

**TOWN OF NEW BOSTON
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The meeting was called to order at 6:30 p.m. by Chairman Stu Lewin. Present were regular members Mark Suennen and Peter Hogan, Alternate Member David Litwinovich, and Ex-officio Dwight Lovejoy. Also present were Planning Coordinator Nic Strong, Planning Assistant Shannon Silver and Recording Clerk Valerie Diaz.

Present in the audience for all or part of the meeting were Christine Quirk, Jay Marden, Tom Carr, C.W.S., Charles Cleary, Esq., Ken Lombard, Donna Mombourquette, Ian McSweeney, Russell Foundation, Rodney Towne, Ken Clinton and Brandy Mitroff.

Discussion, re: Proposed Subdivision/Site Plan Review Regulations

The Chairman noted that a copy of the Proposed Subdivision/Site Plan Review Regulations that had been provided to the Board included the changes made at the last meeting.

The Chairman stated that at the last meeting Mark Suennen had raised a question of making the design review process mandatory. He explained that upon further review of the question it appeared that before such a change could be made to the Regulations a town vote was required. Mark Suennen stated that he did not wish to make the design review process mandatory and would like for the Board to agree to encourage new applicants to go through the design review process in order to shorten the public hearing process. The Planning Assistant pointed out the Planning Office could make such recommendation; however, the applicant could decide to [come in with a final].

The Chairman stated that the requirement for that a final plat be “consistent with the approved preliminary layout”, contained in Section VII-A, would be removed as the preliminary review stage was non-binding.

The Chairman asked for an explanation of the acronym “IET”. Mark Suennen stated that “IET” acronym stood for Institute of Transportation Engineers. The Chairman asked if the Town Engineer would provide the Planning Office with [the book]. The Coordinator answered that the Town Engineer was going to purchase [the book] and lend to the Planning Office.

Mark Suennen noted that his recommendation to change the “HS-20 loading” reference to “HL-93” was erroneous and as such the “HS-20 loading” should remain in the Regulations.

The Chairman advised that there were no NH DOT specifications for screened gravel and 1 ½” crushed, washed stone, listed in Sections IX-J, B, 7 & 8, which was why the gradation tables were still in the Regulations.

The Chairman noted that at the last meeting Mark Suennen had questioned if the Town Engineer had historically conducted leakage tests for cast in-place cisterns that created a situation where a hole would be exposed for fourteen days. He advised that the Town had historically conducted the leakage tests with open holes for a period of fourteen days. Mark Suennen stated that he was not comfortable with large, open holes in the ground for fourteen days but noted that it would be the responsibility of the owner and not the Town to protect the area against accidental falls.

The Chairman stated that the Town Engineer had agreed with the Board’s idea of specifying the type of “No Parking” sign to be attached to cisterns and the following was added

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to the Regulations: “MUTCD, R-7-1, 12” x 18”, ‘No Parking Any Time’ sign with double arrow”.

The Chairman advised that the Coordinator had spoken with the Town Engineer regarding the Road Committee’s recommendation to add a maximum 10’ cover over road crossing concrete pipes. Mark Suennen stated that [it] would end up being benched. He continued that the Town Engineer disagreed with setting a maximum limit. He suggested that following the submission of the Road Committee’s recommendations of [] the Town Engineer should review them. He asked if the Road Committee could consult the Town Engineer directly as they had for the review of the Road Construction Standards. The Coordinator answered that the Road Committee could contact the Town Engineer directly. She added that the Board would need to discuss the Town Engineer’s involvement if it was deemed that the process was going to be lengthy and create a lot of work. The Chairman commented that he preferred to have the initial discussion between the Road Committee and Town Engineer at a Planning Board meeting. He suggested that the Road Committee complete their recommendations, have the Town Engineer review the recommendations, and schedule a subsequent meeting for a discussion with all parties present. Mark Suennen agreed with the Chairman’s suggestion.

The Chairman noted that the numbering of the fiberglass and the pre-cast cistern sections had been amended for consistency of the document.

The Chairman asked if there were any further questions or comments on this matter; there were no further questions or comments.

The Coordinator noted that [parking numbers] needed to be determined prior to scheduling a public hearing on the proposed amendments. The Chairman asked how the [parking matter] would be addressed. The Coordinator answered that the Board had requested for a determination on whether national standards were available for each use.

Discussion, re: Draft CIP Policy & Procedures Manual

Present in the audience was Christine Quirk.

The Coordinator explained that the idea for a CIP Policy & Procedures Manual, (CIPPPM), had been discussed in 2010 during the CIP process. She noted that the process generally worked well and was treated as a yearly budget tool rather than a long-term planning tool. She continued that the CIPPPM attempted to link the Planning Board back into the process for the purpose of addressing long-term Master Plan goals and recommendations. She explained that the CIPPPM also addressed the responsibilities of the CIP Committee and its advisory role.

