Jim Bath answered that he hoped to have a developer/partner or an investor in order to
9 take action. Mark Suennen asked if it was Jim Bath's intent to have all of the original conditions
10 precedent completed by January 13, 2014, which included the recording of the plan. Jim Bath
11 noted that he was a little out of his element and questioned if his extension request should be
12 more than one year. Mark Suennen advised that the conditions that would need to be completed
13 included things like paying fees, recording plans at the Registry of Deeds and obtaining permits.
14 Jim Bath stated that he was up-to-date with his escrow account and taxes. Mark Suennen
15 indicated that once the conditions precedent were complete there were a second set of conditions,
16 the conditions subsequent, that needed to be completed the following year, i.e., completion of
17 road and driveways. Jim Bath stated that the completion of the conditions subsequent was
18 undetermined at this time and would be determined once a partner or investor was established.

19 The Chairman indicated that the wetlands permits were due to expire July 15, 2013, and
20 asked the Coordinator if an extension could be granted. The Coordinator believed there was a
21 procedure in place to obtain an extension. Jim Bath added that he would address this matter with
22 Ray Shea. Mark Suennen noted that DES may extend the permit; however, if regulations had
23 changed a resubmission may be required.

24 The Chairman noted that the AoT Permit was due to expire March 7, 2015. He asked if
25 the Planning Board extended the deadlines for a year would the AoT Permit still be valid. The
26 Coordinator answered that the AoT Permit covered the construction phase at the State level. She
27 noted that it had previously been extended and she was unsure if an additional extension would
28 be granted. Jim Bath stated that he would go over this matter with Ray Shea.

29 The Chairman suggested that the Board wait to act on the extension until after Jim Bath
30 had met with Ray Shea to go over any potential issues. Jim Bath commented that the
31 Chairman's suggestion was fair and advised that he would be speaking with Ray Shea the
32 following day. He noted that the current January 13, 2013, conditions precedent deadline was
33 not a good selling point and could make people nervous. He indicated that receiving an
34 extension as soon as possible would be better. Rodney Towne asked if there was a downside for
35 the Town with regard to granting the extension. He noted that the other dates the applicant had
36 to deal with for State permits and so on were his concern and of no issue to the Board. He
37 wondered if the Board granting an extension would create a problem.

38 The Chairman asked if Jim Bath was looking to extend the conditions precedent to
39 January 13, 2014, and the conditions subsequent to January 13, 2015. Jim Bath answered that he
40 would work with the extension that the Board granted. The Planning Board Assistant pointed
41 out that one of the conditions precedent items that would be required by January 13, 2014, would
42 be obtaining the bond for the road. Jim Bath asked if a bond could be waived for any reason.
43 Rodney Towne did not believe that the bond could be waived for this subdivision. Mark

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

2
3 Suennen added that the bond could not be waived for a development of this size and complexity.
4 He continued that bonds have been waived for other subdivisions, however, never for the amount
5 that this subdivision required. The Coordinator offered that Mr. Bath may not have asked quite
6 the question that he meant to, noting that waiving the bond implied not submitting one at all.
7 She pointed out that previous applicants had requested that the conditions to approval be
8 modified to allow the plan to be recorded without a bond in place with the understanding that no
9 building permits would be issued until the bond was submitted. She explained that State law
10 allowed Planning Boards to approve a subdivision without a bond as long as everyone was aware
11 that building permits could not be issued. She noted that it required a fully noticed public
12 hearing to change the conditions of the approval.

13 Mark Suennen asked if the original bond had been estimated with escalation figures and
14 if it was valid. The Coordinator answered that the regulations included a cost inflation factor.
15 She added that the bond estimate needed to be reviewed as the Town's bond estimate form may
16 have changed once since the original bond estimate was completed.

