

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2014 Meetings**

January 14, 2014

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

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7 Present in the audience for all or part of the meeting were Selectman Rodney Towne,
8 Selectman Christine Quirk, John Neville, Jake Neville, Willard Dodge, Kevin Leonard, P.E.,
9 Road Committee Chairman Tom Miller, Road Agent Dick Perusse, Ken Clinton, Tim LeClair,
10 Dave Elliott, Jay Marden, Bob Todd, LLS, Rick Kohler, Timothy White and Allen Penrod.

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12 **Discussion, re: Road Construction Inspection Procedures**

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14 Present in the audience were Selectman Rodney Towne, Selectman Christine Quirk, John
15 Neville, Jake Neville, Willard Dodge, Kevin Leonard, P.E., Road Committee Chairman Tom
16 Miller, Road Agent Dick Perusse, Ken Clinton, Tim LeClair, Dave Elliott, Bob Todd, LLS and
17 Jay Marden.

18 The Chairman indicated that the above-captioned matter had been previously discussed
19 during the November 26, 2013, Planning Board meeting. He noted that updating the Road
20 Construction Inspection Procedures, (RCIP), had been addressed. He continued that all
21 interested parties were to have reviewed the current RCIP and submit their suggested changes for
22 discussion at the January 14, 2014, meeting. He stated that the Planning Department would
23 research the proposed changes, if needed, and create an updated draft of the RCIP for discussion
24 at the January 28, 2014, Planning Board meeting. He further stated that a public hearing would
25 be scheduled for February 11, 2014, to vote on the adoption of the updated RCIP.

26 The Chairman advised that the Board had received proposed changes from the Board of
27 Selectmen, David Litwinovich, Dave Elliott and John Neville and himself. He invited the
28 audience members to obtain copies of the proposed changes.

29 The Chairman referred to the proposed changes that had been submitted by the Board of
30 Selectmen, page one, paragraph one, Responsibilities of the Contractor. He read the following,
31 "...a minimum of three-hundred linear feet of embankment and/or lift of select material shall be
32 in place and ready for inspection prior to requests for inspection by the Town's Consulting
33 Engineer". He asked for comments and/or questions on this proposed change. Town Engineer
34 Kevin Leonard commented that the proposed change was a good idea as it would minimize trips
35 and make it easier to keep track of larger segments of the road during construction. He stated,
36 however, that the road currently being constructed for the Forest View II Subdivision would not
37 comply with the proposed change as it was being worked on in smaller increments due to the
38 winter weather conditions. John Neville indicated that a box culvert needed to be installed at
39 200' mark so he could not get 300' of material in place prior to asking for an inspection. Rodney
40 Towne pointed out that there had been a section in the Chairman's proposed changes that
41 allowed the Town's Engineer to follow the regulations "unless it was otherwise determined". He
42 continued that the purpose of the Board of Selectmen's proposed change was to reduce the
43 number of visits by the Town Engineer and reduce the cost to the contractor. The Chairman

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asked if the language, “unless otherwise determined by the Town’s Consulting Engineer” should be added to the Board of Selectmen’s proposed change. Rodney Towne and Christine Quirk agreed to this additional language.

The Chairman reminded the audience that this evening’s discussion would not be the final discussion on the updates to the RCIP. He continued that an updated draft would be created and reviewed at the next meeting and changes could be made at that point.

The Chairman referenced the Board of Selectmen’s proposed changes, Responsibility of the Town’s Consulting Engineer, bullet #10. He explained that the following language was proposed to be added, “...invoices the Town on a timely basis for construction monitoring services performed. All invoices are to be accompanied by corresponding inspection reports. It shall also include a time log documenting arrival onsite, start of inspections, completion of inspections and time of departure from site. Reports shall also be copied to the developer/contractor”. Rodney Towne pointed out that “developer/contractor” was being added in an effort to be consistent throughout the document. The Chairman noted that David Litwinovich’s proposed changes included this section and questioned if a more specific time frame should be listed other than “on a timely basis”. David Litwinovich commented that he was unsure of what the specific time frame should be. Dave Elliott commented that a one month time frame was a ridiculous amount of time and suggested that the time frame should be 24 – 48 hours in order to accommodate scheduling of things. The Chairman clarified that they were specifically discussing invoices not inspections. Dave Elliott suggested that invoices be submitted every two weeks. The Chairman asked if anyone believed that time frame should be different or if anyone believed a specific time frame should not be listed. Mark Suennen believed that providing the invoices on a monthly basis was reasonable and that requiring that invoices be submitted every two weeks created an administrative burden on all of those involved. He suggested that the following language be used, “...invoice the Town on a timely basis (the Town’s preference is for monthly invoicing) for construction monitoring services performed”. John Neville believed that invoicing should occur every two weeks so that the developer would know where they stood with regard to their escrow account. He continued that if there was a complaint against the bill it would not then be coming in 30 days after the fact. He believed that it was not much to tally if the Town Engineer was filling out the reports. He stated that if he purchased something from Anderson Equipment he received an invoice two days following the purchase. He further stated that he received invoices from Continental every two or three days. He commented that receiving an invoice every two weeks would assist him in keeping a tally and provide a decent feel for where the job was going and what the costs were. Mark Suennen pointed out that they were discussing two different things, monthly invoices and construction monitoring service reports. He stated that it was not unreasonable to request an accelerated time frame to receive inspection reports, i.e., 48 hours or seven days, however, he believed that requiring invoices every two weeks created an administrative burden. He continued that it was not unreasonable to ask for an email of the completed reports within seven days. Tim LeClair agreed with Mark Suennen’s suggestion and stated that the developer would know where they stood every seven days. Dave Elliott commented that monthly invoices created a situation where

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1 ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

