

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

November 13, 2012

1 The meeting was called to order at 7:00 p.m. by Planning Board member Don Duhaime.  
2 Present were regular members Mark Suennen and Peter Hogan and alternate member David  
3 Litwinovich. Also present were Planning Coordinator Nic Strong, Planning Board Assistant  
4 Shannon Silver and Recording Clerk Valerie Diaz.  
5

6 Present in the audience for all or part of the meeting were Brandy Mitroff, Bob Todd,  
7 LLS, Jay Marden, Vinnie Iacozzi, Ernie Thibeault, Ken Lombard, David Woodbury, Larry  
8 Jache, Dennis Lydon, Dave Elliott, Bob and Sharon Huettner, and Tris Gordon.  
9

10 **Public Hearing on the Capital Improvements Program, Plan of 2013, as proposed by the**  
11 **C.I.P. Committee.**  
12

13 Present in the audience were Brandy Mitroff, Bob Todd, LLS, Jay Marden, Vinnie  
14 Iacozzi, Ernie Thibeault, Ken Lombard, David Woodbury, Larry Jache and Dennis Lydon.

15 Don Duhaime read the public hearing notice and asked for comments from the Board;  
16 there were no comments.

17 Brandy Mitroff, CIP Chair, stated that the Board had received a report from the CIP  
18 Committee and noted that it had not been finalized. She thanked the Planning Board Assistant  
19 for her patience and her incredible responsiveness to the CIP Committee.

20 Brandy Mitroff advised that Town Bridge Repair/Replacement CRF would not be  
21 increased this year. She stated that the Fire Department CRFs continued to be an ongoing battle  
22 due to the high cost of the equipment. She continued that starting in 2013 the CRF would be  
23 increased in 2013 and would increase again a few years out.

24 Brandy Mitroff stated that the Highway trucks seemed to be in order. She went on to say  
25 that the Road Agent had dropped his request for a second 10 wheel dump truck. She noted that  
26 the Old Coach Road improvements would continue on the schedule.

27 Brandy Mitroff noted that the Town Hall basement renovations had been put back on the  
28 schedule and money would start being collected in 2013.

29 Brandy Mitroff stated that the table showed the final half of the cost of the trailer at the  
30 Transfer Station.

31 Brandy Mitroff asked for questions from the Board. Mark Suennen asked Brandy Mitroff  
32 to talk about the bond for the Fire Station replacement as well as the bond for an addition for  
33 New Boston Central School. Brandy Mitroff explained that the Board of Selectmen and Fire  
34 Department had looked for land and had not found a parcel that would be acceptable. She noted  
35 that the location of the land needed to remain in the center of the Town as it presented the best  
36 coverage. She advised that the thought now was to replace the existing Fire Station at the  
37 existing location. She continued that Roger Dignard was working on a design for a potential  
38 enlargement and refurbishment of the current Fire Station rather than a complete rebuild. She  
39 stated that the bond in the amount of \$1.6M would be reduced and the correct amounts would be  
40 reflected on next year's schedule.

41 Brandy Mitroff addressed the bond for the New Boston Central School addition and  
42 stated that the CIP Committee members felt that until portable classrooms were utilized for  
43 students, thereby illustrating the need for more space, the citizens of New Boston would not

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1 **CIP HEARING, cont.**

2  
3 approve the bond. She continued that the bond had been left on the schedule because the School  
4 Board could put it on the ballot anyway. She acknowledged that the school had a clear cut need,  
5 however, the bond was large and she was unsure if politically it was the right time to do it.

6 Mark Suennen recalled a Fire Department replacement discussion from 2011 and stated  
7 that the existing facility required specialized, low-profile vehicles to fit through the doors. He  
8 questioned if the schedule reflected the cost for the specialized equipment even after the  
9 replacement. Brandy Mitroff answered that the vehicle costs were included in the separate  
10 vehicle CRFs and that she was unsure if the costs for the vehicles would change. Peter Hogan  
11 stated that the most recent ambulance purchase was an E-Series chassis. He continued that from  
12 a maintenance point of view the E-Series had a greater expense than the F-Series. He explained  
13 that the E-Series had to be purchased because it was the shorter model that could fit in the  
14 station. He went on to say that an International cab and chassis or a Ford F-Series cab and  
15 chassis was a better long-term vehicle, especially from a maintenance standpoint. He pointed out  
16 that the Town paid more money for less of a vehicle due to the size of the Fire Station. Brandy  
17 Mitroff stated that the potential refurbishment design would utilize the ceiling space in the  
18 existing station and potentially solve the need for the specialized equipment. She stated that they  
19 would have a better idea next year as Roger Dignard had not started the re-design. She noted  
20 that the ambulance was being funded by the Fire Department's Ambulance Revolving Fund and  
21 was no longer listed on the schedule.

22 Brandy Mitroff stated that the biggest issue with the available land in the center of Town  
23 was the cost and neither she could not justify the expense.

24 David Litwinovich stated that he had attended the first CIP Committee meeting and he  
25 had been impressed with how it was run and had also been impressed with the Department  
26 representatives' presentations. Brandy Mitroff commented that the Departments seriously try to  
27 nail down their budgets. She believed that CIP Committee was great because of the experience  
28 of the members.

29 Peter Hogan referred to Brandy Mitroff's New Boston Bulletin article and asked for an  
30 explanation of the "unique opportunity" the Road Agent hoped to pursue in 2013 relative to the  
31 replacement of a 10 wheel dump truck. Brandy Mitroff explained that the Road Agent hoped to  
32 purchase two 6 wheel dump trucks from the Town of Bedford. She stated that there was access  
33 to all of the maintenance records and pointed out that the Road Agent had a good relationship  
34 with the Town of Bedford. She advised that the purchase price for the two fully-loaded vehicles  
35 was \$67K. She noted that the New Boston Highway Department performed all the maintenance  
36 on their vehicles which saved a lot of money. Don Duhaime added that the Road Agent had  
37 provided information on the savings to the Town and it was considerable. Peter Hogan stated  
38 that he was in favor of used vehicles, however, he wondered what made New Boston that much  
39 smarter than the Town of Bedford. Brandy Mitroff explained that the Town of Bedford had an  
40 automatic seven year replacement cycle for their vehicles. She continued that towns with deeper  
41 pockets were able to replace their vehicles instead of having to deal with maintenance. Peter  
42 Hogan asked if the trucks would go out for bids. Brandy Mitroff answered no.