The Chairman asked if the Board was responsible for adopting the CIPPPM. The Coordinator answered yes. The Chairman asked if the CIPPPM was similar to the Subdivision Regulations. The Coordinator answered no and noted that it was not a required document but believed it would be helpful.

The Coordinator briefly described each section of the CIPPPM.

- Section 1 provided information on the authority of the Town to create a CIP.
- Section 2 contained a purpose and was intended to give a description of the CIP and how it should be used.
- Section 3 provided New Boston’s definition of CIP projects in New Boston.

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- Section 4 contained information on CIP Committee Organization, Meetings, and structure. The Coordinator suggested that each year the Board should conduct a formal appointment process for the CIP Committee.
- Section 5 addressed department project submissions and briefings.
- Section 6 provided a timeline for submission of items to assist in budget preparation.
- Section 7 outlined the distribution of materials and the applicable timelines for each as well as a description of items to be discussed at each meeting.
- Section 8 contained a history of the CIP in New Boston.

Dwight Lovejoy asked how the Coordinator became involved in the creation of the CIPPPM. The Coordinator answered that the CIP Committee was a sub-committee of the Planning Board and as such was its responsibility for overseeing. She noted that over the years the Planning Department had always organized the meetings, recorded the minutes, and distributed information. She stated that the purpose of the CIPPPM was to outline procedures and expectations prior to the start of the CIP Committee meetings begin.

Dwight Lovejoy asked if the creation of the CIPPPM was initiated by the Coordinator and the Planning Assistant. The Coordinator advised that during the 2010 CIP Committee meetings the idea to create a CIPPPM had been discussed and subsequently approved by the Planning Board. Dwight Lovejoy commented that the CIPPPM was very nice and thanked the Coordinator and Planning Assistant for their efforts.

The Coordinator advised that she also had a draft of a Project Worksheet Form for the Board's review as well as an accompanying draft memo that will be sent to department managers.

The Coordinator stated that it had been discussed last year to have a meeting during [this time of year] to put people in the mindset of [completing project worksheets]. She noted that it would not be feasible to have a meeting until August 2011.

The Chairman requested that the Board review the CIPPPM prior to the next meeting and be ready to discuss. He asked for further comments or questions; there were none.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
May 10, 2010**

1. Approval of April 12, 2011, minutes, distributed by email.

Mark Suennen **MOVED** to accept the minutes of April 12, 2011, as written. Peter Hogan seconded the motion and it **PASSED** unanimously.

The Chairman advised David Litwinovich that in his capacity as an Alternate Member of the Board he was able to discuss and vote Miscellaneous Business items.

2. Discussion, re: Summer Schedule

The Chairman advised that the Board needed to determine whether or not they would choose to hold only one meeting in July and August as had previously been done in 2009 and

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2010. He noted that he would like to make a determination this evening in order to begin posting as soon as possible.

Mark Suennen agreed with the proposal to only hold one meeting in the months of July and August.

The Coordinator stated that she would not be available to attend the 4th Tuesday meeting in August. The Chairman asked if the Board could decide to hold the meetings on the 2nd Tuesday in July and August. The Coordinator answered that she believed that was allowable as long as appropriate notice was given.

The Chairman asked if the Board had held one meeting in June of 2010. The Coordinator answered that two meetings had been held in June of 2010. Christine Quirk believed that only one meeting had taken place in June of 2010. The Coordinator checked and verified that two meetings had taken place in June of 2010.

The consensus of the Board was to hold one meeting in the months of July and August that would take place on the second Tuesday.

- 3a. Memorandum dated April 27, 2011, from Shannon Silver, Planning Board Assistant to Burton Reynolds, Town Administrator, & Board of Selectmen, re: Planning Board Appointment Recommendation, for the Board's information.

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

- 3b. Letter copy received May 3, 2011, from Burton Reynolds, Town Administrator, to David Litwinovich, re: Planning Board Appointment, for the Board's information.

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

4. Letter copy received May 5, 2011, from Burton Reynolds, Town Administrator, to Donald Duhaime, re: Planning Board Appointment, for the Board's information.

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

5. Letter copy received May 5, 2011, from Burton Reynolds, Town Administrator, to Dean Mehlhorn, re: Planning Board Appointment, for the Board's information.

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

6. Letter received April 29, 2011, from Kevin M. Leonard, P.E., Principal Engineer, Northpoint Engineering, LLC, to Nicola Strong, Planning Coordinator, re: Forest View II Subdivision (McCurdy Road) – Final Review, for the Board's information.

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The Coordinator noted that the applicant had been making every effort to finalize the conditions precedent with regard to the above-referenced subdivision, with the intention of completing a closing the following day and providing the Town with a letter of credit [for]. She stated that five complete sets of the plans had been received by the Planning Office earlier in the day and were dated with a revision date of April 1, 2011. She advised that revisions had been made to the plans since April 1, 2011, with the latest revision date of April 18, 2011; however, the plans did not reflect the April 18th date. She continued that the surveyor had stated that the Coordinator had said it was okay to submit the plans with the April 1st date and she disputed that claim. She advised that the applicant had asked if the Board would consider signing the plans with the April 1, 2011, as the Town Engineer would be reviewing them tomorrow. The Chairman, Peter Hogan and Dwight Lovejoy stated denied the applicant's request. Mark Suennen abstained from offering an answer on the matter.

