

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

September 9, 2014

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

5
6 Present in the audience for all or part of the meeting were Selectman Dwight Lovejoy,
7 Denis Pinard, Tom Noel, Barbara Stewart, Ben Heselton, Jeff Burd, PE, Kim and Scott Neesen,
8 Elaine Drew, Ann Freeman and Katie Napierkoski.

9
10 **ALAN W. SEYMOUR REVOCABLE TRUST**

11 **DENIS PINARD, JR., TRUSTEE**

12 Submission of Application/Public Hearing/Minor Subdivision/2 Lots

13 Location: 33 Rustic Lane

14 Tax Map/Lot #11/113

15 Residential-Agricultural "R-A" District

16
17 The Chairman read the public hearing notice. Present in the audience were Selectman
18 Dwight Lovejoy, Denis Pinard, Tom Noel, Barbara Stewart, Elaine Drew, Ben Heselton and Jeff
19 Burd, PE,.

20 Denis Pinard stated that a site walk had recently taken place and he had shown the Board
21 members in attendance the boundaries. The Chairman advised that he had read the notes from
22 the site walk and that it did not seem that anything in particular stood out.

23 The Chairman indicated that the Board had tabled some waiver requests at the last
24 meeting. Mark Suennen stated that he had no problem waiving the requirement for traffic,
25 environmental and fiscal impact studies based on what he had seen during the site walk. David
26 Litwinovich agreed with Mark Suennen.

27
28 Mark Suennen **MOVED** to accept the waiver request not to submit the Traffic,
29 Environmental and Fiscal Impact Studies, based on the size and scope of the proposed
30 subdivision, for Alan W. Seymour Revocable Trust, Denis Pinard, Jr., Trustee, Location:
31 33 Rustic Lane, Tax Map/Lot #11/113, Residential-Agricultural "R-A" District. David
32 Litwinovich seconded the motion and it **PASSED** unanimously.

33
34 The Chairman asked the Coordinator to advise of any other outstanding matters. The
35 Coordinator advised that a waiver had been submitted for the use of an iron pin at the common
36 driveway instead of a granite bound. The Chairman believed that the matter had been discussed
37 at the last meeting. The Coordinator clarified that the Board had discussed allowing the
38 applicant to use the iron pin instead of the granite bound; however, she noted that a waiver had
39 not been submitted at the last meeting. Mark Suennen stated that after viewing the proposed iron
40 pin location it made sense to use the iron pin.

41
42 Mark Suennen **MOVED** to accept the waiver request to install a rebar at the lot corner
43 that would be under the proposed driveway, for Alan W. Seymour Revocable Trust,

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SEYMOUR/PINARD, cont.

Denis Pinard, Jr., Trustee, Location: 33 Rustic Lane, Tax Map/Lot #11/113, Residential-Agricultural "R-A" District. Rodney Towne seconded the motion and it **PASSED** unanimously.

The Chairman asked if there were any other matters to discuss. Mark Suennen answered that active and substantial development or building as well as substantial completion of improvements needed to be discussed. He noted that during the site walk the applicant had advised that the plan for the property was to build and sell off the new lot being created. He asked if the plan to build was intended to happen sooner than later. Denis Pinard answered that the potential buyer had proposed to start construction in the spring of 2015. He noted that if the potential buyer's plan fell through he was unsure of when construction would take place. Mark Suennen stated that the Board was looking at the applicant's vesting opportunities and explained active and substantial development or building and substantial completion of improvements. He noted that in the past the Board had determined active and substantial development as the installation of a driveway and substantial completion as the installation of a foundation. He indicated that typically the Board asked applicants to make their own recommendations for consideration. Denis Pinard requested that the Board consider active and substantial development as the installation of the driveway and substantial completion as the installation of the foundation.

Mark Suennen asked if the applicant had seen the proposed conditions precedent. Denis Pinard answered no. Mark Suennen read through the conditions precedent.

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

Joe Constance asked if the site walk addressed the concerns emailed from an abutter. The Chairman answered yes and explained that the driveway would not be located in the existing wetlands.

