

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2012 Meetings**

January 24, 2012

1

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

5
6 Present in the audience for all or part of the meeting were Jerri Stanford, David Mann,
7 Denise Ingrando, Robert Lariviere, Earl Sandford, P.E., Scott Tiedemann, Charlie Peak and Ben
8 Levison.

9
10 **LINDQUIST, AL (Owner)**

11 **WALLER, ROBERT (Applicant) Adjourned from January 10, 2012**

12 Submission of Application/Public Hearing Non-Residential Site Plan Review/Auto Restoration
13 Home Business

14 Location: 236 Meadow Road

15 Tax Map/Lot #14/80

16 Residential-Agricultural "R-A" District

17
18 The Chairman read the public hearing notice. He advised that the above-referenced was
19 unable to attend the scheduled public hearing due to illness and had requested an adjournment to
20 the following meeting on February 14, 2012, at 8:00 p.m.

21
22 Peter Hogan **MOVED** to adjourn the application for Al Lindquist, (Owner) and Robert
23 Waller, (Applicant), public hearing Non-Residential Site Plan Review, Auto Restoration
24 Business, Location: 236 Meadow Road, Tax Map/Lot #14/80, Residential-Agricultural
25 "R-A" District, to February 14, 2012, at 8:00 p.m. Mark Suennen seconded the motion
26 and it **PASSED** unanimously.

27
28 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
29 **JANUARY 24, 2012.**

30
31 1. Approval of the December 20, 2011, minutes, distributed by email.

32
33 Mark Suennen noted that an applicant's last name, Shellenberger, had been misspelled as
34 "Shellenbergerer" in a couple of locations, which should be corrected.

35
36 Mark Suennen **MOVED** to accept the minutes of December 20, 2011, as amended. Peter
37 Hogan seconded the motion and it **PASSED** unanimously.

38
39 2. Endorsement of a Driveway Permit Application for Thibeault Sand & Gravel, LLC, for
40 an existing gravel pit located on Parker Road, Tax Map/Lot# 6/14, by the Planning Board
41 Chairman.

42
43 The Chairman indicated that he would execute the above-referenced document at the

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 close of the meeting.

- 4
5 3. Endorsement of an Earth Removal Plan for Susan Ranger, Tax Map/Lot #11/6, Mont
6 Vernon Road, by the Planning Board Chairman and Secretary.

7
8 The Chairman indicated that he and the Secretary would execute the above-referenced
9 document at the close of the meeting.

- 10
11 5. Construction Service Report dated December 15, 2011, from Northpoint Engineering,
12 LLC, for Forest View II, for the Board's information.

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

- 16
17 6. Construction Services Reports dated November 7th, 11th, 14th and December 19th, 20th,
18 and 22nd, from Northpoint Engineering, LLC, for Karen M. Morin Revocable Trust,
19 Reggie Houle, Daylily Lane, for the Board's information.

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

- 23
24 7. Construction Services Reports dated November 8th, 9th, 11th, 14th, and 22nd, from
25 Northpoint Engineering, LLC, for SIB Trust, Indian Falls and Susan Road Connection,
26 for the Board's information.

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

- 30
31 9. Notice of Decision from New Boston Zoning Board of Adjustment, re: Special
32 Exception, Tax Map/Lot #12/67, 733 Bedford Road, for the Board's information.

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

- 36
37 10. Draft minutes of the New Boston Zoning Board of Adjustment, January 17, 2012,
38 meeting, for the Board's information.

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

- 42
43 4. Letter received January 18, 2012, from Twin Bridge Land Management, LLC, to New

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Boston Planning Board, re: Twin Bridge Estates, Phase II, request to extend the
4 conditions precedent deadline from May 10, 2012, to May 10, 2013, for the Board's
5 action.

6
7 The Chairman stated that the applicant was having financing issues due to the economy
8 and had requested an extension of the conditions precedent deadline from May 10, 2012, to May
9 10, 2013.

10
11 Peter Hogan **MOVED** to grant the extension of the conditions precedent deadline for
12 Twin Bridge Estates, Phase II, from May 10, 2012, to May 10, 2013. Mark Suennen
13 seconded the motion and it **PASSED** unanimously.

- 14
15 8. Follow-up information from Finance Committee discussion at the request of the Planning
16 Board Chairman, re: newspaper notice deadlines.

17
18 Peter Hogan believed that the Board should not change current practice. He continued
19 that some people might assume that if some information, i.e., notices, etc., of the Planning Board
20 were posted in the New Boston Bulletin that all information was posted, which was not accurate.
21 He stated that the Board should continue posting information in the Union Leader as was
22 currently done. He added that the Board should not pick and choose what information was
23 included and believed that the Board would be doing an injustice by only posting some
24 information in the Bulletin. Dwight Lovejoy commented that Peter Hogan had made a very good
25 point.

26 Mark Suennen pointed out that the New Boston Bulletin was a monthly newspaper and as
27 such it did not coordinate well with the Board's scheduling. Peter Hogan agreed with Mark
28 Suennen's statement.

29 Mark Suennen suggested looking into posting the Board's legal notices in the Goffstown
30 News as it was a weekly newspaper. The Coordinator explained that the Goffstown News used
31 schedule for deadline submission that did not match the Planning Board's schedule either. She
32 noted that the ZBA had to publish a list a year in advance in order to get posted in the Goffstown
33 News.

34 Mark Suennen asked if the Union Leader was the most local, daily newspaper available.
35 The Coordinator answered yes.

36 The Chairman asked for the opinions of the remaining Board members on this matter.
37 David Litwinovich, Don Duhaime and Dwight Lovejoy agreed that the Planning Board should
38 continue to post its legal notices in the Union Leader.

39 Mark Suennen stated that Planning Board information could be sent to the New
40 Boston Bulletin when convenient as public interest items but he did not believe that the Town
41 should be paying for it if it was not consistent.

42 The Chairman stated that the consensus of the Board was to keep sending the Planning
43 Board's legal notices to the Union Leader for publication and not switch to using the New

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Boston Bulletin. He suggested that a memorandum be written that reflected this discussion as it
4 appeared in the minutes and be included in the package that was submitted to the Finance
5 Committee next year.

6
7 11. Deliberative Session Schedule

8
9 The Coordinator reminded the Board that the Town Deliberative Session was scheduled
10 for February 6, 2012, at 7:00 p.m., located at the New Boston Central School gymnasium and the
11 School Deliberative Session was scheduled for February 7, 2012, at 7:00 p.m., located at the
12 New Boston Central School gymnasium.

13
14 The Board took a recess prior to the next hearing.