The Chairman executed that Subdivision Agreement.

- 7a. Copy of Press Release, April 29, 2011, from New Hampshire Association of Fire Chiefs and New Hampshire Fire Prevention Society, re: Senate Bill 91, fire suppression systems, for the Board's information.
- 7b. Copy of SB 91 –As amended by the House, April 27, 2011, for the Board's information.

The Chairman asked if the SB 91 had been finalized. The Coordinator answered that the SB 91 had passed through the House and was now in the Senate.

The Chairman asked if WMUR Channel 9 News had aired an interview with Dan MacDonald, Fire Chief, with regard to the above-referenced matter. The Coordinator advised that the interview was scheduled to air on the eleven o'clock news on Thursday.

The Chairman asked for clarification that the bill would prohibit the Planning Board from adopting an ordinance that required the installation of sprinkler systems. The Coordinator confirmed the Chairman's statement and added that an additional bill was being proposed that would stop enforcement of existing ordinances. She added that a question had been raised that if a contractor offered to install sprinklers rather than being required would it make any difference, noting that the question had not been answered. Peter Hogan commented that if he purchased a piece of property from a builder that had committed to install sprinklers he would refuse to do so believing that he would win in court. The Chairman stated that he was unsure who [they] could go backwards.

The Chairman asked if there had been talk of getting rid of cistern requirements. The Coordinator answered yes and explained that cisterns were included under fire protection as part of a requirement of a subdivision. Peter Hogan stated that New Boston's Regulations would allow for denial of a subdivision without fire protection based on "scattered and premature" due to lack of fire fighting system in a particular area. HE noted that there was a big difference between the installation of a cistern for the general protection of the Town and the installation of a cistern for the protection of a specific home and property.

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8. Letter received May 10, 2011, from Dwight D. Sowerby, Esquire, to Nic Strong, Planning Coordinator, re: Luneau Subdivision, Tax Map/Lot #5/52 & 52-3, Declaration of Drainage Easement, for the Board's review and discussion.

The Coordinator advised that the Board needed to vote on whether or not to release the above-referenced Declaration of Drainage Easement to the applicant.

Mark Suennen **MOVED** to authorize the release of the letter from Drescher & Dokmo, P.A., dated May 9, 2011, to the Luneau parties. Peter Hogan seconded the motion and it **PASSED** unanimously.

9. Appointment of Planning Board Secretary

Mark Suennen **MOVED** to nominate Don Duhaime as the Planning Board Secretary. Peter Hogan seconded the motion and it **PASSED** unanimously.

The Board took a six minute recess prior to the start to the following hearing.

TWIN BRIDGE LAND MANAGEMENT, LLC
Public Hearing/Major Subdivision/24 Lots and 1 open space lot,
Location: Twin Bridge Road & West Lull Place
Tax Map/Lot #2/62-12 & 3/5
MHP w/R-1 allowance & "R-A" District

Present in the audience were David Litwinovich, Jay Marden, Tom Carr, C.W.S., Charles Cleary, Esq., Ken Lombard, Donna Mombourquette, Ian McSweeney, Russell Foundation, Brandy Mitroff, Christine Quirk, Rodney Towne, and Ken Clinton.

The Chairman read the public hearing notice. He stated that the application was accepted as complete on March 23, 2010, with a deadline for Board of May 27, 2010. He noted that there had been multiple meetings and adjournments and noted that if the application was not approved at this meeting, a further extension would be required from the applicant. He commented that items that were requested at the last meeting had been submitted. He stated that a site walk had taken place on April 27, 2010.

The Chairman noted that the Board was one member short this evening and even though Alternate Member David Litwinovich was present he decided not to seat him as he had not been present for any of the previous hearings regarding the application.

The Chairman indicated that abutters were welcome to speak and asked them to limit discussion on matters that had previously been discussed and addressed.

Tom Carr, C.W.S., stated that since the last meeting the Town Engineer had acknowledged completion of the final revisions to the plan set. He noted that as requested the Open Space Narrative Report, (OSNR), had been revised and resubmitted.

Tom Carr, C.W.S., stated that the final plans that had been submitted on May 3, 2011, had been rigorously reviewed by Northpoint Engineering, the New Boston Planning Office and

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the Planning Board. He continued that the plans existed in the final form as a result of the reviews, decisions made, and directions giving to the applicant by the reviewing entities and therefore, he felt that the final plan set met the New Boston Subdivision Regulations.

