

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

1

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

5  
6 Present for all or part of the meeting were Susan Carr, Energy Commission Chair, Jillian  
7 Harris, SNHPC, Glenn Given, Kris Stewart, Brandy Mitroff, Eric Dubowik, Megan Winslow and  
8 Ian Mosher.

9 The Chairman stated that the first item scheduled on the agenda was a public hearing on  
10 the adoption of the Energy Chapter of the Master Plan. He explained that he was postponing the  
11 start of the hearing until Jillian Harris, SNHPC, arrived and he would begin with Miscellaneous  
12 Business.

13  
14 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
15 **NOVEMBER 22, 2011.**

- 16  
17 5. Notice of Decision from New Boston Zoning Board of Adjustment, re: Special  
18 Exception, Tax Map/Lot #6/40-1-1, Byam Road, for the Board's information.

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

- 22  
23 6. Notice of Decision from New Boston Zoning Board of Adjustment, re: Variance, Tax  
24 Map/Lot #18/12, 3 Central Square, for the Board's information.

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

- 28  
29 7. Draft minutes of the New Boston Zoning Board of Adjustment, November 15, 2011,  
30 meeting, for the Board's information.

31  
32 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
33 occurred.

- 34  
35 8. Approved minutes of the New Boston Zoning Board of Adjustment, March 15, 2011,  
36 meeting, for the Board's information.

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

- 40  
41 9. Workshop Announcement: Protecting Your Community's Water Supply, Tuesday,  
42 December 6, 2011, 1:00 to 5:00 PM, SNHPC Conference Room.

43

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

2

1 **MISCELLANEOUS BUSINESS, cont.**

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

- 5  
6 13. Distribution of October 25, 2011, and November 8, 2011, minutes, for approval at the  
7 meeting of December 20, 2011.

8  
9 The Chairman reminded the Board that there would only be one Planning Board Meeting  
10 for the month of December that would take place on Tuesday, the 20<sup>th</sup>.

- 11  
12 1. Approval of the October 11, 2011, minutes, distributed by email.

13  
14 Dwight Lovejoy **MOVED** to approve the meeting minutes of October 11, 2011, as  
15 written. Don Duhaime seconded the motion and it **PASSED**: AYE – Don Duhaime,  
16 Dwight Lovejoy and David Litwinovich; ABSTAIN – Mark Suennen.

- 17  
18 2. Discussion, re: recommending Stuart Lewin & Nic Strong as alternates to the Southern  
19 New Hampshire Planning Commission.

20  
21 The Coordinator explained that the Southern New Hampshire Planning Commission was  
22 seeking alternates from New Boston to serve on the Commission in the event that the two full  
23 members of the Commission, Bo Strong and Brent Armstrong, were not available to attend the  
24 meetings. She noted that the meetings were daytime meetings and as such it was tricky for some  
25 people to attend. She stated that she suggested herself and the Chairman as alternates and the  
26 Board would need to make a recommendation to the Selectmen to name them as alternates.

27 Dwight Lovejoy asked if the Coordinator and Chairman were comfortable taking on the  
28 task of alternate member of the Planning Commission. The Coordinator answered that it was  
29 easier for her to become an alternate because she would be able to attend the daytime meetings.  
30 The Chairman indicated that he had flexibility at work to also be able to attend the daytime  
31 meetings.

32 Mark Suennen asked if alternates were required to attend all meetings or only if they  
33 were only required to attend in a full member's absence. The Coordinator stated that attendance  
34 would be coordinated between the full members and alternates.

35  
36 Mark Suennen **MOVED** to recommend that the Chairman and Coordinator be nominated  
37 as appointees to the Southern New Hampshire Planning Commission as alternates. Don  
38 Duhaime seconded the motion and it **PASSED** unanimously.

39  
40 **Public Hearing on the adoption of the Energy Chapter of the Master Plan**

41  
42 Present in the audience were Susan Carr, Energy Commission Chair, Jillian Harris,  
43 SNHPC, Glenn Given, Ian Mosher, Brandy Mitroff and Kris Stewart.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

3

1 **PUBLIC HEARING, ENERGY CHAPTER MASTER PLAN, cont.**

2  
3 The Chairman read the public hearing notice. He noted that copies of the proposed  
4 Energy Chapter were available at the meeting.

5 Jillian Harris, SNHPC, pointed out the changes that had been made to the Goals and  
6 Action Plan based on suggestions from the last meeting.

7 The Chairman asked Don Duhaime and Mark Suennen if they had any questions or  
8 comments as they had been absent from the last discussion on this matter.

9 Mark Suennen noted item 1e, of the Action Plan, and asked what was hoped to be  
10 accomplished by its implementation. Jillian Harris, SNHPC, answered that it was hoped that the  
11 Town would receive energy and cost savings by using vehicles with better fuel efficiency. Mark  
12 Suennen asked what would be included in the vehicle ordinance. Jillian Harris, SNHPC,  
13 indicated that she had model language for a vehicle ordinance that she could provide to the  
14 Board. She stated that energy efficiency should be considered when deciding to lease or buy  
15 vehicles. Mark Suennen asked for clarification that the vehicle ordinance was specific to  
16 vehicles owned by the Town and did not include tax incentives to townspeople. Jillian Harris,  
17 SNHPC, confirmed that this item was specific to municipal vehicles.

