

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

May 27, 2014

1 The meeting was called to order at 6:37 p.m. by Planning Board Vice Chairman Mark
2 Suennen. Present were regular members Don Duhaime and David Litwinovich, alternate
3 member Joe Constance, and ex-officio Christine Quirk. Also present were Planning Coordinator
4 Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Road Agent Dick Perusse,
7 Selectman Dwight Lovejoy, Fire Chief Dan MacDonald, Police Chief Jim Brace, Road
8 Committee Member Willard Dodge, Road Committee Chair Tom Miller, and Fire Wards Wayne
9 Blassberg and Dale Smith.

10
11 **Public Hearing on proposed Subdivision and Non-Residential Site Plan Review Regulations**

12
13 Present in the audience were Road Agent Dick Perusse, Selectman Dwight Lovejoy, Fire
14 Chief Dan MacDonald, Police Chief Jim Brace, Road Committee Member Willard Dodge, Road
15 Committee Chair Tom Miller, and Fire Wards Wayne Blassberg and Dale Smith.

16 Mark Suennen read the public hearing notice. He stated that the public hearing had been
17 noticed at the predetermined locations in Town. The Chairman, Peter Hogan, arrived and asked
18 if there were any interested parties in the audience; there were no interested parties.

19 The Chairman asked if any changes had been made to the proposed amendments. Mark
20 Suennen indicated that proposed amendment #6 had some comment from Town Counsel.

21 The Chairman asked if it was necessary to review all of the amendments as there were no
22 interested parties in attendance. Mark Suennen believed that the Board should review each
23 proposed amendment for the record.

24 The Chairman began with a review of the Subdivision Regulation proposed amendments.
25 He referenced proposed amendment #1, New Development Roads, and explained that the
26 following sentence would be added to sub-section V-S, 1, i, "As-built plans shall be submitted,
27 reviewed and approved prior to the issuance of any Certificate of Occupancy within the
28 subdivision". Mark Suennen noted that the amendment had always been a requirement and
29 would now appear in the Regulations. The Chairman commented that proposed amendment #1
30 would do a lot of good. He asked for comments and/or questions; there were no comments or
31 questions.

32
33 Mark Suennen **MOVED** to accept proposed amendment #1 of the Subdivision
34 Regulations, as written. Don Duhaime seconded the motion and it **PASSED**
35 unanimously.

36
37 The Chairman referred to proposed amendment #2, As-Built Guidelines, and indicated
38 that the first sentence of Section IX-B, 10, would be changed to include a reference to the timing
39 for submission of as-built plans as follows, "...and prior to the issuance of any Certificate of
40 Occupancy within the subdivision".

41
42 Mark Suennen **MOVED** to accept proposed amendment #2 of the Subdivision
43 Regulations, as written. Don Duhaime seconded the motion and it **PASSED**

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1 SUBDIVISION/SITE PLAN REVIEW REGULATIONS HEARING, cont.

2
3 unanimously.

4
5 The Chairman referred to proposed amendment #3, Improvement Construction
6 Inspections, and explained that the second sentence of Section IX-C would delete the reference
7 to the Planning Board and Selectmen performing a final inspection on a newly constructed road
8 and leave the Road Agent and the Town's consulting engineer/inspector. He commented that
9 this amendment was design to provide faster response time and relevance. David Litwinovich
10 added that the amendment jived more with the Road Construction Inspection Procedures.

11
12 David Litwinovich **MOVED** to accept proposed amendment #3 of the Subdivision
13 Regulations, as written. Don Duhaime seconded the motion and it **PASSED**
14 unanimously.

15
16 The Chairman referenced proposed amendment #4, Fire Protection Systems, and noted
17 that sub-section IX-I, a), 5, e, would be deleted in its entirety and the following sections would
18 be renumbered accordingly. Mark Suennen stated that the amendment would remove the
19 requirement for a building permit for a cistern and that it seemed appropriate.

20
21 Mark Suennen **MOVED** to accept proposed amendment #4, of the Subdivision
22 Regulations, as written. Don Duhaime seconded the motion and it **PASSED**
23 unanimously.

24
25 The Chairman referenced proposed amendment #5, Fire Protection Cistern
26 Specifications, and explained that sub-sections IX-J, A, 14 and 15, would be amended to refer to
27 stainless steel pipe and hardware. He continued that sub-section IX-J, A, 18, would change the
28 downward angle of the filler pipe. Mark Suennen noted that this recommendation had come
29 from the Fire Wards.

30
31 Mark Suennen **MOVED** to accept proposed amendment #5 of the Subdivision
32 Regulations, as written. Don Duhaime seconded the motion and it **PASSED**
33 unanimously.

34
35 The Chairman referred to proposed amendment #6, and advised that the amendment
36 would change the Single Wall FRP Tank, Cistern Installation Inspection Sheet, to refer to the
37 Planning Board rather than the Fire Wards as the inspection agent, and would delete the
38 requirement for design engineer certification prior to backfilling. Mark Suennen noted that
39 Town Counsel had shared his thoughts on this amendment with the Board.

40
41 Mark Suennen **MOVED** to release an email dated May 26, 2014, from William Drescher,
42 Esq., to Nicola Strong, subject: Review of Site Plan/Subdivision Reg Amendments. Don
43 Duhaime seconded the motion and it **PASSED** unanimously.

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1 SUBDIVISION/SITE PLAN REVIEW REGULATIONS HEARING, cont.

2
3 Mark Suennen read the following from the released email, “The only comment I have
4 relates to proposed amendment #6. In that amendment it appears that Planning Board (or its
5 agents) will now be responsible for Fire Protection System inspections. There are numerous
6 standards for fire protection contained in the state fire code which I believe is the NFPA which,
7 in turn, generally designees the AHG (authority having jurisdiction) as the inspecting authority.
8 While I am not certain, that would typically be the Fire Chief of Fire Wards. My only concern
9 would be in the event that the Planning Board’s inspection agent approved (or rejected)
10 something that the Fire Chief rejected (or approved). If this is not a concern then I would not
11 make an issue of it. If, on the other hand, you want to avoid this issue, you might add words to
12 the effect that ‘...the Planning Board’s agent (with the recommendation of the Fire Chief (Fire
13 Wards)...’ will be inspecting authority”.

