

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Peter
2 Hogan. Present were regular members Mark Suennen, Don Duhaime and David Litwinovich,
3 alternate members Mitch Laroche and Joe Constance, and ex-officio Christine Quirk. Also
4 present were Planning Coordinator Nic Strong, Planning Board Assistant Shannon Silver and
5 Recording Clerk Valerie Diaz.

6
7 Present in the audience for all or part of the meeting were Brandy Mitroff, Road Agent
8 Dick Perusse, Katie Kachavos, Brian Salas, Selectman Dwight Lovejoy, Ken Lombard, Ed and
9 Kim DiPietro, Lisette & Joel Daniels, Dick Silvernail, Kevin Marrotte, Linda McIntyre, Jay
10 Marden, Craig Heafield, Keith Savage, Selectman Rodney Towne, Building Inspector/Code
11 Enforcement Officer Ed Hunter, Ben Heselton, Vinnie Iacozzi, Gail and Randy Parker, Bob
12 Todd, LLS, Candy Woodbury, Wayne Daniels, Bill Gould and Binny Clark.

13
14 **Election of Officers**

15
16 Present in the audience were Brandy Mitroff, Road Agent Dick Perusse, Katie Kachavos,
17 Brian Salas, Selectman Dwight Lovejoy, and Ed & Kim DiPietro.

18
19 Don Duhaime **MOVED** to nominate Peter Hogan as Chairman of the Planning Board.
20 Mark Suennen seconded the motion and it **PASSED** unanimously.

21
22 Mark Suennen noted that he would not be able to sign anything in the absence of the
23 Chairman. The Chairman noted items would have to wait for his signature in that case.

24
25 Don Duhaime **MOVED** to nominate Mark Suennen as Vice Chairman of the Planning
26 Board. Peter Hogan seconded the motion and it **PASSED** unanimously.

27
28 Mark Suennen **MOVED** to nominate Don Duhaime to remain as Secretary of the
29 Planning Board. David Litwinovich seconded the motion and it **PASSED** unanimously.

30
31 **PUBLIC HEARING**

32 Proposal by PSNH to remove trees on designated Scenic Roads.

33 **(SEE SEPARATE NOTICE)**

34
35 Present in the audience were Brandy Mitroff, Road Agent Dick Perusse, Katie Kachavos,
36 Brian Salas, Dwight Lovejoy, Ken Lombard, Ed and Kim DiPietro, Lisette Daniels, Dick
37 Silvernail, Kevin Marrotte, Linda McIntyre and Jay Marden.

38 The Chairman indicated that a proposal had been submitted by PSNH for the removal and
39 trimming of trees on Clark Hill Road, Colburn Road, Hooper Hill Road, Riverdale Road, Scobie
40 Road and Thornton Road. He noted that all of the roads listed were designated scenic roads.

41 Brian Salas introduced himself as an arborist for PSNH. He explained that he had asked
42 for the scenic road hearing because PSNH planned on trimming trees this year in New Boston.
43 He noted that he had not yet gone through the permissioning process and was trying to get ahead

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 PSNH PUBLIC HEARING, cont.

2
3 of the game by fulfilling the scenic road hearing requirements.

4 Brian Salas indicated that he had marked some dead trees for removal. He explained that
5 any homeowner requesting for the removal of a tree on a scenic road by
6 PSNH needed approval from the Planning Board. He continued that historically he requested
7 that Planning Boards give him approval to remove trees at the homeowner's
8 request and with the Road Agent's approval. He noted that if the Road Agent approved the
9 removal, the removal would be done at no cost to the homeowner.

10 Ed DiPietro of Clark Hill Road asked if the trees would be marked. Brian Salas indicated
11 that he had already marked most of the trees with an orange ribbon. He explained that most of
12 the trees marked for removal were small, dead birch and ash trees. He noted that he had not
13 marked many trees for removal on Clark Hill Road.

14 Brandy Mitroff of Thornton Road stated that most people were probably not concerned
15 with the trimming of trees but were concerned about the trees being removed. She continued
16 that she had received phone calls from people telling her that nothing had been marked. She
17 stated that people would become very disturbed if trees were suddenly taken down due to an
18 approval here tonight. She believed that trees needed to be marked at least one week prior to a
19 scenic road hearing. She asked if she should assume that anything that was not marked for
20 removal but was being removed was a dead tree. Brian Salas stated that he would not remove
21 any trees without the landowner's permission. He went on to say that he was satisfying the
22 scenic road portion of the tree removal process. He explained that there were two parts to the
23 permissioning process: one, was gaining Town approval to remove trees and two, was gaining
24 approval from the landowner to remove trees. He stated that if a landowner did not give
25 permission for the removal of trees, the trees would not be removed. Brandy Mitroff believed
26 that the permissioning process should have started before the scenic road hearing took place.
27 She stated that by not marking the trees prior to the hearing the landowner who worked all day
28 was being placed at the mercy of an approval that was not clear.

29 The Chairman asked why some trees slated for removal had not been marked. Brian
30 Salas answered that he had marked trees that were semi-questionable; however, he explained that
31 most of the trees that were not marked for removal were dead and clearly a hazard to the road.
32 The Chairman believed that it would be prudent for the trees to be marked that were going to be
33 removed. He stated that issues with the trees marked for removal could be addressed at a future
34 hearing.

