

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

February 11, 2014

1 The meeting was called to order at 6:34 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular members Mark Suennen, alternate members David Litwinovich and Mitch
3 Larochelle, and Ex-Officio Dwight Lovejoy. Also present were Planning Coordinator Nic
4 Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Road Agent Dick Perusse,
7 Road Committee Chair Tom Miller, Willard Dodge, Kevin Leonard, PE, Conservation
8 Commission member Mark Debowski, Jake Neville, Dave Elliott, Selectman Rodney Towne,
9 Joe Constance, Neil Smith, Louis Rumore and Art Siciliano, LLS.

10
11 **Adoption of amendments to New Boston Road Construction Inspection Procedures**

12
13 Present in the audience were Road Agent Dick Perusse, Road Committee Chair Tom
14 Miller, Willard Dodge, Kevin Leonard, PE, Conservation Commission member Mark Debowski,
15 Jake Neville, Dave Elliott and Selectman Rodney Towne.

16 The Chairman explained that because the Road Construction Inspection Procedures,
17 (RCIP), were an official Planning Board document the alternate members of the Board were
18 permitted to participate in the discussion, however, they were not allowed to vote on the
19 adoption.

20 The Chairman seated David Litwinovich as a full-voting member in Peter Hogan's
21 absence and seated Mitch Larochelle as a full-voting member in Don Duhaime's absence.

22 The Chairman confirmed that those in attendance had a copy of the latest draft of the
23 RCIP. He summarized the history of the updates to the RCIP as follows:

- 24 • January 14, 2014, meeting - long discussion about the RCIP;
25 • January 28, 2014, meeting - reviewed updated draft of RCIP;
26 • February 11, 2014, meeting - public hearing to discuss the latest draft for adoption.

27 The Chairman indicated that there were outstanding items, i.e., the use of GPS in place of
28 grade staking for layout, that needed further research and would be discussed at a future meeting.
29 He thanked everyone for their participation in updating the RCIP.

30 The Chairman referenced page 2 of the RCIP, Responsibilities of Contractor, bullet #4
31 and noted that the following language had been added at the recommendation of the Town
32 Engineer "...and to support required inspection testing". He noted that Kevin Leonard, PE, and
33 Road Committee Chair Tom Miller had come up with new material that was available in a
34 separate handout to do with the requirements of layout to be provided by and maintained by the
35 contractor. He suggested that the proposed language should not be incorporated into the adopted
36 drafted this evening as it was new and required more discussion. He went on to say that if there
37 was enough time this evening the matter could be discussed but if there was not enough time for
38 discussion it could be discussed and incorporated into the RCIP at a future meeting.

39 The Chairman asked if any Board members felt differently about tabling the inclusion of
40 page 2 of the RCIP, Responsibilities of Contractor, bullet #4. David Litwinovich stated that he
41 agreed with the Chairman's suggestion.

42 The Chairman reviewed the updated language on page 2, 3 and 4 of the RCIP; there were
43 no comments.

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

The Town Engineer referred to page 2 of the RCIP, Responsibilities of the Contractor, bullet #7, and suggested that “subgrade,” be added prior to the word “embankment”. He stated that the addition of the word “subgrade” provided clarification. Tom Miller commented that the word “embankment” referred to the sub grade and as such did not need to be added. The Town Engineer explained that embankment could also be referred to as fill and he wanted to clearly identify subgrade. Tom Miller agreed with the addition of the word “subgrade”. The Chairman asked for comments on the addition; there were none.

The Town Engineer referred to page 3 of the RCIP, Responsibilities of Town’s Consulting Engineer, bullet #8, and suggested that the word “firm” be changed to “consultant” for the purpose of being consistent with the definition on page 4. He further suggested that the language “with a soils laboratory and certified technicians in soil and concrete testing” be struck from this section as it was found in the definition on page 4.

