

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

March 25, 2014

1 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Peter
2 Hogan. Present were regular members Mark Suennen, Don Duhaime and David Litwinovich,
3 alternate members Mitch Larochelle and Joe Constance, and ex-officio Rodney Towne. Also
4 present were Planning Coordinator Nic Strong, Planning Board Assistant Shannon Silver and
5 Recording Clerk Valerie Diaz.

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7 Present in the audience for all or part of the meeting were Willard Dodge, Road
8 Committee Chair Tom Miller, Road Agent Dick Perusse, Brandy Mitroff, John Neville, Jake
9 Neville, Selectman Dwight Lovejoy, Dan Donovan, Dan Donovan, Jr., Arthur Siciliano, LLS,
10 Mike Dahlberg, LLS, Dennis McKenney, LLS, Louis Rumore, Louis Rumore, Jr.

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12 **Adoption of amendments to New Boston Road Construction Inspection Procedures**

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14 Present in the audience were Willard Dodge, Road Committee Chair Tom Miller, Road
15 Agent Dick Perusse, Brandy Mitroff, John Neville, Jake Neville and Selectman Dwight Lovejoy.

16 Peter Hogan asked if the Fourth Draft edition dated March 20, 2014, of the Road
17 Construction Inspection Procedures, (RCIP), was the final draft. The Coordinator answered that
18 the Fourth Draft incorporated comments made by Tom Miller and Kevin Leonard, P.E., at the
19 last meeting as well as other items that had been discussed. She noted that Kevin Leonard, P.E.,
20 had emailed her that he was sick and unable to attend this evening's meeting.

21 Peter Hogan asked if the Town Engineer currently provided invoices on a monthly basis.
22 The Coordinator confirmed that the Town Engineer sent invoices monthly with the service
23 inspection reports. Peter Hogan asked if there was any reason that the invoices could not be
24 provided more frequently. Mark Suennen explained that requiring invoices to be provided more
25 frequently from the Town Engineer could create an administrative burden as it was a time
26 consuming effort. He continued that it was not uncommon for engineering firms to provide
27 monthly invoicing. Peter Hogan commented that it was also not uncommon to bill just to bill.
28 He added that it was outrageous to bill to bill; however, that was a different issue than what was
29 being discussed.

30 Peter Hogan asked for comments and/or questions from the Board. Don Duhaime
31 referred the Board to page 4 of the RCIP, Responsibilities of the Road Committee, bullet #1. He
32 suggested that the "NH DOT pre-qualified list" be added to the section. Tom Miller believed
33 that it would be better to add "NH DOT Lab" as they oversaw the pre-qualifications list. Don
34 Duhaime agreed with Tom Miller's suggestion and added that the Planning Board with the
35 exception of Mark Suennen did not have the expertise to distinguish between a good testing lab
36 and a bad testing lab. He asked if the Planning Board could obtain a copy of the pre-qualified
37 list. Tom Miller answered yes and added that the list could be obtained by contacting the lab or
38 it could be obtained online.

39 Peter Hogan referred to page 7 of the RCIP, bullet #3, Design Changes and read the
40 following, "The Town's Consulting Engineer along with the Road Agent, may approve design
41 changes in the field..." He asked the Road Agent if he wanted to be a part of and have the
42 responsibility of making design changes on a plan. The Road Agent pointed out that the burden
43 was not his alone as he shared it with the Town's Consulting Engineer. He indicated that most

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

of the changes that he and the Town’s Consulting Engineer had encountered were simple in nature and good decisions had been made. Peter Hogan stated that although he trusted the current Road Agent’s judgment he did not have any reason to know that he would trust the person who may replace him. Rodney Towne indicated that the requirement Peter Hogan was referencing had been one of his suggestions. He explained that there would always be a two person decision making process and if there was disagreement between the Town’s Consulting Engineer and the Road Agent, they were required to consult the Planning Board or the Board of Selectmen. He added that the Road Agent was never expected to make the design change decisions on his own. Peter Hogan referenced a situation in which the Planning Board had spent a tremendous amount of time working on the aesthetics of a road and the previous Road Agent had been silent during the entire planning process. He continued that following the pre-construction meeting clear cutting commenced that had not been part of the design plan. He stated that the previous Road Agent had explained that the clear cutting had been necessary due to under drainage problems. He stated that the under drainage problems could have been addressed by the previous Road Agent during the planning process. He noted that the current Road Agent was not silent on such issues so his concerns were not with him but with the current Road Agent’s predecessor.

Peter Hogan referred to page 2 of the RCIP, Responsibilities of the Contractor, bullet #7, “Place and have ready for inspection a minimum of 300 linear feet of subgrade...” He questioned if the requirement created a realistic expectation and asked if Town roads were actually built in 300 linear feet segments, ready to be inspected. John Neville explained that ordinarily that was not a problem but there may be cases like Forest View II where a culvert installed at only 250' meant that the inspections were done on less than 300 l.f. of place materials. He noted that things like ledge, drainage and blasting could make a difference to what length of road can be constructed at any one time. Rodney Towne noted that the requirement referenced by Peter Hogan also included the language “unless otherwise determined by the Consulting Engineer”. He explained that the requirement was created for situations like the one mentioned by John Neville.

John Neville referred back to the early discussion with regard to NH DOT’s pre-qualified list. He likened the hiring of testing firms pre-qualified by NH DOT to getting spark plugs for your car at Daniels’s Garage versus paying \$95.00 more at Quirk for the same set of spark plugs. He stated that he was paying different amounts of monies for different levels of education and sometimes it was not necessary. He continued that this issue had been addressed with the Board last fall and it had been determined that it was not always necessary to have the regular engineer or the certified, state approved technician or state approve lab. He went on to say that they all had to have licenses and qualifications to run their businesses. He stated that there was no sense paying a \$150 per hour when he could get it done for \$75 per hour and get quicker results. He went on to say that situations regarding environmental issues, water or unsuitable soils may require someone with more experience or better education but it was not necessary all of the time. Tom Miller pointed out that the proposed requirement specified that the Road Committee be consulted if the Town’s Consulting Engineer and Road Agent could not come to an

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

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3 agreement. He noted that the case which had come before the Planning Board one night
4 involved a tester with 30 years of experience which was fine. He continued that the Road
5 Committee did not want testers being hired that had no experience. Rodney Towne asked if
6 there had also been an issue with the NH DOT pre-qualified list as it was not very extensive.
7 Tom Miller confirmed that the NH DOT pre-qualified list was not extensive. He added that the
8 NH DOT lab had to cater to the towns and it could always be requested that the State send a
9 certified tester to observe a tester. Rodney Towne further added that the Consulting Engineer
10 could request their own review by their own hired company.

11 Peter Hogan referred to page 10 of the RCIP, bullet #1, Compaction Testing, and noted
12 that it was proposed to test gravel and crushed gravel at 500 foot intervals on alternating lanes.
13 Tom Miller added “or if the material did not pass”. He stated that the purpose of the proposal
14 was to cut down on the contractor’s cost for testing. He explained that if a section of the road
15 was built and 500’ was ready and it passed the test they would be done. He continued that if the
16 test failed, testing would be required until it did pass. Peter Hogan posed a hypothetical situation
17 in which a 500’ road was built through a challenging footprint with wet areas. He stated that
18 building a highway was different than building a road through wet areas. Tom Miller disagreed
19 and Rodney Towne noted that testing for highway construction was done at 1,500’. Peter Hogan
20 believed that more engineering went into building a highway than it did for building a road in
21 New Boston. Tom Miller disagreed with Peter Hogan. Peter Hogan disagreed with Tom Miller
22 and pointed out that New Boston seemed to get a lot of surprises with regard to the roads. He
23 questioned if any of the surprises would be caught if the Town tested at a rate of 500’. Tom
24 Miller indicated that the most challenging road he had ever built was the Hillsborough Bypass.
25 He stated that the job put many contractors out of business during the construction for the section
26 of the Bypass in the Town of Henniker. He explained that the Bypass was nothing but slop from
27 the beginning to the end. He stated that there were ways in construction to eliminate problems
28 due to the slop and one was to install sand lenses. He explained that the sand lenses drained
29 water out of fills. He continued that the road should have a solid base when it was at subgrade
30 and should not be rolling. He stated that in order to achieve the solid base it may be required to
31 put ledge fill to be placed into a swamp area. Peter Hogan asked if the methods Tom Miller
32 mentioned would be used to build roads in Town. Tom Miller answered yes and added that the
33 plans for the Hillsborough Bypass did not show solutions to the problems that were encountered.
34 He continued that it was up to the people in the field to figure out how to not make roads like
35 roller coasters. John Neville added that the Board needed to have trust in the Road Agent and
36 Consulting Engineer to make field changes. He went on to say that they needed flexibility in the
37 field to make sensible design change decisions. Peter Hogan noted that it was not the Town’s
38 Consulting Engineer or the Road Committee who designs the roads. Tom Miller agreed but
39 stated that the Town’s Consulting Engineer should have knowledge to determine what field
40 changes were necessary, i.e., extra under drainage or sand layer. John Neville indicated that field
41 changes would also involve contractors. He explained that the last two roads he built in Town
42 were ledge roads. Rodney Towne pointed out that the proposed section also included the
43 language, “...otherwise determined by the Town’s Consulting Engineer...” for situations where

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

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3 terrible conditions were encountered. Peter Hogan believed that there would not be anything but
4 terrible conditions with regard to road construction. He again questioned if 500' intervals was an
5 unrealistic expectation. Rodney Towne commented that there were still some sandy parts of
6 Town. Mark Suennen stated that the proposed requirement of 500' intervals was three times
7 more than required by NH DOT and also provided the Town's Consulting Engineer flexibility to
8 require testing more often as conditions warranted. John Neville added that he had done more
9 compaction testing than the proposed requirement for the road he was currently building. He
10 explained that it did not take long to do each test and multiple tests could be completed in one
11 hour.

