

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

July 22, 2014

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

5
6 Present in the audience for all or part of the meeting were Shiv Shrestha, Selectman
7 Dwight Lovejoy, Mike Dahlberg, LLS, Road Agent Dick Perusse, Alexander Clark, Ray Shea,
8 LLS, Robert Starace, Jason Pokrant, Lori Parent, Wayne Magarian, Peter Chickering, Dan
9 Donovan, Sr., Jeff Burd, P.E., Ben Heselton, Richard Heselton, Kim and Scott Neesen, Barbara
10 Stewart and Tom Noel.

11
12 **S & R HOLDING, LLC**

13 Public Hearing/Major Subdivision/40 Lots w/open space

14 Discussion, re: Waiver request to Lorden Road cul-de-sac length.

15 Location: McCurdy & Susan Roads

16 Tax Map/Lot #12/19

17 Residential-Agricultural "R-A" District

18
19 The Chairman read the public hearing notice. Present in the audience were Shiv
20 Shrestha, Road Agent Dick Perusse and Selectmen Dwight Lovejoy.

21 The Chairman asked if the applicant had received the decision from the Fire Wards, Road
22 Agent and Police Chief with regard to their position on the waiver request. Shiv Shrestha
23 indicated that he had not received a decision. The Chairman advised that the Fire Wards, Road
24 Agent and Police Chief had come to a unanimous decision to not "grant" the waiver request,
25 which was consistent with the Subdivision Regulations anyway and, therefore, not a big surprise.

26 Mark Suennen stated that at the last meeting the Planning Board had said that they would
27 only consider a waiver if there was a majority favorable opinion from the three agencies noted
28 above and that had not been achieved.

29
30 Mark Suennen **MOVED** to deny the request for the waiver of the 1,000' cul-de-sac length
31 requirement contained in the Subdivision Regulations for S&R Holding, LLC, Forest
32 View II, McCurdy and Susan Roads, Tax Map/Lot #12/19, Residential-Agricultural "R-
33 A" District, said determination having been made based upon the following reasons, the
34 waiver would be over 1,000' of cul-de-sac off an existing cul-de-sac, the Police Chief,
35 Road Agent and Board of Fire Wards indicated that they were not in favor and that it was
36 a matter of time before Susan Road was connected by Mr. Bussiere finishing work in
37 accordance with his current plan or by the Town as the Board could pull the bond and
38 complete the unfinished work. Rodney Towne seconded the motion. **Discussion:** Shiv
39 Shrestha asked when Susan Road needed to be completed. Mark Suennen answered that
40 the road needed to be completed by November 15, 2014. He noted that the Board
41 advised Mr. Bussiere that he would not receive any further extensions. Shiv Shrestha
42 asked what would happen if Mr. Bussiere did not complete the road by November 15th.
43 Mark Suennen answered that if the road was not completed by November 15th; Mr.

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S&R HOLDING, LLC, cont.

Bussiere would default on his conditions subsequent and it would require Board action. He noted that the Board could pull the bond and have the Town finish the work to be completed. Shiv Shrestha asked if he would be able to receive COs if Mr. Bussiere completed the work but did not open the road. Rodney Towne did not see this as an issue and explained that Mr. Bussiere's subdivision approval was reliant on the completion and opening of the road. The Planning Board Assistant advised part of Mr. Bussiere's completion of the road included turning the road over to the Town. Mark Suennen added that once the Town took over the road they would be responsible for plowing and maintenance. Rodney Towne clarified that the road might not be accepted by the Town until after November 15th as there was a process that needed to be followed for taking control of the road. He added that he expected that the acceptance of the road would take place within a month of completion to satisfaction of the Road Agent and the Planning Board. The motion **PASSED** unanimously.

Mark Suennen **MOVED** to deny the request that Condition #10 from the Notice of Decision dated February 22, 2011, be amended, and the terms and conditions of the approval shall remain in full force and effect, that any COs for the Forest View II, McCurdy Road and Susan Road application be contingent upon the completion of Susan Road and Indian Falls Road as previously required. Rodney Towne seconded the motion and it **PASSED** unanimously.

The Planning Board Assistant asked if it was okay to give Shiv Shrestha a copy of the Fire Wards/Police Chief/Road Agent letter regarding their decision since he had not yet received one. The Board agreed. Shiv Shrestha requested a copy of the Board's approval of Mr. Bussiere's extension request to November 15th. The Planning Board Assistant stated that she would email the requested information on the following day.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JULY 22, 2014.**

1. Approval of the June 10, 2014, meeting minutes, with or without changes.

David Litwinovich **MOVED** to approve the meeting minutes of June 10, 2014, as written. Mark Suennen seconded the motion and it **PASSED** unanimously.

2. Distribution of the June 24, 2014, meeting minutes, for approval with or without changes at the August 26, 2014, meeting. (distributed by email)

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

3. Driveway Permit Application for Glover Construction, Inc., Tax Map/Lot #5/16-19,

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MISCELLANEOUS BUSINESS, cont.

Christian Farm Drive, for the Board's action.

The Chairman advised that he had driven by the above-referenced property and did not see any problems with the proposed driveway.

Mark Suennen referenced an area on the property where grass growth existed near a slope and ditch line. Mike Dahlberg, LLS, acknowledged the location Mark Suennen referenced and indicated that a clump of sweet ferns existed and needed to be removed. Mark Suennen suggested that a condition should be made that the property owner maintain the area being discussed. Mike Dahlberg, LLS, stated that the condition was very reasonable.

The Road Agent was concerned that two homes located across the street from the property would be affected by headlights from cars traveling down the driveway as they were located downhill from the property. He suggested that landscaping be completed to mitigate the problem. Mike Dahlberg, LLS, stated that 2½' - 3' shrubs could be planted.

Mike Dahlberg, LLS, indicated that there had been problems obtaining a dredge and fill permit. He advised that the previous applicant had not been forthright with the Planning Board. He explained that the driveway was never going to be approved in the proposed location because the DES was not going to approve it. He continued that DES had information in their file that advised a vernal pool was located in the proposed location.

The Chairman asked for the future location of the shrubs to be identified on the plan. Mike Dahlberg, LLS, identified the location. The Chairman commented that it was neighborly to plant the shrubs in the location identified; however, he did not believe that the Board could require the shrubs be planted. Rodney Towne disagreed with the Chairman and explained that because the lights would have an effect on the well-being of the rest of the project the Board could require the shrubs to be planted. He commented that it was the job of the Board to protect the citizens from poor development. The Chairman disagreed with Rodney Towne as he believed that it was an infringement.

Mark Suennen **MOVED** to approve the revised driveway permit at Tax Map/Lot #5/16-19, Christian Farm Drive, with the conditions that the slope leading up the hill to the left of the proposed driveway be maintained for the minimum 200' sight distance required by the New Boston Subdivision and Driveway Regulations and that the proposed landscaping be installed to screen headlight glare from the houses located directly across the street from the proposed driveway. Don Duhaime seconded the motion. **AYE** – Mark Suennen, Rodney Towne, Don Duhaime, David Litwinovich and Joe Constance. **NAY** – Peter Hogan. The motion **PASSED**.

Mark Suennen confirmed with the Road Agent that he would discuss the need for a culvert at the time of installation. Dick Perusse said that the culvert from the first driveway entrance could be reused at this new location. He said he would note that on the application as one of his conditions.

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MISCELLANEOUS BUSINESS, cont.

- 1
2
3 4. Driveway Permit Applications for S&R Holding Company, LLC, Tax Map/Lot #'s 12/19-
4 15 thru 12/19-22, Lorden Road, for the Board's action.

5
6 The Chairman asked if the Road Agent had reviewed the submitted driveway permit
7 applications; the Road Agent answered no.

8 Mark Suennen asked if any of the proposed driveways had ISWMPs. The Planning
9 Board Assistant answered that she was unsure and noted that the Board should schedule a site
10 walk. The Road Agent advised that he had visited the property earlier in the day and that the
11 proposed driveways had been marked. He noted that not all the transformer pads were in which
12 might impact driveway locations.

13 The Board scheduled a site walk for Saturday, July 26, 2014, at 8:00 a.m. Dwight
14 Lovejoy agreed to attend the site walk in Rodney Towne's absence.

- 15
16 5. Endorsement of a Site Review Agreement for Castle Donovan Three Real Estate, LLC,
17 by the Planning Board Chairman.

18
19 The Chairman endorsed the Site Review Agreement. He asked if the applicants had
20 squared away their issues with the Building Inspector. The Planning Board Assistant stated that
21 would be discussed under Miscellaneous Business.

22
23 **CLARK, ALEXANDER S.**

24 Submission of Application/Public Hearing/Minor Subdivision/3 Lots

25 Location: Joe English Road

26 Tax Map/Lot #11/113

27 Residential-Agricultural "R-A" District

28
29 The Chairman read the public hearing notice. Present in the audience were Mike
30 Dahlberg, LLS, Alexander Clark and Road Agent Dick Perusse.