43 Don Duhaime asked for comments and/or questions from the public; there were no

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1 **CIP HEARING, cont.**

2  
3 comments or questions. Don Duhaime closed the public portion of the hearing.

4  
5 Peter Hogan **MOVED** to submit the CIP Plan of 2013 as presented to the Board of  
6 Selectmen and Finance Committee as the CIP Committee's recommendations for 2013.  
7 Mark Suennen seconded the motion and it **PASSED** unanimously.

8  
9 Don Duhaime seated David Litwinovich as a full-voting member in Stu Lewin's absence.

10  
11 **THIBEAULT SAND AND GRAVEL, LLC**

12 Submission of an Existing Earth Removal Application/Public Hearing

13 Location: Parker Road

14 Tax Map/Lot #6/14

15 Residential-Agricultural "R-A" District

16  
17 Present in the audience were Brandy Mitroff, Bob Todd, LLS, Jay Marden, Vinnie  
18 Iacozzi, Ernie Thibeault, Ken Lombard, David Woodbury, Dennis Lydon, and Larry Jache.

19 Don Duhaime read the public hearing notice.

20 Vinnie Iacozzi stated that he was present this evening to resolve an issue with the Parker  
21 Road gravel pit. He noted that a great degree of investigation had been completed and he  
22 believed the problem could be resolved. He advised that Ernie Thibeault, President of Thibeault  
23 Corporation, Dennis Lydon, Original Manager of Aggregate Industries, and Larry Jache, J.J.  
24 Cronin Pit Manager, 1969, were all present to testify to his presentation.

25 Vinnie Iacozzi explained that when the New Boston Ordinance was passed he had started  
26 the process to comply with the new ordinance and had invested a considerable amount of money  
27 to start the DES process. He advised he became ill and had not met the deadline and had to start  
28 the process again. He commented that having to restart the process turned out to be a blessing in  
29 disguise. He explained that through further research he was able to call upon the individuals that  
30 he had previously mentioned and look through Town records to determine that this pit had been  
31 grandfathered since 2002. He stated that a hearing had been held on the grandfathered status of  
32 the Parker Road north and south gravel pits. He clarified that he was only present this evening to  
33 discuss the south pit.

34 Peter Hogan asked if there were any reasons that the gravel pit needed to be  
35 grandfathered and questioned why the applicant could not simply apply for a permit to operate.  
36 The Coordinator explained that the applicant had applied, and was approved, for a Gravel Pit  
37 Permit; however, they were hung up with regard to the AoT Permit which caused them to miss  
38 the deadline. Peter Hogan asked if permit could be approved if applicant provided the AoT  
39 Permit. The Coordinator answered yes. Peter Hogan commented that the information submitted  
40 by the applicant was the most monstrous package he had ever seen. He pointed out that no other  
41 applicants had been denied a Gravel Pit Permit. Ernie Thibeault referred to a set of Planning  
42 Board minutes and noted that the only gravel pit to receive a grandfathered status was the  
43 Granite State Concrete Pit. He noted that the same question of why the applicant did not simply

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1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

2  
3 complete the Gravel Pit Permit Application was asked of Mr. MacLellan. He pointed out that  
4 Mr. MacLellan stated the same reasons that Thibeault Sand and Gravel were presenting: the pit  
5 had been in existence for over 50 years and that allowed for the grandfathered status. He  
6 continued that Mr. MacLellan had provided an affidavit and limited facts and the Board had  
7 determined that he had a grandfathered status. Peter Hogan asked the Coordinator if the  
8 applicant's statements were accurate. The Coordinator answered yes but noted that Mr.  
9 MacLellan had filed a report in the time period that the statute required. Vinnie Iacozzi added  
10 that they had also filed a report and they had an individual present to testify to that fact. He  
11 continued that a hearing was held before the Board of Selectmen and David Woodbury, former  
12 Chairman of the Board of Selectmen, was present to verify the accuracy of the minutes.

13 Vinnie Iacozzi stated that having a determination of grandfathered status meant much  
14 more than having a permitted pit. He continued that the grandfathered status had a separate set  
15 of regulations that carried on forever. He explained that reapplying for another AoT permit  
16 would cost Mr. Thibeault an additional \$40K. He stated that the gravel pit was grandfathered  
17 and had been legitimately grandfathered by the Town of New Boston. He added that they were  
18 respectfully asking the Board to continue the grandfathered status, with the new regulation, as  
19 required.

20 The Coordinator advised that the research that she conducted did not show that a  
21 determination of grandfathered status had ever been made for this pit. She continued that the  
22 word "grandfathered" showed up in the public notice and in the minutes from 2002 but a  
23 determination of grandfathered status had not been made. Peter Hogan stated that the Board  
24 needed to determine whether or not the gravel pit was grandfathered. The Coordinator answered  
25 yes and added that if the Board did determine that the pit was grandfathered it would also be  
26 necessary to determine what the pit looked like in 1979 in order to move forward with footprints  
27 and expansions. Peter Hogan asked for the Coordinator's guidance on how to move forward in  
28 the most expeditious manner.

29 David Woodbury stated that the minutes he had read appeared to be authentic minutes.  
30 He noted that he had no independent memory of the meeting so he could not add, subtract or  
31 modify the minutes in any way.

32 Vinnie Iacozzi introduced Dennis Lydon as the individual who had presented at the  
33 Planning Board meeting of 2002. Mark Suennen advised that a State regulation required pit  
34 owners or operators to provide a report on or about August 24, 1989, if a gravel pit was active  
35 for two years prior to August 24, 1979. He asked if the applicant had any record or  
36 documentation that the report had been provided. Vinnie Iacozzi indicated that Dennis Lydon  
37 would speak to Mark Suennen's question. Dennis Lydon stated that he had provided the  
38 required report. He went on to say that at the time he had been the Operations Manager for  
39 Coastal Materials. He noted that Coastal Materials operated this pit as well as one in  
40 Farmington, N.H. and one in Rochester, N.H. and all had grandfathered status. He stated that at  
41 the advice of the company's attorney he had produced a letter that stated that all of the pits had  
42 been in operation prior to 1979. He added that bare bones reclamation statements had been  
43 included with the letter and had stated that the pits would be reclaimed at the end of their lives.

