

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

April 26, 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 Don Duhaime; and, Ex-officio Dwight Lovejoy. Also
3 present were Planning Coordinator Nic Strong and Recording Clerk Valerie Diaz.
4

5 Present in the audience for all or part of the meeting were David Litwinovich, Jay
6 Marden, Tom Carr, C.W.S., Charles Cleary, Esq., Jay Heavisides, P.E., Ken Clinton, Ken
7 Lombard, Donna Mombourquette, James Denesevich, Ian McSweeney, Russell Foundation,
8 David and Sheridan Elliott, and Lisa Jeck.
9

10 The Chairman seated Don Duhaime as a full-voting member in Peter Hogan's absence.
11

12 **Discussion, re: Proposed Subdivision/Site Plan Review Regulation Amendments**
13

14 Present in the audience was David Litwinovich.

15 The Chairman advised that Dan MacDonald, Fire Chief, had reviewed the Proposed
16 Amendments to the Subdivision Regulations with the Coordinator. He noted that the majority of
17 the language regarding cisterns pertained to cast-in-place cisterns and therefore, needed to be
18 updated to include the pre-cast cisterns. He also noted that both the Fire Chief and the
19 Coordinator had pointed out that a lot of language that was in the cistern section of the
20 Subdivision Regulations had been there since the section was first written and a comprehensive
21 review of the regulations had not taken place in a long time.

22 The Chairman referred the Board to Proposed Amendment #15, Section IX-J,A,11, and
23 explained at the last meeting he had requested the language "to accommodate a pump truck" be
24 removed from the section and the exact measurement be provided by the Fire Department. He
25 noted that Dan MacDonald had provided the requested measurements and asked if the Board had
26 any comments or questions; there were no comments or questions.

27 The Chairman referred to the Board to Proposed Amendment #15, Section IX-J,A,12, and
28 noted that it had been previously requested that the specific "'sufficient length' to permit
29 convenient access to suction connection when pumper is set at 45 degrees to the road" be
30 provided from the Fire Department. He noted that this section was now to be deleted as the
31 proposed change to Section IX-J,A,11, took care of the issue.

32 The Chairman referred the Board to Proposed Amendment #15, Section IX-J,A,13, and
33 noted that it had been requested that specific measurements be provided in lieu of the language
34 "bottom of suction pipe to pumper connection shall not exceed 14 vertical distance". The
35 Chairman explained that after further review it appeared that he had misunderstood that the
36 pumper connection was part of the tank and as such he withdrew his request for any change to
37 this section. The Coordinator further explained that the measurement was from the bottom of the
38 suction pipe within the cistern to its connection with the truck and as such had to be 14' to make
39 sure that the suction worked at the Town of New Boston's elevation above sea level.

40 The Chairman referred the Board to Section IX-J,A,25, that was relative to a request to
41 remove the \$50 cost for padlocks and replace it with language that would reference the current
42 market price for the padlocks. He noted that Dan MacDonald, Fire Chief, believed that there
43 was a safe enough inflation factor built into the \$50 cost and it did not need to change.

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

2
3 The Chairman referred the Board to Section IX-J,B,10, and stated that Dan MacDonald,
4 Fire Chief, agreed with the removal of the first sentence of this section as it was editorial in
5 nature and did not belong in the regulations.

6 The Chairman referred the Board to Section IX-J,B,18, and advised that Dan MacDonald,
7 Fire Chief, had agreed to expand the section for the testing of the cast-in place cisterns.

8 The Chairman stated that Section IX-J,C,2.04,B and Section IX-J,D,2.03,B, both
9 referenced identical wording that applied to all the sections and as such would be moved to the
10 General Requirements Section.

11 The Chairman indicated that Section IX-J,D,1.02,B, and Section IX-J,D,B,xi, both
12 referenced the same information regarding buoyancy and he had questioned the necessity of
13 listing the information twice. He explained that Dan MacDonald, Fire Chief, believed that the
14 information should remain listed as initially proposed because one section required submission
15 of calculations bearing a P.E. stamp and the other was a list of design requirements. The
16 Chairman noted that he still did not agree that the information needed to be listed twice but
17 would defer to the Fire Chief on this matter.

18 The Chairman asked for questions or comments. The Coordinator stated that at the last
19 meeting Peter Hogan had brought up a question regarding cistern piping being galvanized inside
20 the cistern tank, steel on the outside of the tank and the welding of a no parking sign. She
21 continued that she had spoken with the Town Engineer who had advised that there had been
22 problems in the past with the allowance of joints inside the cistern being welded. She explained
23 that as a result of the joints being welded inside the cistern debris had been sucked into the pump
24 and had destroyed it. She stated that to avoid damage to the pump all interior piping was now
25 fabricated with a physical connection and was not allowed to be welded inside the tank;
26 however, outside connections could be welded. She added that the welding of the no parking
27 sign to the outside of the tank was allowed and did not pose any issues.

28 The Chairman left his set of comments on the Proposed Amendments to the Subdivision
29 Regulations with the Coordinator.

30
31 **Proposed Amendments to the Non-Residential Site Plan Review Regulations**

32
33 The Chairman referred the Board to Proposed Amendment #1, Section 2, Submission
34 Items: Site Development Plan and Supporting Data, that proposed to require submission of 11" x
35 17" copies of the site plan as part of the completed application. The Chairman asked if Board
36 currently required this size copies to be submitted as part of an application. The Coordinator
37 answered no.

38 The Chairman referred the Board to Proposed Amendment #2, Section 2.4, Additional
39 Information, that proposed to add language specifying that third party review and consultation
40 may be required during the review process at the applicant's expense as long as the review and
41 consultation did not replicate something that was already done for the ZBA.

42 The Chairman referred the Board to Proposed Amendment #3, Section 4, Design and
43 Construction Requirements, that proposed to add Section 4.18, Off-Street Parking, to include

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

2
3 details of parking spaces, their design and numbers. The Coordinator asked the Board to review
4 item C contained in proposed Section 4.18. She explained that the Board needed to decide on
5 the standard size of parking spaces, 9' x 18' or 10' x 20'. The Chairman asked for the size of the
6 parking spaces located in the Town Hall parking lot. The Coordinator was unsure of the Town
7 Hall parking space sizes. The Chairman commented that Mark Suennen may have an opinion on
8 this matter. Don Duhaime noted that pick-up trucks measured 18' in length. It was the
9 Chairman's opinion that 9' x 18' provided a small parking space. The Board decided to propose
10 10' x 20' as the standard parking space size.

11 The Board reviewed a spreadsheet entitled "Parking Standards Comparison". The
12 Chairman asked if the blank cells contained within the spreadsheet illustrated a lack of a specific
13 requirement/regulation. The Coordinator answered yes. The Chairman asked if the Board
14 should add a number for any uses that did not already include a requirement. The Coordinator
15 answered that it was a good idea to fill in the blanks; however, the regulations did provide that
16 any parking requirements that were not addressed would be examined during Non-Residential
17 Site Plan Review for a determination. She added that if the Board decided not to include a
18 number there was leeway to decide at the time of the proposal. The Chairman asked if the Board
19 continued to have leeway even if they did come up with numbers. The Coordinator answered
20 yes, and noted that the numbers listed were minimum requirements for the use. She continued
21 that an example of this matter was the Board requiring Dr. Brenner's office to provide more
22 parking spaces than were required to accommodate his business. It was the Chairman's opinion
23 that the Board should provide minimum requirements for all the listed uses in Zoning. Dwight
24 Lovejoy commented that it was the responsibility of the Board to determine the number if there
25 were any problems. The Chairman agreed and added that the Board could modify the minimum
26 requirements listed and reiterated that he believed that Board should list minimum requirements
27 for all uses listed. The Coordinator commented that listing the minimum requirements made it
28 easier for the person designing and drawing plans. She noted that the Board could determine
29 whether or not a number was necessary for each use, pointing out as an example that the
30 Removal of Earth Products use may not need a defined number of parking spaces because as the
31 pit moved around the parking spaces would also move and it was usually an operator parking his
32 personal vehicle while driving the larger trucks for the removal operation.