12 Peter Hogan asked for further comments and/or questions from the Board. Mark
13 Suennen referred to 6 of the RCIP, bullet #1, and read the following, "The toe of slope of the
14 1.5:1 down from the finish grade every 100-foot station". Tom Miller explained that the
15 proposed requirement addressed issues with contractors who did not want to use toe stakes. He
16 indicated that because the toe stakes were not used the roads ended up in the wrong location. He
17 commented that the proposed requirements were not written to penalize the best contractors but
18 were instead written to bring the worst contractors up to the best contractor's level. He stated
19 that the proposed 1.5:1 slope was usually the angle of repose and if the 1.5:1 slope was built
20 correctly it did not matter if the 2:1 or 3:1 ended up being a little shy or fat. Mark Suennen asked
21 for confirmation that the slope could not be greater than 1.5:1. Tom Miller confirmed that the
22 slope could not be greater than 1.5:1.

23 Joe Constance referred to an earlier discussion with regard to requesting a certified State
24 tester to monitor testers hired by contractor/developers. He asked if the Town was responsible
25 for paying for the cost of the monitoring. Tom Miller answered that he was unsure but noted in
26 the past towns were not responsible for paying for monitoring.

27 Peter Hogan asked for any other comments and/or questions; there were none.

28 Peter Hogan asked if an earlier request for additional language suggested by Don
29 Duhaime should be incorporated into a fifth and final draft of the RCIP. John Neville asked if
30 the current fourth draft included requirements for the use of GPS. Tom Miller indicated that
31 GPS could be used; however, regular surveying would also be required for the purpose of having
32 a benchmark. He stated that new language in the procedures had been added so the inspector
33 should be self-contained with equipment to check grades and so on and also be able to check that
34 the GPS was working properly. He explained that a side stake at a determined number of feet
35 would be required to check the centerline and a benchmark would also be required at every 500'.
36 He indicated that the inspector was required to have a rotary level. He commented that the
37 inspector should not need to have a lot contact with the contractor. John Neville indicated that
38 he was investing \$200,000.00 in equipment to avoid having to do all of the staking. He advised
39 that he had discussed the use of GPS with the State and had been told that NH DOT was in the
40 process of updating their guidelines with regard to GPS. He went on to say a lot of contractors
41 used GPS and in the Town of Bedford the inspectors used a rover to check the grades with a total
42 station to double check any issues. Peter Hogan asked if John Neville was requesting that the
43 use of GPS be accepted as it was not required. John Neville answered yes and went on to say

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ROAD CONSTRUCTION INSPECTION PROCEDURES, cont.

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3 that GPS has been proven right. He asked why he should continue to waste time, materials, labor
4 and manpower in the machine by having to stake everything. He commented that everything
5 would be safer, quicker and more exact. Peter Hogan advised that the use of GPS would not be
6 included in the proposed RCIP; however, it would not be excluded from being used and the
7 Board would look into the matter further. John Neville indicated that he was pricing out a dozer
8 and would know within the next two days on a price. He advised that he had recently been to the
9 Con Expo in Las Vegas and had been told that within the next five years all equipment would
10 have GPS. Tom Miller indicated that he had used the technology in the past and had problems
11 with some of the technology. He explained that the GPS had bounced around on the equipment
12 through ledge cuts and did not always pan out to be perfect. He stated that when it worked right
13 it worked perfectly but it did not always work right. He questioned how the Town's Consulting
14 Engineer would be able to verify grades if no stakes were in place. Jake Neville answered that
15 stakes would still be out for subgrade. Tom Miller noted that it had previously been stated that
16 there would be no stakes. John Neville suggested that the Town's Consulting Engineer use the
17 rover to check the grades. Tom Miller questioned who would purchase the rover. John Neville
18 indicated that he would be purchasing a rover. Tom Miller questioned who would be checking
19 the rover. John Neville answered that he would be checking the rover as they worked. Peter
20 Hogan advised that requirements for GPS would not be included in the proposed RCIP. He
21 stated that the Board would keep their eyes open to the use of GPS and further stated that as the
22 technology was perfected the Board would look to getting the requirements incorporated into the
23 RCIP. He went on to say that in the meantime the Board would make a huge leap forward with
24 the proposed RCIP that would benefit everyone. He noted that the document would most likely
25 be revised within the next five years and that GPS requirements could be added at a more
26 feasible time. Rodney Towne added that the GPS discussion could be revisited at anytime. He
27 indicated that he had spent time researching both sides of the GPS discussion and found that
28 currently regulators were looking at requiring a combination of staking and GPS. He noted that
29 it was being predicted that stakes would no longer be used in the future; however, no one was
30 recommending a total abandonment of staking at this time. He stated that this discussion could
31 be revisited within the next two months. John Neville indicated that he would like to wait and
32 see what the NH DOT provides for GPS requirements before the discussion was revisited. He
33 advised that NH DOT hoped to have the requirements ready for 2014 or 2015.

34 Peter Hogan stated that the proposed RCIP needed to be moved forward for a final draft
35 to include the additional language requested by Don Duhaime. Rodney Towne asked if the
36 Board had determined that the additional language needed to be added. Mark Suennen stated
37 that he did not want to include a restriction in the RCIP that required the Town be held to the NH
38 DOT's pre-qualified list. He went on to say that he wanted the Board to have freedom to allow
39 for testing firms to be used that had previously worked in New Boston, had been successful but
40 may not be on the NH DOT's pre-qualified list. He added that the Board had the authority to
41 require that a contractor use a testing firm that was on the NH DOT's pre-qualified list but he did
42 not want to be restricted to it. Don Duhaime indicated that he did not have a problem not
43 including his proposed language into a fifth draft.

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Peter Hogan seated David Litwinovich as a full-voting member.

Mark Suennen **MOVED** to accept the Fourth Draft edition, dated March 20, 2014, of the Town of New Boston, NH, Road Construction Inspection Procedures, as the final version. Rodney Towne seconded the motion and it **PASSED** unanimously.

FERUS TERRA, LLC (OWNER)

CASTLE DONOVAN, III (APPLICANT)

ARTHUR F. SICILIANO LAND SURVEYING, LLC (APPLICANT)

Public Hearing/NRSP/to allow the construction and operation of an Assisted Living Residence/Supported Residential Health Care Facility

Location: Old Coach Road

Tax Map/Lot #10/3-2 & 10/3-3

Residential-Agricultural "R-A" District

Present in the audience were Brandy Mitroff, Road Agent Dick Perusse, Willard Dodge, Selectman Dwight Lovejoy, Art Siciliano, LLS, Dan Donovan, Dan Donovan, Jr., Mike Dahlberg, LLS, and Dennis McKenney, LLS.

Peter Hogan indicated that numerous extensions had been granted for this hearing and as such he asked for a brief overview the proposed plan.

Art Siciliano, LLS, indicated that new plans had been submitted. He pointed to the first sheet of the plan and explained that the proposed site was 4.4 acres. Mark Suennen asked if the 4.4 acres was the total acreage for the two lots. Art Siciliano, LLS, answered yes.

Art Siciliano, LLS, pointed to the second sheet of the plan and identified the locations of the proposed building area, septic systems, driveways, parking layout, proposed garage and infiltration ponds. He moved on to the third sheet of the plan and noted that it contained landscaping/screening layout. He explained that the applicant was proposing to add landscaping in the front of the property and noted the location of existing trees that needed to be removed for the purposes of obtaining sight distance. He stated that there were existing natural buffers along the edges of the property that were 15' wide. He advised that he had added a note to the plan that the natural landscaped buffer would remain and any future onsite work that would impact the landscape buffer would require a meeting with the Planning Board to confirm adherence to the landscape buffer requirement. He showed the Board photographs of the landscaped buffers to the Board and identified their locations on the plan.

Art Siciliano, LLS, referred to the fourth sheet of the plan and noted that it addressed the SWMP. He pointed out the location of two infiltration ponds as well as the two outlets for the ponds on the plan. He noted that reports had been submitted for the 10 and 50 year storms.

Peter Hogan stated that the driveway permit had been signed by the Road Agent. He asked for comments and/or questions from the Board; there were none.

Peter Hogan advised that a waiver had been submitted for a bond estimate worksheet. He noted that this was the first time a bond estimate waiver had ever been submitted. He

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1 FERUS TERRA/DONOVAN, cont.

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3 commented that he agreed with the applicant's logic for the request that if it was not built, the
4 business could not open. He reiterated that in this rare case he agreed with the waiver request
5 and stated that he could not think of another instance in which he would agree. Mark Suennen
6 disagreed with Peter Hogan and cited the following from the NRSPR Regulations, Section 5,
7 "The Planning Board will require a performance bond before any work commences on a
8 development for that portion of the development that, if not properly completed, will have an
9 adverse effect on adjoining property or has a potential for erosion.". He stated that there were
10 significant slopes on the property and asked if most of the drainage ran down the slopes. Art
11 Siciliano, LLS, advised that there was not much drainage coming out of the outlets. Mark
12 Suennen stated that there was a proposal for four septic systems with a leach field and noted that
13 the SWMP had a proposal for two pipes to empty into the same region. He argued that those two
14 items created a potential for erosion. He stated that the bond was not relative to the construction
15 of the building or the landscaping. He explained that the purpose of the bond was to prevent
16 erosion that could affect neighboring properties. Rodney Towne asked for confirmation that the
17 bond was only required during construction. Mark Suennen confirmed that the performance
18 bond was only required during construction. Dan Donovan, Jr., noted that the leach fields would
19 not be in operation during construction. Mark Suennen stated that there was potential for an
20 adverse affect until the area was stabilized. Dan Donovan, Jr., asked what was the standard or
21 test used to determine if something was stabilized. Mark Suennen explained that the once
22 grading, landscaping and site work was completed and the area was fully stabilized the
23 performance bond would be released. Dan Donovan, JR., indicated that he did not understand
24 the term "stabilized" and believed that the term was subjective. Mark Suennen explained that
25 "stabilized" was in fact an objective term that had specific regulations defined by NH DES. He
26 continued that currently everything was stabilized due to the ground being frozen; however, once
27 the ground thawed it would not be stable. He advised that grass coverage of 80% -85% was
28 considered stabilized. Art Siciliano, LLS, suggested that the area of concern be covered by a
29 bond rather than requiring a bond for the entire property. Mark Suennen pointed out that
30 anywhere downhill from the parking lot was an erodible area. He stated that he was willing to
31 compromise that the entire site did not need to be bonded and that the bond only be required for
32 those areas that were subject to erosion due to the grading and that could affect neighboring
33 properties. He further stated that he was most concerned with the Town's roadway. Art
34 Siciliano, LLS, pointed out that there would not be any drainage going towards the roadway.
35 Mark Suennen argued that there would be sheet flow from the driveway. Art Siciliano, LLS,
36 clarified that the site was lower than the road. Mark Suennen believed that the parking lot
37 contours were at 312', 314' and 316'. He continued that the contours appeared to cross the road
38 and 310' and 312'. Art Siciliano, LLS, pointed to the location of a proposed drainage swale and
39 explained that because of the swale nothing would cross the road. Mark Suennen stated that the
40 drainage swale would be an erodible area until it was stabilized. He commented that he was not
41 arguing his point because water ran down hill and advised that he would reject the waiver
42 request. Art Siciliano, LLS, stated that Mark Suennen may be right with regard to the one
43 particular bonding issue but he believed it was not necessary to bond everything on the plan.

