### February 25, 2014

The meeting was called to order at 6:35 p.m. by Planning Board Chairman Stu Lewin. Present were regular members Mark Suennen, Don Duhaime and Peter Hogan, alternate members David Litwinovich and Mitch Larochelle. Also present were Planning Coordinator Nic Strong and Recording Clerk Valerie Diaz.

Present in the audience for all or part of the meeting were Selectman Rodney Towne, Dave Elliott, Mike Dahlberg, LLS, Don Glover, Joe Constance, Dennis McKenney, LLS, Louis Rumore, Louis Rumore, Jr., Art Siciliano, LLS, Charles and Lydia Peak, and Ellen Townes Anderson.

- FERUS TERRA, LLC (OWNER)
- 12 CASTLE DONOVAN, III (APPLICANT)
- 13 ARTHUR F. SICILIANO LAND SURVEYING, LLC (APPLICANT)
- 14 Public Hearing/NRSPR/To allow the construction and operation of an Assisted Living
- 15 Residence/Supported Residential Health Care Facility
- 16 Location: Old Coach Road
- 17 Tax Map/Lot #10/3-2 & 10/3-3
  - Residential-Agricultural "R-A" District

Present in the audience was Selectman Rodney Towne.

The Chairman read the public hearing notice and noted that the hearing had been previously adjourned on November 26, 2013. He indicated that legal action with regard to the above-captioned matter was ongoing and as such the applicant had submitted a request to adjourn this evening's hearing to March 25, 2014.

Mark Suennen **MOVED** to adjourn the public hearing and extend the statutory deadline for Board action, for Ferus Terra, LLC (Owner), Castle Donovan, III (Applicant), Arthur F. Siciliano Land Surveying, LLC (Applicant), Location: Old Coach Road, Tax Map/Lot #10/3-2 & 10/3-3, Residential-Agricultural "R-A" District to March 25, 2014, at 7:00 p.m. Peter Hogan seconded the motion and it **PASSED** unanimously.

# MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF FEBRUARY 25, 2014.

1. Approval of the January 28, 2014, minutes, distributed by email.

Mark Suennen **MOVED** to approve the meeting minutes of January 28, 2014, as written. Don Duhaime seconded the motion and it **PASSED** unanimously.

2. Distribution of the February 11, 2014, minutes, distributed by email.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred. The Chairman noted for the Board that there was no meeting on March 11<sup>th</sup>, the next

February 25, 2014

MISCELLANEOUS BUSINESS, con	t.
meeting would be March 25 <sup>th</sup> .	

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> 4. Endorsement of a Subdivision Plan for Timothy White & Cheryl Christner, Tax Map/Lot #2/87, Lull Road, by the Planning Board Chairman & Secretary.

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The Chairman advised that the above-referenced document would be executed later in meeting.

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5. Endorsement of a Notice of Decision Cover Sheet for Timothy White & Cheryl Christner, Tax Map/Lot #2/87, Lull Road, by the Planning Board Chairman.

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The Chairman advised that the above-referenced document would be executed later in the meeting.

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6. Letter received February 20, 2014, from Ruth R. Trussell, Trustee, Clark Hill Trust to Stuart Lewin, Chairman, New Boston Planning Board, re: request to extend the conditions subsequent deadline of her Conditional Use Permit for Tax Map/Lot #8/1, for the Board's action.

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The Chairman stated that the current conditions subsequent deadline for the abovereferenced Conditional Use Permit was June 2014 and noted that the Dredge and Fill Permit issued by NHDES was approved through June 2018.

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The Chairman asked if the grandfathered status expired October 27, 2014, even if the requested extension was approved. The Coordinator answered yes. Mark Suennen asked if the applicant was aware that the grandfathered status expired October 27, 2014. The Coordinator answered yes. The Chairman asked that this matter be pointed out in a letter to the applicant.

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Mark Suennen **MOVED** to extend the conditions subsequent deadline for the Conditional Use Permit for Tax Map/Lot #8/1 from June 2014 to June 2016, with the condition that the letter of approval include a statement that the applicant was only grandfathered through October 27, 2014. Don Duhaime seconded the motion and it **PASSED** unanimously.

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7. Letter received February 14, 2014, from Harvey Dupuis Family Trust, to the New Boston Planning Board, re: Tax Map/Lot #12/93-34, options to obtain a Building Permit, for the Board's review and discussion.

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40 Mark Suennen indicated that the Coordinator had clarified for him the term "lot of 41 record" and explained how the above-captioned lot applied to the original Susan Road Subdivision as well as how the lot changed when it was re-subdivided for the Forest View II 42 Subdivision.

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February 25, 2014

#### MISCELLANEOUS BUSINESS, cont.

The Chairman asked for the Board's thoughts on the three options that had been provided. Mark Suennen stated that option #1 was not a viable option and explained that the proposed cul-de-sac violated the Town's regulations. Don Duhaime agreed with Mark Suennen. The Chairman asked if any other Board members disagreed with Mark Suennen; the Board members agreed with Mark Suennen.

Mark Suennen noted that Mitch Larochelle had viewed the lot in question and asked for his opinion on whether the lot could be a buildable lot with a driveway off Susan Road based on its current configuration. Mitch Larochelle explained that following a survey of lot it had been determined that the required 1.5 acres of contiguous upland could not be achieved with a driveway off Susan Road. He noted that the above-referenced letter listed this possibility as option #3.

Mitch Larochelle commented that Neil Smith felt stuck and unable to build because the Dupuis Family Trust had to wait for the other subdivisions to be completed even though the lot had originally been approved as a lot. He believed that the only option that would work was option #3.