33 Mark Suennen arrived at the meeting at 7:51 p.m. and the Chairman apprised him of the
34 Board's current discussion and the missing minimum parking requirements. Mark Suennen
35 commented that "missing" was a relative term and continued that if the Board was not faced with
36 a subdivision proposal to use the parking numbers and/or the use was not permitted it was not
37 necessary to list a minimum requirement. He stated, for example, that the Town only had one
38 approved industrial lot and it did not appear that any more would be approved in the near future.
39 He continued that in light of the foregoing he was not concerned with creating minimum parking
40 regulation requirements for "Warehouse or Trucking Terminal" as listed in the spreadsheet. The
41 Coordinator pointed out that the uses listed in the spreadsheet pertained to uses in the
42 Commercial District.

43 Mark Suennen suggested that the Board refer to nationally recognized parking standards

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

2
3 located in the parking generation handbooks published by the Institute of Traffic Engineers, as
4 an alternative to listing minimum requirements. The Chairman asked if the standards were based
5 on size of towns. Mark Suennen answered that the standards were not based on the size of towns
6 but based on the square footage of a particular facility, number of employees and/or gross sales.
7 He added that there were independent variables for specific categories.

8 The Chairman stated that the Board needed to decide to either create minimums
9 requirements for each use listed or refer to nationally recognized parking standards; he asked for
10 the Board's preference. Don Duhaime and Dwight Lovejoy did not have a preference to either
11 choice.

12 The Chairman asked the Board if the minimum requirements currently listed should be
13 removed if the Board decided to move forward with referencing the nationally recognized
14 parking standards.

15 The Chairman asked if the "Parking Generation" book needed to be purchased. Mark
16 Suennen answered that the book's cost was approximately \$325.00. The Chairman asked if the
17 Town Engineer had a copy of "Parking Generation". The Coordinator answered that she was
18 unsure. The Chairman requested that the Coordinator inquire if the Town Engineer had a copy
19 of the book to lend to the Board for further review. Mark Suennen suggested that copies be
20 made from the book that addressed the 20 items contained with in the "Parking Standard
21 Comparison" spreadsheet.

22 The Coordinator pointed out that if the Board did not list minimum parking numbers then
23 someone preparing a plan would not know what the minimum requirements were unless they
24 obtained a copy of the book "Parking Generation". Mark Suennen stated that the applicant
25 would be responsible for finding the book. Don Duhaime commented that the applicant could
26 get the information online. The Coordinator advised that an applicant could not obtain the
27 information online. Mark Suennen added that the book could be purchased online. The
28 Chairman commented that he did not want to require that someone purchase a \$325.00 book for
29 creating a one time plan. Mark Suennen added that categories that may be less professionally
30 developed were kennels, sawmills and contractor's yards. He stated that in cases were plans were
31 not being professionally developed the Planning Office could assist the applicant with locating a
32 copy of the standards.

33 The Chairman referred the Board to Proposed Amendment #4, Section 7.7, Compliance
34 Hearing, that proposed that language be included to specify that the Planning Board may
35 condition an approval upon receipt of State or federal permits relating to a project but may not
36 refuse to process an application in the absence of these other permits. He asked for comments or
37 questions; there were no comments or questions.

38
39 **Proposed Amendments to the Driveway Regulations**

40
41 The Chairman referred the Board to Proposed Amendment #1, Section 9.6, Driveway
42 Entrance Criteria (All Lots), that proposed to include language regarding driveways in cuts and
43 fills. The Chairman inquired if the language contained in the amendment was created by the

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

2
3 Road Committee or the Town Engineer. The Coordinator answered that the language contained
4 in the proposed amendment mirrored the language contained in the Subdivision Regulations.

5 The Chairman referred the Board to Proposed Amendment #2, that proposed to amend
6 the Driveway Permit Form and the Driveway Certificate of Use to include language regarding
7 driveways in cuts and fills.

8 The Chairman referred the Board to Proposed Amendment #3, that proposed to replace
9 the Driveway Regulations Figure 1 with revised Driveway Regulations Figure 1 – Driveway
10 Geometric Requirements.

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

13 **Proposed Amendments to the Subdivision Regulations**

14
15 As Mark Suennen was absent from the portion of the discussion relative to the Proposed
16 Amendments to the Subdivision Regulations, the Chairman inquired if he had reviewed the
17 comments made by Dan MacDonald, Fire Chief, and asked if he had further comments or
18 questions. Mark Suennen referred the Board to Section IX-J,B,18, regarding testing of cisterns.
19 He noted that this section required that “These tests include a flow test and leakage test; the latter
20 requires at least two weeks”. He asked if the prior to backfilling the hole around the cistern
21 needed to stay open for 14 days to meet the requirement. Don Duhaime commented that the test
22 needed to see if water was leaking through the concrete. Mark Suennen stated that a contractor
23 would need to maintain an open excavation for 14 days and the threat of rain and hazard of
24 people falling into the hole existed. The Chairman asked if this process was different from the
25 way that it had been handled in the past. The Coordinator answered that she was unsure of how
26 long the excavations were previously left open. She continued that the proposed language had
27 come from the pre-cast cistern requirements and was modified to meet the inspection list for the
28 cast-in-place cisterns. She noted that the pre-cast and fiberglass cisterns were backfilled prior to
29 the leakage test. She further indicated that she had had the Town Engineer review the steps to
30 ensure they were in the correct order and he did not have any issues with the language listed.
31 The Chairman requested that the Coordinator speak with the Fire Chief regarding this matter. He
32 asked for further comments or questions from the Board; there were no further comments or
33 questions.

34 Mark Suennen referred the Board to Proposed Amendment #3, Section IV-F,2,
35 Completed Applications, and asked if a checklist was provided for the design review process.
36 The Coordinator answered yes.

37 Mark Suennen referred the Board to Proposed Amendment #9, Section V-U,E,1, and
38 advised that the Road Committee would be providing further detail on the items contained within
39 the section. He noted that the with regard to proposed item q., the Road Committee did not want
40 road crossing culverts to be installed at greater than 10’ below final grade. He moved on to item
41 r., and questioned if the maximum of 10% listed for drainage access roads was sufficient as the
42 Board recently approved an access road at 20%. He further questioned if the Board should leave
43 the 10% as a standard and make anything greater an exception. The Chairman agreed with 10%

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

2
3 as the standard. He noted that the recently approved 20% drainage access road for Twin Bridge
4 Land Management, LLC, had been reviewed and approved by the Road Agent. The consensus
5 of the Board was to leave the standard at 10%.

6 Mark Suennen referred the Board to Proposed Amendment #14, Section IX-I, a),5,b, and
7 suggested removing the language “current IRS rate” and replacing it with “current contracted
8 rate” in case the Board worked with someone in the future who had negotiated a different
9 mileage rate than the IRS rate.