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1 **FERUS TERRA/DONOVAN, cont.**

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3 Mark Suennen indicated that he was willing to consider not bonding the entire property. He
4 reiterated that his key issues were adverse effect on neighboring properties and potential for
5 erosion.

6 Peter Hogan asked for other member's thoughts on the bond waiver discussion. Mitch
7 Larochelle asked if the bond was only for the SWMP. Mark Suennen answered yes. Mitch
8 Larochelle asked if the items to be covered by the bond could be determined. Mark Suennen
9 indicated that the applicant needed to provide a bond estimate and he stated that he was willing
10 to consider a lesser scope than the entire development if a valid case could be made for areas that
11 would not be subject to erosion. Peter Hogan asked if the applicant had a bond estimate. Art
12 Siciliano, LLS, answered that they did not have a bond estimate but were willing to come up
13 with the areas to be bonded. Peter Hogan suggested that the applicant include any areas in
14 question in the bond. He explained that the Board could remove those areas in question if they
15 did not believe they needed to be covered by the bond.

16
17 Mark Suennen **MOVED** to deny the waiver request to not submit a bond estimate
18 worksheet for Ferus Terra, LLC (Owner), Castle Donovan, III (Applicant), Arthur
19 Siciliano Land Surveying, LLC (Applicant), Location: Old Coach Road, Tax Map/Lot
20 #10/3-2 & 10/3-3, Residential-Agricultural "R-A", and require that the applicant provide
21 the bond as described during this evening's hearing. Don Duhaime seconded the motion
22 and it **PASSED** unanimously.

23
24 Mark Suennen **MOVED** to approve the Non-Residential Site Plan Application by Castle
25 Donovan, III (Applicant) on land of Ferus Terra, LLC, to allow the construction and
26 operation of an Assisted Living Residence/Supported Residential Health Care Facility on
27 property on Old Coach Road, Tax Map/Lot #10/3-2 & 10/3-3, subject to:

28
29 **CONDITIONS PRECEDENT:**

- 30 1. Submission of a minimum of four (4) revised site plans that include all of the
31 checklist corrections and any corrections as noted at this hearing;
- 32 2. Execution of a Site Review Agreement;
- 33 3. Submission of approval for construction of septic system by NH DES Subsurface
34 Bureau;
- 35 4. Submission of a voluntary merger of lots document to the Planning Board for
36 their action at a regularly scheduled meeting;
- 37 5. Submission of bond estimate for Planning Board review;
- 38 6. Submission of bond in a form acceptable to the Planning Board.

39 The deadline for complying with the conditions precedent shall be **June 25, 2014**, the
40 confirmation of which shall be an administrative act, not requiring further action by the
41 Board. Should compliance not be confirmed by the deadline date, and a written request
42 for extension is not submitted prior to that date, the applicant is hereby put on notice that
43 the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the

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FERUS TERRA/DONOVAN, cont.

approval.

CONDITIONS SUBSEQUENT:

1. All site improvements are to be completed as per the approved site plans;
2. The Town of New Boston Planning Department shall be notified by the applicant that all improvements have been completed, and are ready for final inspection, prior to scheduling a compliance hearing on those improvements, a minimum of three (3) weeks prior to the anticipated date of compliance hearing;
3. Submission of as-built plans and a statement from an engineer, preferably the design engineer, certifying that the improvements were constructed in accordance with the approved plans;
4. Submission of approval for operation of septic system from NH DES Subsurface Bureau.
5. Any outstanding fees related to the site plan application compliance shall be submitted;
6. A compliance hearing shall be held to determine that the site improvements have been satisfactorily completed, prior to releasing the hold on the issuance of any Permit to Operate/Certificate of Occupancy, or both. No occupancy/use of the Assisted Living Residence/Support Residential Health Care Facility shall be permitted until the site improvements as noted have been completed, and a compliance hearing held.

The deadline for complying with the Conditions Subsequent shall be **June 25, 2015**, the confirmation of which shall be determined at a compliance hearing as noted in item #6 above.

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

GLOVER CONSTRUCTION, INC.

Public Hearing/Conditional Use Permit/Wetland Crossing

Location: Christian Farm Drive

Tax Map/Lot #5/16-19

Residential –Agricultural “R-A” District

Present in the audience were Mike Dahlberg, LLS, Brandy Mitroff, Dennis McKenney, LLS, Willard Dodge, Selectman Dwight Lovejoy, Road Committee Chair Tom Miller, and Road Agent Dick Perusse.

Peter Hogan read the public hearing notice. He noted that the application had been accepted as complete at the February 25, 2014, meeting. He asked if the applicant had received State Dredge and Fill Permit approval. Mike Dahlberg, LLS, answered that the approval was still pending and that he expected to receive the approval shortly.

Peter Hogan advised that the Conservation Commission had conducted a site walk and they had no issues.

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GLOVER CONSTRUCTION, INC., cont.

Peter Hogan asked in what form the security would be submitted. Mike Dahlberg, LLS, answered that the security would be submitted in the form of cash or check.

Peter Hogan reviewed the four criteria for granting a CUP as listed and answered on the application form as follows:

- a. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers. Items to be considered include the capacity of the wetland to: support fish and wildlife; prevent flooding; supply and protect surface and ground waters; control sediment; control pollution; support wetland vegetation; promote public health and safety; and, moderate fluctuations in surface water levels.

The proposed driveway that will access lot 5-16-19 has been designed to minimize any adverse impacts to the functions and values of the wetlands. The wetlands certainly do not support fish or any major wildlife. The proposed driveway should not cause any increase in flooding or increase pollution. Nor should public health or safety be impacted. The proposed culverts should maintain current water levels in downstream wetlands.

- b. The proposed activity will have no substantive negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources. Items to be considered include: erosion; siltation; turbidity; loss of fish and wildlife; loss of unique habitat having demonstrable natural, scientific, or educational value; loss or decrease of beneficial aquatic organisms and wetland plants; dangers of flooding and pollution; destruction of the economic aesthetic, recreational and other public and private uses and values of the wetlands to the community.

This is an isolated wetland located on somewhat of a shelf in the landscape. The proposed crossing incorporates twin 12" culverts that should sufficiently maintain water flowage. This wetlands is neither significant or exemplary. The proposed construction and construction techniques proscribed should minimize any detrimental impacts to upstream or downstream wetlands. The proposed driveway should not adversely affect public health or safety and should not affect any surface water levels in the area.

- c. The proposed activity or use cannot practicably be located elsewhere on the site to eliminate or reduce the impact to the wetland or its buffer.

The proposed driveway that will access lot 5-16-19 is placed in the least impacting location possible when considering the safe sight distance requirements of the Town of New Boston. The proposed construction and construction techniques proscribed should minimize any detrimental impacts to

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GLOVER CONSTRUCTION, INC., cont.

upstream or downstream wetlands. The proposed driveway should not adversely affect public health or safety and should not affect any surface water levels in the area.

- d. The proposed activity utilizes applicable best management practices.
The proposed driveway design and construction utilize best management practices.

Peter Hogan asked for any questions and/or comments; there were none.

Rodney Towne **MOVED** to accept the CUP criteria for Glover Construction, Inc., Location: Christian Farm Drive, Tax Map/Lot #5/16-19, Residential –Agricultural “R-A” District. Mark Suennen seconded the motion and it **PASSED** unanimously.

Peter Hogan asked for further questions and/or comments from the Board or public; there were none.

Mark Suennen **MOVED** to approve the Conditional Use Permit and approve the plans of Glover Construction, Inc., to dredge & fill 525 s.f. of poorly drained soils for the construction of a driveway on property on Christian Farm Drive, known as Tax Map/Lot #5/16-19 as the four conditions for granting the Permit have been found to exist, subject to:

CONDITIONS PRECEDENT:

1. Submission of the financial security in the amount of \$4,358.20 and in the form of cash.
2. Any revisions to the site plan as decided by the Board at the hearing (if applicable).
3. Submission of the NHDES Dredge and Fill Permit.
4. Submission of any outstanding fees related to the application.

The deadline for complying with the conditions precedent shall be **June 25, 2014**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should the conditions to approval not be fulfilled by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT:

1. Completion of the site improvements as related to the filling of 525 s.f. of poorly drained soils for driveway construction, as shown on the approved construction

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GLOVER CONSTRUCTION, INC., cont.

design plan by **June 25, 2015**.

2. In order to receive a certificate of occupancy, a “Conditional Use Permit compliance statement” must be filled out and stamped by a professional engineer or Certified Professional in Erosion and Sediment Control (CPESC) who has certified that he or she has the requisite experience and certifications to meet the design requirements, including expertise in site grading, site drainage, erosion control, hydrology, and soils or by a person specified by the board. The form must indicate that the professional has inspected the affected area(s), and that the Conditional Use Permit and plan has been complied with. At the Planning Board's meeting of February 25, 2014, the Planning Board determined that Michael Dahlberg, LLS, could perform the necessary inspections.
 3. In order to release the performance bond, the requirements of Section 204.6.E.9.a, above, must be met and the qualified professional must attest that the affected area(s) have been adequately, and verifiably stabilized. The applicant shall forward a copy of the "Conditional Use Permit Compliance Statement" to the Planning Board in order for the Board to release the performance bond.
 4. No certificate of occupancy shall be issued without the Conditional Use Permit Compliance Statement issued in writing to the New Boston Building Department.
- Don Duhaime seconded the motion and it **PASSED** unanimously.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
MARCH 25, 2014.**

1. Approval of the February 11, 2014, minutes, distributed by email.
Mark Suennen **MOVED** to approve the meeting minutes of February 11, 2014, as written. Don Duhaime seconded the motion and it **PASSED** unanimously.
2. Approval of the February 25, 2014, minutes, distributed by email.
Mark Suennen **MOVED** to approve the meeting minutes of February 25, 2014, as written. Don Duhaime seconded the motion and it **PASSED** unanimously.
3. Schedule a site walk for Craig Heafield, NRSPR/Landscaping/Garden Center, Tax Map/Lot #6/22, 722 River Road, for the Board’s action.