18 The Chairman asked Mark Suennen if he preferred the language “municipal buildings  
19 and municipal vehicles” rather than “municipal buildings and vehicles”. Mark Suennen  
20 answered that he believed that 1e of the Action Plan was an unnecessary goal and as such should  
21 be stricken from the proposed Energy Chapter.

22 Don Duhaime commented that the City of Manchester had purchased several bio-fuel  
23 vehicles last winter and ended up scrapping the entire idea because it ended up costing the City  
24 more money to keep the fuel from freezing. He added that he did not think that it was for the  
25 Town of New Boston as the Town was too small.

26 Mark Suennen referred to item 3c of the Action Plan regarding the “Complete Streets”  
27 concept and stated that he disagreed with its contents and further stated that if it was adopted it  
28 would be done so with prejudice. The Chairman pointed out several items within the Action  
29 Plan had been amended to include the word “consider” in an effort to “soften” the language.  
30 Mark Suennen stated that he appreciated that amendment but he believed it still did not enhance  
31 the energy value to the Town of New Boston.

32 The Chairman asked if any other Board members felt as strongly as Mark Suennen with  
33 regard to 1e and/or 3c of the Action Plan and if so did they want to eliminate them. Don  
34 Duhaime stated that he had no comment.

35 Mark Suennen commented that 2a, 2b and 2c of the Action Plan were exactly what  
36 should be included in that section and he fully approved of them.

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

39 The Chairman welcomed comments or questions from the audience. Susan Carr, Energy  
40 Commission Chair, stated that when she viewed the proposed Energy Chapter she was viewing it  
41 as a long range document. She continued that the document allowed for forward thinking,  
42 moving ahead and having something to look to for responsible long range planning.

43 The Chairman asked for further comments or questions from the audience; there were no

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

4

1 **PUBLIC HEARING, ENERGY CHAPTER MASTER PLAN, cont.**

2  
3 further comments or questions.

4 The Chairman closed the public input portion of the hearing.

5 Mark Suennen referred to item 1e of the proposed Action Plan and suggested that any  
6 reference to “vehicles” or “vehicle ordinances” be removed. He also suggested that item 3c of  
7 the Action Plan be removed in its entirety.

8  
9 Mark Suennen **MOVED** to adopt the proposed Town of New Boston Master Plan Energy  
10 Chapter as a chapter in the Master Plan, excepting any references to “vehicles” or  
11 “vehicle ordinances” in Action Plan 1e and excepting in its entirety 3c. Discussion:  
12 Peter Hogan questioned if there was any harm in waiting to adopt the proposed Energy  
13 Chapter until it had been thoroughly drafted. The Chairman stated that there had been  
14 three meetings to discuss the proposed Energy Chapter and he believed it had been  
15 properly drafted. Don Duhaime seconded the motion and it **PASSED: AYE** – Mark  
16 Suennen, Don Duhaime and Dwight Lovejoy; **NAY** – Peter Hogan.

17  
18 **Public Hearing on the Capital Improvements Program, Plan of 2012, as proposed by the**  
19 **C.I.P. Committee**

20  
21 Present in the audience were Brandy Mitroff, C.I.P. Committee Chair, Kris Stewart,  
22 Glenn Given and Ian Mosher.

23 The Chairman read the public hearing notice and asked the Chair of the C.I.P.  
24 Committee, Brandy Mitroff, to address the Board.

25 Brandy Mitroff, C.I.P. Committee Chair, stated that the Committee had straightened out  
26 all the previous issues with the Town bridges. She indicated that “new” money on the schedule  
27 was for a salt shed, noting, that it was half of what was needed. She advised that the proposed  
28 design for the salt shed had finally met the cost expectations of the Committee. She explained  
29 that the State design would be used and the old salt shed would remain intact allowing the rest of  
30 the Highway Department’s trucks to be covered. She clarified that the cost for the salt would not  
31 decrease and that by installing the proposed salt shed more salt could be stored at one time for  
32 “back-to-back” storms.

33 Brandy Mitroff, C.I.P. Committee Chair, indicated that funding for the 2016 revaluation  
34 update was added to the schedule. She noted that the State would allow the Town to complete a  
35 partial update which was less costly.

36 Brandy Mitroff, C.I.P. Committee Chair, stated that the Stecco transfer trailer would be  
37 replaced with a J & J trailer as putting more money into the Stecco trailer was not cost effective.

38 Brandy Mitroff, C.I.P. Committee Chair, stated that she would be happy to answer any  
39 questions the Board members had relative to the submitted report.

40 Don Duhaime asked about the \$69K in 2015 for Town Hall renovations. He stated that  
41 his recollection was that the \$69K would be shown in 2015 but the table now showed it split  
42 between 2014 and 2015. Brandy Mitroff, C.I.P. Committee Chair, answered that Don Duhaime  
43 had missed the last meeting at which time the table had been finalized and the last discussion

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

5

1 **PUBLIC HEARING, CIP PLAN 2012, cont.**

2  
3 was to split the cost between the two years. The Planning Board Assistant agreed with Brandy  
4 Mitroff, C.I.P. Committee Chair.

5 Brandy Mitroff, C.I.P. Committee Chair, asked if the Board understood what the next  
6 Town Hall project was and if there were any questions. Mark Suennen stated that it was his  
7 understanding that the project objective was to complete work in the basement to get it dry.  
8 Brandy Mitroff, C.I.P. Committee, commented that it was a huge project and it triggered the  
9 ability to do other insulation. She explained that if the basement was sealed now it would  
10 adversely affect the airflow throughout the building.

