

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

April 12, 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, and Peter Hogan; alternate Don Duhaime; and, Ex-officio
3 Dwight Lovejoy. Also present were Planning Coordinator Nic Strong, Planning Board Assistant
4 Shannon Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Maureen Mansfield, Warren
7 Houghton, Larry Houghton, Willard Dodge, David Litwinovich, and Raymond Shea.

8
9 **Election of Officers**

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11 Stu Lewin stated that the first order of business was election of officers and he would
12 entertain a motion for Chairman.

13
14 Peter Hogan **MOVED** to nominate Stu Lewin as the Chairman of the Planning Board.
15 Mark Suennen seconded the motion and it **PASSED** unanimously.

16
17 Mark Suennen **MOVED** to nominate Peter Hogan as Vice Chairman of the Planning
18 Board. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

19
20 The Chairman asked for a nomination of a Secretary to be made. Mark Suennen pointed
21 out that he could not act as Secretary as there would be a potential conflict with his professional
22 engineering stamp on plans. Don Duhaime noted that he was currently serving on the Board as
23 an alternate and therefore did not qualify to be Secretary. Peter Hogan asked if Don Duhaime
24 would become a full voting member of the Board as Dean Mehlhorn was seeking a leave of
25 absence under Miscellaneous Business. The Coordinator answered that requesting a leave of
26 absence from the Board did not automatically require a member to move to an alternate position.

27 The Board decided to table nomination of a Secretary until a candidate was available.

28
29 **Planning Board Goals 2011 Wrap-Up**

30
31 The Chairman stated that the regulations regarding cul-de-sacs needed to be addressed
32 and a deadline for the Board to make potential changes needed to be set.

33 The Chairman advised that updated Cistern Regulations had been received from the Fire
34 Wards and the Town Engineer.

35 The Chairman stated that the Planning Assistant had begun updating the Capital
36 Improvement Plan (CIP) Procedure Manual and was hopeful that the revisions would be
37 completed this year.

38 The Chairman indicated that he had received an email from Joel Bedard, Conservation
39 Commission, with regard to the updates to the Water Resources Management Plan. He stated
40 that he would follow-up with this matter prior to the next meeting.

41 The Chairman stated that laws had not changed with regard to requirements for
42 Workforce/Multi-Family Housing. Mark Suennen clarified that the Town did not have to have
43 Workforce/Multi-Family Housing but needed to ensure that it was protected from someone

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1 **PLANNING BOARD GOALS, cont.**

2
3 alleging that barriers were present and therefore being able to bring an action against the Town
4 for the builder's remedy.

5 The Chairman asked for any additional comments from the Board. Don Duhaime asked
6 what could happen if the Town did not have a Workforce/Multi-Family Housing regulation in
7 place. Mark Suennen answered that should the Board deny waivers of a developer seeking
8 Workforce/Multi-Family Housing the developer may be able to bring an action against the Town
9 alleging that barriers to Workforce/Multi-Family Housing were present. He continued that if the
10 Court found in favor of the developer, the developer would be able to move forward with the
11 project without approval from the Planning Board. The Chairman noted that a proposed
12 ordinance went to vote at Town Meeting and was denied. Don Duhaime questioned if anyone on
13 the Board believed that Workforce/Multi-Family Housing was something that could work in
14 New Boston. The Chairman answered that he was unsure and noted that the issue of a risk to the
15 Town remained.

16 The Board decided to review this matter on a quarterly basis.

17 The Chairman questioned whether the Board wanted to do anything with the Mixed-
18 Use/Village District given the current economic climate. Mark Suennen pointed out that the
19 Master Plan needed to be updated and it made sense to renew the Town's commitment to
20 pursuing a Mixed-Use/Village District as part of the update. The Chairman agreed with Mark
21 Suennen's statement.

22 The Chairman stated that he had begun an update to the Rules of Procedure two years ago
23 and would attempt to finish the update.

24 The Chairman advised that the Planning Assistant was in the process of reviewing and
25 suggesting the letter of credit/bond language and would provide suggestions at a future meeting.

26 The Chairman noted that discussion regarding Other Zoning Districts was probably best
27 folded into work on the Master Plan rather than being discussed separately.

28 The Chairman stated that the Board had previously decided not to ask for funding for
29 updates to the Master Plan for the year 2011 and noted that the matter would be discussed the
30 following year. He suggested that the Board should be prepared to discuss the funding issue in
31 the fall of 2011. Mark Suennen stated that the pertinent census information was currently
32 available for the updates. The Coordinator added that information by state was available;
33 however, information by municipalities was not available and would not be until mid-year.
34 Mark Suennen commented that it may not be worth moving forward with this matter until more
35 information became available.

36 The Chairman stated that the first hour of the May 24, 2011, agenda should be spent on
37 brainstorming ideas for resolving the cul-de-sac issue. Mark Suennen commented that the timing
38 of the discussion was favorable as Tom Miller had stated at the last Road Committee meeting
39 that he would be looking through the Subdivision Regulations to find things that should be
40 changed to give the Town better roads in the future, for instance, concrete culverts, and ways to
41 ensure water is kept away from the road. Mark Suennen thought the Board should take the Road
42 Committee's recommendations into account in the Subdivision Regulations update.

43 The Chairman stated that the vote on whether or not the Board would conduct "Summer

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1 **PLANNING BOARD GOALS, cont.**

2
3 Sessions” would take place at the May 10, 2011, meeting.

4 The Chairman asked for any further comments or questions; there were no further
5 comments or questions.

6
7 **Discussion, re: Proposed Subdivision/Site Plan Review Regulation Amendments**

8
9 The Board moved on to review the Proposed Subdivision/Site Plan Review Regulation
10 Amendments. Present in the audience were Raymond Shea, Warren Houghton, Maureen
11 Mansfield, and Larry Houghton.

12 The Chairman stated that Proposed Amendment #1 proposed to amend the last sentence
13 of Section III-S to reference the correct Statute; there was no further discussion.

14 The Chairman advised that Proposed Amendment #2 referred to Section IV-E,
15 Preliminary Application – Design Review, and proposed to delete the requirement of a
16 conditional approval of a preliminary plan; to add the statutory language regarding the end of the
17 design review process; and, to renumber the remaining sections. He questioned if this
18 amendment was due to statutory changes. The Coordinator advised that statutorily a conditional
19 approval of a preliminary plan never existed and Town Counsel was not comfortable with any
20 type of action being taken by the Board during a process that was supposed to be non-binding.