The Chairman noted that there was an outstanding issue relative to the monuments being set. He stated that there were no remaining issues with the SWMP and ISWMP. He continued that the Declaration for Covenants had been revised and language was acceptable. He noted that the Board needed to discuss the revised Minimum Express and Operational Standards relative to earth removal and act on the Road Entry Permit. He indicated that the Traffic, Fiscal and Environmental Impact Studies had been submitted. He noted that the Board had determined at the last meeting that there were no issues with the Traffic Impact Study; however, a letter would be sent to NHDOT informing them of the content of the study. He indicated that the State Permits had been applied for and submission of the permits was a condition of approval. He stated that the Conservation Commission and the State agreed in principle with regard to the easement deed but a few reviews of the [language] were still needed and would become a condition of approval. He stated that the Board needed to act on a CUP. He explained that at the last meeting the Board had determined that the Conservation Commission's request for a 100' setback was not needed due to the conservation easement and ownership of the land by DRED in the area in question. He advised that the applicant had submitted proposed language for active and substantial development/building and substantial completion of improvements and the Board needed to further discuss.

The Chairman stated that the OSNR contained language that seemed to imply that the Board's acceptance of the application as complete somehow meant that the Board approved the concepts and designs included in the plan, which was not the case. He explained that accepting the application as complete meant that the Board believed all the required materials had been submitted for review.

The Chairman asked if Mark Suennen had any questions or comments with regard to the revised OSNR. Mark Suennen stated that he would hold his comments until after the public made their comments.

The Chairman asked if the Board had any questions or comments with regard to the revised Minimum Express and Operational Standards that had been submitted; there were no comments or questions.

The Chairman asked if there were any issues with the Traffic, Fiscal and/or Environmental Impact Studies that had been submitted. Mark Suennen commented that he did not have any new issues to discuss.

The Chairman noted that the applicant had proposed that active and substantial development be deemed to have begun at the site upon the cutting and roughing of the subdivision up to lot #3/5-2; Tom Carr, C.W.S., identified lot #3/5-2 on the plan; or the expenditure of at least \$100,000.00 on improvements to the subdivision road and related facilities. He asked for comments from the Board with regard to the proposed language.

Mark Suennen asked how the applicant defined "cutting in and roughing the roadway". Charles Cleary, Esq., answered that he believed "cutting and roughing the roadway" meant grubbing and rough grading in a roadway of significant width to get the right-of-way established. Mark Suennen asked for clarification that the applicant was not intending on using select

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materials for the “roughing and cutting” but rather intended on setting the base. Charles Cleary, Esq., confirmed Mark Suennen’s question and added that the intention was to set the base with all excavation necessary. Mark Suennen stated that he preferred the language “setting the base” in place of the “...\$100,000.00 on improvements...”. The Chairman agreed with Mark Suennen. Charles Cleary, Esq., noted that he was okay with removing the monetary value and explained that he had added it because of existing case law that cited amounts of \$1,400.00 and \$28,000.00 that were not sufficient amounts to be deemed active development. Mark Suennen suggested that the applicant add the following to the proposed active and substantial language, “...cutting, roughing in, clearing, grubbing and establishing a base up to lot #3/5-2.” The Board agreed with Mark Suennen’s proposed change.

The Chairman stated that the applicant had proposed the following language for substantial completion of improvements, “Substantial completion of the improvements shown on the subdivision plan shall have occurred when Wright Drive has been completed to binder, open [] base, [] payment, including all drainage facilities associated therewith as provided in New Boston Subdivision Regulations. Substantial completion of such improvements shall be achieved within five years date of recording the subdivision plan and one year to the date of the last lot of the subdivision is sold.” Mark Suennen stated that the proposed language was acceptable. The Chairman summarized that the applicant was proposing to complete Wright Drive, including the cul-de-sac, to binder as well as completion of all associated drainage facilities. Charles Cleary, Esq., agreed with the Chairman’s statement. The Chairman asked for further comments or questions; there were no further comments or questions.

The Chairman invited comments or questions from the public. Donna Mombourquette of 42 West Lull Place expressed her ongoing concern of the disturbance of the southern most drumlin esker to remove earth for three building lots. She believed the disturbance would create significant dust that would be deposited into the Middle Branch due to the lack of tree buffer and the prevailing northwest winds. She was also concerned for the potential of a landslide if not correctly shored up in a timely fashion. She recommended that if any issue that she previously mentioned occurred no further earth disturbance be allowed to create building lots in the area and reclamation be completed immediately. She further recommended that the area of the plan that she was referring to be carefully monitored so that no “errors” are made that would result in disturbing more of the drumlin esker than permitted by the plan. She continued that should an “error” occur she recommended that no further earth disturbance be allowed to create building lots in that area and that reclamation be completed immediately. She stated that she remained concerned about the significant earth disturbance created by the project but found some relief that the Town of New Boston would be monitoring it very carefully. She recommended that DES or its designee periodically monitor the turbidity of the water of Middle Branch. She indicated that she was concerned about the density of the plan because she believed it changed the character of the area as most of the building lots were 2 – 5 acres. She continued that although open space development allowed for a smaller acreage requirement, the reduction in the planned density would be in keeping with the character of the area. She submitted a letter dated May 10, 2011, addressed to the Town of New Boston Planning Board Members.