11 The Chairman asked if there had been any discussion with regard to the school schedule  
12 and the AREA Agreement and possible implications. Brandy Mitroff, C.I.P. Committee Chair,  
13 answered that the AREA Agreement would not affect the schedule as it was a deliberate tuition  
14 matter and would be worked into the school budget.

15 The Chairman asked for questions or comments from the audience; there were no  
16 questions or comments from the audience.

17 Mark Suennen asked, if the bond for construction of a new Fire Station was passed,  
18 would it be for fifteen years? Brandy Mitroff, C.I.P. Committee Chair, answered that she was  
19 unsure if the bond would be for ten or fifteen years. She continued that usually bonds were  
20 purchased in November or December and the first "real payment" would not be paid until the  
21 following year.

22 Mark Suennen asked if the Fire Department had given any indication as to the likelihood  
23 of receiving the grant from FEMA that could be used towards the purchase of a pump truck; he  
24 noted that the CRF had not been increased as it appeared the Committee was depending on the  
25 grant to cover the cost. Brandy Mitroff, C.I.P. Committee Chair, answered that Committee  
26 member Fred Hayes had run the numbers with the Fire Department and it had been determined  
27 that the CRF could remain the same until it was known whether or not the Fire Department  
28 would receive the grant by April or May of next year. She stated that the difference may be  
29 offset by the Highway Department as they were reviewing whether or not mid-life  
30 refurbishments could be done to their equipment instead of purchasing new equipment every ten  
31 or twelve years. She stated that there was no doubt in her mind that the Road Agent would make  
32 this happen.

33 Peter Hogan pointed out that a 20 year old piece of equipment was nothing that should be  
34 used on a day-to-day basis. Brandy Mitroff, C.I.P. Committee Chair, stated that the Road Agent  
35 was familiar with this process as he had previously done this when he worked for the Town of  
36 Bedford. She did not believe that the Road Agent would lead the Town to make a risky move.  
37 Peter Hogan stated that refurbishment may not be the answer and the Committee should not bank  
38 on that process as an answer.

39 Mark Suennen asked if the Committee had looked into costs beyond 2017 and questioned  
40 if there were any big costs that would start showing up within the next five or eight years.  
41 Brandy Mitroff, C.I.P. Committee, answered that the bridge repairs would continue and actual  
42 replacements would take place after 2017. She stated that the CRFs would continue, however,  
43 she had not heard from any department with regard to large projects.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

6

1 **PUBLIC HEARING, CIP PLAN 2012, cont.**

2  
3 The Chairman asked for further comments or questions; there were no further comments  
4 or questions.

5  
6 Mark Suennen **MOVED** to accept the C.I.P Plan for 2012 as presented and submit same  
7 to the Board of Selectmen and Finance Committee as the Planning Board's  
8 recommendation for 2012. Peter Hogan seconded the motion and it **PASSED**  
9 unanimously.

10  
11 **JAMES F. MILLS REVOCABLE TRUST (OWNER)**  
12 **FRANCESTOWN SAND & GRAVEL (APPLICANT)**  
13 Submission of an Earth Removal Application/Public Hearing

14 Location: Bunker Hill Road  
15 Tax Map/Lot #1/2-8  
16 Residential-Agricultural "R-A" District

17  
18 Present in the audience was Brandy Mitroff, Kris Stewart, Glenn Given, Ian Mosher, Eric  
19 Dubowik and Megan Winslow.

20 The Chairman read the public hearing notice. He noted that there was an outstanding  
21 \$7.00 fee relative to a certified letter and the cost of the newspaper notice. He stated that both  
22 fees would be made conditions of approval. He advised that all items needed for a completed  
23 application had been submitted. He stated that waivers for the Traffic and Environmental Impact  
24 Studies had been submitted. He noted that the Conservation Commission had been notified [of  
25 the application] and had not responded.

26 The Chairman asked the Coordinator if the current bond was consistent with other  
27 approved applications. The Coordinator answered yes.

28 The Chairman asked for comments or questions from the Board and/or audience. Peter  
29 Hogan asked if any complaints had ever been received with regard to the operation of the above-  
30 captioned gravel pit. Kris Stewart answered no.

31  
32 Peter Hogan **MOVED** to accept the Earth Removal application of James F. Mills  
33 Revocable Trust, (Owner), Francestown Sand and Gravel, (Applicant), Tax Map/Lot  
34 #1/2-8, Bunker Hill Road, as complete. Dwight Lovejoy seconded the motion and it  
35 **PASSED** unanimously.

36  
37 The Chairman asked if the 100 trips per day listed in the application meant 50 trips into  
38 the pit and 50 trips out. Kris Stewart answered that 100 trips had been listed and there was no  
39 impact to the area. Mark Suennen stated that the intent of 100 trips meant 50 trips into the pit  
40 and 50 trips out of the pit. He asked if the 100 trips reflected a typical day. Kris Stewart  
41 answered the trips could amount to as much as 100, however, currently the pit was not seeing  
42 100 trips. He continued that the pit was currently only making about 20 daily trips.

43 The Chairman stated that an end date for the pit needed to be decided upon. Mark

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

7

1 **JAMES MILLS/FRANCESTOWN SAND AND GRAVEL, cont.**

2  
3 Suennen asked how many yards were removed for the pit annually. Kris Stewart stated that it  
4 was likely that 10K yards of material was removed annually. He suggested creating an end year  
5 of 2061.