Mark Suennen indicated that the Board would take issue with option #2 and explained that another development in Town had used the frontage of the roadway to build a temporary driveway. He continued that a new roadway was built parallel to the temporary driveway. Mitch Larochelle noted that he had dealt with the same problem with during the development of the Old Colony Subdivision. Mark Suennen stated that option #2 was not impossible but most likely not feasible based on the location for the temporary driveway and the fact that the roadway needed to be built in the same space. Mitch Larochelle pointed out that the area in question had been logged. Mark Suennen stated that it was not the physical constraints of the lot but the legal constraints that made the option not feasible. He stated that the Town did not allow a road under construction to be used as an active driveway. Mitch Larochelle suggested the possibility of an easement. The Chairman also pointed out that the lot in question was not owned by the developer of the subdivision and the person responsible for road construction, but by a separate party which was a further problem in the scenario.

Mitch Larochelle asked if the lot fell under the Forest View II Subdivision covenants. Mark Suennen answered yes and explained that the configuration of the originally approved lot had changed when it became part of the Forest View II Subdivision.

Peter Hogan indicated that three options had been submitted but there was a fourth option which was that the Board just say no to the proposed options. The Chairman agreed and noted that was the current position the Dupuis Family Trust was in. He explained that the Board was exploring whether there was an option that existed to allow a way to move forward with this lot now. Peter Hogan stated that he was satisfied with the current position of the Board.

Mark Suennen referenced the above-captioned letter and read the following, "On July 12, 2005, the lot and four others were granted subdivision approval by the Planning Board with a condition that the lot would not be sold until the subdivision to the south, owned by Lorden was finalized and that their subdivision road network be allowed to connect to Susan Road through the lot". He asked if the Planning Board had created a condition that prohibited the sale of the

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#### MISCELLANEOUS BUSINESS, cont.

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lot in question until "Lorden" figured their subdivision out. The Coordinator answered that she was unsure. Peter Hogan believed that the Harvey Dupuis Trust could sell any lot that they wished to sell, however, they could not sell it as a lot.

Peter Hogan asked if his belief that the lot did not have the required road frontage was correct. Mitch Larochelle indicated that the lot did have road frontage. Peter Hogan pointed out that there was no access to the lot. Mitch Larochelle stated that road frontage existed on Susan Road. Peter Hogan noted that a driveway could not be constructed from Susan Road to the lot. Dave Elliott stated that it was an approved lot and the Harvey Dupuis Family Trust had agreed to hold the lot open for the other developments. Mark Suennen stated that he wanted to find out and make it clear that the Harvey Dupuis Family Trust had agreed to hold the lot open and had not been directed to do so by the Planning Board. Dave Elliott advised that holding the lot open was not a condition of the approval and had been agreed to after the approval was granted. Mitch Larochelle believed the lot had been held for road network reasons and the Dupuis Family thought they may get two lots, one on each side of Lorden Road. He noted that in the end the configuration changed and they got a lot on McCurdy Road instead along with the subject lot on Susan/Lorden. Dave Elliott commented that the matter deserved some research as the Harvey Dupuis Family Trust generously agreed to keep their lot open for the road connection after the approval. He added that at the time the lot had been approved there was no design for the Forest View II Subdivision. Mark Suennen requested that the Planning Department research the matter and verify that holding the lot open for the road connection was not a condition of the approval. He further requested that the Planning Department verify that the Town never directed or required the Harvey Dupuis Family Trust to not sell the lot.

Peter Hogan noted that the approved driveway permit was for a driveway off a road that did not exist. He asked if a driveway had ever been demonstrated to the Board from Susan Road for this lot. Mark Suennen answered that a proposed driveway for the lot as it currently existed as part of the Forest View II Subdivision had not been demonstrated from Susan Road. Peter Hogan advised that the lot in question was not a lot until Lorden Road was installed. Mark Suennen agreed with Peter Hogan. Peter Hogan commented that the property could be sold, however, it could not be sold as a buildable lot. He further commented that the Planning Department did not need to waste their time researching the matter because there was no frontage that established the property as a lot. Rodney Towne disagreed with Peter Hogan and Dave Elliott commented that Peter Hogan did not know what he was talking about. Rodney Towne stated that the Planning Board did not allow subdivisions to create lots that did not have access. Peter Hogan agreed with Rodney Towne's statement and noted that the property in question was not yet a lot. He explained that property would become a buildable lot once the road was constructed. Mitch Larochelle advised that currently there was frontage for the property on Susan Road. Peter Hogan stated that the lot was made with frontage on a road that did not exist. Dave Elliott stated that the driveway could be built as there was frontage. Peter Hogan pointed out that the lot was created based on road frontage that did not yet exist. Don Duhaime asked if the property would become a lot if a driveway could be demonstrated off Susan Road. Peter Hogan answered yes and added that a driveway off Susan Road was not

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<b>MISCELLANEOUS</b>	BUSINESS.	cont.
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feasible. Dave Elliott disagreed with Peter Hogan's characterization that the driveway was not feasible and instead stated that a driveway off Susan Road was not practical.

Mitch Larochelle stated for the record that he did not have any financial interest in the lot. Mark Suennen indicated that he had asked for Mitch Larochelle's opinion with regard to the property as he had practical knowledge of the property.

Don Duhaime, David Litwinovich, Mitch Larochelle and Mark Suennen believed the Planning Board should research and verify that the Planning Board had not directed the Harvey Dupuis Family Trust not to sell the property, nor made it a condition that the lot be held from sale.

8. Construction Services Reports dated January and February 2014, from Northpoint Engineering, LLC, for Forest View II, (McCurdy & Susan Roads), for the Board's information.

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

9. Memorandum with flyer attachment from SNHPC, re: GIS-Based Hydraulic Capacity Modeling Tool – 2014 Public Information Workshop, February 26, 2014, New Boston Public Library.

The Chairman asked Rodney Towne if the SNHPC had been in contact with the Board of Selectmen to present information on the above-referenced matter. Rodney Towne indicated that he had only seen the flyer that was referenced.

