

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

1

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

5
6 Present in the audience for all or part of the meeting were Sue Tingley, Christine Quirk,
7 Craig Heafield, Steve Elliott, Willard Dodge, Tom Miller, Charlie Peak, Tom Carr, C.W.S., Jay
8 Heavisides, P.E., Charles Cleary, Esq., Jay Marden, Donna Mombourquette, James Denesevich,
9 Ann Freeman, Jim Freeman, Dick Perusse, Road Agent, Rodney Towne, Peter Belleville,
10 Raymond Shea, Kimberley Martin and Nathan St. Clair.

11
12 **Public Hearing on the Adoption of Earth Removal Regulations, as proposed by the**
13 **Planning Board.**

14
15 Present in the audience were Sue Tingley, Christine Quirk, Craig Heafield, Steve Elliott,
16 Willard Dodge, Tom Miller and Charlie Peak.

17 The Chairman read the public hearing notice. He explained that the Regulator of the
18 Earth Removal Regulations had been changed from the Board of Selectmen to the Planning
19 Board. He further explained that the Earth Removal Regulations were modeled after the South
20 West Region Planning Commission model regulations as well as ordinances from surrounding
21 towns. He noted that the proposed Regulations had been reviewed by Town Counsel and three
22 public input sessions had been conducted.

23 The Chairman said that he would address outstanding questions from the public input
24 session that took place on January 25, 2011. He stated that Dave Elliott had asked if approval
25 was needed each time he removed material for site construction for homes and/or businesses.
26 The Chairman explained that the Regulations included three conditions based on the amount of
27 material that would address the aforementioned matter:

- 28 1. For material removal of less than 5,000 cubic yards the regulations required that an
29 application be submitted, no public hearing would be required and a finding may be
30 issued stating that no further permit oversight by the Regulator was required.
- 31 2. For material removal of more than 5,000 cubic yards but less than 10,000 cubic yards an
32 application would be required and the Regulator could require a hearing if deemed
33 necessary.
- 34 3. For material removal over 10,000 cubic yards, an application for the removal of materials
35 incidental to construction would be required with the attendant plans and hearing.

36 The Chairman noted that Ed Colburn had asked if notice could be given to pit owners
37 with regard to site inspection visits. He explained that the Board had discussed this matter and
38 needed to decide on whether 24 hours or 48 hours notice would be given.

39 The Chairman stated that Craig Heafield had asked a question relative to the need for a
40 checklist to be filled out for every type of application. He clarified that a checklist needed to be
41 completed for every "Earth Removal Application" and that indicated it was tied to that specific
42 application rather than all of the applications.

43 The Chairman stated that Craig Heafield had asked for clarification with regard to the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

2

1 **PUBLIC HEARING, EARTH REMOVAL REGULATIONS, cont.**

2
3 requirements of hearings in the Earth Removal Regulations because the introduction of
4 Appendix 1 stated that “the Regulator may require a hearing” and that subsequent sections stated
5 that “a hearing shall be required”. He clarified that Appendix 1 contained some types of
6 applications that did not require a hearing unless the Regulator chose to require one and as such
7 no changes were made to the Regulations.

8 The Chairman stated that Craig Heafield had asked a question relative to waste disposal
9 and had noted that “the section of the Regulations specified that no organic waste and debris be
10 allowed to be disposed of as part of earth removal operations”. He stated that the Board
11 proposed to add the word “refuse” to the Earth Removal Regulations as defined by the State
12 statute to address Craig Heafield’s concern.

13 The Chairman addressed a question from Craig Heafield regarding crushing in existing
14 pits and explained that if a pit could be proven to be existing and could also prove that crushing
15 took place when first approved then it could be continued; however, new crushing operations
16 could not take place. The Chairman asked Craig Heafield if his questions had been answered
17 and Craig Heafield acknowledged that they had.

18 The Chairman asked for public questions on the latest set of Earth Removal Regulations
19 that had been provided; there were no questions or comments.

20 The Chairman advised that the Earth Removal Regulations were to be adopted as a stand
21 alone document under RSA 151-E:11. He continued that there were no adoption procedures
22 listed under the previously referenced statute and as such the Board followed the posting and
23 notice procedures that could be found for the Master Plan and Subdivision Regulations.

24 The Chairman asked for comments or questions from the Board. It was Mark Suennen’s
25 opinion that the Regulations were ready to be adopted.

26 The Chairman asked the Board for their opinions on the question of whether 24 hours or
27 48 hours notice should be given to gravel pit owners prior to site visits. Mark Suennen believed
28 that it was not unreasonable to provide the gravel pit owners with 24 hours notice. Dwight
29 Lovejoy agreed with Mark Suennen and added that 24 hours notice was a standard amount of
30 time. The Chairman asked the public for any input on this matter; there was no further input.
31 The Board decided move forward with 24 hours notice prior to site visits.

32 The Chairman noted that the Board needed to make a decision on what language should
33 be added to the waste removal section of the Earth Removal Regulations with regard to organic
34 waste and debris. The Coordinator referred the Board to page 16 of the proposed Earth Removal
35 Regulations. The Chairman read from the Regulations. He stated that the first proposed change
36 to the section was to remove the existing sub-clause and leave RSA 149-M that addressed solid
37 waste management. Craig Heafield reviewed the definition of “refuse” and agreed that it should
38 be added to the Earth Removal Regulations. The Chairman went on to say that the second
39 proposed amendment was to add the language “or refuse” instead of “organic waste and debris”.
40 The Chairman asked the Board if they agreed with the proposed change; Mark Suennen and
41 Dwight Lovejoy agreed to move forward with the proposed change.

42 Craig Heafield asked the Board if the word “septage” as it appeared in the Earth Removal
43 Regulations referred to the material contained within a septic tank or if it also meant the stone

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

3

1 **PUBLIC HEARING, EARTH REMOVAL REGULATIONS, cont.**

2
3 and gravels from removing old systems. The Coordinator answered that “septage” referred to
4 anything involving the biological decomposition of any readily biodegradable material such as
5 animal manure, garbage, yard waste, septage, sludge or other organic solid wastes.

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

8 The Chairman stated that unless a gravel pit met the requirements to be considered
9 grandfathered from the Earth Removal Regulations, the gravel pit owners were required to go
10 through the approval process at which time an indeterminate approval would be given and the
11 annual approval process was no longer required.

12 Craig Heafield asked what the likelihood would be that gravel pit owners would have to
13 submit traffic and environmental impact studies following the required public hearing after
14 submittal of an application. He noted that if any of the pit owners had to do anything that would
15 cost money and not result in anything other than being able to continue to operate it would be a
16 costly ordeal. It was the Chairman’s opinion that if the gravel pit had previously existed, there
17 were no changes to the operation and no previous complaints had been made, there would not be
18 any issues to be addressed. Mark Suennen agreed with the Chairman, noting that if in the 2 ½
19 years that the Town had been without a local approval process there had been no complaints but
20 something came up simply because notice of a hearing was sent out, the Planning Board could
21 do their due diligence to investigate the complaint over a period of time to determine its validity.

22 Steve Elliott asked what the cut-off date was for submitting a new application. The
23 Coordinator believed that the hearings on the applications would be scheduled through a
24 staggered process. She noted that the Earth Removal Regulations required that a permit
25 expiration date needed to be assigned but that would be left to the discretion of the Board. The
26 Chairman believed that a deadline should be set for the submission of the applications. The
27 Coordinator stated that the Board could set a date; however, there was no requirement to do so.
28 Christine Quirk asked for clarification that the Planning Board would be assigning application
29 submittal dates and not the gravel pit owners. The Coordinator confirmed Christine Quirk’s
30 question.

31 Mark Suennen suggested that following the adoption of the Earth Removal Regulations
32 all current gravel pit owners of record would be notified of the adoption of the regulations by
33 May 1, 2011, and be required to submit their permit applications by August 1, 2011. He asked
34 the public if three months was a reasonable amount of time to submit their applications. Craig
35 Heafield and Christine Quirk agreed that three months was a reasonable amount of time.

36 Steve Elliott asked how many current gravel pit owners were in New Boston. The
37 Coordinator believed there were fifteen current gravel pit owners in Town. Steve Elliott
38 commented that the public hearing portion of the permit application could be lengthy process for
39 the Board. The Chairman stated that it should be the goal of the Board to have one meeting per
40 application. The Coordinator pointed out that it was plausible to hold two or three hearings on
41 the permit applications during one Planning Board meeting.