6 The Chairman stated that with regard to the Traffic and Environmental Impact Studies  
7 the applicant had reasoned that the pit had been in existence since 1999 and there had never been  
8 any traffic or environmental issues. He added that the applicant had represented that their plan  
9 use was consistent with what had been done to-date. He asked if there were plans to change any  
10 routes or use larger equipment. Kris Stewart answered no and noted that improvements had been  
11 completed relative to paving when the site plan was first approved. The Chairman indicated that  
12 the applicant had current reclamation and erosion plans in place.

13  
14  
15 Peter Hogan **MOVED** to grant the waivers for the Traffic and Environmental Impact  
16 Studies. Mark Suennen seconded the motion and it **PASSED** unanimously.

17  
18 Mark Suennen asked if the road going into the gravel pit was paved. Kris Stewart  
19 answered no and added that Jim Mills' driveway was used to access the pit.

20 Mark Suennen asked if there were waste storage or vehicle maintenance in the pit. Kris  
21 Stewart answered no. Mark Suennen stated that based on the aforementioned he did not believe  
22 the applicant needed to address the CUP for the Groundwater Resources Conservation District.

23  
24 Mark Suennen **MOVED** to not require a CUP for the Groundwater Resources  
25 Conservation District. Peter Hogan seconded the motion and it **PASSED** unanimously.

26  
27 Mark Suennen stated that he was happy with the \$14,000.00 reclamation bond amount.

28 The Chairman asked if a site walk was needed. It was the consensus of the Board that a  
29 site walk was not needed.

30  
31 Peter Hogan **MOVED** to approve the Earth Removal Application with associated plans  
32 entitled "Excavation Site Plan Map 1 Lot 2 New Boston, New Hampshire Prepared for  
33 JFM Company, LLC PO Box 123 Frankestown, NH 03043", dated August, 1999, most  
34 recently revised 9/99, along with a two-page document entitled "Excavation Plan  
35 Review", a section copy of the site plan entitled "Topsoil Stockpile Locations", a section  
36 copy of the site plan entitled "Primary and Secondary Crusher", a section copy of the site  
37 plan entitled "Cross Section of Existing Excavation", an abutters list, and the Excavation  
38 Plan sign-off block, said additional information to be attached to and considered part of  
39 the approved plans, and to grant an Earth Removal Permit, to include the site specific  
40 items discussed at this hearing, subject to:

41  
42 **CONDITIONS PRECEDENT:**

- 43 1. Submission of revised plans that include all checklist corrections and any

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

8

1 **JAMES MILLS/FRANCESTOWN SAND AND GRAVEL, cont.**

2  
3 corrections as noted at this hearing.

4 2. Submission of any outstanding fees.

5 The deadline for complying with the conditions precedent shall be **December 22, 2011**,  
6 the confirmation of which shall be an administrative act, not requiring further action by  
7 the Board. Should compliance not be confirmed by the deadline date, and a written  
8 request for extension is not submitted prior to that date, the applicant is hereby put on  
9 notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke  
10 the approval.

11  
12 **CONDITIONS SUBSEQUENT AND ONGOING:**

13 1. Prior to the granting of any permit, or to the removal of any topsoil or other  
14 overburden material from a new area within an existing excavation site, the  
15 Applicant shall submit to the Regulator an acceptable bond with sufficient surety  
16 as determined by the Regulator. The purposes of the bond are to guarantee  
17 reclamation of the area and compliance with the permit. The surety must be  
18 phased to coincide with the phasing of work, in an amount sufficient to guarantee  
19 reclamation of the applicable section, to be released as sections are completed.  
20 Prior to a new section being opened, new securities shall be posted. The surety  
21 shall not be released until the Regulator is satisfied that all conditions of the site  
22 reclamation plan have been complied with. This shall be determined at a final site  
23 walk by the Regulator and/or its designee.

24 Additionally, if a bond or security is already in place, the applicant is responsible  
25 for keeping said security up-to-date and submitting riders, renewals, or other  
26 documentation to the Planning Board as proof that the bond or security is in place.

27 2. Amendments and Renewals

28 Permit holders wishing to alter the size or location of the excavation, the rate of  
29 removal or the plan for reclamation shall apply for a renewal or amendment,  
30 following the same procedures as those required for the original excavation  
31 permit.

32 3. The Earth Removal permit is not transferable without the prior written consent of  
33 the Regulator.

34 4. A copy of the Earth Removal permit shall be prominently displayed at the site or  
35 the principal access to the site.

36 5. Inspections

37 The Regulator or its designee may make periodic inspections, minimally on an  
38 annual basis, of all excavation sites, both permitted and exempt, to determine if  
39 the operations are in conformance with the New Boston Earth Removal  
40 Regulations and the approved plans.

41 6. Hours of operation

42 Start up time for all machinery associated with an Earth Removal Operation shall  
43 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time



**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

9

1 **JAMES MILLS/FRANCESTOWN SAND AND GRAVEL, cont.**

2  
3 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including  
4 loading and removal of material from the site shall begin no earlier than 7:00  
5 a.m.; termination of removal of material from the site shall be no later than 5:00  
6 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be  
7 shut down by 5:00 p.m. These operating hours shall be for Monday through  
8 Saturday.