21 Mark Suennen asked if there was a way the Board could encourage more of the larger
22 developments to go through the design review first. The Coordinator answered yes and noted
23 that the Board could make it mandatory. She added that previous Planning Boards had not
24 wanted to make such a requirement. Mark Suennen questioned if such a practice should be
25 considered by the Board for developments or a particular size and/or complexity. The Chairman
26 believed that such a requirement should be considered. He asked for further comments or
27 questions on this matter from the Board. Peter Hogan noted that a risk existed that the Board
28 would be subjected to listening to the same discussion at numerous hearings because of the
29 potential for new abutters to attend hearings. Mark Suennen agreed but noted that the same risk
30 existed currently during the public hearing process. Peter Hogan commented that abutters were
31 always entitled to ask questions; however, they were never entitled to answers. The Chairman
32 disagreed with Peter Hogan and commented that abutters were entitled to answers to their
33 questions but may not be entitled to discussions.

34 The Chairman suggested that a list be created that included new items for inclusion in the
35 regulations such as the previously discussed design review matter to be reviewed at a subsequent
36 meeting.

37 The Chairman stated that Proposed Amendment #3 addressed Section IV-F, 2,
38 Completed Application, and proposed to delete the requirement for driveway permits, State
39 Subdivision Approval, road entry permits, and any and all other approvals and/or permits from
40 local agencies, from the list of items required for a completed application, and to renumber the
41 remaining sections; and then move those requirements to Section IV-F, 3, Additional
42 Requirements for Final Plans. The Chairman noted that these things had to be changed due to
43 statutory changes but wondered if the Board could or should ask if State permits had been

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1 **SUBDIVISION/SITE PLAN REVIEW AMENDMENTS, cont.**

2
3 applied for. The Coordinator wondered what that information would gain the Board. The
4 Chairman was not sure and noted that it was a suggestion so the Board would know where in the
5 process an applicant was. The Coordinator asked if the Chairman wanted something written in
6 to the regulations but he said he would think about it some more and had intended this to be
7 more of a question of what the Board could and could not ask for.

8 The Chairman noted that Proposed Amendment #4 pertained to Section IV-G, Filing and
9 Submission of Completed Application, and proposed to add a new section 4, that included
10 language that specified that the Planning Board could not consider an application to be
11 incomplete due to the fact that it required permits or approvals from other governmental bodies,
12 and proposed to renumber remaining sections.

13 The Chairman suggested striking the word “may” from paragraph 5, Section IV-G, Filing
14 and Submission of Completed Application, and replacing it with “will” or “shall”. The
15 Coordinator noted that the language cited was based on current statutory language. The
16 Chairman withdrew his suggestion.

17 The Chairman stated that Proposed Amendment #5 referred to Section IV-I, 2, Public
18 Hearings, and proposed to include language that specified that the Planning Board may condition
19 an approval upon receipt of State or federal permits relating to a project but may not refuse to
20 process an application in the absence of these permits. He asked for questions or comments;
21 there were no questions or comments.

22 The Chairman noted that Proposed Amendment #6 addressed Section IV-M, 1, Fees, and
23 proposed to include language that specified that relevant fees could be found in the Planning
24 Board’s Rules of Procedure; and, to amend Section IV-M, 3, Fees, that specified that the
25 Planning Board may require an applicant to pay for special studies and reviews but not if those
26 studies and reviews replicated something that was already done for the ZBA.

27 The Chairman asked if the statement regarding the ZBA in Proposed Amendment #6 was
28 derived from statutory language. The Coordinator answered yes.

29 The Chairman stated that Proposed Amendment #7 referred to the last sentence of
30 Section V-E, and proposed to include language that specified that special studies to determine
31 whether or not a proposal included the threats listed shall be submitted before final approval of
32 the application could be granted.

33 The Chairman noted that Proposed Amendment #8 addressed Section V-U, D, 2, and
34 proposed to make reference to the correct sub-section in the last sentence.

35 The Chairman stated that Proposed Amendment #9 referred to Section V-U, E, 1 and
36 proposed to add two new sections: q, that required roadway culverts be made of reinforced
37 concrete; and r, that proposed to add details regarding access roads to drainage structures.

38 The Coordinator advised that the amendments from Proposed Amendment #9, had been
39 created without input from the Road Committee and with input from the Town Engineer. The
40 Chairman asked if the Board was willing to move forward with Proposed Amendment # 9, even
41 though Road Committee had not given input. Mark Suennen believed that the Board should
42 table Proposed Amendment #9 until after the Road Committee finished their review of the
43 Regulations and provided further comment. After further review of the amendment Mark

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1 **SUBDIVISION/SITE PLAN REVIEW AMENDMENTS, cont.**

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3 Suennen believed that the Board should move forward with the proposed changes because they
4 were located in the Stormwater Management Regulations and added that the Road Committee
5 may offer additional input after their review of the road regulations.

6 The Chairman stated that Proposed Amendment #10 addressed Section VI, Preliminary
7 Plan Layout, by amending Section VI-G to refer to the correct sub-section in the last sentence;
8 and, by deleting Section VI-M, and renumbering the remaining sections.

9 The Chairman noted that Proposed Amendment #11 referred to Section VII-J, Final Plat,
10 and proposed to refer to the correct sub-section in the last sentence.

11 The Chairman indicated that Proposed Amendment #12 referred to Section IX-B, 2, p. I,
12 and proposed to specify from where a cul-de-sac should be measured; and to added a new
13 Section IX-B, 2, ac, regarding Minimum Centerline Offset for Underground Utility Trenches.

14 The Chairman asked if the Town had had problems in the past with where underground
15 utilities were to be located. The Coordinator answered that because the measurement location
16 was not specifically recorded in the regulations the Town Engineer had experienced developers
17 suggesting various distances.

18 The Chairman stated that Proposed Amendment #13 addressed Section IX-B, 5, and
19 proposed that language regarding driveways in cuts and fills be included.

20 The Chairman noted that Proposed Amendment #14 referred to Section IX-I, Fire
21 Protection Systems, and proposed to delete the last sentence of Section IX-I, a), 1; change the
22 amount of the deposit for the initial review of cistern design plans from \$500 to \$1000; specify
23 how those funds should be deposited; indicate that funds additional to the initial \$1,000 would be
24 based on a written estimate from the Town's Consulting Engineer; specify when approval of the
25 design plans should be received; detail that the Town's Consulting Engineer shall provide an
26 estimate for construction monitoring; change the words "will" or "must" to "shall"; and add a
27 requirement for a two-year maintenance bond to be submitted prior to acceptance of the cistern.

28 The Chairman referred the Board to the introductory paragraph of Section IX under
29 Proposed Amendment #11, and suggested that the word "agreed" be removed from the last
30 sentence and replaced with either "accepted or approved". He reasoned that it was the position
31 of the Planning Board to approve things. He also suggested that the word "following" be
32 removed from the last sentence and replaced with "with". Mark Suennen suggested the wording
33 "accepted by the Planning Board" be used. The Chairman agreed with Mark Suennen's
34 suggestion. He withdrew his suggestion to remove the word "following".