42 The Coordinator asked if there was any intention on behalf of the Board to conduct site
43 walks of the gravel pits. The Chairman commented that unless there were any issues or

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

4

1 **PUBLIC HEARING, EARTH REMOVAL REGULATIONS, cont.**

2
3 problems with the application he did not believe there was any need for a site walk. Mark
4 Suennen agreed that there was not a need to conduct site walks.

5 The Chairman asked for any final input from the public; there was no input and the
6 Chairman closed the public portion of the hearing.

7 The Chairman asked for any further discussion from the Board; there was no further
8 discussion.

9
10 Mark Suennen **MOVED** to adopt the Town of New Boston Earth Removal Regulations
11 as amended at this public hearing. Dwight Lovejoy seconded the motion and it
12 **PASSED** unanimously.

13
14 The Chairman thanked the members of the public who had attended the Earth Removal
15 Regulation meetings for their time and input.

16 The Chairman stated that the Planning Office would be notifying gravel pit owners of the
17 newly adopted Earth Removal Regulations by May 1, 2011, and applications would be required
18 to be submitted no later than August 1, 2011.

19
20 **Discussion, re: Fire Ward Meeting of March 21, 2011**

21
22 Present in the audience was Tom Miller, Road Committee, and Willard Dodge, Road
23 Committee.

24 The Coordinator distributed her typed notes from the previous evenings Fire Wards'
25 meeting and asked if the Board wanted to take a break to read them. The Chairman asked Mark
26 Suennen to present highlights from the meeting of the Fire Wards that took place on March 21,
27 2011.

28 Mark Suennen stated that Peter Hogan had also been present and had spoken on behalf of
29 the Board. He commented that he had agreed with most points addressed by Peter Hogan and
30 had noted when he did not agree. He continued that the Fire Wards preferred to require the
31 installation of sprinklers over cisterns; however, they were looking to encourage the use of
32 cisterns and sprinklers in more developments. He stated that a question of what was required in
33 the Subdivision Regulations had been asked and Peter Hogan answered clearly that the
34 Subdivision Regulations required either sprinkler systems or a cistern. He added that the Fire
35 Wards were pushing to get both sprinkler systems and a cistern which would be 7,500 gallons.

36 Mark Suennen advised that there was a discussion regarding the value of Technical
37 Review Committee, (TRC). He stated that Dan MacDonald, Fire Chief, felt that the TRC was
38 very important and Peter Hogan expressed an opposing view. The Chairman and Mark Suennen
39 commented that they did not agree with Peter Hogan's opinion on this matter. The Chairman
40 pointed out that during past discussions regarding the TRC, with the exception of the cul-de-sac
41 length waivers, it had been Peter Hogan's position that in general almost all of the issues brought
42 forward by the TRC were folded into the Planning Board's approval. He went on to say that it
43 was important to obtain input from the other departments in Town and the role of TRC ensured

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

5

1 **DISCUSSION RE: FIRE WARD MEETING, cont.**

2
3 that it happened. Mark Suennen added that the Coordinator had pointed out during the meeting
4 that having the TRC meet together and discuss matters was more efficient than just emailing
5 department heads.

6 Mark Suennen stated that an agreement was reached during the meeting that the TRC
7 would enclose justifications for future recommendations.

8 Mark Suennen advised that discussion occurred during the meeting with regard to
9 changing the Subdivision Regulations and it was represented that changes were handled by the
10 Planning Board. He went on to say that it was his opinion that the changes the Fire Wards were
11 looking to make to the Subdivision Regulations with regard to sprinkler systems and cisterns
12 should be done through a Town vote. He noted that the Fire Wards were not excited about his
13 suggestion of presenting the matter for Town vote because it had been voted down in the past.
14 Dwight Lovejoy commented that it appeared the Fire Wards were attempting to “backdoor” the
15 issue by having the Planning Board create a mandate. Mark Suennen agreed with Dwight
16 Lovejoy’s assessment and he did not believe it was appropriate.

17 Mark Suennen informed the Board that the Fire Wards questioned the Board’s history of
18 waiving regulations. He explained that the Board had statutory authority to waive its regulations.

19 The Chairman thanked Mark Suennen for his summary.

20
21 **Adoption of New Boston Road Construction Inspection Procedures**

22
23 Present in the audience were Tom Miller, Road Committee, and Willard Dodge, Road
24 Committee, Jay Marden and Charles Cleary, Esq.

25 The Chairman read the public hearing notice. He advised that the procedures were
26 intended to take all the inspection procedures that were already being followed during
27 construction projects and put them in writing in a document that could be readily available to
28 developers and contractors and any other interested party. He noted that this matter had been
29 discussed at previous meetings. He added that the procedures to be adopted provided a stand
30 alone document for the Board’s use. He continued that there were no formal procedures for this
31 and no statutory requirements as far as notice. He pointed out that this item was placed on the
32 agenda and posted in all the usual places.

33 The Chairman asked for questions or comments from the Board. Mark Suennen stated
34 that the Town Engineer had made the change that he had requested and as such he was satisfied
35 with the final product.

36 It was the Chairman’s opinion that every role listed in the Procedures should be
37 capitalized, i.e., “Consulting Engineer”.

38 The Chairman referred the Board to page two of the Procedures and suggested that the
39 title “Inspection Reports” be changed to “Field Reports”.

40 The Chairman referred the Board to page three of the Procedures and suggested the
41 following changes be made to the last sentence contained under the heading Design Changes:
42 “The developer/contractor should be aware that the Planning Board **only** meets periodically and
43 that ~~advanced~~ **advance** notice is needed to get on a specific meeting agenda. Mark Suennen

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

6

1 **ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.**

2
3 disagreed with the Chairman's suggestion and believed "meets periodically" and "advanced"
4 were correctly used. The Chairman withdrew his suggested changes.

5 The Chairman noted that in the Procedures Section under Punch Lists, "New Boston
6 Specifications" should be changed to "Town Specifications" in line 6.

7 The Chairman referred the Board to sentence 6 under Punch Lists, noting that this was
8 the only location in which "he/she" was used. Mark Suennen suggested using "Town's
9 Consulting Engineer" and the Chairman agreed.

10 The Chairman suggested changing the last line of Punch Lists from "regular scheduled
11 Planning Board meeting" to "**regularly** scheduled Planning Board meeting". Mark Suennen
12 disagreed with the Chairman's suggestion. He explained that the Planning Board meeting was a
13 regular meeting and not specially scheduled. The Chairman withdrew his suggestion.

14 The Chairman referred the Board to page seven of the Procedures under the section
15 pertaining to Fire Cisterns. He suggested inserting either the word separate or distinct to the
16 second sentence so that it would read, "Due to the complex nature of cistern construction the
17 Town's Consulting Engineer shall organize a **separate** / **distinct** cistern pre-construction
18 meeting...". He justified the change by explaining its insertion would point out that the meeting
19 was not part of the usual pre-construction meeting. Mark Suennen asked the Road Committee
20 members that were present if it was the intent of the Board to make a distinction that the cistern
21 pre-construction meeting was independent of the regular pre-construction meeting. Tom Miller,
22 Road Committee, answered yes because the Fire Department was involved. The Coordinator
23 disagreed with the suggestion because the suggested change would force the need for a separate
24 fire cistern pre-con when, in fact, it may be possible and/or desirable to have it at the same time
25 as the road pre-con. The Planning Board members and Road Committee members agreed with
26 the Coordinator.

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

29 The Chairman closed the public portion of the hearing. He noted that the changes
30 discussed this evening were minor and clerical in nature.

31
32 Mark Suennen **MOVED** to adopt the new Town of New Boston Road Construction
33 Inspection Procedures as amended at this hearing. Dwight Lovejoy seconded the motion
34 and it **PASSED** unanimously.

35
36 The Chairman thanked the Road Committee and Kevin Leonard, P.E., for their efforts in
37 creating the Road Construction Inspection Procedures. Tom Miller, Road Committee, stated that
38 the document should be a big help.

39
40 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
41 **March 22, 2010**

42
43 1. Approval of February 22, 2011, minutes, distributed by email.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

7

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen **MOVED** to approve the minutes of February 22, 2011, as written.
4 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

5
6 2. Approval of March 8, 2011, minutes, distributed by email.

7
8 Mark Suennen **MOVED** to approve the minutes of March 8, 2011, as written. Dwight
9 Lovejoy seconded the motion and it **PASSED** unanimously.

10
11 3. Notice, re: Planning Board election of officers per Rules of Procedure, Section 3.2, at the
12 April 12th meeting at 6:30 p.m.

13
14 The Chairman noted that the offices to be filled were Chairman, Vice Chairman and
15 Secretary.