9 No operation shall take place on Sundays and major Federal holidays, as follows:  
10 New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and  
11 Christmas; provided, however, that access on Sundays and holidays is permitted  
12 in the event of a town-wide emergency situation requiring use of material or  
13 equipment, for example, flooding situations, ice storms, major blizzards.

14 7. **Maximum Excavation Limit**

15 Final excavation grade shall be not less than four feet to documented seasonal  
16 high water table, provided, however, that pursuant to RSA 155-E:11,II, an  
17 exception shall be granted if the application demonstrates to the Regulator's  
18 satisfaction that excavation below this height will not adversely affect water  
19 quality. The Regulator reserves the right to have an outside review of the  
20 information submitted as part of any proposal to excavate within four feet of the  
21 documented seasonal high water table, at the Applicant's expense. Written notice  
22 of such an exception shall be recorded in the Hillsborough County Registry of  
23 Deeds at the Applicant's expense, and one copy shall be filed with the New  
24 Hampshire Department of Environmental Services.

25 8. **Waste Disposal**

26 No disposal of any waste material, including solid and/or hazardous waste,  
27 septage, dredge spoils, or refuse shall be undertaken on the site without  
28 appropriate State approval under RSA 149:M, or other appropriate State  
29 regulations.

30 9. **Tree cutting**

31 The applicable state statutes pertaining to forestry practice and timber harvesting  
32 shall apply to the removal of vegetative cover at excavation sites.

33 10. **Stopping of Removal/Excavation Operations**

34 If removal/excavation operations stop for more than one year with no notice  
35 thereof provided to the Regulator and said stoppage is not in accordance with the  
36 approved excavation plan or due to bad weather, the excavation permit may be  
37 revoked and the performance bond forfeited with its proceeds used for reclaiming  
38 the land in accordance with the approved reclamation plan.

39 11. **Applicant shall submit one copy of any plans or reports that are approved by the  
40 NH DES Alteration of Terrain Bureau within 30 days of said approval.**

41  
42 **SITE SPECIFIC PERMIT CONDITIONS:**

43 A. **Approved routes for transportation of material**

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

10

1 **JAMES MILLS/FRANCESTOWN SAND AND GRAVEL, cont.**

2  
3 Bunker Hill to Route 136

4  
5 B. Number and type of vehicles to be used to transport material

6  
7 (3) 10-wheeler dump trucks, (1) Tri-axle dump truck, (1) trailer dump

8  
9 C. Equipment to be used for material removal

10  
11 Excavator/loader

12  
13 D. Requirements for material processing

14  
15 Crushing to take place in location indicated on section copy of plan entitled

16  
17 "Primary and Secondary Crusher", once a year

18  
19 E. Requirements for temporary stockpiling of offsite materials

20  
21 N/A

22  
23 F. Required plantings for reclamation

24  
25 Plans show typical details for loam and seeding

26  
27 G. Other requirements

28  
29 The Earth Removal Permit is valid until such time as the Regulator determines the  
30 Earth Removal Operation is no longer in compliance with the New Boston Earth  
31 Removal Regulations; or, until such time as the operation shall be deemed to be  
32 abandoned as defined in the Earth Removal Regulations; or, until such time as the  
33 owner informs the Regulator that they will no longer be running the Earth  
34 Removal Operation; or, until such time as the operation is depleted; or, until the  
35 completion date as determined by the Regulator in the regulatory process, in  
36 accordance with RSA 155-E:8, in this case **November 22, 2061**, whichever first  
37 occurs.

38  
39 Mark Suennen seconded the motion and it **PASSED** unanimously.

40  
41 Kris Stewart noted that the Coordinator and Planning Board Assistant had been extremely  
42 helpful to him and he appreciated their efforts.

43

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

11

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
2 **NOVEMBER 22, 2011, Cont.**

3  
4 3. Vote to release Page Lane maintenance bond, for the Board's action.

5  
6 The Coordinator advised that the Planning Office had received the requested \$250.00 for  
7 the crack sealing. Mark Suennen asked who would be completing the crack sealing. The  
8 Coordinator answered that the Road Agent would be completing the crack sealing.

9 Peter Hogan asked what caused the crack. The Coordinator answered that a cause for the  
10 crack was undetermined as everything had been done according to plan. She explained that the  
11 Road Agent and Town Engineer had determined that crack sealing was the best solution.

12  
13 Mark Suennen **MOVED** to release the maintenance bond being held for Page Lane to the  
14 owners. Don Duhaimé seconded the motion and it **PASSED** unanimously.

15  
16 11. Endorsement of an Earth Removal Plan for Granite State Concrete Co., Inc., Tax  
17 Map/Lot #13/5, Salisbury Road, by the Planning Board Chairman and Secretary.

18  
19 The Chairman indicated that the above-referenced document would be executed at the  
20 close of the meeting.

21  
22 12. Execution by Planning Board Chairman of Notice of Decision Cover Sheet, for Brian M.  
23 & Beth E. Stevens, Tax Map/Lot #11/9-3 & 10, Hooper Hill Road and N.H. Route 13  
24 a/k/a Mont Vernon Road.

25  
26 The Chairman indicated that the above-referenced document would be executed at the  
27 close of the meeting.

28  
29 **DUBOWIK, ERIC J. & WINSLOW, MEGAN M.**

30 Submission of Application/Public Hearing/NRSPR/federally licensed firearms sales home  
31 business

32 Location: 10B Kettle Lane

33 Tax Map/Lot #13/15-6B

34 Residential-Agricultural "R-A" District

35  
36 Present in the audience were Erik Dubowik, Megan Winslow, Glenn Given, Ian Mosher  
37 and Brandy Mitroff.