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3 the developer/contractor was unable to review the invoice prior to the Town Engineer receiving
4 payment and disputes with the invoice could not be addressed prior to payment. He suggested
5 that reports be submitted weekly. Mark Suennen advised that the Board received a simple, one
6 page report from the Town Engineer that included arrival/departure times, those present and
7 what work had been completed. Tim LeClair noted that as the developer he received the same
8 report. He asked if the Town Engineer had to submit invoices to the Planning Board for
9 approval. Mark Suennen answered yes. Tim LeClair stated that he did not receive the invoice
10 until after it was approved. Town Engineer Kevin Leonard pointed out that Tim LeClair's
11 statement was not accurate and advised that developers did receive invoices prior to their
12 approval. He continued that reports and invoices were sent out together on a monthly basis. He
13 explained that his week ended on a Sunday and the current cycle of reports and invoices were
14 sent out on the second weekend of the month. He suggested that the Town and
15 developer/contractors meet in the middle and he would be willing to send out the previous
16 week's reports every Friday. He suggested that the weekly reports be provided via email and
17 hard copies for the month be provided once per month with the attached invoice. Tim LeClair
18 commented that Town Engineer Kevin Leonard's suggestion made sense. John Neville and
19 Dave Elliott also agreed with Town Engineer Kevin Leonard's suggestion. The Chairman asked
20 for further comments on this matter; there were no further comments.

21 The Chairman referred to the Board of Selectmen's proposed changes, page three, Design
22 Changes. He stated that the proposed change attempted to address removing some responsibility
23 from the Planning Board and allowing the Town Engineer to make decisions in the field in a
24 timely manner. He read the following proposed change, "In the event that the
25 developer/contractor wants to make changes to the approved plan during construction they
26 should be aware that this may require action by the Planning Board. The Town's Consulting
27 Engineer along with the Road Agent may approve changes in the field as they see appropriate as
28 long as it does not change the original intent of the approved plan. In cases where proposed
29 elevation changes of more than 12" or realignment of the road course are requested by the
30 developer/contractor the Planning Board must be consulted. If the Town's Consulting Engineer
31 and the Town's Road Agent disagree on the proposed changes or if the developer/contractor
32 disagrees with the decision of the Town's Consulting Engineer and the Town's Road Agent the
33 Planning Board must be consulted. The developer/contractor should be aware that the Planning
34 Board meets at most twice monthly and that advance notice is required to get put on a specific
35 meeting agenda". The Chairman reiterated that the intent of this proposed change was to address
36 field changes. The Chairman asked if another word other than "road course" should be used.
37 Tom Miller indicated that "roadway" should be used in place of "road course". Town Engineer
38 Kevin Leonard commented that the proposed change was a good idea; however, he believed that
39 the Planning Department should also be consulted with regard to field changes. Tom Miller
40 pointed out that the Town Engineer could contact the Planning Department as part of his
41 decision making process. Town Engineer Kevin Leonard asked how field changes would be
42 documented and provided to the Planning Board and Planning Department. Mark Suennen
43 believed that changes in the field should be documented in the Town Engineer's construction

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monitoring services reports. The Chairman requested that the following sentence be added to the proposed change, "Field change decisions shall be documented on that day's inspection report". Tom Miller pointed out that any changes would appear on as-built plans. Town Engineer Kevin Leonard said that changes of significance such as detention pond changes may require input from the design engineer and wondered when a plan change would need to come back to the Board. Mark Suennen stated that the proposed change gave some latitude to the Consulting Engineer and the Road Agent to decide on the original intent of the plan as well as contact the Planning Department as needed. He further stated that it was the responsibility of the Board to make sure that the Planning Department and Consulting Engineer were aware of those things that the Board found important with regard to the original intent. He believed that some things were more sensitive than others and that it was incumbent upon on the Board to advise of which items could not be changed without Planning Board review.

The Chairman referred to the proposed changes that had been submitted by John Neville and Dave Elliott. He noted the first item was to do with the Town's Consulting Engineer and Road Agent approving design changes. He asked if the previously discussed Board of Selectmen proposed changes addressed their suggestion. Dave Elliott agreed that the first item had been addressed.

The Chairman referred to the proposed changes that had been submitted by David Litwinovich and read the following, "We should add text to the pre-construction meeting section that better clarifies how day to day communication should be handled between the contractor, Town Engineer and the Town". He asked David Litwinovich for suggested language. David Litwinovich believed that the most efficient means of contact be shared between the parties during the pre-construction meeting. The Chairman asked for further comments and/or questions; there were no further questions or comments.

The Chairman referred to David Litwinovich's proposed changes, Responsibilities for the Contractor, bullet #3, and read the following current requirement, "Notify the Town's Consulting Engineer 24 hours in advance of all desired inspections". He explained that David Litwinovich had suggested that the requirement be changed as there seemed to be some difference in opinion with regard to how quickly inspections could or should occur. He noted that it was David Litwinovich's opinion that contractors should not have to wait three or four days for an inspection. John Neville believed that David Litwinovich's suggestion stemmed from a conversation that had occurred in September or October of 2013 with regard to soils testing taking up to 72 hours to complete. Town Engineer Kevin Leonard indicated that he was confused by this comment as his company was very good at scheduling inspections on short notice. He noted that the only situation he could recall that created tricky scheduling was with regard to the Twin Bridge Subdivision infiltration basins testing. He explained that the equipment used to conduct the infiltration basin testing was specialized and required a technician that had been trained to use the equipment. David Litwinovich indicated that this had come from previous discussion regarding the timeliness of Terracon's inspections. The Chairman noted that everyone was agreeable to the 24 hour notice for inspections requirement.