Rodney Towne asked for reason for the site walk. The Planning Board Assistant advised that the site walk was for a compliance. Rodney Towne questioned if items for compliance could be determined in the current outdoor conditions. Peter Hogan believed that compliance could be determined during the site walk as they were looking at things like lighting and parking. He did not believe that there was any significant site work

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MISCELLANEOUS BUSINESS, cont.

required for approval. Mark Suennen noted that the applicant had been required to do some plantings. Dwight Lovejoy added that the applicant had a patio pad as part of his plan but had not yet installed it.

The Board scheduled a site walk for April 5, 2014, at 8:00 a.m.

10. Copy of Town of New Boston, 2014 Election results, for the Board's information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

11. Letter received March 17, 2014, from Ruth R. Trussell, Trustee, Clark Hill Trust, to Nic Strong, Planning Coordinator, for the Board's information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

12. Memorandum dated March 18, 2014, from Nic Strong, Planning Coordinator, to Ed Hunter, Building Inspector and Code Enforcement Officer, re: Active and Substantial Development for Subdivisions in New Boston, for the Board's information.

The Coordinator advised that Ruth R. Trussell had written a letter that contained a list of items for consideration of Active and Substantial Development with regard to her Clark Hill Trust Subdivision. She noted that it was no longer the Planning Board's decision to make and that the Building Inspector needed to make the determination at the time a building permit application was submitted.

13. Copies of correspondence from Kelly A. Ayotte, U. S. Senator, to David Preece, SNHPC, re: Federal Highway Administration inquiry, for the Board's information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

14. Letter dated March 17, 2014, re: Boundary Plat, Land of Rosalind M. Boyle, Tax Map/Lot #5/33, for the Board's information. (Plan available for viewing in office)

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

15. Letter copy dated March 19, 2014, from Ed Hunter, New Boston Code Enforcement Officer, to Mr. Vincent Iacozzi, Thibeault Sand & Gravel, re: Tax Map/Lot #3/57, reclamation, for the Board's information.

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MISCELLANEOUS BUSINESS, cont.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

16. Article from Legislative Bulletin, entitled: “Zoning Notice Bill Would Impose Excessive Costs” with attached copy of SB228, for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

17. Article from Legislative Bulletin, entitled: “Agritourism Bill Would Thwart Local Zoning” with attached copy of SB354, for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

18. Copy of HB114 - As Amended by The House, 2013 Session, for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

19. Invoice dated March 19, 2014, from Northpoint Engineering, LLC, for Shaky Pond Development, LLC, review of Cistern Design, for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

20. Invoice and Construction Services Reports dated February 2014, from Northpoint Engineering, LLC, for Forest View II, (McCurdy & Susan Roads), for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

21. Invoice and Construction Services Report dated March 2014, from Northpoint Engineering, LLC, for SIB Trust/Indian Falls & Susan Roads, for the Board’s information.

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

22. Invoice and Construction Services Report dated February 2014, from Northpoint

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 Engineering, LLC, for Twin Bridge Estate – Phase II, for the Board’s information.

4
5 Peter Hogan acknowledged receipt of the above-referenced matter; no discussion
6 occurred.

7
8 23. Announcement: 20th Annual Spring Planning & Zoning Conference, Saturday, May 3,
9 2014, Mountain View Grand Resort, Whitefield, NH.

10
11 The Coordinator advised that the Planning Department budget covered the cost for the
12 above-referenced conference. She asked interested Board members to contact the Planning
13 Board Assistant to register.

14
15 24. Memorandum with letter attachment from Peter R. Flynn, Town Administrator, to Nic
16 Strong, Planning Coordinator, re: SNHPC letter concerning Regional Traffic Counting
17 Program, for the Board’s information.

18
19 Peter Hogan acknowledged receipt of the above-referenced matter; no discussion
20 occurred.

21
22 **GLOVER CONSTRUCTION, INC.**

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

24 Location: Christian Farm Drive

25 Tax Map/Lot #5/16-21 & 5/16-22

26 Residential –Agricultural “R-A” District

27
28 Present in the audience were Mike Dahlberg, LLS, Brandy Mitroff, Dennis McKenney,
29 LLS, Willard Dodge and Selectman Dwight Lovejoy.

30 Peter Hogan read the public hearing notice.

31 Mike Dahlberg, LLS, stated that these lots had been before the Board in 2008 and a lot
32 line adjustment had been approved with a common driveway easement; he identified the location
33 on the plan. He explained that the common driveway would spilt about 100’ into two driveways.
34 He stated that based on the current market and availability of constructing two driveways made
35 the lots more marketable. He indicated that the applicant was proposing to move the green strip,
36 as indicated on the plan, from Tax Map/Lot #5/16-22 and add it Tax Map/Lot #15/16-21. Peter
37 Hogan asked where the driveway for the Tax Map/Lot #5/16-21 would be located. Mike
38 Dahlberg, LLS, pointed out the location of the driveway on the plan and noted that it had been
39 constructed as a driveway permit had been granted.

40 Peter Hogan asked why the applicant had decided to separate the driveways.

41 Mike Dahlberg, LLS, answered that no one really wanted to buy a house with an
42 easement for a common driveway.

43 Peter Hogan asked if anyone on the Board was interested in a site walk. The

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1 **GLOVER CONSTRUCTION, INC., cont.**

2
3 Board determined that a site walk was not necessary.

4
5 Mark Suennen **MOVED** to grant the request to waive the submission of Traffic,
6 Environmental and Fiscal Impact Studies, for Glover Construction, Inc., Location:
7 Christian Farm Drive, Tax Map/Lot #5/16-21 & 15/16-22, as there would be minimum
8 impacts and it met the spirit and intent of the regulations. Don Duhaime seconded the
9 motion and it **PASSED** unanimously.

10
11 Mark Suennen **MOVED** to accept the application for Glover Construction, Inc.,
12 Location: Christian Farm Drive, Tax Map/Lot #5/16-21 & 15/16-22, as complete. Don
13 Duhaime seconded the motion and it **PASSED** unanimously.

14
15 The Coordinator advised that the driveway permit had been submitted today and
16 the Board could act on it at the next meeting.

17
18 Mark Suennen **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for
19 Glover Construction, Inc., for Tax Map/Lot #5/16-21 and 5/16-22, Christian Farm Drive,
20 such that Parcel A of 0.11 acres is annexed from Tax Map/Lot #5/16-22 to 5/16-21,
21 resulting in the following acreages, Tax Map/Lot #5/16-21, 3.191 acres; and Tax
22 Map/Lot #5/16-22, 1.890 acres, subject to:

23
24 **CONDITIONS PRECEDENT:**

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

32 The deadline date for compliance with the conditions precedent shall be **May 25, 2014**,
33 confirmation of which shall be an administrative act, not requiring further action by the
34 Board. Should compliance not be confirmed by the deadline date and a written request
35 for extension is not submitted by that date, the applicant is hereby put on notice that the
36 Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

37 The applicants are further put on notice that this lot line adjustment approval constitutes
38 recognition that the lot configurations are in conformance with local land use regulations.

39 To complete the lot line adjustment, deeds must be transferred.

40 Don Duhaime seconded the motion and it **PASSED** unanimously.

41
42
43

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 5. Discussion, re: Planning Board Membership.

4
5 The Coordinator advised that there was a vacancy on the Planning Board and an alternate
6 member could be recommended to be moved to fill the vacant seat. She added that the first item
7 on the next meeting's agenda would be election of officers.

8
9 Mark Suennen **MOVED** to recommend to the Board of Selectmen that they make David
10 Litwinovich a regular member of the Planning Board to fill the empty seat. Don
11 Duhaime seconded the motion and it **PASSED** unanimously.

12
13 6. Letter dated February 25, 2014, from Kevin Leonard, PE, Northpoint Engineering, LLC,
14 re: Northpoint Engineering Response to Contractor Claim. Distributed 2/25/14 for
15 review and discussion at the meeting of March 25, 2014. (NO COPIES)

16
17 Peter Hogan indicated that he read the above-referenced letter and it appeared to him that
18 there had been a lot statements going back and forth. He continued that Kevin Leonard, P.E.,
19 had his case firmly documented and Dave Elliott had a whole lot to say. He noted that Dave
20 Elliott was not in attendance. The Coordinator advised that Dave Elliott was sick and unable to
21 attend the meeting.

22 Peter Hogan asked the Coordinator if she had any recommendations on how to proceed
23 with the discussion. The Coordinator stated that she did not have any recommendations. She
24 explained that Kevin Leonard, P.E., had submitted the letter to put his case to the Board and
25 address various things he had heard on the record.

26 Peter Hogan asked for comments from the Board. Joe Constance asked if Dave Elliott's
27 concerns had been documented other than through the Planning Board meeting minutes. Peter
28 Hogan indicated that the Board had only received verbal complaints and those could be found in
29 the Planning Board meeting minutes.

30 Rodney Towne advised that the contractors had appeared before the Board of Selectmen
31 to voice their complaints but had not provided any back-up information to substantiate their
32 statements. He noted that the Board of Selectmen had asked them for such documentation but it
33 had not been submitted.