38 The Chairman read the public hearing notice. He noted that the application form had  
39 been completed and submitted. He indicated that the Fire Wards did not have any issues with the  
40 proposed home business. He noted that there were no outstanding issues with the plan review.  
41 He added that the issues to be discussed were the waiver for no signage and adding the letter  
42 from the applicant that outlined the business to the conditions of approval as well as including  
43 language that prohibited online advertising or website.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

12

1 **DUBOWIK, ERIC, cont.**

2  
3 Peter Hogan asked if the waiver request to not require signage had been previously  
4 discussed. The Chairman answered yes. Peter Hogan asked if the Board had agreed to not  
5 require signage. The Chairman answered yes. Peter Hogan asked how the property was clearly  
6 marked to ensure that customers that had never visited the property would have the correct  
7 residence. Eric Dubowik answered that he would speak with the customers and explain how to  
8 get to his exact address. Megan Winslow added that the house was clearly marked with a house  
9 number.

10 The Chairman stated that he and David Litwinovich had attended a site walk. He noted  
11 that the home was clearly marked and it would be difficult to be confused. He further noted that  
12 everything that was marked on the plan was at the site, i.e., exterior lighting.

13 The Chairman addressed the potential traffic impact and stated that because of the  
14 location of the house it was unlikely that people would randomly show-up.

15 Glenn Given of 7B Kettle Lane stated that he was most concerned with the increased  
16 volume of traffic. He stated that although the amount of traffic seemed small now and the plan  
17 for the business was modest, he noted that there was nothing preventing the traffic increasing to  
18 a constant stream of people coming in and out. He commented that a constant stream of people  
19 coming in and out may not be probable but it was possible. He stated that he wanted to know  
20 what kind of measurable volume of day trips in and out were okay for the business and who  
21 should be monitoring the volume. Megan Winslow suggested that Glenn Given sit at the end of  
22 the road and monitor the traffic. She continued that there would be no way to determine which  
23 individuals going to their home would be family, friends or customers. Peter Hogan stated that  
24 the only thing that would be measurable would be a modification to the site plan. He explained  
25 that currently the proposed business did not include a display case for merchandise. He  
26 continued that if there was a high volume of traffic it could be reasonable to assume that they  
27 were going to view a display. Glenn Given disagreed with Peter Hogan, noting that back to back  
28 meetings could be scheduled over the internet. Peter Hogan asked the applicant if he had agreed  
29 to not advertising on the internet. Eric Dubowik answered that he would not be advertising  
30 online. Peter Hogan stated that if online advertising could be found, that information could be  
31 turned into the Code Enforcement Officer and the applicant would be found to be in violation of  
32 his site plan. Glenn Given asked if it was his job to police any online advertising violations.  
33 Peter Hogan answered that the information could be given to the Planning Board and the Board  
34 would take care of the issue. Glenn Given asked if the Planning Board would be keeping track  
35 of trips in and out of the neighborhood. Peter Hogan answered no and stated that it was not  
36 realistic. Megan Winslow reiterated that there would be no way to determine who was going to  
37 her home for business or pleasure.

38 Peter Hogan explained that if a home business began to expand at a rate that was  
39 intrusive to the neighborhood a few tell-tale things would happen, i.e., parking problems and/or  
40 advertising. He continued that if an abutter felt like their lifestyle was being impacted he could  
41 simply "Google" the business and forward any advertisements found on the internet to the  
42 Planning Office.

43 Eric Dubowik advised that due to ATF requirements his name was listed as a licensed

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

13

1 **DUBOWIK, ERIC, cont.**

2  
3 dealer on the ATF and other websites. Peter Hogan stated that being listed by ATF was not the  
4 same as advertising an open house of the business. Glenn Given asked what constituted  
5 “advertisng”. The Chairman stated that he did not believe being listed by the ATF was  
6 advertising. He continued that if the applicant had a website for the business that would be  
7 advertising.

8 Ian Mosher of 14A Kettle stated that he moved to his address about four years ago and  
9 had a teenage son and daughter. He stated that he did not support a gun business in the  
10 neighborhood and further stated that he did not care to have one car a week or even one car a  
11 month traveling in the neighborhood for the proposed business. He did not understand why the  
12 applicant could not sell his guns somewhere else. Peter Hogan pointed out that he was allowed  
13 to sell the firearms out of his home. Ian Mosher stated that he paid a lot of money for his home  
14 to live in a cul-de-sac. Megan Winslow stated that she paid a lot of money for her home too.  
15 Peter Hogan asked what living in a cul-de-sac “brought to the party”. Ian Mosher stated that  
16 living in a cul-de-sac offered less traffic and allowed his kids to play outdoors safely. Peter  
17 Hogan asked if living in a cul-de-sac made Mr. Mosher feel safer. Ian Mosher answered yes.