35 The Chairman believed that roles should all be capitalized throughout the
36 Subdivision/Site Plan Review Regulations, i.e., "Applicant" and "Town Consulting Engineer".

37 The Chairman referred the Board to Proposed Amendment #14, Section IX-I, 4, and
38 questioned whether "approved" was the appropriate word to use in the sentence. He continued
39 that if the Board deemed the word "approved" to be appropriate he questioned where the
40 standards that defined "location" were located. Dwight Lovejoy asked if the Chairman was
41 referring to the fire protection device or the overall installation. The Chairman clarified that he
42 was referring to the location of the fire protection device. Peter Hogan commented that the
43 "location" would be determined based on the site. He added that the Fire Wards tired to choose

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SUBDIVISION/SITE PLAN REVIEW REGULATIONS, cont.

a central, flat, straight location for the fire protection device.

The Chairman referred the Board to Proposed Amendment #15, Section IX-J,A,1, and noted that it conflicted with Proposed Amendment #14, IX-I,a),4. He explained that IX-J,A,1, required that the cistern location be approved by the Planning Board and that IX-I,a),4, required that the Fire Wards approve the cistern location. He suggested that the language in Section IX-J,A,1, be used to reflect that the Fire Wards recommend the cistern location with subsequent approval from the Planning Board. Mark Suennen and Peter Hogan agreed with the Chairman's recommendation.

The Chairman referred the Board to Proposed Amendment #15, IX-J, Fire Protection Cistern Specifications, and noted that it proposed to add modular pre-cast concrete cisterns to the types of allowed cisterns; add a section of general requirements applicable to all types of cisterns; add Section IX-J,A,7, that included an Owner and Contractor Certification on cistern plans; renumbered the following sections; change instances of "must", "is to be", "are to be" and "will" to "shall" throughout for consistency; amend Section IX-J,A,10, to change the depth loam is to be kept from the rim of the manhole from 4" to 12 -18" and to refer to the correct erosion control manual; delete the table of gradation from Section IX-J,A,11, and refer to NHDOT requirements instead, and change the width and depth of pavement for the vehicle pad to match current Town requirements; move Section IX-J,A,14,16,17,18,20,21, from Section IX-J,B; add Section IX-J,A,15, requiring all pipe and hardware within the cistern to be galvanized steel; add Section IX-J,A,23, requiring a No Parking sign; amend Section IX-J,A,24, by adding the requirement for the contractor to refill the cistern after flow testing; amend Section IX-J,A,25, to require that cistern padlocks be purchased from the New Boston Fire Department; delete old Sections IX-J,A,21 and 22 as they were obsolete; amend Section IX-J,B,1, a, to refer to the correct building code; re-order some of the sections for better continuity; amend Section IX-J,B,14, with regard to the size of boulders used to protect the tank area; amend Section IX-J,B,15,a, to specify the thickness of vermin-resistant foam insulation required; amend Section IX-J,B,15, C, to change the depth loam is to be kept below the rim of the manhole from 4" to 12 - 18"; include in Section IX-J,C,1.01, reference to the American Water Works Association; amend Section IX-J,C,1.02, to require submission of plans to the Planning Board and the Fire Wards, to require a design plan, and to require shop drawings two weeks prior to construction; amend Section IX-J,C,3,A, by adding ii, requiring preparation of a Tank Installation Checklist by the contractor; amend Section IX-J,C,3,B,iv, to require compaction with hand-operated equipment and add v, to require fabric between gravel and crushed/pea stone; amend Section IX-J,C,4, to require a 50 year warranty instead of 30 years, to require the warranty to be provided to the Planning Board and Fire Wards prior to installation, and to require certain paperwork to be submitted to the Town's Consulting Engineer for review prior to acceptance of the cistern; amend Section IX-J,C,6, to allow the Fire Wards to direct any work or specification not included in this section; add Section IX-J,D, to include requirements regarding modular pre-cast concrete units; change the various inspection checklists to include the requirement for refilling the cistern after the flow test and add an inspection sheet for modular pre-cast concrete cisterns; and, delete the Receipt of Specifications and Agreement to Conform, as it was obsolete.

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1 **SUBDIVISION/SITE PLAN REVIEW REGULATIONS, cont.**

2
3 The Chairman referred to the Board to Section IX-J, Fire Cistern Specifications, and
4 questioned why the words “owner” and “town” appeared in uppercase lettering. The
5 Coordinator answered that she was unsure why the words appeared in uppercase lettering and
6 advised that she would change both words to lowercase lettering.

7 The Chairman referred the Board to Section IX-J,A,9, and questioned what specific
8 “agent/agency” would be review and approve listed designs. The Coordinator answered that
9 either Fire Wards, the Town’s Consulting Engineer or Board of Selectmen would conduct the
10 review and approval of the designs.

11 The Chairman referred the Board to Section IX-J,A,11, and requested the language “to
12 accommodate a pump truck” be removed and the exact measurement be provided by the Fire
13 Department. The Coordinator pointed out the pump truck would be the only truck that would
14 require the minimum width. The Chairman requested that the minimum width be provided. The
15 Coordinator asked to review the matter with the Fire Chief; the Chairman agreed to the
16 Coordinator’s request and further requested that the length also be provided.

17 The Chairman referred the Board to Section IX-J,A,12, and requested that the specific
18 ‘sufficient length’ “to permit convenient access to suction connection when pumper is set at 45
19 degrees to the road” be provided from the Fire Department.

20 The Chairman referred the Board to Section IX-J,A,13, and requested that specific
21 measurements be provided in lieu of the language “bottom of suction pipe to pumper connection
22 shall not exceed 14 feet vertical distance”.

23 Peter Hogan noted that Section IX-J,A,15, stated that all pipe and hardware within the
24 cistern had to be galvanized steel and further stated that no subsequent welding or fabrication
25 which compromised the coating of the pipe would be allowed. He asked if the piping really
26 changed from galvanized to steel once it exited the tank. The Coordinator stated that as far as
27 she knew that was the case and pointed out that this language was new from the Fire Wards.
28 Peter Hogan asked if the No Parking sign was welded to the 8X5 inch eccentric reducer
29 mentioned in Section IX-J,A,16, so it would not violate Section 15. Mark Suennen thought it
30 more likely that the No Parking sign would be clamped or strapped to it; not welded. It was
31 noted that the sign had to be welded according to the regulations. The Chairman requested that
32 the matter be reviewed to ensure that it was consistent.

33 It was the Chairman’s opinion that Section IX-J,A,22, be moved above Section IX-
34 J,A,19, for the purposes of consistency in keeping all the piping sections together.