The Chairman referred to page five of David Litwinovich's proposed changes, Compaction

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Testing. He pointed out that he had also addressed this matter and had proposed the following language, “Any engineering firm used shall have at least one staff member certified by NETTCP or equivalent experience (as determined by the Town's Consulting Engineer). A developer/contractor may request a specific engineering firm to use in place of the one proposed by the Town Consulting Engineer. Requests to use an alternate inspection firm should be presented prior to the pre-construction meeting. In the event that the developer/contractor disagrees with the Town's Consulting Engineer on the qualifications of the proposed firm, the Planning Board must be consulted”. He stated that the proposed additional language codified what had been discussed during the November 26, 2013, Planning Board meeting. He invited Dave Elliott to comment on the proposal. Dave Elliott commented that the proposed language “hit it pretty well”. He suggested that if the firm employed was not available other qualified firms could be used instead. He said he did not know this at the pre-con. Dave Elliott went on to say that the testing personnel were not qualified and were learning on the job. HE said he contracted with the design engineer to do some of the testing and they did it in half the time but he ended up paying double for the testing. Dave Elliott said Northpoint could not get the testing company there while they were installing the infiltration basins. The Chairman asked Dave Elliott how he would change the proposed wording to ensure that the situation he described did not happen again. Dave Elliott believed that 24 hour notification for inspections was always enough notification. He continued that if the Town’s Engineer could not provide a firm in 24 hours to do an inspection then the developer/contractor should be allowed to use a different, qualified firm do complete the inspection.

Town Engineer Kevin Leonard pointed out that the current regulations as well as the Chairman’s proposed modified language required a reputable geotechnical engineering firm. He explained that a geotechnical firm in the State of New Hampshire was required to have a professional engineer on staff and be licensed with the Joint Board of Licensure. The Chairman asked for clarification if the geotechnical firm needed to be licensed or if the requirement only required one person on staff to be licensed. Mark Suennen answered that both the firm and an employee had to be licensed. Town Engineer Kevin Leonard noted that ConTest was a very capable testing company, however, they did not have a professional engineer on staff nor were they a geotechnical engineering firm. He reiterated that ConTest was a very capable testing company, however, he had reservations prior to working with the company because he was unsure if they had geotechnical engineers on staff. He indicated that if the Town wished to work with companies like ConTest the wording of the requirement needed to be changed so that it did not refer to a geotechnical firm. He added that it was important for the Town to have access to a geotechnical engineering expert. John Neville said the Board could word this whichever way they wanted. He thought the engineering firm should have their own survey crew with the capability to go out and verify things if the were saying they were wrong. He stated that there were so many different aspects to this field that it was not affordable to have everyone in house. He added that we are not a State or a government thing and stated that we are a community. He further added that we were not going to have a Cadillac all the way through otherwise everyone would be paying for the Cadillac. He believed that he needed to work around things to get to the

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end results.

The Chairman suggested that the wording be changed to “someone competent and qualified by the Town Engineer”. Mark Suennen pointed out that two things were being discussed, the first was completing simple tests, i.e., density, soil, and gradation. He continued that the second thing being discussed were those instances when a geotechnical engineer and only a geotechnical engineer was needed to complete tests. He suggested that a requirement be created to require that the Town Engineer have a geotechnical engineering firm available. He did not believe that the Town needed to require that developer/contractor to hire the geotechnical engineering firm. He stated that the Town should accept a competent testing firm to complete the gradation testing, density testing and proctors. He noted that the Town Engineer would be reviewing the testing procedures and testing results and was allowed to question the testing and complete a QA test. He asked Tom Miller if this was consistent with how the NHDOT handled similar situations. Tom Miller answered yes. Don Duhaime believed that the developer/contractor and town Engineer should discuss schedules and what firms would be used during the pre-construction meeting. Rodney Towne pointed out that prior to the November 26, 2013, meeting developer/contractors could not hire firms to complete testing. Dave Elliott added that he had been told that he could not use testing firms other than the one used by the Town Engineer. The Chairman pointed out that everyone appeared to agree that developer/contractors could hire testing firms and that the issue no longer needed to be hashed out over again. He indicated that there was a proposal to allow developer/contractors to hire a testing firm and the Town Engineer would be required to have a geotechnical engineer available to complete QA testing. Mark Suennen clarified that he was not saying that the regulations should require a developer/contractor to hire their own firm but was instead allowing them an option to hire their own testing firm as an alternative. John Neville suggested that the scheduling of compaction testing, sieves and proctors be up to the developer/contractor as it would save the developer/contractor money and he believed that he and Dave Elliott would know when samples were ready to be compacted. Mark Suennen advised that it was his intent to provide the developer/contractor with the option to hire an independent, third party testing firm. He explained that the scheduling and billing would be handled by the developer/contractor and that reports would be submitted to the Town Engineer. He continued that the Town Engineer was allowed to hire a geotechnical engineer to certify testing results. He asked for Tom Miller’s thoughts with regard to his proposal. Tom Miller stated that the proposal would work fine as long as everyone understood that the Town Engineer was allowed to call for additional testing if he questioned results provided by the developer/contractor’s testing firm. He added that the additional testing would be at the cost of the developer/contractor. Mark Suennen and the Chairman agreed with Tom Miller. The Chairman asked for comments and/or questions on this matter; there were no comments or questions.

The Chairman indicated that the next topic of discussion was relative to compaction testing frequencies. He advised that David Litwinovich had provided the following comment, “Add language to clarify that the interval testing was at the discretion of the Town Engineer. Maximum/minimums should be stated, however, the Town should be able to adjust the interval

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3 based on the situation. The procedures should also allow for random testing if needed". Rodney
4 Towne stated that testing every 1,500' of roadway instead of every 100' had been discussed.
5 Tom Miller clarified that it had been discussed to cut the testing of every 1,500' of roadway to
6 every 500' because the Town roads were naturally shorter than State roads. The Chairman asked
7 for the proposed frequency of testing. Tom Miller recommended that one test be completed for
8 every 500' of roadway, i.e., two-lane road required two tests for 500' of roadway. The Chairman
9 noted that there would be one test for every lift per specifications, one test for gravel at 500'
10 intervals for alternating lanes and crushed gravel one test at 500' intervals for alternating lanes.
11 Rodney Towne asked if the amounts listed by the Chairman were maximum amounts. The
12 Chairman answered yes. Dave Elliott explained that winter conditions created situations where
13 roads would be constructed in smaller segments and asked if more testing could be requested to
14 test the smaller portions. Rodney Towne pointed out that Dave Elliott's concern had been
15 addressed and captured with the Board of Selectmen proposed changes to the RCIP. The
16 Chairman asked for further comments and/or questions on this matter; there were no comments
17 or questions.