35 Joe Constance asked how long it would take for the trees to be marked. Brian Salas
36 answered that there were only twenty trees to be removed.

37 Lisette Daniels of Clark Hill Road noted that 95% of the trees in front of her home were
38 dead. She advised that the trees had fallen in the street and in her yard. She stated that she
39 hoped the trees would be removed. Brian Salas explained that he was present this evening to get
40 approval from the Board to be allowed to remove trees at the request of landowners and avoid
41 having to schedule a hearing for each request. The Chairman asked that Brian Salas write down
42 Lisette Daniels address and make a note that she wanted the dead trees removed.

43 Dick Silvernail of Colburn Road stated that a good sized ash was on his property that

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

PSNH PUBLIC HEARING, cont.

had split years ago. He indicated that PSNH had previously marked it for removal but had not removed it. Brian Salas advised that the tree in question was on his list for removal. Dick Silvernail gave permission for removal of the tree.

The Chairman asked if there were any other residents of Colburn Road. Kevin Marrotte of 96 Colburn Road indicated that he had not seen any trees marked for removal at his property. Brian Salas noted that the only tree marked for removal on Colburn Road was at Dick Silvernail's property.

The Chairman requested that Brian Salas determine which trees would be removed and provide an address where the trees were located. He continued that issues or concerns over the trees to be removed would be addressed at a future hearing. He noted that landowners could make requests at the future hearing for trees they wished to be removed that were not on the list.

Kim DiPietro of Clark Hill Road stated that it was not her understanding of the scenic road law that landowners could expect PSNH to remove trees because they were dead. She continued that PSNH removed trees that were going to interfere with their wires. She stated that she had never heard that PSNH was willing to take trees down just because a landowner wanted them down. She stated that the reason for a public hearing was to prevent PSNH from removing trees without the landowner being aware that the trees were being removed. She stated that she was commenting on all of the trees that existed on the scenic roads because she wanted to maintain the rural atmosphere of the road. She added that she also wanted to keep the roads safe and she did not want to lose electricity. She commented that this process was backwards. Brian Salas advised that he planned to complete the tree trimming and maintenance later in the year. He continued that it was his goal to satisfy the hazard tree portion of the process and remove the trees now before they caused outages.

The Chairman stated that what Brian Salas was doing did not make any sense to him. Brian Salas stated that he was just trying to remove the hazardous trees before they fell on the lines. The Chairman asked for a list of all the hazardous trees. Brian Salas advised that he had a list with pole numbers but did not have a list with lot numbers. The Chairman asked if the list could be made public. Brian Salas answered yes. The Chairman asked that the list be given to Brandy Mitroff. Brandy Mitroff commented that she did not think that the list took the place of marking the damn trees. She indicated that she was not going to try and figure out where the poles were located and wanted to have the trees marked with orange ribbons. She added that all trees, dead and alive, should be marked. She indicated that there was a dead tree on her property located in the Town right-of-way; however, it did not interfere with the wires. She continued that she did not want PSNH removing the tree because it was filled with wildlife. She stated that she would not know if the tree was on PSNH's "oh we'll do you a favor list" unless it was marked.

Mark Suennen stated that PSNH was doing the right thing. He explained that PSNH had met the requirement of the law by requesting a public hearing. He noted that the matter did not close tonight. He recommended that in order to address the concerns that have been expressed this evening PSNH should continue their process by meeting with the homeowners and determining which trees could be removed and which trees could not be removed. He stated that

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 PSNH PUBLIC HEARING, cont.

2
3 after all the trees to be removed were marked the Planning Board could conduct a site walk and
4 review all the trees that PSNH planned to remove and/or cut. He stated that following the site
5 walk the Board could grant an approval. Brian Salas indicated that he would do whatever the
6 Town wished for him to do.

7 Linda McIntyre of Thornton Road asked if different tags were used to mark which trees
8 would be removed and which trees would be trimmed. Brian Salas indicated that PSNH mailed
9 a card in the mail to the landowner that explained what would be done. He continued that the
10 card offered the homeowner the opportunity to request that a representative from PSNH meet
11 with the homeowner to go over everything that would happen. He advised that work would start
12 45 days after the card was mailed.

13 Linda McIntyre advised that a large oak tree existed at the end of her driveway that was
14 becoming a hazard and asked if it could be removed. Brian Salas answered that the tree could
15 not be removed without permission from the Planning Board.

16 Linda McIntyre stated that her neighbor was not expected to return to Town until the end
17 of April but wanted some hazardous trees removed. She asked how she would go about letting
18 him know about what was going on. Brian Salas explained that the neighbor would need to
19 come before the Board for permission. The Chairman added that the neighbor could contact the
20 Planning Board to advise which trees they wished to have removed.

21 Katie Kachavos indicated that there were a couple of dead trees located on Dennison
22 Road and Clark Hill Road that were located in the Town right-of-way and would drag a line
23 down if they fell. Brian Salas indicated that the trees would not be removed without her
24 permission.

25 The Coordinator stated that it was her understanding that property owners could remove
26 trees along scenic roads as they wished without a public hearing. She asked if PSNH was
27 requiring permission from the Planning Board because they would be completing the work.
28 Brian Salas indicated that the landowner was exempt from the scenic road hearing if they wanted
29 to hire someone to remove the trees. He continued that if the landowners wished to have the
30 utility company remove the trees, permission was needed from the Planning Board in accordance
31 with the RSA. The Chairman asked if the majority of trees being removed were being removed
32 from Clark Hill Road. Brian Salas answered yes.