14 Mark Suennen commented that Town Counsel’s recommendation sounded reasonable
15 and made sense. Don Duhaime agreed that the recommendation made sense.

16
17 Mark Suennen **MOVED** to insert the recommended language from Town Counsel as
18 follows, “The Planning Board’s authorized inspection agent (with recommendation of the
19 Fire Chief/Fire Wards shall be the inspecting authority. The Planning Board’s authorized
20 inspection agent shall be notified at least 48 hours before the inspection is required.” and
21 accept proposed amendment #6 as modified. Don Duhaime seconded the motion and it
22 **PASSED** unanimously.

23
24 The Chairman referenced proposed amendment #7, and explained that the amendment
25 would amend the Modular Pre-Cast Concrete Cistern, Cistern Installation Inspection Sheet, to
26 refer to the Planning Board rather than the Fire Wards as the inspection agent. Mark Suennen
27 believed that the theory that held for proposed amendment #6 should be applied to proposed
28 amendment #7.

29
30 Mark Suennen **MOVED** to insert the recommended language from Town Counsel as
31 follows, “The Planning Board’s authorized inspection agent (with recommendation of the
32 Fire Chief/Fire Wards shall be the inspecting authority. The Planning Board’s authorized
33 inspection agent shall be notified at least 48 hours before the inspection is required.” and
34 accept proposed amendment #7 as modified. Don Duhaime seconded the motion and it
35 **PASSED** unanimously.

36
37 The Chairman indicated that he would be reviewing the Non-Residential Site Plan
38 Review proposed amendments.

39
40 The Chairman referred to proposed amendment #1, and explained that Section
41 3, Personal Wireless Service Facilities, would be amended to add a section detailing when Site
42 Plan Review was required and renumber the following sections accordingly.

43 The Chairman asked for comments and/or questions. Mark Suennen stated that the

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1 SUBDIVISION/SITE PLAN REVIEW REGULATIONS HEARING, cont.

2
3 proposal was straightforward and advised that NRSPR was not required for minor modifications.
4 He further stated that NRSPRs were needed for substantial modifications and/or new facilities.

5
6 Mark Suennen **MOVED** to accept proposed amendment #1 of the Non-Residential Site
7 Plan Review Regulations, as written. Don Duhaime seconded the motion and it
8 **PASSED** unanimously.

9
10 The Chairman referenced proposed amendment #2, and noted that sub-section 3.5, 2,
11 would be deleted in its entirety and the following sub-sections renumbered accordingly. Mark
12 Suennen commented that he had no problem with the proposed amendment which required that
13 the FCC guidelines were followed.

14
15 Mark Suennen **MOVED** to accept proposed amendment #2 of the Non-Residential Site
16 Plan Review Regulations, as written. Don Duhaime seconded the motion and it
17 **PASSED** unanimously.

18
19 The Chairman referred to proposed amendment #3, and noted that sub-sections 3.8, G, 1,
20 2, & 3 would be deleted from Section 3.8, Design Submittal Standards.

21 The Chairman asked if the sub-sections were being deleted because of the way towers
22 were currently being constructed. The Coordinator answered no and explained that the sections
23 were being deleted because the information being requested of applicants was no longer allowed
24 to be required due to changes in the statutes.

25
26 Don Duhaime **MOVED** to accept proposed amendment #3 of the Non-Residential Site
27 Plan Review Regulations, as written. Mark Suennen seconded the motion and it
28 **PASSED** unanimously.

29
30 The Chairman referenced proposed amendment #4 and stated that the amendment would
31 renumber Section 3.10, Radio Frequency Radiation (RFR), and change the reference from
32 "Radiation" to Emissions" in the heading and throughout the section.

33
34 Don Duhaime **MOVED** to accept proposed amendment #4 of the Non-Residential Site
35 Plan Review Regulations, as written. Mark Suennen seconded the motion and it
36 **PASSED** unanimously.

37
38 The Chairman referenced proposed amendment #5 and explained that it deleted existing
39 Section 3.13, Modification to Personal Wireless Service Facilities, in its entirety.

40 Mark Suennen commented that the amendment would remove things from the regulations
41 that the Board was no longer allowed to require.

42 The Chairman asked for comments and/or questions; there were no comments or
43 questions.

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1 SUBDIVISION/SITE PLAN REVIEW REGULATIONS HEARING, cont.

2
3 Don Duhaime **MOVED** to accept proposed amendment #5 of the Non-Residential Site
4 Plan Review Regulations, as written. Mark Suennen seconded the motion and it
5 **PASSED** unanimously.

6
7 The Chairman referred to proposed amendment #6 and noted that the amendment
8 changed the heading of existing Section 3.14, Waivers, to specify that it only applies to the
9 Personal Wireless Service Facilities section of the Regulations.

10 Mark Suennen indicated that the proposed amendment was straightforward and only
11 changed a title for clarity.

12 The Chairman asked for comments and/or questions; there were no comments or
13 questions.

14
15 Don Duhaime **MOVED** to accept proposed amendment #6 of the Non-Residential Site
16 Plan Review Regulations, as written. Mark Suennen seconded the motion and it
17 **PASSED** unanimously.

18
19 The Chairman referenced proposed amendment #7 and advised that it added a new
20 Section 4.19, Landscaping.

21 Mark Suennen suggested that “shall” found in paragraph E of Section 4.19, Landscaping,
22 be changed to “should”. Joe Constance questioned why Mark Suennen wanted to make the
23 requirement conditionally instead of mandatory. Mark Suennen answered that the requirement
24 was conditional based on language in the first sentence of the section, “Where feasible...”. Joe
25 Constance agreed that the first sentence made it conditional and questioned if it should be
26 changed. Mark Suennen indicated that he would rather have the requirement be conditional
27 because there would be locations where mature shade trees may need to be removed.