31 Rodney Towne referred to the submitted application and noted that it contained a letter
32 that stated the Board had asked that the applicant extinguish the right to build at the top of the
33 hill. He stated that to the best of his knowledge the Board had never made the request that was
34 represented in the letter. Mike Dahlberg, LLS, believed that the applicant had misunderstood an
35 email that he had sent with regard to a building pocket that had been reserved in the conservation
36 easement. He explained that to avoid confusion with the Board thinking that there would be a
37 back lot without road frontage he had suggested that the applicant speak with the PLC and be
38 prepared to relinquish that building site. He indicated that the applicant was giving two lots to
39 his children and keeping one lot for himself. Mike Dahlberg, LLS, did not want anyone to think
40 there were two building sites on one lot. Rodney Towne requested that the record show that the
41 Planning Board did not ask the applicant to extinguish his right to build.

42 Mike Dahlberg, LLS, advised that the applicant owned Tax Map/Lot #11/113 located on
43 Joe English Road. He noted that Lewis Road, a Class VI road, ran through the property. He

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1 **CLARK, ALEXANDER, cont.**

2
3 indicated that the applicant was proposing to have three lots on Joe English Road, Tax Map/Lot
4 #s 11/113, 11/113-1 and 11/113-2. He noted that Tax Map/Lot #11/113-2 would be the 86.5 acre
5 remainder.

6 Mike Dahlberg, LLS, referenced Sheet 2 of the plans and advised that it contained an
7 overview with setbacks, wetlands and building pockets.

8 Mike Dahlberg, LLS, referenced Sheet 3 of the plans and stated that it showed suitable
9 building envelopes, test pit data, soils data, proposed driveways and wetland setbacks.

10 Mike Dahlberg, LLS, advised that the applicant had received State Subdivision Approval
11 and that the project did not require any special exceptions or variances from the Zoning Board of
12 Adjustment. He advised that a waiver request for a Certified Erosion Control Plan had been
13 submitted as there were no plans to build the driveway for Tax Map/Lot #11/113 at this time.
14 He further advised that waiver requests had been submitted for a HISS map, Traffic,
15 Environmental and Fiscal Impact Studies and for a Watershed Outline and Drainage. He
16 explained that the applicant was not proposing to disturb large areas.

17 Mike Dahlberg, LLS, stated that the driveways had been staked and there was plenty of
18 sight distance in both directions.

19 Mike Dahlberg, LLS, noted that he had addressed all of the Coordinator's comments on
20 the plan and submitted revised plans a week prior.

21 The Chairman asked for the Board member's thoughts on the waiver request for the
22 Stormwater Management and Erosion Control Plan. Mark Suennen believed that the Board
23 should accept the application as complete prior to acting on the waiver. The Chairman pointed
24 out that the waiver could be addressed prior to accepting the application as it was required for a
25 completed application. Mike Dahlberg, LLS, explained that the applicant was not asking for a
26 full waiver of the requirement and was only requesting that he be allowed to submit the
27 Stormwater Management and Erosion Control Plan at the time of construction. The Planning
28 Board Assistant noted that the Board could decide to act on the waiver after attending a site
29 walk. Mike Dahlberg, LLS, stated that they knew the SWMP would be a condition of approval
30 because they knew it had to be done due to the grade of the slope at the location of the driveway.
31 He noted that he knew the Board was going to do a site walk anyway so it was up to the Board.
32 The Board agreed to table the waiver until after a site walk; a site walk was scheduled for
33 Saturday, July 26, 2014, at 9:00 a.m. +/- Mike Dahlberg, LLS, did not know what the Board
34 wanted to see on the site walk but noted that all three building pockets were pretty close together.
35 The Chairman noted that was the only part he was interested in. Mike Dahlberg, LLS, stated that
36 parking was difficult in this location so he would pull his truck far off the road. He stated that
37 three or four cars could park on the gravel access road that was already there.

38 The Chairman asked for the applicant's proposed firefighting water supply. Mike
39 Dahlberg, LLS, answered that the applicant proposed to install sprinkler systems. The Chairman
40 noted that the property was not in driving distance to a cistern. Rodney Towne added that there
41 was a note on the plan indicating that sprinklers would be installed. The Planning Board
42 Assistant asked if the Chairman had reviewed the section of the Board's handout that addressed

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1 **CLARK, ALEXANDER, cont.**

2
3 firefighting water supply. The Chairman answered that the Board could talk about the section
4 later.

5 Mark Suennen stated that the original plan submitted had labeled the lots #11/113-1,
6 11/113-2 and 11/113-3. He noted for clarification that the new plan showed #11/113-3 was
7 proposed as #11/113. Mike Dahlberg, LLS, stated that was correct and he was told to take the -3
8 off. Mark Suennen stated that was right; that the parent lot should be retained.

9
10 Mark Suennen **MOVED** to adjourn the Public Hearing, Minor Subdivision, 3 Lots for
11 Alexander S. Clark, Joe English Road, Tax Map/Lot #11/113, Residential-Agricultural
12 "R-A" District, to August 26, 2014, at 6:45 p.m. +/- . Don Duhaime seconded the motion
13 and it **PASSED** unanimously.

14
15 The Chairman asked for some research to be done on information on lot counting for
16 firefighting water supply. He noted that the Board had been given an opinion by Bill Drescher,
17 Esq., that the Board could not do that. He went on to say that there was no such thing as
18 requiring the fifth lot to build to be required to supply firefighting water supply because the fifth
19 lot could come in and say, build it yourself. The Chairman stated that went way back and then
20 the Board got the sprinkler regulations in and it took care of the matter and put it all at rest. He
21 said that the whole situation seemed now to be buried like it never happened but it did happen.
22 He went on to say that if the third person wanted to build on that lot, or the first two people that
23 had built there were now in a hazardous environment and would want the town to build a fire
24 cistern. The Chairman said the Planning Board was advised to make that situation go away and
25 that was accomplished with sprinklers.

26 Mark Suennen asked if the Chairman was asking the Planning Department to do some
27 back research on the previous opinions that had been received from the town attorney. The
28 Chairman said that was what he was asking, and noted that it was Bill Drescher, Esq., that gave
29 that opinion. The Chairman thought the Board had him at a meeting where he said not to talk
30 about that any more.

31
32 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
33 **JULY 22, 2014, Cont.**

34
35 6a. Individual Stormwater Management Plan Improvements Guarantee Worksheet estimate,
36 received July 2, 2014, for Castle Donovan Three Real Estate, LLC, Tax Map/Lot #10/3-2
37 & 10/3-3, Old Coach Road, for the Board's information.

38
39 6b. Individual Stormwater Management Plan Improvements Guarantee Worksheet estimate,
40 received July 10, 2014, for Castle Donovan Three Real Estate, LLC, Tax Map/Lot #10/3-
41 2 & 10/3-3, Old Coach Road, for the Board's review and approval.

42
43 The Chairman noted that the applicant had called the Planning Department and requested

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MISCELLANEOUS BUSINESS, cont.

that he contact them with regard to a Board decision. He advised that he declined to speak with the applicant as he felt that the decision was a Board decision and should be discussed with the Board.

The Planning Board Assistant advised that #5 of the applicant's Conditions Precedent required the submission of a bond estimate for the Planning Board's review and approval. She noted that the applicants had approached the Building Inspector for a building permit before they had complied with this condition and were not issued the building permit. She explained that a bond estimate in the amount of \$6,950.00 had been submitted along with a check in the same amount to the Building Department. She continued that the bond estimate was based on a calculation of \$69,500.00 x \$0.10 and explained that the bond estimate was determined by going over the plan with the Guarantee Worksheet. The Planning Board Assistant stated that she had told the Building Inspector that this was not sufficient and that the estimate should correlate with a plan and include quantities of materials and so on. She noted that a new worksheet and check had been submitted in the amount of \$25,252.00. She went on to say that the building permit would not be issued until the Board had reviewed this estimate.

Rodney Towne asked what the \$6,950 was. Mark Suennen stated it was their original, rejected estimate application. The Chairman noted it was their first good guess. He asked if the plans were marked up to indicate the correlation between work areas and materials amounts, etc. The plan that had been submitted with the original \$6,950 amount was shaded with yellow highlighter showing the area bounded by silt fence. Rodney Towne recollected that this was a SWMP for the construction phase of the project to protect the neighboring lots. Mark Suennen confirmed that the estimate was to go with the SWMP until the site was stabilized.

The Board reviewed the Guarantee Worksheet and plan. Mark Suennen pointed out that normally the Guarantee Worksheets were submitted to the Town's Engineer for review and stated that the applicant had requested that the process be expedited by having the Board review the Guarantee Worksheet. The Planning Board Assistant clarified that review by the Planning Board was part of the applicant's Notice of Decision. The Chairman said there had been a debate about whether it was going to be required at all during the application approval. Mark Suennen stated they had asked for a waiver not to have to do it.

The Chairman stated that essentially the Board had \$25,000 guaranteeing that the applicant's own yard would not cause damage to his neighbors'. The Chairman asked if construction had already been done and if most of the things in the Guarantee Worksheet had already been completed. The Planning Board Assistant said that some site work had been done. Rodney Towne said he had been there the day before and a lot of the site work had been completed and he advised that more blasting had to be done than was expected. He said the site did not look bad to him on his drive by the day before. The Chairman said there had been some serious rain recently. The Planning Board Assistant added that the Building Inspector had visited the site on a couple of occasions because he knew the situation with the bond estimate. The Chairman asked if the Building Inspector had noticed any issues. The Planning Board Assistant answered no.