35 The Chairman referred the Board to Section IX-J,A,25, and suggested removing
36 “\$50/each” and replacing it with the current market conditions. The Coordinator stated that the
37 Fire Wards requested that the “\$50/each” be shown. The Chairman pointed out that if the cost
38 went up the regulations would have to be changed.

39 The Chairman thought that the first sentence of Section IX-J,B,10, should be deleted as it
40 did not add anything to the meaning or requirements of the section.

41 The Chairman commented that he had noticed a few items that had been repeated
42 throughout the Regulations, for example, Section IX-J,B,15 was very similar to Section IX-
43 J,A,10. He advised the Coordinator that he had made note of each repetition and would provide

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1 **SUBDIVISION/SITE PLAN REVIEW REGULATIONS, cont.**

2
3 her with his notes. The Coordinator pointed out that in some cases the repetition may have been
4 necessary.

5 The Chairman referred the Board to Section IX-J, C, 2.04, B, and noted that the clause
6 only appeared in the Regulations for the fiberglass cisterns. He questioned if the clause
7 pertained solely to fiberglass cisterns or whether it should be included for the other two types of
8 cisterns.

9 The Chairman referred the Board to Section IX-J,C,5, noting that this section was quite
10 detailed whereas the Testing section for cast-in-place cisterns was not. He questioned whether
11 the cast-in-place section should be increased.

12 The Chairman indicated that Section IX-J,D,1.02,C, and Section IX-J,D,2.01,B,xi, both
13 referenced the same information regarding buoyancy and questioned the necessity of listing the
14 information twice.

15 The Chairman stated that Proposed Amendment #16, proposed to replace the existing
16 cistern details with revised cistern details.

17 The Chairman advised that Proposed Amendment #17, Section XII, Amendments,
18 proposed to include a reference to the correct State agency in the last sentence.

19 Peter Hogan noted that the drawing of the cistern showed boulders and it was his
20 understanding that the Fire Wards had stopped using boulders. He noted that it always seemed
21 as if there were rocks all around the tanks and he asked if this had been made a requirement. The
22 Coordinator indicated that the Fire Wards had included language in the regulations for the
23 boulders. The Chairman asked for Board members opinions on the matter. Mark Suennen stated
24 that the placing the boulders in the clear zone was not a good idea. Warren Houghton pointed
25 out that if someone drove over the cistern tank there was potential to crush it. Peter Hogan
26 commented that the cisterns all had H2O loading requirements and therefore, would not be
27 crushed by the weight of a car. He added that there were cisterns that had grass over them
28 without rocks. Mark Suennen stated that he did not have an opinion either way on the matter and
29 felt that the Fire Wards request for boulders should be granted. Don Duhaime and Dwight
30 Lovejoy were fine with allowing the use of boulders as protection around cisterns.

31 The Chairman suspended the discussion and noted that if there was time the Board could
32 review the Non-Residential Site Plan Review Regulation amendments following Miscellaneous
33 Business.

34
35 **HILLMAN, JOHN A., Jr. & ANN**
36 **JOHN & ANN HILLMAN JOINT REVOCABLE TRUST**
37 Submission of Application/Public Hearing/CUP/One Wetland Crossing
38 Location: Weare Road
39 Tax Map/Lot #2/28-2 & 3
40 Commercial "Com" District

41
42 Present in the audience were Raymond Shea, Warren Houghton, Maureen Mansfield,
43 Larry Houghton, Willard Dodge and David Litwinovich.

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1 **HILLMAN CUP, cont.**

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3 The Chairman read the public hearing notice. He indicated that application form was
4 complete and had been submitted on March 2, 2011. He noted that the application fee was paid
5 in full and there were no outstanding issues from the plan review.

6 Raymond Shea of Sandford Surveying stated that he was present for a hearing on a
7 Conditional Use Permit (CUP) for the installation of a culvert and driveway across a wetland to
8 access a property. He noted that in July of 2010, he had appeared before the Board for an
9 informational session. He indicated that the property captioned above was the existing NAPA
10 Auto Parts Store on Route 77. He explained that a 3 lot subdivision had created two 6 acre lots
11 (NAPA lot & back lot) and one 8 acre lot (northerly lot). He stated that the lots had a
12 common/shared access and noted that the driveway came in at the back lot frontage and
13 continued to the NAPA Auto Store. He pointed out the location of the existing access for the 8
14 acre lot and noted that it was an undeveloped lot. He stated that when the NAPA Auto site plan
15 was approved the access to the back lot ran through the NAPA parking lot, through wetlands and
16 eventually it looped back to the 50' strip of the back lot.

17 Raymond Shea explained that for security and safety reasons the applicant did not want
18 to have traffic unrelated to his business driving through his parking lot in order to access to the
19 back lot. He noted that they proposed to remove the two existing culverts and restore the
20 wetland crossings and install one wetland crossing on the back lot property. He indicated that in
21 addition to meeting with the Planning Board he had also presented the plan to the Conservation
22 Commission and the State and had received positive feedback. He added that the Dredge and
23 Fill Permit had been obtained. He stated that more area was being restored than filled and
24 straightforward access was being provided to the back lot for future development.

25 Raymond Shea asked for questions from the Board. Mark Suennen asked what type of
26 restoration/mitigation needed to be done to remove the two existing crossings and if the area
27 would be returned to its natural state. Raymond Shea answered that they proposed to return the
28 area to its natural state and added that the State deemed the plan to be reasonable. Mark Suennen
29 asked what type of culvert was being removed. Raymond Shea answered that a 30" RCP was
30 being removed and they proposed to install a 48" round culvert to be keyed into the ground to
31 provide a natural bottom.

32 The Chairman asked for additional comments or questions from the Board; there were no
33 additional comments or questions.

34 The Chairman questioned the need for a site walk. Raymond Shea advised that a site
35 walk had previously taken place with some members of the Conservation Commission. Mark
36 Suennen asked what feedback had been received from the Conservation Commission regarding
37 the site walk. Raymond Shea answered that the Conservation Commission was fine with the
38 plan as proposed. It was the consensus of the Board that a site walk was not needed.

39 The Chairman stated that the Board needed to decide whether or not to require an
40 amendment to the NAPA site plan to reflect the driveway changes. Peter Hogan did not believe
41 an amendment was necessary. Mark Suennen stated that he was comfortable attaching any
42 approvals to the original site plan. The Board members agreed with Mark Suennen's suggestion.

43 Maureen Mansfield of 4 Joe English Road stated that she owned the northern-most lot of

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1 **HILLMAN CUP, cont.**

2
3 this subdivision and asked if the proposal before the Board was the way the original plan was
4 back when she had bought the land. Warren Houghton commented that the plan proposed to put
5 the site back to original plan.

6 The Chairman asked where they abutter's property was located. Raymond Shea pointed
7 out the abutter's property on plan and noted that it was the northerly property.