The Chairman acknowledged that issues Donna Mombourquette had referred to had been discussed in the past and noted that she remained concerned. Donna Mombourquette indicated

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that she was memorializing her concerns on the record. The Chairman asked the Donna Mombourquette if she agreed that her concerns had been addressed by the Board in the past. Donna Mombourquette agreed that her concerns had previously been discussed.

The Chairman asked for further comments or questions from the public; there were no further comments or questions from the public.

Mark Suennen advised Donna Mombourquette that the project required a SWMP and because of that DES had the authority and jurisdiction to monitor [the Middle Branch] at anytime of their choosing.

The Chairman asked for comments from Mark Suennen regarding the revised OSNR. Mark Suennen stated that the revised OSNR was more thorough and covered some of his concerns noting that he continued to have concern with some the contents. He continued that the OSNR was sufficient to determine that the development did qualify for as an open space development.

Peter Hogan asked in light of SB-91 regarding the prohibition of mandating the installation of fire protection systems, what type of fire protection guarantee the Board would have if sprinkler system installations were not enforceable. Charles Cleary, Esq., noted that the legislation was pending and as such have not given it much thought. Tom Carr, C.W.S., stated that it was his understanding that the legislation would not define that a town could mandate the sprinkler systems; however, the applicant had agreed to install sprinkler systems and the note was on the plan to that effect, binding the applicant to do so. He noted that if the legislation created that need to find an alternative fire protection system he believed that the installation of a cistern would be revisited. Charles Cleary, Esq., pointed out that the effective date of the legislation would also need to be taken into account. Peter Hogan asked that based on [everything they knew right now] if the applicant still preferred to move forward with the installation of sprinkler systems. Charles Cleary, Esq., answered yes. Tom Carr, C.W.S., pointed out that the sprinklers systems would only be installed on the clustered lots.

The Chairman asked if there were any remaining questions or comments from either the public or the Board. Jay Marden of Gregg Mill Road asked when the conservation easement would go on record and when the property would be deeded to DES. Ian McSweeney, Russell Foundation, answered that the easement could proceed at the time conditional approval was granted and would most likely be conveyed within two months from that date. He explained that fee easement could not be conveyed until final approval was granted.

Brandy Mitroff of Thornton Road asked if this evening's hearing was preliminary or final. The Chairman answered that the Board would be making a final vote on the application this evening.

The Chairman closed the public input portion of the meeting.

The Chairman asked if the applicant had received a copy of the conditions precedent and conditions subsequent and if they had been understood. Charles Cleary, Esq., indicated that he had reviewed and understood the conditions precedent and conditions subsequent. He referred that Board to #8 of the conditions precedent with regard to inspection fees and asked if the \$96,510.00 could be paid in installments. The Chairman indicated that a check for the lump sum was preferred. Charles Cleary, Esq., asked if the Board required a lump sum check for all cases as he believed \$96,510.00 was a high amount to be paid through a lump sum check. The

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Coordinator noted that the applicant could ask the Board to consider a different payment schedule. Charles Cleary, Esq., stated that he was uncertain of his client's plan for payment of the inspection fees and asked if the payments could be submitted in three installments, noting that work could not continue if the account was not up-to-date. Tom Carr, C.W.S., added that the project would be done in phases. He asked if an inspection schedule had been created. The Coordinator answered yes and added that it had been sent to [Bob]. Mark Suennen stated that the inspection schedule did not divide the schedule into the five AOT phases. Peter Hogan suggested that the applicant provide \$37,000.00 for the first installment and when the balance was at \$7,000.00 an additional \$30,000.00 would be required to be deposited for the second installment and once again when the balance reached \$7,000.00 the final installment of \$30,000.00 would be required to be deposited. Charles Cleary, Esq., stated that Peter Hogan's suggestion was fair. The Coordinator requested that the Board not approve Peter Hogan's suggestion for installments as it became a nightmare for the Planning Office to monitor and tracking. She noted that there had been problems with the three times payment was allowed to be submitted through installments. Dwight Lovejoy stated that he was not comfortable with the Peter Hogan's suggestion and added that it was the Town's responsibility to finance the project. Peter Hogan stated that the Town was not financing the project. Dwight Lovejoy reasoned that if half of the road was going to be constructed than half of the cost for the inspection fees should be provided at the start of the project, i.e., \$50,000.00 down and when the balance was at \$28,000.00 the remaining \$46,000.00 needed to be deposited. The Chairman questioned how the payment schedule would be enforced. Charles Cleary, Esq., answered that the project could be stopped if payment was not made. Mark Suennen suggested making condition precedent that required the applicant to refresh the account within fourteen days or have the subdivision approval withdrawn. Charles Cleary, Esq., stated that withdrawing the subdivision approval was a little extreme. Mark Suennen stated that the applicant had the option of submitting the entire \$96,510.00 up front. Charles Cleary, Esq., noted that he was unsure if his client had the full amount to submit at the start of the project. Mark Suennen understood that the client may not the inspection fee amount in full and the Board was being flexible by offering an installment schedule; however, he stated that the Board was not going to be flexible if problems were caused for the Planning Office. Charles Cleary, Esq., commented that there needed to be a balance between revoking a subdivision and inconveniencing the Planning staff.