Mark Suennen commented that he was looking to make sure that all the categories on the

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MISCELLANEOUS BUSINESS, cont.

form had been covered and that the numbers attached on the Guarantee Worksheet looked reasonable. He said he was not going to do any calculations but noted that the worksheet included 260' of pipe and based on the scale of the plan it looked like 260'; length of driveway was noted at 800' which Mark Suennen thought was generous because they must be measuring the circumference around the building; jute and synthetic matting; no rip rap or crushed stone although there was a 5' x 20' section listed on the plan, but maybe that was already installed and therefore did not need to be bonded. Mark Suennen thought the estimate looked reasonable, noting only that the crushed stone that was on the plan did not appear to be included on the estimate. The Chairman thought that quite a few of the other items must already be installed and \$25,000 ought to cover an awful lot. Mark Suennen thought the Board could accept the estimate based on Art Siciliano, LLS's previous calculation of 69,500 s.f. which had been rounded to 70,000 s.f. and the rest of the numbers appeared to match up with what was shown on the plan.

Mark Suennen **MOVED** to approve the applicant's submission of the Individual Stormwater Management Plan Improvements Worksheet and check already submitted in the amount of \$25,252.00, for Castle Donovan Three Real Estate, LLC, Tax Map/Lot #10/3-2 & 10/3-3, Old Coach Road. Rodney Towne seconded the motion and it **PASSED** unanimously.

7. Construction Services Reports dated June 18, 19, 20, 25, 26, 27, 30 and July 1, 2, 3, 2014, from Northpoint Engineering, LLC, for Forest View II/S&R Holding, for the Board's information.

The Chairman acknowledged receipt of the above-referenced matter. He indicated that Northpoint Engineering had been submitting the reports quickly. Mark Suennen stated that the reports were being submitted quickly because the Board had required that they do so. The Chairman commented that Northpoint Engineering was going above what the Board had required and that he liked the new format.

8. Letter with invoice received July 3, 2014, from David J. Preece, AICP, Executive Director/CEO, SNHPC, to Peter Hogan, Chairman, New Boston Planning Board, re: SNHPC Membership Fee Fiscal Year 2014-2015, for the Board's information.

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

9. Letter dated July 16, 2014, from Peter R. Flynn, Town Administrator, Town of New Boston, to Peter Hogan, Chairman, New Boston Planning Board, re: Town Engineering Firm, for the Board's information.

The Chairman commented that the Planning Board had done a good job hiring

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MISCELLANEOUS BUSINESS, cont.

Northpoint Engineering a number of years ago. He noted that Northpoint Engineering would continue to be the Town's Engineer.

The Chairman asked if anyone thought it was worth having Kevin Leonard, P.E., attend a meeting to advise him of the Board's expectations. He stated that he would like to empower Kevin Leonard, P.E., and let him know that the Board would never have complaints with him being too firm with contractors and developers. Mark Suennen stated that it was not worth paying Kevin Leonard, P.E., to attend a meeting if the Planning Department could convey the message via telephone to him.

The Chairman stated that he wanted Kevin Leonard, P.E., to feel free to tell contractors to build things to the plan when approached about changes in the field. Joe Constance pointed out that Kevin Leonard, P.E., already had the authority to do what the Chairman was suggesting and that renewing the contract gave that message. He commented that doing anything else seemed odd. The Chairman reiterated that he believed the Board should tell Kevin Leonard, P.E., to feel free to tell contractors to build to the plan. He pointed out that contractors had accused Northpoint Engineering of being unfair and too strict.

Joe Constance stated that the whole thing could happen again if someone did not like Kevin Leonard, PE, and they would be able to come and complain to the Planning Board or the Selectmen. He asked if a conversation had taken place between Northpoint Engineering and the Board of Selectmen upon the renewal of their contract. Rodney Towne explained that a Committee was created that included Mark Suennen, the Town Administrator, the Road Agent and the Building Inspector to review the applications for Town Engineer. He continued that the Committee narrowed the applications down to three and ultimately felt that Northpoint Engineering on many levels deserved to have the contract renewed and continue as the Town Engineer. He indicated that the Board of Selectmen accepted the recommendation of the Committee and renewed the contract.

David Litwinovich believed the renewal of Northpoint Engineering's contract must have sent a message in light of everything that had happened over the last year including the work on the Road Construction Inspection Procedures.

Rodney Towne believed that the review of applications for Town Engineer had been an important process as it had been a long time since the process had taken place. He stated that it had been an eye opening process for him. Mark Suennen suggested that the Chairman ask the Planning Department to share his personal thoughts with Kevin Leonard, P.E. The Chairman stated that he wanted his message shared with Northpoint Engineering because the Planning Board spent a lot of time and energy going through the plans. He continued that plans were designed in a specific way through the planning process; however, once in the field alternative designs were often suggested because someone did not know how or want to build something in a specific way. He noted that the plan may work but it may not be the best plan. The Chairman stated that he wanted the Town Engineer to say "build it to the plan" because that was what all the time and energy was spent on designing. Rodney Towne believed that Northpoint Engineering understood what the Chairman was saying and also pointed out that the Board had created a system where the Town Engineer and Road Agent could do what the Chairman was

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MISCELLANEOUS BUSINESS, cont.

suggesting in the field. Rodney Towne also noted that there was an appeal process in place now if the developer did not like what the Town Engineer or Road Agent decided. He noted that Kevin Leonard, P.E., had sat through a lot of meetings where these matters were discussed. The Chairman commented that he would not belabor the point then.

10. Construction Services Reports dated July 7, 8, 9, 10 and 11, 2014, from Northpoint Engineering, LLC, for Forest View II/S&R Holding, for the Board's information.

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

11. Letter copy dated July 17, 2014, from BJ Branch, Esq., to Ed Hunter, Building Inspector, re: Michael Tremblay, for the Board's information.

The Planning Board Assistant indicated that the Building Inspector was getting ready to speak with Town Counsel regarding the above-referenced matter.

Rodney Towne asked if this had been forwarded to Town Counsel. The Planning Board Assistant answered that she was unsure as it had been forwarded from the Building Department.

The Chairman noted that what the Board had told Mr. Tremblay at the last meeting still stood; he could work within his approval but if there were violations of the conditions then a cease and desist would be issued and it could result in plan revocation. The Chairman noted that it did not seem from this lawyer's letter that he had read the minutes of the Planning Board's meetings for the application approval because it had all been very clear.

ROBERT STARACE HOMES, LLC

Submission of Application/Public Hearing/Minor Subdivision/3 Lots

Location: 35 Bedford Road

Tax Map/Lot #8/63

Residential-Agricultural "R-A" District

The Chairman read the public hearing notice. Present in the audience were Ray Shea, LLS, Road Agent Dick Perusse, Selectmen Dwight Lovejoy, Robert Starace, Jason Pokrant, Lori Parent, Wayne Magarian, Peter Chickering, Dan Donovan, Sr.

Ray Shea, LLS, stated that the applicant was proposing a three lot subdivision for a property located on the north side of Bedford Road, west of Fraser Drive. He indicated that the property was approximately 8.5 acres and currently had one house located in the middle of the property as well as a couple of garages/barns. He indicated that the property sloped down to the west and slightly to the east and that the house was located at the high point.

Ray Shea, LLS, advised that the applicant was proposing the creation of two new lots and noted that the size of the lots would be 2.6 acres and 3 acres. He stated that all of the lots contained suitable building envelopes. He noted that the proposed driveway to the easterly lot

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1 **ROBERT STARACE HOMES, LLC, cont.**

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3 was located within a wetland buffer; he identified the location on the plan. He stated that 80% of
4 the property was open field and lawn currently. He advised that an ISWMP had been completed
5 for the proposed driveway that was located about 20' feet at its closest to the wetland buffer.

6 Ray Shea, LLS, went on to say that it was a small 2,200 s.f. wetland. He stated that the two
7 proposed driveways would be located opposite existing driveways. He indicated that significant
8 vegetation currently existed along the stonewalls near the driveways and that it would be
9 removed to comply with sight distance requirements. Ray Shea, LLS, stated that the plan was to
10 remove the vegetation in those areas and he added that the applicant was willing to provide an
11 easement for areas where the sight line went onto the lot. He explained that the easement would
12 allow the Town to cut back the vegetation if the homeowner was not maintaining it and the
13 Town felt it was becoming a safety issue. He noted that the areas to be mowed were not big and
14 that the easement would provide assurance to the Town that the areas would remain clear. The
15 Chairman commented that the easement sounded more like a loophole to allow the homeowner
16 not to maintain the areas. Ray Shea, LLS, stated that they did not need to move forward with the
17 easements and had only offered them to the Town for safety.

18 Ray Shea, LLS, indicated that the applicant had submitted waiver requests for the Traffic,
19 Fiscal and Environmental Impact Studies and a drainage study. He noted that this was a
20 straightforward subdivision without a lot of disturbance. He reiterated that most of the building
21 areas were cleared fields.