8 Warren Houghton noted that when the original subdivision plan of this property was
9 drawn the right-of-way to the back lot went all the way from NH Route 77 to the body of the lot
10 and the owner could have accessed the body of the lot from any point along that right-of-way.
11 Raymond Shea stated that he did not understand what Warren Houghton was trying to convey.
12 Warren Houghton explained that if the driveway was put in to the back lot then Maureen
13 Mansfield would be able to access her lot from any point along it. Raymond Shea disagreed with
14 Warren Houghton and stated that all three lots had a common access but he did not believe
15 Maureen Mansfield had the right to drive all the way back along the back lot driveway to get to
16 her land.

17 Maureen Mansfield stated that when the NAPA lot site plan was approved that changed
18 to allow access to the back lot across the NAPA lot she lost access to her property and had to
19 install a culvert on her lot for her driveway. Warren Houghton stated that Maureen Mansfield
20 had to get a Dredge and Fill Permit for her driveway crossing and the only reason that crossing
21 was there was because Maureen Mansfield did not think that there would ever be a driveway to
22 the back lot. Maureen Mansfield stated that the original plan was that the driveway to the back
23 lot would provide access to all the land in back. Warren Houghton confirmed that the Town's
24 zoning allowed for more than one commercial building on a commercial lot in town. Peter
25 Hogan said that it did. Warren Houghton stated that the intent had been that a driveway could
26 allow several commercial buildings to be built on different parts of the property and provide
27 access to all of them.

28 Peter Hogan asked who benefitted from the easement on the current site plan. Raymond
29 Shea answered that the current easement was part of the back lot. Peter Hogan asked for
30 Raymond Shea to point out the access for Maureen Mansfield's lot; Raymond Shea pointed to
31 the location on the plan and noted that the applicant was not proposing to change Maureen
32 Mansfield's access. Peter Hogan asked for confirmation that the applicant was only adding a
33 dredge and fill on the back lot. Raymond Shea confirmed Peter Hogan's statement. Peter Hogan
34 asked if the easement was 50' or 100' away from the street. Raymond Shea answered that the
35 plan was vague and did not indicate the distance. Peter Hogan reviewed the plan and pointed out
36 the easement was at least 225' from the road.

37 The Chairman asked Maureen Mansfield to specifically identify her concern with the
38 proposed plan. Maureen Mansfield stated that she wanted to know if the proposed driveway was
39 going to exist as it had originally been planned. Warren Houghton pointed out that the proposed
40 driveway would exist along the lot line and questioned the location as it would not be usable.
41 The Chairman disagreed with Warren Houghton and stated the proposed driveway would exist in
42 the 50' right-of-way. Peter Hogan pointed out that the back lot owned a 50' strip from the back
43 lot to the street. He continued that Maureen Mansfield had an easement over the first 200' of the

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11

1 **HILLMAN CUP, cont.**

2
3 50' strip and the applicant was not seeking to change that. Maureen Mansfield asked if it was the
4 applicant's intent to eventually go straight up the 50' strip with the driveway to the back lot. It
5 was Peter Hogan's opinion that the applicant intended to use their access to get to the back lot.
6 Maureen Mansfield commented that was the way the original plan had been and the Planning
7 Board had changed it by approving the NAPA site plan with the easement to access the back lot
8 across the NAPA site. She said that the Board was now going back to the original way. Peter
9 Hogan asked what problem was being created with an approval of the proposed plan. Maureen
10 Mansfield answered that she had to put a whole bunch of money into the other side for the
11 installation of a culvert. Peter Hogan stated that he did not understand the relevance of Maureen
12 Mansfield's comment. Warren Houghton stated that the proposed plan would put the area back
13 to the original plan. Peter Hogan stated that the Board agreed and reiterated that he was unsure
14 what Maureen Mansfield's concern with the approval of the proposed plan. Maureen Mansfield
15 commented that she wanted to ensure that the proposed plan would put the property back to the
16 original plan.

17 Larry Houghton of 461 Weare Road noted that he also abutted the property. He
18 explained that the proposed access would not affect Maureen Mansfield's access since she was
19 only allowed to use the back lot strip for the 200' of the easement shown on the original
20 subdivision plan and she would not be able to use the back lot strip to get any further to the back
21 of her property.

22 Raymond Shea explained that the original plan proposed to allow 200' to Maureen
23 Mansfield and the NAPA lot over the back lot strip to get to their properties which is what had
24 been done. Warren Houghton stated that the 200' written on the plan in the area of the easement
25 almost looked like a 200' square measurement for frontage purposes. Ray Shea agreed that it
26 was not totally clear and that he had initially thought the same thing but there were no other 200'
27 measurements listed and no squares drawn. Warren Houghton stated that he would have to
28 check the deeds for the properties to be sure. Ray Shea stated that the plan for the wetland
29 crossing before the Board currently did not affect lot lines, easements or access to any of the lots;
30 it simply showed a proposed wetland crossing and the removal of two existing wetland
31 crossings. Ray Shea said that what he was getting from Maureen Mansfield and Warren
32 Houghton's comments was that the original plan intended for the driveway to go all the way up
33 the 50' back lot strip to the properties. Maureen Mansfield added that the discussion had
34 included the potential for the creation of two additional commercial lots. Mark Suennen pointed
35 out that the applicant was not proposing any development at all on the back lot right now. He
36 continued that should the applicant want to develop the commercial lots they would need to
37 come back to the Planning Board and present a plan. He further noted that all the applicant was
38 asking for was the right to build a culvert crossing on the 50' strip to the back lot to get from the
39 street side of the wetland to the other side of the wetland. The Chairman pointed out that the
40 applicant already had that capability with the easement that had been granted over the NAPA lot
41 and could have done any development on the back lot by utilizing the access granted with that
42 easement. He stated that was why he was having trouble understanding Maureen Mansfield's
43 concerns with the plan. Warren Houghton stated that he was wanted to ensure that Maureen

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12

1 **HILLMAN CUP, cont.**

2
3 Mansfield did not lose anything. Mark Suennen commented that information contained within
4 Maureen Mansfield's deed should not change.

5 Larry Houghton noted that his property was located below the two existing wetlands and
6 questioned if the removal of the two existing crossings posed any impact on wetlands that were
7 located 120' from his house. Raymond Shea answered no. Larry Houghton asked how the
8 process would be done without changing what was located below it. Raymond Shea explained
9 that the water in the area in questioned flowed freely and would continue to flow at the same rate
10 with the installation of a culvert. He noted water was not being added or redirected in the area.
11 He added that temporary silt fence would be used to mitigate the impact during the removal.
12 Peter Hogan questioned if mitigation was required and if more harm would be caused as a result
13 of removing these crossings rather than leaving them where they were forever. Raymond Shea
14 explained that the State would not have approved the installation of the proposed culvert without
15 the removal of the two existing culverts due to the physical area of wetlands impact.