34 Peter Hogan stated that the minutes showed a stark contrast between the accusations from
35 Dave Elliott and the facts as outlined by Kevin Leonard, P.E. He commented that it was
36 interesting that Dave Elliott had not provided any documentation. Don Duhaime noted that
37 Kevin Leonard, P.E., identified the Twin Bridge Estates, Phase II, subdivision as being a difficult
38 site. He specifically noted that the infiltration basins had been very difficult to build. He stated
39 that perhaps Dave Elliott took on a project that was a little more cumbersome than he could
40 handle. Peter Hogan added that the use of Dave Elliott's material for the infiltration basins was
41 an issue that had been repeatedly mentioned. Don Duhaime advised that the infiltration basins
42 had been designed by Meridian and they had to play with the different parts of it to get the right
43 consistency for it to drain properly. Peter Hogan pointed out that the issue Don Duhaime spoke

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MISCELLANEOUS BUSINESS, cont.

of was due to the material Dave Elliott was mixing. He added that Northpoint Engineering had not been provided the correct sized samples and/or an accurate consistency of samples to be able to prove that what Dave Elliott wanted to use was correct. Don Duhaime asked for confirmation that Dave Elliott had gone to Meridian to obtain a better description of what was to be used for the infiltration basins. Mark Suennen believed that Dave Elliott had gone back to Meridian for clarification; however, he did not believe it was for a description of the material but was relative to the amount of open disturbed space. Peter Hogan stated that what Mark Suennen was referring to was a separate issue.

Don Duhaime indicated that Kevin Leonard, P.E., had been in arguments with Dave Elliott regarding the AOT permit and the allowed amount of open, disturbed space. He explained that eventually Dave Elliott had gone to Meridian and Meridian confirmed that there was more space open than what was allowed.

Don Duhaime stated that he agreed with Kevin Leonard, P.E, and believed he was doing what was best for the Town and not what was best for D&S. Peter Hogan commented that the Town Engineer did what he was supposed to do and that has not been disproved. He asked for confirmation that proof to the contrary had not been provided to the Board of Selectmen. Rodney Towne confirmed that proof to the contrary had not been provided. He added that a claim from Dave Elliott had been made that it cost \$96,000.00 for inspection fees and the claim had been proven untrue by a considerable amount. He noted that the inspection fees totaled \$66,000.00.

Joe Constance was concerned that Kevin Leonard, P.E.'s, letter thoroughly addressed comments from the minutes and that Dave Elliott had not been given the opportunity to respond in the same fashion. Peter Hogan advised that Dave Elliott had been afforded the opportunity to provide documentation to substantiate his claims to the Board of Selectmen and he had not provided anything. He noted that Dave Elliott had been making accusations for sometime and had also made specific accusations at Board members but he had yet to substantiate them. He stated that the Board could continue to entertain the accusations or could end it as not documentation had been provided to the Planning Board or Board of Selectmen.

Rodney Towne stated that Dave Elliott and the subdividers were welcome to supply information at any time. He believed that the Board should acknowledge receipt of Kevin Leonard, P.E.'s, letter and leave it at that. Joe Constance asked if the Board of Selectmen had asked Dave Elliott to submit documentation. Rodney Towne answered yes and added that the Board of Selectmen had also asked the Developer/Owner to submit information to verify their accusations to be sent to the Planning Board for action. He explained that the Board of Selectmen did not have authority to act on these types of matters.

Mark Suennen stated that Kevin Leonard, P.E., had been at meetings when Dave Elliott had made accusations but he did not respond on most occasions as it was not the right forum. He continued that Kevin Leonard, PE, had done the appropriate thing and had written a response to all of the accusations for the record. He believed at this point the Board is done.

Rodney Towne indicated that the Board had taken many of Dave Elliott's comments seriously and the revised Road Construction Inspection Procedures reflected those comments.

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MISCELLANEOUS BUSINESS, cont.

7. Letter dated February 24, 2014, from Kevin Leonard, PE, Northpoint Engineering, LLC, re: Proposal for Professional Engineering Services with attached Project Summary through February 2, 2014. Distributed 2/25/14 for review and discussion at the meeting of March 25, 2014. (NO COPIES)

Peter Hogan asked if the above-referenced proposal was Northpoint Engineering's request to be rehired. The Coordinator answered yes.

The Coordinator stated that Mark Suennen had mentioned on a couple of occasions but had never asked in the forum that this might be a good year to RFP. Mark Suennen advised that Dave Elliott had previously asked why the Town used an engineering firm that was so expensive. He commented that Northpoint Engineering was not that expensive but agreed with Dave Elliott that it might be a good time to re-advertise for engineering services. He noted that the process was time consuming and also had personnel costs associated with it. He stated that the Board could either advise Northpoint Engineering that this was their last year to provide services to the Town, extend Northpoint Engineering's contract for a limited amount of time and allow for the RFP process to go forward. He recommended that the Town's engineering services contract be opened up to the field.

Mark Suennen advised that he was an engineer and did not know whether or not his company would compete for the contract. He continued that it was not his objective to have his company hired and noted that his company was far more expensive than Northpoint Engineering.

Peter Hogan did not believe that opening it up for competition necessarily came with a cost. Rodney Towne stated that the process took time. Peter Hogan indicated that Northpoint Engineering could be hired for the next year and proposals could be reviewed during that year. Rodney Towne stated that the Board of Selectmen had requested that the Planning Board do an RFP for this contract period. He stated that the Board of Selectmen would probably entertain a three month extension of Northpoint Engineering's contract while the RFP process took place. Don Duhaime commented that the time to conduct the RFP process was during the months of January, February and March and not April, May and June as construction would be starting. Rodney Towne commented that was why an extension of Northpoint Engineering's contract would be appropriate. Don Duhaime asked what would happen if Northpoint Engineering did not want to continue their contract for the proposed three months. Rodney Towne answered that they will have to do something about it.

Don Duhaime stated that he disagreed with Rodney Towne and reiterated that the time to do an RFP was January, February and March. He continued that the Board of Selectmen should have said something months ago. Rodney Towne indicated that the request had been made. Don Duhaime asked if the request had been made in writing. Rodney Towne answered that the request had not been made in writing but had been made verbally through the Town Administrator to the Planning Coordinator. Don Duhaime stated that this was the first he was hearing of the request. Mark Suennen noted that he had mentioned this some time ago, however, it was not publicly during an open meeting. Don Duhaime acknowledged that Mark Suennen had mentioned it but noted that nothing ever happened. He stated that the RFP process should

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MISCELLANEOUS BUSINESS, cont.

start in the off season. Mark Suennen commented that the best time to begin the RFP process was during the fall in preparation for the spring construction season. He suggested that Northpoint Engineering's contract be extended for 12 months and begin the RFP process in the fall of 2014 or extend Northpoint Engineering's contract for 6 months and begin the RFP process now; noting that there would be overlap between Northpoint Engineering and the new company that is hired. Rodney Towne pointed out that a new company may not be hired at the end of the RFP process as Northpoint Engineering's contract could be renewed.

Peter Hogan asked if the Town was required to sign on for a period of time with Northpoint Engineering. The Coordinator answered no. Peter Hogan asked if there was a specific outcome that the Board of Selectmen as looking to obtain or if the hourly rates were in line with other firms. Don Duhaime asked if Northpoint Engineering's contract was expiring soon. The Coordinator answered yes. She clarified that she had not received a request to bring this matter forward. She explained that she had been informed by the Town Administrator that the Board of Selectmen wanted this matter to be discussed. She further explained that Northpoint Engineering's proposal had arrived on day of the last Planning Board meeting, February 25, 2014, and this was the first opportunity that the Board had to discuss it. She noted that this was the first opportunity that the Board had discussed together if they wanted to move forward with the RFP process. She stated that needed to look into Northpoint Engineering's contract expiration date as it was renewed annually and would expire soon. Mitch Larochelle asked if the RFP was put out yearly. Mark Suennen answered no. The Coordinator advised that the last time the Town's Consulting Engineering contract had gone through the RFP process was in 2006. She added that the current contract ran from March 1, 2014, through March 1, 2015. Peter Hogan stated that he was not worried about Northpoint Engineering finding out that the Town was going through the RFP process and telling the Town to stuff it. Don Duhaime pointed out that there were a number of projects open.

Don Duhaime stated that he had no problem moving forward with the RFP process; however, he believed that Northpoint Engineering's contract should be extended through the end of the year to provide time to review applicants. Rodney Towne suggested an eight month extension. Don Duhaime stated that Northpoint had some significant jobs currently open. Rodney Towne commented that there would always be a backlog. Peter Hogan pointed out that when Northpoint Engineering was hired to take over from Dufresne-Henry both companies worked for a period time. He believed that in this instance the same thing would happen with Northpoint Engineering as the Town did not want to switch engineers' midway through a project. He commented that the Town should let Northpoint Engineering know as soon as possible if they planned to renew their contract following the RFP process.

The Coordinator stated that the last RFP from 2006 reported that between 2001 and 2006, the Town had approved 97 subdivisions with 10 roads and in the last five years only 29 subdivisions had been approved with 2 roads. She noted that the level of work that an engineering company was interested in was very different from 2006 to today and may make a difference on the number of packets the Town will receive. David Litwinovich commented that eight years was a long time to not take a look at it. Peter Hogan agreed with David Litwinovich

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MISCELLANEOUS BUSINESS, cont.

and added that he could not see any reason not to look at it. He continued that if the Town did choose to change consulting engineers then Northpoint Engineering could finish their projects and the new engineering firm would start the new projects. Mark Suennen and Don Duhaime agreed with Peter Hogan. Mark Suennen asked if the Board of Selectmen would be amenable to the overlap. Rodney Towne indicated that the matter needed to be addressed during a public meeting. Mark Suennen asked Dwight Lovejoy if he was amenable to carrying two engineering consultants. Dwight Lovejoy referred back to an earlier discussion with regard to Miscellaneous Business item # 6. He commented that a lot of things had been changed because of Dave Elliot and the guys coming in, i.e., itemized bills. He stated that it was not just a “he said this or he said that” and that there had been some good that had come out of the discussions. He stated that it was hard to be in the field and work with someone if you do not trust them. He indicated that that was what was happening. He stated that he did not have anything personal against Kevin Leonard, P.E., but that he did not like the nonsense that went on all of the time. He acknowledged that it was two-way street. He stated that he did not want to kick Northpoint Engineering out the door and run them out of Town. Mark Suennen commented that Kevin Leonard, P.E., had been doing a fine job as the Town’s Consulting Engineer and provided good services. He encouraged Kevin Leonard, P.E., to apply as part of the RFP process. Dwight Lovejoy stated that when things went askew everyone always wanted to point the finger. He indicated that we proved Kevin Leonard, P.E., right in some issues and wrong in others. Rodney Towne indicated that he would have the Town Administrator place this matter on the Board of Selectmen’s meeting agenda for an official discussion.