22 Ray Shea, LLS, offered to answer any questions. Rodney Towne referred to a note on
23 plan that was relative to a setback on proposed Tax Map/Lot #8/63-2. Ray Shea, LLS, explained
24 that the 50' setback had been extended in each direction and the 200' square had been slightly
25 adjusted. He added that he had revised copies of the plan.

26 Mark Suennen asked if the missing tax map scale copy of the final plat had been
27 submitted. Ray Shea, LLS, provided the tax map scale copy of the final plat to the Board.

28
29 Mark Suennen **MOVED** to accept the application for a Minor Subdivision, 3 lots, for
30 Robert Starace Homes, LLC, Location: 35 Bedford Road, Tax Map/Lot #8/63,
31 Residential-Agricultural "R-A" District as complete. Don Duhaimé seconded the motion
32 and it **PASSED** unanimously.

33
34 Jason Pokrant of 18 Fraser Drive pointed to the 50' setback along Bedford Road for the
35 easterly lot and stated that he felt like he was taking his life in his hands while walking or
36 running along that section. He wondered if there would be an opportunity to widen the shoulder
37 in the area being discussed. Ray Shea, LLS, agreed that there was very little shoulder in the area
38 and he noted that the stonewalls were close to the road. He continued that the applicant intended
39 on removing the vegetation in the area to improve the visibility of the homeowner coming out of
40 the driveway as well as motorists traveling along Bedford Road. He advised that there were no
41 plans to widen the road.

42 Lori Parent of 28 Fraser Drive asked for the proposed location of the house on the

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1 ROBERT STARACE HOMES, LLC, cont.

2
3 westerly lot. Ray Shea, LLS, identified the locations in which the house could be built. Lori
4 Parent stated that her home was located directly behind the middle lot and asked if the existing
5 home on that property would remain in the same location. Ray Shea, LLS, answered yes. The
6 Chairman pointed out that the 200' square shown on the plan did not indicate where the house
7 was going to be built and instead only established that a home could be built on the lot. Lori
8 Parent asked if the location of the home could be at the back of the property. Ray Shea, LLS,
9 answered yes and explained that there was a 20' building setback at the back of the lot. Lori
10 Parent commented that she would not be happy with the house being built at the back of the
11 property as it would be in her back yard. Ray Shea, LLS, pointed out that the Fraser Drive lots
12 were part of a cluster subdivision and smaller than the proposed lots in the subdivision being
13 discussed.

14 Wayne Magarian of 17 Fraser Drive asked if the applicant was proposing two lots in
15 addition to the existing lot with the house. Ray Shea, LLS, answered yes and noted that the two
16 lots would be located one on each side of the existing lot.

17 Wayne Magarian commented that where Sallada used to live on the corner of Bedford
18 Road before Fraser Drive was the worst area for traffic. He said it was hard to see traffic pulling
19 out of Fraser Drive. Ray Shea, LLS, acknowledged that there was a lot brush in the proposed
20 driveway location that created sight issues and explained that by removing the brush the sight
21 issues would be improved. He pointed out that Fraser Drive was only 12 years old or so and
22 would have had to meet sight distance requirements of its own when it was constructed that were
23 probably more stringent than for a driveway.

24 Peter Chickering of 34 Bedford Road stated that he was very concerned about the corner
25 of Bedford Road where Tax Map/Lot #8/63 was located. He asked if the stonewall would
26 remain in its current location. Ray Shea, LLS, answered yes. Peter Chickering advised that cars
27 drove around the corner between speeds of 45 mph and 75 mph. He stated that he did not want
28 to see the Town approve the driveway and then become involved in a lawsuit because someone
29 was seriously injured at the corner. He commented that he was not against waiving the Traffic
30 Impact Study if the Board felt that it was a safe thing to do; however, he reiterated that he did not
31 want to see the Town involved in a lawsuit. The Chairman explained that sight distance
32 requirements would not be waived for the driveway. He continued that potentially the Traffic
33 Impact Study that determines whether Bedford Road could handle the increased traffic from the
34 subdivision. Peter Chickering thanked the Chairman for the clarification.

35 The Chairman asked for further comments and/or questions from the Board; there were
36 none. The Chairman asked if the driveways were currently marked. Ray Shea, LLS, answered
37 no. The Chairman advised that the Board had other site walks scheduled for Saturday and
38 indicated that the Board could stop to view the sight distance. Ray Shea, LLS, advised that the
39 Board would not be able to see the sight distance because of the vegetation but that they would
40 be able to view stakes. He noted that there was no physical barrier to sight distance other than
41 the vegetation. The Board scheduled a site walk for Saturday, July 26, 2014, at 9:30 a.m. +/-.

42 Joe Constance asked what the distance from the road to the wells was. Ray Shea, LLS,
43 said that the well radii were 75'. Joe Constance asked if the well radius was within the 400' x

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1 ROBERT STARACE HOMES, LLC, cont.

2
3 400' square. Ray Shea, LLS, stated that the squares were 200' x 200' and they had been labelled
4 incorrectly on the plans. Joe Constance asked if that was where the house would be built. Ray
5 Shea, LLS, stated that the house could be built there. He noted that the 200' square created the
6 uniform shape of the lot but the house could be located anywhere that it met all the other
7 requirements. Joe Constance stated that he was just wondering if as well as the driveway
8 location, the center of the lot could be staked so it could be easily seen, if that would help. The
9 Chairman stated that was not really relevant. He noted that the Planning Board did not
10 determine where the house would be placed. The Board simply determined that the lot could
11 sustain a house. Joe Constance acknowledged this point.

12 Wayne Magarian noted the common area around the subdivision at Fraser Drive. He
13 asked if there was a setback for building a house from that common area. Ray Shea, LLS, stated
14 that it was 20'. He noted that there was wetlands and slopes so any proposed house would not be
15 near the common land but would be on the far side of the lot close to the new lot line. Jason
16 Pokrant said that his following question may be outside of the scope of the meeting and asked
17 when the style of the proposed house would be determined. Mark Suennen stated that the
18 Planning Board had no jurisdiction on the style of the house.

19 Lori Parent asked if the Board could restrict campers, boats, and swing sets. Ray Shea,
20 LLS, said that all those things that Lori Parent was not allowed in the Fraser Drive subdivision
21 would be allowed on these lots. Mark Suennen answered that the applicant could have the items
22 Lori Parent listed on his property as long as they were within the setbacks.

23 Mark Suennen referred to the road profile on page 3 of the applicant's submission and
24 asked for the slope of Bedford Road where it met the proposed driveway. Ray Shea, LLS,
25 indicated that the slope was less than 10%. Mark Suennen asked if the slope was less than 8%.
26 Ray Shea, LLS, answered that he was not sure if it was less than 8%. Mark Suennen believed
27 that the Board did not allow driveways off roadways with slopes 8% or greater. Ray Shea, LLS,
28 indicated that he had checked the driveway placement against the Town's regulations and it had
29 met the regulations when he checked it. He continued that he would double-check the
30 requirements.

31 Mark Suennen asked how the applicant would address marking lot corners. Ray Shea,
32 LLS, advised that the applicant had chosen to use drill holes in the existing stonewall. Mark
33 Suennen advised that a waiver for offset granite bounds or some other marking was required if
34 the applicant chose to use drill holes.

35 Mark Suennen asked if both wells on Lot #8/63 shown on the plan were active. Robert
36 Starace answered that one well was not active and the other was a new, active artesian well.
37 Mark Suennen asked for the active well to be identified; Robert Starace identified the active well
38 as the well shown closest to the house on the plan. Mark Suennen noted that a third well radius
39 was shown at the back of the property. Ray Shea, LLS, explained that the State required that the
40 well radius be shown for State Subdivision Approval showing that the well radius was contained
41 within the lot. Mark Suennen stated that on other developments the Board had considered the lot
42 line layout and if there was an existing well it did not impede on the neighbor's lot. Ray Shea,
43 LLS, offered to provide an easement for the well radius and noted that the area of encroachment

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1 ROBERT STARACE HOMES, LLC, cont.

2
3 was not part of the building envelope on the neighboring lot. Mark Suennen stated that he would
4 like to see the easement and added that he would be more concerned with an easement in the
5 build-able area. He continued that he would not allow an existing well to overlap a proposed
6 property line into a buildable area, assuming the driveway did not run through the area in
7 question. Ray Shea, LLS, stated he would remove the radius for the inactive well because it was
8 not connected to the house any longer. He further noted that the remaining well radius did not
9 overlap into the road right-of-way which was also a good thing.

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

12 Mark Suennen advised that the site walk that had been scheduled was for the Planning
13 Board and that other interested parties needed to receive permission from the property owner to
14 attend. Robert Starace gave all interested parties permission to attend the site walk.

15
16 Mark Suennen **MOVED** to adjourn the Public Hearing, Minor Subdivision, 3 Lots for 35
17 Bedford Road Map/Lot #8/63, Residential-Agricultural "R-A" District, to August 26,
18 2014, at 7:00 p.m. +/- Don Duhaime seconded the motion and it **PASSED** unanimously.