David Litwinovich **MOVED** to approve the Minor Subdivision Plan for Alan W. Seymour Revocable Trust, by Denis Pinard, Jr., Trustee, for Tax Map/Lot #4/5, Rustic Lane and N.H. Route 136 a/k/a Francestown Road, subject to:

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. Submission of executed legal documents: Declaration of Common Driveway Easement; Declaration of Protective Well Easement; for recording at the HCRD, the cost of which shall be borne by the applicant.
4. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created

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1 **SEYMOUR/PINARD, cont.**

- 2
- 3 during development). For building permits requiring an ISWMP, Certificates of
4 Occupancy will only be issued after receipt of a 'Stormwater Management Plan
5 Adherence Statement' as specified in the New Boston Subdivision Regulations."
- 6 5. Deeds for each lot shall have the following statement: 'The property herein
7 described is subject to the following condition as described in the recorded
8 subdivision plan referenced above: A Stormwater Management Plan will be
9 required prior to the issuance of a building permit if any land is to be disturbed in
10 the designated or created Critical Areas.
- 11 6. Payment of any outstanding fees related to the subdivision application and/or the
12 recording of documents with the HCRD (if necessary).
- 13 7. Upon completion of the conditions precedent, the final plans and Mylar shall be
14 signed by the Board and forwarded for recording at the HCRD.
- 15

16 The deadline date for compliance with the conditions precedent shall be **December 9,**
17 **2014**, confirmation of which shall be an administrative act, not requiring further action by
18 the Board. Should compliance not be confirmed by the deadline date and a written
19 request for extension is not submitted by that date, the applicant is hereby put on notice
20 that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
21 approval.

22

23 **ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND**
24 **SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

- 25 1. Within 24 months after the date of approval, the following items must be
26 completed in order to constitute "active and substantial development or building"
27 pursuant to RSA 674:39, I, relative to the 5-year exemption to
28 regulation/ordinance changes:
29 **Installation of driveway apron.**
- 30 2. The following items must be completed in order to constitute "substantial
31 completion of the improvements" pursuant to RSA 674:39, II, relative to final
32 vesting:
33 **Installation of foundation for the house.**
- 34

35 Mark Suennen seconded the motion and it **PASSED** unanimously.

36

37 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
38 **SEPTEMBER 9, 2014.**

39

- 40 1. Approval of the July 22, 2014 meeting minutes, with or without changes.
- 41

42 Mark Suennen **MOVED** to approve the meeting minutes of July 22, 2014, as written.
43 Rodney Towne seconded the motion and it **PASSED** unanimously.

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MISCELLANEOUS BUSINESS, cont.

2.
Endorsement of Subdivision Regulations Certification, by the Planning Board Members.

The Planning Board members endorsed the above-referenced Subdivision Regulations Certification.

3.
Driveway Permit Application for Robert Starace Homes, LLC, Tax Map/Lot #8/63-1 & 8/63-2, Bedford Road, for the Board's action.

Mark Suennen asked if the Road Agent had reviewed the above-referenced driveway permit. The Coordinator answered yes and noted that the Road Agent had signed off on the permit.

Mark Suennen **MOVED** to approve driveway permits for Robert Starace Homes, LLC, Tax Map/Lot #8/63-1 & 8/63-2, 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. David Litwinovich seconded the motion and it **PASSED** unanimously.

4.
As-Built Plan Review Comments dated August 29, 2014, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Nic Strong, Town of New Boston, re: Indian Falls/Susan Road Connection, for the Board's information.

The Chairman asked if the Coordinator could elaborate on the above-referenced matter. The Coordinator stated that the Town Engineer wanted to do a walk-through in order to create a punch list. The Chairman asked who created the punch list. The Coordinator answered that Kevin Leonard, P.E., would create the punch list.

**THIBEAULT SAND & GRAVEL, LLC (OWNER)
HESELTON'S OUTDOOR SERVICES (APPLICANT)
Public Hearing/NRSPR/Landscape materials Processing & Storage**

Location: Parker Road
Tax Map/Lot #3/57
Residential-Agricultural "R-A" District

The Chairman read the public hearing notice. Present in the audience were Barbara Stewart, Tom Noel, Kim & Scott Neesen, Ben Heselton, Elaine Drew, Jeff Burd, PE,, Katie Napierkoski, Ann Freeman and Selectman Dwight Lovejoy.

Jeff Burd, PE, stated that he had presented a proposed site plan to the Board in July of

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1 THIBEAULT/HESELTON, cont.

2
3 2014. He noted that a site walk had also been scheduled.