10 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,A,8, and
11 advised that the referred to “HS-20” loading was no longer used and there was a new definition
12 for this that he had seen in an AASHTO publication. He indicated that he would provide the
13 Coordinator with the current terminology.

14 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,A,23, and
15 asked if the Board wanted to be specific with regard to the type, size and shape of the referred to
16 “No Parking” sign. He suggested using MUTCD R7-1, 12" x 18", 'No Parking Any Time' sign
17 with double arrows.

18 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,A,24, and
19 questioned how the Planning Board was involved in approving the fullness of a cistern as
20 indicated in this section. It was the Chairman’s interpretation that the section required the
21 installer to keep the cistern full until it was accepted by the Planning Board. Mark Suennen
22 stated that the Chairman’s interpretation made more sense. The Chairman stated that the section
23 could be reworded for the purposes of clarity. Mark Suennen suggested the following language,
24 “Installer is responsible for completely filling the cistern with potable water until the cistern is
25 accepted by the Planning Board...”. The Chairman agreed with Mark Suennen’s suggestion.

26 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,A,25, and
27 suggested that instead of having a contractor purchase a lock from the Fire Department, the Fire
28 Department could provide their own locks.

29 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,A,28, and
30 noted that the section specifically stated that pre-construction meeting “shall be held at the New
31 Boston Town Hall”. He questioned if it was required to hold the meeting at the New Boston
32 Town Hall. The Coordinator answered yes. He also suggested that the word “shall” be removed
33 from the second sentence and replaced with the word “will”.

34 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,B,5, and
35 asked that “material certifications” be added to the first sentence to read as follows: “The
36 Developer/Contractor shall, for approval, submit to the Town’s Consulting Engineer two (2)
37 copies of the following shop drawings and material certifications two weeks prior to use in
38 construction.”

39 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,B,8, and
40 suggested inserting the NHDOT grading standard as had been done in a previous amendment.

41 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,B,14, and
42 noted that at the end of the section there was a note “SEE DETAIL”. He stated that there were a
43 lot of details listed and asked if the Board thought they should be labeled. The Coordinator

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

2
3 noted that the details were located at the end of the cistern section. The consensus of the Board
4 was to leave the details unlabeled as they were listed at the end of the section.

5 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,B,13, and
6 pointed out that the spelling of “but-ends” was incorrect and should be spelled “butt-ends”.

7 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,C, and
8 noted that the numbering format was not consistent with the rest of the cistern regulations or the
9 rest of the Subdivision Regulations. It was agreed that the formatting would be changed and be
10 consistent with the rest of the document.

11 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,D,2.02,B,i,
12 and advised again that the referred to “HS-20” loading was no longer used. He indicated that he
13 would provide the Coordinator with the current terminology.

14 Mark Suennen referred the Board to Proposed Amendment #15, Section IX-J,D,3,B,vii,
15 and noted that this section required that the cistern tanks “shall be back-filled prior to filling with
16 water” which was the opposite of what had been discussed previously. He asked if the back-
17 filling would take place following the leakage test. The Coordinator clarified that the leakage
18 test for pre-cast cisterns would be conducted following the back-filling but for cast-in-place
19 cisterns it was required that the excavation remain open because the test needed to confirm that
20 the concrete was not leaking.

21 The Chairman asked if there were any further questions or comments; there were no
22 further questions or comments. It was noted that the draft amendments would be revised and
23 brought back to a future meeting for discussion.

24
25 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
26 **April 26, 2010**

27
28 1. Approval of March 22, 2011, minutes, distributed by email.

29
30 Mark Suennen **MOVED** to accept the minutes of March 22, 2011, as written. Dwight
31 Lovejoy seconded the motion and it **PASSED** unanimously.

32
33 3. Email copy dated April 20, 2011, from Kevin M. Leonard, P.E., Northpoint Engineering,
34 LLC, to Arthur Davis, Thibeault Corporation, re: Susan/Indian Falls Road, for the
35 Board’s information.

36
37 The Chairman asked if the applicant needed to address the issues with stabilization
38 identified in Kevin Leonard, PE’s letter. The Coordinator answered that they would.

39
40 4. Letter received April 20, 2011, from Kevin M. Leonard, P.E., Northpoint Engineering, to
41 Nicola Strong, Planning Coordinator, re: Forest View II Subdivision (McCurdy Road) 4th
42 Review, for the Board’s information.

43

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 It was Mark Suennen's belief item that #3 on sheet C29 had previously been agreed to
4 and that the applicant could do the long nest span metal guardrail as part of the pre-construction
5 review. The Coordinator commented that it may have been an oversight that the item was not
6 included on the applicant's list of items that would need to be designed, reviewed and approved
7 prior to the pre-construction meeting for the project.

8
9 7. Distribution of April 12, 2011, minutes for the approval at the meeting of May 10, 2011,
10 distributed by email.

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

14
15 **TWIN BRIDGE LAND MANAGEMENT, LLC**

16 Public Hearing/Major Subdivision/24 Lots and 1 open space lot.

17 Location: Twin Bridge Road & West Lull Place

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

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

20
21 Present in the audience were David Litwinovich, Jay Marden, Tom Carr, C.W.S., Charles
22 Cleary, Esq., Ken Lombard, Donna Mombourquette, James Denesevich, Ian McSweeney,
23 Russell Foundation, Ken Clinton, and Jay Heavisides, P.E.

24 The Chairman read the public hearing notice. He stated that the application was accepted
25 as complete on March 23, 2010, with a deadline for Board action of May 27, 2010. He noted
26 that there had been multiple meetings and adjournments and noted that if the application was not
27 approved at this meeting, a further extension would be required from the applicant. He advised
28 that the following recent correspondence had taken place:

- 29 • Email dated March 23, 2011, from Charles Cleary, Esq., re: Twin Bridge II Subdivision.
- 30 • Email dated March 24, 2011, from Nic Strong, Planning Coordinator, to Charles Cleary,
31 Esq., re: Earth Removal Twin Bridge Land Management, LLC.
- 32 • Letter copy dated February 24, 2011, from Kevin Anderson, EIT, Meridian Land
33 Services, Inc., to Kevin Leonard, P.E., Northpoint Engineering, LLC, re: 3rd engineering
34 review.
- 35 • Bond estimate prepared by Kevin Anderson, EIT, received April 11, 2011.
- 36 • Letter dated April 20, 2011, from Kevin Leonard, P.E., re: 4th engineering review.
- 37 • Stormwater Maintenance Plan prepared by Kevin Anderson, EIT, received March 1,
38 2011; and,
- 39 • ISWMP bond estimates prepared by Kevin Anderson, EIT, received March 1, 2011.

40 The Chairman continued that the only outstanding issue relative to the plan review was
41 with regard to the standard note about the monuments being set; he asked the applicant if there
42 were any issues with the note. Tom Carr, C.W.S., answered that there were no issues and that he
43 assumed setting the bounds for the subdivision would become a condition of the approval.