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

18 The Chairman asked if the applicant had determined in what form the security would be
19 submitted. Raymond Shea answered that he was unsure and asked for an acceptable form. The
20 Coordinator answered that the forms available for submittal were cash, check, letter of credit or
21 bond. Peter Hogan suggested that the applicant agree to submit the security through "an
22 acceptable method". The Board agreed with the Peter Hogan's suggestion.

23
24 Peter Hogan **MOVED** to accept the application of John A., Jr. & Ann Hillman, and the
25 John & Ann Hillman Joint Revocable Trust, Submission of Application/Public
26 Hearing/CUP/One Wetland Crossing, Location: Weare Road, Tax Map/Lot #2/28-2 & 3
27 Commercial "Com" District, as complete. Mark Suennen seconded the motion and it
28 **PASSED** unanimously.

29
30 The Chairman seated Don Duhaime as a full voting member in Deah Mehlhorn's absence.

31
32 The Chairman ran through the four criteria for granting a Conditional Use Permit as
33 asked and answered on the application form. Peter Hogan stated that the answers were
34 acceptable and Mark Suennen agreed.

35
36 Peter Hogan **MOVED** to approve the Conditional Use Permit and approve the plans of
37 John A. Jr. and Ann Hillman to effect one (1) wetland crossing on property on Weare
38 Road, known as Tax Map/Lot #2/28-3, subject to:

39
40 **CONDITIONS PRECEDENT:**

- 41 1. Submission of the financial security in the amount of \$21,197.06 and in a form
42 acceptable to the Board.
43 2. Any revisions to the site plan as decided by the Board at the hearing (if

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13

1 **HILLMAN CUP, cont.**

2
3 applicable).

4 3. Receipt of the Dredge and Fill Permit issued by NH DES.

5 The deadline for complying with the conditions precedent shall be **October 1, 2011**, the
6 confirmation of which shall be an administrative act, not requiring further action by the
7 Board. Should the conditions to approval not be fulfilled by the deadline date, and a
8 written request for extension is not submitted prior to that date, the applicant is hereby
9 put on notice that the Planning Board may convene a hearing under RSA 676:4-a to
10 revoke the approval.

11
12 **CONDITIONS SUBSEQUENT:**

13 1. Completion of the site improvements as related to the one (1) wetland crossing, as
14 shown on the approved construction design plan.

15 2. The financial security shall not be released until the site has been inspected upon
16 notification to the Planning Department by the applicant that the project has been
17 completed, and a compliance hearing is held and confirms that the project has
18 been satisfactorily completed by no later than **October 1, 2012**.

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

20
21 The Board took a brief recess prior to the start of the next hearing.

22
23 **LUNEAU, ANDREW J.**

24 Public Hearing/Major Subdivision/3 Lots

25 Location: Beard Road

26 Tax Map/Lot #5/52 & 53

27 Residential-Agricultural "R-A" District

28
29 Present in the audience were Raymond Shea, David Litwinovich, and Willard Dodge.

30 The Chairman read the public hearing notice. He advised that the application was
31 accepted as complete on March 22, 2011, with a deadline for Board action of May 26, 2011. He
32 noted that acceptance of completeness was conditional subject to the possibility of requiring a
33 Certified Erosion and Sediment Control Plan at a later date. He stated that waivers for the
34 Traffic and Fiscal Impact Studies had been previously granted and the Board needed to act on the
35 Environmental Impact Study. He noted that the Planning Office had received a letter dated
36 March 30, 2011, from Raymond Shea, regarding a waiver request for the back lot granite
37 bounds, and had also received a Declaration of Drainage Easement and Maintenance Agreement
38 and a bond estimate for the ISWMP. He advised that the Declaration of Drainage Easement and
39 Maintenance Agreement differed from what was typically submitted and as such may need to be
40 reviewed by Town Counsel. He further advised that the Board needed to act on driveway
41 permits that had been executed by the Road Agent.

42 Raymond Shea explained that the applicant proposed to adjust the lot lines to the two
43 existing lots to create a third lot. He stated that a note had been added to the plan that indicated

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14

1 **LUNEAU, cont.**

2
3 there were no future subdivision plans and that a request from the Road Agent to move the
4 driveway for the easterly lot 25' further east had also been added. He noted that a waiver request
5 for the back lot granite bounds had been submitted. Ray Shea stated that the drainage issues
6 discussed at the last meeting had been addressed through the ISWMP. He explained that a ditch
7 along the uphill side of the driveway was proposed to redirect the water under the driveway
8 through a culvert to be dispersed to the existing back lot. He continued that a 40' x 60' easement
9 was being proposed to facilitate the installation of the culvert. He noted that the ditch would
10 keep water off the house lot and delay the amount of time it took the water to reach the wetlands.

11 Mark Suennen asked for the measurements of the proposed ditch and if it was going to be
12 a grass swale. Raymond Shea answered that the ditch would be a grass swale and fairly flat. He
13 continued that the profile of the driveway was 1% , 2.7%, and 6% which created a flat area in
14 which water would slowly flow along the driveway through a 15" culvert. He noted that the
15 easement would be located at the outlet of culvert and would be recorded as a Declaration of
16 Drainage Easement.

17 Dwight Lovejoy asked if the intention of the applicant was to redirect the water that
18 flowed along the ditchline of the road to the back of the property. Raymond Shea answered yes
19 and noted that the intention was to avoid the water flowing to the house. Dwight Lovejoy
20 commented that the area in question was a problem area for the Highway Department and he did
21 not believe it was fair to dump the water that flowed off the road onto someone else's property.
22 Raymond Shea pointed out that the water currently flowed there and that the applicant was
23 proposing to redirect the water to avoid the flow to the house. Dwight Lovejoy expressed
24 concern that if the proposed plan for the redirection of water did not work it would be the
25 Town's problem to solve. The Chairman stated that if nothing was done to redirect the water the
26 Town would continue to be responsible for the problem. Raymond Shea noted that this was a
27 known issue to all parties and the applicant was willing to offer this solution. He noted that the
28 property owner was aware of the situation and if his proposal made it better to some degree it
29 was a good thing and the flow could be addressed further at a future date. Dwight Lovejoy
30 indicated his understanding of the situation. Ray Shea noted that the easement would be on
31 record for any future purchaser of the existing house lot to find. The Chairman noted that the
32 alternative was to do nothing and allow the drainage to continue down the road and into the
33 house. Ray Shea stated that the note could indeed be removed from the plan but stated that the
34 proposal to have the road drainage travel in a ditch along the driveway would address and
35 mitigate the existing problem.