28 The Chairman asked for further comments and/or questions; there were no further
29 comments or questions.

30
31 Don Duhaime **MOVED** to accept proposed amendment #7 of the Non-Residential Site
32 Plan Review Regulations, with Mark Suennen's change to paragraph E. David
33 Litwinovich seconded the motion and it **PASSED** unanimously.

34
35 **Discussion, re: Cul-de-sacs**

36
37 Present in the audience were Police Chief Jim Brace, Road Committee Chair Tom Miller,
38 Road Agent Dick Perusse, Fire Chief Dan MacDonald, Selectman Rodney Towne, Selectman
39 Dwight Lovejoy and Road Committee Member Willard Dodge and Fire Wards Wayne Blassberg
40 and Dale Smith.

41 The Chairman asked where the Board wanted to begin the discussion. Mark Suennen
42 suggested that the discussion begin with the changes/points that everyone agreed upon. The
43 Chairman agreed.

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 Mark Suennen noted that underground utilities shall be required for cul-de-sacs and
4 would be located 100' from the edge of the intersecting roadway. The Chairman asked why the
5 utilities would be required to start at 100' from the edge of the intersecting roadway. Mark
6 Suennen answered that 100' was the length that had previously been listed and believed that the
7 agreed upon length should be within 100'. Joe Constance and Christine Quirk believed that the
8 suggested 100' was reasonable. The Chairman suggested 25'. Joe Constance pointed that 100'
9 provided more room for digging error. Mark Suennen agreed that it provided flexibility. Don
10 Duhaime questioned if PSNH had specific requirements relative to the 100'. Mark Suennen
11 answered that PSNH did not have a requirement that addressed this matter. Rodney Towne
12 suggested that the following language be used, "...no more than 100'". The Chairman agreed
13 with Rodney Towne's suggestion.

14 The Chairman indicated that everyone had agreed to a maximum depth of underground
15 culverts within a cul-de-sac. Mark Suennen noted that the culverts shall be no deeper than 8' and
16 that the culverts shall be concrete.

17 Mark Suennen stated that everyone had agreed that no back lots would be allowed within
18 cul-de-sacs. The Chairman agreed with Mark Suennen.

19 The Chairman asked if the Board wanted to address density relative to frontage. He
20 stated that a minimum requirement of 300' of frontage would significantly decrease density and
21 would only allow for two driveways off the end of the cul-de-sac. Mark Suennen asked if the
22 Chairman was suggesting the implementation of a special overlay district in order to change the
23 allowable frontage in an R-A District. The Chairman answered yes with regard to cul-de-sacs
24 located in an R-A District and stated that everyone was looking to cap density along cul-de-sacs.
25 Mark Suennen did not believe that a new complicated system was needed to cap the density and
26 instead suggested that the Board add a requirement that lots be capped at a certain number of
27 lots. He stated that while a decision on this matter had not been agreed upon, everyone had
28 agreed that density needed to be restricted. The Chairman commented that restricting back lots
29 and the number of driveways at the end of the cul-de-sac may take care of the density issue.

30 The Chairman indicated that the Board had received some interesting information with
31 regard to the Fire Wards not wanting to require additional fire cisterns within a cul-de-sac; he
32 asked the Fire Chief to elaborate on this matter. The Fire Chief stated that the Fire Wards would
33 take any firefighting water supply that they could get as long as it was fair and reasonable to the
34 builders. He added that requiring cisterns beyond 600' would be a positive requirement. Mark
35 Suennen noted that he had suggested a 30K gallon cistern for the requirement and asked if the
36 Fire Wards had a preferred cistern size. The Fire Chief explained that the 30K gallon cistern was
37 not based on the number of houses but was based on one house and how much water was needed
38 to fight a fire. He noted that the 30K gallon cistern was the standard size used. Mark Suennen
39 asked if the 30K gallon cistern was standard for a single family home or a duplex. The Fire
40 Chief answered that the 30K gallon cistern was standard for a one or two family home. He
41 explained that the standard had been determined while working with ISO, Insurance Services
42 Office. The Chairman asked if there should be a discussion at any point with regard to the use of
43 10K gallon cisterns. The Fire Chief answered that it had been discussed years ago to use 10K

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 gallon cisterns in subdivisions with homes that had sprinkler systems. He continued that some
4 towns had chosen to install 10K gallon cisterns “here, there and everywhere” along the roads.
5 He explained that his goal was to have as much water as possible for as long as possible while
6 fighting fires and 10K gallon cisterns may only provide 10 minutes of firefighting water supply.
7 He believed that larger, fewer systems provide larger water supply to draw from and also
8 reduced maintenance.

9 The Chairman stated that for a 2,000 cul-de-sac he had no issue requiring a cistern in
10 addition to sprinklers. He stated that the builder/applicant needed to give the Town something
11 substantial for cul-de-sacs longer than 600’. He believed that fire cisterns and underground
12 utilities should be required to mitigate any possible downfalls of the cul-de-sac. He asked if the
13 Fire Chief followed his logic. The Fire Chief indicated that a through road was the right way to
14 go from the emergency services perspective. The Chairman stated that through roads were the
15 way to go for the Town for most purposes. The Fire Chief noted that the Fire Department did
16 not endorse cul-de-sacs that were longer than 1,000’ and stated that a 30K gallon cistern did not
17 mitigate all of his concerns with regard to cul-de-sacs. He commented that he would not turn
18 down water supplies and noted that the cistern only addressed the singular fire related concerns.
19 The Chairman summarized that everyone agreed on extensive requirement of additional water
20 for a cul-de-sac.