19
20 Mark Suennen advised that abutters would no longer receive notices of hearings. He
21 reiterated that the next public hearing on this matter was scheduled for August 26, 2014, at 7:00
22 p.m.

23
24 The Chairman advised Dan Donovan, Sr., that the Board had addressed his matter earlier
25 in the meeting under Miscellaneous Business and that he was all set. Mr. Donovan thanked the
26 Board.

**27
28 Public Hearing on Proposed Subdivision Regulation Amendments**

29
30 The Chairman read the public hearing notice. Present in the audience were Road Agent
31 Dick Perusse, Selectmen Dwight Lovejoy, Jeff Burd, P.E., Ben Heselton, Richard Heselton, Kim
32 and Scott Neesen, Barbara Stewart, Tom Noel and Clay Drew.

33 The Chairman asked the Planning Board Assistant for confirmation that the Board had
34 been over the proposed amendments a couple of times. The Planning Board Assistant confirmed
35 that the Board had reviewed the changes; however, she noted that the Coordinator's
36 memorandum advised the Board of Town Counsel's opinion on the amendments. She asked for
37 Mark Suennen to clarify his suggestion for proposed amendment #4 as the Town Engineer did
38 not understand it.

39 The Chairman referenced proposed amendment #3, "A 30,000 gallon cistern shall be
40 required on any non-connecting street longer than 600 feet unless an applicant can demonstrate
41 to the satisfaction of the Fire Chief an equivalent level of fire protection by other means." He
42 stated that he remembered a discussion about requiring cisterns that were smaller than 30,000
43 gallons and that he also remembered a discussion where Willard Dodge had represented that the

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1 SUBDIVISION REGULATION AMENDMENTS, cont.

2
3 Fire Chief did not want to require 30,000 gallon cisterns. Mark Suennen commented that he did
4 not remember the discussions. Rodney Towne recalled that the Chairman had forced them into a
5 decision and he recalled that it was an odd conversation. The Chairman asked if the Board had
6 had a discussion on whether the proposed requirement was reasonable. Rodney Towne and
7 Mark Suennen believed that the requirement was reasonable. The Chairman asked where the
8 cistern needed to be located. Mark Suennen answered that the location of the cistern was
9 dependent on the site plan but that if the road was between 600' and 1,000' it had to have a
10 cistern. The Chairman asked if it had to be beyond the 600'. Mark Suennen said it would not
11 have to be and it would be based on the site. Rodney Towne said that 600' was the triggering
12 point for a cistern to be required and the location was not specified. The Chairman thought that
13 if the trigger was 600' the cistern should be beyond the 600'. Don Duhaime commented that the
14 location of the cistern should be where it best suited access to firefighting equipment. Rodney
15 Towne stated that if he were looking at this strictly for the Town not just the development he
16 would place the cistern at the beginning of the road because then the insurance ratings for more
17 people in the area not just the people in the subdivision. The Chairman argued that going on the
18 premise that the cistern was needed for an area in danger it should be sited based on that. He
19 thought it had been put in there to prevent it being built. He noted that cisterns cost \$100K.

20 The Chairman referred to a memorandum dated July 17, 2014, from the Coordinator to
21 the Planning Board Members, re: Subdivision Regulations Proposed Amendments. He advised
22 that proposed amendments #s 1 and 2 were okay as written. He noted that Town Counsel
23 recommended adding the following language to proposed amendment #3, "Also any such waiver
24 request shall comply with the standards for granting waivers as set forth in Section XI". He
25 commented that the recommended language worked.

26 Mark Suennen indicated that the Fire Chief had provided recommended language for the
27 process of receiving the waiver request listed in proposed amendment #3. The Chairman asked
28 what was meant by the following proposed language from Town Counsel in proposed
29 amendment #3, "...unless an applicant can demonstrate to the satisfaction of the Fire Chief an
30 equivalent level of fire protection by other means". Mark Suennen explained that the proposed
31 language offered an exception to the 30,000 gallon cistern requirement. He continued that the
32 exception could only be granted if the applicant and Fire Chief could agree to appropriate
33 firefighting means, i.e., sprinkler systems. Rodney Towne added that other appropriate
34 firefighting means could be they could go with the NFPA13 sprinklers and go with the 13D.
35 There could be water in the area already that was accessible year round. Mark Suennen noted
36 that these things were not the Board's jurisdiction to decide.

37 The Chairman referred to proposed amendment #3, IX-B, 1., vi, "A 30,000 gallon cistern
38 shall be required on any non-connecting street longer than 600 feet", and questioned the use of
39 the length of 600'. Mark Suennen answered that the 600 feet was based on the old cul-de-sac
40 length maximum. He continued that a lot of other towns used 600 feet as their maximum cul-de-
41 sac length. The Chairman commented that the 600 feet sounded made-up. Mark Suennen stated
42 that the 600 feet had been made-up. Rodney Towne added that making the length 800 feet
43 would also be "made-up". The Chairman agreed with Rodney Towne. Rodney Towne asked the

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1 SUBDIVISION REGULATION AMENDMENTS, cont.

2
3 Chairman if there was a number he wanted to make-up. The Chairman believed that the cistern
4 should be required for roads longer than 1,000 feet. Rodney Towne indicated that the maximum
5 cul-de-sac length was 1,000 feet and he stated that the Chairman's suggested length was made-
6 up. The Chairman disagreed that his proposal was made-up as the current cul-de-sac length
7 maximum was 1,000 feet. He added that not only would an applicant need a cistern for cul-de-
8 sacs longer than 1,000 feet but they would also need approval from the Fire Wards, Road Agent
9 and Police Chief to extend the road beyond 1,000 feet. Rodney Towne stated that the intent of
10 the proposal was if you wanted to build a cul-de-sac as opposed to a loop road over 600' you
11 have to put a cistern in. The Chairman acknowledged the intent of the proposal, however, he
12 questioned if it was fair or prudent. Rodney Towne stated that the proposal was fair and prudent.
13 The Chairman questioned what if there was a fire cistern right at the corner of the cul-se-sac.
14 Rodney Towne imagined that would come as the cistern; if the road started at a cistern it would
15 be all set. The Chairman stated that the amendment did not say that. Rodney Towne disagreed
16 with the Chairman and commented that the proposed amendment stated what he had explained.
17 Mark Suennen indicated that he agreed with the Chairman on this matter. He explained that the
18 proposal included a caveat that the Fire Chief could be satisfied with a cistern on the corner,
19 however, he noted that the Fire Chief might not be satisfied and could require an additional
20 cistern at 604 feet. Rodney Towne stated that he would argue Mark Suennen's point. Don
21 Duhaime asked what would happen if a cistern was not located at the corner of the road but
22 instead was located at the 1,000 foot mark of the road. Rodney Towne answered that a
23 discussion of the issue would take place at that time. Don Duhaime stated that the current
24 regulation specified 2,200' as the distance for a cistern to be located from the lots to be covered
25 thereby. Rodney Towne stated that did not meet the intent of this proposed amendment and that
26 was a separate issue. He stated that the amendment was saying that for a cul-de-sac of 600' or
27 more a cistern would be required. He thought that a cistern at the beginning of the 600' road
28 would meet the requirement of being accessible for the 600' cul-de-sac. The Chairman and
29 Rodney Towne continued to disagree on the intent of the proposed amendment language. The
30 Chairman stated that effectively the Town was back to a 600' length for a cul-de-sac or there
31 would be a \$60K penalty in the form of a cistern. Rodney Towne stated that the culvert depth
32 requirement and other proposed changes included in the packet were all penalties if the
33 Chairman wanted to look at it that way. The Chairman commented that he believed it was a
34 crock. Rodney Towne commented that knew that was what the Chairman thought but he
35 disagreed with the Chairman, believed his logic was wrong and was based on nothing but pure
36 emotion.

37 The Chairman asked for other Board member's opinion on the proposed amendment. Joe
38 Constance, David Litwinovich and Mark Suennen indicated that they were in favor of proposed
39 amendment #3, IX-B, 1., vi.

40 The Chairman referred to proposed amendment #4 and indicated that the first portion of
41 the proposed language was fine. He noted that Mark Suennen needed to clarify the second part
42 of the proposed language. Mark Suennen clarified that the original intent of his language was
43 based on a raised center island. He continued that since he drafted the proposal it had come to

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1 SUBDIVISION REGULATION AMENDMENTS, cont.

2
3 his attention that the Road Committee did not intend to install raised center islands. He offered
4 the following revised language, "...for cul-de-sac roads the drainage in the center island shall be
5 no more than 30" below the adjacent roadway grade". The Board agreed with Mark Suennen's
6 revised language.

7 The Chairman referenced proposed amendment #5 and advised that the Town Engineer
8 was working on the typical details for inclusion in the regulation. He noted that a sketch had
9 been provided.

10
11 Mark Suennen **MOVED** to accept Subdivision Regulations Proposed Amendments #s 1
12 and 2, as written. Don Duhaime seconded the motion and it **PASSED** unanimously.