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

2
3 The Chairman indicated that the Board needed to act on the Open Space Development
4 Narrative Report. He continued that a checklist for the ISWMP had still not been submitted. He
5 noted that the language contained within the Declaration of Covenants and Restrictions as well
6 as the deed regarding the sprinkler systems needed revisions. He stated that there were potential
7 earth removal issues to discuss. The Chairman also stated that the road entry permit required
8 action and the Board needed to discuss the Traffic, Fiscal and Environmental Impact Studies. He
9 stated that the Conservation Easement Deed had not been received and there were outstanding
10 legal fees in the amount of \$1,487.50. He continued that that Town Engineer was reviewing the
11 road plans. He advised that there was an outstanding request from the Conservation Commission
12 for a 100' setback. He added that the Board needed to define active and substantial development
13 and substantial completion of improvements. He noted that a site walk had taken place on April
14 17, 2010.

15 Tom Carr, C.W.S., stated that following the last meeting plan sets had been submitted to
16 the Town Engineer and on April 20, 2011, he had received comments/concerns from the Town
17 Engineer that had subsequently been addressed and resubmitted. He advised that he had
18 received an email this evening prior to the meeting from the Town Engineer that he was satisfied
19 with the final plans that had been submitted. He added that the final submission also included
20 the road bond.

21 Tom Carr, C.W.S., stated that the Wetlands, Subdivision, and AOT Permits had been
22 received and the Shoreland Permit had been submitted following the approval of road entrance;
23 he provided copies of the aforementioned permits to the Coordinator.

24 Tom Carr, C.W.S., asked the Chairman to advise what items remained outstanding with
25 regard to the checklist for the ISWMP. The Chairman stated that he had a note indicated that a
26 copy of the checklist had not been provided and asked the Coordinator for further explanation.
27 The Coordinator stated that when the plans were submitted a checklist was not provided. She
28 explained that the Planning Office had created a checklist and noted that not having one
29 submitted by the applicant made it difficult to complete the plan reviews. She noted that the only
30 outstanding issue that remained was relative to the SWMP with regard to earth stockpiles,
31 staging areas, equipment storage, and stump disposal areas not being shown on the plans. Tom
32 Carr, C.W.S., indicated that the revision had been made and submitted this afternoon.

33 The Chairman reiterated that the outstanding issue from the plan review was relative to
34 the monuments being set on the final plat. The Coordinator added that a certificate of bounds set
35 was part of the conditional approval and would be included in the motion.

36 The Chairman asked if the deeds had been updated with regard to language for permanent
37 BMPs. Charles Cleary, Esq., indicated that he had addressed the matter and it had been
38 submitted. The Coordinator advised that she had not had a chance to review the submitted
39 material and would do so.

40 The Chairman asked if the language updates to the Declaration of Covenants and
41 Restrictions and deeds with regard to sprinkler systems had been completed. Charles Cleary,
42 Esq., advised that the standard language provided by the Coordinator had been incorporated; he
43 handed a copy of the revised document to the Chairman.

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

2
3 The Chairman asked if the Conservation Easement Deed had been submitted. The
4 Coordinator answered that it had been submitted earlier in the day. Ian McSweeney of the
5 Russell Foundation added that the document was substantially the same as the document
6 previously reviewed by the Board and contained only minor changes. He continued that all of
7 Town Counsel's suggested revisions were incorporated within the document. He added that the
8 revised document had been approved by the State and continued to be conditional upon AG and
9 Governor and Council approval. He noted that DRED approval had been obtained and the
10 Conservation Commission had voted to accept the easement subject to final approval.

11 The Chairman asked the Board for comments or questions with regard to the applicant's
12 Open Space Narrative Report.

13 Mark Suennen stated that the narrative report attempted to address the Zoning Ordinance,
14 Section 401.3, Review Criteria, and read the following from the aforementioned Zoning
15 Ordinance:

16 "An Open Space Development proposal is subject to approval by the Planning Board.
17 The Planning Board shall give particular consideration to the following minimum review criteria
18 as addressed by the applicant in a narrative report to be submitted as part of the application:

- 19 A. That the proposed development will be consistent with the general purpose, goals,
20 objectives, and standards of the Town of New Boston Master Plan, Zoning
21 Ordinance, Subdivision Regulations and Non-Residential Site Plan Review
22 Regulations;
- 23 B. That the proposed development complies with all applicable provisions of the
24 Zoning Ordinance, Subdivision Regulations and Non-Residential Site Plan
25 Review Regulations unless expressly superseded by this Ordinance;
- 26 C. That the individual lots, buildings, streets and parking areas shall be designed and
27 situated to minimize alteration of the natural site features;
- 28 D. The suitability of all open space intended for recreation use or other specified uses
29 shall be determined by the size, shape, topography and location for the particular
30 purpose proposed, and shall be accessible to all residents of the Open Space
31 Development, and easily accessible by foot;
- 32 E. Open space areas shall include irreplaceable natural features located in the tract
33 (such as, but not limited to, stream beds, significant stands of trees, individual
34 trees of significant size, rock outcroppings, and marshes);
- 35 F. The proposed buildings and lots will not have an undue adverse effect upon
36 adjacent property, the character of the neighborhood, traffic conditions, utility
37 facilities and other areas related to public health, safety and general welfare; and,
- 38 G. Diversity and originality in lot layout and individual building design shall be
39 encouraged to achieve the best possible relationship between development and
40 land."

41 Mark Suennen stated that with regard to the Zoning Ordinance, Section 401.3, A, he
42 accepted the applicant's justifications set forth in the Open Space Narrative Report, (OSNR).

43 Mark Suennen referenced Zoning Ordinance, Section 401.3, B, and commented that the

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11

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

2
3 OSNR did not address the significant number of waivers that were approved and that included a
4 very long cul-de-sac and changes to the SWMP for road entry onto Twin Bridge Road. He noted
5 that perhaps the OSNR had not been updated since the Road Committee had authorized the
6 lesser profile change off the roadway. It was Mark Suennen's opinion that the applicant did not
7 meet the requirements in Zoning Ordinance, Section 401.3, B, as several significant waivers
8 were required from the Zoning Ordinance and Subdivision Regulations.

9 Mark Suennen stated that he believed the applicant did not meet Zoning Ordinance,
10 Section 401.3, C, as two eskers were being cut into and substantial grades were being made to
11 accommodate a road through the development area. He commented that the applicant had
12 designed and situated the lots in a responsible way but was not minimizing alteration to the
13 existing terrain.

14 Mark Suennen referenced Zoning Ordinance, Section 401.3, D, and commented that the
15 proposed open space was the appropriate size and shape and the interested environmental groups
16 agreed.

17 Mark Suennen referenced Zoning Ordinance, Section 401.3, E, and believed the
18 justification given suggested that one esker was being preserved at the expense of another and he
19 was unsure if the destruction of an esker was justified.

20 Mark Suennen referenced Zoning Ordinance, Section 401.3, F, and stated that he was
21 generally willing to agree that the applicant had met the criteria; however, he emphasized that the
22 public safety parties had made it abundantly clear that the long cul-de-sac violated the public
23 health, safety and general welfare of the citizens.

24 Mark Suennen referenced Zoning Ordinance, Section 401.3, G, and commented that the
25 applicant had demonstrated originality in lot layout. He continued that with regard to individual
26 building design he accepted on good faith that that the developer would build homes that were
27 consistent with the rural environment of the area.

28 Mark Suennen noted that the applicant had not requested any density enhancements that
29 were permitted by the regulations and had, in fact, reduced the number of lots that they would be
30 permitted under the regulations.

31 The Chairman asked if any of the updates that were previously discussed would influence
32 Mark Suennen's opinions of the OSNR. Mark Suennen answered no.

33 The Chairman asked for any other comments or questions from the Board; there were no
34 further comments or questions.