4 Jeff Burd, PE, advised that since the last meeting it was discovered that there could be
5 some potential wetlands on the site. He explained that when he started on the site plan during
6 the winter the site had been covered in snow. He pointed out open, excavated land on the plan
7 and pointed out an area that had been over-excavated by Aggregate Industries, the previous
8 owner of the gravel pit. He stated that there was a question of whether the area had only been
9 over-excavated or if it was indeed wetlands. He noted that there were three criteria that needed
10 to be met to be considered wetland, i.e., soils, hydrology and plants. He continued that the area
11 in question had met the criteria to be classified as a wetland. Jeff Burd, PE, advised that there
12 was a plan to delineate the wetlands and update the plan. He indicated that the wetland had no
13 value as it was located in an over-excavated gravel pit and it was not a pristine marsh with
14 wildlife. He indicated that the applicant was not sure if he would be pursuing a dredge and fill
15 permit from DES. Jeff Burd, PE, stated that there was enough land area for the applicant to start
16 the business and asked for the Board's opinion on whether that was an acceptable approach. He
17 added that the applicant wished to schedule a site walk and come back to the next meeting with
18 an updated and final plan for approval.

19 The Chairman commented that this was an interesting concept, i.e., over-excavate an
20 area, ignore the situation long enough until something grew in it and then it would become
21 protected. Jeff Burd, PE, stated that he worked with a number of gravel pit operators and it was
22 his experience that they went in and got what they want for the project. He continued that
23 sometimes they would have a guy on the equipment that would stop excavating when they
24 reached a high water table, but sometimes not.

25 Rodney Towne asked if the Code Enforcement Officer had been to the site to ensure that
26 the required reclamation had been completed. Jeff Burd, PE, advised that the reclamation had
27 not been completed. Rodney Towne asked if Jeff Burd, PE, would be working with the Code
28 Enforcement Officer. Jeff Burd, PE, indicated that he had not worked with the Code
29 Enforcement Officer but would contact him.

30 Joe Constance asked if the areas located at the back of the property had been reclaimed.
31 Rodney Towne answered that he was not sure and that the Code Enforcement Officer would
32 oversee the reclamation. Ben Heselton added that he had been to the site with the Code
33 Enforcement Officer and Vinnie Iacozzi to go over what needed to be reclaimed.

34 Mark Suennen asked if it was Thibeault's intent to modify their current reclamation plan.
35 Jeff Burd, PE, answered that Thibeault would modify their reclamation plan based on the
36 proposed plan. He noted that the current reclamation plan included mining that had never been
37 done. Mark Suennen explained that the reclamation plan on file with the Town was the
38 reclamation plan of record. He continued that the proposed plan needed to be submitted as an
39 updated reclamation plan.

40 Mark Suennen stated that it appeared the roadway that would be used to access the upper
41 part of the property would go through the wet area. Jeff Burd, PE, stated that the roadway would
42 not be used immediately and that a plan for its use would be determined following the wetland
43 delineation.

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1 THIBEAULT/HESELTON, cont.

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3 Mark Suennen asked for confirmation that the applicant wanted to schedule a site walk.
4 Jeff Burd, PE, answered yes and added that the applicant wanted to know if there were any
5 special criteria that should be addressed with regard to the wetland and the business operating
6 next to it. The Chairman stated that there were a whole lot of problems with regard to operating
7 next to a wetland. Mark Suennen noted that there were setbacks and offsets that needed to be
8 followed. He referenced the plan and indicated that the second mulch pile appeared close to the
9 setback.

10 Dwight Lovejoy asked for the gate to be identified on the plan; Jeff Burd, PE, identified
11 the gate location. Dwight Lovejoy stated that the water on the site had already been field tested.
12 He continued that the water had been tested years ago for neighbors that resided down by the
13 bridge. He explained that their well water started there, crossed the road and down to the bridge.
14 He advised that he had visited the site a few weeks ago and he observed water in the middle of
15 the gravel pit.

16 The Board scheduled a site walk for Saturday, September 20, 2014, at 8:00 a.m.

17 Rodney Towne noted that the Board had not come to any conclusions with regard to
18 noise from the tub grinder. The Chairman asked what had been determined with regard to noise
19 levels. Ben Heselton answered that he had a sound study completed by Earl Sandford, PE. Jeff
20 Burd, PE, added that summaries of the report had been provided to the Board and the report had
21 been provided to the ZBA. He stated that he had copies of the summary available. Mark
22 Suennen requested a copy of the summary.