16
17 7a. Letter copy dated March 9, 2011, from Charles F. Cleary, Wadleigh, Starr & Peters,
18 P.L.L.C., to New Boston Zoning Board of Adjustment, re: Objection to Administrative
19 Appeal, Whipplewill Road, Neville property, for the Board's information.

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

23
24 7b. Letter copy with attachments, dated March 15, 2011, from Jed Z. Callen, Baldwin &
25 Callen, P.L.L.C., to New Boston Zoning Board of Adjustment, re: RSA 676:5, III Appeal
26 of the Planning Board Interpretation/Application of Zoning Ordinance, re: Neville Site
27 Plan Application for Lot #3/63-24, for the Board's information.

28
29 The Chairman acknowledged receipt of the above-referenced matter; no discussion
30 occurred.

31
32 8. Letter copy dated March 16, 2011, from Nic Strong, Planning Coordinator, to Dwight
33 Sowerby, Esq., & William Drescher, Esq., Drescher & Dokmo, P.A., re: Earth Removal
34 as Incidental to Construction, for the Board's information.

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

38
39 9. Letter dated March 3, 2011, to David Preece, Executive Director, and Tim White, Senior
40 Transportation Planner, Southern New Hampshire Planning Commission, from Nic
41 Strong, Planning Coordinator, re: Update of the State of New Hampshire's Ten-Year
42 Transportation Improvement Program FY2013-FY2022, for the Board's information.

43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

8

1 **MISCELLANEOUS BUSINESS, cont.**

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

- 5
6 10. Memorandum copy dated March 7, 2011, from David J. Preece, AICP, Executive
7 Director, SNHCP, to All Brownfield's Advisory Committee Members, re: 2009 EPA
8 Brownfield's Grant (BF#96114201-0) Update, for the Board's information.

9
10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

- 12
13 11. Email with attachments, received February 22, 2011, from Bill Herman, Town
14 Administrator, Town of Auburn, replying to David Preece's email of February 22, 2011,
15 re: Ten-Year Projects on the chopping block, for the Board's information.

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

- 19
20 13. Copy of approved Meeting Minutes of the Zoning Board of Adjustment January 26,
21 2011, meeting, for the Board's information.

22
23 The Chairman acknowledged receipt of the above-referenced matter; no discussion
24 occurred.

- 25
26 14. Copy of Draft Meeting Minutes of the Zoning Board of Adjustment March 15, 2011,
27 meeting, re: Neville Site Plan/Appeal of the Planning Board Interpretation, for the
28 Board's information.

29
30 The Chairman acknowledged receipt of the above-referenced matter; no discussion
31 occurred.

- 32
33 15. Copy of the 2011 Local Officials Workshop Registration, for the Board's information.

34
35 The Chairman acknowledged receipt of the above-referenced matter; no discussion
36 occurred.

- 37
38 16. **Read File:** Notice of Public Hearing from the Town of Amherst, re: installation of a
39 wireless telecommunication tower.

40
41 The Chairman acknowledged receipt of the above-referenced matter; no discussion
42 occurred.

43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

9

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 17. Memorandum dated March 19, 2011, from Nic Strong, Planning Coordinator, to various
4 Town offices, re: Updated Zoning Ordinance based on results from the Town ballot for
5 2011, for the Board's information.

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

9
10 **TWIN BRIDGE LAND MANAGEMENT, LLC**

11 Public Hearing/Major Subdivision/24 Lots and 1 open space Lot

12 Location: Twin Bridge Rd & West Lull Place

13 Tax Map/Lot #2/62-12 & 3/5

14 MHP w/R-1 allowance & "R-A" District

15
16 Present in the audience were Willard Dodge, Jay Marden, Donna Mombourquette, James
17 Denesevich, Charles Cleary, Esq., Tom Carr, C.W.S, Jay Heavisides, P.E., Ann Freeman and Jim
18 Freeman.

19 The Chairman read the public hearing notice. He stated that the application had been
20 accepted as complete on March 23, 2010, and was adjourned on January 25, 2011, to tonight's
21 meeting. He advised that should the above-captioned matter not be approved at this meeting a
22 further extension was required on behalf of the applicant. He noted that the Planning
23 Department had received an amended State Subdivision Approval, revised Stormwater
24 Management Plans, Stormwater Maintenance Plan, and ISWMP bond estimates. He continued
25 that the Board had received a letter from Town Counsel with regard to the review of legal
26 documents that needed a vote from the Board to release to the applicant. He stated that the
27 Board had also received a letter dated March 10, 2011, from Tom Carr, C.W.S., relative to a
28 waiver request for road grade. He noted that there was an outstanding balance of \$25.00 for the
29 road entry permit.

30 The Chairman invited Tom Carr, C.W.S., to address the Board. Tom Carr, C.W.S.,
31 introduced Jay Heavisides, P.E., to the Board and noted that he was the Chief Engineer for the
32 Twin Bridge Subdivision. He informed the Board that for the last two months he and Jay
33 Heavisides, P.E., had been meeting with the Road Committee in an effort to create
34 recommendations to the Board relative to the road entry. He read the following from the waiver
35 request, "...Following two subsequent meetings with the Road Committee, a decision was
36 reached that the best alternative to solve the engineering of the entrance was to slope away from
37 Twin Bridge Road to the 0 + 50 station." Tom Carr, C.W.S., noted that was before the road
38 sloped to the low point at 20'. He read again from his letter, "The drop in elevation from the
39 edge of (Twin Bridge Road) at the centerline of Wright Drive is 2.8 inches to the low point or
40 -0.75%. Detention Basin #1, adjacent to this section of road on the west side, has also been
41 enlarged to keep storm water out of the right-of-way as recommended by the Road Committee.
42 With the redesign of the entrance, storm water is directed further away from the intersection and
43 the detention basin still accommodates the 50 year storm event thus protecting the abutting

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

10

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 property on 2/62-13 as originally proposed. Essentially, this design balances the best possible
4 solution to access the property from Twin Bridge Road in consideration of surrounding existing
5 conditions." He indicated that he had an email from Tom Miller, Road Committee, that
6 summarized that the Road Committee approved of the road entry design. He also indicated that
7 the Town Engineer had no objections to the design as stated in a letter dated March 20, 2011.
8 After presenting the aforementioned information Tom Carr, C.W.S., looked to the Planning
9 Board for a decision on this matter.

10 The Chairman asked the Board if they needed any additional information prior to acting
11 on the road waiver request; Mark Suennen answered no.

12
13 Mark Suennen **MOVED** to permit the waiver to Section IX-B,2,f, for the -3% grade at
14 intersection based on the fact the engineer has worked closely with the Road Committee
15 to develop an equitable solution that protects the Town's future roadway and the slopes
16 for drainage. It meets the spirit and intent of our Regulations based on the compromises
17 of the Road Committee. Dwight Lovejoy seconded the motion and it **PASSED**
18 unanimously.

19
20 Tom Carr, C.W.S., stated that an issue with shallow grass swales had also been discussed
21 with the Road Committee; he identified the location of the recharge basins in relation to the
22 swales and noted that they were 6" deep and grassed. He explained that there was a concern that
23 the swales would fill up and not be productive. He stated that in an effort to address the concern
24 the swales were redesigned to be wider and paved. He pointed out that the swales were at 1%
25 which was the same cleanout velocity as a concrete pipe. He continued that the cleanout velocity
26 on the asphalt would keep them clean and take the sediment to a sediment fore bay. He informed
27 the Board that the Road Committee had approved the design and the Town Engineer stated in his
28 letter dated 3/20/11 that the design was "a better long-term solution".

29 Tom Carr, C.W.S., referred to the Town Engineer's letter dated 3/20/11, item #12, A, B,
30 and C. He stated that after discussing the issues in A, B and C with Jay Heavisides, P.E., they
31 proposed to stabilize all slopes, grading within the right-of-way, detention basins, and drainage
32 by loaming and seeding. He indicated that the building pads on Lots #3/5 were designed to have
33 slopes that were loamed, seeded and stabilized. He pointed out that the only area on the lots that
34 would not be loamed and seeded were the flat pads for the buildings because slopes did not exist
35 and there was no concern of erosion. He explained that AOT would recognize the flat building
36 pads as a stabilized situation because the proposed area was less than 3% and no water flowed
37 through it.

38 Mark Suennen asked Tom Carr, C.W.S., to clarify that the current AOT definition of
39 stabilized included a zero grade, un-loamed and un-seeded platform at high grade. Tom Carr,
40 C.W.S., answered that the AOT did not have a specific definition of stabilized and it was left to
41 interpretation. Jay Heavisides, P.E., interjected that most of the definitions from AOT pertained
42 to road grading. He continued that the house locations could be equated to gravel pits in that
43 they needed to be self-contained and graded to prevent shedding. He explained that the design

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

11

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 for the house locations created a small depression that would not be loamed and seeded;
4 however, the area surrounding the house location would be stabilized.