35 The Chairman asked if Tom Carr, C.W.S. had any comments. Tom Carr, C.W.S.,
36 questioned the date of the OSNR. Mark Suennen advised that it was dated December 14, 2010.
37 Tom Carr, C.W.S., expressed his disappointment that the OSNR was not reviewed earlier in the
38 process and noted that the Fiscal Impact Study had been allowed to be resubmitted for
39 reconsideration. He suggested that if the majority of the Board agreed with Mark Suennen he
40 would request to be allowed to revise and resubmit the OSNR.

41 Mark Suennen asked for clarification that the applicant intended on resubmitting the
42 Fiscal Impact Study. Tom Carr, C.W.S., informed the Board that revision and resubmission of
43 the Fiscal Impact Study had been requested and resubmitted. Mark Suennen commented that he

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

2
3 was unsure the Fiscal Impact Study had been resubmitted. He stated that the Board had received
4 a letter from Mark Fougere stating that he had disagreed with his comments. He further stated
5 that he stood by his remarks, that Mark Fougere disagreed with, that this subdivision was a
6 unique development as it had the longest cul-de-sac in Town with numerous environmental
7 issues.

8 Tom Carr, C.W.S., stated that the development had unique characteristics and the layout
9 of it had been largely defined by environmental concerns as well as those expressed by abutters.
10 He continued that there was a certain amount of balance on how to deal with the land, the
11 environment and abutters. He believed throughout the project that the applicant had done the
12 best that they could with the land. He reiterated that it was a unique piece of land but noted it
13 had development rights. In response to Mark Suennen's comment that the subdivision was not in
14 character with land forms, Tom Carr, C.W.S., stated that the road had been designed at
15 maximum grade and had been done so to reduce the cuts and the fills required. He stated that he
16 stood by his statement that the applicant had done the best possible job they could in
17 consideration of the New Boston Subdivision Regulations, abutter concerns and environmental
18 concerns. He pointed out that the cul-de-sac length waiver had been supported by the majority
19 with the exception of the Police and Fire Departments. He commented that Mark Suennen was a
20 very thorough reviewer, a trait that he appreciated and stated again that the applicant had done
21 the best they could do with the project. He offered to give the OSNR further consideration and
22 resubmit if the Board agreed with Mark Suennen's opinions.

23 Mark Suennen stated that he had characterized the subdivision as a unique development
24 and Mark Fougere disagreed with him that the subdivision was a unique development and,
25 therefore, should be reviewed from that unique perspective. Tom Carr, C.W.S., stated that the
26 development should be designed from the unique perspective as well and commented that the
27 applicant had done just that. It was Mark Suennen's opinion that the Fiscal Impact Study did not
28 address the uniqueness of the subdivision. Tom Carr, C.W.S., explained that Mark Fougere had
29 reviewed the subdivision from a build-out standpoint and not from an engineering perspective.
30 He continued that he could not comment on whether Mark Fougere's perspective regarding the
31 uniqueness. He noted that from an environmental and engineering perspective it was a unique
32 subdivision and that was why the process had taken two years.

33 The Chairman requested that the OSNR be minimally updated to reflect any changes that
34 have taken place since its original submission in December 2010. He commented that he was
35 unsure anything added would persuade Mark Suennen to change his opinion but he believed it
36 was important to address the concerns.

37 Charles Cleary, Esq., noted that the two years this application had been in process
38 involved a lot of compromise with various parties to come to the final solution. He asked how
39 they could submit a report that reflected the applicant's position when at this point the plan was
40 really a joint venture. The Chairman clarified that he was not seeking the applicant's position
41 but was only attempting to have the reasons for why things were the way they were captured for
42 the record. Charles Cleary, Esq., asked if the OSNR was supposed to be a summary of the open
43 space subdivision. Mark Suennen again read the Zoning Ordinance, Section 401. 3, Review

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13

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

2
3 Criteria. It was Mark Suennen's interpretation that if an applicant was requesting that the Board
4 consider their subdivision as an open space development a narrative was required to show how
5 the applicant meet the minimum criteria requirements. Charles Cleary, Esq., questioned whether
6 the OSNR was submitted with the application or at the time of approval. Mark Suennen
7 answered that the OSNR was supposed to be submitted with the application. Charles Cleary,
8 Esq., asked if the OSNR had been previously reviewed before this evening. Mark Suennen
9 answered that the OSNR had been previously reviewed but had not been publicly discussed prior
10 to this evening. Charles Cleary, Esq., advised that the OSNR would be updated.

11 Tom Carr, C.W.S., asked if the CUP could be addressed in consideration of the most
12 recent correspondence from the Town Engineer and the submission of the road bond. The
13 Chairman asked the Coordinator if the application needed to be approved prior to addressing the
14 CUP. The Coordinator answered that the Board usually approved an application prior to
15 addressing a CUP.

16 Mark Suennen stated that he had no issues with the Traffic Impact Study and noted that it
17 had been completed by Steve Pernaw who did good work. He continued that the development
18 was designed not to pose significant traffic impact. He pointed out that one offsite improvement
19 recommendation had been made to create a left hand turn lane along Route 114 to facilitate left
20 hand turns onto Twin Bridge Road. He advised that the Town of Weare had been given the
21 opportunity to consider this development as regional impact and had chosen not to and as such
22 the Board was not in a position to require offsite improvements in another Town. He suggested
23 that the Board not require the applicant to move forward with the recommended offsite
24 improvement. Don Duhaime questioned if the issue should be present to the State for further
25 determination as the location in question was a State road. Mark Suennen noted that the impact
26 would be marginal and even with the additional traffic from this subdivision the intersection was
27 not failing. Don Duhaime asked if the State had reviewed that suggestion. Mark Suennen
28 answered that he was unsure. Don Duhaime believed the State should be brought up to speed
29 with the Traffic Impact Study. The Board decided to send a letter to the State advising them of
30 the offsite improvement suggestion.

31 The Chairman returned to the discussion regarding the CUP. He reiterated that the Board
32 typically addressed CUPs after the approval of the application. Tom Carr, C.W.S., asked if the
33 CUP was acted on after conditional approval was granted. The Chairman answered yes. Tom
34 Carr, C.W.S., advised that the CUP application had been written prior to the acceptance of the
35 cul-de-sac length waiver. The Chairman asked if it was factually correct. Tom Carr, C.W.S.,
36 answered yes and added that there had been a reduction of impact since the initial submission,
37 noting that only three crossings were now proposed and the CUP applications reflected four
38 crossings. He noted that he would like to update the CUP and resubmit it.

39 The Chairman asked if there were any further comments or questions from the Board.
40 Mark Suennen asked if the applicant had received an updated Wetlands and Non-Site Specific
41 Permit with correct lot numbers. Tom Carr, C.W.S., answered yes.

42 The Chairman asked Charles Cleary, Esq., if the earth removal issues had been
43 addressed. Charles Cleary, Esq., answered that his way of answering the Board was through the

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14

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

2
3 Minimum and Express Operation Standards document that had been submitted. The Chairman
4 asked if anyone on the Board believed there was anything missing from this document. The
5 Coordinator stated that grading and stabilization should be added to section #8. Charles Cleary,
6 Esq., advised that he would add the requested information.

7 Mark Suennen referred the Board to page 2 of the Minimum and Express Operational
8 Standards document and asked for clarification that the 20 trips per day listed was defined as 10
9 trips in and 10 trips out. Charles Cleary, Esq., confirmed Mark Suennen's statement.