21 Mark Suennen asked if the Board should require 30K gallon cisterns for cul-de-sac
22 subdivisions even when an applicant was willing to install sprinkler systems for all of the homes.
23 The Fire Chief commented that this matter was no different than subdivisions with through
24 roads. He explained that he always looked at the surrounding landscape when determining if a
25 cistern may be required in addition to sprinklers. Mark Suennen suggested the following as a
26 requirement, “A non-connecting street greater than 600’ feet shall require a 30K gallon cistern”.
27 He stated that a discussion regarding a 10K gallon cistern versus no cistern could take place if an
28 applicant proposed to install sprinkler systems. The Fire Chief indicated that 10K gallon cisterns
29 may not be needed for every development, however, they were considered for those
30 developments that were heavily wooded.

31 The Chairman stated that everyone agreed that the preferred roadway in Town was a
32 through road. He indicated that through roads were his first choice, however, he noted that he
33 strayed from the group because he did not believe that through roads were meant for every
34 location in Town. He explained that there were certain circumstances where cul-de-sacs worked
35 well and he wanted the flexibility to utilize the land in its best way. He added that longer cul-de-
36 sacs could work well if there was no reasonable connectivity. Don Duhaime asked for the
37 Chairman’s standard of reasonableness. The Chairman clarified that he meant what was
38 reasonable to the Board. Don Duhaime
39 pointed out that the Chairman had made the comment regarding reasonableness and again asked
40 what he believed was reasonable. The Chairman indicated that his answer was dependent on the
41 property. Don Duhaime posed a hypothetical situation in which an applicant needed to
42 reconstruct an older road to meet that requirement and asked if the Chairman would approve a
43 cul-de-sac or a through road. The Chairman answered that he would not have a problem

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 requiring an applicant to improve an older road. Joe Constance questioned if there were
4 remaining things that everyone agreed on and suggested that they be addressed before the
5 conversation between Don Duhaime and the Chairman continued.

6 David Litwinovich stated that everyone had agreed not to move forward with the
7 mandatory 15' clear zone. Mark Suennen and Christine Quirk agreed with David Litwinovich.

8 Mark Suennen asked for an agreement to be made with regard to the number of allowable
9 curb cuts on the bulb of cul-de-sacs. He noted that three curb cuts had been amenable in the past
10 and asked if it was currently amenable. The Chairman answered that three curb cuts could be
11 amenable but questioned the need for a limit on curb cuts as the Board was no longer allowing
12 back lots on cul-de-sacs. Christine Quirk asked if the Road Agent had an opinion on the matter.
13 Tom Miller stated that the current cul-de-sac bulbs were on the small side and he would like the
14 bulb size to be increased; he noted that he had discussed this issue with the Road Agent. He
15 went on to say that he liked the idea of limiting the curb cuts to no more than three. The
16 Chairman stated that he had no issue with restricting the curb cuts for cul-de-sacs to no more
17 than three and further stated that he did not think there could be more than three curb cuts. The
18 Board agreed to allow a maximum of three curb cuts along the bulbs of cul-de-sacs.

19 Mark Suennen encouraged the Road Committee and Road Agent to send a proposal to the
20 Board with regard to their preferred cul-de-sac bulb diameter, size and width requirements. Tom
21 Miller acknowledged Mark Suennen's statement.

22 Tom Miller pointed out that everyone had previously agreed to no more than 30" for the
23 depth of drainage in the cul-de-sac center. Christine Quirk agreed with Tom Miller.

24 David Litwinovich stated that the Board had agreed not to consider any phasing plans
25 that created temporary, non-connecting streets that were longer than 600' without a bond for the
26 full roadway build-out and would not consider any phasing plan that created a temporary, non-
27 connecting street longer than 1,000'.

28 The Chairman believed that everyone had agreed to not permitting roadways off cul-de-
29 sacs. Mark Suennen agreed with the Chairman's statement that non-connecting streets should
30 not be permitted off non-connecting streets.

31 The Chairman stated that the remaining items left to be discussed were overall length of
32 cul-de-sacs, density within cul-de-sacs and open space subdivisions with cul-de-sacs.

33 Don Duhaime asked if the Board wanted to require easements or deeded 50' right-of-
34 ways for parcels located beyond cul-de-sac subdivisions that could equate to through roads in the
35 future. Mark Suennen commented that he liked the idea of the easements and the deeded right-
36 of-ways. He stated that he had been informed about the
37 difficulties of paper streets for towns. Don Duhaime believed that his suggestion should be kept
38 on the table. Mark Suennen agreed with Don Duhaime and stated that it should be reviewed on a
39 case-by-case basis and was a negotiating point of the Board's by right. Joe Constance asked if
40 Mark Suennen would leave it as a negotiation point by right or if he would fashion language to
41 enumerate the certain circumstance where it applied. Mark Suennen answered that the Board
42 wanted to be able to evaluate it on a case-by-case basis. He questioned if cases would be
43 enumerated to identify which cases would be considered or identify which cases would not be

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 considered. He commented that either situation created restrictions. Joe Constance believed the
4 circumstances would be broad in nature. Mark Suennen agreed. Joe Constance wondered if
5 language similar to Rodney Towne’s earlier suggestion of “up to 100 feet” would be appropriate.
6 He asked based on Mark Suennen’s experience what he believed would work. Mark Suennen
7 commented that anything could work with the right lawyer. Don Duhaime suggested that an
8 engineer could provide information on what could be done. The Chairman suggested the
9 following language, “Where future connectivity is possible, land must be set aside for such use”.
10 He stated that how his suggestion would be determined needed to be done on a case-by-case
11 basis. Don Duhaime believed that the land should be deeded. Mark Suennen stated that
12 arguably anything was possible. The Chairman commented that the Board would know what
13 was possible. He further commented that if land abutted a swamp then it was not possible. Mark
14 Suennen suggested the following language, “The Planning Board may require that where a
15 through connection was feasible as deemed by the Planning Board the applicant shall deed a
16 right-of-way to the Town for future connection”. The Chairman reiterated his earlier suggestion
17 of the following language, “Where future connectivity is possible, the Planning Board may
18 require land must be set aside for such use”. Mark Suennen agreed with the Chairman’s
19 suggested language. Mark Suennen wanted to make it clear that it was up to the Planning Board
20 to make the determination and wanted to leave the requirements open. The Chairman agreed that
21 the Board would make a determination as to desirable and/or possible connectivity. Joe
22 Constance asked if the Board wanted to create suggested considerations for determining which
23 parcels would be appropriate for future connectivity. Mark Suennen suggested that geometry and
24 geology be taken into consideration. Rodney Towne suggested that the geography be
25 considered. The Chairman amended his earlier suggested language as follows, “Where future
26 connectivity is geographically possible, the Planning Board may require land to be set aside for
27 such use”. Rodney Towne suggested that “topography” be added to the Chairman’s suggestion.
28 David Litwinovich believed that the Planning Board’s role to determine to possible connectivity
29 needed to be reinforced. The Chairman amended his suggestion as follows, “Where the Planning
30 Board determines future connectivity is geographically and topographically possible, the
31 Planning Board may require land be set aside for such use”.