5 Dwight Lovejoy asked if it was the applicant's intention to prepare six to eight lots
6 simultaneously. Tom Carr, C.W.S., answered yes and explained that the grading would be done
7 in five acre increments and would be followed up with loam and seed for the purpose of
8 stabilization. He pointed to areas on the plan that would be sand and gravel.

9 The Chairman asked if the area between the bottom of the slope to the west across to the
10 slopes on the east would be flat. Tom Carr, C.W.S., answered yes and further explained that
11 everything in the road right-of-way would be loamed and seeded with the exception of the flat
12 areas. The Chairman asked for confirmation that the reason for not stabilizing the flat areas was
13 because there would be no run-off. Tom Carr, C.W.S., confirmed the Chairman's question.

14 Jay Marden of Gregg Mill Road asked if the plan illustrated the slopes pointing down
15 towards the houses. Tom Carr, C.W.S., answered yes. Jay Marden asked which direction the
16 slope was behind the houses. Tom Carr, C.W.S., answered that a downward slope would exist
17 behind the houses. Jay Marden asked what the grades would be at the southerly end of the road.
18 Tom Carr, C.W.S., answered Jay Marden's question by indentifying cuts and fills on the plan.

19 Donna Mombourquette of West Lull Place expressed her concern for the possibility of
20 north-west high winds that would disturb areas of sand and gravel on the plan. The Chairman
21 acknowledged Donna Mombourquette's concern.

22 James Denesevich of 42 West Lull Place asked what measures would be taken to prevent
23 the erosion of the esker located on Lot # 3/5. Tom Carr, C.W.S., answered that the esker would
24 be loamed and seeded and pointed out the location of benches. James Denesevich asked how an
25 esker that was made of sand would be supported. Tom Carr, C.W.S., assured James Denesevich
26 that the esker would be stabilized. He also advised that DRED required all pins be set before
27 they would take the open space and as such all the limits of cut needed to be staked and flagged.
28 He added that the Town Engineer would be given authorization to monitor construction for the
29 entire area in question.

30 Donna Mombourquette commented that she had had a major problem behind her home in
31 an area that consisted of sand and gravel. She explained that a mudslide had occurred in an area
32 of a shelf similar to the shelf on the plan that resulted in erosion. Tom Carr, C.W.S., pointed out
33 that a mudslide with ledge differed from sand with no restrictive features.

34 Tom Carr, C.W.S., asked the Board to consider making a formal recommendation with
35 regard to item #12, A, based on the explanation given. He noted that the Town Engineer could
36 not move forward with the road bond estimate without a decision.

37 It was Mark Suennen's interpretation that the developer had proposed small depressions
38 or flat grades for the lot sites and stabilization in accordance with AOT requirements for slopes.
39 Tom Carr, C.W.S., commented that Mark Suennen's understanding of the recommendation was
40 correct. Mark Suennen found the recommendation acceptable and believed the Board should
41 direct the Town Engineer to ensure that the AOT Regulations were met and that the Town
42 Engineer understood that it was the developer's intention to follow the AOT Regulations.
43 Dwight Lovejoy and Stu Lewin agreed with Mark Suennen's recommendation.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

12

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 Tom Carr, C.W.S., stated that the sand and gravel offer made to the Town was a standing
4 offer. He believed that it was not necessary to create a formal agreement as it had clearly been
5 memorialized in past Planning Board meeting minutes; however, he could create such document
6 if it was desired.

7 The Chairman asked the Coordinator if further documentation was required. The
8 Coordinator answered that the matter was left to the Selectmen to decide. Dwight Lovejoy stated
9 that the Board of Selectmen would take care of the offer of sand and gravel.

10 Tom Carr, C.W.S., addressed item #12, C, of the Town Engineer's letter dated 3/20/11.
11 He advised that the Town Engineer had questioned how much of the fill should be monitored
12 with respect to compaction. Based on his past experience Tom Carr, C.W.S., recommended that
13 the Board not require the Town Engineer to monitor compaction on the individual lots in order to
14 eliminate any liability of the Town should a failure occur on private land in the future as a result
15 of incorrect compaction.

16 The Chairman asked the Coordinator if a precedent had been created through other
17 developments in Town on this matter. The Coordinator answered that this was a unique
18 subdivision because of the removal of earth. She commented that she believed Tom Carr,
19 C.W.S.'s, recommendation was accurate. The Chairman commented that it was developer's
20 obligation to ensure the compaction was being done correctly. Mark Suennen stated that he
21 reviewed the newly adopted Road Construction Inspection Procedures and noted that there was
22 no mention on how to monitor fills that were outside of road impact. It was Mark Suennen's
23 opinion that the Town Engineer had the authority to test for any grades that may impact the
24 liability of roads. He continued that outside of road impact the Town Engineer had no need to
25 test fills and should not be encouraged to do so. It was the consensus of the Board to not require
26 the Town Engineer to monitor compaction on individual lots.

27 Tom Carr, C.W.S., inquired if a decision had been made with regard to the use the
28 sprinkler systems or cisterns. He noted that it was discussed that either all of the lots would have
29 sprinklers installed and the existing cistern would be removed or the cistern would be kept,
30 therefore, eliminating the need to install sprinklers. The Chairman answered that he had heard
31 from the Fire Chief that the installation of sprinkler systems was preferred. Mark Suennen added
32 that he had also heard at a recent Fire Wards meeting that sprinkler systems were preferred,
33 although the Fire Wards would very much like both to be installed. Tom Carr, C.W.S., stated
34 that he would remove the cistern from the design plans.

35 Tom Carr, C.W.S., addressed the issue of permits contained within the Town Engineer's
36 letter dated 3/20/11. He advised that all required permits had either been received or were
37 pending. He added that because the road entrance issue had been resolved he would resubmit the
38 Shoreland Protection Permit.

39 Tom Carr, C.W.S., referred the Board to item #13 of the Town Engineer's letter dated
40 March 20, 2011. He noted that the issue was a recharge basin designed at the end of the cul-de-
41 sac to which had been provided a drainage access road which was downhill and the grade of
42 which exceeded 20% in one area. He noted that the assumption was that a backhoe or excavator
43 would be used to access this area if maintenance was needed, although he did not think that any

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

13

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 maintenance would ever be required because there was really no flow to this basin that would fill
4 it in. Tom Carr, CWS, stated that Kevin Leonard, PE, was not comfortable with the design and
5 had suggested possibly finding another route for this access road. He stated that this had not
6 been discussed with the Road Committee and he would prefer that the Planning Board make a
7 decision at this meeting to keep things moving forward.

8 Jay Heavisides, PE, stated that the recharge basin was mainly to take the flow from the
9 slopes in back of the easterly lots and it would not be taking any drainage from the road. Tom
10 Carr, CWS, stated that during construction of the road was the only time that he envisioned any
11 possible threat of runoff or sediment affecting this basin and once the area was stabilized it
12 would be doubtful that maintenance of this basin would be required again.

13 The Chairman asked what surface material the access road would be made of. Tom Carr,
14 CWS, responded that it would be a gravel access drive. Jay Heavisides, PE, noted that he had
15 originally proposed loam and seed but Kevin Leonard, PE, had requested that it remain gravel.
16 Tom Carr, CWS, noted that there would be an easement for town access to this recharge basin.
17 Jay Marden asked what kept any overflow from going to the river. Tom Carr, CWS, noted that a
18 five foot high berm on the back side of the basin would prevent this from happening and further
19 noted that the only circumstance in which any overflow may occur would be if the ground was
20 fully frozen solid and a rain event took place. He noted that there was a gravel spillway provided
21 on the top to allow water to overflow without washing the soil away.

22 Mark Suennen agreed with Kevin Leonard, PE, that a 20% slope was a very steep incline
23 for a maintenance road. He said he encouraged the developer to propose an alternative with a
24 more reasonable grade. Jay Heavisides, PE, stated that the problem was that moving to other lots
25 and running the access road down property lines ended up creating the same situation but with
26 more need for sloping off the side of the road impacting private lots further than the current
27 proposed location. He agreed that the proposed road was steep and if he thought this was
28 something that would require frequent access he would not have proposed it in this way at all.
29 He noted that the frequency of access would be minimal, in his opinion, and it was not a big
30 detention basin with a complicated outlet structure that would require constant monitoring.
31 Dwight Lovejoy stated that he thought the Town's 4wd backhoe would be able to access the area
32 with no trouble but said he would like to run the plan by the new Road Agent. The Chairman
33 stated that an answer could be obtained by the next meeting.