10 The Chairman asked if the Board had any issues with the hours listed in the Operational
11 Standards document; there were no issues. The Chairman pointed out that construction could not
12 commence at 6:45 a.m. during cold weather as currently listed, but rather the trucks could be
13 started at 6:45 a.m. in cold weather only, with operation of the earth removal operation beginning
14 at 7:00 a.m. Charles Cleary, Esq., stated that he would change that language.

15 Jay Marden of Gregg Mill Road asked if the document that the Board was reviewing
16 contained language that reflected the agreement that no offsite gravel would be removed from
17 the site until the end of the project. Charles Cleary, Esq., answered that the agreement was
18 referred to in item 8, B. of the Operational Standards. The Chairman pointed out that there was
19 also a note on the plan. Dwight Lovejoy noted that the Town could remove donated material at
20 anytime during the project as needed.

21 Donna Mombourquette of 42 West Lull Place stated that it was her memory that no
22 material would be removed from the site until a cut was made in the last esker. Dwight Lovejoy
23 stated that the removal of material depended on the makeup of the product. Donna
24 Mombourquette commented that what Dwight Lovejoy stated had not been discussed publicly.
25 Charles Cleary, Esq., stated that the applicant had never agreed to bind the Town from removing
26 materials from the site prior to the end of the project. Tom Carr, C.W.S., stated that it had been
27 estimated that 60K yards of material would be removed from the site in total and it was
28 anticipated that the Town would be unable to take the total amount. Donna Mombourquette
29 asked if removal of material would only be done by the Town. The Chairman answered no and
30 explained that up until the last phase of the project only the Town was allowed to remove
31 material. He continued that during the last phase the developer would be allowed to remove
32 excess material. Donna Mombourquette asked when the last phase would take place. Tom Carr,
33 C.W.S., answered that the last phase of the project would be the construction of the cul-de-sac;
34 he pointed to the last phase on the plan. He noted that the developer would be allowed to remove
35 materials during the last phase. Donna Mombourquette asked if stock piles would be created
36 near the cul-de-sac site. Tom Carr, C.W.S., answered no.

37 David Elliott noted that the use of 10-wheeler trucks for earth removal had previously
38 been stated. He continued that the Town only used 6-wheeler trucks for earth removal. The
39 Chairman indicated that the document being discussion only applied to the developer and not the
40 Town.

41 Donna Mombourquette asked for the hours of operation. The Chairman answered that
42 the hours of operation were Monday through Saturday from 7:00 a.m. to no later than 5:00 p.m.
43 He noted that during cold weather vehicles were allowed to start at 6:45 a.m.

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15

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

2
3 The Chairman stated that the Conservation Commission had requested a 100' setback in
4 the area of West Lull Place. Tom Carr, C.W.S. pointed out that the area in question was
5 contained within the proposed conservation easement and as such he did not believe the setback
6 was necessary. Ian McSweeney, Russell Foundation, added that the protection afforded by the
7 setback would be accomplished tenfold by the easement and fee transfer. He noted that the
8 easement offered more protection than a setback. He stated that the Board had previously
9 discussed and voted on this matter. The Coordinator and Chairman recalled that discussion had
10 taken place but did not recollect that the Board had ever made a decision on this matter.

11 Donna Mombourquette stated that the area of land that was owned by the Town would
12 not be protected by the conservation easement and the setback. Ian McSweeney noted that the
13 proposed setback did not include the land the Town owned.

14 The Chairman asked if the Board believed the 100' setback requested should be acted on.
15 Mark Suennen commented that he did not believe DRED would build a structure within 100' of
16 the river and it seemed unnecessary to have the 100' setback in addition to the land being owned
17 by DRED with a conservation easement on it. Don Duhaime agreed with Mark Suennen. Ian
18 McSweeney, Russell Foundation, added that the Town would be holding the easement and
19 therefore, would be holding protection over the entire open space.

20 It was the consensus of the Board not to require the 100' setback requested by the
21 Conservation Commission.

22 The Chairman stated that active and substantial development or building and substantial
23 completion of improvements needed to be defined. Mark Suennen believed that the applicant
24 should provide their interpretation of active and substantial development and substantial
25 completion of improvements. The Chairman added that the information would be submitted
26 with the understanding that at the next meeting this matter would be closed. Charles Cleary,
27 Esq., commented that it was novel to have a Planning Board establish the requirements for active
28 and substantial development and substantial completion of improvements on a case-by-case basis
29 and believed that in the absence of standards the definitions should be defined after viewing the
30 project. The Chairman stated that the definitions needed to be captured as a priority and not two
31 years later. He continued that the approval would include the definitions. Tom Carr, C.W.S.,
32 stated that there was a risk that the Board could disagree with the definitions provided. Mark
33 Suennen stated that the Board could either dictate the definitions now or the applicant could
34 provide a proposal to be discussed at the next meeting. Tom Carr, C.W.S., stated that he did not
35 mind submitting the requested information but he was concerned with the Board not liking the
36 environmental report or substantial completion report. The Chairman clarified that the Board
37 ultimately chose the definitions and was simply giving the applicant an opportunity to influence
38 the definition.

39 Mark Suennen stated that the Board had decided over a year ago to address active and
40 substantial development and substantial completion of improvements on a case-by-case basis.
41 He believed that active and substantial development would be something reasonable to show that
42 the developer intended to continue to improve their site.

43 Jay Marden asked if the application had been approved. The Chairman answered that the

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16

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

2
3 application had been accepted and he anticipated that the Board would vote to approve or deny
4 the application.

5 Mark Suennen asked if the Stormwater Maintenance Plan was intended for the Town's
6 use or individual property owners and noted that the Superintendent of Sewer/Water as
7 referenced in the Plan did not exist in New Boston. He further inquired who had created the
8 document. Tom Carr, C.W.S., indicated that he was unsure of the origin of the document and
9 asked to review it. The Coordinator stated that the document was intended to act as a report that
10 was required by the Stormwater Management Regulations to inform property owners how to
11 maintain the permanent drainage facilities on their lot. It was the Chairman's opinion that the
12 Board should inform the applicant how to adjust the paragraph in question as the Town did not
13 have a Superintendent of Sewer/Water as listed. Jay Heavisides, P.E., stated that after reviewing
14 the document he was unsure of its origin. The Coordinator answered that it had been provided
15 by Kevin Anderson, EIT, from Meridian Land Services. Mark Suennen suggested that the
16 applicant further review the document and if it was determined that it was intended for the
17 homeowner, that it be transmitted to the homeowner through deed language and recorded.
18 Charles Cleary, Esq., clarified that the information could be referenced in the deed but not
19 recorded with the deed.

20 James Denesevich asked if the Town's website would include a caption that indicated that
21 a vote on the approval of the subdivision would take place at the next meeting. The Chairman
22 answered that the website would only include that a public hearing was scheduled and it was up
23 to interested parties to track an application after the first public hearing to know when
24 adjournments had taken place.

25 Don Duhaime questioned if the legal fees remained outstanding. The Coordinator
26 answered yes.

27 The Chairman listed that the following was needed for the next meeting:

- 28 • Update to the Open Space Narrative Report;
- 29 • Suggestions/Proposal on the Active and Substantial Development or Building and
30 Substantial Completion of Improvements;
- 31 • Revised CUP to reflect three wetlands crossings instead of four;
- 32 • Revised Minimum and Express Operational Standards; and,
- 33 • Revised Stormwater Maintenance Plan.