18 The Chairman noted that the discussion was running over the scheduled time and asked if
19 anyone was present in the audience for the 7:30 p.m. public hearing on the changes and additions
20 to the proposed amendments to the Zoning Ordinance. There were no members of the audience
21 that were present for the 7:30 public hearing and as such the Chairman determined that the RCIP
22 discussion should continue.

23 The Chairman referred to the proposed changes that had been submitted by John Neville
24 and Dave Elliot. He stated that the first and second proposed changes had been clarified through
25 discussion this evening.

26 The Chairman indicated that the third proposed change questioned the need for staking if
27 the contractor's equipment ran off GPS coordinates. He invited comments and stated that the
28 Board would need time to think about it and discuss at a future meeting. Tom Miller asked John
29 Neville to describe the problem and he would advise how the State handled such issues. John
30 Neville stated that he was thinking about installing GPS on two machines at a cost of
31 approximately \$200,000.00. He explained that he did not mind staking out gravels and crush but
32 did not want to do so up a 10' fill. He stated the question was how they know where they are
33 with no stakes or stations and that the machine screen would indicate where the blade or bucket
34 was. He asked why he should waste a day pounding stakes in this scenario. He thought this a
35 good time to bring it up because of the changes proposed to the Inspections Procedures. Tom
36 Miller commented that it was his experience that GPS was only as good as the person running it.
37 He further commented that GPS was only as good as it was maintained. He pointed out that he
38 had problems with cords becoming loose on graders due to vibration. He explained that once the
39 cords became loose the GPS could lose track of satellites. He continued that the State had
40 provided survey crews for him to check for problems with grade and alignment. He stated that if
41 there was a problem it was up to the contractor to fix the problem. He suggested that a survey
42 crew be used at the discretion of the Town Engineer. He commented that just because GPS was
43 being used it did not mean that it was foolproof and that it always worked. John Neville advised

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that he would not be throwing away his total stations. He explained that he would continue to do grading and staking he just did not want to do it on a 10' fill. Tom Miller stated John Neville should be staking centerline and toe of slopes or how did he know where he was. The Chairman stated that this was a good topic to look into and the Board would table it for future discussion.

The Chairman referred to John Neville and Dave Elliott's proposed changes with regard to spelling out the grade tolerances in the Town's specifications. Town Engineer Kevin Leonard said the numbers had been removed from one of the drafts of the original RCIP because the Town was relying on the developer/contractor's grade stakes and stringing the road from them. He said no as-built was provided until binder. Kevin Leonard, PE, went on to say that the RCIP had suggested 1/4 - 1/2" tolerances and pointed out that Twin Bridge exceed those tolerances although they were within an inch or so. He noted on a rural road with open drainage there was no reason to hold to the 1/4 - 1/2". He said the gravel was at or below grade. He noted that it was open ended on the as-built. The Chairman asked if Kevin Leonard could get back to John Neville via email that explained this question further. Town Engineer Kevin Leonard agreed to answer the question via email. Dave Elliott stated that 1/4" on a road in New Boston was ridiculous. He commented that airport landings were not being built and that rural, town roads were being constructed. He stated that he was not aware of any other towns that held to 1/4". Tom Miller noted that he was concerned that the roads not be able to "cheat" the subgrade. He stated that they were ending up with some roads that were constructed with 3" of crushed gravel. Dave Elliott suggested that more road base be required. He believed that hundreds of thousands of dollars were being spent on inspections when changes could be made to road standards to benefit the town. The Chairman suggested that Dave Elliott submit his recommended changes in writing to the Board for discussion at a future meeting.

The Chairman referred to John Neville and Dave Elliott's proposed changes and read the following, "It would be better to have more than one person involved in making the decision to allow the base coat of pavement to be put down due to weather. Allow the Road Agent, Town Engineer and paving company to make the decision." Rodney Towne pointed out that this matter was previously addressed by allowing the Town Engineer and the Road Agent to make field changes.

The Chairman indicated John Neville and Dave Elliott's suggestion regarding the developer/contractor reviewing Town Engineer invoices had been previously addressed and resolved.

The Chairman referred to John Neville and Dave Elliott's proposed changes and read the following, "We would like to suggest that the engineer be required to have their own proper layout equipment to verify grades more accurately". He asked if this item should be added to the Town Engineer's responsibilities. Town Engineer Kevin Leonard noted that currently the regulations required that the developer/contractor was responsible for horizontal and vertical controls. He commented that the regulation was pretty common place with regard to road construction. He went on to say that on John Neville's project he had discussed with the site super, Dave Nault, a question on a grade that Dave Nault said he had checked and because there was not an apparent deficiency Kevin Leonard, PE, took Dave Nault's word for it. Kevin