Mark Suennen **MOVED** to recommend that the Board of Selectmen extend Northpoint Engineering, LLC’s, contract to finish out all existing work until it’s completed or until the Board thinks otherwise and for all new work that occurs in the next six months through August 25, 2014, while the RFP process is ongoing and also to request that the Selectmen begin the RFP process to re-compete for engineering services for all new work going forward. Rodney Towne seconded the motion and it **PASSED** unanimously.

8. Letter copy dated February 24, 2014, from Kevin Leonard, PE, Northpoint Engineering, LLC, to Christine Quirk, Chair, Board of Selectmen, re: Proposal for Professional Engineering Services, with attached Agreement for Professional Services. Distributed 2/25/14 for review and discussion at the meeting of March 25, 2014. (NO COPIES)

Peter Hogan acknowledged receipt of the above-referenced matter; no discussion occurred.

TOWNES FAMILY TRUST

Public Hearing/Minor Subdivision/Lot Line Adjustment

Location: South Hill Road

Tax Map/Lot #13/55, 13/57 & 13/63

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1 **TOWNES FAMILY TRUST, cont.**

2
3 Present in the audience were Dennis McKenney, LLS, Louis Rumore, Jr., Willard Dodge,
4 Selectman Dwight Lovejoy, Road Agent Dick Perusse and Brandy Mitroff.

5 Dennis McKenney, LLS, believed that he had addressed all outstanding issues. He
6 reminded the Board that they had been favorably disposed to granting the Traffic, Environmental
7 and Fiscal Impact Studies at the last meeting and that there had been an agreement that Active
8 and Substantial Completion would be considered the recording of the lot line adjustment plan
9 and monumenting the new lines. He noted that he had submitted an additional waiver request for
10 the submission of wetland delineation. He explained that the lots in question were existing lots
11 and the wetlands located on the west side of Tax Map/Lot #13/55 had been previously mapped
12 and certified in 2010. He noted that the wetlands were shown on the plan, however, there was no
13 certification provided on the plan. He advised that there were no wetlands in the area of the lot
14 line adjustment.

15 Peter Hogan asked for comments and/or questions with regard to the wetland waiver
16 request. Mark Suennen stated that he was satisfied that the applicant had provided what the
17 Board needed by showing wetlands that had previously been delineated on the parcel.

18
19 Mark Suennen **MOVED** to accept the request to waive the requirement to delineate any
20 further wetlands for Townes Family Trust, Location: South Hill Road, Tax Map/Lot
21 #13/55, 13/57 and 13/63. Don Duhaime seconded the motion and it **PASSED**
22 unanimously.

23
24 Peter Hogan indicated that a determination of Active and Substantial Development or
25 Building and Substantial Completion of improvements was needed. Dennis McKenney, LLS,
26 indicated that it was recollection that an agreement had been made at the last meeting that the
27 plan would be recorded and the lot lines monumented and that would be acceptable for Active
28 and Substantial Completion. Mark Suennen stated that he was comfortable with Dennis
29 McKenney, LLS's, statement.

30 Peter Hogan noted that it had previously been determined that a site walk was not
31 necessary.

32
33 Mark Suennen **MOVED** to approve the Minor Subdivision/Lot Line Adjustment, by
34 Townes Family Trust, Tax Map/Lot #13/55, 13/57 and 13/63, South Hill Road, such that
35 Parcel A of 1.3 acres is annexed from Lot #13/63 to #13/57; Parcel B of 0.7 acres is
36 annexed from Lot #13/55 to #13/57; and Parcel C of 2.2 acres is annexed from #13/55 to
37 #13/63, such that Lot #13/55 is decreased from 28.7 acres to 25.8 acres; Lot #13/57 is
38 increased from 1.1 acres to 3.1 acres; and Lot #13/63
39 is increased from 3.7 acres to 4.6 acres, subject to:

40
41 **CONDITIONS PRECEDENT:**

- 42 1. Submission of a minimum of four (4) blue/blackline copies of the revised plat,
43 including all checklist corrections and any corrections as noted at this hearing;

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TOWNES FAMILY TRUST, cont.

2. Submission of a suitable Mylar for recording at the HCRD;
3. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created during development). For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan Adherence Statement' as specified in the New Boston Subdivision Regulations."
4. Deeds for each lot shall have the following statement: 'The property herein described is subject to the following condition as described in the recorded subdivision plan referenced above: A Stormwater Management Plan will be required prior to the issuance of a building permit if any land is to be disturbed in the designated or created Critical Areas.
5. Submission of any outstanding fees related to the subdivision application or recording of documents at the HCRD.
6. Upon completion of the conditions precedent, the final plans and Mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **May 13, 2014**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval. The applicants are further put on notice that this lot line adjustment approval constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND
SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
Recording Plan at HCRD
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:
Monumentation of the adjusted lot lines

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

**TOWN OF NEW BOSTON
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1 TOWNES FAMILY TRUST

2 Public Hearing/Major Subdivision/2 Lots

3 Location: 2nd NH Turnpike & Lyndeborough Road

4 Tax Map/Lot # 13/31

5 Residential-Agricultural "R-A" District

6
7 Present in the audience was Dennis McKenney, LLS, Louis Rumore, Jr., Louis Rumore,
8 Arthur Siciliano, LLS, Willard Dodge, Selectman Dwight Lovejoy, Road Agent Dick Perusse
9 and Brandy Mitroff.

10 Peter Hogan advised that the application was accepted as complete at the meeting of
11 November 26, 2013, making the deadline for Board action January 30, 2014. He noted that a
12 waiver request for Traffic, Fiscal and Environmental Impact Studies had been granted. He stated
13 that a waiver request had been submitted for topographic contours at 5' intervals.

14 Dennis McKenney, LLS, indicated that an agreement had been made at last meeting with
15 regard to Active and Substantial Completion. He explained that recording the plan and
16 improving the access to the property was acceptable to the Board and applicant and would serve
17 as Active and Substantial Completion.

18 Dennis McKenney, LLS, advised that Rick Kohler, CWS, had identified three acres of
19 dry, contiguous upland. He stated that after all the issues with the plan had been worked out he
20 would have Rick Kohler stamp and sign the plan. He added that this was done in lieu of
21 mapping the wetlands on the entire property.

22 Dennis McKenney, LLS, requested that the soils map that showed contours at 20'
23 intervals be accepted in lieu of the required soils map that showed contours at 5' intervals. He
24 explained that the soils map at 20' intervals showed topography for the entire tract and also
25 provided soils information for the entire tract. He noted that half of the tract was subject to a
26 conservation easement. He believed that the information he had provided was sufficient to prove
27 to the Board that the site could support a single residence. He noted that he had also requested
28 that all perc or groundwater tests be waived. He advised that a sand pit existed on the property
29 and the lot was therefore adequate for a test pit.

30 Peter Hogan asked for comments and/or questions from the Board. Mark Suennen asked
31 if the Board had been provided the topographical soils map at 20' intervals. Dennis McKenney,
32 LLS, answered yes and stated that the soils map had been submitted with the application. The
33 Coordinator pointed out that the Board may not have a reduced copy of the soils map and
34 advised that the Planning Department did have a full sized version of the soils map. She
35 provided the soils map for the Board's review.

36
37 Mark Suennen **MOVED to accept the wavier for the remaining wetlands areas based on**
38 the size of the lot, subject to Rick Kohler, CWS's, certification and stamp on the plan that
39 the three acres of dry, contiguous upland show that there is a building lot and that the
40 contours on the USGS survey are suitable as a building lot and that the nature and size of
41 the lot says that the Board can accept the waiver for the perc test, groundwater test and
42 test pit logs based on the applicant's certification that it is a sand pit and will drain, and
43 that all of these requirements are in the spirit of the regulations, for the Townes Family

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TOWNES FAMILY TRUST, cont.

Trust, Location 2nd NH Turnpike and Lyndeborough Road, Tax Map/Lot #13/31, Residential-Agricultural "R-A" District. Don Duhaime seconded the motion and it **PASSED** unanimously.

Peter Hogan asked if a driveway permit was required. The Coordinator asked the Road Agent for confirmation that the logging access was not suitable for a permitted driveway and that a driveway permit was required for the new lot. The Road Agent confirmed that a driveway permit was required for the new lot. Peter Hogan advised that a driveway permit application was required. Dennis McKenney, LLS, asked if the logging access was otherwise adequate for approval. The Road Agent answered no and explained that the slope of the access had been carried out to the edge of pavement and was never repaired. Peter Hogan asked if the placement of the proposed driveway was appropriate. The Road Agent answered yes. Dennis McKenney, LLS, asked if the Road Agent was looking for more of a ditch line. Mark Suennen advised that there was a requirement for a negative pitch off the road.

Peter Hogan asked for comments and/or questions from the public; there were no comments or questions.

Mark Suennen **MOVED** to approve the Major Subdivision/2 Lots, by Townes Family Trust, Tax Map/Lot #13/31, 2nd NH Turnpike and Lyndeborough Road subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
2. Submission of a suitable Mylar for recording at the HCRD;
3. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created during development). For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan Adherence Statement' as specified in the New Boston Subdivision Regulations."
4. Deeds for each lot shall have the following statement: 'The property herein described is subject to the following condition as described in the recorded subdivision plan referenced above: A Stormwater Management Plan will be required prior to the issuance of a building permit if any land is to be disturbed in the designated or created Critical Areas.'
5. Submission of any outstanding fees related to the subdivision application or recording of documents at the HCRD.
6. Upon completion of the conditions precedent, the final plans and Mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **May 13, 2014**, confirmation of which shall be an administrative act, not requiring further action by the

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TOWNES FAMILY TRUST, cont.

Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND
SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:

Recording Plan at HCRD

2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:

Submission of Driveway Permit Application and improvements as noted by Road Agent to proposed Driveway location

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

RUMORE, LOUIS & MARCIA

Public Hearing/Major Subdivision/5 Lots

Location: Bedford Road

Tax Map/Lot #8/78

Residential-Agricultural "R-A" District

Present in the audience were Louis Rumore, Jr., Louis Rumore, Willard Dodge, Road Agent Dick Perusse, Brandy Mitroff and Art Siciliano, LLS.