17 The Chairman explained that theoretically the extensions could be granted at this meeting
18 and would allow Jim Bath six to eight months to secure a partner or investor. He continued that
19 if a partner or investor could not be secured in that time period, Jim Bath could make a formal
20 request to modify the approval and not submit the bond as a condition precedent. Jim Bath
21 stated that with winter approaching there were not many investors roaming around but he
22 thought it would be enough time. Don Duhaime asked if the conditions precedent deadline could
23 be extended to January 13, 2015, and extend the conditions subsequent to January 13, 2016, to
24 give Jim Bath more of a buffer. He added that potential buyers would not want to purchase
25 something under snow or with only a three month deadline. The Chairman noted that the
26 deadline had previously been extended by three years and suggested that a one year extension be
27 granted and if another extension was needed that it be granted at a future time. He commented
28 that he preferred the incremental approach. Don Duhaime stated that a new Board could exist in
29 one year's time. David Litwinovich further stated that multiple extensions may also be viewed
30 negatively. Mark Suennen noted that he had no problem making an extension but would require
31 that the wetlands permit be maintained throughout the extension. Jim Bath commented that it
32 was very important that the conditions be documented on the approval document. The Chairman
33 assured Jim Bath that the conditions would be documented. Jim Bath stated that he understood
34 every position that was being taken and believed that it was very insightful to review the effect
35 of incremental extensions. Mark Suennen suggested that a condition also be made that Jim Bath
36 provide an update to the Board halfway through the conditions precedent period by either written
37 notice or appearance before the Board. The Chairman agreed and suggested that the update be
38 submitted in January of 2014.

39 The Chairman stated that the Board needed to act on the conditions precedent and
40 conditions subsequent being extended by two years, adding the requirement that wetland permits
41 could not expire without replacement and adding a requirement that an update be provided in
42 January of 2014. The Coordinator pointed out that it did not make sense to have the conditions
43 subsequent deadline expire in January due to requirements that the road overwinter before the

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

2
3 final course of paving be completed. She suggested that the conditions subsequent be extended
4 to June or July of 2016. Rodney Towne believed that the Coordinator's suggestion was
5 appropriate.

6
7 The Board last extended conditions with the understanding that this would be the last
8 extension granted for precedent for this development. The Board had heard the
9 applicant's situation and the applicant has indicated that there is a business plan in place
10 and that he is actively pursuing to continue the development from where it was left off at
11 original approval. The Board recognizes that the applicant has a plan to go forward and
12 will be meeting with a designer to work out the permit issues, and based on that Mark
13 Suennen **MOVED** to rescind the restriction on the extension of conditions precedent and
14 extend the **conditions precedent** to **January 13, 2015**, for Shaky Pond Development,
15 LLC, Tax Map/Lot #15/15, Susan Road, with the understanding that the applicant would
16 provide the Board an update on his development status on or about January 13, 2014, in
17 writing or in appearance at a Planning Board meeting and also with the further condition
18 that the wetlands permit is maintained current or replaced to meet the conditions
19 precedent, and to further extend the **conditions subsequent** to **July 1, 2016**. Don
20 Duhaime seconded the motion and it **PASSED** unanimously.

21
22 **Discussion, re: proposed Zoning Ordinance Amendments for 2013**

23
24 The Coordinator referred to a Memorandum, re: Zoning Ordinance Amendments and
25 Planning Board Calendar. She explained that the first part of the memorandum listed the
26 amendments. She noted that proposed amendment #1, a, addressed an update to the CUP section
27 to the meet the discussion held earlier in the year. She stated that proposed amendment #1, b,
28 would include a definition of a yard sale. She continued that proposed amendment #1, c,
29 contained requests from the Conservation Commission and asked the Board to review the
30 proposed changes to be discussed at the next meeting. She stated that proposed amendment #1,
31 d, contained minor housekeeping items that needed to be made.

32 The Coordinator referred to the Planning Board calendar and pointed out some important
33 dates, re: Finance Committee meetings, petition deadlines, and so on. The Coordinator noted
34 that, as usual, the Planning Board's meeting schedule did not jibe with the dates for public
35 hearings on Zoning Ordinances and so on. She suggested that the Board could either a) hold
36 their regular 2nd Tuesday meeting on December 11th and a second meeting on the 18th (because
37 there would be no meeting on the 4th Tuesday which was December 25th) or b) hold only one
38 meeting on the 18th which would take care of the Board's requirements to hold one meeting a
39 month as well as meet all the required deadlines for Zoning Ordinance public hearings.