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Leonard, PE, did not think he was demanding unreasonable controls on any given site. The Chairman stated that what the Town Engineer was addressing was not what the suggestion was addressing. He explained that the suggestion was that the Town Engineer be required to have equipment to do it himself. Mark Suennen stated that a qualified individual would also be needed to operate the equipment and that would be a cost to the developer/contractor. Dave Elliott asked if the developer/contractor would be responsible for the cost in a situation where the Town Engineer did not have the equipment to check a problem himself, hired an inspector to check the problem and the results showed that there was not a problem. He advised that the intent of the suggestion was to ensure that the Town Engineer had the required equipment to verify his questions. Mark Suennen said that if the Town Engineer questioned something and sent out a qualified person to check it and found out it was wrong the Contractor should do it again; if it was right it would be on them. Tom Miller gave an example of a similar situation when he was working on a bridge that crossed the Merrimack River in Boscawen, New Hampshire. He explained that drilled shafts were used and were 8' around 150' deep and were filled with reinforcing steel. He indicated that he had been in charge of the pour and fifteen minutes into the pour he discovered that something was not right. He stated that he shut the job down and did so knowing that if he had been wrong the State of New Hampshire would have had to eat the expense. He went on to say that the expense made inspectors make sure that they were right before they pulled the plug on a project. He stated that the inspector should not be the only person responsible for his actions. He believed that if an inspector checked something for a potential problem and it ended up being a problem then the developer/contractor should be responsible for the cost, however, if there was not a problem then someone along there has to pay. The Chairman indicated that the Board and Town Engineer would look into this matter further and discuss at the next meeting. Dave Elliott said the Town Engineer should have more equipment besides a 4' level and a tape so that when a question came up they would be qualified to make the decision.

The Chairman referred to John Neville and Dave Elliott's proposed changes and questioned if the suggestion regarding the use of stump grindings on steep slopes was part of the RCIP. John Neville explained that he had added the suggestion as a topic to discuss. The Chairman stated that this would be added to the list of future topics for the Planning Board to discuss. John Neville also had a note about driveway headwall details which he would like to be discussed in the future too.

The Chairman asked if there were any other comments with regard to the RCIP that have not been discussed. Dave Elliott indicated that he did not have a specific comment with regard to the RCIP, however, it involved inspections. He believed that the Town should have three separate engineering firms that were able to bid on projects. He stated that his suggestion would create some competition and accountability. The Chairman asked how the engineering company would be chosen. Dave Elliott answered that the developer/contractor would be allowed to choose between the three companies. Mark Suennen commented that there were very few, if any, towns that were similar in size to New Boston that had multiple, on-call, consulting engineering contracts. He pointed out that the Town of Goffstown had one Consulting Engineer.

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Tom Miller added that it created a slippery slope situation because the Contractor could start to pick the company they wanted to use based on the inspector they got along with best. The Chairman requested that the discussion on that matter be scheduled for discussion at a future meeting.

The Chairman indicated that the Planning Department would put together a proposed RCIP based on the proposed changes that were submitted and the discussion for this evening. He continued that the document would be reviewed and discussed at the January 28, 2014, meeting at 7:00 p.m. The Chairman noted that an additional discussion item regarding the RCIP had been on Miscellaneous Business and asked if it still needed discussion. Dave Elliott stated that the discussion that just took place rendered that Miscellaneous Business item unnecessary.

The Chairman noted that the previous discussion ran over the scheduled time and asked if anyone was present for the 7:30 p.m. public hearing on the changes and additions to the proposed amendments to the Zoning Ordinance. Willard Dodge indicated that he was interested in the Zoning Ordinance public hearing, however, he did not have a problem waiting until after the next public hearing. The Chairman stated that the public hearing would begin following the scheduled 8:00 p.m. public hearing for Timothy White & Cheryl Christner.

WHITE, TIMOTHY & CHRISTNER, CHERYL

Submission of Application/Public Hearing/Minor Subdivision/2 Lots

Location: Lull Road

Tax Map/Lot #2/87

Residential-Agricultural "R-A" District

Present in the audience were Christine Quirk, Timothy White, Bob Todd, LLS, Rick Kohler, Allen Penrod and Willard Dodge.

The Chairman read the public hearing notice. He advised that the application form had been signed and submitted on December 20, 2013. He further advised that a memorandum dated January 9, 2014, had also been submitted and requested a waiver for the bonding worksheet. He noted that there were no outstanding fees and all items for a completed application had been submitted.

Bob Todd, LLS, indicated that he and Rick Kohler were present as representatives of the applicants as well as representatives of Robert Reeve, the proposed buyer.

Bob Todd, LLS, pointed to the plan and noted that he would be discussing Tax/Map Lot #2/87 which located at the southerly side of Lull Road and ¼ of a mile east of Route 77. He advised that the 42 acre lot had been created through a lot line adjustment that had been approved in 2003. He indicated that the lot was subject to the Residential-Agricultural District regulations and also included the Wetland Conservation and Stream Corridor overlay district. He identified the steep slope locations on the plan that were between 15% - 25% as well as the slopes that were greater than 25%.

Bob Todd, LLS, stated that the property was comprised of forests, field lands and

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1 **WHITE/CHRISTNER, cont.**

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3 wetlands. He explained that the open land identified on the plan had been used as agricultural
4 land for centuries. He noted that presently Dodge Farms baled hay and grew crops on the open
5 land.

6 Bob Todd, LLS, pointed to the access for the property that was located between two
7 stonewalls. He explained that the current access point was an old farm road. He noted the
8 location of an existing culvert. Bob Todd, LLS, stated that the historical use of the property was
9 farmland and identified the location of an old principal farm building foundation.

10 Bob Todd, LLS, pointed to a 50' access way from Route 77 and explained that it
11 benefited a subdivision that was located to the west of the property. He stated that the 50' access
12 also benefited the 42 acre parcel, however, it had never been used and there were no intentions to
13 use it in the future. He went on to say that a proposed driveway would exist off Lull Road.

14 Bob Todd, LLS, indicated that Lull Road had migrated to the southeast and believed this
15 was most likely done to avoid the steep slope that existed on the other side of the road. He went
16 on to say that the applicants were proposing to deed the 1,600 s.f. of land to the Town to allow
17 the traveled way to be within the right-of-way.

18 Bob Todd, LLS, advised that the Tax Map/Lot # was not shown correctly on this plan.
19 He was requesting the numbering be changed so that it was consistent with how the numbering
20 was typically done and the larger remainder would keep the parent lot number 2/87 while the
21 smaller lot would be #2/87-1. He noted that the plan had not be submitted to any other agency
22 that would keep the record in their archives.