13
14 Mark Suennen **MOVED** to accept Subdivision Regulations Proposed Amendments #3
15 and 4, as amended by Town Counsel and table the motion until the Board saw the
16 language revised in full. Rodney Towne seconded the motion. **DISCUSSION:** Rodney
17 Towne noted that the "Fire Wards" had been listed in most places as the determining
18 party and in Section XI-B, 1, a)vi) the "Fire Chief" was listed. He suggested that the
19 "Fire Chief" be replaced with "Fire Wards". The Board agreed with Rodney Towne's
20 suggestion. The motion **PASSED** unanimously.

21
22 Mark Suennen **MOVED** to accept Subdivision Regulations Proposed Amendment #5, as
23 amended. Don Duhaime seconded the motion and it **PASSED** unanimously.

24
25 Mark Suennen **MOVED** to adjourn the tabled amendments #3 & 4 to be reviewed in
26 final written form to the meeting of August 26, 2014. Don Duhaime seconded the motion
27 and it **PASSED** unanimously.

28
29 **THIBEAULT SAND & GRAVEL, LLC (OWNER)**
30 **HELETON'S OUTDOOR SERVICES (APPLICANT)**
31 Submission of Application/Public Hearing/NRSPR/bark mulch processing business

32 Location: Parker Road

33 Tax Map/Lot #3/57

34 Agricultural-Residential "R-A" District

35
36 The Chairman read the public hearing notice. Present in the audience were Road Agent
37 Dick Perusse, Selectmen Dwight Lovejoy, Jeff Burd, P.E., Ben Heselton, Richard Heselton, Kim
38 and Scott Neesen, Barbara Stewart, Tom Noel and Clay Drew.

39 Jeff Burd, P.E., from RJB Engineering introduced himself to the Board and submitted
40 revised plans; he noted that the revisions had been based on comments from the Coordinator. He
41 noted that the Coordinator had suggested he bring them to the meeting as she was away this
42 week. He also noted that he had reduced size copies to hand out.

43 Jeff Burd, P.E., stated that the applicant had been before the Board in April and presented

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1 THIBEAULT/HESELTON, cont.

2
3 a preliminary plan and subsequently was granted a variance from the ZBA to allow the proposed
4 use in the Residential-Agricultural “R-A” District in May.

5 Jeff Burd, P.E., advised that the total lot area was 36 acres and was located at the corner
6 of Riverdale and Parker Roads. He explained that the applicant was proposing to lease a 5 acre
7 area in the center of the property that had previously been mined for aggregates. He further
8 explained that the applicant would be using the space for bark mulch processing and storage as
9 well as for the sale of loam, stone and other landscape products. He showed the location of the 5
10 acre area on the plan; noting the second sheet of the plan gave detail on the five acres.

11 Jeff Burd, P.E., indicated that this was not a typical site plan as no site improvements
12 were being proposed. He noted that there was an existing road that had been previously used as
13 an access for the gravel pit. He pointed out that the road was fairly flat and noted that the
14 applicant may need to add gravel for stabilization. He advised that part of the plan was also to
15 shape up and stabilize some slopes in the back and reclaim the pit as it currently existed.

16 Jeff Burd, P.E., stated that the applicant was proposing to have raw material piles,
17 processing areas, storage areas and coloring areas. He advised that the applicant was proposing
18 to have an office trailer that would not be on a foundation as well as a couple of storage trailers
19 to hold equipment for the business. He noted that a port-a-potty would be placed next to the
20 office trailer and that there were no plans for the installation of a well or septic system. He
21 advised that the only utility extended into the property was electricity for an area light and the
22 office trailer.

23 Jeff Burd, P.E., indicated that there were no plans for tree clearing; however, he noted
24 that there was an area with smaller growth located near the back that needed to be removed to
25 shape the slope. He stated that the applicant was willing to leave the natural buffer that existed
26 in the front of the property.

27 Jeff Burd, P.E., explained that currently the drainage sheet flowed off the flat area of the
28 property. He advised that the Coordinator had suggested that some kind of retention be placed
29 on site for significant storm events and that he had revised the plan to reflect the suggestion. He
30 explained that the drainage flowed in two separate directions and pointed out the locations on the
31 plan. He also identified the proposed locations for retention basins on the plan to collect and
32 slow down the runoff before it went to the wetlands and eventually across Parker Road. The
33 Chairman noted that the property was a former sand pit and questioned if water would really
34 flow from the property. Jeff Burd, P.E., indicated that water could flow from the property during
35 a peak storm event. He noted that gravel existed on the property and not running sand and was
36 very stable.

37 Jeff Burd, P.E., reiterated that a variance for the proposed use had been granted in May
38 and at that meeting a couple of issues had come up; noise was one of them. He advised that
39 Sandford Engineering had completed a noise study and he offered the Board a summary of the
40 report.

41 Jeff Burd, P.E., indicated that the business would not be generating any more traffic than
42 what had been proposed for the original gravel pit. He stated that he could talk about the traffic
43 peak numbers expected from this business.

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1 **THIBEAULT/HESELTON, cont.**

2
3 Jeff Burd, P.E., stated that there had been concerns with the dye used to dye the bark
4 mulch. He advised that the dye was not a hazardous material and offered to answer any
5 questions. He stated that these things had been talked about at the ZBA meeting and went along
6 with the use of the property and now the use had been allowed by the ZBA so he did not think
7 they were Planning Board issues but he would leave it up to the Board's discretion. The
8 Chairman thought they were probably site plan issues but it was more about knowing what the
9 issues were rather than prohibiting them.

10 Rodney Towne asked if all the corrections had been made to the plans. The Planning
11 Board Assistant stated that edits to the plan could be made a condition of approval. She noted
12 that everything had been submitted for a completed application. Jeff Burd, PE, offered that he
13 could go through the changes he had made from the initial plan to the one he had submitted at
14 this evening's meeting if the Board would like. He noted that abutters' details was one thing.

15
16 Mark Suennen **MOVED** to accept the application for Thibeault Sand & Gravel, LLC,
17 (Owner), Heselton's Outdoor Services, (Applicant), Location: Parker Road, Tax Map/Lot
18 #3/57, Residential-Agricultural "R-A" District as complete. Don Duhaime seconded the
19 motion and it **PASSED** unanimously.

20
21 The Chairman noted that started the time within which the Board had to act on the
22 application.

23 Mark Suennen referred to outstanding issues from the Checklist for Site Plan Review
24 completed on July 11, 2014. He asked if corrections had been made to abutter names and deed
25 references. Jeff Burd, P.E., answered yes. Mark Suennen asked if setbacks for the proposed
26 trailers had been added to the plan. Jeff Burd, P.E., indicated that the setbacks had been added.
27 Mark Suennen asked if the width of the finished surfaces had been added. Jeff Burd, P.E.,
28 answered yes and advised that the width of the finished surfaces was 24'. He noted he had added
29 some radii where the turnaround area was. Mark Suennen asked if there was any proposed
30 landscaping or screening around the physical operational site. Jeff Burd, P.E., answered that
31 there was no landscaping proposed, however, a note had been added to the plan that stated the
32 existing natural vegetation would remained undisturbed. Mark Suennen asked if the proposed
33 trailers would have lights mounted to the exterior. Jeff Burd, P.E., answered yes and noted that
34 lights had been added to each corner of the office. Mark Suennen asked if there was proposed
35 lighting for the storage trailer. Jeff Burd, P.E., answered no. Mark Suennen asked if the size of
36 the proposed sign had been checked against the size ordinance regulations. Jeff Burd, P.E.,
37 answered that he had not confirmed the size of the size with the regulations. He noted that the
38 proposed sign was an existing sign at the property. Mark Suennen advised that the owner was
39 grandfathered to use the sign but the applicant was not grandfathered. He noted that the plans
40 now had a drainage basin and snow removal details. Mark Suennen asked if the reason no
41 typical construction details were included was because the proposal was only to have piles of
42 stuff. Jeff Burd, P.E., answered that there was no construction other than shaping the slopes in
43 the back.

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1 THIBEAULT/HESELTON, cont.

2
3 Mark Suennen asked how the proposed three parking spaces would be delineated. Jeff
4 Burd, P.E., indicated that he showed the parking spaces on the plan to ensure that there was room
5 for vehicle parking. He continued that the business was currently a one man operation. The
6 Chairman indicated that the parking spaces could be delineated with parking signs and/or
7 railroad ties. Mark Suennen explained that the Board would hold the applicant to the site plan
8 and would find that the applicant was not in compliance with the site should people be parking
9 all over the site. He asked that the applicant figure out some way to delineate the parking area.
10 Jeff Burd, PE, stated they could do that.

11 David Litwinovich asked for the proposed location of the tub grinder. Jeff Burd, P.E.,
12 answered that the tub grinder was mobile and would move to the front and back of the lower tier.
13 He explained that the raw material would be ground and then colored. He pointed to the
14 grinding and mixing locations on the plan.

15 Mark Suennen asked if grading would be completed to establish/maintain the roadways
16 around pile locations. Jeff Burd, P.E., answered no and advised that the roadway already existed
17 and would be strictly for operations. He noted the turnaround area had been added but trucks
18 with deliveries would be dumping stumps and such near the grinder location. Mark Suennen
19 advised that the Board would be looking for the potential for erosion in the gravel areas during
20 the site walk. Jeff Burd, PE, noted he had added flow arrows for the drainage and he could
21 create a settling pond to catch sedimentation.