33 Joe Constance asked if it was possible for the Board to give a blanket approval to those
34 who elect to have trees removed so they do not have to come back before the Board. The
35 Chairman answered that it was possible; however, he wanted to avoid any misunderstandings
36 with the wrong trees being removed. Christine Quirk noted that the Board would be giving
37 permission for the landowner to deal directly with PSNH.

38 The Chairman reiterated that Brian Salas needed to mark the trees that were determined
39 to be dead. Brian Salas clarified that trees that were a hazard would be marked and may not
40 totally be dead. He used a large oak tree located at the corner of Dane Road as an example and
41 stated that the Town would benefit from its removal before it fell into the road.

42 Brian Salas noted that there were five small oak trees located at a development on Clark
43 Hill Road that would need to be removed due to the proposed pole location. He indicated that a

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 PSNH PUBLIC HEARING, cont.

2
3 request for poles had not yet been made, however, when it was made the trees would need to be
4 removed.

5 Brian Salas commented that it was nice to see so many people in attendance this evening.
6 He stated that not a lot of people showed up to scenic road hearings. Linda McIntyre stated that
7 those in attendance were passionate about their trees. Brian Salas noted that he was also
8 passionate about trees and did not want to remove trees that did not need to be removed.

9 Kevin Marrotte asked if PSNH sold the wood from the trees that were removed. Brian
10 Salas answered that the wood belonged to the landowner. He noted that there was an option on
11 the card that was mailed to the landowner for PSNH to remove the wood from the property.

12 The Chairman asked if Brian Salas could mark the trees that he planned to remove. Brian
13 Salas answered that most of the trees had been marked with the exception of a couple of oak
14 trees as he was not certain they would be removed. Mark Suennen asked how the trees were
15 being marked. Brian Salas answered that he was marking the trees with orange tape.

16 Lisette Daniels asked if all the trees being removed from Clark Hill Road had been
17 marked. Brian Salas answered yes. Lisette Daniels stated that she would be very happy to have
18 the dead trees removed from her property at 225 Clark Hill Road. Brian Salas asked if Lisette
19 Daniels could mark the trees she wanted to be removed. Lisette Daniels answered yes.

20 Brian Salas asked how long the Board wanted him to wait to remove the trees that he had
21 already determined to be hazardous. He noted that he would not begin the Town wide
22 permission process for a few months. The Chairman noted that Brian Salas would be sending
23 cards to the landowners. Brian Salas indicated that he would not send cards to landowners with
24 hazardous trees and would instead talk directly with the landowner. Brian Salas asked if the
25 Board had a timeframe for him to come back to the Board. The Chairman explained that a
26 hearing could be scheduled within the next four weeks. Brian Salas stated that he could come
27 back before the Board in two weeks.

28 The Chairman asked for further comments and/or questions. Mark Suennen indicated
29 that he was interested in viewing the trees that were marked for removal prior to the next
30 scheduled hearing. Brian Salas stated that he would clearly mark the trees that he had on his list
31 within one week. He further stated that he would advise the Board of additional requests for
32 removal of trees from landowners. He advised that landowners could make their requests
33 through PSNH. Jay Marden asked for Brian Salas's contact information; Brian Salas provided
34 business cards to members of the audience and the Planning Board.

35 Christine Quirk believed the Board should consider giving permission to the Road Agent
36 to approve the removal of dead trees. Brian Salas added that many towns gave authority to Road
37 Agents to deem trees hazardous.

38 The Chairman asked the Road Agent if he was aware of any trees that needed to be
39 removed that were not on Brian Salas's list. The Road Agent answered yes and advised that a
40 tree located on Thornton Road was leaning and needed to be removed. Linda McIntyre indicated
41 that she would mark the tree.

42 The Chairman advised that the hearing was being adjourned to May 13, 2014, at 6:30
43 p.m. and welcomed interested parties to attend the meeting. He noted that no further notices

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **PSNH PUBLIC HEARING, cont.**

2
3 would be sent out by mail.

4
5 Don Duhaime **MOVED** to adjourn the public hearing for PSNH to remove trees on
6 designated Scenic Roads to May 13, 2014, at 6:30 p.m. Christine Quirk seconded the
7 motion and it **PASSED** unanimously.

8
9 **TOWN OF NEW BOSTON (OWNER)**

10 **GAIL C. PARKER, MARILYN JORDAN TAYLOR, M. HOLLIS YOUNG & CAROL L.
11 HESS (OWNERS)**

12 Submission of Application/Public Hearing/Minor Subdivision/Lot Line Adjustment

13 Location: Cemetery Road

14 Tax Map/Lot # 19/15 & 8/98

15 Residential-Agricultural "R-A" District

16
17 Present in the audience were Gail and Randy Parker, Brandy Mitroff, Bob Todd, LLS,
18 Craig Heafield, Keith Savage, Jay Marden, Candy Woodbury, Building Inspector/Code
19 Enforcement Officer Ed Hunter, Selectman Dwight Lovejoy, Selectman Rodney Towne, Ken
20 Lombard, Ben Heselton, Vinnie Iacozzi, Bill Gould, Binny Clark and Wayne Daniels.