Dave Elliott and Jake Neville arrived to the meeting and the Chairman reviewed the discussion that had taken place prior to their arrival. Jake Neville and Dave Elliott agreed to the changes that had been made. The Chairman asked if they had any further comments and/or questions on the sections discussed; they did not have any comments or questions.

The Chairman referred to page 4 of the RCIP, Construction Administration, bullet #1, “Prior to Pre-Construction Meeting - Once the Planning Department has indicated that a project satisfactorily addressed its conditions of approval prior to the Town’s Consulting Engineer scheduling a pre-construction meeting, a Developer may request a specific qualified materials testing firm and/or a geotechnical engineering firm to use in place of the one retained by the Town’s Consulting Engineer. Requests to use an alternate firm shall be presented to the Town of New Boston Road Committee prior to the pre-construction meeting. In the event that the Developer disagrees with the Town of New Boston Road Committee on the qualifications of the proposed for firm, the Planning Board must be consulted.” Dave Elliott explained that when he had suggested the use of a different testing company in the past he had been told that there would be no discussion on the matter. He continued that he wanted to make sure that a discussion could take place if both parties agreed that a testing company was failing. He added that he did not feel that the proposed section protected the Contractor as much as it protected the inspector. He added that he wanted to make sure that a discussion could take place following the pre-construction meeting if a testing company was failing. The Chairman stated that it was assumed that a discussion could take place any time during the project if there were problems. Dave Elliott commented that he shared that assumption, however, he was uncertain that it existed. Tom Miller referred to page 3 of the RCIP, Responsibilities of the Developer, bullet #3, and pointed out that section allowed the Developer the option to hire their own materials testing firm to perform materials testing required by the Town. Dave Elliott agreed that the section allowed the Developer to hire their own testing firm, however, he did not believe the section addressed the issue if problems arose during construction. The Chairman suggested that the following language be added to the section, “The Town prefers that this arrangement be identified during the Prior to Pre-construction Meeting but the Developer can bring it up at any point during the development”. Mark Suennen commented that the Chairman’s suggestion was messy and

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

instead suggested that “shall” be changed to “should” in the sentence, “Requests to use an alternate firm ~~shall~~**should** be presented to the Town of New Boston Road Committee prior to the Pre-construction Meeting”. Dave Elliott agreed with Mark Suennen’s suggestion. Tom Miller further suggested that “at anytime” be added to page 3 of the RCIP, Responsibilities of the Developer, bullet #3, as follows, “The Developer has the option **at any time** to hire their own materials testing firm to perform the materials testing required by the Town”. Mark Suennen pointed out that the changes were being made to the section with the heading “Prior to Pre-Construction Meeting” and as such was not sure the Chairman’s suggestion was necessary. The Chairman asked if a section for the Road Committee Responsibilities should be created with the one responsibility to approve any requests to use an alternate testing firm. Mark Suennen commented that it seemed reasonable to assign the responsibility to the Road Committee as everyone had an assigned role. He asked for Tom Miller’s opinion on the matter. Tom Miller indicated that he did not have a problem with the responsibility being assigned to the Road Committee. The Chairman referred to page 5, Construction Administration, Prior to Pre-construction Meeting, bullet #1, and stated that the last two sentences, “Requests to use an alternate firm shall be presented to the Town of New Boston Road Committee prior to the Pre-construction meeting. In the event that the Developer disagrees with the Town of New Boston Road Committee on the qualifications of the proposed firm, the Planning Board must be consulted”, be removed and placed in a new section, “Responsibilities of the Town of New Boston Road Committee”.

Kevin Leonard, PE, referenced the section at the top of page 5 of the RCIP which offered the developer the opportunity to hire a materials testing firm or geotech firm. He asked for confirmation that this section did not refer to the geotech consultant he might need to consult with. Mark Suennen answered that the Town Engineer was correct. He explained that it was his understanding that the Town’s Consulting Engineer was required to hire a geotechnical consultant regardless of whether or not the developer was hiring their own. He continued that a Contractor could hire a a materials testing firm and/or a geotechnical engineering firm but that did not take away from the Town Engineer’s responsibility to have a geotechnical engineer onsite to complete any necessary Q/A testing. The Town Engineer asked the Board if it was the responsibility of the Town Engineer’s geotechnical firm to determine subgrade on a project or if it was the responsibility of the Developer’s contracted testing firm to determine subgrade on a project. Mark Suennen answered that the Developer could use their hired geotechnical consultancy to determine sub grade and added that the Town Engineer could use their geotechnical consultant to verify the subgrade independently.