15
16 **TWO NINETY-NINE STARK REALTY (Owner)**
17 **JERRI STANFORD & DAVID MANN (Applicants)**
18 Compliance Hearing/Public Hearing/NRSPR/Retail Store
19 Location: 3 River Road
20 Tax Map/Lot #18/9
21 Small Scale Planned Commercial "COM" District

22
23 Present in the audience were Jerri Stanford and David Mann.

24 The Chairman read the public hearing notice. He noted that the application and plans
25 were approved with conditions on September 13, 2011, the NH DOT driveway permit dated
26 11/14/11, was received on November 14, 2011, and the deadline for compliance with conditions
27 subsequent was March 14, 2012.

28 The Chairman advised that a site walk was held on January 7, 2012, and invited members
29 that had attended to share their findings. Peter Hogan stated that everything went fine at the site
30 walk and there were no issues.

31 The Chairman asked for comments and/or questions; there were no comments or
32 questions.

33
34 Peter Hogan **MOVED** to confirm that Two Ninety Nine Stark Realty (Owner) and David
35 Mann and Jerri Stanford (Applicants) have complied with the conditions subsequent to
36 the approval of the site plan to operate a retail store at 3 River Road, Tax Map/Lot #18/9
37 and to release the hold on the Permit to Operate/Certificate of Occupancy to be issued by
38 the Building Department. It is the applicant's responsibility to apply to the Building
39 Department for a Permit to Operate/Certificate of Occupancy. Don Duhaime seconded
40 the motion and it **PASSED** unanimously.

41
42 The Coordinator advised that a fee in the amount of \$42.00 was outstanding. Jerri
43 Stanford submitted a check in the amount of \$42.00.

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1 **TWO NINETY NINE STARK REALTY/STANFORD/MANN, cont.**

2
3 The Planning Board Assistant asked if the applicant's issue with the sign permit had
4 resolved with the Building Department. Jerri Stanford advised that the Building Department told
5 her that she needed to resubmit the sign permit following confirmation at the compliance
6 hearing. She added that she would contact the Building Department the following day.

7
8 The Board took a ten minute recess prior to the start of the next hearing.

9
10 **INGRANDO, STEPHEN C. & DENISE M.**

11 Compliance Hearing/Public Hearing/NRSPR/Home Business/Chiropractic Office

12 Location: 56 Woodbury Road

13 Tax Map/Lot #2/52

14 Residential-Agricultural "R-A" District

15
16 Present in the audience were Denise Ingrando and Earl Sandford, P.E.

17 The Chairman read the public hearing notice. He noted that the application and plans
18 were approved with conditions on September 27, 2011, and the deadline for compliance with the
19 conditions subsequent was December 27, 2011. He stated that the applicants had requested that
20 a site walk be scheduled at the December 20, 2011, meeting, however, the Board was unable to
21 schedule the site walk until January 7, 2012.

22 The Chairman advised that the site walk was held on January 7, 2012, and invited
23 members that had attended to share their findings. Peter Hogan commented that the site walk
24 looked good.

25
26 Peter Hogan **MOVED** to confirm that Stephen C. and Denise M. Ingrando, have
27 complied with the conditions subsequent to the approval of the site plan to operate a
28 chiropractic office home business from 500 s.f. of the existing house at 56 Woodbury
29 Road, Tax Map/Lot #2/52, and to release the hold on the Permit to Operate/Certificate of
30 Occupancy to be issued by the Building Department. It is the applicant's responsibility to
31 apply to the Building Department for a Permit to Operate/Certificate of Occupancy.
32 Mark Suennen seconded the motion and it **PASSED** unanimously.

33
34 The Coordinator asked when the applicant's sign would be installed. Denise Ingrando
35 indicated that she had the sign in her possession, however, due to the ground being frozen she
36 was unable to install at this time. Peter Hogan added that it was obvious where the pedestrian
37 walkway was located. Denise Ingrando asked if she should submit a photograph when the sign
38 was installed. The Chairman stated that would be a fine idea.

39 The Coordinator advised that the applicant needed to obtain a permit to operate from the
40 Building Inspector. She noted that the Building Inspector would be available on Wednesday or
41 Thursday.

42
43 The Board took a ten minute recess prior to the start of the next hearing.

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1 **RIVERBUILT HOMES, LLC (Formerly the Estate of Katherine A. Johnston)**

2 Compliance Hearing/Public Hearing/CUP/One Wetland Crossing

3 Location: Bog Brook Road

4 Tax Map/Lot #9/76

5 Residential-Agricultural "R-A" District

6
7 Present in the audience was Earl Sandford, P.E.

8 The Chairman read the public hearing notice. He noted that the application and plans
9 were approved with conditions on October 25, 2011, and the compliance deadline related to the
10 conditions subsequent was October 25, 2012.

11 The Chairman stated that a compliance site walk was held on January 7, 2012, and
12 invited members that attend the site walk to share their findings. Peter Hogan stated that the
13 applicant had gone above and beyond and noted that twice the amount of silt fence required had
14 been installed.

15
16 Peter Hogan **MOVED** to confirm compliance with the conditions subsequent to the
17 approval of the Conditional Use Permit for the installation of one wetland crossing on
18 Bog Brook Road, Tax Map/Lot #9/76, by Riverbuilt Homes, LLC, (formerly known as
19 the Estate of Katherine A. Johnston), and to release the security being held for said
20 installation. Don Duhaime seconded the motion and it **PASSED** unanimously.

21
22 Robert Lariviere of Riverbuilt Homes arrived a little late for the hearing and was told that
23 compliance had been confirmed.

24
25 The Board took a ten minute recess prior to the start of the next hearing.

26
27 **STEVENS, BRIAN M. & BETH E. (Formerly Luedke, Mark D. & Rhonda S.)**

28 Compliance Hearing/Public Hearing/Conditional Use Permit/One Wetland Crossing

29 Location: 26 Hooper Hill Road

30 Tax Map/Lot #11/10

31 Residential-Agricultural "R-A" District

32
33 Present in the audience was Earl Sandford, P.E., Scott Tiedemann, Charlie Peak, and Ben
34 Levison.

35 The Chairman read the public hearing notice. He stated that noted that the application
36 and plans were approved with conditions on September 13, 2011, and the compliance deadline
37 related to the conditions subsequent was September 13, 2012. He indicated a compliance site
38 walk was held on January 7, 2012.

39 The Chairman stated that at the January 10, 2012, meeting it was mentioned that as-built
40 plans should be submitted to show the removal of some compost filter berms that were not
41 constructed onsite. He continued that the plans had been submitted and invited the Board to
42 view the plans.

43 The Chairman asked if there were any comments and/or questions relative to the site

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1 **STEVENS, BRIAN AND BETH, cont.**

2
3 walk. Peter Hogan commented that the site was well groomed.