23 Joe Constance pointed out that the abutters were concerned with the consistency of the
24 sound that would be created by the tub grinder. He continued that the report contained one shot
25 sounds, i.e., diesel trucks driving by, etc., as opposed to constant, running sounds. Jeff Burd, PE,
26 stated that the report contained maximum readings that peaked and not averages.

27 Rodney Towne advised that he had heard a couple of concerns since the last meeting that
28 included abutters not being notified or invited to be present for the sound study and that there
29 were no elevated tests done. He indicated that he had spent time in his truck earlier in the day
30 listening to a tub grinder run. He found that it was fairly easy to block the noise but not
31 necessarily for the elevated areas. He reiterated that he was concerned that only ground level
32 testing had been completed and that the abutters had been ignored in the process. Jeff Burd, PE,
33 asked what level should have been tested besides ground level. Rodney Towne answered that
34 the noise should have been tested 10' off the ground. Scott Neesen pointed out that 10' off the
35 ground was where the second floor of his house was located. Rodney Towne stated that he
36 would be pretty testy if the sound level was unacceptable and he was trying to sleep after coming
37 home from work at 2:00 a.m. He noted that he did not know what acceptable was and felt it was
38 inappropriate to only do ground level testing in a residential area. The Chairman added that the
39 concern was relative to not knowing the acceptable level.

40 Jeff Burd, PE, advised that these issues had been discussed with the ZBA in order to
41 determine if the proposed operation was an acceptable use for the particular site. He noted that
42 the ZBA had determined that the site was acceptable with all of these matters taken into
43 consideration. He went on to say that they did not feel that these issues needed to be rehashed

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1 THIBEAULT/HESELTON, cont.

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3 with the Planning Board as they had already been resolved with the ZBA. He stated that Earl
4 Sandford, PE, could attend a meeting and address the sound report questions. He believed that
5 Earl Sandford, PE, had put together a good summary. Rodney Towne agreed. Jeff Burd, PE, did
6 not believe that there would be a big difference in sound over 400' or 500', 10' up. Rodney
7 Towne stated that the Board could ask Earl Sandford, PE, for his opinion and noted that he
8 disagreed that a difference would not be heard. He noted that he heard a difference from rolling
9 his truck window down that day while listening to a tub grinder. He commented that the noise
10 was not horrible but it was continuous. Jeff Burd, PE, stated that there was no question that there
11 would be noise coming from the tub grinder. Rodney Towne acknowledged that there would be
12 noise coming from the tub grinder and he would not find it unacceptable if the noise level was
13 acceptable.

14 The Chairman stated that knowing the noise level and the direction it was coming from
15 could assist in creating a site design that would eliminate the noise and/or ensure that it was
16 within operating standards. Jeff Burd, PE, noted that the applicant was not opposed to finding a
17 location behind a dirt pile to operate the tub grinder. The Chairman pointed out that the Board
18 had the ability to require the dirt but noted first the Board needed to know the level of the sound.

19 Jeff Burd, PE, stated that the applicant could conduct sound testing at the current location
20 of the tub grinder. He explained that it was difficult and costly to move the tub grinder to the site
21 and truck over materials to be grind. Rodney Towne acknowledged the difficulty in moving a
22 machine in and out; however, he noted that the Board was looking at re-activating an area that is
23 a neighborhood. The Chairman added that the additional testing onsite could also help maximize
24 the operation as the noise levels would be established. Ben Heselton pointed out that the noise
25 levels had been established.

26 Scott Neesen asked if the sound report identified what materials were used in the grinder.
27 Ben Heselton stated that an 8' log had been placed in the tub grinder during the sound testing.
28 He added that the 8' log would produce the loudest noise from the materials he used. The
29 Chairman stated that the levels the Board was looking for may have been determined but not
30 included in the report.

31 Mark Suennen stated that it was the consensus of the Board to have Earl Sandford, PE,
32 attend the next meeting. He continued that the Board could determine at that time if they were
33 satisfied with the sound study that had been completed or they could determine that additional
34 testing was required. He noted that the Board could also determine whether an Environmental
35 Impact Study would be required.

36 The Chairman asked if a stump grinder was louder or quieter than a rock crusher. Ben
37 Heselton answered that a stump grinder was quieter than a rock crusher.