18 Glenn Given stated that there was a legitimate concern about an increase of traffic in the  
19 neighborhood, noting that he was concerned with one extra car per day or one extra car per  
20 month. He stated that he was familiar with the speed limits in the area and the transition from  
21 the dirt road to the paved road. He continued that at the last meeting Dwight Lovejoy had said  
22 that he had seen very little traffic when he was monitoring the area. He went on to say that even  
23 though there was a small amount of traffic it moved fast. He stated that an increase of one UPS  
24 truck a day would create a noticeable impact on the road. Megan Winslow stated that she was a  
25 student and had books delivered to her home every two weeks. She questioned if she should not  
26 be allowed to go to school because of the UPS deliveries. It was Megan Winslow’s opinion that  
27 Glenn Given’s concerns were not with the impact to the road but with the type of home business  
28 being proposed. She asked if the applicant was selling teddy bears would Glenn Given want to  
29 stop UPS trucks from traveling in the neighborhood. Glenn Given stated that he would have a  
30 problem with daily teddy bear deliveries. Megan Winslow pointed out that another neighbor had  
31 medications delivered daily by UPS.

32 Glenn Given stated that he did not understand if the business was modest why a certain  
33 amount of allowed deliveries and pick-ups could not be added to the approval. Peter Hogan  
34 explained that creating such a condition would require accounting and the Board would not want  
35 to give a false security that that type of requirement would be monitored. He stated that the plan  
36 laid out as it was limiting. He advised that should the applicant wish to change any of the  
37 conditions of the site plan he was required to go through a process in which everyone would be  
38 notified again. He stated that Glenn Given’s concerns were duly noted.

39 The Chairman stated that if the business was located in the downtown area the issues  
40 would be different. He continued that the location was somewhat limiting as it was not easy to  
41 get to and it was not something that lots of people would be clamoring to get to. Glenn Given  
42 commented that the remote location was why he believed any increase in traffic would have a  
43 high impact.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

14

1 **DUBOWIK, ERIC, cont.**

2  
3 Mark Suennen pointed out that the applicant was required to follow Section 319.5 of the  
4 Non-Residential Site Plan Regulations that addressed the traffic matter and read the following,  
5 “Traffic shall not be generated by such activity in greater volumes than would normally be  
6 expected in the neighborhood”. He went on to define normal volume as “ten trips per household,  
7 per day, on average”. Peter Hogan noted that ten trips per day was a residential trips per day  
8 industry standard but was not, in his opinion, related to a home business application.

9 The Chairman stated that the abutter’s concerns were noted. He explained that according  
10 to the Regulations the applicant was allowed to operate the proposed home business. He stated  
11 that should any of the terms change the applicant would need to appear before the Board again to  
12 reapply. He stated that if the abutters felt that the applicant was in violation of his approved site  
13 plan they were welcome to bring those concerns to the Planning Board.

14 Dwight Lovejoy asked if the applicant was licensed to “set-up” at gun shows. Eric  
15 Dubowik stated that he could if he went to ATF. Dwight Lovejoy commented that the applicant  
16 was restricted.

17 Mark Suennen stated that it was not the Planning Board’s position to regulate what was  
18 within an owners’ own bylaws, covenants or requirements on their deeds; it was only the  
19 Planning Board’s position to state what was allowable by the Town’s Regulations overall.

20  
21 Mark Suennen **MOVED** to accept the waiver the applicant has requested and will be  
22 restricted to not have an external business sign. Peter Hogan seconded the motion.  
23 Discussion: Peter Hogan asked if the Chairman and David Litwinovich were certain  
24 that there were no issues with locating the residence. The Chairman answered that they  
25 did not have any issues locating the residence. Ian Mosher stated that he had UPS and  
26 cable guys come to his home in error. The Chairman stated that an easy solution was for  
27 the applicant to specifically identify his residence to the customer. Peter Hogan asked  
28 Ian Mosher if he would prefer the applicant have an external sign. Ian Mosher  
29 answered no. The Chairman explained that the applicant had submitted a letter to the  
30 Planning Board that outlined how the business would be conducted; he gave a copy of the  
31 letter to Ian Mosher for his review. The motion **PASSED** unanimously.

32  
33 Peter Hogan **MOVED** to accept the application as complete. Dwight Lovejoy seconded  
34 the motion and it **PASSED** unanimously.

35  
36 Peter Hogan **MOVED** to approve the site plan and attached document entitled "Brief  
37 Summary/Outline of My Business", for Erik Dubowik, to operate a federally licensed  
38 firearms sales home business from 112 s.f. of the existing house at 10B Kettle Lane, Tax  
39 Map/Lot #13/15-6B, subject to:

40  
41 **CONDITION(S) PRECEDENT:**

- 42 1. Submission of a minimum of three (3) copies of the revised site plan that include  
43 all checklist corrections and any agreed-upon conditions from this hearing,

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

15

1 **DUBOWIK, ERIC, cont.**

2  
3 including changes or additions to the "Brief Summary/Outline of My Business"  
4 document.

5 The deadline for complying with the condition(s) precedent shall be **December 22, 2011**,  
6 the confirmation of which shall be an administrative act, not requiring further action by  
7 the Board. Should compliance not be confirmed by the deadline date, and a written  
8 request for extension is not submitted prior to that date, the applicant is hereby put on  
9 notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke  
10 the approval.

11  
12 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

13  
14 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
15 **NOVEMBER 22, 2011, Cont.**

- 16  
17 4. Memorandum dated November 9, 2011, to Stu Lewin, Chairman, and Planning Board  
18 Members, from Nic Strong, Planning Coordinator, re: Road Layout Research Project, for  
19 the Board's review and discussion.