Peter Hogan stated that condition precedent #8 would be changed to reflect that two installments would be allowed to cover the cost of the inspection fees. He explained that the first installment would be in the amount of \$50,000.00 and the second installment would be in the amount of \$47,000.00 to be paid when the balance was around \$10,000.00 at the opinion of the Planning Department and would be due within fourteen days.

Charles Cleary, Esq., referred the Board to condition subsequent #1 and noted that it required all dwellings within the subdivision to have sprinkler systems. He pointed out that only the dwellings on lot # 3/5 were required to have sprinkler systems. The Board agreed to add the language "...on lot #3/5..." to condition subsequent #1. Mark Suennen pointed out that lot #3/5 was part of the open space subdivision and suggested adding the language, "...former lot #3/5...". Charles Cleary suggested the language, "from parent lot #3/5". The Board agreed with Charles Cleary, Esq.'s, suggestion.

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The Chairman asked what form the applicant would be submitting the security referenced in the conditions precedent #7. Charles Cleary, Esq., stated that he was not certain but assumed the security would be submitted through a letter of credit. The Board agreed to add “in the form of letter of credit, cash or bond” to #7 of the conditions precedent.

The Chairman asked for a date certain for the conditions precedent and conditions subsequent. Charles Cleary, Esq., provided the date of May 10, 2012, for the conditions precedent. He stated that [little confused on his interpretation of conditions precedent #10]. The Coordinator explained that conditions precedent #10 only required that revised documents be submitted with the correct language. She continued that conditions subsequent #5 required submission of the executed Warranty Deed. Charles Cleary, Esq., provided the date of May 10, 2015, for the date certain for the conditions subsequent.

The Chairman advised that conditions precedent #4 would be deleted as the referenced approval had been previously received.

The Chairman noted that the active and substantial language as previously discussed and revised would be added to the conditions.

Mark Suennen suggested that #11 should be added to the conditions subsequent that would require that all utilities long the roadway would be installed and maintained underground. The Chairman noted that there was a note on the plan that expressed Mark Suennen’s suggestion. Mark Suennen withdrew his suggestion.

Peter Hogan **MOVED** to approve the Subdivision Plan, Twin Bridge Estates, Phase II, Land of Twin Bridge Management, LLC, Tax Map/Lot #2/62-12 and 3/5, Twin Bridge Road and West Lull Place, to subdivide Tax Map/Lot #2/62-12 into eight conventional lots and to subdivide Tax Map/Lot #3/5 into 16 lots as an Open Space Development, with one remainder lot as open space, subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of five (5) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing, and including Individual Stormwater Management Plans.
2. Submission of a suitable mylar for recording at the HCRD.
3. Digital plat data shall be submitted per Subdivision Regulations Section IV-F, 3.
4. Submission of all revised State Permits as needed, including, Alteration of Terrain, Dredge and Fill and Shoreland Protection.
5. Submission of the language of the form of the security for review and approval by Town Counsel, the cost of which review shall be borne by the applicant.
6. Submission of the security, in the amount of \$1,242,188.86 and in the form of a bond, LOC or cash, for the construction of Wright Drive, as shown on the approved plans and profiles.
7. Submission of the estimated construction inspection fees regarding the construction of Wright Drive, in the amount of \$96,510.00, to be submitted as follows: \$50,000 initial deposit with the balance due when the amount in the escrow account reaches approximately \$10,000 in the opinion of the Planning Department staff; the balance of

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the \$96,510.00 shall be submitted within 14 days of notice. A mandatory pre-construction meeting is required to be held with the developer/agent, road contractor, Town's Road Agent, and representatives of the Planning Board, and Board of Selectmen, as well as the Fire Inspector/Fire Wards and the Town's consulting engineer, prior to the start of the road construction project.

8. Submission of revised Warranty Deed for Public Right of Way; Declaration of Covenants, Restrictions and Easements; Slope/Drainage and Access Easement; Non-Disturbance Covenant; Well Radius Protective Easement; and, Sample Lot Warranty Deed, that include review comments by Town Counsel.

9. Submission of revised Conservation Warranty Deed and Conservation Easement Deed, that include review comments by Town Counsel and that are accompanied by approvals from both the Town of New Boston Conservation Commission and all relevant State of NH Departments and Agencies.