#### GLOVER CONSTRUCTION, INC.

- 29 <u>Submission of Application/Public Hearing/CUP/One Wetland Crossing</u>
- 30 Location: Christian Farm Drive
- 31 Tax Map/Lot #5/16-19
- 32 Residential-Agricultural "R-A" District

Present in the audience were Mike Dahlberg, LLS, Don Glover, Joe Constance, Dave Elliott, Selectman Rodney Towne, Dennis McKenney, LLS, Donald Reynolds.

The Chairman read the public hearing notice. He indicated that the application form had been signed and submitted on February 3, 2014, along with a copy of the NHDES Dredge and Fill Permit application. He added that a copy of the NH Division of Historical Resources findings that no historic properties would be affected had been submitted on February 10, 2014. He noted that there were outstanding fees in the amount of \$50.00.

Mike Dahlberg, LLS, identified the location of Tax Map/Lot #5/16-19 on the plan. He explained that a waiver that had been granted with the subdivision that allowed the applicant not to show driveway aprons on the approved plans and allowed for driveways to be shown as the

February 25, 2014

#### GLOVER CONSTRUCTION, INC., cont.

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project moved along. He pointed to the driveway location on the plan that had been approved by the Planning Board and noted that there was a note on the driveway permit that required a wetland crossing to access the building pocket. He indicated that a minimum impact Dredge and Fill Permit from the State was required for the driveway as well as a CUP from the Town. He advised that he had received approval for the septic from the State and that the Dredge and Fill Permit application had been accepted by the State and was currently under technical review. He noted that the crossing area was 525 sq. ft. and there would be one culvert.

Donald Reynolds of 48 Christian Farm Drive asked if the proposed driveway location was being moved. Mike Dahlberg, LLS, answered no and advised that the driveway was being built in the location that it was originally intended to be built. Donald Reynolds for the culvert location and building lot. Mike Dahlberg, LLS, pointed out the culvert location and building lot on the plan. Donald Reynolds asked for the septic system location. Mike Dahlberg, LLS, identified the septic system location on the plan and noted that it would be located 220' from the roadway. Donald Reynolds commented that the men clearing the trees had gone wild and it appeared that some trees were removed that did not need to be removed. He indicated that his neighbor lived across the street from the property and was not able to attend this evening's meeting because he was in Florida. He continued that his neighbor was concerned with the driveway and placement of the home. The Chairman explained that as long as the house location fit within the Zoning constraints the house could be placed where it was being proposed. Donald Reynolds stated that he understood the Chairman's explanation. He stated that he was concerned with trees being knocked that were not located on Tax Map/Lot #5/16-19. Mike Dahlberg, LLS, advised that all of the logging had been done within the confines of Tax Map/Lot #5/16-19. Donald Reynolds asked what purpose the blue markers on Tax Map/Lot #5/16-19 served. Mike Dahlberg, LLS, answered that the blue markers on Tax Map/Lot #5/16-19 identified the clearing limits. The Chairman stated that concerns with the clearing should be addressed with the property owner.

Peter Hogan advised that the public hearing was scheduled to address a wetland crossing. The Chairman asked Donald Reynolds if he had any further questions relative to the wetland crossing. Donald Reynolds indicated that he did not have any questions with regard to the wetland crossing.

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Mark Suennen **MOVED** to accept the application as complete. Peter Hogan seconded the motion and it **PASSED** unanimously.

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The Chairman stated the deadline for Board action was May 1, 2014.

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The Chairman asked if Mike Dahlberg, LLS, had received the outstanding issues from the plan review. Mike Dahlberg, LLS, answered yes and indicated that he had submitted a revised copy of the plan that addressed the outstanding issues.

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The Chairman noted that the Conservation Commission had requested a site walk and asked if any Board members were interested in attending a site walk. Peter Hogan questioned if there was anything to be seen on the site walk other than snow. Mike Dahlberg, LLS, answered

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#### **GLOVER CONSTRUCTION, INC., cont.**

no and explained that the wetland barely existed. He further explained that the wetland was located in a shelf in the landscape and would not even be classified as a wetland if it had an additional three or four percent pitch. Peter Hogan suggested that the Conservation Commission conduct their own site walk and report back to the Planning Board with their findings. Mike Dahlberg, LLS, was agreeable to having the Conservation Commission conduct their own site walk and pointed out that the area had been flagged and surveyed. The Chairman asked if waiting to approve this CUP until the next meeting would affect the applicant's plans to install the wetland crossing. Mike Dahlberg, LLS, answered no. The Chairman asked the Coordinator to email the Conservation Commission and advise that they needed to conduct their site walk and report their findings to the Board prior to the next Planning Board meeting on March 25, 2014.

The Chairman asked Mike Dahlberg, LLS, to address the waiver request to allow someone other than a PE or CPESC to inspect the CUP construction/installation for compliance. Mike Dahlberg, LLS, stated that after thirty-one years of doing work dealing with hundreds of site plans, dredge and fill permits and shoreland permits he believed that he was qualified to design and inspect the CUP. Peter Hogan pointed out that the Board had accepted Mike Dahlberg's credentials on a dozen other requests.

Peter Hogan **MOVED** to accept the waiver request and allow Mike Dahlberg, LLS, to inspect the CUP construction/installation for compliance. Don Duhaime seconded the motion and it **PASSED** unanimously.

The Chairman asked if Mike Dahlberg, LLS, was aware of the applicant's method of security. Mike Dahlberg, LLS, answered that a cash bond would be provided for the security.

The Chairman asked the Board if there were any questions and/or comments with regard to the four criteria for granting a CUP that were listed and answered on the application form. Peter Hogan commented that he had no concerns.

The Chairman asked for comments and/or questions with regard to the value of the bond as it was listed on the worksheet; there were no comments or questions.