20  
21 Mark Suennen asked for a summary of the road layout research project and for the next  
22 step in the process. The Coordinator stated that the project arose from years of questions  
23 regarding various roads in Town and not having the layouts. She noted that no one had ever  
24 undertaken the project that would establish rights-of-way for roads that the Town did not have  
25 plans for. She continued that some of the information relative to rights-of-way width was  
26 contained in the State archives. She went on to say that because of the lack of information the  
27 Planning Office depended on surveyors who may or may not do the research they were supposed  
28 to do to subdivide a piece of property, and, therefore, created inaccurate or inconsistent  
29 information regarding rights-of-way for the parcels that were the subject of their plans. She  
30 stated that prescriptive roads existed in Town.

31 The Coordinator explained that this project had been talked about for a very long time  
32 and just had never been done. She stated that the Town would need to come up with a RFP to  
33 see who would be interested in completing the work and determining a cost.

34 Mark Suennen asked if the project was primarily research at the archives and Registry of  
35 Deeds. The Coordinator answered yes. Mark Suennen asked if the Coordinator had prioritized a  
36 list of locations that she was interested in having completed. The Coordinator answered that she  
37 did not have such a list at this time. She stated that she was unsure if a bid would be put out for  
38 the entire Town to be completed or if a committee would create a prioritized list.

39 Mark Suennen asked for the members of the Committee. The Coordinator advised that a  
40 formal working committee needed to be put together. Mark Suennen asked if there was funding  
41 available for the RFP. The Coordinator answered no and indicated that Bob Todd, LLS, had  
42 estimated that the project had the potential to cost anywhere from \$15K - \$20K. She noted that  
43 warrant articles would be necessary to obtain funding.

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

16

1 **MISCELLANEOUS BUSINESS, cont.**

2  
3 Peter Hogan asked where the records for researching were located. The Coordinator  
4 answered that the records could be found in Town, at the DOT, and the State Archives in  
5 Concord.

6 Mark Suennen asked how the Town would ensure that the person completing the work  
7 had the right credentials to be doing so. The Coordinator answered that the Committee would be  
8 tasked with that matter. Don Duhaime commented that a licensed surveyor would be required.

9 Peter Hogan stated that he did not see himself wanting to fund this project. The  
10 Coordinator stated that the project may go to the ballot and get voted down. Peter Hogan what  
11 the downfall was for not completing the project. Mark Suennen answered that things would  
12 remain at the status quo.

13 The Chairman asked if there was any cost associate with the next step. The Coordinator  
14 answered no.

15 Mark Suennen asked who would write the RFP. The Coordinator answered the working  
16 committee would create the RFP.

17 The Chairman asked if anyone other than Peter Hogan had strong objections to not at  
18 least take it to the next level and investigate the project. The Coordinator pointed out that the  
19 project was not really a Planning Board project. She explained that the Board was being asked  
20 for their input regarding what information they would like researched. She advised that roads  
21 were a Board of Selectmen issue.

22 Dwight Lovejoy asked if there had been discussions about this project with the Town  
23 Engineer. The Coordinator noted that discussions with the Town Engineer had not yet taken  
24 place.

25 The Chairman asked for comments or questions. Mark Suennen stated that there had  
26 been a lot of questions recently regarding driveways and questioned whether permits for  
27 driveways could be verified at the same time that this work was being done. The Coordinator  
28 noted this was a possibility.

29 Dwight Lovejoy asked if work would be covered by the Highway Department. The  
30 Coordinator answered that the work may be able to tie in with the Highway Department's use of  
31 the RSMS program and survey work.

32  
33 10. Letter received November 18, 2011, from Emile R. Bussiere, Jr., to Shannon Silver,  
34 Assistant, Planning Department, re: Scheduling a Compliance Site Walk for  
35 CUP/Wetland Crossing/Susan Road, for the Board's action.

36  
37 A site walk was scheduled for Saturday, December 3, 2011, at 8:30 a.m.

38  
39 14a. Letter with attachment received November 22, 2011, from Kevin M. Leonard, P.E.,  
40 Northpoint Engineering, to Mr. Stuart Lewin, Chairman, Town of New Boston Planning  
41 Board, re: Proposal for Professional Engineering Services, for the Board's information.

42  
43 14b. Agreement for Professional Services with a Municipal Services flyer attachment received



**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2011 Meetings**

November 22, 2011

17

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 November 22, 2011, from Kevin Leonard, P.E., Northpoint Engineering, to Town of New  
4 Boston, for the Board's information.

5

6 The Chairman addressed 14a and 14b together as they were related. He asked if any of  
7 Northpoint Engineering's terms or conditions changed. The Coordinator answered no. The  
8 Chairman asked if Northpoint Engineering's cost changed. The Coordinator answered no.

9

10 Peter Hogan noted that the Planning Office primarily worked with the Town Engineer  
and asked if they had any complaints. The Coordinator answered no and added that Kevin

11

Leonard, P.E., was always available, answered questions and did what he was supposed to do.  
12 Mark Suennen stated that he was abstaining from the discussion based on his profession.

13

14 Peter Hogan **MOVED** to forward a recommendation to the Board of Selectmen to enter  
15 into a one year contract with Northpoint Engineering, LLC, for professional engineering  
16 services. Dwight Lovejoy seconded the motion and it **PASSED**.

17

18 Peter Hogan **MOVED** to adjourn the meeting at 8:13 p.m. Mark Suennen seconded the  
19 motion and it **PASSED** unanimously.

20

21 Respectfully Submitted,  
22 Valerie Diaz, Recording Clerk

Minutes Approved:  
01/10/2012