32 The Chairman noted two issues remained: length and density. Mark Suennen stated that
33 open space was also an issue. The Chairman asked why cul-de-sacs should not be allowed for
34 subdivisions with open space. Mark Suennen indicated that there was debate of density versus
35 the open space rights. He explained that open space subdivisions allowed smaller frontage and
36 lot sizes. The Chairman commented that the Board did not want to allow smaller frontage
37 minimums and did not want to reduce lot sizes along cul-de-sacs. Don Duhaime agreed with
38 Mark Suennen and the Chairman.

39 The Chairman proposed to prohibit open space subdivisions for subdivisions that
40 included cul-de-sacs. Mark Suennen added that developers would not be allowed to take
41 advantage of density enhancements afforded to open space subdivisions for subdivisions that
42 included cul-de-sacs. He noted that the Town was in favor of allowing developers to provide
43 open space at the densities allowed in a cul-de-sac. Christine Quirk agreed with Mark Suennen’s

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 statement. She added that limiting density to 6, 8 or 10 lots it would not matter if the subdivision
4 was an open space subdivision or a conventional subdivision. Mark Suennen agreed with
5 Christine Quirk's statement.

6 Willard Dodge referenced the open space at the Christian Farm development and pointed
7 out that there was a ribbon of open space around the development and really nothing for open
8 space. Mark Suennen advised that the Board was debating whether or not open space
9 subdivisions should be required or allowed. He continued that the Board wanted to capture what
10 would be considered acceptable open space as opposed to allow garbage land to be open space.

11 Mark Suennen stated that developers would be allowed to have an open space
12 development; however, the developer would be restricted by the overall density of what was
13 allowed along a cul-de-sac. Christine Quirk asked if the allowable frontage for an open space
14 subdivision lot was 150'. The Coordinator clarified that the frontage for an open space lot was
15 50' and could be further reduced by the Planning Board. Mark Suennen indicated that he was
16 okay with allowing 1 acre lots with 50' of frontage in open space subdivisions and added that the
17 total density would be restricted.

18 The Chairman asked if the total density restriction would be determined by the length of
19 the road or by the acreage of the subdivision. Mark Suennen commented that there were many
20 algorithms that could be created to determine the density and thought it would be best to limit the
21 density to a specific number, i.e., number of parcels created or number of dwelling units. The
22 Chairman stated that a 1,000' cul-de-sac road could carry a total of 12 lots. Don Duhaime added
23 that lots needed to have 200' frontage and could not be less than 2 acres.

24 Mark Suennen asked if 12 lots would be allowed for shorter cul-de-sac roads. The
25 Chairman answered that there would be a maximum of 12 lots on 1,000' cul-de-sac roads.
26 Christine Quirk asked if 12 lots would be allowed on a 600' cul-de-sac. Mark Suennen asked if
27 the Town wanted 12 lots on 600' of roadway. Christine Quirk answered no. Mark Suennen
28 stated that there should be a maximum of 12 lots allowed for a 1,000' cul-de-sac and that the
29 number of lots should be proportionate based on length of the road. The Chairman suggested
30 that the requirement be that "each lot requires 200' of frontage". Mark Suennen pointed out that
31 200' of frontage could not be required for open space subdivisions. The Chairman asked if it had
32 been previously agreed that open space subdivisions could not have cul-de-sac roads. Mark
33 Suennen clarified that the Board had agreed to allow cul-de-sac roads in open space subdivisions
34 that would be subject to density restrictions.

35 Don Duhaime suggested that a restriction be created that prohibited duplex homes from
36 being built along cul-de-sac roads and in open space subdivisions. The Chairman questioned
37 Don Duhaime's reasoning. Don Duhaime answered that it would allow the Board to restrict
38 density. The Chairman asked if there were any functional differences between a 1,000' cul-de-
39 sac and 600' cul-de-sac that both had 12 homes. The Fire Chief asked why the density would
40 not be prorated as previously discussed based on the length of the road. The Chairman asked if it
41 mattered if the 12 homes were single family homes versus duplexes. The Fire Chief indicated
42 that 12 duplexes would increase the number of people affected by an emergency on that road.
43 The Police Chief agreed with the Fire Chief.

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 Tom Miller requested the restriction of a maximum of three driveways off the bulb of the
4 cul-de-sac regardless of the length of the road. Mark Suennen confirmed that there would be a
5 maximum of three driveways off the bulb of the cul-de-sac no matter the length of the road.