Peter Hogan **MOVED** to adjourn the public hearing for Glover Construction, Inc., Location: Christian Farm Drive, Tax Map/Lot #5/16-19, Residential-Agricultural, "R-A" District, to March 25, 2014, at 7:30 p.m. Mark Suennen seconded the motion and it **PASSED** unanimously.

#### MISCELLANEOUS BUSINESS AND CORRESPONDENCE, cont.

10. Letter dated February 25, 2014, from Kevin Leonard, P.E., Northpoint Engineering, LLC, re: Northpoint Engineering Response to Contractor Claim. Distributed February 25, 2014, for review and discussion at the meeting of March 25, 2014.

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

February 25, 2014

1	MISC	ELLANEOUS BUSINESS, cont.
2 3		occurred.
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5 6 7 8	11.	Letter dated February 24, 2014, from Kevin Leonard, P.E., Northpoint engineering, LLC, re: Proposal for Professional Engineering Services with attached Project Summary through February 2, 2014. Distributed February 25, 2014, for review and discussion at the meeting of March 25, 2014.
9 10		The Chairman calmovaled and receipt of the above referenced metters no discussion
10 11 12	occurr	The Chairman acknowledged receipt of the above-referenced matter; no discussion ed.
13 14 15 16	12.	Letter copy dated February 24, 2014, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Christine Quirk, Chair, Board of Selectmen, re: Proposal for Professional Engineering Services, with attached Agreement for Professional Services. Distributed February 25, 2014, for review and discussion at the meeting of March 25, 2014.
18		The Chairman acknowledged receipt of the above-referenced matter; no discussion
19	occurr	ed.
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21 22 23 24	13.	Memo dated February 25, 2014, from Nic Strong, Planning Coordinator, to Stu Lewin, Chair and Planning Board Members, re: Certificates of Occupancy/Site Inspections by Planning Board. Distributed February 25, 2014, for review and discussion at the meeting of March 25, 2014.
25 26		The Chairman acknowledged receipt of the above-referenced matter; no discussion
27 28	occurr	
29 30		The Board took an eight minute recess prior to the next hearing.
31	TOW	NES FAMILY TRUST
32		ssion of Application/Public Hearing/Minor Subdivision/Lot Line Adjustment
33		on: South Hill Road
34		Tap/Lot #13/55, 13/57 & 13/63
35		ential-Agricultural "R-A" District
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37		Present in the audience were Dennis McKenney, LLS, Joe Constance, Selectmen
38	Rodne	y Towne, Dave Elliott, Charles and Lydia Peak and Ellen Townes Anderson.
39		The Chairman read the public hearing notice. He indicated that the application had been
40	compl	eted, signed and submitted on February 3, 2014. He advised that there were outstanding
41	-	or two missed abutter letters and that the tax map scale copy of the final plat was missing.
42		Dennis McKenney, LLS, stated that he was the land surveyor for the Townes Family
43	Trust.	He advised that he had addressed issues from the plan review and submitted revised

February 25, 2014

#### TOWNES FAMILY TRUST, cont.

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plans. He offered to review the issues. The Chairman stated that a detailed review would be conducted by the Planning Department.

Dennis McKenney, LLS, stated that the Townes Family Trust owned several adjoining properties and noted that Tax Map Lot #13/55 was the largest parcel with 28.7 acres. He explained that a lot line adjustment was being proposed and would reconfigure the parcels to make the smaller lots larger. He added that the frontage of the properties would not change. He continued that the acreage for each parcel following the lot line adjustment would be as follows:

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• Tax Map Lot #13/55 - 26.00 acres

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Tax Map Lot #13/57 – 3.00 acres Tax Map Lot #13/63 - 4.60 acres

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Dennis McKenney, LLS, stated that a lot line adjustment between three parcels of land with the same owners was being proposed.

The Chairman asked if the missing tax map scale copy of the final plat could be provided;

Dennis McKenney, LLS, answered yes.

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Mark Suennen MOVED to accept the application for a Minor Subdivision/Lot Line Adjustment for the Townes Family Trust, Location: South Hill Road, Tax Map/Lot #13/55, 13/57 & 13/63, Residential-Agricultural "R-A" District, as complete, with the condition that the tax map scale copy of the final plat be provided prior to final approval. Peter Hogan seconded the motion and it **PASSED** unanimously.

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The Chairman advised that the deadline for Board action was May 1, 2014. The Chairman asked if waivers had been submitted for the Traffic, Fiscal and Environmental Impact Studies. Dennis McKenney, LLS, answered that he had submitted waiver requests for the impact studies and explained that lot lines were being rearranged between existing lots and no additional lots were being created. He did not believe that the proposed lot line adjustment warranted the Traffic, Fiscal and Environmental Impact Studies.

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Mark Suennen **MOVED** to accept the waiver requests for the Traffic, Fiscal and Environmental Impact Studies based on the fact that the three lots would not significantly contribute to the traffic, fiscal or environmental impacts to the Town and that the waiver met the spirit and intent of the regulations. Peter Hogan seconded the motion and it **PASSED** unanimously.

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The Chairman asked if Dennis McKenney, LLS, had any questions with regard to plan review issues. Dennis McKenney, LLS, stated that he was concerned with an issue regarding the wetlands. He indicated that the wetlands were shown on the plan, however, the plan was not stamped by a wetlands scientist. He indicated that he could have the plans stamped but pointed out that the information had previously been submitted through an earlier subdivision of Tax

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#### TOWNES FAMILY TRUST, cont.

Map/Lot #13/55. He added that there were no wetlands in the areas were the lot lines were being adjusted. The Chairman asked that the request be submitted in writing.

The Chairman asked if any Board members were interested in attending a site walk; the Board was not interested in attending a site walk.