38 Jeff Burd, PE, asked if there were any issues related to traffic that the Board wanted to
39 address. Mark Suennen explained that the Board had the right to require a Traffic Impact Study.
40 He continued that the Board was most likely interested in the number of trucks entering/exiting,
41 the destinations of the trucks and which paths would be followed in and out of Town.

42 The Chairman asked for comments and/or questions from the audience. Elaine Drew
43 asked if abutters could attend tests and the site walks. The Chairman advised that abutters

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1 THIBEAULT/HESELTON, cont.

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3 needed obtain permission from the property owner to attend site walks.

4 Elaine Drew stated that she had lived in the area for thirty years and that the wetland had
5 always existed. She noted that her kids used to ice skate on the wetlands. Barbara Stewart also
6 remembered children ice skating on the wetland.

7 Several audience members began talking and the discussion became inaudible. The
8 Chairman advised that the Planning Board meetings were not like Jerry Springer and only one
9 person was allowed to speak at a time. He explained that a public record was being created and
10 could not be done when more than one person was speaking.

11 The Chairman indicated that the Board would view the wetland during the site walk and
12 would most likely require an Environmental Impact Study. He explained that if the water had
13 always been there and had always been flowing it could not be masked.

14 The Chairman believed that it was improbable that the owner of the property would allow
15 abutters to attend the site and asked the audience for additional items the Board should review
16 during the site walk. He noted that all of the findings from the site walk would be discussed at
17 the next meeting.

18 Kim Neesen of 59 Parker Road disagreed with a previous statement made by Jeff Burd,
19 PE, that all of the issues had been covered at the ZBA. She continued that the ZBA had advised
20 during their meetings that all the issues brought up were Planning Board issues. The Chairman
21 agreed that the issues were Planning Board issues.

22 Kim Neesen stated that she and her neighbors had concerns with their property values
23 being affected by the proposed operation. She noted that the ZBA had said it was the applicant's
24 responsibility to prove there would be no negative effect on property values but it had not been
25 proven.

26 Jeff Burd, PE, disagreed and stated that it was the purview of the ZBA to address the
27 issues identified by Kim Neesen and he did not understand how the ZBA could label the issues
28 as Planning Board issues. The Chairman stated that they were Planning Board issues. Rodney
29 Towne added that they were also ZBA issues. Jeff Burd, PE, pointed out that the ZBA allowed
30 the use in the area. The Chairman noted that the ZBA allowed the use; however, they were
31 relying on the body of the Planning Board to ensure the operation fit the neighborhood properly
32 by requiring limitations. Jeff Burd, PE, stated that the requirements would be in compliance with
33 the Site Plan Regulations. The Chairman agreed that the requirements would be in compliance
34 with the Site Plan Regulations. He advised that the Planning Board wrote the Site Plan
35 Regulations and as such knew how to do it. Jeff Burd, PE, stated that he was not questioning the
36 Board. The Chairman disagreed and told Jeff Burd, PE, to "put it to rest". He commented that
37 the Board knew how to do their job and that was what they were going to do. The Chairman
38 continued that the Board would attend a site walk, view the concerns and be fair. He told Jeff
39 Burd, PE, not to pretend or believe that the ZBA said it was okay to make noise any way the
40 applicant wanted. He stated that the ZBA had said that the use was allowable by variance and
41 then turned the matter over to the Planning Board to put certain restrictions on the operation.
42 Jeff Burd, PE, clarified that he was not pretending and that it was his understanding that if the
43 ZBA allowed the use then they had looked at issues like traffic. The Chairman advised that the

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1 THIBEAULT/HESELTON, cont.

2
3 ZBA did not look at those issues and passed those matters to the Planning Board for site plan
4 review.

5 Mark Suennen explained that there were five conditions that the ZBA looked at to verify
6 whether a variance could be granted. He continued that the Planning Board had to review the
7 Non-Residential Site Plan Review Regulations and noted that some of the requirements
8 overlapped with the ZBA, i.e., sound, design layout and impacts to neighborhoods.

9 The Chairman stated that all the required reclamation needed to be completed prior to the
10 applicant obtaining permission to operate his business. Rodney Towne agreed. The Chairman
11 asked if the applicant understood that the reclamation needed to be completed prior to operating
12 his business. Ben Heselton answered yes. The Chairman reiterated that before the Building
13 Inspector would sign off on compliance the entire property needed to be completely reclaimed.
14 Ben Heselton asked if his operation site needed to be reclaimed. The Chairman stated that the
15 entire property, including the applicant's proposed operation site, needed to be reclaimed. He
16 specifically pointed out that the "mountain in the back" needed to be fixed before the operation
17 started.