34 Tom Carr, CWS, stated that Kevin Leonard, PE, raised the issue of well radii in his
35 3/20/11 letter and said that there was a note on the plan requiring easements and in his mind this
36 matter had been satisfactorily addressed.

37 The Planning Board Assistant pointed out that the Road Agent, Dick Perusse, was present
38 for a later agenda item. Dwight Lovejoy invited him to comment on the drainage access road
39 matter. Jay Heavisides, PE, took a few moments to explain the matter to Dick Perusse. Tom
40 Carr, CWS, added that the material in this location was all sand and gravel which was another
41 reason why they had not suggested any more serious drainage structures in this area because it
42 would not be retaining water. Dick Perusse asked about the outlet structure. Jay Heavisides, PE,
43 stated that there was a stone lined swale. He noted that the seasonal high water table had been

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

14

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 greater than 44" down with no ledge and his design calculations had used AoT standards of
4 5"/hour infiltration. He stated that the basin and swale measured 35' from top to top at the
5 narrowest point and 45' at the widest and the bottom of the basin was about 35' long.

6 Dick Perusse asked about the gravel access road. Jay Heavisides, PE, noted that there
7 was not a lot of room at the bottom to turn around and he had assumed that equipment would
8 drive in and back out. Tom Carr, CWS, stated that access with a backhoe or small excavator
9 should be fine and stated again that this basin should be maintenance free. Dick Perusse stated
10 that over time things would get into the basin. He asked about fencing. Jay Heavisides, PE, said
11 that this basin was not designed to hold water. Dick Perusse stated that there was not a lot the
12 design engineer could do in this area and the road should be fine as long as good gravel was used
13 for the base. He had some other questions about general drainage but the Chairman pointed out
14 that this hearing was running over and the specific question at this time was the gravel drainage
15 access road. Dick Perusse stated that the Town would be able to access the 20% for maintenance
16 purposes of the basin.

17 Tom Carr, CWS, stated that Item #17 in Kevin Leonard, PE's, 3/20/11 letter with regard
18 to flagging the limits of clearing prior to construction commencing was no problem and the rest
19 of the comments were basic drafting revisions that would be taken care of. The Coordinator
20 pointed out that the Town had some standard notes regarding sprinkler systems and mentioned to
21 Charles Cleary, Esq., that he was familiar with the legal documents that would be required
22 regarding the sprinkler system requirement. He confirmed that he was.

23 Tom Carr, CWS, noted that Item #20 in Kevin Leonard, PE's letter was with regard to a
24 spillway detail and having Jay Heavisides, PE, confirm the calculations. Tom Carr, CWS, stated
25 that would be taken care of. He thanked the Board for their time and asked that the application
26 be tabled until April 26th.

27 The Chairman noted that there were a few other things for the Planning Board to go over
28 and noted that a letter had been received from Town Counsel with regard to legal review of the
29 submitted documents. He stated that the Board could consider releasing this letter to the
30 applicant.

31
32 Mark Suennen **MOVED** to release the letter dated March 8, 2011, from Town Counsel.
33 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.
34

35 The Coordinator pointed out that the application was grandfathered from the Earth
36 Removal Regulations that had been adopted earlier in the evening and the Board would need to
37 follow RSA 155-E. She advised that even if the application was incidental to construction the
38 minimum operational standards and hours of operation needed to be followed. She continued
39 that the applicant would need to consider the routes of the hauling trucks, hours of removal,
40 starting date and ending date of removal and the duration of the removal. Tom Carr, C.W.S.,
41 asked if he could provide the aforementioned information through a narrative. The Chairman
42 answered that a narrative could be provided. Mark Suennen added that it could be added as a
43 condition subsequent to approval that defined operating procedures for earth removal. The

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

15

1 **TWIN BRIDGE LAND MANAGEMENT, LLC, cont.**

2
3 Chairman disagreed with Mark Suennen and believed that the narrative should be submitted
4 prior to approval in order for the Board to make any modifications. Mark Suennen agreed that
5 the recommendation should be submitted prior to approval and following modifications it would
6 be a condition subsequent for the application approval. The Chairman requested that Tom Carr,
7 C.W.S., have the recommendations for earth removal operations prepared for discussion at the
8 next meeting.

9 Jay Marden recollected that at a previous meeting there had been agreement that no
10 gravel would be removed during the operation and that any excess material offered to the Town
11 would be removed at the close of the project. He continued that it was his understanding that the
12 Board was trying to determine what agreement would be made with regard to material the Town
13 was unable to accept. The Chairman confirmed that Jay Marden's understanding was accurate.
14 Tom Carr, C.W.S., added that removal of material by the Town or the applicant would not begin
15 until the last AOT Phase.

16
17 Mark Suennen **MOVED** to adjourn Twin Bridge Land Management, Location: Twin
18 Bridge Rd & West Lull Place, Tax Map/Lot #2/62-12 & 3/5, MHP w/R-1 allowance &
19 "R-A" District, to April 26, 2011, at 7:30 p.m., for one hour, including the statutory
20 deadline for action. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

21
22 **Public Hearing – Proposal by Town of New Boston to remove trees on designated Scenic**
23 **Roads.**

24
25 Present in the audience was Dick Perusse, Road Agent, Willard Dodge, Ann Freeman,
26 Jim Freeman, Nathan St. Clair, Rodney Towne and Peter Belleville.

27 The Chairman read the public hearing notice. He stated that the trees proposed for
28 removal along Riverdale Road had been flagged with orange paint. He noted that legal notices
29 had been published in the Union Leader newspaper on March 11, 2011, and March 15, 2011. He
30 added that notice was also posted in the usual Town locations and courtesy letters dated March
31 11, 2011, had been mailed to landowners along the road in question.

32 The Chairman invited Dick Perusse, Road Agent, to address the Board. Dick Perusse,
33 Road Agent, stated that the reasoning behind the proposed removal of twenty-one trees was to
34 maintain better access and visibility along the roadway. He added that once the trees were cut
35 the stumps would also be removed. He stated this would provide the Town with more room for
36 winter maintenance and snow removal.

37 Mark Suennen asked if all of the proposed twenty-one trees slated for removal were full
38 removals as opposed to trimmings. Dick Perusse, Road Agent, answered that all of the proposed
39 trees would be full removals.

40 The Chairman asked for questions or comments from the Board; there were no questions
41 or comments.

42 The Chairman invited questions or comments from the audience. Ann Freeman of 240
43 Riverdale Road expressed her concern over the removal of two trees located at the bottom of 207

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

16

1 **SCENIC ROAD HEARING, cont.**

2
3 Riverdale Road. She explained that the trees were large and the location was along a drop-off.
4 She believed that the trees were holding up the road and if removed would create erosion of the
5 road. The Chairman asked Ann Freeman to view the tax map that was available and identify the
6 location of the trees in question; Ann Freeman pointed to the location.

7 Dwight Lovejoy stated that the Town was going to widen the road in the area in question
8 because it was narrow and provided no drainage. Ann Freeman commented that the road was
9 wide enough. Dwight Lovejoy explained that Town was attempting to fix the road as it had no
10 ditchline for drainage. It was Ann Freeman's opinion that the road would collapse if the trees
11 were removed. Dwight Lovejoy disagreed and reiterated that the road would be fixed with the
12 creation of ditches and drainage. Ann Freeman did not believe that the area provided enough
13 room for ditches to be created. Dick Perusse, Road Agent, commented that the Town would take
14 precautions against damaging the road. Ann Freeman suggested that the Town review the
15 removal of the two trees in question.

16 Ann Freeman questioned the removal of trees located behind telephone poles. Dick
17 Perusse, Road Agent, stated that Fairpoint Communications had been contacted to move
18 telephone poles further away from the road. Dwight Lovejoy stated that the road would become
19 passable with the relocation of the telephone poles. Ann Freeman stated that the existing road
20 was passable and that it was not intended to be a thoroughfare. Ann Freeman asked how wide
21 the Town intended on making the road. Dwight Lovejoy answered that the intention of the
22 Town was to create a passable road all year round.

23 Ann Freeman stated that she had a problem with her mailbox being knocked down due to
24 Town plowing. The Chairman noted Ann Freeman's concern but advised that the Planning
25 Board did not have jurisdiction over that matter. He suggested that she contact the Road Agent
26 or Board of Selectmen with her concern.

27 The Chairman asked for further input from the audience. Jim Freeman stated that he had
28 the same concerns as Ann Freeman and was curious to see how the removal of the trees in
29 question played out.