40
41 Mark Suennen **MOVED** to establish one meeting for the month of December to be held on
42 December 18, 2012. Don Duhaime seconded the motion and it **PASSED** unanimously.
43

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1 **ZONING ORDINANCE DISCUSSION, cont.**
2

3 The Coordinator pointed out that the calendar also included dates for the Deliberative
4 Sessions.

5 The Chairman asked for questions and/or comments; there were no questions or
6 comments.
7

8 **Discussion, re: Subdivision and Non-Residential Site Plan Review Regulation Amendments.**
9

10 The Coordinator referred to the Memorandum, re: Subdivision/Site Plan Review
11 Proposed Amendments. She indicated that amendments to the Regulations were as follows:
12

- 13 • Update the regulations re: notification of upstream dam owners per statutory change.
- 14 • Update the regulations re: active and substantial development and substantial completion
15 of improvements per recent understanding regarding Planning Board requirements to
16 specify said conditions as part of application approvals.
- 17 • Update the performance bond section per review by Town Counsel.
- 18 • Add requirement for a purpose statement to be placed on plans.
- 19 • Add a parking space size for parallel spaces.
- 20 • Update the Improvements Construction Inspection section to refer to the Town's Road
21 Construction Inspection Procedures rather than the outdated Application
22 for Inspection currently referenced.
23

24 Mark Suennen asked for the parallel parking space size. The Coordinator answered that
25 the parallel parking space size was 10' x 22'. Mark Suennen noted that standard parallel spaces
26 were 9' x 22'. The Coordinator thought staying with the 10' x 22' would be easier to work with
27 since standard spaces had just been increased to 10' x 20'.

28 The Chairman suggested that the purpose of plans be listed as the first note on plans. The
29 Coordinator advised that none of the surveyors listed the purpose as the first note. Mark
30 Suennen did not agree that the purpose of a plan should be required to be listed as a note on the
31 plan. He suggested that a cover letter be submitted that includes a purpose statement. The
32 Chairman suggested that the purpose of the plan be listed as a checklist item so that it was
33 indicated somewhere in the application packet for the Board to see.

34 The Chairman asked for comments and/or questions; there were no comments or
35 questions.
36

37 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
38 **OCTOBER 23, 2012.**
39

- 40 1. Approval of the September 25, 2012, minutes distributed by email.
41

42 Mark Suennen **MOVED** to approve the September 25, 2012, meeting minutes as written.
43 Don Duhaime seconded the motion and it **PASSED** unanimously.

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1 **MISCELLANEOUS BUSINESS, cont.**

- 2
3 2. Endorsement of a Subdivision Plan for Townes Family Trust, Tax Map/Lot #13/39,
4 South Hill Road, by the Planning Board Chairman & Secretary.

5
6 The Chairman noted that the above-referenced document would be executed at
7 the close of the meeting.

- 8
9 3. Endorsement of a Notice of Decision Cover Sheet for Townes Family Trust, Subdivision
10 Plan, Tax Map/Lot #13/39, by the Planning Board Chairman.

11
12 The Chairman noted that the above-referenced document would be executed at
13 the close of the meeting.

- 14
15 4. Endorsement of a Subdivision Plan for Twin Bridge Land Management, LLC, Phase II,
16 Tax Map/Lot #'s 2/62-12 & 3/5, by the Planning Board Chairman.

17
18 The Chairman noted that the above-referenced document would be executed at
19 the close of the meeting.

- 20
21 5. Endorsement of a Notice of Decision Cover Sheet for Twin Bridge Land Management,
22 LLC, Phase II, Tax Map/Lot #'s 2/62-12 & 3/5, by the Planning Board Chairman.