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1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

2  
3 He indicated that there were no documents from 1989 at Aggregate Industries. He stated that he  
4 had written three letters and submitted the letters. He said that he knew specifically that a letter  
5 for the applicant's gravel pit had been submitted because he had argued that it was not necessary  
6 to submit the letter as they had had a written town permit. He continued that the company's  
7 attorney had advised that the letter be written for grandfathered status and he did so in June of  
8 1989. Mark Suennen asked if the letter had been submitted to the New Boston Board of  
9 Selectmen. Dennis Lydon answered yes. Mark Suennen asked if there was record of the letter in  
10 the Town's files. The Coordinator answered no.

11 Peter Hogan asked the Coordinator to address a document that had been provided to the  
12 Board regarding a discussion with J.J. Cronin from January 19, 1976. The Coordinator stated  
13 that Gerald Kelleher had applied for a gravel pit permit in 1972 and been approved and in 1976  
14 J.J. Cronin had applied for a gravel pit permit and been approved.

15 Vinnie Iacozzi stated that the Board needed to understand that J.J. Cronin had been  
16 buying material from the then landowners and Mr. Jache ran the pit operations for J.J. Cronin.  
17 He indicated that the Board had been provided an affidavit from Mr. Jache and added that Mr.  
18 Jache had started the pit from scratch.

19 Peter Hogan noted that Coastal Materials took over the property in 1984. He asked if a  
20 hearing took place. The Coordinator answered that hearings did not necessarily take place under  
21 the ordinance that the Selectmen had. She continued that there had been a way for Selectmen to  
22 issue permits at their meetings without a hearing. She added that from 1984 on an actual permit  
23 exists in the file and she was unsure why the permits were not in files prior to 1984.

24 Peter Hogan asked what needed to be done to establish that the gravel pit was  
25 grandfathered. He commented that it appeared the pit had been operating all along. The  
26 Coordinator clarified that the question was not had the pit been operating, but had the report been  
27 submitted and what had the pit looked like in 1979. She explained that if the pit was  
28 grandfathered they needed to know what the footprint of the pit was in 1979 in terms of bonding,  
29 expansion and what materials were removed in order to comply with the statute. Vinnie Iacozzi  
30 referred to a 1986 plan of the pit that showed a permitted footprint in excess of 68 acres. He  
31 noted that currently they were operating at 44 acres.

32 Vinnie Iacozzi stated that they had provided extensive back-up for their position in order  
33 for the Board to make an intelligent decision; including information from the man who was on  
34 the ground in 1969 and the man who picked it up after that.

35 Peter Hogan asked for a specific downside to determining the gravel pit had  
36 grandfathered status. The Coordinator answered that difference between a permitted operation  
37 and a grandfathered pit was that a grandfathered pit only had to comply with the minimum and  
38 express operational standards for operating and reclaiming the pit as listed in the statutes. She  
39 pointed out that a grandfathered pit did not have to comply with town ordinances, i.e., Earth  
40 Removal Regulations. Vinnie Iacozzi pointed out that they were still required to comply with  
41 RSA 155-E and had done so since they owned the pit. He added that members from the Town's  
42 Open Space Committee had been on a site walk three or four weeks ago. He stated that they had  
43 been doing incremental reclamation and everything that they said they would do since they had

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1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

2  
3 acquired the pit in 2006. He added that the plan that had been submitted for the AoT Permit was  
4 the same plan they intended to abide by.

5 Don Duhaime asked if the applicant had filed for an AoT Permit. Vinnie Iacozzi  
6 answered that they had filed for an AoT Permit, however, the deadline had been missed and the  
7 State would not allow for a credit of the application fees that were in excess of \$22K. He  
8 continued that the State wanted the fees and application to be resubmitted and the cost was  
9 astronomical. He noted that when they were in the process of resubmitting they found out that  
10 they could enjoy grandfathered status. He indicated that Fish and Game had showed them  
11 documentation regarding a bull-nosed snake that proved the pit had been operational since 1974.  
12 He continued that he went to Fish and Game for additional historical information and was  
13 informed that he was out of luck because the Fish and Game building had burned down and all  
14 the records had been lost. He stated that Christine Quirk had found the Board of Selectmen's  
15 meeting minutes and noted that they had not been in the Town's archives. The Coordinator  
16 stated that the minutes had since been found. Vinnie Iacozzi stated that a title search had been  
17 completed and aerial photographs had been taken and he believed the information provided was  
18 pretty complete.

19 Don Duhaime asked if the Board had any questions and/or comments. Mark Suennen  
20 stated that he was willing to acknowledge that the pit had been in continuous operation and that  
21 the applicant had provided substantial documentation to show that the pit had been operational  
22 prior to August 24, 1979. He further acknowledged that an individual had testified that a report  
23 was made and although the Town did not have record of the report, he noted the Town also did  
24 not have record of their Selectmen's meeting minutes for some period of time and it was possible  
25 that the report was some place. He stated that he was willing to accept that the individual  
26 submitted the proper documentation. He said the real question was what were the limits of the  
27 pit in 1979 that would be the limits of the grandfathered area. Vinnie Iacozzi pointed out that the  
28 1979 date that Mark Suennen referenced was incorrect and he believed it was 1989. Dennis  
29 Lydon stated that RSA 155-E came into existence in June of 1989 and if a pit was grandfathered  
30 at that time it became grandfathered to the extent of its operation as of that date. Ernie Thibeault  
31 referred to the 1986 plan of the pit and stated that it showed 67 acres as the active area. Mark  
32 Suennen commented that he was not a lawyer but 155-E seemed to indicate what the applicant  
33 had stated and what was open and available in 1989 was the delineation of the grandfathered  
34 status limits.