21 The Chairman read the public hearing notice.

22 Gail Parker indicated that about 12 years ago Town residents that were interested in the
23 future of New Boston came together for a two-day conference. She advised that discussions took
24 place with regard to likes and dislikes regarding the Town as well as things that should be
25 addressed in the future. She explained that one of the things discussed was connecting the
26 facilities in Town, i.e., connecting the Post Office to Dodge's Country Store or connecting the
27 New Boston Central School to the center of Town.

28 Gail Parker stated that the Foot Traffic and Road Safety Committee had been created and
29 research had been conducted with regard to sidewalks. She noted that the Committee did not get
30 anywhere with sidewalks and moved on to their next project, making connections between the
31 major venues in Town. She stated that one of the connections the Committee had looked into
32 was connecting the Post Office, Whipple Free Library and New Boston Pizza area to the center
33 of Town. She noted currently the only connection was on Route 13 and was dangerous for
34 walking. She explained that the Committee wanted to make a connection using the Mill Street
35 Conservation area and the Whipple Free Library property.

36 Gail Parker advised that last Christmas a significant piece of land that would provide the
37 Town with the connection from Mill Street to the Whipple Free Library property became
38 available for purchase; she pointed out the lot on a map and noted that the land had previously
39 been owned by Michael Tracy. She indicated that the lot was roughly 20 acres and consisted of
40 house lot, open field and steep, forested land that dropped down to the Piscataquog River. She
41 noted that the land was encumbered by a conservation easement held by the PLC.

42 Gail Parker stated that a group of investors was put together to purchase the land and gift
43 a three acre parcel that ran along the Piscataquog River to the Town. She noted that herself,

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **TOWN & PARKER ET AL, cont.**

2
3 Holly Young, Marilyn Jordan Taylor and Carol Hess were the investors and that the land was
4 purchased on March 27, 2014.

5 Gail Parker explained that a letter of intent had been sent to the Board of Selectmen that
6 advised of their desire to gift the 3.1 acre parcel to the Town. She noted that the Board of
7 Selectmen had signed the application to the Planning Board and the PLC had accepted the
8 proposal as well.

9 Gail Parker identified the location of a steep esker on the map and noted that it created a
10 nice path to access the Town's conservation area. She advised that they planned to give the land
11 to the Town at no cost. She added that it had been determined that the land could be transferred
12 to the Town through a simple lot line adjustment; she pointed to the lot line adjustment on the
13 map. Bob Todd, LLS, stated that it was important to understand that easements that were
14 currently in effect would remain in effect. He continued that the underlying fee would be
15 conveyed and the overlying conservation easement would go with the conveyance. He noted
16 that there would be no changes to the landscape.

17 The Chairman asked for further questions and/or comments. Joe Constance noted that
18 the land being conveyed did not reach the Piscataquog River and asked for the property line
19 along the river to be identified. Gail Parker explained that the Whipple Free Library land
20 contained an old mill that came with water rights. She noted that normally land went to the river
21 but noted that the Whipple Free Library property and the New Boston Pizza property extended
22 across the river. She pointed out a stonewall that existed on the property being conveyed to the
23 Town and identified it was a boundary line.

24 The Chairman asked for comments and/or questions from the audience. Library Trustee
25 Bill Gould commented that the Library Trustees were very supportive of plan. Gail Parker added
26 that the Conservation Commission was also supportive of the proposal and were willing to take
27 over the management of the property.

28 The Board determined that a site walk was not necessary.

29
30 David Litwinovich **MOVED** to accept the application as complete for Town of New
31 Boston (Owner), Gail C. Parker, Marilyn Jordan Taylor, M. Hollis Young and Carol L.
32 Hess, Location: Cemetery Road, Tax Map/Lot #19/15 & 8/98, Residential-Agricultural
33 "R-A" District. Don Duhaim seconded the motion and it **PASSED** unanimously.

34
35 The Chairman advised that two waiver requests had been submitted, 1) Subdivision
36 Regulations for streets, bounding, approaching or well within 400', location, street lines, right-
37 of-way lines, name, width and administrative classification and 2) Subdivision Regulations for
38 fees. Bob Todd, LLS, asked if a 200' square was required as the existing conservation lot would
39 be increasing in size and there was no frontage. He noted that the square looked kind of strange
40 floating in the lot. The Chairman asked for confirmation that the land could not be built on. Bob
41 Todd, LLS, confirmed that the lot was non-build-able. Mark Suennen commented that the
42 applicant had met the requirement even if it had not made sense in spirit.

43 Mark Suennen asked for the amount of fees being waived. Gail Parker believed that the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

TOWN & PARKER ET AL, cont.

fees being waived totaled about \$300.00. Mark Suennen asked if the Planning Board's budget could handle cost of the certified letters. The Coordinator answered yes. The Chairman believed that it was a good investment of the Planning Department's time.