23
24 The Chairman noted that the above-referenced document would be executed at
25 the close of the meeting.

- 26
27 6. Endorsement of a Subdivision Agreement for Twin Bridge Land Management, LLC,
28 Phase II, Tax Map/Lot #'s 2/62-12 & 3/5, by the Planning Board Chairman.

29
30 The Chairman noted that the above-referenced document would be executed at
31 the close of the meeting.

- 32
33 7. Letter dated October 16, 2012, from Emile R. Bussiere, Jr., to Shannon Silver, Planning
34 Department, re: request for an extension to the conditions subsequent deadline of
35 November 8, 2012, for one year, for the Board's action.

36
37 The Chairman asked if previous extensions had been granted. The Coordinator
38 answered yes but was unsure how many had been granted. The Planning Board Assistant
39 believed that the conditions subsequent had only been extended once.

40 Mark Suennen pointed out that to satisfy the conditions subsequent the road
41 needed to be brought to binder by November 8, 2012. The Chairman asked if the road could be
42 brought to binder by the deadline. The Coordinator answered no. Don Duhaime advised that the
43 road was close to sub-grade and the site supervisor of the project stated that the road would not

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 be brought to binder by the end of the year. The Chairman pointed out that the proposed
4 deadline date of November 8, 2103, would not allow enough time to over winter the road. The
5 Coordinator agreed and suggested that the deadline be extended to June or July of 2014.

6
7 Mark Suennen **MOVED** to grant the extension request for the conditions subsequent for
8 Emile Bussiere, Jr., from November 8, 2012, to July 1, 2014, with the assumption that the
9 conditions will be completed and no further extensions would be granted. Don Duhaime
10 seconded the motion and it **PASSED** unanimously.

- 11
12 8. Memorandum received October 18, 2012, from Ed Hunter, New Boston Building
13 Inspector, to New Boston Planning Board, re: Jim Hansen's driveway, 31 Briar Hill
14 Road, Tax Map/Lot #8/9, with background information, for the Board's review and
15 discussion.

16
17 The Coordinator noted that this matter had been before the Board previously with
18 this property owner who had installed a second driveway on his property and was resistant to
19 removing the first one. She noted that the owner's attorney was offering alternative solutions: to
20 remove the pavement and allow the area to return to a natural state; to set up posts with a chain
21 between to block the driveway; or to take out the entire stonewall along the frontage.

22 The Board decided that the best alternative would be for the applicant to remove the
23 asphalt and let the area return to a natural state.

- 24
25 9. Distribution of October 9, 2012, minutes, for approval at the meeting of November 13,
26 2012, distributed by email.

27
28 The Chairman acknowledge receipt of the above-referenced matter; no discussion
29 occurred.

- 30
31 10. Building Permit Application copy with attachments, from Ed Hunter, Building and Code
32 Enforcement Officer, re: 150 Weare Road, Tax Map/Lot #5/29-1, for the Board's review
33 and discussion.

34
35 The Coordinator stated that the Ed Hunter, Building and Code Enforcement
36 Officer, had forwarded the above-referenced application to the Board for any comments.
37 She explained that PSNH had placed a temporary trailer on the property to deal with demand for
38 power during the summer months. She continued that the applicant was now seeking to install
39 a permanent structure. She noted that the location of the permanent structure would be
40 at the property line in the Town's setback but not in the State's right-of-way. Mark Suennen
41 asked if this was a ZBA matter and not a Planning Board matter. The Coordinator explained that
42 a variance may not be needed for this matter; she was unsure how the Building Inspector was
43 interpreting the ordinance for this situation.

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 The Board determined that the Planning Board did not have jurisdiction over this
4 matter and had no comment thereon.

5

6 Mark Suennen **MOVED** to adjourn at 8:42 p.m. Don Duhaime seconded the motion and
7 it **PASSED** unanimously.

8

9 Respectfully Submitted,
10 Valerie Diaz, Recording Clerk

Minutes Approved:
11/27/2012