10. Execution of a Subdivision Agreement regarding the conditions subsequent.

11. Approved Pre-Engineered Individual Stormwater Management Plans may be resubmitted as the final Individual Stormwater Management Plans at the time of application for a building permit provided the builder complies with those plans. If critical areas are to be disturbed beyond those shown on the Pre-Engineered Individual Stormwater Management Plans, revised Individual Stormwater Management Plans shall be prepared and submitted for approval. If the Pre-Engineered Stormwater Management Plans are not to be used at the time of application for a building permit new Individual Stormwater Management Plans shall be submitted for approval. In any event, the bonds for the Individual Stormwater Management Plans must be submitted prior to issuance of a building permit.

12. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary).

13. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be May 10, 2012, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT:

1. Sprinkler systems shall be installed, inspected, tested and approved by the New Boston Board of Fire Wards or their designee before the occupancy of the dwellings on parent lot 3/5, in the approved subdivision.

2. Wright Drive, is to be constructed in accordance with the Application for Inspection and in accordance with the approved plans and profiles. After the base (binder) course of pavement is approved by the Road Agent/town's engineer, the developer will allow the road to set over one winter, during which time the developer will be liable for the roads,

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including, but not limited to, winter maintenance thereof. The wearing (finish) course of pavement shall be applied no later than one (1) year from the date of application of the binder course. The Application for Inspection must be turned into the Planning Department after the road is 100% complete, in order to initiate final inspection and acceptance of the road, and the release of the security for same after a compliance inspection and hearing is held.

3. Driveway locations on the proposed road shall be approved at sub-grade and driveways shall be installed through binder to the satisfaction of the Road Agent/town engineer and in conformance with the Application for Inspection and approved driveway permits.

4. Per Subdivision Regulations Section V-S, 1, J), As-Built plans shall be submitted for review by the Town's consulting engineer after all infrastructure improvements have been completed and at least the binder course of pavement has been placed.

5. Submission of executed Warranty Deed for Public Right of Way; Declaration of Covenants, Restrictions and Easements; Slope/Drainage and Access Easement; Non-Disturbance Covenant; Well Radius Protective Easement; Sample Lot Warranty Deed; Conservation Warranty Deed; and Conservation Easement Deed. The cost of recording any of the Deeds and other legal documents at the HCRD shall be borne by the applicant.

6. Submission of a Certificate of Bounds Set, and the appropriate fee for recording same with the HCRD.

7. The applicant shall install road identification sign(s) and stop sign(s) to the satisfaction of the Road Agent.

8. Driveway permits must be approved for completed acceptable installation by the Road Agent and Planning Board prior to the issuance of any Certificates of Occupancy (CO's) for the related lots.

9. No Certificates of Occupancy shall be issued until the sprinkler systems are installed, inspected, tested and approved by the New Boston Board of Fire Wards or their designee, and the driveways are installed and approved by the Road Agent and the Planning Board and the subdivision road, Wright Drive, is installed through binder pavement and the road identification sign(s) and stop sign(s) are installed to the satisfaction of the Road Agent/town's engineer, guard rails are installed, if necessary.

10. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD.

The deadline for complying with the conditions subsequent shall be May 10, 2015, the confirmation of which shall be determined at a compliance hearing to be held on the application. Prior to the acceptance of the completed road by the Town, an acceptable two year maintenance bond must be submitted by the applicant for the road in the amount of 10% of the performance bond value.

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

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1. Within 12 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 4-year exemption to regulation/ordinance changes: Active & Substantial Development shall be deemed to have begun at the site upon the cutting, roughing, clearing, grubbing and establishing a base up to lot #3-5-2, as shown on the Subdivision Plan within (1) year of the recording of the Subdivision Plan.

2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting: Substantial Completion of the improvements shown on the Subdivision Plan shall have occurred when Wright Drive has been completed to binder (base) course of pavement including all drainage facilities associated therewith. As provided in the New Boston Subdivision Regulations, substantial completion of such improvements shall be achieved within (5) years from the date of the recording the Subdivision Plan or within (1) year from the date the last lot in the subdivision is sold.

Aye – Stu Lewin, Peter Hogan and Dwight Lovejoy. Nay – Mark Suennen. The motion **PASSED**.

AND;

Peter Hogan **MOVED** to accept the application as complete, and to grant the Conditional Use Permit and approve the plans of Twin Bridge Land Management, LLC, to effect three wetland crossings on property on Wright Drive, known as Tax Map/Lot #2/62-12 & 3/5, as the four conditions for granting the Permit have been found to exist, subject to the following conditions:

CONDITIONS PRECEDENT:

1. Submission of the financial security for the installation as included in the road bond to be submitted as Condition Precedent #6 of the subdivision approval above.
2. Submission of revised plans to include any checklist corrections and any revisions to the site plan as decided by the Board at the hearing.