Mark Suennen **MOVED** to grant the waiver request for Town of New Boston (Owner), Gail C. Parker, Marilyn Jordan Taylor, M. Hollis Young and Carol L. Hess, Location: Cemetery Road, Tax Map/Lot #19/15 & 8/98, Residential-Agricultural "R-A" District, and not require the applicant, who was donating land to the Town, to pay the requisite fees to the Planning Board. Don Duhaime seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for Town of New Boston (Owner), Gail C. Parker, Marilyn Jordan Taylor, M. Hollis Young and Carol L. Hess, Location: Cemetery Road, Tax Map/Lot #19/15 & 8/98, Residential-Agricultural "R-A" District, and not require the applicant to submit a Traffic, Fiscal and Environmental Impact Studies because the land was being donated to the Town, there was no additional traffic and approving this waiver was in the spirit and intent of the Regulations. Don Duhaime seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to grant the waiver request for Section VII, i, of the Subdivision Regulations and not require the applicant to submit information on the administrative classification of existing streets and roadways as this was all not adjacent to a Town road or street and accepting this waiver was in the spirit and intent of the Regulations, for the Town of New Boston (Owner), Gail C. Parker, Marilyn Jordan Taylor, M. Hollis Young and Carol L. Hess, Location: Cemetery Road, Tax Map/Lot #19/15 & 8/98, Residential-Agricultural "R-A" District. Don Duhaime seconded the motion and it **PASSED** unanimously.

The Chairman asked if the applicant wished to waive the recording fees or if they were prepared to pay for those fees. Gail Parker advised that she believed they had requested all fees to be waived, including recording fees. The Chairman asked if the Board of Selectmen would like to pay the \$51.00 recording fee as the Planning Board was paying the \$88.00 planning fees. Christine Quirk answered that the Board of Selectmen would pay the \$51.00 for the recording fees.

David Litwinovich **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for Gail C. Parker, Marilyn Jordan Taylor, M. Hollis Young, Carol L. Hess, and the Town of New Boston, for Tax Map/Lot #8/98 and 19/15, Cemetery Road, such that Parcel A of 3.038 acres is annexed from Tax Map/Lot #8/98 to 19/15, resulting in the following acreages, Tax Map/Lot #8/98, 17.58 acres; and Tax Map/Lot #19/15, 15.64 acres, subject to:

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

TOWN & PARKER ET AL, cont.

CONDITIONS PRECEDENT:

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
2. Submission of the mylar for recording at the HCRD;
3. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary).
4. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **June 8, 2014**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval. The applicants are further put on notice that this lot line adjustment approval constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred.

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

HEAFIELD, CRAIG E. & CRYSTAL L. (OWNER)

KEYLAND ENTERPRISES, LLC (APPLICANT)

Compliance Hearing/Public Hearing/NRSPR/Landscaping/Garden Center

Location: 722 River Road

Tax Map/Lot #6/22

Small Scale Planned Commercial "COM" District

Present in the audience were Craig Heafield, Keith Savage, Selectman Rodney Towne, Brandy Mitroff, Building Inspector/Code Enforcement Officer Ed Hunter, Ben Heselton, Vinnie Iacozzi and Selectman Dwight Lovejoy.

The Chairman noted that weather had prevented the applicant from completing all of the requirements for compliance. He asked if the applicant had a proposal for completing the items. Craig Heafield stated that the only items left to complete were spreading bark mulch and the planting of annuals. He explained that due to snow cover on the ground he was still unable to spread the mulch and plant the annuals. He pointed out that he had loamed and seeded the required areas and the area had been stabilized in the fall.

The Chairman referred to a letter dated April 8, 2014, from the Building Inspector/Code Enforcement Officer Ed Hunter and read the following, "Exterior merchandise display area is muddy and unstable." Keith Savage indicated that they would be spreading the bark mulch between April 15th and April 21st. He continued that they were interested in opening the store as soon as possible. He noted that the area that was unstable would not be used. The Chairman asked if anyone had an issue with doing the same thing that had been done for Ecosmith

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **HEAFIELD, cont.**

2
3 Recyclers. Mark Suennen stated that the applicant was opening a landscaping company and if
4 they had had landscaping it would not do their business any good. Keith Savage commented that
5 he could not wait to get the area cleaned up and he had a crew coming by tomorrow to start
6 grading. The Chairman asked for a date for the area to be completed and in compliance. Mark
7 Suennen recommended June 1, 2014. He added that the business sign would also need to be
8 installed in its permanent location by June 1st.

9
10 Mark Suennen **MOVED** to confirm compliance with the conditions subsequent to the
11 approval of the Non-Residential Site Plan Review for Craig Heafield for the operation of
12 a landscaping/garden center business on Tax Map/Lot #6/22, N.H. Route 13 a/k/a River
13 Road, subject to:

- 14
15 1. Completion of all outstanding items on the Building Inspector/Code Enforcement
16 Officer's Inspection Report of April 8, 2014;

17
18 The deadline for complying with the conditions precedent shall be **June 1, 2014**, the
19 confirmation of which shall be an administrative act, not requiring further action by the
20 Board. Should compliance not be confirmed by the deadline date, and a written request
21 for extension is not submitted prior to that date, the applicant is hereby put on notice that
22 the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the
23 approval.

24
25 Upon completion of the Condition(s) Precedent to the satisfaction of the Building
26 Inspector/Code Enforcement Officer the Board approves the release of the hold on the
27 Permit to Operate/Certificate of Occupancy to be issued by the Building Department. It
28 is the applicant's responsibility to apply to the Building Department for a Permit to
29 Operate/Certificate of Occupancy..

30
31 Don Duhaime seconded the motion and it **PASSED** unanimously.

32
33 The Board took a 5 minute recess prior to the next hearing.