The Chairman reviewed the updates to the rest of page 5 and pages 6 and 7 of the RCIP; there were no comments.

The Chairman referenced page 8, RCIP, Construction Administration, Earthwork (Cuts & Fills), bullet #3, Compaction Testing, and noted that the testing frequency had been changed from 100-foot intervals on alternating lanes for gravel and crushed gravel to 500-foot intervals on alternating lanes. Dave Elliott stated that he had worked on projects in the past with extreme fills, i.e., 40-foot deep fills. He indicated that it had been stated that it should be to the

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inspector's discretion whether to inspect every foot of fill. He continued that the procedures had allowed for the inspector's discretion but the discretion was not exercised and that was one of the reasons that the inspections had been so costly for the construction of Wright Drive. The Chairman pointed out that it had been expanded. He further noted that a bunch of time had been spent talking about and making clear that the Town Engineer was able to exercise their judgement. Dave Elliott reiterated that it had not happened in the past. He commented that he did not see a lot of changes with regard to the Town Engineer's discretion. The Chairman reiterated that a lot of discussion had taken place with regard to making sure that the Town Engineer understood that they had the ability to exercise their discretion and they should do so. He noted that it may not have been as clear in the past.

The Chairman referred to page 12 of the RCIP, Construction Administration, bullet #2, As-Builts and explained that the section had been dropped because further research on the matter had been requested by Selectman Rodney Towne. He indicated that further discussion would take place at a later time.

The Chairman identified changes/updates that had been reviewed up to this point in the meeting for Rodney Towne as he had arrived late to the meeting.

The Chairman asked for general comments and/or questions regarding any of the proposed updates. Selectman Rodney Towne asked if Dave Elliott's previous question regarding compaction testing had been answered. He asked Dave Elliott if he was concerned with the depth parameter of the testing. Dave Elliott stated that he was not concerned with the linear parameter and that he was concerned with discretion. He went on to say that it was his opinion that discretion had never been used and instead testing was done to the maximum. He stated that he was one of the few people who had lived in New Boston all of his life and he had built more roads than any other company. He further stated that most of his roads had held up perfectly. He indicated that the roads that had not held up was due to the lack of Town's standards and not due to the quality of the work completed. The Chairman asked for clarification on whether Dave Elliott believed there was a lack of Town standards or too many standards. Dave Elliott answered that there were a lack of standards. He went on to explain that the most important part of a road was drainage and the second most important part of a road were the select materials. He stated that discretion with regard to testing had not been exercised. The Chairman indicated that he believed Dave Elliott's previous question was relative to discretion and had used the depth parameters as an example of discretion not being exercised. Dave Elliott referenced Wright Drive and commented that the Town would not get high quality roads by charging developers \$90,000.00. He believed that instead the developer should have been required to put in 16" of gravel. The Chairman pointed out that the standards Dave Elliott was referencing pertained to a different document and not the RCIP. Dave Elliott stated that he realized that the standards he was referencing required a different discussion. He commented that the business of over bleeding of every inspection really bothered him. The Chairman stated that the proposed updates to the RCIP addressed and allowed for discretion of the Town Engineer. Dave Elliott stated that the discretion was relative to lineal footage and he noted he was not interested in lineal footage. The Chairman believed that Dave Elliott should be interested in the lineal footage

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testing because it previously required five times the testing. He added that by reducing the amount of testing the cost of inspections would also be reduced. He reiterated that there had been a lot of discussion and made clear that the Town Engineer had the ability to exercise their discretion. He requested that Dave Elliott submit questions or concerns that he had with regard to road standards to the Planning Department. He indicated that a discussion could be scheduled to address those concerns. Tom Miller believed that the RCIP were being updated because not all developers and contractors were created equal. He stated that some of the best may be penalized but some of the worst may be helped. He indicated that there were a number of roads in Town that were built sub-standard. Willard Dodge commented that Dave Elliott's suggestions will help move the process along. The Chairman asked for further comments and/or questions; there were none.