4
5 Peter Hogan **MOVED** to confirm compliance with the conditions subsequent to the
6 approval of the Conditional Use Permit for the installation of one wetland crossing on
7 Hooper Hill Road, Tax Map/Lot #11/10, by Brian & Beth Stevens (formerly owned by
8 Mark and Rhonda Luedke), and to release the security being held for said installation.
9 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

10
11 The Board took a ten minute recess prior to the start of the next hearing.

12
13 **TOWNES FAMILY TRUST**

14 Submission of an Earth Removal Application/Public Hearing

15 Location: Lyndeborough Road and South Hill Roads

16 Tax Map/Lot #10/73

17 Residential-Agricultural "R-A" District

18
19 Present in the audience were Earl Sandford, P.E., Scott Tiedemann, Charlie Peak and Ben
20 Levison.

21 The Chairman read the public hearing notice. He noted that the application form had
22 been completed and signed and was received on January 9, 2012. He stated that a waiver had
23 been submitted for the Environmental and Traffic Impact Studies and that the AOT Permit had
24 been issued on August 12, 1998. He continued that four paper print copies of the excavation and
25 reclamation plans, eight 11" x 17" copies of excavation and reclamation plans, and three paper
26 print copies of the SWMP or copy of AOT plan had not been submitted; he noted that the matter
27 was addressed in a letter date December 12, 2011, from Earl Sandford, P.E.

28 The Chairman noted that a driveway permit for the above-captioned property was not
29 filed with the Town. He explained that the Board had been offering to waive the fee for
30 driveway permits for applicants that were willing to fill out the permit. Scott Tiedemann
31 indicated that he did not have a problem completing a driveway permit.

32 The Chairman referenced the letter from Earl Sandford, P.E., dated December 12, 2011.
33 Earl Sandford, P.E., explained that in less than two years the applicant was required to re-apply
34 for their AOT Permit and show all the updates that had been made to the pit. He continued that
35 rather than complete the process now and then doing it all over again in six months to one year,
36 the applicant was requesting that the Board extend the submittal date of the required items until
37 they applied for their renewed AOT Permit. He added that the applicant would comply with the
38 Town and State checklist at the same time. He noted that he had provided information contained
39 in his letter of what would be on the plan if it were before the Board at this meeting.

40 The Coordinator advised the Board that she resided directly across the street from the
41 above-captioned gravel pit and as such was an abutter. Neither the Board nor the applicant had
42 any objections to the Coordinator remaining in her official capacity.

43 The Chairman asked for comments and/or questions from the Board regarding the

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1 **TOWNES FAMILY TRUST, 10/73, cont.**

2
3 applicant's request to address the missing items on an updated plan when it is submitted for the
4 State permit and in the interim the letter dated December 12, 2011, from Earl Sandford, P.E.,
5 would be attached to the plan. Mark Suennen stated that he did not have a problem with the
6 applicant holding off on submitting a formal plan with the understanding that the approval, if
7 granted, would be conditional upon submission of the AOT Permit plan. Earl Sandford, P.E.,
8 stated that the applicant was agreeable to Mark Suennen's recommended condition.

9
10 Mark Suennen **MOVED** to accept the Earth Removal Application for Townes Family
11 Trust, Lyndeborough and South Hill Roads, Tax Map/Lot #10/73, Residential-
12 Agricultural "R-A" District, as complete. Peter Hogan seconded the motion and it
13 **PASSED** unanimously.

14
15 The Chairman stated that the applicant was requesting a waiver for the requirement to
16 submit Environmental and Traffic Impact Studies because the pit had lawfully operated for
17 decades without a history of environmental or traffic violations. He asked if the applicant was
18 aware of any complaints. Scott Tiedemann stated that he had not had any complaints during the
19 year that he held his position at the gravel pit. Mark Suennen asked if there was a history of
20 complaints relative to this pit. The Coordinator answered no and went on to say that a noise
21 complaint had been made against a separate pit and was acted upon.

22 The Chairman stated that the property in question was located within the Town's
23 Groundwater Resources Conservation District and as such a Conditional Use Permit was usually
24 required. He continued that in the case of this gravel pit and many others in town, the uses that
25 were part of the Conditional Use Permit were not applicable and the uses would not create the
26 need for restrictions or bonding. Mark Suennen asked if the access road was paved or gravel.
27 Scott Tiedemann answered that the access road was gravel. Mark Suennen asked if the applicant
28 stored gas tanks, oil tanks or any other hazardous materials onsite. Scott Tiedemann answered
29 no.

30
31 Mark Suennen **MOVED** to not require Townes Family Trust, Lyndeborough and South
32 Hill Roads, Tax Map/Lot #10/73, Residential-Agricultural "R-A" District, to submit an
33 application for Groundwater Resources Conditional Use Permit because the applicant's
34 pit did not apply or have the prohibited activities. Peter Hogan seconded the motion and
35 it **PASSED** unanimously.

36
37 The Chairman asked the Coordinator if the question regarding the bond had been
38 resolved. The Coordinator explained that three separate accounts existed for, the Planning
39 Office assumed, the three separate gravel pits. She continued that no documentation existed that
40 distinguished which bonds were for which pits. She stated that a reclamation estimate from 2002
41 from D&S was in the file for \$3,500 per acre for all three pits. She noted that the applicant had
42 submitted a different proposed bond amount on the application based on a discussion the Board
43 had on the Tingley's gravel pit.

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1 **TOWNES FAMILY TRUST, 10/73, cont.**

2
3 The Chairman asked for comments and/or questions regarding the bond. Mark Suennen
4 asked if there were currently 9 open acres as listed on the application. Scott Tiedemann
5 answered that there were 9+/- acres open. Mark Suennen asked if the open acres listed were
6 open and un-reclaimed. He went on to say that he asked his question because the AOT Permits
7 only allowed for 5 open acres at any given time. Scott Tiedemann answered that currently there
8 were +/- 9 acres and he had reclaimed 2.5 acres. He added that too many acres were open at one
9 time and they were fixing that issue.

10 The Chairman stated that the \$1,500 per acre estimate for the Tingely gravel pit was
11 fairly well-substantiated.

12 The Chairman asked how the bond would be handled; if, for example, the office would
13 figure out which bond was attached to which pit and have the amounts adjusted. The
14 Coordinator answered yes and added that two of the bonds were in the form of CDs so it would
15 be necessary to wait until they expired until the amount could be adjusted. She believed that
16 once the CDs expired they would be closed out and a new one would be established. Dwight
17 Lovejoy asked if this was the biggest pit out of the three. The Coordinator answered yes.

18 Mark Suennen asked if the applicant intended on reclaiming some of the open acres
19 during the next growing season. Scott Tiedemann answered yes. Mark Suennen asked for the
20 average amount of material that was removed over the last couple of years. Scott Tiedemann
21 answered that he believed that 10,000 yards to 12,000 yards had been sold last summer. Mark
22 Suennen asked if that amount was for a typical year or slow year. Scott Tiedemann answered
23 that it was for a slow year. Mark Suennen asked for the amount removed during a typical year.
24 Scott Tiedemann answered 30k yards were typically removed.