34
35 **Informational Session with Ben Heselton, Heselton's Outdoor Services to**
36 **discuss the potential operation of a wood processing business on Tax Map/Lot #3/57,**
37 **Parker Road.**

38
39 Present in the audience were Ben Heselton, Vinnie Iacozzi, Building Inspector/Code
40 Enforcement Officer Ed Hunter, Selectman Dwight Lovejoy and Brandy Mitroff.

41 Ben Heselton advised that the proposed wood processing business was located on Tax
42 Map/Lot #3/57. He advised that he had submitted an application for a variance with the ZBA
43 and had been redirected to the Planning Board. He noted that the variance application had been

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **HESELTON, cont.**

2
3 withdrawn without prejudice.

4 Ben Heselton stated that he was looking to use 5 acres of the property that would contain
5 an office trailer, brush, woodchip pile, loam pile and stone pile. He noted that only the bark
6 mulch would be processed onsite, the loam and stone would not be. He also noted that he would
7 be using a non-toxic dye to color the mulch. He stated that the 4 - 5 acre area he was going to
8 use was not overgrown. Ben Heselton went on to say that he wanted to know what the Planning
9 Board thought of his proposal before going back to the ZBA.

10 Joe Constance noted that the minutes of the ZBA hearing indicated the main concerns to
11 be the noise of the tub grinder and the coloring of the mulch. Ben Heselton noted that the dye
12 was a non-toxic powder dye which was bio-degradable and came from a reputable company. He
13 went on to say that the site was perfect to mitigate the noise from the use, with berms and thick
14 tree growth onsite. He noted that the lot had housed an excavation operation previously but
15 regrowth had taken place which would help to block the sound.

16 Mitch Larochelle asked what the hours of operation would be. Ben Heselton stated that
17 the grinding would be limited because he acknowledged that it was loud. He noted that brush
18 would be fed into the grinder through a 12' opening and the ground material would drop onto a
19 48' conveyor into piles. In response to a question from the Chairman, Ben Heselton noted that
20 the grinder ran on a Caterpillar diesel motor. The hours for grinding would be 9 am to 3 pm
21 when most people would be at work. Ben Heselton also noted that he would ordinarily only
22 grind three days a week and not on Saturdays and Sundays. The hours for the rest of the
23 business would be Monday through Friday 7:15 am to 5 pm and Saturday 7:15 am to 12 noon.
24 He stated that he would not operate on Sundays and intended to be respectful of the neighbors.

25 Mark Suennen asked who would haul the material. Ben Heselton noted that it would
26 mostly be himself hauling the material but that contractors would be coming to the property to
27 pick up the material. The Chairman noted that the operation was both retail sales and the
28 grinding of material. Ben Heselton stated that he had an F550 truck for deliveries and also a 10-
29 wheeler. He noted that there was already heavy traffic on the road because of neighboring gravel
30 pits and although he was looking to grow his business he did not think he would have much
31 impact. He went on to say he might buy an 18-wheeler at some point. Joe Constance asked if
32 big trailers would be bringing in the materials to be ground. Ben Heselton stated that the City of
33 Concord had wanted to enter into a contract with him for 1,500 yards of material to grind and
34 each load was 120 yards. He noted that most of the time the material brought in would be
35 colored as well and he would sell it as people needed it. Joe Constance asked how many trucks
36 that contract would have been. Ben Heselton stated that in July the demand dropped off so there
37 would be a three or four month push for material. He thought that the little trucks could number
38 10 - 30 a day but it was hard to put a number on it because he had not been able to open. In the
39 past when he had been delivering material he thought the big trucks could be 2 or 10 times a day.
40 He noted that this was a hard economy and it was hard to put numbers to anything because he
41 had not opened.

42 The Chairman thought that the bigger trucks would mean fewer trips per day. Ben
43 Heselton stated that his 550 truck took 10 yards. But his goal was to get bigger. He stated that

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **HESELTON, cont.**

2
3 was where the money was and he had to pay for his recent big purchase that had been made
4 before he understood the laws that were in effect which was his own problem.

5 Mark Suennen noted that the discussion about the number of vehicles was important
6 because if Mr. Heselton came to the Planning Board with a site plan one of the things the Board
7 may ask for was a traffic evaluation and he would need his best estimate of the number of trucks,
8 the number of trips, at the time of year the business would operate.

9 David Litwinovich noted that stipulating that the grinder would only run from 9 am to 3
10 pm might be overly restrictive if the goal was for the business to grow. He understood the
11 applicant's concern for the neighbors and the noise but thought that he might want to reconsider
12 those hours.

13 The Chairman noted that the property was currently a gravel pit but was not currently
14 operating. The Coordinator stated that it was a non-compliant pit and it either needed to be
15 permitted as a pit or reclaimed as a finished pit. The Chairman asked if the applicant was using
16 the whole property. Ben Heselton stated that the top half of the lot, the area he would not be
17 using, would be peeled back and mulched with wood chips. The Chairman asked if that was the
18 plan for reclamation. Vinnie Iacozzi noted that there was a reclamation plan on file. He noted
19 that there was a 400' long slope, 40' high at its highest point that would be brought to 2:1. Vinnie
20 Iacozzi noted that Ben Heselton would be using the second tier for his manufacturing and the rest
21 of the area would be mulched and seeded. He stated that Thibeault had never removed any
22 material from this pit and it remained as it had been when they purchased it in 2006.