23 Bob Todd, LLS, stated that the submitted plan contained a proposed driveway that met
24 the sight distance requirements. He advised that since the submission of the plan an agreement
25 had been made with the Road Agent to move the centerline of the driveway, about 18', in an
26 effort to protect an existing oak tree and stonewall. The Planning Board Assistant confirmed that
27 the Road Agent had signed off on the proposed driveway. Mark Suennen asked if the proposed
28 driveway permit showed the proposed Tax Map/Lot #. Bob Todd, LLS, answered yes. The
29 Chairman stated that the Board acknowledged the numbering matter and did not have a problem
30 with the change.

31 Bob Todd, LLS, explained that the proposed building site was located on a 15% slope
32 and not the available open area because the applicants wished to maintain the integrity of the
33 open spaces and fields. He noted that the suitable building envelope exceeded the minimum
34 requirements and pointed to the location on the plan.

35 Bob Todd, LLS, identified the location of a boundary line of a proposed limited use area.
36 He indicated that the private limitation would be expressed in the deed. He explained that the
37 intention of the limited use area was to maintain the character of Lull Road. He went on to say
38 that the deed would create covenants that would address items such as earth disturbance, tree
39 cutting, the integrity of the barn foundation and the existing stonewall.

40 Bob Todd, LLS, asked for comments and/or questions from the Board. The Chairman
41 asked for the lot line between the two lots to be pointed out on the plan; Bob Todd's pointed out
42 the location.

43 Mark Suennen asked if the applicant intended to change the existing 50' easement that

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1 **WHITE/CHRISTNER, cont.**

2
3 was located off Route 77. Bob Todd, LLS, answered that the applicant had no intent to use the
4 easement and noted that it had never been used. He commented that he was not sure what had
5 been in mind when it had originally been written into the deed. Jay Marden of Gregg Mill Road
6 stated that his family had subdivided all of the land that existed to the west of the property. He
7 indicated that the right-of-way had been created in the event that it needed to be used.

8 Allen Penrod of 350 Weare Road and advised that a clause existed in his deed that
9 allowed him to enjoy the open space on the lot in question. Bob Todd, LLS, state that the intent
10 of the applicants was to leave the field in agricultural production. He then asked Rick Kohler to
11 continue the presentation.

12 Rick Kohler stated that it was the intention of the applicants and proposed buyer to
13 preserve the rural character of the lot that was being developed. He pointed out a 150' no-
14 development zone on the plan. He indicated that the property would look as it currently did with
15 the exception of a driveway.

16 Rick Kohler advised that the proposed house would be located outside of the suitable
17 building envelope. He noted that the proposed house location was allowed and would be in a
18 critical area due to the 15% slope. He added that a SWMP was, therefore, required.

19 Rick Kohler referred to the Site Development Plan and identified the location of slopes
20 that were between 15% and 25%. He noted that while the slopes were considered critical they
21 were not severe or greater than 25%.

22 Rick Kohler stated that per the Wetland Conservation District Overlay the proposed
23 structure and all associated structures adhered to the 50' setback from the wetlands. He added
24 that the proposed septic system adhered to the 75' setback from the wetlands.

25 Rick Kohler advised that the proposed building site was located within a wooded section
26 of the lot at the northerly limits of the field; he pointed out the location on the plan.

27 Rick Kohler reiterated that a SWMP was required as the proposed house location was
28 located between a 15% and 17% slope. He explained that best management practices utilizing
29 silt fence would be used as required by the SWMP requirements. He explained that using the silt
30 fence would eliminate the potential for sediment migration from the site into the wetlands. He
31 noted that riprap would be used to scrub tires and keep debris from being on Lull Road.

32 Rick Kohler advised that the proposed home was a 24'x 36' cape style home. He stated
33 that the cut and fills would not be extreme. He indicated that the proposed buyer was not
34 interested in a lot of lawn and therefore, there would not be a lot of storm runoff. The Chairman
35 asked if the flow off the site would increase. Rick Kohler answered that there would be no post-
36 construction flow increase.

37 Rick Kohler pointed to the proposed driveway location and advised that it was
38 approximately 350' in length from the curb cut at Lull Road to the turning and parking area. He
39 noted that the turning and parking area was excessive in size, 40'x 60', and explained that it
40 would accommodate emergency vehicles. He stated that the maximum grade of the driveway
41 was 8% and noted that water would not flow down to Lull Road from the driveway. He
42 indicated that the sight distance that had been approved by the Road Agent was 192' to the west
43 and in excess of 200' to the east.

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1 **WHITE/CHRISTNER, cont.**
2

3 Rick Kohler pointed to a wetland area on the plan and explained that it was a shallow
4 depression and its source of hydrology was predominantly groundwater discharge. He indicated
5 that the spring melt, the early part of the growing season and storm events produced increased
6 flow. He pointed to the location of a manmade ditch where water flowed.

7 The Chairman stated that all items for a completed application had been submitted.
8

9 Mark Suennen **MOVED** to accept the application of Timothy White & Cheryl Christner,
10 Location: Lull Road, Tax Map/Lot #2/87, Residential-Agricultural “R-A” District, as
11 complete. Don Duhaime seconded the motion and it **PASSED** unanimously.
12

13 The Chairman advised that the “restricted use boundary” was a type of covenant that was
14 a private matter and not subject to Town enforcement or action. He continued that the Board
15 wanted future owners and/or abutters to be aware that the Town would not become involved in
16 any issues within the area.

17 The Chairman stated that the Board would vote on the waiver requests and driveway
18 permit following the site walk. A site walk was scheduled for Saturday, January 18, 2014, at
19 8:00 a.m.