34 The Chairman noted that in addition the Stormwater Management Plans for the road
35 construction should be assimilated into the full plan set for ease of use.

36 The Chairman asked if there were any further items that needed to be addressed. Tom
37 Carr, C.W.S., answered that he would address the Stormwater Maintenance Plan, the CUP and
38 the OSNR. Charles Cleary, Esq., indicated that he would submit the proposal on the Active and
39 Substantial Development or Building and Substantial Completion of Improvements.

40 Mark Suennen referred the Board to the comment on the cover sheet regarding well radii.
41 He stated that he did not have a problem with well radii overlapping onto adjacent property
42 within the subdivision; however, he did not approve of well radii within the Town's right-of-
43 way. The Chairman questioned if Mark Suennen had concerns with the three radii located in the

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17

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

2
3 open space. Mark Suennen answered that he did not have any concerns with the radii located in
4 open space. He continued that he was concerned about the radii that abutted property owned by
5 others but acknowledged that any issues would need to be addressed between the potential
6 property owners and the existing property owners. Tom Carr, C.W.S., advised that well radii
7 were allowed by State law to exist halfway across a right-of-way, i.e., 25' into a 50' right-of-
8 way. Mark Suennen questioned how far the radii encroached into the right-of-way. Tom Carr,
9 C.W.S., answered that about 18'. The Coordinator pointed out that she had raised the issue
10 because the recently approved subdivision on McCurdy Road had shown a well radius in the
11 McCurdy Road right-of-way by five feet and the Board requested that for the purposes of
12 approving the plan the applicant make the well radius fit on the lot. Mark Suennen wanted the
13 record to reflect that it was the Board's hope and intent that when the properties were developed
14 the well radii will have minimal impact on the Town's right-of-way. Tom Carr, C.W.S., agreed
15 with Mark Suennen's statement.

16 The Chairman asked if there were any further comments or questions; there were no
17 further comments or questions.

18 Tom Carr, C.W.S., stated that he wanted to extend the statutory deadline to the next
19 available meeting.

20 The Chairman advised the abutters that were present that there would not be any special
21 noticing of the next hearing and that it would be scheduled for May 10, 2011, at 7:30 p.m.

22
23 Mark Suennen **MOVED** to adjourn Twin Bridge Land Management, LLC, Public
24 Hearing/Major Subdivision/24 Lots and 1 open space lot, Location: Twin Bridge Road &
25 West Lull Place, Tax Map/Lot #2/62-12 & 3/5, MHP w/R-1 allowance & "R-A" District
26 to May 10, 2011, at 7:30 p.m. and to extend the Planning Board's deadline for action on
27 the application until that date also. Dwight Lovejoy seconded the motion and it **PASSED**
28 unanimously.

29
30 Don Duhaime left the meeting and the Board took a brief recess.

31
32 **PUBLIC HEARING**

33 Proposal by Town of New Boston to remove trees on designated Scenic Roads

34
35 Present in the audience were David Litwinovich, Jay Marden, Dick Perusse, Road Agent,
36 David and Sheridan Elliott, and Lisa Jeck.

37 The Chairman read the public hearing notice. He stated that the a request had been made
38 by Terry Gordon , New Boston Highway Department, on February 15, 2011, for a public
39 hearing for the above-captioned matter. He noted that legal notice of the hearing was published
40 in the Union Leader newspaper on March 11th and March 15, 2011, and that notice was also
41 posted at the usual Town locations. He indicated that courtesy letters had also been mailed to
42 landowners along the road in question. He advised that a site walk had taken place on April 14,
43 2011, to review the trees slated for removal and noted that there had been discussion of adding a

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18

1 **SCENIC ROAD HEARING, cont.**

2
3 couple trees to the removal list.

4 The Chairman asked if any audience members were present as an interested party; there
5 were no interested parties present with the exception of the Dick Perusse, Road Agent.

6 The Chairman stated that following the site walk the Board agreed with all the trees listed
7 for removal. He explained that the Board had reviewed the removal of a tree that an interested
8 party had expressed concern over. The outcome of that review was that the roots would be left
9 in place to avoid erosion of the bank. Dick Perusse, Road Agent, commented that leaving the
10 roots in place prevented erosion along the slope. He continued that digging and stump cutting
11 would be done 12” below grade.

12 The Chairman asked if there were any further comments or questions. Dwight Lovejoy
13 commented that the area had been a tough spot for a long period of time and he was glad that it
14 was being addressed.

15
16 Mark Suennen **MOVED** to accept the proposal by the Town of New Boston to
17 remove the trees as shown on the map and flagged in the field along Riverdale
18 Road with the stipulation for those locations previously identified, stumps and
19 root-balls should be left in place and trimmed to 12” below final grade. Dwight
20 Lovejoy seconded the motion and it **PASSED** unanimously.

21
22 The Board thanked Dick Perusse, Road Agent, for his work on this and asked him also to
23 pass on their thanks to Terry Gordon for beginning the process.

24
25 **VISTA ROAD, LLC**

26 Public Hearing/Major Subdivision/2 Lots

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

28 Tax Map/Lot #6/40-2

29 Residential-Agricultural “R-A” District

30
31 Present in the audience were David Litwinovich, David and Sheridan Elliott, and Lisa
32 Jeck.

33 The Chairman read the public hearing notice. He stated that the application had been
34 accepted as complete at the March 8th special meeting and the deadline for Board action was
35 May 12, 2011. He advised that the applicant had requested an adjournment of the hearing until
36 May 10, 2011. He noted that the following correspondence had been received:

- 37
- Copy of the Standard Dredge and Fill Application, received March 23, 2011;
 - Copy of the Request or Project Review by the New Hampshire Division of Historical Resources, received on March 30, 2011; and,
 - Letter from PRLAC, re: signage of a no cut or disturbance buffer as noted in their minutes.

38
39
40 The Chairman stated that he would like to attend a site walk.
41
42
43

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19

1 **VISTA ROAD, LLC, cont.**

2
3 Mark Suennen **MOVED** to adjourn the public hearing of Vista Road, LLC, Public
4 Hearing/Major Subdivision/2 Lots, Location: Byam Road & River Road (Route 13)
5 Tax Map/Lot #6/40-2, Residential-Agricultural "R-A" District, to May 10, 2011, at 8:00
6 p.m. with an extension for Board action. Dwight Lovejoy seconded the motion and it
7 **PASSED** unanimously.
8

9 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
10 **April 26, 2010, Cont.**

- 11
12 6. Letter received April 22, 2011, from Sheridan Elliott, 39 Tucker Mill Road, Tax Map/Lot
13 #5/10, to the New Boston Planning Board, re: changing use of existing home business,
14 for the Board's review and discussion. (Sheridan Elliott to be present)
15

16 Present in the audience were David Litwinovich, David and Sheridan Elliott, and Lisa
17 Jeck.

18 The Chairman asked the applicant to briefly address the Board regarding the change of
19 use to the existing home business. Sheridan Elliott stated that she had operated a shop at 39
20 Tucker Mill Road for the last 15 years that she recently closed. She stated that she would like to
21 change the use of the building for fitness classes. She noted that parking and signs would
22 remain the same. David Elliott added that they were not looking to change anything physically
23 but would be changing the hours of operation.