The Chairman stated that a motion needed to be made to either accept the proposed RCIP with modifications or reject the proposed RCIP. Mark Suennen believed that the hearing should be adjourned to the next meeting in order to allow the Board to consider the proposed layout language. The Chairman explained that the Board had agreed to discuss that and determine whether to include it in the RCIP at a later date. Mark Suennen recommended that the Board adjourn the hearing in order for consideration be given to the recommendations provided from the Road Committee and Town Engineer. The Chairman disagreed with Mark Suennen's recommendation and proposed that the current draft be adopted this evening and discussion on the additional recommendations be scheduled for a future hearing. He pointed out that the recommendations were not dependent on the proposed RCIP being adopted and believed it was better to have them in place sooner than later. Mark Suennen suggested that the current draft of the RCIP should be considered interim standards and be approved as such until the rest of the recommendations were considered for inclusion. The Chairman questioned why the Board would not just approve the document. Mark Suennen stated that he did not want to approve the RCIP in-full until everything that needed to be incorporated was incorporated. David Litwinovich believed that the proposed RCIP should be tabled and voted on at the next meeting. Mitch Larochelle stated that he was fine tabling the proposed RCIP until next meeting or adopting the proposed RCIP this evening.

The Board agreed to schedule the proposed RCIP for discussion on March 25, 2014, at 6:30 p.m. Mark Suennen noted that the current draft of the RCIP should be considered an interim document until it is formally adopted.

The Chairman thanked everyone for their time and effort spent on updating the RCIP.

The Board took a two minute recess prior to the start of the next hearing.

RUMORE, LOUIS & MARCIA

Public Hearing/Major Subdivision/5 Lots

Location: Bedford Road

Tax Map/Lot #8/78

Residential-Agricultural "R-A" District

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1 **RUMORE, LOUIS & MARCIA, cont.**

2
3 Present in the audience were Art Siciliano, LLS, Louis Rumore, Louis Rumore, Jr.,
4 Selectman Rodney Towne, Joe Constance, Mark Debowski, Conservation Commission.

5 The Chairman read the public hearing notice. He indicated that the application was
6 accepted as complete November 26, 2013, making the deadline date for Board action January 30,
7 2013. He noted that the applicant had requested an extension of the January 28, 2013, hearing,
8 and if the application was not approved at this evening's meeting, an agreement was needed to
9 extend the Board's deadline for action. He advised that some State approvals were pending and
10 that the waivers submitted for the Traffic, Environmental and Fiscal Impact Studies, granite
11 bounds at the front lot corners, wetland delineation, site specific soils mapping and topography
12 for the whole to Tax Map/Lot #8/78 had been granted at the December 17, 2013, meeting. He
13 noted that the waiver request for the watershed outline and drainage computations had been
14 denied. He advised that a revised Drainage and Calculation Report, Stormwater Management
15 Plan and revised Subdivision Plan had been submitted on February 5, 2014. He noted that a site
16 walk had taken place on Saturday, December 7, 2013.

17 Art Siciliano, LLS, pointed out that the suitable building envelopes had been added to the
18 Subdivision Plan. He asked if the language he had provided for the easement was satisfactory.
19 The Coordinator answered that she had not had a chance to review it as she had received it late
20 that afternoon.