36 The Chairman asked for comment from the Board on the issue of requiring an
37 Environmental Impact Study. Mark Suennen stated that he was unsure if the Board should
38 require a completed Environmental Impact Study.

39 The Chairman advised that the Board wanted to send the Declaration of Drainage
40 Easement and Maintenance Agreement to Town Counsel for legal review. Raymond Shea stated
41 that he could amend the above-referenced document if the Board was willing to provide him one
42 they were comfortable with or in the alternative send his to Town Counsel for review.

43 Mark Suennen readdressed the Environmental Impact Study waiver request and asked if

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15

1 **LUNEAU, cont.**

2
3 drainage and flow pattern calculations had been completed for the proposed ditch. Raymond
4 Shea answered that drainage calculations had not been completed. He continued that by
5 following the proposed drainage plan, mitigation would be accomplished and drainage flow
6 would be delayed and a drainage report would not be necessary. Mark Suennen commented that
7 as the applicant was offering to provide mitigation on his site for an issue that he did not cause
8 and make his lot saleable he believed the waiver for the Environmental Impact Study should be
9 granted. Peter Hogan agreed.

10
11 Peter Hogan **MOVED** to grant the waiver request for the Environmental Impact Study as
12 doing so in light of the applicant's proposal to mitigate to some extent the drainage from
13 Beard Road met the spirit and intent of Town's regulations. Dwight Lovejoy seconded
14 the motion and it **PASSED** unanimously.

15
16 The Chairman noted that the next waiver was for the use of iron pins at the front lot
17 corners of the back lot instead of granite bounds which would be a conditional waiver if needed.
18 Ray Shea stated that the intent was to use granite bounds but it was unclear at this time if that
19 was feasible due to the stonewalls in this location. He was, therefore, requesting the ability to
20 use iron pins if it was determined not to be feasible to install granite bounds.

21
22 Mark Suennen stated that it was the intent to put in granite bounds but it was in the best
23 interest of the town that if the stone wall can stay there it should remain, but where they
24 intend to leave the wall in place they will put drill holes and/or iron pins at the time of
25 boundary setting and this meets the intent of the regulations and so he **MOVED** to grant
26 the waiver to the use of granite bounds in those cases when it is more reasonable to put
27 the drill holes or iron pins. Peter Hogan seconded the motion and it **PASSED**
28 unanimously.

29
30 The Chairman asked if the review of the Declaration of Drainage Easement and
31 Maintenance Agreement could be a condition of approval. Mark Suennen asked if the applicant
32 was willing to work with Town Counsel to create appropriate language for the aforementioned
33 document. Raymond Shea answered yes.

34 The Chairman asked the Board for their thoughts on Active and Substantial
35 Development. Ray Shea stated that the applicant wished to have the driveway installed to the
36 back lot sooner rather than later. Mark Suennen thought that Active and Substantial should be
37 having the curb cut installed within 12 months and Substantial Completion of Improvements
38 would be having the driveway installed including the culvert and ditch. The Board agreed.

39
40 Mark Suennen **MOVED** to approve the Major Subdivision Plan of Land of Andrew
41 Luneau, Tax Map/Lot #5/52 & 5/53, 3 Lots, Beard Road, subject to:

42 **CONDITIONS PRECEDENT:**

- 43 1. Submission of a minimum of five (5) blue/blackline copies of the revised plat,

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16

1 **LUNEAU, cont.**

2
3 including all checklist corrections, notes of waivers granted and any corrections as
4 noted at this hearing.

- 5 2. Submission of a suitable mylar for recording at the HCRD.
6 3. Digital plat data shall be submitted per Subdivision Regulations Section IV-F, 3.
7 4. Review and approval of Declaration of Drainage Easement and Maintenance
8 Agreement by Town Counsel, the cost of said review to be paid by the applicant.
9 5. Submission of an executed Declaration of Drainage Easement and Maintenance
10 Agreement that contains all required corrections per Town Counsel's review, for
11 recording at the HCRD. Cost of recording to be borne by the applicant.
12 6. Payment of any outstanding fees related to the subdivision application and/or the
13 recording of documents with the HCRD (if necessary).
14 7. Upon completion of the conditions precedent, the final plans and mylar shall be
15 signed by the Board and forwarded for recording at the HCRD.

16 The deadline date for compliance with the conditions precedent shall be **October 1,**
17 **2011**, the confirmation of which shall be an administrative act, not requiring further
18 action by the Board. Should compliance not be confirmed by the deadline date and a
19 written request for extension is not submitted by that date, the applicant is hereby put on
20 notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the
21 approval.
22

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

- 25 1. Within 12 months after the date of approval, the following items must be completed
26 in order to constitute "active and substantial development or building" pursuant to
27 RSA 674:39,I, relative to the 4-year exemption to regulation/ordinance changes:
28 **the curb cut and 50' of the driveway shall be built from the roadway to the**
29 **Board's standard requirements.**
30 2. The following items must be completed in order to constitute "substantial
31 completion of the improvements" pursuant to RSA 674:39,II, relative to final
32 vesting:
33 **completion of the driveway including installation of the culvert and ditch as**
34 **shown on the Individual Stormwater Management Plan or approved**
35 **Individual Stormwater Management Plan at time of the construction..**
36

37 Peter Hogan **MOVED** to approve driveway permits #11-02 and 11-01 for Tax Map/Lot
38 #5/52 & 5/52-2, with the Planning Board's standard requirements: the driveway
39 intersection with the road shall be joined by curves of ten foot (10') radii minimum and
40 the driveway shall intersect with the road at an angle of 60 - 90 degrees.

41 Mark Suennen seconded the motion and it **PASSED** unanimously.
42

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17

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **April 12, 2010**

- 3
4 2. Application for Appointment to the Planning Board from David Litwinovich, for the
5 Board's review and discussion. (Applicant to be present)

6
7 The Chairman requested that David Litwinovich attend the next scheduled Planning
8 Board meeting in its entirety. He advised and strongly encouraged David Litwinovich to attend a
9 Planning Board training session that was scheduled for June 11, 2011, in Nashua, NH, if he did
10 decide to get on the Planning Board.

11 Mark Suennen asked David Litwinovich to discuss his engineering background. David
12 Litwinovich that he attended college for aerospace engineering and worked for a company that
13 produced optical filters for astronomy and medical applications.

14 Peter Hogan suggested that David Litwinovich attend a couple of Planning Board
15 meetings to gauge whether or not he would be interested in serving on the Board. The Chairman
16 agreed with Peter Hogan.

17 The Chairman asked David Litwinovich if he had any questions for the Board. David
18 Litwinovich stated that he did not have any questions and noted that he had read through some of
19 the meeting minutes to familiarize himself with the functions of the Board.

20 The Chairman advised that if after attending the next Planning Board meeting David
21 Litwinovich was still interested in serving on the Board, the Board would act on his application.