22 Joe Constance asked how quickly materials would come in and out and what the
23 anticipated size of the material piles would be. Jeff Burd, P.E., noted that this was a starting
24 business and that the plan showed what the site may look like in a few years.

25 Ben Heselton advised that the location of the gate on the plan was overgrown and he
26 intended on cleaning up the area. He stated that the area had a lot of saplings to be removed and
27 not 100' pine trees.

28 The Chairman noted that the hours of operation were listed on the plan, however, the
29 days of the week were missing. Jeff Burd, P.E., indicated that he would add the days of the week
30 to the plan.

31 The Chairman advised that the applicant needed to submit a driveway permit and that it
32 could be done at no cost. Jeff Burd, P.E., questioned the need for submitting the driveway
33 permit as the plan showed an existing driveway. Mark Suennen explained that the existing
34 driveway did not have a driveway permit.

35 Mark Suennen stated that one of the conditions for site plan approval would be that
36 Thibeault Sand and Gravel, LLC, completed the reclamation that was required by his
37 reclamation plan. Rodney Towne added that the Board expected to see the reclamation
38 completed prior to granting site plan approval. Mark Suennen stated that the reclamation could
39 be a condition of the applicant's operation permit or could be a condition precedent or
40 subsequent. He added that the issue needed further discussion. The Chairman stated that the
41 reclamation needed to be completed prior to the applicant operating his business. Jeff Burd,
42 P.E., asked if the reclamation needed to be completed prior to the site walk. Mark Suennen
43 answered no. Jeff Burd, P.E., stated that the point of the plan before the Board was to show the

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1 THIBEAULT/ HESELTON, cont.

2
3 reclamation that was necessary. He noted that the applicant intended on keeping the proposed 5
4 area parcel as gravel and did not intend to loam and seed it. He advised that the open cut was in
5 the back and would be completed by the owner. He commented that he did not see the need for a
6 lot of reclamation beyond that which he had identified.

7 Rodney Towne asked for the ZBA Notice of Decision to read. Mark Suennen read the
8 following condition, "This approval is subject to and contingent upon New Boston Planning
9 Board approval of both a non-residential site plan and all necessary site reclamation of the
10 discontinued gravel pit on the subject property." The Planning Board Assistant advised that
11 there was a reclamation plan on file. Mark Suennen stated that if the site development required
12 modification to the site reclamation plan that would have to be a process that went through in
13 addition to this site plan. He said that if the plan proposed by Ben Heselton required
14 modification of the Thibeault Sand and Gravel, LLC, reclamation plan, that would have to go
15 through a process too. He noted that the modifications could occur in parallel. The Chairman
16 added that the Board would not ask the applicant to reclaim the area that he would be operating
17 in. Mark Suennen answered not necessarily unless Thibeault did not modify the reclamation
18 plan. The Planning Board Assistant pointed out that there was no permit for the gravel pit at
19 present and it was not in compliance. Jeff Burd, P.E., advised that the owner's plan was for
20 excavation and reclamation. He explained that the back area was shown on the plan as being
21 mined; however, it never was mined. He stated that he saw the proposed plan as a replacement
22 reclamation plan. Mark Suennen stated that he viewed the proposed plan as a partial reclamation
23 of their site based on the current condition of the site. He described the site as an under-utilized
24 excavation compared to what had originally been proposed. He stated that it was his opinion that
25 what was being proposed may be fine for the piece of the site being shown but the Board was
26 more interested in the entire site. He advised that he wanted the entire site reclaimed because it
27 was a non-conforming gravel pit. Jeff Burd, P.E., explained that the owner had never moved
28 into the parts shown on the plan as being excavated and therefore, there was nothing to be
29 reclaimed. Mark Suennen stated that those areas that were not excavated needed to be identified
30 on a modified reclamation plan. Jeff Burd, P.E., explained that a modified reclamation plan
31 would look like the proposed plan without the applicant's proposed use. He stated that he was
32 unsure why the proposed plan could not act as the plan the Board was looking to have submitted.
33 Mark Suennen stated that the proposed plan only showed the 5 acre site and not the entire site.
34 Jeff Burd, P.E., pointed out that nothing else had been disturbed on the site. Mark Suennen
35 stated that the reclamation plan on file represented the entire site and he further stated that areas
36 existed outside of the 5 acres that needed to be reclaimed. The Chairman stated that the
37 applicant was explaining that there were no other areas on the property that had been disturbed
38 outside of the 5 acres shown on the plan. He continued that the applicant was proposing to
39 complete all required reclamation as part of his site plan. Rodney Towne did not believe that the
40 applicant was proposing what the Chairman had stated. Jeff Burd, P.E., advised that the
41 applicant was proposing what the Chairman had stated. The Chairman said the applicant was
42 saying that Thibeault did not disturb anything beyond the scope of what this plan is. Mark

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1 THIBEAULT/HESELTON, cont.

2
3 Suennen disagreed because there was an excavated wetland.

4 Jeff Burd, P.E., offered to show the owner's plan and identify the areas for reclamation at
5 a subsequent or site walk. He did not know who declared the excavated wetlands as such but
6 those preceded Thibeault's ownership of the lot. He reiterated that the reclamation was limited to
7 the 5 acres that the applicant would be leasing.

8 The Board reviewed the reclamation plan and Mark Suennen identified an area outside of
9 the proposed 5 acres of use that needed to be reclaimed; "Reclaimed area #1 per reclamation note
10 sheet 4, 2.1 acres." around the existing loam pile. Joe Constance thought they were saying that
11 they were not addressing this. Mark Suennen said that was his point. Jeff Burd, P.E.,
12 acknowledged that the area was outside of the proposed 5 acres and he believed that the area was
13 growing in with 10' - 20' saplings. Mark Suennen stated that the Board may or may not be okay
14 with the area "self-reclaiming" and the issue was that it did not match the plan on file. Jeff Burd,
15 P.E., asked if a new application was required. Mark Suennen answered that the owner was
16 required to request modification of his reclamation plan. Rodney Towne noted that the owner
17 should have already submitted the request. Mark Suennen agreed and added that the request
18 should have been submitted years ago. The Chairman said that although the applicant was only
19 using a certain area on the lot, at part of their plan the whole site had to be in reclaimed status.
20 He noted that if it was already reclaimed and they did not have to do anything that was fine but
21 the plan needed to reflect that it was already stable and reclaimed and although the applicant was
22 only utilizing this part he was accountable for the whole plan. Jeff Burd, PE, said he completely
23 agreed with that but what he was trying to do was do it all on one plan rather than do a whole
24 different plan, come in with Thibeault and do it that way. Mark Suennen thought that the
25 modification could be done through a joint application as long as the owner agreed to complete
26 the reclamation. The Chairman stated that he did not care who completed the reclamation so he
27 did not see why it could not be on this plan. He stated that he would be concerned that the Town
28 could get a plan from Thibeault and it would not happen. The Chairman noted that Ben Heselton
29 was submitting a plan because he wanted to open up and operate for business so he could come
30 in with a plan for reclamation of the site and say "I'm not doing this because this is this, this
31 needs to be reclaimed because it's been disturbed, that's never been touched, we want to do this,
32 here's my overall plan, this whole site's going to be reclaimed by...". The Chairman noted that
33 Ben Heselton could take responsibility for it; he did not care if Thibeault did it or not. Rodney
34 Towne did not know if it could happen that way. Jeff Burd, PE, thought that a reclamation plan
35 from Thibeault would be very different because the Board would look at it as if the Heselton
36 application was not even coming in; they would want the whole site reclaimed. Mark Suennen
37 stated he heard what was being said but he was saying that was not the case because he was
38 willing to recognize that what Ben Heselton was proposing was part of the modified reclamation
39 plan. But he was saying that if that was what was happening it could not be done partially, the
40 whole thing would have to be done, everything that had been modified. Jeff Burd, PE, agreed
41 but noted that he did miss that one corner that Mark Suennen had identified. Joe Constance
42 asked who would determine if the regrowth of trees and saplings could be approvable as
43 reclamation of those areas. The Chairman answered that the Board would decide that. Mark

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1 **THIBEAULT/ HESELTON, cont.**

2
3 Suennen pointed out that the Planning Board was the Regulator for the gravel pits in New
4 Boston. Joe Constance asked if it could be naturally reclaimed without the need for anything
5 further to be done. Rodney Towne stated it was possible. Mark Suennen stated that could be
6 proposed and the Board could accept or reject it and that would be based on what was seen on a
7 site walk.

8 Don Duhaime asked who would be responsible for the reclamation of the applicant's 5
9 acres once he decided to move his business. Rodney Towne explained that the property would
10 no longer be an excavation operation and, therefore, it was not required to be reclaimed. Don
11 Duhaime was concerned with this, noting that if it was required to be reclaimed as part of the
12 gravel pit plan, just because the other business was there and then left, it still needed to be
13 reclaimed. The Chairman noted it would be re-purposed area. Mark Suennen said that if the
14 Board accepted the site plan then they would be accepting the need for no further reclamation
15 because a business had moved in. Don Duhaime stated that answered his question. The
16 Chairman stated that any banks in the back that should be reclaimed will have to be reclaimed.