21 Art Siciliano, LLS, indicated that he had signed and submitted the Stormwater
22 Management Plan bond worksheets. The Chairman noted that the drainage calculations seemed
23 to show that the proposed runoff was 10% higher than current. Art Siciliano, LLS, asked if his
24 note took care of the issue. The Chairman advised that runoff was not typically allowed to be
25 more post-development than pre-development. He noted that the regulations required proof that
26 downstream properties would not be adversely affected by the 50 year storm. Mark Suennen
27 said the engineer's note did not provide enough information on the mitigation the detention basin
28 was designed to provide. He noted this concern was the protect town facilities and he needed
29 more assurance that the roadway would not be adversely impacted.

30 The Chairman stated that there had been a lot of discussion on the site walk with regard
31 to the sight distance for the driveway to Lot #8/78-1 and it had been determined that there was
32 not enough sight distance with the current configuration. He indicated that the applicant was
33 supposed to discuss the matter with Road Agent and come up with solution. Art Siciliano, LLS,
34 advised that the applicant had met with the Road Agent early today to discuss the matter. Louis
35 Rumore, Jr., indicated that he was going to be working on a plan with the Road Agent to obtain
36 the required sight distance. The Chairman asked if the plan for the sight distance could be
37 provided at the next meeting. Louis Rumore asked if the driveway needed to be finished by the
38 next meeting. The Chairman clarified that the Board only needed to review the plan for the
39 driveway and that the work did not need to be completed by the next meeting. Louis Rumore,
40 Jr., asked if the plan could be submitted in writing. The Chairman answered yes and added that a
41 sketch could also be provided. Mark Suennen asked if the Chairman wanted the plan to be part
42 of the drawing or if he wanted to make the plan a condition of the driveway permit. He noted
43 that making the plan a condition of the driveway permit was how the Board typically handled

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1 **RUMORE, LOUIS & MARCIA, cont.**

2
3 these types of matters. Louis Rumore said he already had an approved driveway permit for this
4 driveway. The Chairman noted his permit had been applied for when the lot was one large
5 residential lot. He noted the subdivision required further review and a new permit would be
6 required.

7 The Board agreed to list the driveway sight distance plan as a condition of the driveway
8 permit.

9
10 Mark Suennen **MOVED** to adjourn the public hearing for Louis & Marcia Rumore,
11 Location: Bedford Road, Tax Map/Lot #8/78, Residential-Agricultural "R-A" District, to
12 February 25, 2014, at 8:30 p.m. with an extension of the statutory requirements to the
13 same date and time. Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

14
15 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
16 **FEBRUARY 19, 2014.**

- 17
18 1. Distribution of the January 28, 2014, minutes distributed by email, for approval at the
19 February 25, 2014, meeting.

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

- 23
24 2. Approval of the January 14, 2014, minutes, distributed by email.

25
26 Mark Suennen **MOVED** to approve the minutes of January 14, 2014, as written. Dwight
27 Lovejoy seconded the motion and it **PASSED** unanimously.

- 28
29 3. Driveway Permit Applications for Timothy White & Cheryl Christner, Tax Map/Lot
30 #2/87 & 2/87-1, Lull Road, for the Board's action.

31
32 Mark Suennen **MOVED** to approve the Driveway Permit Applications for Timothy
33 White & Cheryl Christner, Tax Map/Lot #2/87 & 2/87-1, Lull Road. Dwight Lovejoy
34 seconded the motion and it **PASSED** unanimously.

- 35
36 4a. Discussion, re: building on Tax Map/Lot #12/93-34 Susan Road, part of Forest View II,
37 subdivision, owned by Harvey Dupuis Family Trust. (Jacqueline & Neil Smith, Trustees,
38 will be present)

- 39
40 4b. Letter copy dated October 23, 2013, from Nic Strong, Planning Coordinator, to S&R
41 Holding Company, LLC, Shiv Shrestha, re: Forest View II Subdivision, Building Permits
42 and Certificates of Occupancy, for the Board's information.

43

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MISCELLANEOUS BUSINESS, cont.

Present in the audience were Neil Smith and Joe Constance.

The Chairman addressed 4a and 4b together as they were related.