35 Don Duhaime referred to the 1986 and 2009 plans of the pit and noted that there appeared  
36 to be significant growth on the 2009 plan. Vinnie Iacozzi stated that the entire 130 acres had  
37 been clear cut in the early 1970's. Don Duhaime stated that he was going back to 1989 and not  
38 the 1970's. Vinnie Iacozzi explained that they had reclaimed since 2009 and, therefore, the 1986  
39 footprint had been altered. Ernie Thibeault referred the Board to the right-hand side of the 1986  
40 plan and pointed out the vegetation. He noted that the white area on the plan showed the open  
41 sandpit area. Don Duhaime asked if the applicant planned to mine in the area on the 2009 plan  
42 where it appeared trees had been cut. Ernie Thibeault stated that they were requesting  
43 grandfather status for the 67 acres that were open in 1989. He continued that if they wanted to

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1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

2  
3 operate on the 86 acres that they had proposed for the AoT Permit they would need to apply for  
4 the AoT Permit as well as the Earth Removal Permit. Don Duhaime pointed to a shaded area on  
5 the 2009 plan and asked the applicant if a permit would be required to mine the area. Ernie  
6 Thibeault answered yes. Dennis Lydon stated that if he were arguing as manager of the pit he  
7 would argue that the shaded area was part of the original footprint and was always there. He  
8 explained that there were areas of inferior quality of sand in the pit and it would be separated  
9 from the marketable sand. He continued that the inferior sand could sit fallow for ten years and  
10 sweet grass would grow within a couple of years. He believed that the shaded area with no trees  
11 that Don Duhaime had pointed out was an area that was covered in sweet grass. He noted that he  
12 had never expanded the boundaries of the pit.

13 David Litwinovich asked if a legal review of this matter would take a couple of hours or  
14 several days. The Coordinator believed the review would be more than a couple of hours of  
15 work.

16 Peter Hogan questioned the pros and cons of determining a grandfathered status. He  
17 suggested that the Town could secure a better reclamation plan by granting the grandfathered  
18 status and have the applicant agree to the current standards of reclamation. He acknowledged  
19 that the applicant avoided the expense of having to complete an AoT Permit with the  
20 determination of grandfathered status. Ernie Thibeault commented that by completing the AoT  
21 Permitting process the Town would not gain anything. He continued that he had been a good  
22 neighbor and worked well with the Town. He referred back to the Granite State Concrete Gravel  
23 Pit and reiterated that Mr. MacLellan had only provided an affidavit from a Road Agent and  
24 ultimately argued that he was allowed by State law to be grandfathered. The Coordinator  
25 pointed out that the difference between the Granite State Concrete Gravel Pit and this pit was  
26 that the Board of Selectmen had determined at a hearing that the pit was grandfathered and a  
27 letter existed that stated the pit had non-permit status forever. Ernie Thibeault acknowledged the  
28 Coordinator's statement and stated that the Board had required minimal information from  
29 Granite State Concrete. He went on to say that he agreed with Peter Hogan's suggestion to  
30 address any reclamation issues in the agreement.

31 Ken Lombard, Open Space Committee, stated that he had visited the pit within the last  
32 two weeks along with Jay Marden and Burr Tupper. He commented that Thibeault Sand and  
33 Gravel had been good neighbors. He stated that 4,400' of the pit bordered the rail trail along the  
34 Piscataquog River and could affect the scenic view from the road. He noted that applicant had  
35 agreed not to excavate along the boundary.

36 Don Duhaime asked if the Board was interested in obtaining a legal opinion on this  
37 matter. Peter Hogan answered no. Mark Suennen believed that it was too much of a hassle.

38  
39 Mark Suennen **MOVED** to approve the existing excavation exemption application for  
40 Thibeault Sand and Gravel, LLC, Parker Road, Tax Map/Lot #6/14, Residential-  
41 Agricultural "R-A" District. The grandfathering status applies to the 67 +/- acres shown  
42 on the August 7, 1986, plan and the applicant will reclaim in accordance with the  
43 reclamation standards that are in the current Earth Removal Regulations in effect as of

November 13, 2012

1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

2  
3 this date, subject to:

4  
5 **CONDITIONS PRECEDENT:**

6 1. Submission of any outstanding fees should there be any.  
7 The deadline for complying with the conditions precedent shall be **January 13, 2013**, the  
8 confirmation of which shall be an administrative act, not requiring further action by the  
9 Board. Should compliance not be confirmed by the deadline date, and a written request  
10 for extension is not submitted prior to that date, the applicant is hereby put on notice that  
11 the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the  
12 approval.  
13

14 **CONDITIONS SUBSEQUENT AND ONGOING:**

- 15 1. The subject excavation, as well as any expansion thereof, shall be performed in  
16 compliance with the express operational standards of RSA 155-E:4-a and the  
17 express reclamation standards of RSA 155-E:5 and 155-E:5-a, as the same may be  
18 amended, from time to time. Any violation of those standards shall be  
19 enforceable pursuant to RSA 155-E:10. Compliance with these standards and the  
20 applicable requirements of the Town of New Boston Earth Removal Regulations,  
21 is mandatory in order to retain the exempted status. Additionally, the applicant  
22 agreed at the 11/13/12 public hearing to reclaim in accordance with the  
23 reclamation standards that are in the current Earth Removal Regulations in effect  
24 as of this date and attached hereto.  
25 Compliance shall be confirmed by periodic inspections by the Regulator or its  
26 designee as detailed in Section 16 (Administration and Enforcement) of the Town  
27 of New Boston Earth Removal Regulations. Loss of exempt status can occur only  
28 after the Regulator has given written notice that the excavation is not in  
29 compliance and the owner has failed to bring it into compliance within 30 days of  
30 receipt of such notice, upon a finding by the Regulator to that effect.
- 31 2. Prior to the granting of any permit, or to the removal of any topsoil or other  
32 overburden material from a new area within an existing excavation site, the  
33 Applicant shall submit to the Regulator an acceptable bond with sufficient surety  
34 as determined by the Regulator. The purposes of the bond are to guarantee  
35 reclamation of the area and compliance with the permit. The surety must be  
36 phased to coincide with the phasing of work, in an amount sufficient to guarantee  
37 reclamation of the applicable section, to be released as sections are completed.  
38 Prior to a new section being opened, new securities shall be posted. The surety  
39 shall not be released until the Regulator is satisfied that all conditions of the site  
40 reclamation plan have been complied with. This shall be determined at a final site  
41 walk by the Regulator and/or its designee.  
42 Additionally, if a bond or security is already in place, the applicant is responsible  
43 for keeping said security up-to-date and submitting riders, renewals, or other



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1 **THIBEAULT SAND AND GRAVEL, LLC, cont.**

- 2  
3 documentation to the Planning Board as proof that the bond or security is in place
- 4 3. Hours of operation
- 5 Start up time for all machinery associated with an Earth Removal Operation shall
- 6 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time
- 7 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including
- 8 loading and removal of material from the site shall begin no earlier than 7:00
- 9 a.m.; termination of removal of material from the site shall be no later than 5:00
- 10 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be
- 11 shut down by 5:00 p.m. These operating hours shall be for Monday through
- 12 Saturday.
- 13 No operation shall take place on Sundays and major Federal holidays, as follows:
- 14 New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and
- 15 Christmas; provided, however, that access on Sundays and holidays is permitted
- 16 in the event of a town-wide emergency situation requiring use of material or
- 17 equipment, for example, flooding situations, ice storms, major blizzards.
- 18

19 Peter Hogan seconded the motion and it **PASSED** unanimously.

20  
21 The Board took a seven minute recess prior to the next hearing.