3. Upon completion of the conditions precedent and the conditions precedent as listed above for the subdivision approval, the final subdivision plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline for complying with the conditions precedent shall be May 10, 2012, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should the conditions to approval not be fulfilled by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT:

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1. Completion of the site improvements as related to the wetland crossings, as shown on the approved construction design plan.

The financial security shall not be released until the site has been inspected upon notification to the Planning Department by the applicant that the project has been completed, and a compliance hearing is held and confirms that the project has been satisfactorily completed by no later than July 20, 2014.

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

The Chairman asked for a date certain for the conditions precedent and conditions subsequent of the CUP. The date for the conditions precedent was May 10, 2012, and the date certain for conditions subsequent was July 20, 2014.

The Coordinator pointed out that condition precedent #1 referenced “conditions precedent #6” and needed to be changed to “conditions precedent #7” due to renumbering of the section. The Chairman asked for questions or comments on the CUP application. Mark Suennen commented that the applicant had answered the questions satisfactorily.

Peter Hogan **MOVED** to approve Road Permit 10/06. Mark Suennen seconded the motion and it **PASSED** unanimously.

VISTA ROAD, LLC

Public Hearing/Major Subdivision/2 Lots

Location: Byam Road & River Road (Route 13)

Tax Map/Lot #6/40-2

Residential-Agricultural “R-A” District

Present in the audience were [], Rodney Towne, Jay Marden, Ken Lombard, and Ian McSweeney.

The Chairman read the public hearing notice. He stated that the application had been accepted as complete at the March 8th special meeting and the deadline for Board action was May 12, 2011. He noted that if the application was not approved this evening an extension from the statutory deadline was required. He continued that no correspondence was received since the last meeting and nothing had been submitted seven days prior to this evening’s meeting for review by the Board. He stated that there were waiver requests to review.

[] advised that the last permit was received earlier in the day and was awaiting the State Subdivision approval.

The Chairman noted that the plans submitted this evening needed to be reviewed. [] acknowledged that the plans needed to be reviewed and asked that the hearing be continued until they received the State Subdivision approval.

The Chairman advised that the applicant needed to submit [legal documents] pertaining to the sprinkler systems for review by Town Counsel. [] believed that [Jason] had submitted the documents. The Coordinator indicated that [Jason] had not submitted the documents.

The Chairman noted that easement documents had not been submitted for review by Town Counsel.

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The Chairman asked if the Board wanted to act on the Traffic, Fiscal and/or Environmental Impact waivers. Mark Suennen stated that he was willing to act on the Traffic and Fiscal Impact Study waiver request.

Mark Suennen **MOVED** to accept the waivers to allow the applicant not to submit a Traffic and Fiscal Impact Studies on the basis that it is only subdividing into two lots and the accepted amount of traffic or fiscal impact is negligible compared to the size of the development and meets the spirit and intent of our regulations. Peter Hogan seconded the motion and it **PASSED** unanimously.

The Chairman asked if PRLAC had emailed their meeting minutes to the Board with regard to this subdivision. Mark Suennen read from the PRLAC meeting minutes and indicated that PRLAC was interested in having a “no cut/do not disturb buffer around the [] stream” for the Wetlands Permit 2011-0057, Vista Road, LLC. The Coordinator noted that PRLAC had not specifically made a request to the Board. [] noted that a request from PRLAC was never made with regard with the Wetlands Permit he had received from the State earlier today. The Chairman requested that the Coordinator contact PRLAC and submit a formal request to the Board if they were interested in having a no cut/do not disturb buffer. [] pointed out that the Wetlands Board chose not to make such a requirement when issuing the Wetlands Permit. The Chairman stated that he was unsure if the Wetlands Board was aware of the issue. [] commented that he would not want to buy a lot with a no cut/do not disturb buffer going along the side of his driveway.

The Chairman advised that he was interested in scheduling a site walk. Dwight Lovejoy and David Litwinovich noted that they were interested in attending the site walk. A site walk was scheduled for Saturday, May 14, 2011, at 8:00 a.m.

The Chairman noted that anything that needed to be submitted needed to be done so seven days prior to the next meeting.

The Chairman asked if the Board believed there would be any active and substantial development language required. Mark Suennen believed that it should be required for consistency and suggested that the completion of the driveway would satisfy both active and substantial development.

Peter Hogan stated that the Board would act on the Environmental Impact Study following the site walk. Mark Suennen commented that the applicant was welcome to submit one. [] stated that he believed that the matter was discussed when Eric Mitchell presented to the Board regarding dredging and filling and that it was the consensus of the Board not to require the study as there would be minimal cuts and fills. The Chairman noted that the Board did not vote on the matter formally and concern has been expressed regarding the area.

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

Mark Suennen **MOVED** to adjourn the public hearing of Vista Road, LLC, to May 24, 2011, at 7:30 p.m. with the extension for Board action. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

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Mark Suennen **MOVED** to adjourn the meeting at 8:46 p.m. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

Respectfully Submitted,
Valerie Diaz, Recording Clerk

Minutes Approved:
06/14/2011