Neil Smith introduced himself to the Board and advised that his wife, Jacqueline Smith, was the Trustee of the Harvey Dupuis Trust and had asked him to speak on her behalf. He provided a map of Tax Map/Lot #12/93-34 to the Board.

Neil Smith stated that the Harvey Dupuis Family Trust had a five lot subdivision approved by the Planning Board in May of 2005. He advised that a condition of the approved plan was that the lot in question be reserved. He noted that the Forest View II Subdivision was still in the conceptual phase in 2005 and the Harvey Dupuis Family Trust agreed to reserve the entire lot and refrain from selling it. He stated that they have been unable to pull a building permit for the lot as the proposed driveway location was off Lorden Road which had yet to be built. He stated that it was impractical to have a driveway off Susan Road as a substantial wetland area needed to be crossed.

Neil Smith asked for the Board's opinion on whether or not a building permit could be obtained if Lorden Road was brought up to binder. He noted that the lot was re-subdivided in 2011 with S&R Holding Company but questioned if the lot fell under the same conditions as the other lots in the Forest View II Subdivision as it was approved as building lot in 2005. Mark Suennen believed that as soon as the lot was tied into the Forest View II Subdivision with the driveway location off Lorden Road it fell under the conditions of the Forest View II Subdivision. He continued that if the driveway was located off Susan Road "then you are a building permit by right as a lot of record". Neil Smith asked if other members of the Board concurred with Mark Suennen. The Chairman answered yes and explained that there had been a lot of discussion about the multiple developments. He continued that the approvals were all put together and everyone had agreed to the conditions. He stated that if the driveway was located off Susan a building permit might be able to be obtained, however, a driveway off Lorden Road did not meet the requirements at this time due to the status of the road.

The Chairman advised that a decision on this matter would not likely be given tonight as the Board needed to give it further consideration and possibly consult with Town Counsel.

Neil Smith asked if an easement on a section of Lorden Road could be granted and used as a driveway. The Chairman pointed out that there was a similar situation for the Fieldstone Drive Subdivision off Wilson Hill.

Neil Smith asked if a waiver request or a variance application could be submitted to build in a location at the front of the property if a suitable building envelope existed. He stated that the area had not been encompassed by the 200' building square when the plan had been engineered. The Chairman pointed out that the 200' building square was used as a frontage measurement and a house did not necessarily need to be built within it. Mark Suennen stated that the Chairman's statement would be true for a lot that did not have frontage of 200' on two roadways but this lot did have frontage of 200' on two roadways. He noted that there was 221' of frontage on Susan Road. The Chairman agreed with Mark Suennen and stated that he was only clarifying that it was not required to build within the 200' square.

The Coordinator stated that she did not believe that the lot was a lot of record from

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MISCELLANEOUS BUSINESS, cont.

Susan Road because of the way it was reconfigured as part of the Forest View II Subdivision. She explained that previously it went along Susan Road and it changed as part of the property went into open space and another part was added in the back that was part of the S&R Holding Company Subdivision. She indicated that the lot no longer looked the way it did back when it was approved and was no longer a lot of record. She explained that a lot of record meant that it was approved and was the same as when it was approved.

The Chairman suggested that Neil Smith submit a letter with the three different approaches that he presented this evening to the Planning Department. He explained that the options could be researched and a more informed discussion could be scheduled.

Neil Smith stated that he was not looking for preferential treatment but asked the Board to consider that the Harvey Dupuis Family Trust had agreed to reserve the lot to assist with the road network connection at the Planning Board's request. He added that they had built 2,600' of McCurdy Road at no cost to the Town.

Mark Suennen asked if it was the intent of the Trust to build on the property and sell. Neil Smith explain that the lot was part of the Harvey Dupuis estate and noted that Mr. Dupuis had passed away in 2003. He stated that the Trust had no intention to build a house but wanted to sell the property to close the Trust.

The Chairman advised that the sooner the letter was submitted the sooner the matter could be researched and scheduled for discussion.