30 Mark Suennen asked Dick Perusse, Road Agent, when he planned on removing the trees.
31 Dick Perusse, Road Agent, answered that he did not intend on removing the trees prior to June 1,
32 2011. Mark Suennen suggested that the Board conduct a site walk prior to the removal.

33 The Chairman asked Ann Freeman if she had an issue with other trees being removed
34 other than the two previously identified. Ann Freeman answered that she had minor issues with
35 other trees being removed because she did not understand why the Town was attempting to
36 widen the road.

37 The Chairman suggested that the Board table the issues until after a site walk was
38 conducted. The Board agreed and scheduled a site walk for April 14, 2011, at 6:00 p.m.

39
40 Mark Suennen **MOVED** to adjourn the Public Hearing-Proposal by Town of New Boston
41 to remove trees on designated Scenic Roads, to April 26, 2011, at 8:30 p.m., for fifteen
42 minutes. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.
43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

17

1 **Information Session – Nathan & Connie St. Clair of Biggdawg Landscaping and Services,**
2 **LLC, to discuss operating a contractor’s yard on Tax Map/Lot #3/52-25**

3
4 Present in the audience were Willard Dodge, Ann Freeman, Nathan St. Clair, Peter
5 Belleville, Raymond Shea and Rodney Towne.

6 The Chairman read the public hearing notice. He pointed out that this was an
7 informational session and as such was a preliminary conceptual consultation that would review
8 the basic concepts and nothing would be binding on behalf of the Board or the applicant.

9 The Chairman stated that the Planning Office received a memo from Nathan and Connie
10 St. Clair dated February 17, 2011. He continued that the property was zoned for commercial
11 use and that Contractor’s Yard was an allowed use by special exception.

12 Nathan St. Clair stated that the property was previously used as a gravel pit owned by RE
13 Jenkins until 2008. He explained that all of the mined material had been removed and a large
14 amount of ledge remained. He identified the location of an existing driveway on the plan
15 as well as existing piles of loam and crushed gravel.

16 Nathan St. Clair indicated that he wanted to use the property as a storage yard similar to
17 Dodge Farm for bark mulch, stone, and sand. He stated that currently there were no plans to
18 construct a building.

19 Mark Suennen asked if the material to be stored was for Nathan St. Clair’s use to bring to
20 job sites or if it was intended for resale. Nathan St. Clair answered that he intended on using the
21 material for both uses.

22 Nathan St. Clair identified the location of an existing retaining wall on the plan and stated
23 that he planned to place bins for storage in that area.

24 The Chairman asked if the location of the property was the first right on Hemlock Drive
25 coming from Route 114. Nathan St. Clair answered yes and stated that the driveway was
26 currently gravel; however, he intend to pave an entrance apron to prevent material from tracking
27 out onto the road.

28 Nathan St. Clair noted that there were banking issues with the property and was unsure if
29 the project would move forward.

30 The Chairman asked the Board if there were any questions or comments. Dwight
31 Lovejoy asked what the box shaped objects represented on the plan. Nathan St. Clair
32 answered that the boxes were proposed self-storage units from a prior conceptual plan that did
33 not move forward.

34 The Chairman asked if the large piles of materials would be left out or placed in bins.
35 Nathan St. Clair answered that the bark mulch would remain in piles due to the large amount that
36 was delivered.

37 The Chairman asked if Nathan St. Clair had his own trucks for the purpose of moving
38 material. Nathan St. Clair answered that he owned one small six-wheeler truck and one one-ton
39 truck.

40 Dwight Lovejoy inquired about the proposed hours of operation. Nathan St. Clair
41 answered that he had provided a proposed schedule of hours of operations in a letter to the
42 Planning Department; tentatively 6 or 7 days a week but with Saturday and Sunday hours less
43 than Monday through Friday. He stated that homeowners would need hours at the weekends.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

18

1 **INFORMATIONAL SESSION, NATHAN ST. CLAIR, cont.**

2
3 The Chairman asked if houses existed on the other side of Hemlock Drive. Nathan St.
4 Clair pointed out the location of houses along the opposite side of the storage units and noted
5 that another commercial lot existed adjacent to the property.

6 Mark Suennen asked if the grinding of material would take place on the lot. Nathan St.
7 Clair answered that no grinding would take place on site.

8 The Chairman commented that from an informational standpoint the idea was good. He
9 continued that should Nathan St. Clair wish to move forward he would need to submit the
10 required application. He noted that should a formal application be submitted a hearing would be
11 scheduled with notice to the abutters.

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

13 The consensus of the Board was for Nathan St. Clair to proceed with the application.
14

15 **MARTIN, KENNETH A. & KIMBERLEY G.**

16 Submission of Application/Public Hearing/ NRSPPR/ Gift Shop Home Business

17 Location: 70 South Hill Road

18 Tax/Map Lot #10/76

19 Residential-Agricultural "R-A" District
20

21 Present in the audience were Kimberley Martin, Willard Dodge, Peter Belleville, Rodney
22 Towne, and Raymond Shea.

23 The Chairman read the public hearing notice. He advised that the application form had
24 been completed and signed by Kimberley Martin, there were no outstanding fees, the Planning
25 Department had completed a plan review and the only outstanding issue was the missing details
26 of the proposed sign.

27 Kimberley Martin provided her plan for the proposed sign to the Board members and
28 described it as being a 30" x 18" structure. Mark Suennen recommended that the applicant
29 review the Signage Ordinance for further details on the allowed size of signs. The Coordinator
30 added that the sign in question would fall under the "R-A" District and as such was allowed to be
31 no larger than 6 s.f.

32 The Chairman asked the applicant to present her plan to the Board. Kimberley Martin
33 pointed to her plan and identified her existing home with garage. She stated that she intended to
34 use half of her garage as her shop. She explained that "half-walls" would be installed to create
35 counter and desk space. She pointed to the location of her proposed workshop area that would
36 consist of a wall and window. She stated that the existing driveway had a turn-around area and
37 she planned to enlarge the driveway to facilitate additional customer parking. She noted that the
38 parking area would be lit by spotlights located on the garage.

39 The Chairman asked the applicant for her proposed hours of operation. Kimberley
40 Martin answered that she proposed to operate the shop Tuesday through Friday from 10:00 a.m.
41 through 6:00 p.m. and Saturday and Sunday from 10:00 a.m. through 4:00 p.m. She added that
42 the hours may decrease if it was determined that the shop did not need to open on certain days or
43 at certain times. Mark Suennen stated that the Board did not have an issue with the possibility of

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

19

1 **MARTIN, KIMBERLEY, cont.**

2
3 decreasing hours. He noted that the hours of operation listed on the plan were the maximum
4 hours permitted and any increase would require the applicant to appear before the Board to make
5 a request to change them.

6 The Chairman asked how many cars the applicant expected to have on the property.

7 Kimberley Martin answered that she expected to have no more than ten cars on any given day.

8 The Chairman stated that he was unsure if the proposed sign on a rock was permissible
9 and suggested that the applicant check with Ed Hunter, Building Inspector/Code Enforcement
10 Officer, to determine whether or not it conformed with the Regulations.

11 The Chairman asked for questions or comments from the Board. Dwight Lovejoy asked
12 what business the applicant planned to operate. Kimberley Martin answered that she would be
13 selling country primitive items.

14 The Chairman asked if the Board believed it was necessary to conduct a site walk. Mark
15 Suennen stated that he did not believe a site walk was necessary.

16 The Chairman asked if the applicant intended on hiring employees. Kimberley Martin
17 answered that she did not intend to hire employees. The Coordinator advised that the applicant
18 was permitted to have up to two non-family employees as part of a home business.

19 Mark Suennen asked if there would be exterior storage of materials. Kimberley Martin
20 stated that she would not have outside storage.

21 The Chairman explained that the presented plan needed to be implemented for approval,
22 i.e., signs and lighting.

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

25 The Chairman explained the requirements of Conditions Precedent and Conditions
26 Subsequent to the applicant. The Conditions Precedent deadline date was determined to be April
27 22, 2011, with the Conditions Subsequent on June 17, 2011. He advised that any request for an
28 extension needed to be submitted in writing.