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

Dennis McKenney, LLS, asked if he needed to attend the meeting of March 25, 2014, if all the items were submitted with no issues. The Chairman believed it was not necessary for Dennis McKenney, LLS, to attend the March 25, 2014, meeting if the tax map scale copy of the final plat and the waiver request to not have a wetland scientist stamp the plan were submitted and if there were no outstanding issues with the plan. He believed that the date for the conditions precedent should be determined at this meeting. Mark Suennen pointed out that the applicant was at risk for having the public hearing adjourned if the Board had a question with no one present to answer it. Dennis McKenney, LLS, agreed to a conditions precedent deadline of June 25, 2014.

Mark Suennen **MOVED** to adjourn the application for a Minor Subdivision/Lot Line Adjustment for the Townes Family Trust, Location: South Hill Road, Tax Map/Lot #13/55, 13/57 & 13/63, Residential-Agricultural "R-A" District, to March 25, 2014 at 8:15 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.

The Board took a fifteen minute recess prior to the start of the next hearing.

#### TOWNES FAMILY TRUST

- Submission of Application/Public Hearing/Minor Subdivision/2 Lots
- 28 Location: 2<sup>nd</sup> NH Turnpike & Lydenborough Road
- 29 Tax Map/Lot #13/31
  - Residential-Agricultural "R-A" District

Present in the audience were Dennis McKenney, LLS, Dave Elliott, Selectman Rodney Towne, Road Agent Dick Perusse, Louis Rumore, Louis Rumore, Jr., Charles and Lydia Peak and Ellen Townes Anderson.

The Chairman read the public hearing notice. He stated that the application form had been completed, signed and submitted on February 3, 2014, and noted that there were no outstanding fees. He indicated that the only item missing for a completed application was the tax map scale copy of final plat.

Dennis McKenney, LLS, advised that Tax Map/Lot #13/31 was located at the intersection of Frog Rock Road and the 2<sup>nd</sup> NH Turnpike and ran up to the intersection of Lyndeborough Road and the 2<sup>nd</sup> NH Turnpike. He pointed to an area on the plan that was marked in green and explained that the area was subject to a conservation easement and that the development rights had been conveyed away. He noted that the 48 acres of open space would become one lot of the

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#### TOWNES FAMILY TRUST, cont.

proposed two lot subdivision. He pointed to the location of the second lot of the proposed subdivision and indicated that it would be 58 acres and would exist between the 2<sup>nd</sup> NH Turnpike and Frog Rock Road. He stated that the proposed 48 acre lot would be a standalone lot that would exist in perpetual open space and the 58 acre lot would be an area of unencumbered land. He pointed out the location of a small area of wetlands on the 58 acre parcel and noted that they had not been mapped.

 Mark Suennen **MOVED** to accept the application for a Minor Subdivision, 2 lots, Townes Family Trust, Location: : 2<sup>nd</sup> NH Turnpike & Lyndeborough Road, Tax Map/Lot #13/31, Residential-Agricultural "R-A" District, subject to the tax map scale copy of final plat being submitted either at final approval or as a condition precedent. Don Duhaime seconded the motion and it **PASSED** unanimously.

 The Chairman advised that the deadline for Board action was May 1, 2014.

The Chairman asked if Dennis McKenney, LLS, had received a copy of the outstanding issues. Dennis McKenney, LLS, answered yes and stated that the plans before the Board addressed the outstanding issues. Don Duhaime pointed out that there was a typographical error on the plan and requested that "Tax Map/Lot #13/3-1" be changed to "Tax Map/Lot #13/31".

Dennis McKenney, LLS, referenced the plan review checklist and indicated that he wanted to address the acreage breakdown for lots and setbacks per the Wetland Conservation District and test pit data. He indicated that an active sand pit existed onsite and he did not believe that a test pit for the 58 acres was necessary. He stated that he would submit a waiver for the test pit data.

Dennis McKenney, LLS, asked the Board if the wetlands needed to be formally mapped on the parcel. The Chairman answered yes and added that the requirement could be waived if a waiver request was submitted. Dennis McKenney, LLS, indicated that he would submit a waiver request to forego formal mapping of the wetlands. He identified the location of the wetlands on the plan for the 58 acre lot. The Coordinator explained that the issue with the Wetland Conservation District was that the required 1.5 acres of dry, contiguous upland to prove the parcel was a legal lot was missing from the plan. She noted that it was highly likely that the 1.5 acres existed on the 58 acre parcel, however, it was a Zoning Ordinance requirement and could not be waived by the Planning Board. Dennis McKenney, LLS, stated that there was a building envelope on the plan and identified the location of the 200' square. The Chairman acknowledged the location of the 200' square but noted that the missing 1.5 acres of dry, contiguous upland needed to be provided. Dennis McKenney, LLS, stated that he would provide the required information. He asked if a wetland scientist's review of the limited area would satisfy the requirement. Mark Suennen indicated that he would be satisfied with a wetland delineation and a letter from a wetland scientist that certified there was 1.5 acres of dry, contiguous upland on the parcel. The Board agreed with Mark Suennen. Dennis McKenney, LLS, asked if he should submit a waiver request to forego the delineation of the remainder of the parcel. The Chairman answered yes.

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#### TOWNES FAMILY TRUST, cont.

The Chairman asked if the Standard Plan Note #8 regarding tracking the parcel for future fire fighting water supply was on the plan. Dennis McKenney, LLS, answered yes and pointed to the note on the plan.

The Board determined that a site walk was not necessary for this application.

Dennis McKenney, LLS, indicated that he would also be submitting a waiver request for setbacks to the Wetland Conservation District. He explained that some of the area located at the northeast corner of the 58 acre parcel was wetland. The Chairman agreed that a request should be submitted.

The Chairman asked for the deadline for the conditions precedent. Dennis McKenney, LLS, suggested that the deadline be 90 days from the approval.