6 Joe Constance asked if the Board was going to prohibit 12 duplexes to be constructed
7 along a cul-de-sac. The Chairman indicated that a decision had not been made. Mark Suennen
8 stated that he wanted to hear more from the emergency services personnel on the matter and
9 asked if they viewed density in terms of people or structures. The Fire Chief answered that they
10 viewed density in terms of people. Mark Suennen noted that the Board could not restrict the
11 number of people living in a home but could restrict cul-de-sac roads to only single family
12 homes. He questioned whether the size of a house could be restricted along cul-de-sacs. The
13 Chairman pointed out that current Zoning allowed for duplexes to be constructed on any lot. He
14 asked if Mark Suennen was proposing an overlay district that prohibited duplexes along cul-de-
15 sacs. Mark Suennen answered no and indicated that he was trying to figure out how to word a
16 “person density” restriction. Don Duhaime suggested creating a three bedroom maximum along
17 cul-de-sacs. The Chairman did not believe the Board could create such a restriction. He stated
18 that he could build a ten bedroom home to live in by himself and could do so because he lived in
19 America. Joe Constance commented that it would be pretty tough to limit person density. Mark
20 Suennen agreed and stated that the density need to be limited by another means such as limiting
21 what could be built on the lot. Joe Constance believed that the best the Board could do to limit
22 the density would be by only allowing single family homes. The Chairman pointed out that
23 Zoning would have to be changed.

24 Rodney Towne believed that the Board could limit the number of lots on a 1,000’ cull-de-
25 sac. He asked for the Board’s intended location of open space developments and if they would
26 only exist on through roads. The Chairman indicated that open space subdivisions had its own
27 set of rules and regulations. He suggested that the Board create a requirement that allowed for a
28 12 lot maximum along cul-de-sacs. He stated that if a developer built 12 duplexes that was their
29 prerogative. Mark Suennen commented that there did not really seem to be a way to restrict it.
30 Don Duhaime questioned the level of difficulty with regard to changing Zoning to only allow
31 single family homes along cul-de-sacs. Mark Suennen answered that the matter needed to be
32 voted on at Town Meeting. The Fire Chief asked for confirmation that accessory dwelling units
33 were allowed on lots. Mark Suennen confirmed that accessory dwelling units were permitted
34 along cul-de-sacs. The Chairman stated that accessory dwelling units were not allowed in open
35 space subdivisions. The Coordinator noted that accessory dwelling units were allowed in open
36 space subdivisions. She advised that the Planning Board had discussed the issue and determined
37 that an accessory dwelling unit was not allowed on the same lot as a duplex but was allowed on
38 single family home lots. Mark Suennen read the following, “An Open Space Development shall
39 only include single and two family dwellings, accessory structures, incidental recreational uses
40 and home occupations as defined in this ordinances”. Mark Suennen stated that the Zoning
41 Ordinance did not specifically mention accessory dwelling units in open space subdivisions.
42 Rodney Towne agreed with Mark Suennen. The Coordinator offered to provide the Planning
43 Board 2009/2010 meeting minutes that recorded the decision. Rodney Towne stated that Mark

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1 DISCUSSION RE: CUL-DE-SACS, cont.

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3 Suennen had read the Zoning Ordinance and not meeting minutes. The Chairman stated that the
4 Zoning Ordinance allowed for an accessory structure. Rodney Towne noted that it did not allow
5 for accessory housing but allowed for an accessory structure, i.e., a garage or shed.

6 The Chairman commented that the Board may be trying to tighten up something that does
7 not need tightening. Mark Suennen stated that it was too complicated to try and restrict persons
8 or house dwelling units. He recommended that the Board create a restriction that did not allow
9 more than 12 lots along a 1,000' cul-de-sac and that the allowed number of lots would be
10 prorated by the length of the cul-de-sac.

11 The Chairman indicated that the final item to discuss was the length of cul-de-sacs. He
12 commented that he was unsure if there would ever be an agreement on this matter.

13 Mark Suennen suggested that the each Board member share their position on cul-de-sac
14 length. Joe Constance advised that following the last discussion on this matter he had spoken
15 with quite a few people and researched the nature of the length restrictions. He stated that he
16 looked into whether the 1,000' length was arbitrary and what considerations had been given to
17 the 1,000' length. He believed that the 1,000' length seemed to be a very suitable and very
18 rational length. Joe Constance indicated that he was not all comfortable reviewing the length
19 issue on a case-by-case basis with the thought that exceptions did not create precedent. He went
20 on to say that any exception made created a precedent. He recommended that the regulation be
21 created that limited cul-de-sac length to 1,000' and allow for exceptions to be made rarely and
22 only if the exception met a specific list of considerations. Joe Constance stated that the Board
23 should have a discussion of the specific circumstances in which an exception could be made. He
24 did not believe a long enumeration of criteria was necessary.

25 David Litwinovich stated that he agreed with Joe Constance. He commented that the
26 1,000' cul-de-sac length was a good length; however, exceptions could be made.

27 The Chairman noted that both David Litwinovich and Joe Constance acknowledged that
28 exceptions could be made to approve cul-de-sacs longer than 1,000'. Joe Constance confirmed
29 the Chairman's statement and pointed out that he had said exceptions would be rare. He
30 suggested that a maximum exception length be established, noting that he would be in favor of a
31 low number, i.e., 1,200'. The Chairman commented that creating a maximum exception length
32 could be considered "baiting". Joe Constance agreed with the Chairman and commented that he
33 made a valid point. The Chairman agreed that the exceptions should be made rarely and
34 believed that they should be based on the topography of the land and not the profit margin of the
35 builder.

36 David Litwinovich stated that he was concerned with creating a hard 1,000' length
37 maximum as it would take away some of the Board's negotiating power. He indicated that the
38 Board was established to evaluate things on a case-by-case basis.

39 Don Duhaime stated that a developer would only be allowed 12 lots for a 1,000' cul-de-
40 sac and that more lots would not be approved if the length of the road was extended. Christine
41 Quirk agreed with Don Duhaime and added that the road could be as long as the developer
42 wanted but they would only be approved for 12 lots. David Litwinovich indicated that he agreed
43 with Don Duhaime. The Chairman asked Christine Quirk if the length requirement mattered to

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 her if a developer was only allowed 12 lots. Christine Quirk answered that she did not believe a
4 developer would create a 2,000' cul-de-sac if they were only allowed have 12 lots. Joe
5 Constance indicated that he was concerned with not addressing the length issue. He pointed out
6 that a developer could choose to build a 3,000' cul-de-sac to accommodate 12 large \$1.5 million
7 - \$2 million homes. Christine Quirk noted that density was the concern and the density would be
8 controlled by limiting the number of lots. Joe Constance advised that the emergency services
9 had concerns other than density.