22  
23 **STEVENS, BRIAN M. & BETH E.**

24 **BALLARD, BENJAMIN**

25 Submission of Application/Public Hearing/Minor Subdivision/Lot Line Adjustment

26 Location: Hooper Hill Road

27 Tax Map/Lot #'s 11/9-3 & 11/11

28

29 Present in the audience were Bob Todd, LLS, Dave Elliott, Bob & Sharon Huettner, and

30 Tris Gordon.

31 Bob Todd, LLS, stated that he represented the applicants, Beth and Brian Stevens. He

32 noted that the Stevens' purchased the original 6 acre lot that had been subdivided in the 1980s;

33 he identified the locations on the plan. He pointed out the original main access that was a steep

34 driveway off Route 13, a/k/a Mont Vernon Road. He noted that the Stevens' purchased the

35 Luedke property that contained over 100 acres of land. He pointed out that the Luedke property

36 was in two lots, one lot was about 13 acres that included the old Hooper Farmhouse and Barn.

37 He continued that about a year ago a lot line adjustment had been completed and made the

38 smaller 13 acre lot part of the Stevens' original 6 acre lot. He advised that the Stevens'

39 discontinued the use of the original driveway and created a new driveway off Hooper Hill.

40 Bob Todd, LLS, advised that the applicants had considered some major landscaping and

41 they would like to add a deck onto the south end of the house, however, they did not meet the

42 setback requirements. He explained that the applicants asked Ben Ballard to convey a certain

43 amount of his property that could be annexed to the remainder of their property. He noted that

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1 **STEVENS AND BALLARD, cont.**

2  
3 Ben Ballard's property would continue to maintain its conformity with 1.32 acres of dry  
4 contiguous land, slopes less than 15%, a 200' square and it would meet setback requirements.  
5 He stated that the plan met the Subdivision Regulations and it was ready for an approval this  
6 evening conditioned upon the bounds being set.

7 Mark Suennen referred to the southwest corner of Parcel A and asked if the new bound  
8 point was located on the stonewall as opposed to off the stonewall. Bob Todd, LLS, stated that  
9 he had not gone to the site but believed the bound could be a hole in the stonewall with rebar  
10 wedged into it or an offset bound could be placed in the ground.

11  
12 Mark Suennen **MOVED** to accept the application for Brian and Beth Stevens and  
13 Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11, Hooper Hill Road and NH Route  
14 13, a/k/a Mont Vernon Road, as complete. Peter Hogan seconded the motion and it  
15 **PASSED** unanimously.

16  
17 Don Duhaime asked Bob Todd, LLS, to address the waivers. Bob Todd, LLS, indicated  
18 that a waiver request had been submitted for the Traffic, Fiscal and Environmental Impact  
19 Studies. He noted that there were no changes being made to the ground, tree cover or anything  
20 that would require erosion control. He stated that there would be no changes to traffic patterns  
21 and there would be no impact to public activity that would require investments.

22 Bob Todd, LLS, stated that a waiver request had been submitted for #35 of the  
23 Subdivision Checklist, 5' contour lines, as it was overly broad for the scope of the objective,  
24 there being no changes on the ground.

25 Bob Todd, LLS, stated that a waiver request had been submitted for #36 of the  
26 Subdivision Checklist. He questioned whether or not the item was deemed not applicable. He  
27 stated that all of the water courses had not been shown but he did not believe there was a  
28 practical need to do so.

29 Bob Todd, LLS, stated that a waiver request had been submitted for #37 of the  
30 Subdivision Checklist, rock ledges/natural features. He stated that he was unable to determine if  
31 the Planning Office had determined that the item was not applicable and as such he was  
32 submitting the request. He explained that it was overly board for the scope of this application.

33 Bob Todd, LLS, stated that a waiver request had been submitted for #38 of the  
34 Subdivision Checklist, acreage breakdown, relative to Tax/Map Lot #11/9-3. He explained that  
35 he had not shown wetlands or setbacks and there were no changes proposed to Tax Map/Lot  
36 #11/9-3.

37 Bob Todd, LLS, stated that a waiver request had been submitted for #39 of the  
38 Subdivision Checklist, wetland setbacks for Tax Map/Lot #11/9-3. He believed that this item  
39 was not applicable.

40 Bob Todd, LLS, stated that a waiver request had been submitted for #41 of the  
41 Subdivision Checklist, existing and proposed water mains and public utilities. He believed that  
42 this item was not applicable as there were no hook-ups proposed.

43 Bob Todd, LLS, stated that a waiver request had been submitted for #50 of the

November 13, 2012

1 **STEVENS AND BALLARD, cont.**

2  
3 Subdivision Checklist, erosion and sediment control plan. He noted that the erosion and  
4 sediment control plan was needed when making alterations to a site and would be overly broad  
5 for this application.

6 Bob Todd, LLS, stated that a waiver request had been submitted for #58 of the  
7 Subdivision Checklist, fire protection system location. He stated that the requirement was overly  
8 broad for this application.

9 Don Duhaime asked for comments and/or questions from the Board with regard to the  
10 waiver requests. Peter Hogan commented that he did not have any issues with the requests.

11 David Litwinovich noted that Bob Todd, LLS, had not mentioned his waiver request for  
12 Subdivision Checklist #51. Bob Todd, LLS, noted that #51 of the Subdivision Checklist  
13 required soils information. He stated that soils information was used to determine land use and  
14 the land use was not being changed for this application.

15 Mark Suennen referred to the waiver request for Subdivision Checklist #35 and asked  
16 Bob Todd, LLS, to tell the Board about the slope and nature of the parcel. Bob Todd, LLS,  
17 stated that the parcel was wooded and sloped from the east end to the west end with a maximum  
18 grade of 8%. Mark Suennen asked if the parcel contained rolling terrain or contiguous slope.  
19 Bob Todd, LLS, answered that the terrain varied.