25 Ben Levison, who owned land on Lyndeborough Road but lived in Londonderry, noted
26 that he was an abutter to the property and currently did not have a structure on his property. He
27 asked if there was a maximum number of vehicles that were permitted to be entering and exiting
28 Lyndeborough Road. Mark Suennen advised that the applicant had represented that a maximum
29 of forty vehicles would go in and out of the pit on a daily basis.

30 Ben Levison asked for the gravel pit's hours of operation. Scott Tiedemann answered
31 that the proposed hours of operation were Monday through Saturday, 7:00 a.m. to 5:00 p.m. Earl
32 Sandford, P.E., noted that he would transfer the Coordinator's comments onto the plan prior to
33 submission. Mark Suennen clarified that the hours of operation were Monday through Friday,
34 6:45 a.m. start-up of vehicles, in cold weather only; in warm weather start up time 7:00 a.m. The
35 Chairman added that there would be no operation on Sundays or major holidays.

36 Ben Levison asked if there were restrictions on blasting. Scott Tiedemann advised that
37 no blasting occurred with the gravel pit as it was not located in an area of ledge.

38 Ben Levison expressed a concern with regard to the preservation of the tree line along the
39 gravel pit's side of the river. He asked how many feet from the riverbank were required as a
40 buffer. He noted his intention to build a structure on the other side of the river. Dwight Lovejoy
41 answered 200'. Ben Levison asked if the applicant had begun to cut into the area along the river.
42 Scott Tiedemann explained that the area in question had previously been reclaimed. Earl
43 Sandford, P.E., noted that it was the oldest side of the pit.

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1 **TOWNES FAMILY TRUST, 10/73, cont.**

2
3 Mark Suennen **MOVED** to grant the Traffic Impact Study waiver request for Townes
4 Family Trust, Lyndeborough and South Hill Roads, Tax Map/Lot #10/73, Residential-
5 Agricultural "R-A" District, based on their self-claimed 80 trips per day maximum
6 and the fact that recently their trip count has been significantly lower. Don Duhaime
7 seconded the motion and it **PASSED** unanimously.
8

9 The Chairman asked the Board to address the waiver request for the Environmental
10 Impact Study. Mark Suennen asked if the reclaimed areas were those closest to the river. Scott
11 Tiedemann answered that the biggest area of reclamation was located in the middle of the gravel
12 pit. Mark Suennen asked if the open excavation was 200' away from the river. Scott Tiedemann
13 answered yes.
14

15 Mark Suennen **MOVED** to grant the Environmental Impact Study waiver request for
16 Townes Family Trust, Lyndeborough and South Hill Roads, Tax Map/Lot #10/73,
17 Residential-Agricultural "R-A" District, based on the fact that they were not within the
18 Shoreland Protection area; did not have a paved driveway; were not collecting hazardous
19 waste on their site; and were within the spirit and intent of the Town's regulations. Don
20 qDuhaime seconded the motion and it **PASSED** unanimously.
21

22 The Chairman noted that the end of the pit would be in 50 years, January 24, 2062.

23 The Coordinator informed the Board that a motion on the reclamation bond was required.
24 The Chairman stated that the applicant had proposed using a bond estimate of \$1,500 per acre.
25 He added that for 9 acres the bond would be in the amount of \$13,500. Mark Suennen stated that
26 as long as the applicant did not exceed the 9 open acres he did not have a problem with the
27 proposed bond.
28

29 Mark Suennen **MOVED** to accept the recommendation for a bond in the amount of
30 \$13,500 for the reclamation with the understanding that they will not have more than 9
31 acres open, for Townes Family Trust, Lyndeborough and South Hill Roads, Tax
32 Map/Lot #10/73, Residential-Agricultural "R-A" District. Don Duhaime seconded the
33 motion and it **PASSED** unanimously.
34

35 Scott Tiedemann stated that the Townes Family Trust had informed him that currently
36 they held \$70k in bonds and they were not sure how to divide the amount up among the three
37 separate pits. The Coordinator stated that there were three separate accounts but she was unsure
38 which account was associated with each pit. She went on to say that she assumed the largest
39 bond amount was for the largest open area. She listed the current bond amounts as follows:

- 40 • \$12,693.37;
- 41 • \$52,422.01; and
- 42 • \$18,178.48.

43 The Chairman asked if the previously mentioned accounts would be closed and returned

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1 **TOWNES FAMILY TRUST, 10/73, cont.**

2
3 back to the applicant. The Coordinator answered yes. The Planning Board Assistant reiterated
4 that they would not be able to return the bonds that were in the form of CDs until they matured.
5 The Chairman asked if the bond for this permit would need to be submitted now. Earl Sandford,
6 P.E., suggested allowing the bond to be contingent on the maturity of the CDs. The Coordinator
7 indicated that she would check for penalties for early withdrawal of the CDs but the Board
8 needed to determine whether or not they wanted the applicant to arrange his bond now or make it
9 part of the motion that it was okay to keep whatever was in place until it expired with the new
10 one being submitted on that date. Earl Sandford, P.E., asked if there were expiration dates. The
11 Coordinator answered that there should be expiration dates, however, she was unsure what they
12 were and that would need to be figured out. Scott Tiedemann suggested taking a couple of
13 weeks to figure the bond out. The Chairman stated that he did not want to take a couple of
14 weeks to figure out that bond because it would affect approval. Mark Suennen stated that it
15 would not affect the approval as long as the Town maintained at least \$13,500 in some form.
16 Scott Tiedemann stated that he was sure the Townes Family Trust would be fine with taking the
17 \$13,500 from the CD to be used for the bond. The Planning Board Assistant advised that the
18 Planning Office was not able to take the \$13,500 from the CD and would instead have to return
19 the entire amount back. The Chairman agreed and noted that the bond needed to be submitted 60
20 prior to the expiration of the CD. The Coordinator explained that there needed to be an overlap;
21 the Town could not be in a position of having no security in place. Earl Sandford, P.E., did not
22 see the need for an overlap and explained that when the check was returned to the applicant for
23 the previous bond, a check in the new bond amount would be submitted. The Coordinator
24 pointed out that the Planning Office worked with the Town Treasurer and bank and as such there
25 was always going to be a lag of 3-4 weeks while the transaction was pending. She continued that
26 there was no way the Town should be without a bond during that lag time. She stated that the
27 Board typically required that a bond be submitted 30-60 days prior to the expiration of the old
28 one. Earl Sandford, P.E., commented that the Town had a lot of leverage over the applicant by
29 not handing the expired bond check back to the applicant until a new one was received. The
30 Coordinator explained that this was not a bond and did not expire. She explained that it was a
31 certificate of deposit at the bank and there was a renewal process in place. She noted that it
32 needed to be determined if the account had an automatic renewal.