20 Mark Suennen suggested that the applicants think about what they would like to propose
21 to the Board to maintain their vesting status as far as active and substantial development was
22 concerned. Bob Todd, LLS, advised that the house should be built by July 1, 2014.
23

24 Mark Suennen **MOVED** to adjourn the public hearing for Timothy White &
25 Cheryl Christner, Location: Lull Road, Tax Map/Lot #2/87, Residential- Agricultural
26 “R-A” District, to January 28, 2014, at 8:00 p.m. Don Duhaime
27 seconded the motion and it **PASSED** unanimously.
28

29 The Chairman seated Mitch Larochelle as a full-voting member in Peter Hogan’s
30 absence.
31

32 **Public Hearing on the changes and additions to the proposed Amendments to the Zoning**
33 **Ordinance**
34

35 Present in the audience were Christine Quirk, Willard Dodge and Jay Marden.

36 The Chairman stated that he would not read the public hearing notice unless it was
37 requested; there was no request for the public hearing notice to be read.

38 The Chairman indicated that during the Planning Board meeting of December 17, 2013,
39 several changes were proposed to the amendments as presented. He noted that the changes had
40 been outlined and copies were available. He went on to say that the current hearing was the
41 second and last public hearing on the proposed Zoning Ordinance amendments for 2014 and the
42 Board could only make minor grammatical/typographical/punctuation-type changes.

43 The Chairman advised that proposed amendment #'s 1 through 7 had previously been

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ZONING ORDINANCE AMENDMENTS PUBLIC HEARING, cont.

1
2
3 moved forward to the ballot.

4 The Chairman stated that proposed amendment #8 changed the buffer area from 200 feet
5 around a recreational camping park to 50 feet and removed the buffer area measurement between
6 recreational camping parks and town owned land. He asked for questions and/or comments.
7 Mark Suennen commented that the proposed change appeared to match what the Board had
8 discussed.

9 The Chairman advised that proposed amendment #9 and #10 had been moved forward to
10 the ballot.

11 The Chairman explained that proposed amendment #11 updated and included definitions
12 as listed in RSA 12-K and renumbered the section. He asked for questions and/or comments.
13 Mark Suennen commented that the proposed change appeared to match what the Board had
14 discussed.

15 The Chairman stated that proposed amendment #12 was changed to include a reference to
16 co-locations and modifications of personal wireless service facilities, indicated the Town's
17 preference for use of existing structures, deleted Section 403.5,C, Existing Structures – Burden
18 of Proof, and renumbered Section 403.5, D. He asked for questions and/or comments. Mark
19 Suennen commented that the proposed change appeared to match what the Board had discussed.

20 The Chairman advised that proposed amendment #13 had been combined with proposed
21 amendment #12.

22 The Chairman indicated that the proposed amendment #14 was renumbered to be
23 proposed amendment #13. He explained that the amendment deleted the section in its entirety
24 and replaced it with the following language, "A new personal wireless service facility or a
25 substantial modification to an existing facility shall require a building permit and site plan review
26 in accordance with the Town of New Boston Site Plan Review Regulations. Co-location and
27 modifications that are less than "substantial modifications" as defined in RSA 12-K do not
28 require site plan review but are subject to applicable building permit requirements of the Town
29 of New Boston and RSA 12-K:10". He asked for questions and/or comments. Mark Suennen
30 commented that the proposed change appeared to match what the Board had discussed.

31 The Chairman stated that the Board moved not to propose amendment #15 and #16 for
32 ballot vote at the December 17, 2013, hearing.

33 The Chairman explained that proposed amendment #17 was changed to be proposed
34 amendment #14. He advised that Section 403.8, Performance and Design Standards, sub-
35 sections 403.8, J. Antenna Types and K. Ground and Roof Mounts to include the Town's
36 preference for types and sub-sections 403.8, M. Radio Frequency Radiation (RFR) Standards, to
37 refer to Radio Frequency Emissions. He asked for questions and/or comments. Mark Suennen
38 commented that the proposed change appeared to match what the Board had discussed.

39 The Chairman noted that proposed amendment #18 was combined with proposed
40 amendment #14.

41 The Chairman stated that the Board moved not to propose amendment #19 for ballot vote
42 at the December 17, 2013, hearing.

43 The Chairman explained that proposed amendment #20 was changed to be proposed

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ZONING ORDINANCE AMENDMENTS PUBLIC HEARING, cont.

amendment #15. He noted that the amendment deleted the words “Monitoring and” from the heading and deleted sub-section 403.9, B. Monitoring, in its entirety. Mark Suennen commented that the proposed change appeared to match what the Board had discussed.

The Chairman stated that the Planning Board had moved to amend proposed amendment #21 at the December 17, 2013, hearing to only include deleting the introduction to Section 403.11. He explained that proposed amendment #21 was now #16. Mark Suennen commented that the proposed change appeared to match what the Board had discussed.

The Chairman asked for further comments and/or questions from the Board members; there were no further comments or questions.

The Chairman asked for further comments and/or questions from the audience. Jay Marden asked if an additional hearing would be scheduled on the proposed amendments. The Chairman answered that this was the final public hearing on the proposed amendments and the Board would vote to move the amendments forward to ballot for vote.

The Chairman closed the public hearing. He asked for any other deliberations or minor changes; there were none.

Mark Suennen **MOVED** to propose the amendments, #1-16, as presented at this public hearing with the allowance for very minor typographical fixes by the Planning Department in the final drafting of the Warrant Article language for a ballot vote in March. Don Duhaime seconded the motion and it **PASSED** unanimously.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
January 14, 2014.**

1. Approval of the December 17, 2013, minutes, distributed by email.

Mark Suennen pointed out that a dollar sign, \$, was used on page 11 where a number sign, #, should have been used.

Mark Suennen **MOVED** to approve the meeting minutes of December 17, 2013, as amended. Don Duhaime seconded the motion and it **PASSED** unanimously.