29 The Chairman asked for questions or comments from the audience; there were no
30 question or comments.

31
32 Mark Suennen **MOVED** to approve the site plan for Kenneth A. & Kimberley G. Martin,
33 to operate a home gift shop home business from 288 s.f. of the existing garage at 70
34 South Hill Road, Tax Map/Lot #10/76, subject to:

35
36 **CONDITION(S) PRECEDENT:**

- 37 1. Submission of a minimum of three (3) copies of the revised site plan that include all
38 checklist corrections and any agreed-upon conditions from this hearing;
39 2. Execution of a Site Review Agreement regarding the condition(s) subsequent;
40 The deadline date for compliance with the conditions precedent shall be **April 22,**
41 **2011**, the confirmation of which shall be an administrative act, not requiring further
42 action by the Board. Should compliance not be confirmed by the deadline date and a
43 written request for extension is not submitted by that date, the applicant is hereby put

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

20

1 **MARTIN, KIMBERLEY, cont.**

2
3 on notice that the Planning Board may convene a hearing under RSA 676:4-a to
4 revoke the approval.

5
6 **CONDITION (S) SUBSEQUENT**

- 7 1. All of the site improvements are to be completed per the approved site plan;
8 2. The Town of New Boston Planning Department shall be notified by the applicant
9 that all improvements have been completed, and are ready for final inspection, prior
10 to scheduling a compliance hearing on those improvements, a minimum of three (3)
11 weeks prior to the anticipated date of compliance hearing and the opening of the
12 business on the site;
13 3. Any outstanding fees related to the site plan application compliance shall be
14 submitted prior to the compliance hearing;

- 15 4. A compliance hearing shall be held to determine that the site improvements have
16 been satisfactorily completed, prior to releasing the hold on the issuance of Permit to
17 Operate or Certificate of Occupancy, or both.

18 The deadline for complying with the Conditions Subsequent shall be **June 17, 2011**,
19 the confirmation of which shall be determined at a compliance hearing on same as
20 described in item 4 above. Dwight Lovejoy seconded the motion **PASSED**
21 unanimously.

22
23 The Board took a brief recess.

24
25 **VISTA ROAD, LLC**

26 Public Hearing/Major Subdivision/2 Lots

27 Location: Byam Road and River Road (Route 13)

28 Tax Map/Lot #6/40-2

29 Residential-Agricultural "R-A" District
30

31 Present in the audience were Willard Dodge, Rodney Towne and Peter Belleville.

32 The Chairman advised that the applicant had submitted a letter to the Board that stated
33 they had not received feedback or approvals from the State for the subdivision. He
34 continued that the applicant had requested an adjournment of the public hearing to April 26,
35 2011.

36 The Chairman asked if anyone in the audience had any objections to the extension;
37 there were no objections to the extension.

38
39 Mark Suennen **MOVED** to adjourn the public hearing of Vista Road, LLC, Location:
40 Byam Road and River Road (Route 13), Tax Map/Lot #6/40-2, Residential-Agricultural
41 "R-A" District, to April 26, 2011, at 8:45 p.m. Dwight Lovejoy seconded the motion and
42 it **PASSED** unanimously.
43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

21

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **March 22, 2010, Cont.**

3
4 6. Letter dated March 16, 2011, to Peter J. Belleville, from Shannon Silver, Planning Board
5 Assistant, re: Non-Residential Site Plan Review –Tax Map/Lot #12/74, Bedford Road,
6 for the Board’s review and discussion. (Peter Belleville will be present)

7
8 Present in the audience were Willard Dodge, Rodney Towne, Raymond Shea and Peter
9 Belleville.

10 The Chairman invited Peter Belleville to address the Board. Peter Belleville informed
11 the Board that he was seeking a waiver for a site plan for a home shop as defined by the
12 Regulations. He stated that the only change that had been made to the [structure] was the
13 installation of electricity for the purpose of lighting.

14 The Planning Board Assistant showed the Board a picture of the structure in question.
15 She explained that Ed Hunter, Building Inspector/Code Enforcement Officer, had visited the
16 property after Peter Belleville had applied for an electrical permit for the purpose of providing
17 the structure with electricity. She continued that Peter Belleville had told Ed Hunter, Building
18 Inspector/Code Enforcement Officer, that he did landscaping as a side job and kept a
19 lawnmower, wheelbarrow, rakes and shovels on the property. Peter Belleville clarified that he
20 owned a landscaping company but he did not do anything related to the business on the property
21 with the exception of storing some of his equipment. The Planning Assistant explained during
22 her discussion with Peter Belleville that he had expressed that he did not feel he qualified as a
23 home shop simply because he stored the aforementioned equipment in a building on his property.

24 The Coordinator advised that ordinarily if the following criteria were met a site plan was
25 not required:

- 26 1. No employees.
- 27 2. No signage.
- 28 3. No exterior storage.
- 29 4. No customers.

30 Peter Belleville represented that he met the four criteria to not require a site plan. The
31 Coordinator stated that it was standard practice to mail a letter to the potential home shop/
32 business owner outlining these criteria and advising that should they plan to change and expand
33 their business a site plan would be required.

34 Dwight Lovejoy asked if any of Peter Belleville’s vehicles were lettered. Peter Belleville
35 answered that his vehicles were not lettered.

36
37 Mark Suennen **MOVED** based on the information supplied by Peter Belleville
38 tonight’s discussion, that he did not rise to the level of a home shop at this time. He has
39 been notified what a home shop does involve and the Board accepts that he is not a home
40 shop at this time. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.
41
42
43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

22

1 **LUNEAU, ANDREW J.**

2 Submission of Application/Public Hearing/Major Subdivision/3 Lots

3 Location: Beard Road

4 Tax/Map Lot #5/52 & 53

5 Residential-Agricultural "R-A" District

6
7 Present in the audience were Raymond Shea, Sandford Surveying and Engineering,
8 Willard Dodge and Rodney Towne.

9 The Chairman read the public hearing notice. He stated that the application form and
10 cover sheet were submitted on March 2, 2011. He noted that there were no outstanding fees and
11 added that waiver requests required action by the Board.

12 Raymond Shea advised that the applicant intended on reconfiguring the lot line for the
13 above-captioned lots to create a third lot. He went on to say that the property was located on the
14 south side of Beard Road, approximately 500' in from Route 77. He noted that Lot # 5/53 was
15 currently 2.1 acres, with 270' of frontage located in the northwest corner of the property, and had
16 an existing house and garage. He continued that Lot # 5/52 was 24 acres, with 200' feet of
17 frontage, extended back to the southeast, and previously was part of the Right Way Builders
18 Subdivision.

19 Raymond Shea stated that the applicant proposed to make Lot # 5/53 narrower and
20 deeper in order to create a new lot in the northeast corner that would be 2 acres and have a 50'
21 strip for the back lot. He stated that Lot # 5/53 would be 2 acres, Lot # 5/52-2 would be 2.1
22 acres, and the back lot # 5/52 would be 22 acres.

23 The Chairman asked if the back lot could be further subdivided to create two separate
24 lots. Raymond Shea answered that it only had a 50' access and could not be further
25 subdivided.

26 Raymond Shea stated that the applicant had received State Subdivision Approval. He
27 added that the lots would require two driveways and have no impact on wetlands relative to
28 the buildable area.

29 Raymond Shea asked for questions or comments from the Board. The Chairman
30 noted that the applicant was requesting waivers for the Certified Erosion and Sediment Control
31 Plan as well as the Traffic, Fiscal and Environmental Impact Studies.

32 Raymond Shea indicated that he would be providing an ISWMP for the back lot. He
33 noted that the creation of one building lot did not create increases to drainage. The Chairman
34 stated the Regulations required no net increase in flow offsite and asked the applicant if there
35 would be no net out flow. Raymond Shea answered that the building of one house would not
36 have an adverse impact on neighbors.

37 Dwight Lovejoy asked if test pits had been completed. Raymond Shea answered that test
38 pits had been completed on all three lots as part of the application for the State Subdivision
39 Approval.

40 The Chairman asked for comments from the Board with regard to the waiver request for
41 the Certified Erosion and Sediment Control Plan. Mark Suennen stated that he was willing to
42 grant a waiver contingent upon decisions to be made later. Dwight Lovejoy agreed with Mark
43 Suennen's suggestion.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

23

1 **LUNEAU, ANDREW, cont.**

2
3 Mark Suennen **MOVED** to accept the application of Andrew Luneau, Major Subdivision,
4 Location: Beard Road, Tax Map/Lot #5/52 & 5/53, Residential-Agricultural, "R-A"
5 District, as complete, subject to a waiver request on a Certified Erosion and Sediment
6 Control Plan that would be determined later. Dwight Lovejoy seconded the motion and it
7 **PASSED.**

8
9 The Chairman noted that the application had been determined complete and the deadline
10 for Board action was May 25, 2011.