20  
21 Mark Suennen **MOVED** to accept the waiver requests for the Traffic, Fiscal and  
22 Environmental Impact Studies, for Brian and Beth Stevens and Benjamin Ballard, for Tax  
23 Map/Lot #11/9-3 and 11/11, Hooper Hill Road and NH Route 13, a/k/a Mont Vernon  
24 Road, based on the fact that it is transferring a piece of land from a smaller parcel to a  
25 larger parcel, there would be no change in traffic patterns, no change in total acreage and  
26 no change in land use. Peter Hogan seconded the motion and it **PASSED** unanimously.

27  
28 Mark Suennen **MOVED** to accept the waiver request for the topographic contours, water  
29 courses, ponds, wetlands, natural features and rock ledges for Brian and Beth Stevens and  
30 Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11, Hooper Hill Road and NH Route  
31 13, a/k/a Mont Vernon Road, based on the fact that the piece that is being deeded is going  
32 from the smaller to the larger parcel and there is no fear that the smaller parcel will not  
33 meet the minimum requirements to be a lot of record. Peter Hogan seconded the motion  
34 and it **PASSED** unanimously.

35  
36 Don Duhaime asked if there were any abutters present; there were no abutters present.

37  
38 Mark Suennen **MOVED** to accept the waiver request to not provide existing proposed  
39 water mains as there are none in Town or public and private utilities as they are existing  
40 lots served by their own wells; the applicant does not need to submit certified erosion and  
41 control plans because they are not planning any excavation in the area given and the soil  
42 information has been indicated at tonight's meeting, for Brian and Beth Stevens and  
43 Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11, Hooper Hill Road and NH Route

November 13, 2012

1 **STEVENS AND BALLARD, cont.**

2  
3 13, a/k/a Mont Vernon Road. Peter Hogan seconded the motion and it **PASSED**  
4 unanimously.

5  
6 Mark Suennen **MOVED** to accept the waiver request for the fire protection systems  
7 locations, for Brian and Beth Stevens and Benjamin Ballard, for Tax Map/Lot #11/9-3  
8 and 11/11, Hooper Hill Road and NH Route 13, a/k/a Mont Vernon Road, as there are no  
9 changes on either the receiving or granting lots. Peter Hogan seconded the motion and it  
10 **PASSED** unanimously.

11  
12 Bob Todd, LLS, asked if the Board needed to address #'s 38 and 39 of the Subdivision  
13 Checklist. Mark Suennen asked if all the acreage breakdowns had been shown on the plan. Bob  
14 Todd, LLS, answered that all acreage breakdowns were shown with the exception of Tax  
15 Map/Lot #11/9-3. The Coordinator explained that waivers were not needed for #38 or #39.  
16 The Board determined that a site walk was not necessary.

17  
18 Peter Hogan **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for  
19 Brian and Beth Stevens and Benjamin Ballard, for Tax Map/Lot #11/9-3 and 11/11,  
20 Hooper Hill Road and NH Route 13, a/k/a Mont Vernon Road, such that Parcel A of  
21 0.669 acres is annexed from Tax Map/Lot #11/11 to Tax Map/Lot #11/9-3, resulting in  
22 the following acreages, Tax Map/Lot #11/9-3, 9.88 acres; and Tax Map/Lot #11/11,  
23 2.356 acres, subject to:

24  
25 **CONDITIONS PRECEDENT:**

- 26 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,  
27 including all checklist corrections and any corrections as noted at this hearing;  
28 2. Submission of the Mylar for recording at the HCRD;  
29 3. Submission of a certificate of bounds set and the appropriate fee for recording  
30 same with the HCRD, if necessary.  
31 4. Payment of any outstanding fees related to the subdivision application and/or the  
32 recording of documents with the HCRD.  
33 5. Upon completion of the conditions precedent, the final plans and Mylar shall be  
34 signed by the Board and forwarded for recording at the HCRD.

35 The deadline date for compliance with the conditions precedent shall be **January 13,**  
36 **2013**, confirmation of which shall be an administrative act, not requiring further action by  
37 the Board. Should compliance not be confirmed by the deadline date and a written  
38 request for extension is not submitted by that date, the applicant is hereby put on notice  
39 that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the  
40 approval. The applicants are further put on notice that this lot line adjustment approval  
41 constitutes recognition that the lot configurations are in conformance with local land use  
42 regulations. To complete the lot line adjustment, deeds must be transferred.

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

November 13, 2012

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
2 **NOVEMBER 13, 2012.**

- 3  
4 10. Driveway Permit application for Twin Bridge Land Management, Tax Map/Lot # 2/62-  
5 12, Twin Bridge Road, with attachments, for the Board's review and discussion.  
6 (Applicant to be present)

7  
8 Present in the audience was Tris Gordon, Dave Elliott and Bob & Sharon Huettner.

9 Tris Gordon of Twin Bridge Land Management explained that the above-referenced  
10 project had been bonded in the amount of \$1.3M. He stated that he was looking to pull one  
11 Building Permit in order to build a house and sell it. He continued that the road was currently  
12 being constructed. He pointed to the plan and identified the proposed location of the house off  
13 the road that was currently under construction. He was hoping to finish and sell the house by  
14 April 2013, however, he noted that he faced a dilemma with regard to not being able to pave the  
15 road due to the time of year. He added that he hoped to pull an additional building permit for  
16 construction at some other location on the project. He stated that he was not looking for a lot but  
17 just wanted to have ongoing progress with the project.

18 Mark Suennen asked if the applicant was describing a temporary driveway off Wright  
19 Drive or off Twin Bridge Road. Tris Gordon answered that it could be looked at two different  
20 ways, either the road itself is temporarily the driveway to this lot or the application is for a  
21 temporary driveway off Wright Drive. Mark Suennen advised that the only way the Board could  
22 allow the driveway was if it was a temporary driveway off Twin Bridge Road. He explained that  
23 Wright Drive was not a Town road. Tris Gordon stated that Wright Road would be used as the  
24 driveway for this lot. He added that the road had been bonded, everything was in place,  
25 everything had been accepted, recorded and was done. He continued other than pavement being  
26 installed it was technically a road and would always be built.