Peter Hogan indicated that at the last meeting it had been decided that the Road Agent would provide further input with regard to the S-turns and sight distance. The Road Agent provided the Board and audience members with a proposed plan for road improvements on Bedford Road along Tax Map/Lot #8/78. He indicated that it covered the applicant's property from one end to the other and removed the curve completely. He advised that no survey work had been completed relative to elevations. He stated that his best guess was that the roadway would be lowered about 6' in order not to follow the existing contour. Peter Hogan commented that he could set the cruise control in this car and drive through the curves at 35 mph effortlessly. He noted that the only place he considered touching his brakes was the area located between the existing garage and barn. He asked what was being fixed by straightening the road as proposed by the Road Agent's plan and questioned if the removal of the S-turn would create situations with people driving fast and potentially driving through the existing garage. The Road Agent stated that if the speed were to increase it would become an enforcement issue for the Police

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1 **RUMORE, cont.**

2
3 Department. He advised that the proposed plan eased the maintenance of the road. He noted
4 that the plan he provided was a starting point.

5 Rodney Towne asked if the proposed plan had been created by the Road Agent. The
6 Road Agent answered that he had created the proposed plan with Earl Sandford, P.E. He
7 explained that Earl Sandford, P.E., took his input and put it on paper.

8 Peter Hogan asked for the advantages to making the curve straight. The Road Agent
9 answered that making the road straight provided for easy maintenance as well as better visibility.
10 He noted that by only removing some of the curve there would continue to be sight distance
11 issues. Rodney Towne asked if the sight distance was based on a standard or the Town's
12 preference. The Road Agent advised that Earl Sandford, P.E., had obtained the sight distance
13 information from the AASHTO book as well as the current speed limit of Bedford Road of
14 35mph.

15 Peter Hogan asked for comments and/or questions from the Board. Mitch Larochelle
16 commented that he was not sold on the Road Agent's proposed plan because there was a safety
17 problem with removing the curve. Rodney Towne believed that removing the curve reduced the
18 safety concerns. Don Duhaime noted that by removing the curve and straightening the road out
19 there would be better sight distance where there was currently none.

20 Mark Suennen noted that no elevation work had been completed and as such indicated
21 that the profile was unknown as well as the projected cost. He asked without knowing the cost
22 what would be asked of the applicant, i.e., take the proposed plan further or dedicate the right-of-
23 way for the Town. The Road Agent believed that the applicant needed to dedicate land for the
24 right-of-way. Peter Hogan asked if that would be considered the applicant's contribution. The
25 Road Agent answered yes.

26 Mark Suennen asked if the applicant had seen the Road Agent's proposed plan prior to
27 this evening. Louis Rumore answered that they had asked for the plan but had not received it
28 before this evening. Peter Hogan asked if the applicant was holding an aerial of the property.
29 Louis Rumore answered yes and provided an aerial photograph to the Board as well as
30 information that he had gathered from the New Boston Police Department. He advised that the
31 total number of accidents on Bedford Road during the last twelve years was 149. He continued
32 that of the 149 accidents 100 of the accidents occurred between Old County Road and Chestnut
33 Hill Road. He advised that 35 of the accidents had occurred between 164 Bedford Road to 60
34 Bedford; he also described the area as between Pheasant Lane and Fraser Drive. He stated that
35 only six accidents had occurred between 77 Bedford Road, the Widmayer Farm, and 207 Old
36 County Road. He advised that five of the six accidents had occurred at the corner and that three
37 of the five accidents had occurred in the winter. Louis Rumore stated that he had contacted the
38 Southern New Hampshire Planning Commission, (SNHPC), and spoke with Tim White with
39 regard to the Bedford Road Survey that had been completed. He advised that Tim White had
40 explained that the survey had been completed for the Town as a traffic survey for the purpose of
41 dealing with the southeast end of Town. He noted that it had been anticipated that two more
42 developments could be constructed and the survey provided information on traffic during certain
43 times of the day at specific points. He advised that he asked Tim White if the Police Department

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1 **RUMORE, cont.**

2
3 or Fire Department had been contacted about the survey and had been told no because it was a
4 traffic survey. He stated that he inquired about Table #3 contained within the survey, Bedford
5 Road Improvements, and had been told that the table had been created with information from the
6 previous Road Agent and a representative from SNHPC. He advised that he contacted the
7 previous Road Agent, John Riendeau. He explained that he had asked John Riendeau about the
8 recommendation to straighten the curve east of Pheasant Lane and John Riendeau advised that
9 the curve that was being referenced as an issue was the one located at the farmhouse.

10 Louis Rumore stated that he was willing to remove the existing ledge in its entirety to
11 provide a line of sight from the top of the hill to the corner for the driveway to Lot #8/78-1 and
12 the S-curve could stay in place to slow the traffic. He believed that if the curve was removed the
13 traffic would travel faster and there would be issues with the morning sun and the proposed four
14 driveways. Rodney Towne stated that the applicant had previously offered to move a stonewall
15 but had never before tonight offered to blast ledge. Louis Rumore disagreed with Rodney
16 Towne and advised that he had made such an offer at the last meeting and that it could be found
17 in the meeting minutes. Louis Rumore, Jr., added that he had offered to remove the ledge at the
18 last meeting. Louis Rumore added that removing the ledge provided a 300' sight line from the
19 east and would provide a view of the farmhouse from the top of the hill. Rodney Towne recalled
20 that Don Duhaime had suggested that ledge be removed and he did not remember the applicant
21 agreeing that it had been a good idea. Louis Rumore indicated that had agreed with the
22 suggestion. Rodney Towne reiterated that he had not remembered it happening in that way.
23 Peter Hogan pointed out that currently the applicant was proposing to remove the ledge.

24 The Road Agent provided a second proposed plan to the Board and public and identified
25 it as "Option B". He stated that the first proposed plan was identified as "Option A" and
26 believed that it was the best option for the Town; however, most likely the worst option for the
27 developer. He indicated that Option B was not as good for the Town but believed it was not a
28 bad option and was most likely better for the developer. He explained that Option B shifted the
29 road over and required a slope easement with regard to the removal of the existing rock. He
30 advised that Option B was also created with Earl Sandford, P.E., and it failed to meet the tangent
31 distance of the curves.

32 Peter Hogan noted that Option B left a pretty good curve in the road and would continue
33 to slow traffic down between the barn and the proposed driveways.

34 Rodney Towne asked how far the road was shifted in Option B. The Road Agent
35 answered that Option B proposed to shift the road approximately 15'. Louis Rumore advised
36 that the road had previously been moved 20' from the original roadbed. Joe Constance asked if
37 the road had been shifted 20' when it was paved. Louis Rumore answered no and stated that it
38 had been moved prior to the paving.

39 Peter Hogan stated that Option A required authorization to purchase or obtain an
40 easement for land and that may be a challenge. He added that he did not like straightening the
41 road into an existing garage. He asked if the Board of Selectmen had reviewed the proposed
42 Option A and Option B. Rodney Towne answered no. Peter Hogan asked if this was the Board
43 of Selectmen's jurisdiction. Rodney Towne answered that at this phase it was not the Board of

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1 **RUMORE, cont.**

2
3 Selectmen's jurisdiction; however, it would end up before the Board of Selectmen. He continued
4 that this was in the Road Agent and Earl Sandford, P.E.'s, hands and that the Board should look
5 to them for what to do.

6 Joe Constance asked if the Bedford Road Survey was relevant to the discussion and if it
7 provided recommendations from the Police Department. Peter Hogan did not believe that the
8 survey contained input from the Police Department and that the survey only pointed out that the
9 curve was hazardous. Joe Constance asked if the Bedford Road Survey provided any
10 suggestions on what to do. Louis Rumore answered that the survey suggested that the curve be
11 straightened through land acquisition.

12 Mitch Larochelle asked if it was proposed to raise the grade for Option B. The Road
13 Agent answered that the grade would be raised. Mitch Larochelle indicated that he was
14 concerned about an increase of speed due to the grade being raised. The Road Agent explained
15 that a hollow would continue to remain in the area because there would only be a 4' fill at the
16 deepest part of the road.

17 Louis Rumore questioned if the proposed road improvements were being proposed
18 because of a safety issue or because of a maintenance issue. He commented that it sounded more
19 to him like a maintenance issue. The Road Agent indicated that both safety and maintenance
20 were concerns. Louis Rumore questioned who had conducted a safety study. The Road Agent
21 advised that a safety study had not been completed. Peter Hogan stated that the Board was
22 moving forward based on the initial study. Rodney Towne advised that a safety study would
23 require road construction. He stated that the danger of getting professionals involved was that
24 they would work with nationally recognized criteria and would most likely straighten the road.
25 Louis Rumore questioned why this matter was not addressed at the beginning. Rodney Towne
26 explained that the Planning Board had requested that the applicant come up with a plan that
27 worked for both the applicant and the Town and that did not happen. Louis Rumore stated that if
28 the road was raised then the existing driveway on his property also needed to be raised as well as
29 a culvert; he asked who would incur those costs. Rodney Towne pointed out that the applicant
30 was looking for the subdivision approval and not the Board. Louis Rumore agreed and noted
31 that this process could go on for years and may not even happen if the Town did not want to
32 spend the money for the project. Peter Hogan advised that in the meantime the Board had to do
33 their due diligence. Rodney Towne stated that the Board would approve a plan based upon an
34 agreement and what the Town did to fix it was not part of the applicant's time scheduled. Louis
35 Rumore suggested that he remove the ledge, allow for the road to be moved if necessary and in
36 the interim he could install the driveway and start construction on one lot. Peter Hogan
37 explained that the Board was not asking the applicant to wait for the subdivision to be approved
38 until the road improvements were complete. He continued that the Board was requiring that a
39 design be determined for future improvements and that easements be provided to the Town. He
40 explained that in the meantime the applicant would be allowed to connect their approved
41 driveways to the existing road. He added that at the time the road improvements took place the
42 Town would be responsible for costs incurred to modify the existing driveways. The Road
43 Agent agreed.