11 Rodney Towne advised the Board that there had been issues with runoff on the lot with
12 the existing house. He added that this subdivision would create more runoff or could change the
13 road runoff. Dwight Lovejoy pointed out that the road existed on ledge. Raymond Shea
14 represented that the test pits results were decent, reading the following:

- 15 • Test Pit #1: 60", no ledge
- 16 • Test Pit #2: 60", no ledge
- 17 • Test Pit #3: 58"

18 Dwight Lovejoy indicated that for the past two years water had been seeping into the
19 basement of the existing home from the street. Willard Dodge believed that the creation of the
20 50' backlot strip would solve the problem the Town had been having with the water seeping into
21 the basement of the existing house. Raymond Shea added that an ISWMP would be completed
22 and this issue could address the existing runoff issues.

23 The Chairman noted that the plan review pointed out items for further consideration.
24 Raymond Shea acknowledged that he was aware of the items in the plan review and commented
25 that they could be easily addressed.

26 The Chairman asked if the applicant was seeking a waiver for the use of iron pins instead
27 of granite bounds at the front lot corners. Raymond Shea stated that once the bounds were ready
28 to be set they may be able to install granite even though a wall existed in this location but they
29 may have to use iron pins. He noted that having the flexibility to pick which to use would be
30 helpful. The Chairman stated that if the applicant could not guarantee the use of granite bounds
31 he would be required to submit a waiver to use iron pins as appropriate. Raymond Shea stated
32 that he would submit the appropriate waiver.

33 The Chairman confirmed that the driveway permits had been received and noted that the
34 Road Agent recommended that the driveway for Lot #5/52-2 be moved easterly, uphill 25' for
35 better sight distance. Raymond Shea thought the proposed location had good sight distance but
36 agreed to move the driveway as recommended.

37 The Chairman stated that it had been represented earlier that there were no intentions on
38 behalf of the applicant for further subdivision and as such the checklist needed to reflect the
39 information. Raymond Shea stated that he had spoken with the applicant and he had stated that
40 he did not have a future plans to further subdivide the property. Willard Dodge added that he
41 spoke with the applicant regarding this issue and stated that his only intention was to build a log
42 cabin on back lot.

43 The Chairman asked the Board if they believed a site walk was necessary to address the

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

24

1 **LUNEAU, ANDREW, cont.**

2
3 drainage issues. Raymond Shea stated that the application was straightforward, the driveway
4 locations were pretty good and culverts in the right places would fix any drainage issues.

5 The Chairman asked the Board for comments or questions on the Traffic, Fiscal, and
6 Environmental Impact Studies. Mark Suennen stated that he would be willing to waive the
7 Traffic and Fiscal Impact Studies.

8
9 Mark Suennen **MOVED** to accept the waiver requests and the applicant does not need to
10 submit Traffic and Fiscal Impact Studies based on the fact that it is adding the
11 potential for two new house lots which does not exceed the expected traffic flow or fiscal
12 impact on this roadway and accepting this waiver meets the spirit and intent of our
13 regulations. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

14
15 The Chairman indicated that the outstanding waivers would be revisited at a future
16 meeting.

17 The Chairman asked for further comments or questions; there were no further comments
18 and questions.

19
20 Mark Suennen **MOVED** to adjourn Andrew Luneau, Public Hearing, Major Subdivision,
21 Location: Beard Road, Tax Map/Lot #5/52 & #5/53, Residential-Agricultural, "R-A"
22 District, to April 12, 2011, at 8:00 p.m. Dwight Lovejoy seconded the motion and it
23 **PASSED** unanimously.

24
25 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
26 **March 22, 2010, Cont.**

- 27
28 4. Faxed copy of Stormwater Adherence Statement dated February 24, 2011, from Earl J.
29 Sandford, P.E., re: Tax/Map Lot #2/112-2-8, Lull Road, for the Board's action.

30
31 The Chairman stated that the Board needed to determine whether or not to retain \$149.49
32 of the bond in the above-captioned matter to guarantee grass growth in one location. He asked
33 the Coordinator if retaining the \$149.49 caused problems administratively. The Coordinator
34 explained that it was not a problem to retain the \$149.49, as long as the applicant did not take
35 issue with the check not being deposited. She further explained that a minimum of \$350.00 was
36 needed to open an account. The Planning Board Assistant added that the entire amount would
37 need to be returned to the applicant and the applicant would need to submit a check in the
38 amount of \$149.49 for the Planning Office to hold.

39 The Chairman stated the reasons noted in Earl Sandford, P.E.'s, letter, were that the area
40 where "...the growth has not taken, is fairly level and confined to a small area in front of the
41 house where erosion potential is minimal...is very noticeable in the front yard between the house
42 and the road, and therefore, it is highly likely that the effort to have the grass take will be
43 expedited between the builder and the new owner without the Town being involved."

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

25

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen asked if the Planning Office believed retaining the \$149.49 was an
4 administrative nuisance. The Coordinator clarified that it was not an administrative nuisance.
5 She went on to say that the Planning Office did not mind holding on to the applicant's check if
6 they did not mind it not being deposited.

7 Mark Suennen asked for the amount of the entire bond. The Coordinator answered
8 \$2,140.00.

9 The Chairman believed that the bond should be retained as it was common practice of the
10 Planning Department. He asked how long the Planning Office would be retaining the check.
11 The Coordinator estimated that the Planning Office would retain the check until June 15, 2011.

12 Mark Suennen pointed out that the growth in question was over a leach field on a
13 residential lot and there would most likely be no issues with the growth.

14
15 Mark Suennen **MOVED** to offer a full release of the bond at this time with the
16 understanding that the new owner will encourage grass growth upon moving in. Dwight
17 Lovejoy seconded the motion and it **PASSED** unanimously.

- 18
19 5. Email received March 18, 2011, from Douglas Hill, to Planning Board, re: request for an
20 extension of the conditions subsequent for the Major Subdivision/24 Lots, Christian Farm
21 Drive, from the deadline date of May 1, 2011, to May 1, 2012, for the Board's action.

22
23 The Chairman asked how many lots were left to build. The Planning Board Assistant
24 believed there were either six or seven lots that remained. Mark Suennen asked if the
25 subdivision had been plowed during the winter by the developer. The Planning Board Assistant
26 answered yes.

27
28 Mark Suennen **MOVED** to grant the extension of conditions subsequent for Christian
29 Farm Drive from May 1, 2011, to May 1, 2012. Dwight Lovejoy seconded the motion
30 and it **PASSED** unanimously.

- 31
32 12a. Letter received March 16, 2011, from Jim Bath, Manager, Shaky Pond, LLC, to New
33 Boston Planning Board Members, re: request for an extension of the conditions precedent
34 deadline date for Shaky Pond Subdivision of July 13, 2011, for an additional 18 months
35 (January 13, 2013) for the Board's action.

- 36
37 12b. Copy of Notice of Decision dated January 13, 2009, and last conditions precedent
38 extension request granted on December 08, 2009, re: Shaky Pond, LLC, for the Board's
39 information.

40
41 The Chairman addressed item 12a and 12b together as they were related.

42 The Chairman advised that the applicant was seeking an additional 18 month extension of
43 the conditions precedent. He noted that no work had started on the subdivision. The

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2010 Meetings**

March 22, 2011

26

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 Coordinator advised that the difference between this and the previous request for Christian Farm
4 Drive was that plans had yet to be recorded for this subdivision and no bond had been provided.
5 She continued that all conditions precedent remained outstanding.

6 Mark Suennen pointed out that substantial and active completion had not been defined
7 with regard to the subdivision. The Coordinator confirmed Mark Suennen's statement and
8 explained that it had not been defined because the application was approved in 2009 prior to the
9 Board specifying this for individual applications. Mark Suennen asked if it could be added. The
10 Coordinator explained that because active and substantial completion was not defined, the
11 applicant was automatically given the 12 months listed in the statute. She noted that the 12
12 month period would not begin until the plan was recorded.

13 The Chairman asked for comments from the Board. Dwight Lovejoy stated that he was
14 not up to speed with the subdivision and did not wish to comment. Mark Suennen stated that he
15 was willing to grant the 18 month extension.

16

17 Mark Suennen **MOVED** to extend the deadline for conditions precedent for Shaky Pond,
18 LLC, for the subdivision of 17 lots, Conditions Precedent extended to January 13, 2013
19 and the Conditions Subsequent to January 13, 2014, with the statement that this will be
20 the last extension granted to Precedent for this development. Dwight Lovejoy seconded
21 the motion and it **PASSED** unanimously.

22

23 Mark Suennen **MOVED** to adjourn the meeting at 10:06 p.m. Dwight Lovejoy seconded
24 the motion and it **PASSED** unanimously.

25

26 Respectfully Submitted,
27 Valerie Diaz, Recording Clerk

Minutes Approved:
04/26/2011