18 The Chairman stated that the wetlands issue needed to be resolved and that the setbacks
19 needed to be determined. He advised that the site plan might be altered once the setbacks were
20 determined.

21 The Chairman indicated that he would address remaining questions and/or comments
22 from the public. Tom Noel stated that he was unsure that the noise created from a tub grinder
23 should be compared to the noise created from a rock crusher. He explained that the sound from
24 the tub grinder would be heard at a higher frequency/pitch than the noise heard from a rock
25 crusher. He stated that the rock crusher from the Strong gravel pit created a low frequency
26 sound. He commented that high frequency sounds were much more likely to be annoying to a
27 person's hearing and should be considered. Barbara Stewart added that the matter should be
28 reviewed as there was the potential for the tub grinder to run from 7:00 a.m. to 5:00 p.m. She
29 asked if gravel pits were limited to hours they were allowed to run rock crushers. Rodney
30 Towne answered that limitations could be placed and they were specific to each permit.

31 Katie Napierkoski of 66 Parker Road advised that there were at least six school bus stops
32 along Parker Road. She wanted the fact that there were four very blind corners along the road to
33 be taken into consideration for the Traffic Impact Study. She commented that the Thibeault
34 trucks did a relatively good job traveling along the road and that it was people who were
35 unfamiliar with the dynamics of the road that could create a problem. Rodney Towne stated that
36 the abutters who lived at their properties for many years along Parker Road were aware of the
37 truck traffic that used to come from the gravel pits. He pointed out that the heavy truck traffic
38 could return at any time with a good economy. He continued that the applicant would not be
39 bringing heavy truck traffic to Parker Road. Katie Napierkoski suggested lowering the speed
40 limit on Parker Road from 30 mph to 20 mph. Rodney Towne did not want the abutters to think
41 that the applicant's traffic and size of trucks would be unusual to Parker Road. He noted that
42 heavy trucks had traveled on Parker Road for 50 years. Mark Suennen stated that if a Traffic
43 Impact Study was required the abutters concerns would be addressed. The Chairman did not

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1 **THIBEAULT/HESELTON, cont.**

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3 believe that the applicant's operation would create much of a traffic impact. Mark Suennen
4 agreed that the amount of additional traffic generated from the applicant's business was not likely
5 to create a detrimental impact to Parker Road. He continued that Parker Road had been designed
6 to handle much more traffic.

7 Kim Neesen asked if the applicant was required to come back to the Planning Board if
8 the business grew and bigger trucks were being used. Rodney Towne explained that the
9 applicant was not required to come back to the Board unless those restrictions were within the
10 site plan. Mark Suennen added that the Board was requiring that the applicant provide
11 engineering expertise through professional consultants and it would be determined whether or
12 not the proposal was appropriate for the level of development. He advised that the applicant
13 could not expand beyond what the site plan showed, i.e., additional piles could not be placed on
14 the property if they were not shown on the plan. Scott Neesen asked if the number of trucks used
15 at the site could double. Mark Suennen answered yes. Scott Neesen commented that if the truck
16 traffic could double than it would make a difference to Parker Road. Rodney Towne stated that
17 the amount of traffic would not make a difference with regard to how much traffic Parker Road
18 had handled in the past and was designed to handle.

19 Ann Freeman of Riverdale Road stated that it boggled her mind to think that an industry
20 could be placed in an area zoned as Residential-Agricultural. The Chairman pointed out that all
21 the gravel pits in Town were located in the Residential-Agricultural "R-A" District. Rodney
22 Towne stated that the ZBA felt that the proposed operation was a reasonable extension of the
23 variance. Ann Freeman believed that allowing the proposed business to operate was a travesty to
24 the people who lived there.

25 Katie Napierkoski asked for confirmation that the variance had been granted by the ZBA.
26 The Chairman answered yes. Katie Napierkoski questioned if the decision had been made
27 without all the Traffic Impact and Environmental Impact Studies. The Chairman answered yes
28 and explained that the Planning Board had the authority to require those studies and not the
29 ZBA.