2. Discussion, re: Inspection Procedures with John Neville and David Elliott.

The Chairman noted that the above-referenced matter had been addressed during the earlier Road Construction Inspection Procedures discussion.

3. Memorandum with attachments, dated December 17, 2013, from Nic Strong, Planning Coordinator to Stu Lewin, Chairman and the Planning Board Members, re: North East Café, Randall & Gail Parker and Guy Tino, 8 Mill Street, Tax

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Map/Lot #19/11 & 19/11-1, R-A District, for the Board review and discussion.
4 (Distributed at the meeting of December 17, 2013)
5

6 The Chairman stated that the above-referenced matter was relative to the question of
7 whether or not the Northeast Café could use the barn located on the adjacent lot for storage. He
8 recommended that the Board receive Town Counsel's opinion on the matter. Don Duhaime
9 agreed with the Chairman. Mark Suennen agreed with the Chairman and believed that the
10 Board's opinion on the matter should also be provided to Town Counsel. Mark Suennen asked if
11 the Board should indicate the Board's opinion on whether they wanted to approve or deny the
12 request. The Chairman stated that the regulation was very clear that it was not allowed. He
13 continued that the Board would be asking Town Counsel if there was any way that it could be
14 allowed. Willard Dodge commented that the Board was opening themselves up to a lot if they
15 did anything other than deny the request and allow the applicant to go through the appeal
16 process.

17 The Chairman asked if a benefit would be provided by having Town Counsel review the
18 matter before the Board made the decision to deny the request. Mitch Larochelle believed that
19 the request should be denied and that legal review was not necessary. The Coordinator explained
20 that the summary of the issue had been prepared in house by the Planning Department and
21 review from Town Counsel would provide an opinion on whether or not the Zoning Ordinance
22 had been interpreted correctly. It was Mitch Larochelle's opinion that the applicant needed to go
23 before the ZBA for a special exception because there were two separate lots.

24 Mitch Larochelle stated that he was satisfied with research that had been provided.
25 David Litwinovich believed that the Board should obtain opinion from Town Counsel for
26 clarification. Mark Suennen, Don Duhaime, Dwight Lovejoy and the Chairman believed that the
27 request should be denied without review from Town Counsel.
28

29 Mark Suennen **MOVED** that the applicant requested an accessory use of the adjacent
30 building on a separate lot which appears to be counter-indicated by the Zoning
31 Ordinance, the Planning Board denies the request to use the adjacent property as
32 accessory storage.

33 Don Duhaime seconded the motion and it **PASSED** unanimously.
34

- 35 4. Memorandum dated December 17, 2013, from Peter R. Flynn, to Planning Board,
36 re: Special Meeting, Wednesday, January 22, 2014, at 6:30 p.m., for the Board's
37 information.
38

39 The Chairman strongly requested the presence of Planning Board members at the above-
40 referenced meeting.
41

- 42 5a. Copy of Notice of Decision from New Boston Zoning Board of Adjustment
43 December 17, 2013, meeting, re: Tax Map/Lot #18/3, Depot Street, for the

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 Board's information.

4

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

7

8 5b. Copy of New Boston Zoning Board of Adjustment Draft Meeting Minutes of
9 December 17, 2013, for the Board's information.

10

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

13

14 6. Letter copy dated December 26, 2013, from Ed Hunter, New Boston Code
15 Enforcement Officer, to Vincent Iacozzi, Thibeault Sand & Gravel, re: Notice of
16 Violation issued October 17, 2013, for the Board's information.

17

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

20

21 7. Receipt of revised as-built for Twin Bridge Estates-Phase II, received December
22 23, 2013, for the Board's information. (no copies)

23

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

26

27 8. Letter copy dated December 31, 2013, from David J. Preece, AICP, SNHPC, to
28 Representative Carol Shea-Porter, re: Proposed Primary Freight Network, for the
29 Board's information.

30

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

33

34 9. Article, titled: *Upgrades to Wireless Infrastructure*, by Paul Sanderson, published
35 in New Hampshire Town & City, January/February 2014, edition, for the Board's
36 information.

37

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

40

41 10. Construction Services Reports received January 13, 2014, dated December 2013,
42 from Northpoint Engineering, LLC, for S&R Holding Company, LLC/Forest
43 View II, for the Board's information.

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1 **MISCELLANEOUS BUSINESS, cont.**

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

- 5
6 11. Construction Services Reports received January 13, 2014, dated December 13,
7 2013, from Northpoint Engineering, LLC, for TLL Land Development-LeClair
8 Builders/Woodland Development, LLC, for the Board's information.

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

- 12
13 12. Construction Services Reports received January 13, 2014, dated December 2013,
14 from Northpoint Engineering, LLC, for SIB Trust/Indian Falls-Susan Road, for
15 the Board's information.

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

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

- 22
23
24 13. Letter copy with estimate of remaining construction monitoring attachment from
25 Kevin M. Leonard, P.E., Northpoint Engineering, to Nic Strong, Planning
26 Coordinator, re: Woodland Development (Lemay Subdivision) – Construction
27 Monitoring Escrow, for the Board's review and discussion.

28
29 The Coordinator advised that the Board typically requested that the Planning Department
30 request that additional funds be placed into the escrow account.

31
32 Mark Suennen **MOVED** to request that \$5,000.00 be placed into the Woodland
33 Development escrow account per Kevin Leonard, PE's letter of January 14, 2014. Don
34 Duhaime seconded the motion and it **PASSED** unanimously.

35
36 The Chairman asked the Coordinator to obtain and distribute copies of the November 1,
37 2013, Board of Selectmen Special Meeting, minutes in final format.

38
39 Don Duhaime **MOVED** to adjourn at 9:22p.m. Dwight Lovejoy seconded the motion
40 and it **PASSED** unanimously.

41
42 Respectfully Submitted,
43 Valerie Diaz, Recording Clerk

Minutes Approved:
02/11/2014