33 Dwight Lovejoy asked how long it would take to research the accounts. The Coordinator
34 indicated that she could speak with Karen Craven, the Bookkeeper, the following day.

35 The Planning Board Assistant suggested holding a check submitted by the applicant for
36 the \$13,500 with the understanding that it would not be deposited until the security was returned.
37 Scott Tiedemann was agreeable to the Planning Board Assistant's suggestion. The Coordinator
38 stated that she would advise the applicant of the date on which the check for \$13,500 would be
39 deposited. Mark Suennen summarized that 30 days prior to the maturity date of the CD the
40 applicant would submit to the Town a check to be held in earnest until such a time the maturity
41 date was known and it would be deposited into the Town's account on the date of maturity and
42 the check of the existing CD would be refunded to the applicant.

43 The Chairman asked if the applicant could submit the driveway permit within thirty days.

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12

1 **TOWNES FAMILY TRUST, 10/73, cont.**

2
3 Scott Tiedemann agreed to submit the driveway permit within thirty days.

4 The Chairman stated that as a condition subsequent and ongoing the applicant had to
5 submit one copy of any plans or reports that were approved by the NH DES Alteration of Terrain
6 Bureau within thirty days of said approval. He continued an additional condition subsequent was
7 that submission of revised plans that included all checklist corrections and any corrections as
8 noted at this hearing should be submitted when the Alteration of Terrain Permit and Plans were
9 updated with NH DES in 2013.

10 The Chairman asked for further questions and/or comments; there were no further
11 comments.

12
13 Peter Hogan **MOVED** to approve the Earth Removal Application with associated plans
14 entitled "Townes Family Trust Map 10 Lot 73 ", 1 sheet, dated May 1, 2007, along with
15 the supplemental information provided in a two page letter entitled "Townes Family
16 Trust, Earth Removal Application - Plan Addendum, Tax Lot 10/73, Lyndeborough
17 Road", by Earl Sandford, PE, dated December 2, 2011, said additional information to be
18 attached to and considered part of the approved plans, and to grant an Earth Removal
19 Permit to include the site specific items discussed at this hearing, subject to:

20
21 **CONDITION(S) PRECEDENT:**

- 22 1. Submission of security for reclamation in the amount of \$13,500.00, the check to
23 be held in earnest until the maturity date of the existing security is known. Said
24 check for \$13,500.00, to be deposited into a separate interest bearing account and
25 the existing security to be returned to the original applicant upon maturity.
26 2. Submission of a driveway permit application.
27 The deadline for complying with the conditions precedent shall be **February 24,**
28 **2012**, the confirmation of which shall be an administrative act, not requiring
29 further action by the Board. Should compliance not be confirmed by the deadline
30 date, and a written request for extension is not submitted prior to that date, the
31 applicant is hereby put on notice that the Planning Board may convene a hearing
32 pursuant to RSA 676:4-a to revoke the approval.
33

34 **CONDITIONS SUBSEQUENT AND ONGOING:**

- 35 1. Prior to the granting of any permit, or to the removal of any topsoil or other
36 overburden material from a new area within an existing excavation site, the
37 Applicant shall submit to the Regulator an acceptable bond with sufficient surety
38 as determined by the Regulator. The purposes of the bond are to guarantee
39 reclamation of the area and compliance with the permit. The surety must be
40 phased to coincide with the phasing of work, in an amount sufficient to guarantee
41 reclamation of the applicable section, to be released as sections are completed.
42 Prior to a new section being opened, new securities shall be posted. The surety
43 shall not be released until the Regulator is satisfied that all conditions of the site

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13

TOWNES FAMILY TRUST, 10/73, cont.

reclamation plan have been complied with. This shall be determined at a final site walk by the Regulator and/or its designee.

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

2. Amendments and Renewals

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

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

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

5. Inspections

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

6. Hours of operation

Start up time for all machinery associated with an Earth Removal Operation shall be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including loading and removal of material from the site shall begin no earlier than 7:00 a.m.; termination of removal of material from the site shall be no later than 5:00 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be shut down by 5:00 p.m. These operating hours shall be for Monday through Saturday.

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

7. Maximum Excavation Limit

Final excavation grade shall be not less than four feet to documented seasonal high water table, provided, however, that pursuant to RSA 155-E:11,II, an exception shall be granted if the application demonstrates to the Regulator's satisfaction that excavation below this height will not adversely affect water quality. The Regulator reserves the right to have an outside review of the information submitted as part of any proposal to excavate within four feet of the documented seasonal high water table, at the Applicant's expense. Written notice

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TOWNES FAMILY TRUST, 10/73, cont.

of such an exception shall be recorded in the Hillsborough County Registry of Deeds at the Applicant's expense, and one copy shall be filed with the New Hampshire Department of Environmental Services.

8. Waste Disposal

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

9. Tree cutting

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

10. Stopping of Removal/Excavation Operations

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

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

12. Submission of revised plans that include all checklist corrections and any corrections as noted at this hearing when the Alteration of Terrain Permit and Plans are updated with NH DES in 2013.

SITE SPECIFIC PERMIT CONDITIONS:

A. Approved routes for transportation of material

2nd NH Turnpike, Lyndeborough Road and Route 13

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

5 - 10-wheelers, 2 -18-wheelers, 2 - 6-wheelers,

C. Equipment to be used for material removal

2 excavators, 2 loaders, screeners and crushers

D. Requirements for material processing

Near open face, away from residents on Lyndeborough Road, crushing & screening daily

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15

1 **TOWNES FAMILY TRUST, 10/73, cont.**

- 2
- 3 E. Requirements for temporary stockpiling of offsite materials
- 4
- 5 Near open face. Use berms and seeding where practical to control erosion
- 6
- 7 F. Required plantings for reclamation
- 8
- 9 The plans show typical details for loaming and seeding
- 10
- 11 G. Other requirements
- 12
- 13 None
- 14

15 The Earth Removal Permit is valid until such time as the Regulator determines the Earth

16 Removal Operation is no longer in compliance with the New Boston Earth Removal

17 Regulations; or, until such time as the operation shall be deemed to be abandoned as

18 defined in the Earth Removal Regulations; or, until such time as the owner informs the

19 Regulator that they will no longer be running the Earth Removal Operation; or, until such

20 time as the operation is depleted; or, until the completion date as determined by the

21 Regulator in the regulatory process, in accordance with RSA 155-E:8, in this case

22 **January 24, 2062**, whichever first occurs.