10 Mark Suennen stated that he was in favor of a hard 1,000' long cul-de-sac. He indicated
11 that the only way he would approve a waiver of the cul-de-sac length was if the applicant
12 received a letter of support from the Fire Wards, Police Chief, Road Agent and School Board.
13 The Fire Chief commented that the people listed by Mark Suennen were the people that were
14 affected by cul-de-sacs.

15 The Chairman believed it was the Planning Board's job to get the best subdivision they
16 could for the Town and also allow people to have reasonable use of their land. He indicated that
17 the current criteria for approval of a cul-de-sac length waiver was strong but could be
18 strengthened up. He did not think that a length increase should allow a developer to get two
19 more lots each 200' of road, for example, and indicated that the applicant would dramatically
20 lose density.

21 Willard Dodge agreed that it was the Board's job to do the best for the Town, however,
22 he wanted the Board to keep in mind that those present in the audience were the ones who had to
23 deal with the decisions made. He believed that the people who had to deal with the decisions of
24 the Board topped "what was best for the Town". He indicated that safety was the primary
25 concern with regard to the 1,000' maximum cul-de-sac length. The Chairman asked what
26 Willard Dodge based his belief that safety was the primary concern. Willard Dodge answered
27 that his beliefs were based on a whole lot of things that had previously been submitted to the
28 Board. He went on to say that the Chairman had previously stated that he did not care what
29 those in attendance had thought.

30 The Police Chief commented that while listening to the expertise of the Board on this
31 matter he had been made aware of things that he never would have thought about. He
32 commented that those in attendance could bring things to the table that may affect that Town that
33 the Board may not have considered. He advised that they had a discussion last week regarding
34 cul-de-sacs and specifically discussed the issue of how longer cul-de-sacs impacted bus travel
35 and the associated expenses. The Chairman asked for confirmation that the Department
36 Managers had had a meeting regarding cul-de-sac last week. The Police Chief answered yes.
37 The Chairman asked if the Board had received minutes from the meeting. The Fire Chief
38 advised that there were no minutes to distribute as they had just gotten together to bring people
39 who had not been around for the last six years up-to-date. The Chairman asked the Fire Chief to
40 bring the Board up-to-date. The Fire Chief noted that the Chairman had lived through the cul-
41 de-sac discussions and questioned the need to repeat everything as he already knew all of the
42 reasons to limit cul-de-sac length. The Chairman indicated that he had never heard the argument
43 with regard to the impact to buses. He continued that he was not interested in hearing crazy stuff

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1 DISCUSSION RE: CUL-DE-SACS, cont.

2
3 like hostage situations or length of hoses. He continued that he liked to hear about culverts being
4 impossible to maintain. He commented that he liked everything that the Fire Chief had said in
5 this meeting. He stated that he was not too far from agreeing to the 1,000' maximum but wanted
6 to be able to wrap his head around the reasoning for it. He indicated that the previous maximum
7 length of 600' was a made up number and that the current 1,000' was just an extension of the
8 600'. He asked for the Fire Chief to give him a basis for the 1,000' maximum and for the Fire
9 Chief to sell him on it.

10 Joe Constance stated that he did not think the Chairman could discount the hose lengths
11 and emergency situations. He noted that within the last ten years there had been a couple of
12 floods and ice storms. He also noted that more people were using propane for heating and
13 emergency generators. He believed the things he had mentioned provided objective reasons. He
14 advised that the Fire Chief had shared an encyclopedia of documents with him that included
15 things that had happened in Town with a high frequency. He commented that the things he
16 discussed could not be dismissed from an actuarial standpoint. The Chairman stated that he had
17 dismissed three of the things mentioned because he believed they were ridiculous, although, he
18 suspected that there were a couple of really good ones.

19 The Fire Chief indicated that the cul-de-sac length maximum was not fire driven and that
20 the Police Chief experienced the same problems. The Chairman asked for the Fire Chief to list
21 the highlights. He continued that they needed convince him. The Fire Chief clarified that he
22 wanted to convince the Board that the maximum cul-de-sac length should be 1,000'. The
23 Chairman pointed out that he was the hold out on this matter. Willard Dodge stated that he
24 hoped that there would be a majority vote and that the Planning Board was not a one man show.
25 The Chairman pointed out that two other Board members were willing to grant possible
26 extensions of the 1,000' cul-de-sac. Willard Dodge pointed out that the Chairman had stated that
27 he was the hold out.

28 The Fire Chief asked what the Chairman wanted him tell him that was different tonight
29 that he has not said in the last four years. The Chairman suggested that he hit on the points that
30 might interest him as his mind was a lot quicker to change. The Fire Chief stated that he was not
31 present to change the Chairman's mind and was present as a representative of emergency
32 services. The Chairman advised that he was the closest he had ever been with regard to agreeing
33 with the Fire Chief. He indicated that he had been told that the Fire Chief had a lot of interesting
34 mitigating circumstances and that he might hear them differently this evening. The Fire Chief
35 commented that he would provide the Chairman with the minutes and he could read them.

36 Willard Dodge encouraged the Board to take a vote. Joe Constance stated that there were
37 two proposals before the Board, 1) a hard 1,000' maximum cul-de-sac length, no exceptions and
38 2) a 1,000' maximum cul-de-sac length, with exceptions. He indicated that Mark Suennen's
39 proposal really addressed what he was trying to articulate. Don Duhaime noted that the purpose
40 of the Board was to protect the public and make it as safe as humanly possible. The Chairman
41 asked the Fire Chief if he could imagine a circumstance in which he would grant a waiver
42 extension. The Fire Chief answered that he was unsure. The Chairman commented that the Fire
43 Chief had not answered no and that was good enough for him.