The Chairman indicated that active and substantial development and substantial completion of improvements needed to be determined. Dennis McKenney, LLS, advised that there was an existing driveway for the sandpit and pointed out the location on the plan. He also identified an additional access road that was marked "log landing" on the plan. The Chairman asked if there were any plans to build a house on the 58 acre parcel. Dennis McKenney, LLS, indicated that he was unsure of the future plans for the parcel.

Mark Suennen stated that the Board also needed to determine if this was a major or minor subdivision. He asked if there was intent to further subdivide the 58 acre parcel in the future. Dennis McKenney, LLS, did not believe that the current owners intended on further subdividing the 58 acre parcel. He added that the property was for sale. Mark Suennen explained that in order to classify the subdivision as a minor subdivision a restriction was required that would not allow further subdivision of the 58 acre parcel. He noted that the applicant had the right to request that the subdivision be reclassified as a major subdivision and would allow further subdivision. He added that a major subdivision had other fees and expenses associated with it. Dennis McKenney, LLS, indicated that the owners wanted to reclassify the subdivision as a major subdivision. The Chairman advised that the Planning Department would be in contact with Dennis McKenney, LLS, to discuss the fees associated with a major subdivision.

The Chairman referred back to the previous discussion regarding active and substantial development and substantial completion of improvements. Mark Suennen suggested that the recording of the plat be considered active and substantial development and that the installation of a foundation be considered substantial completion of the improvements. Dennis McKenney, LLS, agreed with Mark Suennen's suggestion that the recording of the plat be considered active and substantial development, however, he believed that the substantial completion of the improvements should be scaled back to something more realistic since there were no plans to build on the lot currently. He suggested that the recently installed access to the property should be considered substantial completion of the improvements as the applicants were not interested in pouring concrete. Mark Suennen clarified that there was no intent to require the applicants to pour concrete. He stated that the property would be vested for five years following the recording of the plat. The Coordinator explained that the lot would then be permanently vested when if substantial completion of the improvements was reached. Dennis McKenney, LLS, advised that the applicant had agreed to record the plan and improve the access for the property similar to the

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TOWNES	FAMILY	TRUST.	cont.
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recent subdivision that had been approved on South Hill Road. He suggested that improvement of the access for the 58 acre parcel be considered substantial completion of improvements. The Chairman requested that the suggestions for active and substantial development and substantial completion of improvements be submitted in writing prior to the next meeting.

Mark Suennen **MOVED** to accept the waiver requests for the Traffic, Fiscal and Environmental Impact Studies for, Townes Family Trust, Location: 2<sup>nd</sup> NH Turnpike & Lyndeborough Road, Tax Map/Lot #13/31, Residential-Agricultural "R-A" District, based on the fact that the property was changing from one buildable lot to one buildable lot. Don Duhaime seconded the motion and it **PASSED** unanimously

Mark Suennen **MOVED** to adjourn the public hearing for Townes Family Trust, 2 lot Subdivision, Location: 2<sup>nd</sup> NH Turnpike & Lyndeborough Road, Tax Map/Lot #13/31, Residential-Agricultural "R-A" District, to March 25, 2014, at 8:30 p.m. Don Duhaime seconded the motion and it **PASSED** unanimously.

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

The Board took a ten minute recess prior to the next hearing.

#### **RUMORE, LOUIS & MARCIA**

25 Public Hearing/Major Subdivision/5 Lots

26 Location: Bedford Road27 Tax Map/Lot #8/78

Residential-Agricultural "R-A" District

Present in the audience were Art Siciliano, LLS, Louis Rumore, Louis Rumore, Jr., Joe Constance, Dave Elliott, Selectmen Rodney Towne and Road Agent Dick Perusse.

The Chairman read the public hearing notice. He stated that the application had been accepted as complete on November 26, 2014, and the deadline for Board action was January 30, 2014. He indicated that there had been a couple of extensions.

The Chairman stated that there had been an issue with the stormwater calculations. He continued that the revised calculations made the pre- and post-development run off figures equal or lowered the post-development numbers and asked if the new calculations caused the plan to change. Art Siciliano, LLS, indicated that the engineer had added more openings to the structure.

The Chairman advised that the sight line distance for the driveway entrance to Tax Map/Lot #8/78-1 needed to be discussed. Art Siciliano, LLS, indicated that the applicant had submitted a sketch of the revised driveway entrance. Mark Suennen asked if the driveway

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RUMORE, cont.

permit had been drafted by the applicant or the Road Agent. Louis Rumore, Jr., indicated that he had drawn the sketch of the driveway. Mark Suennen asked if the Road Agent had signed off on the driveway permit. The Road Agent advised that he had not signed off on any of the driveway permits due to concerns with the sight distance and the curve in the road.

The Chairman tabled the driveway discussion and referred back to the discussion regarding the stormwater calculations. He stated that the plan had been adjusted and the calculations currently met the regulations. He asked for confirmation that a waiver would not be submitted. Art Siciliano, LLS, confirmed that a waiver request for the runoff would not be submitted. The Chairman asked for comments and/or questions from the Board; there were no comments or questions.

The Chairman resumed the discussion of the driveway permits. The Road Agent referred to the existing driveway and explained that the sketch that was submitted did not give much room to move anything around. He believed that the driveway continued to create a hazard for the motoring public. He referenced page 17 of the Subdivision Regulations, Section V-E, and read the following, "...a proposal for subdivision of land that would involve danger and injury to health..." He emphasized that there was a danger to health and safety with the proposed driveway.

The Chairman asked how the Road Agent would change the proposed driveway to make it acceptable. The Road Agent stated that he would look into acquiring a portion of the property from the owner through easement or dedication in order to do away with some of the sharp curve of Bedford Road and raise the elevation of the roadway. He acknowledged that by straightening the roadway it would make it faster, however, he believed the roadway would become much safer. He advised that he had received a Bedford Road Safety Study earlier that day. He indicated that the study had been completed in 2007 and recommended that the portion of the roadway in question should be straightened (east of Pheasant Lane) through land acquisition.