6. Letter copy received January 30, 2014, from Ed Hunter, New Boston Building Inspector, to Kevin D'Amelio, re: 52 Byam Road, filing for a lot line adjustment, for the Board's information.

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

7. Email copy from Kevin Leonard, P.E., Northpoint Engineering, LLC, re: Town of New Boston Grade Tolerance Clarification, for the Board's information.

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

8. Announcement: NH Broadband Conference, Friday, May 16, 2013, Grappone Conference Center, Concord, NH.

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

5. Memorandum dated February 7, 2014, from Nic Strong, Planning Coordinator, to New Boston Planning Board, re: as-built plans, for the Board's review and discussion.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Mark Suennen asked for the Coordinator to summarize the above-referenced
4 memorandum. The Coordinator advised that in 2002 the Planning Board was wrapping up a
5 lengthy Subdivision Regulation update that had started in 1997. She pointed out that the sixth
6 draft of the proposed amendments had been adopted. She stated that the Planning Board had
7 specifically identified a timeframe in which as-builts should be submitted, i.e., prior to the
8 issuance of a CO. She noted that the meeting minutes captured discussion for the reasoning of
9 the as-built timeframe. She explained that the Planning Board wanted submission of the as-built
10 prior to the issuance of COs to avoid the need to obtain easements from potential property
11 owners in situations where the road had been constructed in the wrong place. She stated that in
12 2006 Kevin Leonard was hired as the Town's Consulting Engineer and he had provided a letter
13 to the Town in 2007 with ideas he suggested to be incorporated into the regulations. She
14 explained that the timeframe for submission of an as-built had been accidentally deleted in 2008
15 when the section was updated.

16 Mark Suennen asked if the issue had been addressed since 2008 through approval
17 conditions. The Coordinator answered yes. Mark Suennen asked if the question before the
18 Board was whether or not to codify the requirement. The Chairman answered yes.

19 Mark Suennen asked if Town Engineer provided an opinion on whether or not to codify
20 the requirement. He went on to say that what the Town had been doing had obviously been
21 working but questioned whether the timeframe should be altered. The Coordinator stated that
22 she was unsure of the Town Engineer's opinion on the timeframe but noted Town Counsel
23 believed that the requirement should be codified. The Coordinator advised that the advantage to
24 having the timeframe of the as-built submission deadline in the regulations was that it could be
25 viewed prior to the approval step of a subdivision regulation. She continued that currently the it
26 was only contained in a Notice of Decision that was mailed after a meeting. Mark Suennen
27 commented that he could see the value in having the timeframe listed in the regulations. Dwight
28 Lovejoy asked if this was related to the previous discussions regarding COs. The Coordinator
29 answered no and explained that this matter was relative to the approval of a plan and not relative
30 to the construction phase of a plan. She further explained that the Planning Board was not
31 legally bound to issue COs until roads were completely accepted unless the Board made a special
32 determination during the approval. She noted that the New Boston Planning Board had made the
33 determination to issue COs once a road is at binder, safety requirements were in place and as-
34 builts were submitted.

35 Mark Suennen asked where in the regulations the as-built timeframe would be inserted.
36 The Coordinator believed that the as-built timeframe would be placed back into the V-S,1,i, New
37 Development Roads section on page 20 of the Subdivision Regulations. The Chairman
38 suggested the following language be added, "As-built plans shall be submitted, reviewed and
39 approved prior to the issuance of any COs within the subdivision".

40
41 Mark Suennen **MOVED** that the Planning Board believes they should modify the
42 language in V-S,1,i, as indicated and carry to a public hearing for the modification of the
43 Subdivision Regulations. David Litwinovich seconded the motion and it **PASSED**

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 unanimously.

4

5 Mark Suennen **MOVED** to adjourn at 8:25 p.m. David Litwinovich seconded the motion
6 and it **PASSED** unanimously.

7

8 Respectfully Submitted,
9 Valerie Diaz, Recording Clerk

Minutes Approved:
03/25/2014