30 Mark Suennen reiterated that the property owner, Thibeault Sand & Gravel, LLC, had the
31 right to decide who was allowed on the property. He continued that the public had the right to
32 ask for permission to attend the site walk and Thibeault Sand & Gravel, LLC, had the right to say
33 no. He encouraged the abutters to send a letter or email with items they would like the Board to
34 address at the site if the property owner denied them permission to attend. Rodney Towne added
35 that the Board was not allowed on the property without the property owner's permission.

36
37 Mark Suennen **MOVED** to adjourn the public hearing for Thibeault Sand & Gravel,
38 LLC, (Owner), Heselton's Outdoor Services, (Applicant), Location: Parker Road, Tax
39 Map/Lot #3/57, Residential-Agricultural "R-A" District, to September 23, 2014, at 6:30
40 p.m. Rodney Towne seconded the motion and it **PASSED** unanimously.

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1 Board to choose next Zoning Ordinance question for review and discussion

2
3 Dwight Lovejoy was present in the audience. Joe Constance suggested that the Board
4 discuss Stormwater Management Plans as the next question. The Chairman indicated that the
5 section of the regulations that referenced Stormwater Management Plans had been toughened
6 following the Mother's Day floods. He indicated that one change had been not allowing any
7 increased flow of water off properties.

8 The Chairman asked the Coordinator if she had any suggestions. The Coordinator
9 answered no.

10 Joe Constance thought that setbacks for wetlands was interesting and asked for an
11 explanation of allowing 0.5 acres of wetland to be part of a lot calculation. The Coordinator
12 explained that the Wetlands Conservation District required 1.5 acres of contiguous soil for a
13 property to be considered a lot. Because the minimum R-A lot size was 2 acres, that meant that
14 0.5 of an acre could be poorly drained soils. She asked if the Board was still in favor of allowing
15 poorly drained soils to be part of the minimum lot size calculation. Also whether the 50's
16 setback from wetlands for structures was still appropriate. Mark Suennen thought the 50'
17 measurement came from the State. The Coordinator said that the State had no setback for
18 structures from wetlands although they did for protected rivers and streams. The Board agreed to
19 discuss Section 204.6, the Wetlands Conservation District, as the next Zoning Ordinance
20 question.

21
22 Continued discussion, re: Master Plan update, questionnaire/survey for public input

23
24 Dwight Lovejoy was present in the audience. Mark Suennen asked if the Planning
25 Department had received any responses from Department Managers with regard to the
26 Memorandum, re: 2015/2016 Master Plan Update. The Coordinator advised that the
27 memorandum had not been sent and that it was being presented to the Board this evening in draft
28 form. She noted that she had brought up the matter at the Department Manager's meeting and
29 people were interested and keen on the idea of contributing.

30 The Chairman requested that the draft be sent out and that the responses could be
31 discussed as they came in. The Board agreed.

32 Dwight Lovejoy asked how close to the old Master Plan have we come. Mark Suennen
33 explained that the Master Plan did not dictate the exact number of developments that Town
34 should have or a specific number of homes. He continued that the Master Plan provided goals
35 and objectives for how the Town should grow and how the Town should generally look and feel
36 over time.

37
38 MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
39 SEPTEMBER 9, 2014.

40
41 5a. Board to consider change of use from retail to office plus one apartment for Tax Map/Lot
42 #16/13, 2 Mont Vernon Road, for the Board's action.
43

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MISCELLANEOUS BUSINESS, cont.

5b. Acknowledgement of conditions attached to Non-Residential Site Plan for Tax Map/Lot #16/13, 2 Mont Vernon Road, by Maureen Dowst, C.P.A., for the Board's information.

The Chairman addressed items 5a and 5b together as they were related.

The Chairman asked if the applicant had sent an acknowledgement. The Coordinator answered yes. The Chairman asked if the applicant had obtained a variance from the ZBA for use of the apartment. The Coordinator answered yes.

Mark Suennen **MOVED** to acknowledge and accept the proposed change of use for Maureen Dowst, Tax Map/Lot #16/13, 2 Mont Vernon Road, from the retail use to the office use, plus the one apartment that the ZBA had approved. Rodney Towne seconded the motion and it **PASSED** unanimously.

6. Letter copy dated September 2, 2014, to Kevin M. Leonard, P.E., Northpoint Engineering, LLC, from Peter R. Flynn, Town Administrator, Town of New Boston, re: Signed Agreement for Professional Services, for the Board's information.

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

7. Construction Services Reports dated August 11, 12, 14, and 19, 2014, from Northpoint Engineering, LLC, for Forest View II/S&R Holding, LLC, for the Board's information.