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1 **DISCUSSION RE: CUL-DE-SACS, cont.**

2
3 Christine Quirk stated that she agreed that an applicant should get support from the
4 departments Mark Suennen previously recommended with the exception of the School Board.
5 She believed that the School Board would “knock it down no matter what” without even
6 listening. Joe Constance disagreed with Christine Quirk as he had served on the School Board
7 for 12 years. He believed that the School Board would listen to the request and consider it fully
8 and objectively.

9 David Litwinovich stated that he liked Mark Suennen’s suggestion but he questioned the
10 purpose of incorporating the suggestion into a regulation as it was not very likely that the Town
11 departments would support such a request. Mark Suennen explained that he had made the
12 suggestion because it would enhance the rarity of the waiver being approved.

13 The Fire Chief stated that the Technical Review Committee came together in the past and
14 to review major subdivisions. He commented that the passing of ideas and collaboration was
15 amazing, however, the meetings had ceased over the last two or three years. Mark Suennen
16 pointed out that the Technical Review Committee was used for big projects and the Town had
17 not had any big projects during the last few years.

18
19 Mark Suennen **MOVED** to adopt a 1,000’ cul-de-sac length hard cap and the only way to
20 get it waived was to get a signature from the Fire Wards, Police Department and the Road
21 Agent. Don Duhaime seconded the motion. **Discussion:** The Coordinator advised that
22 no one but the Planning Board could waive the Subdivision Regulations. She explained
23 that the current wording of the motion made it sound like approval from those listed
24 would automatically mean the request would be automatically waived. Mark Suennen
25 **MOVED** to not consider a waiver of the 1,000’ cul-de-sac length without a positive
26 recommendation from the Fire Wards, Police Department and the Road Agent. Don
27 Duhaime seconded the motion. **Discussion:** Mark Suennen commented that the Police
28 Department could best speak to the School Board’s needs and requirements. The motion
29 **PASSED** unanimously.

30
31 It was noted that any changes the Road Agent or Road Committee wanted to make to
32 turnaround diameters, the curve of the road at the turnaround radius, etc., should be brought to
33 the Planning Board for review and discussion. Mark Suennen asked if the cul-de-sac discussion
34 was officially closed. The Chairman confirmed that the cul-de-sac discussion was closed.

35
36 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
37 **MAY 27, 2014.**

38
39 P1#1. Letter dated May 21, 2014, from Peter R. Flynn, Town Administrator, to Peter Hogan,
40 Chair, New Boston Planning Board, Re: Engineering Proposals for the Planning Board –
41 Selection Committee, for the Board’s action.

42
43 The Chairman asked Rodney Towne if the above-referenced meeting was scheduled to

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 take place during daytime hours. Rodney Towne indicated that there were no restrictions with
4 regard to when it could take place. Christine Quirk added that the meeting could be scheduled
5 during the evening or weekends. The Chairman commented that he was unavailable during the
6 day.

7 The Chairman asked if there were any interested members that wanted to be part of the
8 selection committee. He asked if it had to be a Board member or if it could be staff. Rodney
9 Towne and Christine Quirk both stated it had to be a Board member. Mark Suennen stated that
10 he was interested in attending as long as there was not a conflict of interest. He advised that his
11 firm bid on the contract. Christine Quirk believed that Mark Suennen would be an excellent
12 candidate to serve on the Committee.

13
14 Christine Quirk **MOVED** that Mark Suennen be the Planning Board representative to the
15 Town Engineer Selection Committee. Don Duhaime seconded the motion and it
16 **PASSED** unanimously.

17
18 P1#2. Questionnaire for 2006 Master Plan update, for the Board's information.

19
20 The Chairman asked if the above-referenced questionnaire was being reviewed to
21 send out. The Coordinator reminded the Board that they had requested to see the
22 questionnaire that had been used for the 2006 Master Plan update. She referred the Board
23 to item #3 on page 2 of Miscellaneous Business.

24
25 P1#3. **REMINDER:** All Boards' Meeting, Monday, June 9, 2014, 7:00 p.m. at the New
26 Boston Central School, for the School Board to look at and discuss the outcome of the
27 demographic study, town growth, building lots and possible school addition, etc.

28
29 The Chairman asked if any members would be attending the above-referenced
30 meeting. Mark Suennen stated that he intended on attending. David Litwinovich advised
31 that he also planned on attending.

32 The Chairman requested that David Litwinovich take notes of the meeting.

33
34 P2#1. Distribution of the May 13, 2014, meeting minutes, for approval at the June 10, 2014,
35 meeting. (distributed by email)

36
37 The Chairman acknowledged the above-referenced matter; no discussion occurred.

38
39 P2#2. Letter copy dated May 21, 2014, from Andrew B. Livernois, Ransmeier & Spellman,
40 P.C., to Attorney Giuda, re: Rose Meadow Group V. Town of New Boston, for the
41 Board's information.

42
43 The Chairman acknowledged the above-referenced matter; no discussion occurred.

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 P3#3. Email received May 27, 2014, from Tracy Keirns, UNH Survey Center, to Nic Strong
4 Planning Coordinator.

5

6 Mark Suennen asked if the Coordinator had contacts at the towns listed that had used the
7 UNH Survey Center. The Coordinator answered that she had contacts in the Towns of Bedford
8 and Londonderry. Mark Suennen stated that he was interested in hearing the other planning
9 departments' thoughts on the surveys with respect to the master plans. She noted that she could
10 contact any of the towns listed. David Litwinovich believed that towns similar in size to New
11 Boston should be contacted.

12

13 Mark Suennen **MOVED** to adjourn at 8:34 p.m. Don Duhaime seconded the motion and
14 it **PASSED** unanimously.

15

16

17 Respectfully submitted,
18 Valerie Diaz, Recording Clerk

Minutes Approved:
06/24/14