23

24 **TOWNES FAMILY TRUST**

25 Submission of an Earth Removal Application/Public Hearing

26 Location: Lyndeborough Road and 2nd NH Turnpike

27 Tax Map/Lot #13/6

28 Residential-Agricultural "R-A" District

29

30 Present in the audience were Earl Sandford, P.E., Scott Tiedemann, Charlie Peak and Ben

31 Levison.

32 The Chairman read the public hearing notice. He stated that the application form was

33 completed and signed. He noted that the AOT Permit had been issued on August 2, 2007, and

34 that there were no outstanding fees. He noted that this application had the identical issues with

35 regard to missing items required for a completed application as the previous hearing, Townes

36 Family Trust, Submission of an Earth Removal Application, Location: Lyndeborough and South

37 Hill Roads, Tax Map/Lot #10/73. He explained that the updates to the plans would be submitted

38 at the same time the AOT Permit was submitted in 2013. He stated that waivers for the Traffic

39 and Environmental Impact Studies had been requested.

40 The Chairman asked the applicant if he would be willing to complete two driveway

41 permits for the pit with the fee waived. Scott Tiedemann agreed to complete the driveway

42 permit.

43 The Chairman advised that a copy of the application had been sent to the Conservation

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16

1 **TOWNES FAMILY TRUST, 13/6, cont.**

2
3 Commission on January 9, 2012, with no response.

4 The Chairman stated that the applicant was claiming 3 acres open with the bond estimate
5 of \$1,500 per acre = \$4,500. He stated that the bond would be a condition of approval the way it
6 had been done in the previous hearing.

7 The Chairman asked for questions and/or comments from the public; there were no
8 questions or comments.

9 Mark Suennen asked how a pond that appeared on plan would be protected from
10 excavation runoff. Scott Tiedemann explained that the pond's elevation was higher than the pit.
11 He continued that there was a 5' buffer on the edges and the runoff went into the center of the
12 pit. Mark Suennen asked if there were paved surfaces within the pit. Scott Tiedemann answered
13 no. Mark Suennen asked if there were any gas tanks, oil tanks or hazardous materials being
14 stored on site. Scott Tiedemann answered no. Mark Suennen asked if the applicant was
15 maintaining the 4' separation from the excavation to seasonal high water table.

16
17 Mark Suennen **MOVED** to not require Townes Family Trust, Location: Lyndeborough
18 Road and 2nd NH Turnpike, Tax Map/Lot #13/6, to obtain a conditional use permit for the
19 Groundwater Resources Conservation District based on his responses to the above
20 questions and the continued care of Sand Hill Pond. Don Duhaime seconded the motion
21 and it **PASSED** unanimously.

22
23 Peter Hogan **MOVED** to accept the application for Townes Family Trust, Location:
24 Lyndeborough Road and 2nd NH Turnpike, Tax Map/Lot #13/6, as complete. Mark
25 Suennen seconded the motion and it **PASSED** unanimously.

26
27 The Chairman asked for the vehicle trip maximum. Earl Sandford, P.E., answered 80 tpd
28 maximum and noted that the average was much less. The Chairman asked if the gravel pit from
29 the previous hearing was larger than the gravel pit in question. Scott Tiedemann answered yes
30 but noted it had expansion room. Earl Sandford, P.E., indicated that the gravel pit in question
31 had the ability to move around the pit in 3 acre increments.

32 Mark Suennen asked for the amount of material removed from the gravel pit per year.
33 Scott Tiedemann answered 8k or 9k yards per year.

34
35 Peter Hogan **MOVED** to grant the Environmental and Traffic Impact Study waiver
36 requests for Townes Family Trust, Lyndeborough and 2nd NH Turnpike, Tax Map/Lot
37 #13/6, Residential-Agricultural "R-A" District. Mark Suennen seconded the motion and
38 it **PASSED** unanimously.

39
40 The Chairman asked if the applicant would be able to complete the two driveway permit
41 applications within thirty days. Scott Tiedemann answered yes.

42 The Chairman stated that the security would be handled in the same way as it was in the
43 previous hearing, i.e., thirty days prior to the maturation of the CD the applicant would submit a

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17

1 **TOWNES FAMILY TRUST, 13/6, cont.**

2
3 check to the Town to be held and deposited upon the maturation of the CD.

4 The Chairman stated that as a condition subsequent and ongoing the applicant had to
5 submit one copy of any plans or reports that were approved by the NH DES Alteration of Terrain
6 Bureau within thirty days of said approval. He continued that an additional condition subsequent
7 was submission of revised plans that included all checklist corrections and any corrections as
8 noted at this hearing when the Alteration of Terrain Permit and Plans were updated with NH
9 DES in 2013.

10
11 Peter Hogan **MOVED** to approve the Earth Removal Application with associated plans
12 entitled "Site Specific Terrain Alteration Plan for Charles H. and Frances Townes Map
13 13 Lot 31 New Boston, NH", 3 sheets, dated March 26, 2007, most recently revised May
14 2, 2007, along with the supplemental information provided in a two page letter entitled
15 "Townes Family Trust, Earth Removal Application - Plan Addendum, Tax Lot 13/31,
16 2nd NH Turnpike", by Earl Sandford, PE, dated December 2, 2011, said additional
17 information to be attached to and considered part of the approved plans, and to grant an
18 Earth Removal Permit to include the site specific items discussed at this hearing, subject
19 to:

20
21 **CONDITION(S) PRECEDENT:**

- 22 1. Submission of security for reclamation in the amount of \$4,500.00, the check to
23 be held in earnest until the maturity date of the existing security is known. Said
24 check for \$4,500.00, to be deposited into a separate interest bearing account and
25 the existing security to be returned to the original applicant upon maturity.
26 2. Submission of a driveway permit application.
27 The deadline for complying with the conditions precedent shall be **February 24,**
28 **2012**, the confirmation of which shall be an administrative act, not requiring
29 further action by the Board. Should compliance not be confirmed by the deadline
30 date, and a written request for extension is not submitted prior to that date, the
31 applicant is hereby put on notice that the Planning Board may convene a hearing
32 pursuant to RSA 676:4-a to revoke the approval.
33

34 **CONDITIONS SUBSEQUENT AND ONGOING:**

- 35 1. Prior to the granting of any permit, or to the removal of any topsoil or other
36 overburden material from a new area within an existing excavation site, the
37 Applicant shall submit to the Regulator an acceptable bond with sufficient surety
38 as determined by the Regulator. The purposes of the bond are to guarantee
39 reclamation of the area and compliance with the permit. The surety must be
40 phased to coincide with the phasing of work, in an amount sufficient to guarantee
41 reclamation of the applicable section, to be released as sections are completed.
42 Prior to a new section being opened, new securities shall be posted. The surety
43 shall not be released until the Regulator is satisfied that all conditions of the site

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18

1 **TOWNES FAMILY TRUST, 13/6, cont.**

2
3 reclamation plan have been complied with. This shall be determined at a final site
4 walk by the Regulator and/or its designee.