The Chairman noted that the applicant and Road Agent had agreed to get together to discuss this matter. The Road Agent advised that he had spoken with Louis Rumore, Jr., on a number of occasions and had yet to come to a good conclusion. The Road Agent stated that he had studied the sketch of the proposed driveway and did not feel that it made anything better through that area. He added that he had looked at the proposed driveway differently when it had originally been proposed to facilitate one lot. The Chairman asked if the Road Agent had a more specific plan on how to fix the problem. The Road Agent pointed out that he had only acquired the Bedford Road Safety Study earlier that day and he did not have anything more specific to offer in terms of a plan other than the straightening and raising of the road. The Chairman stated that he understood that but needed to come to closure on this item. He said he did not disagree with the Road Agent's statements and that there had been a lot of discussion at the site walk relative to the sight distance. He noted the need to have a concrete plan for moving forward. The Road Agent stated that he would not change the location of the driveways but would change the elevations and distances of the driveways. He went on to say that the property corners that were currently marked would change. The Chairman asked if the Road Agent would straighten the road. The Road Agent answered that he would straighten some of the road, however, it

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#### RUMORE, cont.

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42 43 would not be possible to straighten it completely.

The Chairman referred to the sketch that had been submitted by Louis Rumore, Jr., and asked if there was a plan to remove part of the rock that stuck out. Louis Rumore, Jr., explained that the sketch showed part of the stonewall kicked back 5' in order to obtain the required 200' sight distance. He noted that from 3'6" high, 10 feet back, the sightline would go under the boulder and gain the 200'. The Chairman asked if Art Siciliano, LLS, had verified the information contained within the sketch. Art Siciliano, LLS, answered no. Louis Rumore, Jr., indicated that he did not have a problem removing the ledge.

Don Duhaime stated that the Board had historically asked applicants to give the Town 20' of property to straighten roads when there were sight distance issues. Louis Rumore indicated that bounds had already been set in place and giving land to the Town would require him to rehire an engineer to reset the bounds. Don Duhaime pointed out that the plan had not yet been approved. The Chairman commented that setting the bounds prior to receiving approval of the plan was premature. Don Duhaime stated that the only way he would approve the plan was if the Town received 25' of property to straighten out the problems with the road. Art Siciliano, LLS, commented that it was amazing that the Board was just coming up with this determination now and it should have been part of earlier discussions. Don Duhaime indicated that he had addressed this issue two months ago. Art Siciliano, LLS, stated that the applicant was proposing to meet the 200' sight distance requirement. Don Duhaime did not believe that the applicant could meet the 200' sight distance requirement by only moving the stonewall. Art Siciliano, LLS, believed that some of the ledge would also need to be removed. Don Duhaime commented that it was a nasty corner and probably one of the worst corners in Town and the issue needed to be addressed prior to any approvals. He did not believe that this was an approvable subdivision. Art Siciliano, LLS, asked if the Town would fund the improvements to the road if the land was given to the Town. The Road Agent indicated that he had told Louis Rumore, Jr., that the improvements to the road would be done through Town monies. Louis Rumore pointed out that the money would need to be appropriated and asked if the process could take one year. The Road Agent answered that it was a possibility that the appropriation would take one year. He continued that the lots could be built but the driveways would change following the improvements to Bedford Road.

Rodney Towne advised the Planning Board that they needed to indicate if they wanted the Town to put a plan together to address the road improvements. The Chairman said it was not the applicant's responsibility to put together the plan. He stated he was struggling with how to approve the plan prior to the improvements. Rodney Towne stated that a plan needed to be created to cure the problem and enable to the Board to accept the subdivision. The Chairman agreed with Rodney Towne. Peter Hogan added that the applicant's fair share of the improvement needed to be assessed. The Road Agent advised that he had made an agreement with Louis Rumore, Jr., that the Highway Department would incur the costs for the road improvements. Peter Hogan asked if the Highway Department would incur the costs for the road improvements in exchange for the land. The Road Agent answered that a discussion of how much property was needed had not taken place. Peter Hogan explained that the applicant would

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#### RUMORE, cont.

be assessed a percentage of the cost of the road improvement based on their impact. He added that the cost was typically very low.

The Chairman stated that he was not concerned that the bounds had already been set as bounds should not be set until the plan was approved. He asked if a plan could be created within the next two weeks to address the road improvements. The Road Agent answered that he did not have an answer to the Chairman's question this evening. Mark Suennen did not believe that the required surveying could be completed in two weeks time. He believed that the process would take a minimum of two months.

Mark Suennen stated that Town staff was recommending that the subdivision not be approved until a road straightening or road widening study was completed by the Town. He continued that the ultimate goal of the study was to define the amount of right-of-way that would be dedicated to the Town for the road improvements and noted that the road improvements were dependent upon approval of a Town Warrant Article. The Chairman asked if there was a way to bound that with regard to timeframe. Mark Suennen answered no as there was no information on the cost of the traffic study and improvements.

Louis Rumore stated that he was willing to remove the stonewall and take the ledge down to the appropriate level to obtain the required sight line without relinquishing any land. He indicated that the ledge could be removed to accommodate a sight line of 300'. Art Siciliano, LLS, noted that if the 200' sight line was achievable the subdivision should be approvable. Mark Suennen advised that the general requirements for the subdivision of land prohibited the approval of proposals that involved danger and injury to health, safety and prosperity. He stated that the Road Agent believed that the current condition of the roadway and the subdivision that would be associated with it lent itself to the danger and injury to health, safety and prosperity of the Town. He continued that it was the responsibility of the Board to take the Road Agent's recommendations under advisement. Dave Elliott questioned how Mark Suennen could make that statement if the applicant was meeting the Town's requirements. Mark Suennen answered that the applicant was not meeting the requirements. Don Duhaime pointed out that obtaining sight distance did not take care of the problem with the roadway. Louis Rumore disagreed with Don Duhaime and stated that not only would the sight distance be achieved but the traffic would be able to see all the way to the other corner, near the farmhouse. Don Duhaime stated that the applicant would have to prove his statement to him. Dave Elliott believed that Louis Rumore's suggestion could be proved through engineering.