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1 **RUMORE, cont.**

2
3 Peter Hogan did not believe the Town should move forward with Option A. He
4 explained that it created a lot of expense and only moved a bad situation into someone's
5 driveway. Mark Suennen believed that Option A was the right solution to the problem. He
6 explained that it straightened out the road and provided the appropriate tangent between the two
7 curves. He acknowledged that the road improvements could not happen any time soon as it
8 required purchase of the right-of-way from Tax Map/Lot #8/80. He indicated that the Board
9 would include dedication of the right-of-way as part of the subdivision. He continued that the
10 removal of the ledge would be required for driveway approval. Peter Hogan added that if the
11 right-of-way dedication was done for Option A but the Town was required to instead build
12 Option B because the required land from Tax Map/Lot #8/80 could not be obtained the Town
13 would still have what they needed to make a better situation. Mark Suennen suggested that the
14 applicant dedicate the land shown in Option A which would allow either A or B to be built.
15 Peter Hogan agreed with Mark Suennen.

16 Louis Rumore, Jr., asked for clarification on which ledge the Board was requiring be
17 removed. Mark Suennen clarified that the Board would require that the piece of ledge that stuck
18 out be removed in order to obtain the required sight distance.

19 Mark Suennen asked what would happen to the remnant piece of land that was located on
20 the other side of the road should the Town move forward with Option A. Louis Rumore, Jr.,
21 asked for the distance from the existing road that the Board wanted dedicated. Peter Hogan
22 indicated that the plan showed that it was 90' from the existing road.

23 Peter Hogan asked for any other opinions on the matter. Rodney Towne stated that if he
24 was going to do it he would go with Option A. Peter Hogan stated that there was no question
25 that Option A was how the road should look; however, the problem was with the bottleneck at
26 the house and the barn.

27 Louis Rumore, Jr., believed that the number one safety concern for New Boston citizens
28 was speed. He commented that straight roads created speed and that enforcement would be
29 needed all time. He added that by taking all of the corners out the roads the Town was creating
30 faster roads.

31 Joe Constance stated that Option A made the most sense to him and believed that a safety
32 assessment should be conducted and suggested that the Police Department weigh-in.

33 Joe Constance noted that the Road Agent had not been satisfied with the previous
34 driveway layout and asked if his opinion had changed. The Road Agent stated that he did not
35 see any reason not to approve the driveway permits if the Town received a dedication of the
36 right-way and the ledge was removed.

37 Rodney Towne noted that the applicant's property location put them in the sights to take
38 care of a problem now that will only get worse in the future. He continued that the area in
39 general was done its developing and many developers have had to deal with relocating corners
40 and/or roads.

41 Don Duhaime stated that he was happy with Option A.

42 Louis Rumore stated that if he granted an easement to the Town but the other property
43 owner did not want to grant any easements his land would be encumbered and the road may not

**TOWN OF NEW BOSTON
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RUMORE, cont.

1
2
3 be relocated at all. Rodney Towne agreed. Louis Rumore asked what would happen if Option A
4 did not work. Peter Hogan answered that the Town would most likely move forward with
5 Option B. Louis Rumore believed that there should be another option available. Don Duhaime
6 asked if the applicant had an Option C. Louis Rumore pointed out that he was not an engineer.
7 Don Duhaime asked if the applicant had an Option C. Louis Rumore indicated that he had told
8 the Board what he would do at the last meeting. Don Duhaime noted that the Board had said his
9 previous plan was not acceptable.

10 Louis Rumore pointed out that a large, historic, stone well was located in the area of the
11 proposed road on Tax Map/Lot #8/80. Rodney Towne stated that he had never seen an historic
12 well on a historic register. Louis Rumore explained that he had heard that a driveway had to be
13 moved on McCurdy Road due to the location of a historic well. Peter Hogan stated that he did
14 not recall that matter and asked when it had happened. Louis Rumore answered that it had taken
15 place last fall with the Lorden development. Peter Hogan challenged Louis Rumore's account of
16 the driveway being moved due to the well. The Road Agent stated that it was his understanding
17 that the builder/developer had chosen to move the driveway because he enjoyed the appearance
18 of the well.

19 Louis Rumore, Jr., agreed to the dedication of land in Option A. Louis Rumore indicated
20 that they would currently only remove enough ledge to obtain the required 200' sight distance.
21 Peter Hogan confirmed that the requirement was 200'. Louis Rumore asked that the land located
22 on the other side of the road the Town did not use was to go back to the Fred Lorden Revocable
23 Trust. Rodney Towne believed that Louis Rumore's request was reasonable. Peter Hogan did
24 not believe there was any issue returning the unused land if it was not required for roadbed
25 construction and if the Fred Lorden Revocable Trust accepted it.

26 Peter Hogan stated that Option A needed to be incorporated into the applicant's plan.
27 Art Siciliano, LLS, asked if the Town would provide the wording for the notes. Peter Hogan did
28 not believe that it made sense for the applicant's attorney to create wording for Town Counsel to
29 review. The Coordinator indicated that the Board needed to ask the Board of Selectmen for the
30 ability to go to Town Counsel with the matter. Rodney Towne gave the Planning Board the
31 ability to contact Town Counsel on this matter.

32 Peter Hogan asked if there was anything else to discuss. The Coordinator advised that
33 the applicant needed to provide their suggestions for Active and Substantial Development and
34 Substantial Completion. Louis Rumore, Jr., indicated that he would begin construction on his
35 home on Tax Map/Lot #8/78-1. He noted that he needed to remove the ledge to obtain the
36 required site distance. Peter Hogan asked if it was feasible to have the driveways installed for
37 the other lots within 24 months. Louis Rumore, Jr., explained that the remaining lots continue to
38 be part of the parent parcel until they were sold. Mark Suennen suggested that the installation of
39 the driveway aprons to the right-of-way be used for Active and Substantial.

40 The Board and applicant agreed that Active and Substantial Development would be
41 considered with the installation of driveway aprons and Substantial Completion would be met
42 with the foundation of a house on Tax Map/Lot #8/78-1.
43

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RUMORE, cont.

Mark Suennen **MOVED** to approve the Major Subdivision/5 Lots, by Louis and Marcia Rumore, Tax Map/Lot #8/78, Bedford Road, subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of five (5) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing and including the Stormwater Management Plan if separate from the subdivision plan, and including work of engineer and Town Counsel on dedication;
2. Submission of a suitable Mylar for recording at the HCRD;
3. Submission of a Dredge and Fill Permit issued by NH DES;
4. The deeds for Lots #8/78-3 and 8/78-4 shall contain the drainage easement language necessary for allowing the repair and maintenance of the detention basin at the frontage of Lot #8/78-4, at such time as the lots are conveyed.
5. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or development in 'Critical Areas' (both those designated on the plan or created during development). For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan Compliance Statement' as specified in the New Boston Subdivision Regulations."
6. Deeds for each lot shall have the following statement: 'The property herein described is subject to the following condition as described in the recorded subdivision plan referenced above: A Stormwater Management Plan will be required prior to the issuance of a building permit if any land is to be disturbed in the designated or created Critical Areas.
7. Submission of any outstanding fees related to the subdivision application or recording of documents at the HCRD.
8. Upon completion of the conditions precedent, the final plans and Mylar shall be signed by the Board and forwarded for recording at the HCRD.

The deadline date for compliance with the conditions precedent shall be **September 25, 2014**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND
SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:

**TOWN OF NEW BOSTON
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1 **RUMORE, cont.**

2
3 Installation of driveway aprons and driveway on Tax Map/Lot #8/78-1.

- 4
5 2. The following items must be completed in order to constitute "substantial
6 completion of the improvements" pursuant to RSA 674:39, II, relative to final
7 vesting:

8 Installation of foundation on Tax Map/Lot #8/78-1.

9
10 Don Duhaime seconded the motion and it **PASSED** unanimously.

11
12 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
13 **MARCH 25, 2014, Cont.**

- 14
15 4. Discussion, re: Harvey Dupuis Family Trust, Tax Map/Lot#12/93, Carriage and Susan
16 Roads.

17
18 Peter Hogan noted that the applicant was not present to discuss the above-
19 referenced matter.

20 Peter Hogan advised that there had not been a requirement by the Town to hold
21 the lot in question but was instead the desire of the builders to leave the lot where it was
22 in order to determine the location of a road for future connections.

23 Peter Hogan noted that the applicant had provide the Board with three options to
24 move forward but it appeared that the Board could not, at this time, provide relief for the
25 lot. He explained that the applicant would need to establish frontage on Susan Road in
26 order to build.

27 Mark Suennen noted that the applicant could apply for a variance from the Zoning
28 Board of Adjustment and stated that the matter was out of the Planning Board's hands. Peter
29 Hogan agreed with Mark Suennen.

30 Mark Suennen thanked the Coordinator and Planning Board Assistant for the extensive
31 research they provided to the Board.

- 32
33 9. Memo dated February 25, 2014, from Nic Strong, Planning Coordinator, to Stu Lewin,
34 Chair and Planning Board Members, re: Certificates of Occupancy/Site Inspections by
35 Planning Board. Distributed 2/25/15 for review and discussion at the meeting of March
36 25, 2014. (NO COPIES)

37
38 The Coordinator explained that above-referenced matter had been brought up
39 during a meeting with the Donovan's attorney who advised that Planning Board members
40 should not be conducting compliance site inspections. She indicated that she had
41 received an email from Town Counsel late this afternoon and he had stated that his opinion was
42 that while it is not illegal for Planning Board members to conduct compliance inspections,
43 however, it was a good idea not to do it. She explained that it could create confusion or conflict

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

March 25, 2014

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 with the people who had the jurisdiction to conduct the compliance site walks, i.e., Town
4 Engineer and/or the Building Inspector.

5 The Coordinator stated that Town Counsel agreed that the Planning Board should no
6 longer go out for site inspections. She continued that the Building Inspector would go out for the
7 site inspections and would report back to the Planning Board during the compliance hearing.

8 The Coordinator noted that the compliance site walk previously scheduled this
9 evening for Craig Heafield could be canceled. She indicated that a compliance hearing could be
10 scheduled following the Building Inspector's inspection.

11 Mark Suennen asked if the Planning Board's Rules of Procedure needed to be changed.
12 The Coordinator advised that the regulations did not address compliance inspections. She
13 explained that at some point between 1985 and 1990 the Planning Board started to conduct
14 compliance inspections as a matter of practice.

15

16 Don Duhaime **MOVED** to adjourn at 9:55 p.m. Rodney Towne seconded the motion and
17 it **PASSED** unanimously.

18

19

20 Respectfully submitted,

21 Valerie Diaz, Recording Clerk

Minutes Approved:
04/22/2014