23 Ed Hunter, Building Inspector and Code Enforcement Officer, noted that he had looked
24 at the reclamation plan and the banks exceeded the 2:1 requirement. He stated that the banks
25 needed to be brought to 2:1 and a timeframe set for that to happen. He noted that if Ben
26 Heselton was not here this evening proposing his application the reclamation of this pit would be
27 overdue. Vinnie Iacozzi stated that he had sent a letter deactivating this pit and the old Jenkins
28 pit. The Chairman thought that the reclamation should be done prior to the Board approving
29 anything otherwise there would be no reason to think it would be done. Ben Heselton said he did
30 not want to go through the process and still be denied. Christine Quirk said the Board could give
31 a consensus of what they thought of his application.

32 The Chairman stated that he had no specific issue with the proposal. He noted that the
33 reclamation should be part of the application. He thought Ben Heselton would be ready to
34 operate when the reclamation was complete. Ben Heselton stated he still needed a variance and
35 the reclamation would be done when he was moving in. The Chairman noted that the
36 reclamation had to be done to the Planning Board's satisfaction. Mark Suennen said that Ben
37 Heselton would not be able to operate until the reclaiming was complete.

38 Christine Quirk asked how close the closest house was to the operation. Ben Heselton
39 stated it was 650' down the road and downhill from the proposed site. Mitch Larochelle noted
40 that there would be a public hearing for the abutters to raise concerns. Ben Heselton
41 acknowledged that the reclaiming had to be taken care of. He noted that the neighbors' concerns
42 were with noise and toxicity of the dye. Dwight Lovejoy said the Town was strict on trucks in
43 that neighborhood.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **HESELTON, cont.**

2
3 David Litwinovich asked Ben Heselton to show the reclamation area. Vinnie Iacozzi
4 reiterated that there was a reclamation plan on file and that plan was the one that would be used
5 to do the reclamation. The Chairman said this should be clarified for the ZBA as well. Mark
6 Suennen pointed out that the property might be in the Groundwater Resources Conservation
7 District and as such might require a Conditional Use Permit, something that should be confirmed
8 prior to submitting a Site Plan Review application.
9

10 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
11 **APRIL 8, 2014.**

- 12
13 1. Distribution of the March 25, 2014, minutes, for approval at the April 22, 2014, meeting.
14 (distributed by email)

15
16 The Chairman acknowledged receipt of the above-referenced matter; no discussion
17 occurred.
18

- 19 2. Driveway Permit for Ferus Terra, LLC, Tax Map/Lot #10/3-2 & 10/3-3, Old Coach
20 Road, for the Board's action.
21

22 Mark Suennen **MOVED** to approve Driveway Permit #13-25 for Ferus Terra, LLC, Tax
23 Map/Lot #10/3-2 & 10/3-3, Old Coach Road, with the standard Planning Board
24 requirements: 1) This permit requires two inches (2") of winter binder (pavement) to be
25 applied to the driveway to a minimal distance of twenty-five feet (25') from the centerline
26 of the road; 2) The driveway intersection with the road shall be joined by curves of ten
27 foot (10') radii minimum; and, 3) The driveway shall intersect with the road at an angle
28 of 60 - 90 degrees.

29 Don Duhaime seconded the motion and it **PASSED** unanimously.
30

- 31 3. Driveway Permit for Glover Construction, Inc., Tax Map/Lot #5/16-21, Christian Farm
32 Drive, for the Board's action.
33

34 Mark Suennen **MOVED** to approve Driveway Permit #14-04 for Glover Construction,
35 Inc., Tax Map/Lot #5/16-21, Christian Farm Drive, with the standard Planning Board
36 requirements: 1) This permit requires two inches (2") of winter binder (pavement) to be
37 applied to the driveway to a minimal distance of twenty-five feet (25') from the centerline
38 of the road; 2) The driveway intersection with the road shall be joined by curves of ten
39 foot (10') radii minimum; and, 3) The driveway shall intersect with the road at an angle
40 of 60 - 90 degrees.

41 Don Duhaime seconded the motion and it **PASSED** unanimously.
42

- 43 4. Driveway Permits for Louis & Marcia Rumore, Tax Map/Lot #'s 8/78-1 through 4,

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

MISCELLANEOUS BUSINESS, cont.

Bedford Road, for the Board's action.

Mark Suennen **MOVED** to approve Driveway Permit #'s 13-44, 13-45, 13-46 & 13-47 for Louis & Marcia Rumore, Tax Map/Lot #'s 8/78-1 through 4, Bedford Road, with the standard Planning Board requirements: 1) This permit requires two inches (2") of winter binder (pavement) to be applied to the driveway to a minimal distance of twenty-five feet (25') from the centerline of the road; 2) The driveway intersection with the road shall be joined by curves of ten foot (10') radii minimum; and, 3) The driveway shall intersect with the road at an angle of 60 - 90 degrees.

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

5. Endorsement of a Lot Line Adjustment Plan for Townes Family Trust, Tax Map/Lot #'s 13/55, 13/57 & 13/63, South Hill Road, by the Planning Board Chairman & Secretary.

The Chairman advised that he would execute the above-referenced document at the close of the meeting.