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

8 2. Amendments and Renewals

9 Permit holders wishing to alter the size or location of the excavation, the rate of
10 removal or the plan for reclamation shall apply for a renewal or amendment,
11 following the same procedures as those required for the original excavation
12 permit.

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

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

17 5. Inspections

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

22 6. Hours of operation

23 Start up time for all machinery associated with an Earth Removal Operation shall
24 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time
25 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including
26 loading and removal of material from the site shall begin no earlier than 7:00
27 a.m.; termination of removal of material from the site shall be no later than 5:00
28 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be
29 shut down by 5:00 p.m. These operating hours shall be for Monday through
30 Saturday.

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

36 7. Maximum Excavation Limit

37 Final excavation grade shall be not less than four feet to documented seasonal
38 high water table, provided, however, that pursuant to RSA 155-E:11,II, an
39 exception shall be granted if the application demonstrates to the Regulator's
40 satisfaction that excavation below this height will not adversely affect water
41 quality. The Regulator reserves the right to have an outside review of the
42 information submitted as part of any proposal to excavate within four feet of the
43 documented seasonal high water table, at the Applicant's expense. Written notice

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19

TOWNES FAMILY TRUST, 13/6, cont.

of such an exception shall be recorded in the Hillsborough County Registry of Deeds at the Applicant's expense, and one copy shall be filed with the New Hampshire Department of Environmental Services.

8. Waste Disposal

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

9. Tree cutting

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

10. Stopping of Removal/Excavation Operations

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

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

12. Submission of revised plans that include all checklist corrections and any corrections as noted at this hearing when the Alteration of Terrain Permit and Plans are updated with NH DES in 2013.

SITE SPECIFIC PERMIT CONDITIONS:

A. Approved routes for transportation of material

2nd NH Turnpike, Lyndeborough Road, Salisbury Road and Hopkins Road

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

5 - 10-wheelers, 2 - 18-wheelers

C. Equipment to be used for material removal

2 excavators, 2 loaders, 1 screener and 1 crusher

D. Requirements for material processing

Near open face, crushing & screening daily

E. Requirements for temporary stockpiling of offsite materials

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20

1 **TOWNES FAMILY TRUST, 13/6, cont.**

2
3 Near open face. Use berms and seeding where practical to control erosion

4
5 F. Required plantings for reclamation

6
7 The plans show typical details for loaming and seeding

8
9 G. Other requirements

10
11 None

12
13 The Earth Removal Permit is valid until such time as the Regulator determines the Earth
14 Removal Operation is no longer in compliance with the New Boston Earth Removal
15 Regulations; or, until such time as the operation shall be deemed to be abandoned as
16 defined in the Earth Removal Regulations; or, until such time as the owner informs the
17 Regulator that they will no longer be running the Earth Removal Operation; or, until such
18 time as the operation is depleted; or, until the completion date as determined by the
19 Regulator in the regulatory process, in accordance with RSA 155-E:8, in this case
20 **January 24, 2062**, whichever first occurs.

21
22 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

23
24 **TOWNES FAMILY TRUST**

25 Submission of an Earth Removal Application/Public Hearing

26 Location: Lyndeborough Road and 2nd NH Turnpike

27 Tax Map/Lot #13/31

28 Residential-Agricultural "R-A" District

29
30 Present in the audience were Earl Sandford, P.E., Scott Tiedemann, Charlie Peak and Ben
31 Levison.

32 The Chairman read the public hearing notice. He stated that the application form had
33 been completed and submitted on January 9, 2012, and the AOT Permit was issued on
34 September 3, 2007. He noted that the excavation plan, reclamation plan and SWMP would be
35 updated in 2013 when the AOT Permit was updated.

36 The Chairman asked if the applicant would be willing to complete a driveway permit for
37 the gravel pit. Scott Tiedemann answered yes.

38 The Chairman stated that waivers had been submitted for the Environmental and Traffic
39 Impact Studies. He noted that copies of the application had been sent to the Conservation
40 Commission on January 9, 2012, with no response.

41 The Chairman stated that the bond would be for 3 open acres. Scott Tiedemann added
42 that currently there were 3 +/- acres with a possible 2 acres unopened. Mark Suennen asked for
43 the amount of remaining material in the gravel pit. Scott Tiedemann estimated that there was

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21

1 **TOWNES FAMILY TRUST, 13/31, cont.**

2
3 about 150k yards of material remaining in the pit. Earl Sandford, P.E., clarified that there was
4 about 400k yards of material left in the pit. Mark Suennen how much material was removed
5 annually. Scott Tiedemann answered that about 8k or 9k yards was removed annually.

6 The Chairman asked if there was a history of complaints. The Coordinator answered no.
7 She added that the previous hearing for Tax Map/Lot #13/6 had a complaint relative to trucks
8 starting too early. She noted that the complaint was dealt with at the time and no complaints had
9 been made since.

10 Mark Suennen asked if there were any paved roadways in the gravel pit. Scott
11 Tiedemann answered no. Mark Suennen asked if any oil tanks, gas tanks or hazardous materials
12 were stored within the pit. Scott Tiedemann answered no. Mark Suennen asked if there was any
13 standing water on site. Scott Tiedemann answered no.

14
15 Mark Suennen **MOVED** to not require Townes Family Trust, Location: Lyndeborough
16 Road and 2nd NH Turnpike, Tax Map/Lot #13/31, to obtain a conditional use permit for
17 the Groundwater Resources Conservation District based on the fact that none of the
18 prohibited activities were occurring on the lot. Don Duhaime seconded the motion and
19 it **PASSED** unanimously.

20
21 Mark Suennen **MOVED** to accept the application of Townes Family Trust, Location:
22 Lyndeborough Road and 2nd NH Turnpike, Tax Map/Lot #13/31, as complete. Don
23 Duhaime seconded the motion and it **PASSED** unanimously.

24
25 Mark Suennen asked if each of the three gravel pits contained five ten-wheelers, ten
26 eighteen-wheelers and two six-wheelers. Earl Sandford, P.E., answered that there was the
27 potential for each pit to include the previously listed trucks. Mark Suennen asked if outside
28 companies hauled material from the pit. Scott Tiedemann answered yes. Mark Suennen asked
29 for confirmation that the outside haulers were included in the 80 daily trips. Scott Tiedemann
30 confirmed Mark Suennen's statement.

31
32 Mark Suennen **MOVED** to grant the Environmental and Traffic Impact Study waiver
33 requests for Townes Family Trust, Lyndeborough and 2nd NH Turnpike, Tax Map/Lot
34 #13/31, Residential-Agricultural "R-A" District, based on the responses given and that
35 the waiver requests meet the spirit and intent of the regulations. Peter Hogan seconded
36 the motion and it **PASSED** unanimously.