24 The Chairman questioned if there was need to adjust the parking as the use was going
25 from a gift shop with sporadic customers to fitness classes with the need to support more cars
26 simultaneously. Sheridan Elliott pointed out that she had held craft classes in the gift shop and
27 the parking that was available was sufficient. The Chairman stated that currently the applicant
28 was approved for 7 business parking spots. He asked if the applicant envisioned needing more
29 parking. Sheridan Elliott did not believe additional parking was necessary.

30 Mark Suennen questioned the type of fitness classes that would be offered. Sheridan
31 Elliott answered that she would be offering classes such as yoga and Pilates. Mark Suennen
32 believed that the types of classes offered would not pose any noise disturbances to the
33 neighbors. David Elliott agreed with Mark Suennen and added that the abutting properties were
34 owned by his family members and the Dodge Farm.

35 Dwight Lovejoy asked if the applicant had discussed any potential changes with the
36 Building Inspector. David Elliott answered that they did not anticipate any changes. Dwight
37 Lovejoy asked if restrooms were available. David Elliott stated that he had not spoken with the
38 Building Inspector because they were not making any changes; however, he noted that he would
39 be happy to speak with him.

40 The Chairman noted that the hours of operation were proposed to be changed from 9:00
41 a.m. – 6:00 p.m., seven days a week to 7:00 a.m. – 8:00 p.m., seven days a week. David Elliott
42 commented that he was uncertain that the business would operate during all of the hours
43 proposed but was encouraged to ask for more hours in an effort to avoid having to amend the

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20

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 site plan in the future.

4 Mark Suennen asked if the only change to the existing signs would be the text but the
5 size and shape would remain the same. David and Sheridan Elliott answered yes.

6
7 Mark Suennen **MOVED** to accept the change in use of the existing home based business
8 with the changes to the hours of operation as described this evening for David and
9 Sheridan Elliott, 39 Tucker Mill Road, Tax Map/Lot #5/10, in the Residential-
10 Agricultural District. Dwight Lovejoy seconded the motion and it **PASSED**
11 unanimously.

- 12
13 5. Letter received April 22, 2011, from Lisa Jeck, to the New Boston Planning Board, re:
14 Home Business expansion, for the Board's review and discussion. (Lisa Jeck will be
15 present)

16
17 Present in the audience was Lisa Jeck. The Chairman asked the applicant to briefly
18 describe her request to the Board. Lisa Jeck explained that she had a garage on her property that
19 she wished to renovate and into which she would like to move her home based business,
20 Aislinn, as well as her tax practice. She noted that a second floor would be added to the garage
21 to house the tax practice and the first floor would house Aislinn. She indicated that she had
22 discussed her intentions with the Building Inspector, and the State of New Hampshire's Sub-
23 Surface Division.

24 The Chairman asked if the State had expressed any concerns with regard to the septic
25 system. Lisa Jeck explained that the State had referred her to Meridian Land Services, Inc.,
26 where she spoke with Tom Carr, C.W.S., who had created the original plan for the septic system
27 that was dated 1998. She continued that the septic system was running fine; however, it was
28 recommended that the plan be revised and approved by the State so it would be ready in the
29 event of system failure in the future. She added that a small toilet and sink would be installed
30 within the garage.

31 The Chairman asked for confirmation that the applicant intended on building in the
32 existing footprint and intended on added a second floor with two businesses. Lisa Jeck
33 confirmed the Chairman's statement and added that the businesses would not be operating
34 concurrently.

35 Mark Suennen asked what type of business was operated at Aislinn. Lisa Jeck answered
36 that Aislinn was a healing center. She explained that she conducted workshops that focused on
37 community activities such as art, meditation and also offered movie nights. She noted that she
38 was trained in Ayurveda, a sister science to yoga, and she would be offering classes. She stated
39 that the classes were small and intimate but she would prefer a more private space than her
40 personal living room.

41 The Chairman asked if the applicant intended to expand the current parking. Lisa Jeck
42 answered that she was currently approved for 9 spaces and wished to open the area so it was not
43 so tight. She stated that the tax practice would only have a maximum of 4 cars at one time.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
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April 26, 2011

21

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman stated that the changes would not affect the peak traffic flow but may
4 generate more traffic over a longer period of time.

5 Lisa Jeck noted that she would need to amend her hours of operation as the two
6 businesses would not operate simultaneously.

7 The Chairman asked the applicant if she had received any complaints from neighbors
8 with regard to the operation of Aislinn. Lisa Jeck answered that she only had one neighbor,
9 Roger Gagnon, and there had not been any complaints.

10 Mark Suennen recommended that when the applicant returned with a formal plan the
11 hours of operation needed to be finalized.

12 The Chairman asked if the applicant intended on adding lighting to the parking area. Lisa
13 Jeck noted that she had added spot lighting along the driveway and parking area. She added that
14 she intended on better illumination for the parking area.

15 Dwight Lovejoy asked if the applicant intended on having late business hours. Lisa Jeck
16 answered that in the past on movie nights the latest the business had operated was 9:00 p.m.
17 She stated that she would create hours of operation for both businesses.

18 The Chairman stated that the consensus of the Board was that the ideas discussed this
19 evening were good and that she should move forward with the site plan process.

20 Lisa Jeck asked if the Board required a copy of the internal plan of the building. The
21 Coordinator answered that the Board did require a simple floor plan of the building. She noted
22 that the interior details would be reviewed by the building inspector.

- 23
24 2. Letter received April 18, 2011, from Victor Lemay to New Boston Planning Board, re:
25 Wilson Hill Road, Tax Map/Lot #9/21-5, request for an extension of the conditions
26 precedent deadline from May 1, 2011, to May 1, 2012, and an extension of the conditions
27 subsequent deadline from May 1, 2012, to May 1, 2013, for the Board's action.

28
29 The Chairman advised that the applicant was requesting an extension of one year for the
30 conditions precedent and subsequent in the above-referenced subdivision. He noted that the
31 conditions had previously been extended for period of nine months. He noted that the applicant
32 was requesting the extension based on current economic conditions. Mark Suennen noted that a
33 previous extension to another subdivision in the same situation was the third such extension and
34 the Board had indicated that the third would be the last.

35
36
37 Mark Suennen **MOVED** to extend the conditions precedent deadline for Victor Lemay,
38 Wilson Hill Road, Tax Map/Lot #9/21-5, from May 1, 2011, to May 1, 2012, and to
39 extend the conditions subsequent deadline from May 1, 2012, to May 1, 2013. Dwight
40 Lovejoy seconded the motion and it **PASSED** unanimously.

- 41
42 8. Application for Appointment by David Litwinovich.

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**TOWN OF NEW BOSTON
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22

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 The Chairman stated that at the last meeting the Board had requested that David
4 Litwinovich attend this evening's meeting in its entirety. He noted that David Litwinovich had
5 sat through this evening's meeting.

6 The Chairman asked David Litwinovich if he continued to be interested in serving on the
7 Planning Board as an alternate member. David Litwinovich answered that he was still
8 interested.

9

10 Mark Suennen **MOVED** to make a recommendation to the Board of Selectmen to
11 appoint David Litwinovich to the Planning Board as an alternate member. Dwight
12 Lovejoy seconded the motion and it **PASSED** unanimously.

13

14

15 Mark Suennen **MOVED** to adjourn the meeting at 9:21 p.m. Dwight Lovejoy seconded
16 the motion and it **PASSED** unanimously.

17

18 Respectfully Submitted,
19 Valerie Diaz, Recording Clerk

Minutes Approved:
05/24/2011

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