Art Siciliano, LLS, asked if the Bedford Road Safety Study listed specific dangers; the Road Agent reviewed the Study for specific dangers.

Rodney Towne indicated that there were two things at issue and one superseded the other. He stated that the 200' sight distance was the Town's standard in the regulations and within the regulations were additional guidelines. He noted that 200' of sight distance was not adequate in this location. Don Duhaime commented that the Board needed to address the issues with the roadway that were identified in 2007 prior to subdivision approval.

Louis Rumore, Jr., questioned the plan to construct a straightaway into a farmhouse on a 90 degree corner. Louis Rumore stated that opening the roadway up would create more hazards.

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#### RUMORE, cont.

Don Duhaime noted that the speed limit for the roadway was 35 mph and the roadway needed to be designed to accommodate 35mph. Louis Rumore did not believe that 35 mph could be achieved around that corner. Don Duhaime commented that the Town needed to widen the roadway and straighten it out. Louis Rumore suggested that the speed limit be lowered. Rodney Towne commented that it did not take a rocket scientist to figure out that the curve was a problem.

Louis Rumore, Jr., asked for confirmation that sight distance was not the issue. The Chairman answered that the sight distance was the specific issue and that there were issues with the roadway with regard to the subdivision rules. He noted that the Board had numerous discussions in the past regarding Bedford Road and this particular section was particularly bad.

Peter Hogan believed that there was not a vehicle in production today that could not drive the entire stretch of Bedford Road at 50 mph. Louis Rumore disagreed with Peter Hogan and did not believe that a vehicle could drive 50 mph through the corners in question. Peter Hogan asked if a vehicle could drive 35 mph through the corners. Louis Rumore answered no. Peter Hogan commented that Louis Rumore proved his point. Louis Rumore stated that he believed the speed limit should have been lowered a long time ago. Peter Hogan indicated that the Board could not slow the traffic down. He believed that vehicles speed would increase through the area if the roadway was straightened. He stated that he did not agree with 200' sight distance because vehicles produced today could stop within 200'. He indicated that he had conflicting thoughts on the matter. Art Siciliano, LLS, stated that achieving the 200' sight distance eliminated safety issues coming out of the driveway.

The Chairman stated that the timeline for approval was currently open-ended because the timeline for getting a plan to address the driveway/roadway adjustments could not be determined this evening. He indicated that the Board needed to determine whether to approve, reject or adjourn the subdivision. He stated that the Road Agent's recommendation was to delay approval until a plan for the roadway could be determined. Art Siciliano, LLS, suggested that the applicant guarantee the required 200' sight distance and give the Town a to be determined amount of land for the road improvements for approval of the subdivision. Louis Rumore stated that straightening the roadway would only make the matter worse. Dave Elliott agreed with Louis Rumore and stated that it was not the location of the driveways that was the problem but rather the location of Dubreuil's property and the old farmhouse. He believed that straightening the road would cause traffic to travel faster. The Chairman stated that the corner Dave Elliott was referencing should also be addressed. Dave Elliott stated that there was nothing to be done unless the Town purchased one or both of the properties. The Chairman asked if Dave Elliott believed the Town should leave the whole mess. Dave Elliott believed that the switchback in the road made it safer than it did more dangerous. He continued that he did not care what the Bedford Road Safety Study stated. Don Duhaime indicated that the Planning Board had to take the Study into consideration.

Mark Suennen asked the applicant if they would allow the Board to adjourn the public hearing and extend the Board's statutory deadline. Art Siciliano, LLS, answered yes.

February 25, 2014

Respectfully submitted, Valerie Diaz, Recording Clerk

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1 2	RUMORE, cont.
3	Mark Suennen <b>MOVED</b> to adjourn the public hearing for Louis & Marcia Rumore,
4	Location: Bedford Road, Tax Map/Lot #8/78, Residential-Agricultural "R-A" District, to
5	March 25, 2014, at 8:45 p.m. with the applicable extension of the Board's statutory
6	requirements to the same date and time. Peter Hogan seconded the motion and it
7	PASSED unanimously.
8	•
9	MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
10	FEBRUARY 25, 2014, Cont.
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12	3. Application for Appointment to the New Boston Planning Board received February 12,
13	2014, from Joseph Constance, for the Board's action. (Mr. Constance will be present)
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15	Present in the audience were Joe Constance, Selectman Rodney Towne and Road Agent
16	Dick Perusse.
17 18	The Chairman stated that Joe Constance had met the Board's one requirement of sitting
19	through an entire Planning Board meeting. He asked if Joe Constance would be willing to attend one of the training seminars within the first year of sitting on the Board. Joe Constance
20	answered yes. The Chairman asked if Joe Constance would consider meeting him for coffee to
21	go over planning matters that were specific to New Boston. Joe Constance answered yes.
22	The Chairman asked if Joe Constance had any questions for the Board. Joe Constance
23	stated that he had sat through three meetings and he believed he had an understanding of the
24	general procedures. He commented that he had an interest in the Planning Board and always
25	liked town service.
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27	Mark Suennen MOVED to recommend to the Board of Selectmen that Joe Constance be
28	appointed as an alternate member to the Planning Board. Don Duhaime seconded the
29	motion and it <b>PASSED</b> unanimously.
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31	Mark Suennen <b>MOVED</b> to adjourn at 9:21 p.m. Don Duhaime seconded the motion and
32	it <b>PASSED</b> unanimously.
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Minutes Approved: 03/25/2014