- 22
23 4. Letter copy received April 6, 2011, from Ed Hunter, New Boston Code Enforcement
24 Officer, to Jonathan Lewis, re: Site Plan Compliance, for the Board's review and
25 discussion.

26
27 Peter Hogan suggested that the applicant was in violation of his Site Plan and should start
28 being fined. The Chairman asked if the Planning Board could fine the applicant. The
29 Coordinator answered that the fining was a duty of the Code Enforcement Officer. Dwight
30 Lovejoy also suggested that the applicant's property be towed at his expense.

31 The Coordinator advised that in addition to the imposition of a fine the Code
32 Enforcement Officer was seeking a permanent remedy to the matter, i.e., a fence, barricade, or
33 revocation of site plan. The Board determined that the first step should be financial and the
34 applicant should be fined.

- 35
36 10. **Reminder:** Site Walk, Thursday, April 14, 2011, 6:00 p.m., Riverdale Road.
37 (scenic road tree cutting)

38
39 The Chairman reminded the Board of the above-referenced site walk.

- 40
41 5. Letter received April 6, 2011, from Dean C. Mehlhorn, to New Boston Planning Board,
42 re: request for leave of absence from Planning Board 2-3 months, for the Board's review
43 and discussion.

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18

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Peter Hogan noted that the current make-up of the Planning Board and the need for a
4 Secretary required that Dean Mehlhorn be moved to alternate status in order to appoint Don
5 Duhaime as a permanent member and allow the Board to make Don Duhaime the Secretary.

6
7 Mark Suennen **MOVED** to make a recommendation to the Board of Selectmen that Dean
8 Mehlhorn be appointed as an alternate member of the Planning Board during his leave of
9 absence and make a recommendation to the Board of Selectmen to appoint Don Duhaime
10 as a full member of the Planning Board so the Planning Board can then make him the
11 Board's Secretary. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

12
13 Peter Hogan left the meeting.

- 14
15 6. Letter copy dated March 29, 2011, from Burton Reynolds, Town Administrator, to Stuart
16 Lewin, re: Planning Board Appointment, for the Board's information.

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

- 20
21 7. Article from New Hampshire Town and City, March 2011, titled: Lapse of Subdivision
22 Performance Bond or Letter of Credit, by David R. Connell, legal services counsel with
23 the New Hampshire Local Government Center's Legal Services and Government Affairs
24 Department, for the Board's information.

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

- 28
29 8. Information, re: 18th Annual Spring Planning & Zoning Conference to be held Saturday,
30 June 11, 2011.

31
32 The Chairman noted that he was interested in attending the above-referenced conference
33 and would submit his class choice online.

- 34
35 9. Information, re: NH Planners Association Annual Conference, Planning for Public
36 Health, June 9 -10, 2011.

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

- 40
41 12. Distribution of the March 22, 2011, meeting minutes via email for approval at the
42 meeting of April 26, 2011.

43

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19

1 **MISCELLANEOUS BUSINESS, cont.**

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

- 5
6 13. Received April 11, 2011, Southern New Hampshire Regional Economic Development
7 Plan disk. (available in Planning Office)

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

- 11
12 15. **Read File:** Notice of Public Hearing from the Town of Dunbarton, re: installation of a
13 wireless telecommunication tower.

14
15 The Chairman acknowledged receipt of the above-referenced matter; no discussion
16 occurred.

- 17
18 1a. Letter received March 30, 2011, from Kimberley Martin, re: Home Business Site Plan,
19 for the Board's review and discussion.

- 20
21 1b. Execution of a Site Review Agreement for Kimberley Martin, re: Home Business Site
22 Plan, for the Board's review and discussion.

23
24 The Chairman stated that he would address item 1a and 1b together as they were related.
25 The Planning Assistant explained that the applicant wanted to advise the Board that there was
26 potential for her to add a new bay to her garage, noting that nothing else with regard to the
27 site plan would change. She continued that the applicant wanted to know if she moved forward
28 with the additional bay, would a new site plan be required. It was the Chairman's opinion that
29 an amended site plan that reflected the addition would be sufficient. He added that if the
30 applicant provided the amended site plan at the compliance hearing it would not be necessary for
31 her to appear before the Board again. Mark Suennen and Dwight Lovejoy agreed with the
32 Chairman.

- 33
34 3. Letter received April 15, 2011, from Ruth R. Trussell, Trustee, Clark Hill Trust, re:
35 request for an extension of conditions subsequent deadline of CUP for Tax Map/Lot #8/1,
36 Dennison Road, extension requested from June 1, 2012, to January 9, 2014, for the
37 Board's action.

38
39 The Coordinator explained that the applicant wanted the Board to extend her existing
40 conditions subsequent deadline of June 1, 2012, to January 9, 2014. Mark Suennen pointed out
41 that the State was not willing to extend the Dredge and Fill Permit deadline until six months
42 prior to the expiration date.

43 The Chairman suggested advising the applicant that the Board would revisit this matter

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20

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 when a decision was made by the State. Mark Suennen agreed that the Board would defer to the
4 State. He added that it was the opinion of the Board that when the State granted an extension the
5 Board would too.

6
7 Mark Suennen **MOVED** that the Planning Board defers to the State permit on this issue
8 and at the time that the applicant requests the extension and is approved by the State, the
9 Board will take up the matter and will most likely approve as well. If the State
10 disapproves the extension nothing the Planning Board could do or say would make any
11 difference. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

- 12
13 11. Planning Board Signatures required certifying adoption of the Town of New Boston
14 Earth Removal Regulations, adopted March 22, 2011.

15
16 The Planning Board members executed the above-referenced document.

- 17
18 14. Email request received April 11, 2011, from Morgan Hollis, Gottesman & Hollis, P.A. re:
19 request for an extension to the conditions precedent date of April 22, 2011, for Forest
20 View II, to May 22, 2011, for the Board's action.

21
22 The Chairman asked if there were any issues with the request to change the Subdivision
23 Agreement. The Coordinator answered no.

24
25 Mark Suennen **MOVED** to extend the conditions precedent for Forest View II,
26 Lorden/Dupuis/S&R Holding, LLC, Tax Map/Lot #12/19, 12/96 & 12/93-34, McCurdy
27 and Susan Roads, from April 22, 2011, to May 22, 2011, at the request of the applicant's
28 attorney. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

29
30 The Chairman indicated that the proposed amendments to the Non-Residential Site Plan
31 Review Regulations would be discussed at the next meeting.

32
33 Mark Suennen **MOVED** to adjourn the meeting at 9:10 p.m. Dwight Lovejoy seconded
34 the motion and it **PASSED** unanimously.

35
36 Respectfully Submitted,
37 Valerie Diaz, Recording Clerk

Minutes Approved:
05/10/2011

38