27 Mark Suennen asked for the current apron adjacent to Twin Bridge Road. Tris Gordon  
28 answered that the road had 86'. Mark Suennen asked what material was adjacent to the Town  
29 road. Tris Gordon answered that the material was crushed stone. Mark Suennen asked if the  
30 construction entrance also had crushed stone. Tris Gordon answered yes. He added that no  
31 culverts were being built and explained that it was being brought up to grade.

32 Peter Hogan commented that he did not have an issue as it was a driveway coming off the  
33 main road. He added that he would have an issue if the applicant tried to do another lot on it.  
34 Tris Gordon asked for clarification that Peter Hogan would have a problem if they wanted to pull  
35 an additional Building Permit before April 2013. Peter Hogan answered yes. Tris Gordon noted  
36 that he would not be looking for a CO, only a Building Permit. Peter Hogan stated that he  
37 probably would not allow for a Building Permit to be pulled. He noted that there would not be  
38 any frontage for a lot further up. Tris Gordon stated that they would be using a lot further down.  
39 Peter Hogan questioned if the applicant would be using frontage from Wright Drive. Tris  
40 Gordon answered yes. Peter Hogan suggested that the applicant address the matter with the  
41 Building Department. He stated that he did not have a problem with the matter before them this  
42 evening because it had frontage. Mark Suennen pointed out that the frontage was shy. The  
43 Coordinator stated that the frontage on Twin Bridge Road met the "R-1" District requirement.

November 13, 2012

1 **MISCELLANEOUS BUSINESS, cont.**  
2

3 She explained that the area had been zoned as manufactured housing parking with an “R-1”  
4 overlay for single family dwellings only. She pointed out that technically a Building Permit  
5 could not be held up if the project had been bonded. She continued that ordinarily the driveway  
6 permits would all come in at once when the road was at sub-grade and COs would not be issued  
7 until the road had been brought to binder.

8 Mark Suennen stated that the Board had been creative for a 9 lot subdivision on Wilson  
9 Hill Road. He continued that the applicant had built a lot and used the future Town road as the  
10 temporary driveway. The Coordinator pointed out that the two lots ended up being merged  
11 together in order to have frontage on Wilson Hill Road.

12 Peter Hogan asked if the driveway could be placed where the applicant wanted it to be  
13 using property that was not going to be Wright Drive. Don Duhaime stated that a detention pond  
14 that was being built would be in the way. Tris Gordon asked if Peter Hogan was referring to the  
15 edge of the property line. Peter Hogan answered yes. Tris Gordon stated that they could use  
16 Peter Hogan’s suggestion. Dave Elliott commented that it would not be in the travel way of the  
17 road but it would be in the right-of-way of the road. Peter Hogan stated that he wanted to know  
18 that it could be done. Dave Elliott believed that it could be done. He added that one option  
19 could be putting it on the backside of the pond. Peter Hogan stated that the pond was being built  
20 for the benefit of Wright Drive and the rest of the subdivision. He pointed out that there would  
21 be no problem putting the driveway in if the pond was not there. Dave Elliott stated that because  
22 of the time of year the pond did not have to be installed right now.

23 Peter Hogan stated that he did not have a problem with moving forward with what the  
24 applicant proposed because he believed that the applicant was not trying to get around anything.  
25 Don Duhaime agreed with Peter Hogan for moving forward with the one lot. Tris Gordon stated  
26 that he was only interested in pulling one additional permit. The Coordinator pointed out that the  
27 Board could not keep the applicant from obtaining additional Building Permits. She explained  
28 that once the road was bonded they were allowed to obtain building permits, however, they could  
29 not receive COs until the road was built to binder. She suggested that the Board make the  
30 issuance of a CO for this house only as part of their motion based on its configuration.

31  
32 Mark Suennen **MOVED** to authorize the Building Inspector to continue to pursue and  
33 allow a CO for Tax Map/Lot #2/62-12 with the understanding that a temporary driveway  
34 was to be built off Twin Bridge Road using Wright Drive as part of the temporary  
35 driveway. Peter Hogan seconded the motion and it **PASSED** unanimously.  
36

37 Mark Suennen **MOVED** to approve the driveway permit for Twin Bridge Land  
38 Management, LLC, Tax Map/Lot #2/62-12, Twin Bridge Road, contingent upon the  
39 Road Agent's approval. Peter Hogan seconded the motion and it **PASSED** unanimously.  
40

41 **Continued discussion, re: proposed Zoning Ordinance Amendments for 2013.**  
42

43 The Coordinator stated that proposed amendment #1 was relative to CUPs and would

November 13, 2012

1 **ZONING AMENDMENTS DISCUSSION, cont.**

2  
3 place procedures that had been discussed previously into the Zoning Ordinance.

4 The Coordinator referred to proposed amendment #2 which was a suggestion from the  
5 Conservation Commission with regard to logging operations and the wetland setbacks. She  
6 explained that the Conservation Commission had an experience with a logger who was logging  
7 up to a stream that was considered to be part of the Wetlands Conservation and Stream Corridor  
8 District. She continued that when the Conservation Commission advised that the logging could  
9 not take place within 50' of the stream the logger had argued that the Ordinance did not  
10 specifically identify logging.

11 The Coordinator stated that proposed amendment #3 would update the Ordinance in  
12 various spots where the Small Scale Planned Commercial District and Wetlands Conservation  
13 and Stream Corridor District should be listed.

14 The Coordinator noted that proposed amendment #5 was a suggested definition for yard  
15 sale.

16 The Coordinator pointed out that attached to the proposed amendments packet were the  
17 Conservation Commission meeting minutes that captured the discussion of their proposal.

18 The Coordinator asked the Board to review Innovative Land Use Planning Techniques  
19 page that was included in the packet for discussion at the next meeting regarding approval  
20 criteria for CUPs.

21  
22 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**  
23 **NOVEMBER 13, 2012, Cont.**

- 24  
25 1. Approval of the October 9, 2012, minutes distributed by email.

26  
27 Mark Suennen **MOVED** to approve the minutes of October 9, 2012, as written. Peter  
28 Hogan seconded the motion and it **PASSED** unanimously.

- 29  
30 2. Existing Driveway Permit applications for Townes Family Trust, Tax Map/Lot #'s 13/39  
31 & 13/39-1, South Hill Road, for the Board's action.

32  
33 The Coordinator stated that the courtesy file copies for the two above-referenced  
34 driveways had been provided. She noted that arrangements would be made for the Chairman to  
35 sign the driveway permits.