6. Endorsement of a Subdivision Plan for Townes Family Trust, Tax Map/Lot # 13/31, Frog Rock Road, Lyndeborough Road and Second NH Turnpike, by the Planning Board Chairman & Secretary.

The Chairman advised that he would execute the above-referenced document at the close of the meeting.

7. Endorsement of a Notice of Decision Cover Sheet for Townes Family Trust, Tax Map/Lot #13/31, Frog Rock Road, South Hill Road and Second NH Turnpike, by the Planning Board Chairman.

The Chairman advised that he would execute the above-referenced document at the close of the meeting.

8. Endorsement of a Notice of Decision Cover Sheet for Townes Family Trust, Tax Map/Lot #13/55, 57 & 63, South Hill Road, by the Planning Board Chairman.

The Chairman advised that he would execute the above-referenced document at the close of the meeting.

9. Copy of Stormwater Management Plan Adherence Statement, dated February 6, 2014, with Bond Worksheet attachment for Twin Bridge Land Management, LLC, Tax Map/Lot #2/62-12-7, for the Board's information.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Coordinator noted that the compliance statement indicated that stabilization was not
4 complete. The applicant had, however, elected to keep the full bond in place until compliance
5 could be confirmed. This allowed a Certificate of Occupancy to be issued and a further
6 compliance statement would be submitted when stabilization was complete.

- 7
8 10. Distribution of Town of New Boston, Road Construction Inspection Procedures,
9 amended March 25, 2014.

10
11 The Chairman acknowledged receipt of the above-referenced matter; no discussion
12 occurred.

- 13
14 11. Email with attachment dated March 31, 2014, from Kevin Leonard, PE, Northpoint
15 Engineering, LLC, re: Indian Falls/Susan Road Connection - As-Built Review
16 Comments, for the Board's information.

17
18 The Chairman acknowledged receipt of the above-referenced matter; no discussion
19 occurred.

- 20
21
22 12. Invitation to New Hampshire Department of Environmental Services Annual Drinking
23 Water Source Protection Conference, April 30, 2014, Concord, NH, Grappone
24 Conference Center, for the Board's information.

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

- 28
29 13. Discussion, re: effect of amended Road Construction Inspection Procedures on
30 ongoing and pending subdivisions.

31
32 The Coordinator stated that the Town Engineer had a question with regard to the newly
33 adopted Road Construction Inspection Procedures, (RCIP). She asked if the RCIP affected work
34 that was already underway and specifically what the Board's thoughts were on whether the Town
35 Engineer should continue to conduct testing for the Forest View II Subdivision or allow for the
36 owner to hire their own testing company. Mark Suennen believed that all road construction fell
37 under the jurisdiction of the newly adopted RCIP unless existing road construction wished to
38 follow the previous procedures. The Board agreed with Mark Suennen.

- 39
40 14. Letter received April 4, 2014, from David J. Preece, AICP, Executive Director, SNHPC,
41 to New Boston Planning Board, re: SNHPC Representatives from New Boston, for the
42 Board's action.

43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen asked the Coordinator if she wished to continue serving as the New
4 Boston representative to the SNHPC. The Coordinator indicated that she no longer wished to
5 serve as the New Boston representative to the SNHPC as the meetings clashed with the New
6 Boston Planning Board meeting days and her work schedule on those days meant that she had
7 been unable to attend many of the meetings. Joe Constance expressed an interest in serving as
8 the representative and indicated that he would speak with the Coordinator further about the
9 position.

10
11 15a. Email copy dated April 4, 2014, from Kevin Leonard, P.E., Northpoint Engineering,
12 LLC, for Indian Falls/Susan Road, for the Board's information.

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

16
17 15b. Construction Services Reports dated March 2014, from Northpoint Engineering, LLC, for
18 Indian Falls/Susan Road Connection (SIB Trust) for the Board's information.

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

22
23 16. Driveway Permit for Townes Family Trust, Tax Map/Lot #13/31, Second NH
24 Turnpike, for the Board's action.

25
26 Mark Suennen **MOVED** to approve Driveway Permit #14-05 for Townes Family Trust,
27 Tax Map/Lot #13/31, Second NH Turnpike, with the standard Planning Board
28 requirements, 1) This permit requires two inches (2") of winter binder (pavement) to be
29 applied to the driveway to a minimal distance of twenty-five feet (25') from the centerline
30 of the road; 2) The driveway intersection with the road shall be joined by curves of ten
31 foot (10') radii minimum; and, 3) The driveway shall intersect with the road at an angle
32 of 60 - 90 degrees.

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

34
35 17. Copy of Selectmen Consent Agenda item, dated April 7, 2014, re: Northpoint
36 Engineering, extension of contract, for the Board's information.

37
38 The Chairman acknowledged receipt of the above-referenced matter; no discussion
39 occurred.

40
41 18. Copy of Selectmen Consent Agenda item, dated April 7, 2014, re: Appointment of David
42 Litwinovich as full Member of the New Boston Planning Board, for the Board's
43 information.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014**

April 8, 2014

1 **MISCELLANEOUS BUSINESS, cont.**

2

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

5

6 Don Duhaime **MOVED** to adjourn at 8:20 p.m. David Litwinovich seconded the motion
7 and it **PASSED** unanimously.

8

9

10 Respectfully submitted,
11 Valerie Diaz, Recording Clerk

Minutes Approved:
5/13/14