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

8. Construction Services Report dated August 19, 2014, from Northpoint Engineering, LLC, for Woodland Development (Fieldstone Drive), for the Board's information.

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

9. Notice of Decision dated August 20, 2014, from the New Boston Zoning Board of Adjustment, re: Tax Map Lot #16/13, Mont Vernon Road, Variance granted.

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

10. Notice of Decision dated August 20, 2014, from the New Boston Zoning Board of Adjustment, re: Tax Map Lot #2/146, Middle Branch Road, Variance granted.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

- 5
6 11. Endorsement of a Subdivision Plan for Robert Starace Homes, LLC, Tax Map/Lot #8/63,
7 35 Bedford Road, by the Planning Board Chairman & Secretary.

8
9 The Chairman and David Litwinovich, as Acting Secretary in Don Duhaime's absence,
10 endorsed the above-referenced Subdivision Plan.

- 11
12 12. Endorsement of a Notice of Decision Cover Sheet, Robert Starace Homes, LLC, Tax
13 Map/Lot #8/63, 35 Bedford Road, by the Planning Board Chairman.

14
15 The Chairman endorsed the above-referenced Notice of Decision Cover Sheet.

- 16
17 13. Distribution of the August 26, 2014, meeting minutes, for approval with or without
18 changes at the September 23, 2014, meeting. (distributed by email)

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

- 22
23 14. Letter from Michael Dahlberg, LLS, Dahlberg Land Services, to New Boston Planning
24 Board, re: Glover Construction, Tax Map/Lot #5/16-19, Christian Farm Drive,
25 Conditional Use Permit Application, for the Board's action.

26
27 Mark Suennen **MOVED** to accept the withdrawal of the Conditional Use Permit
28 Application from Glover Construction, Tax Map/Lot #5/16-19, Christian Farm Drive,
29 without prejudice. David Litwinovich seconded the motion and it **PASSED**
30 unanimously.

- 31
32 15. Letter received September 8, 2014, from David J. Preece, AICP, SNHPC, to Peter Hogan,
33 Planning Board Chair, re: SNHPC Membership Fee- Fiscal Year 2015-2016, for the
34 Board's information.

35
36 The Chairman acknowledged receipt of the above-referenced matter; no discussion
37 occurred.

- 38
39 16. Construction Services Reports dated August 25, 26, 27, and 29, 2014, from Northpoint
40 Engineering, LLC, for Indian Falls/Susan Road - Bussiere, for the Board's information.

41
42 The Chairman acknowledged receipt of the above-referenced matter; no discussion
43 occurred.

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1 **MISCELLANEOUS BUSINESS, cont.**
2

3 17. Construction Services Report dated August 29, 2014, from Northpoint Engineering, LLC,
4 for Twin Bridge Estates - Phase II, for the Board's information.
5

6 The Chairman acknowledged receipt of the above-referenced matter; no discussion
7 occurred.
8

9 18. Conditions Precedent/Subsequent question
10

11 The Coordinator noted that Mark Suennen had earlier asked Mr. Pinard if he was familiar
12 with the conditions that were proposed for his subdivision. She pointed out that applicants do
13 not see the suggested list of conditions precedent and conditions subsequent that were included
14 in Board members' handouts. She asked if the Board would like applicants to review a draft of
15 the suggested conditions prior to the meeting or if the Board wanted to read the list of conditions
16 at the meeting.

17 The Chairman suggested that a draft be available to hand to the applicant at the meeting.
18 He continued that the draft could be amended during the meeting. Mark Suennen was concerned
19 that applicants might believe they were all set if they met the draft conditions. Rodney Towne
20 commented that a draft did not imply anything and only meant that the conditions had been
21 prepared.

22 Mark Suennen recommended that the Planning Department provide the draft conditions
23 to the Board to be handed out right before the conditions were voted on. The Coordinator added
24 that it would be quicker for the applicant to read through the conditions at the meeting rather
25 than having a Board member read them aloud.

26 The Board agreed to move forward with Mark Suennen's recommendation.
27

28 Joe Constance **MOVED** to adjourn at 9:11 p.m. Mark Suennen seconded the motion and
29 it **PASSED** unanimously.
30

31
32 Respectfully submitted,
33 Valerie Diaz, Recording Clerk

Minutes Approved:
10.14.14