37
38 The Chairman stated that thirty days prior to the maturation of the current security CD
39 the applicant would submit a check in the amount of the new bond to be held until the CD
40 maturations at which time the check would be deposited.

41 The Chairman stated that the end date of the pit would be January 24, 2062.

42 The Chairman stated that as a condition subsequent and ongoing the applicant had to
43 submit one copy of any plans or reports that were approved by the NH DES Alteration of Terrain

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22

1 **TOWNES FAMILY TRUST, 13/31, cont.**

2
3 Bureau within thirty days of said approval. He continued an additional condition subsequent was
4 that submission of revised plans that included all checklist corrections and any corrections as
5 noted at this hearing when the Alteration of Terrain Permit and Plans were updated with NH
6 DES in 2013.

7
8 Peter Hogan **MOVED** to approve the Earth Removal Application with associated plans
9 entitled "Site Specific Terrain Alteration Plan for Charles H. and Frances Townes Map
10 13 Lot 31 New Boston, NH", 3 sheets, dated March 26, 2007, most recently revised May
11 2, 2007, along with the supplemental information provided in a two page letter entitled
12 "Townes Family Trust, Earth Removal Application - Plan Addendum, Tax Lot 13/31, 2nd
13 NH Turnpike", by Earl Sandford, PE, dated December 2, 2011, said additional
14 information to be attached to and considered part of the approved plans, and to grant an
15 Earth Removal Permit to include the site specific items discussed at this hearing, subject
16 to:

17
18 **CONDITION(S) PRECEDENT:**

- 19 1. Submission of security for reclamation in the amount of \$4,500.00, the check to
20 be held in earnest until the maturity date of the existing security is known. Said
21 check for \$4,500.00, to be deposited into a separate interest bearing account and
22 the existing security to be returned to the original applicant upon maturity.
23 2. Submission of a driveway permit application.
24 The deadline for complying with the conditions precedent shall be February 24,
25 2012, the confirmation of which shall be an administrative act, not requiring
26 further action by the Board. Should compliance not be confirmed by the deadline
27 date, and a written request for extension is not submitted prior to that date, the
28 applicant is hereby put on notice that the Planning Board may convene a hearing
29 pursuant to RSA 676:4-a to revoke the approval.

30
31 **CONDITIONS SUBSEQUENT AND ONGOING:**

- 32 1. Prior to the granting of any permit, or to the removal of any topsoil or other
33 overburden material from a new area within an existing excavation site, the
34 Applicant shall submit to the Regulator an acceptable bond with sufficient surety
35 as determined by the Regulator. The purposes of the bond are to guarantee
36 reclamation of the area and compliance with the permit. The surety must be
37 phased to coincide with the phasing of work, in an amount sufficient to guarantee
38 reclamation of the applicable section, to be released as sections are completed.
39 Prior to a new section being opened, new securities shall be posted. The surety
40 shall not be released until the Regulator is satisfied that all conditions of the site
41 reclamation plan have been complied with. This shall be determined at a final site
42 walk by the Regulator and/or its designee.
43 Additionally, if a bond or security is already in place, the applicant is responsible

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23

1 **TOWNES FAMILY TRUST, 13/31, cont.**

2
3 for keeping said security up-to-date and submitting riders, renewals, or other
4 documentation to the Planning Board as proof that the bond or security is in place.

5 2. Amendments and Renewals

6 Permit holders wishing to alter the size or location of the excavation, the rate of
7 removal or the plan for reclamation shall apply for a renewal or amendment,
8 following the same procedures as those required for the original excavation
9 permit.

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

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

14 5. Inspections

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

19 6. Hours of operation

20 Start up time for all machinery associated with an Earth Removal Operation shall
21 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time
22 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including
23 loading and removal of material from the site shall begin no earlier than 7:00
24 a.m.; termination of removal of material from the site shall be no later than 5:00
25 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be
26 shut down by 5:00 p.m. These operating hours shall be for Monday through
27 Saturday.

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

33 7. Maximum Excavation Limit

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

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TOWNES FAMILY TRUST, 13/31, cont.

8. Waste Disposal
No disposal of any waste material, including solid and/or hazardous waste, septage, dredge spoils, or refuse shall be undertaken on the site without appropriate State approval under RSA 149:M, or other appropriate State regulations.
9. Tree cutting
The applicable state statutes pertaining to forestry practice and timber harvesting shall apply to the removal of vegetative cover at excavation sites.
10. Stopping of Removal/Excavation Operations
If removal/excavation operations stop for more than one year with no notice thereof provided to the Regulator and said stoppage is not in accordance with the approved excavation plan or due to bad weather, the excavation permit may be revoked and the performance bond forfeited with its proceeds used for reclaiming the land in accordance with the approved reclamation plan.
11. Applicant shall submit one copy of any plans or reports that are approved by the NH DES Alteration of Terrain Bureau within 30 days of said approval.
12. Submission of revised plans that include all checklist corrections and any corrections as noted at this hearing when the Alteration of Terrain Permit and Plans are updated with NH DES in 2013.

SITE SPECIFIC PERMIT CONDITIONS:

- A. Approved routes for transportation of material
2nd NH Turnpike, Lyndeborough Road, Salisbury Road and Hopkins Road
- B. Number and type of vehicles to be used to transport material
5 - 10-wheelers, 2 - 18-wheelers
- C. Equipment to be used for material removal
2 excavators, 2 loaders, 1 screener and 1 crusher
- D. Requirements for material processing
Near open face, crushing & screening daily
- E. Requirements for temporary stockpiling of offsite materials
Near open face. Use berms and seeding where practical to control erosion

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1 **TOWNES FAMILY TRUST, 13/31, cont.**

2
3 F. Required plantings for reclamation

4
5 The plans show typical details for loaming and seeding

6
7 G. Other requirements

8
9 None

10
11 The Earth Removal Permit is valid until such time as the Regulator determines the Earth
12 Removal Operation is no longer in compliance with the New Boston Earth Removal
13 Regulations; or, until such time as the operation shall be deemed to be abandoned as
14 defined in the Earth Removal Regulations; or, until such time as the owner informs the
15 Regulator that they will no longer be running the Earth Removal Operation; or, until such
16 time as the operation is depleted; or, until the completion date as determined by the
17 Regulator in the regulatory process, in accordance with RSA 155-E:8, in this case
18 **January 24, 2062**, whichever first occurs.

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

21
22 Peter Hogan **MOVED** to adjourn at 8:30 p.m. Mark Suennen seconded the motion and it
23 **PASSED** unanimously.

24
25
26 Respectfully Submitted,
27 Valerie Diaz, Recording Clerk

Minutes Approved:
02/28/2012