- 36  
37 3. Schedule Compliance Site Walk for Robert Waller, 236 Meadow Road, Tax Map/Lot  
38 #14/80.

39  
40 Peter Hogan asked if the trailers had been removed for compliance to have been met.  
41 The Coordinator answered yes. The Planning Board Assistant advised that the Code  
42 Enforcement Officer confirmed that the trailers had been removed, however, everything that had  
43 been inside the trailers was now where the trailers had existed.

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1 **MISCELLANEOUS BUSINESS, cont.**  
2

3 A site walk was scheduled for Saturday, November 17, 2012, at 8:00 a.m. Peter Hogan  
4 stated that he would not be able to attend the site walk but would drive by the property.  
5

- 6 4. Letter dated November 1, 2012, from Robert Todd, LLS/LPF/CPESC, Todd Land Use  
7 Consultants, to New Boston Planning Board, re: Robert W. & Crystal L. Nadeau  
8 Subdivision, Tax Map/Lot #4/14, Route 136, request for an extension to the conditions  
9 precedent deadline of November 24, 2012, for one year, for the Board's action.  
10

11 Mark Suennen asked if this was a second request for extensions to the conditions  
12 precedent deadline. The Coordinator advised that it was the third request. Don Duhaime asked  
13 if the Board would agree to extend the conditions one more time. Mark Suennen commented  
14 that he had no problem with an extension. Peter Hogan noted that there had been no changes to  
15 the Zoning Ordinance and there was no harm in granting the extension.  
16

17 Mark Suennen **MOVED** to grant the extension to the conditions precedent deadline for  
18 Robert W. & Crystal L. Nadeau Subdivision, Tax Map/Lot #4/14, Route 136, to  
19 November 24, 2013, and the conditions subsequent deadline to August 24, 2014. Peter  
20 Hogan seconded the motion and it **PASSED** unanimously.  
21

- 22 5. Letter with attachment received October 26, 2012, from Bruce DeMay, Director,  
23 Economic & Labor Market Information Bureau, New Hampshire Employment Security,  
24 to Nicola Strong, Planning Coordinator, re: 2012 edition of the New Hampshire  
25 Community Profiles, for the Board's information.  
26

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

- 30 6. Booklet by Nelson/Nygaard Consulting Associates, San Francisco, CA, January 2005,  
31 *titled: Back-in/Head-out Angle Parking*, for the Board's information.  
32

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

- 36 7a. New Boston Planning Department Report for Budget 2013, prepared by Nicola Strong,  
37 Planning Coordinator, October 31, 2012, for the Board's information.  
38

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

- 42 7b. Copy of 2011-2013 Planning Department line item detail, for the Board's information.  
43



November 13, 2012

1 **MISCELLANEOUS BUSINESS, cont.**

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

- 5  
6 8. Distribution of October 23, 2012, minutes for approval at the meeting of November 27,  
7 2012. (distributed by email)

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

- 11  
12 9a. Endorsement of a Subdivision Plan for New Era CF Trust, Gregg Mill and Beard Roads,  
13 Tax Map/Lot # 6/12, by the Planning Board Chairman & Secretary.

14  
15 Don Duhaime noted that the Secretary would execute the above-referenced plan at the  
16 close of the meeting and arrangements would be made for the Chairman to sign.

- 17  
18 9b. Endorsement of a Notice of Decision Cover Sheet for New Era CF Trust, Gregg Mill and  
19 Beard Roads, Tax Map/Lot # 6/12, by the Planning Board Chairman.

20  
21 Don Duhaime noted that arrangements would be made for the Chairman to execute the  
22 above-referenced Notice of Decision Cover Sheet.

- 23  
24 11a. Schedule Compliance Site Walk for Daylily Lane.

25  
26 A site walk was scheduled for Saturday, November 17, 2012, at 8:30 a.m. +/-

- 27  
28 11b. Email received November 9, 2012, from Jack Belletete, to Shannon Silver, re: Greenfield  
29 Road contribution for future work, for the Board's review and discussion.

- 30  
31 11c. Letter dated November 13, 2012, from Kevin M. Leonard, P.E., Northpoint Engineering,  
32 to Nic Strong, Planning Coordinator, re: Karen M. Morin Revocable Trust Daylily  
33 Lane/Greenfield Road, for the Board's review and discussion.

- 34  
35 11d. Email received November 13, 2012, from Dick Perusse, Road Agent, to Shannon Silver,  
36 planning Board Assistant, re: monies for Greenfield Road, for the Board's information.

37  
38 Don Duhaime addressed items 11b, 11c and 11d together as they were related.

39 Peter Hogan asked which part of Greenfield Road was being discussed. The Coordinator  
40 stated that the area being discussed was at the location of the culvert pipes on Greenfield  
41 Road. She explained that the area had been raised during construction with agreement from  
42 everyone. She continued that the current Road Agent did not want the area to be raised and he  
43 was going to fix it. She added that the Town was willing to do the work and the money for the

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 project would be left in place by the Belletete's.

4

5 Peter Hogan **MOVED** to accept the recommendation that had been laid out by the Town  
6 Road Agent and Town Engineer, to accept \$10,500 from Belletete's Inc., to be used by  
7 the Town to finish the improvements on Greenfield Road to the Road Agent's  
8 specifications. Mark Suennen seconded the motion and it **PASSED** unanimously.

9

10 12. As Built Plans received November 9, 2012, from Robert Waller, 236 Meadow Road, Tax  
11 Map/Lot #14/80, for the Board's review and discussion.

12

13 Don Duhaime pointed out that the above-referenced matter had previously been  
14 addressed under Miscellaneous Business, item #3.

15

16 13. Letter dated November 9, 2012, from Kevin M. Leonard, P.E., Northpoint Engineering,  
17 to Nic Strong, Planning Coordinator, re: Twin Bridge Estates, Phase II, Bond Release #1  
18 Recommendation, for the Board's action.

19

20 Mark Suennen **MOVED** to release \$123,691.54, of the existing bond to the applicant.  
21 Peter Hogan seconded the motion and it **PASSED** unanimously.

22

23 Mark Suennen **MOVED** to adjourn at 9:17 p.m. Peter Hogan seconded the motion and it  
24 **PASSED** unanimously.

25

26 Respectfully Submitted,  
27 Valerie Diaz, Recording Clerk

Minutes Approved:12/18/12