17 Don Duhaime stated that the ZBA minutes included the days of operation, Monday to
18 Friday, 7am to 5pm. Saturday 8am to 12 noon. Mark Suennen stated it needed to be on the site
19 plan.

20 The Board scheduled a site walk for Saturday, August 2, 2014, at 10:30 a.m. +/-.

21 The Chairman asked for questions or comments from the audience members. Barbara
22 Stewart of 220 Riverdale Road advised that a member of the ZBA had suggested that the
23 applicant operate his grinder for the abutters to hear and instead the applicant conducted a noise
24 study without notifying the abutters. She commented that the abutters may be more concerned
25 than they need to be regarding the noise because they did not know what was coming. Barbara
26 Stewart asked the Board if there were provisions to mitigate sound from the tub grinder, i.e.,
27 requiring plywood around the engine. She further asked if definite hours and days of operation
28 would be set. The Chairman answered yes to setting the hours of operation. He indicated that he
29 was unsure about the answers to the other two questions as the Town did not have a noise
30 ordinance and that he did not know the noise level of the tub grinder. Ben Heselton advised that
31 the ZBA had a copy of the sound study. Jeff Burd, P.E., indicated that he would make the sound
32 study available to the Board.

33 Mark Suennen asked how the sound study had been conducted. Ben Heselton explained
34 that he had hired a professional sound engineer to conduct the study. He continued that he had
35 run the loudest material through the tub grinder, i.e., logs and brush. He indicated that sound
36 was measured near the grinder, at the entrance of the property and at the nearest residence. He
37 advised that the noise from the tub grinder measured 52 decibels at the nearest residence and a
38 truck driving by the lot measured 81 decibels. Jeff Burd, P.E., noted that he had provided the
39 Board with a summary of the sound study. He further noted that Earl Sandford, P.E., had
40 conducted the sound study and could be present at the next meeting to speak to the Board if they
41 would like him to be there. Jeff Burd, P.E., stated that the tub grinder had not exceeded the 60
42 decibel threshold for normal noise. He noted that noise that measured higher than 60 decibels
43 was classified as a nuisance according to OSHA standards. He believed that this matter had been

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1 THIBEAULT/HESELTON, cont.

2
3 resolved at the ZBA meeting which was why he had not had Earl Sandford, PE, come to this
4 meeting.

5 Joe Constance asked if the tub grinder would run for the entire time of the proposed hours
6 of operation. Ben Heselton answered that he would operate the tub grinder Monday through
7 Friday and Saturday was for pick up and deliveries. Joe Constance asked if the tub grinder
8 would run continuously for 8 hours. Ben Heselton answered that the gravel pit across the street
9 was allowed to run their rock crusher for 8 hours so he had asked for the same. He continued
10 that he did not see himself running the tub grinder that long. The Chairman asked for
11 confirmation that a rock crusher was louder than a tub grinder. Ben Heselton confirmed that a
12 rock crusher was louder than a tub grinder. Clay Drew noted that the rock crusher was not
13 located across the street from his property and was located in the Strong pit. He noted that the
14 Thibeault pit did not have a rock crusher. Ben Heselton pointed out that the Thibeault pit could
15 have a rock crusher. Clay Drew stated that Ben Heselton could not use the noise from John
16 Neville's crusher in the Strong pit in comparison to the proposed tub grinder being operated.
17 Rodney Towne said that the sound study spoke for itself and did not mention rock crushers.

18 Clay Drew questioned why Ben Heselton did not advise the abutters about the sound
19 study. He stated that he had called the town because he heard the grinder running and the town
20 did not even know the applicant was doing it. Clay Drew commented that it seemed sneaky to
21 him. Jeff Burd, PE, stated that the sound study was not required and Ben Heselton had done it
22 for himself to find out what the decibels were. Clay Drew stated that it was suggested by the
23 town that Ben Heselton did the study. Ben Heselton stated that the Code Enforcement Officer
24 was aware of the testing and he also noted that he was not required to notify anyone of the
25 testing.

26 Scott Neesen of 59 Parker Road indicated that he had asked for a decibel at the last
27 meeting but nobody had it. He stated that all he kept hearing from people was how loud tub
28 grinders were. He advised that he knew the applicant and his family and that this was not
29 personal. He stated that on Monday through Friday and possibly Saturday he did not want to be
30 hearing the thing running all the time. Scott Neesen acknowledged that a truck measured 81
31 decibels and noted that a truck would not be parked outside his house running constantly all day;
32 it would be driving by. He stated that the tub grinder was 51 decibels sitting in his backyard all
33 the time. He stated that he did not know when it was going to run and he understood that the
34 applicant could not tell him that because it was a business but he had concerns. Scott Neesen
35 said that he did have a right to know when they were going to test the grinder; he did not know if
36 the study had been done during the week while he was at work but it would have been nice to
37 have been in his backyard when it was happening. He stated that Ben Heselton could have come
38 to him and told him the test was going to take place and asked him to let him know what he
39 could hear as he went about his normal activities. Scott Neesen thought they could have worked
40 together on this and figured out what to do. He stated that they had moved the grinder around
41 but which spot would be best for him; it was 51 decibels but where were they when they were
42 testing it? He stated that there were a lot of unanswered questions.

43 Scott Neesen asked if the public could attend the site walk. Mark Suennen answered that

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1 THIBEAULT/HESELTON, cont.

2
3 those interested in attending the site walk needed to obtain permission from the property owners,
4 Thibeault Sand and Gravel.

5 The Chairman indicated that the noise issue was not dead just because it had been
6 discussed at the ZBA. He stated that it was an issue that would be reviewed by the Planning
7 Board as well. He noted that the sound study contained different ways to reduce the noise level
8 based on the terrain and stock piles. Barbara Stewart said that she had read that report and it was
9 done for 15 or 20 minutes at different times. She stated that when balloons were flown for cell
10 tower tests it was noticed to everyone but it did not happen for this. The Chairman said he did
11 not think it had to be noticed and he was not sure it would not happen again anyway.

12 Kim Neesen of 59 Parker Road indicated that "line of sight" had not been covered by the
13 sound report. She explained that there was a line of sight from the second floor of her home into
14 the gravel pit and it had never been tested. She thought there were a lot of things that were not
15 covered in the noise study that were concerning.

16 Clay Drew asked if anyone was aware of the trucking routes for the one-ton trucks. The
17 Chairman was not sure that the Board had got to discuss trucks yet. Clay Drew said at the last
18 meeting it had been stated they would be one-ton trucks only. Mark Suennen answered that the
19 Planning Board had not yet discussed the trucking routes. He continued that the Board had
20 explained to the applicant during the preliminary meeting that a Traffic Impact Study may be
21 required that would identify the specific trucking routes, size of the vehicles, types of vehicles
22 and frequency of the vehicles. He indicated that these matters would be discussed prior to
23 approval.

24 Tom Noel of 220 Riverdale Road emphasized Scott Neesen's previous point that the tub
25 grinder had the potential for running for hours at 51 decibels versus a truck that may measure 81
26 decibels but would be driving by and not running continuously. He also noted that the rock
27 crusher operating in the Strong gravel pit produced a low frequency rumble and that it was very
28 likely that the tub grinder would produce a higher pitched noise that would be much more
29 annoying.

30 The Chairman asked how difficult it was to set-up the tub grinder. Ben Heselton
31 answered that it was a process to set-up the tub grinder. He explained that he would need to hire
32 someone to drive the tub grinder to the property and hire someone to bring wood to the property.
33 The Chairman indicated that he was not so concerned with checking the decibels of the tub
34 grinder as it had already been provided in writing. He continued that he wanted to apply a
35 certain amount of common sense and that it could be hard to get perspective on how loud the tub
36 grinder would be without hearing it. He added that because the property was a gravel pit there
37 was an expectation that a certain amount of noise would be heard and that silence was not the
38 standard. The Chairman noted that he did not think the applicant had to be invisible or meet a
39 "can't be heard" standard but on the other hand did think that there was a certain amount of noise
40 that could require regulating of hours or something like that. He noted that operating it for 10
41 hours a day five days a week, but if it was clearly loud there may be some regulating of hours
42 required. Jeff Burd, P.E., stated that the applicant was not opposed to doing some form of
43 mitigation. He noted that the placement of the mitigation berms could be part of the site plan

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1 THIBEAULT/HESELTON, cont.

2
3 approval. The Chairman noted that was mentioned in the report along with the fact that the
4 applicant should work with the Planning Board on strategically placing those berms. He stated
5 that would all be part of the site plan approval. He noted that it may be determined during this
6 process where the grinder could **not** be placed because the noise level of the tub grinder seems to
7 be the major sticking point.

8 Barbara Stewart asked what the applicant proposed to grind. Ben Heselton answered that
9 he would grind brush and logs. Barbara Stewart asked if the applicant would be grinding
10 woodchips. Ben Heselton answered that he did intend to grind woodchips. Barbara Stewart
11 asked for a description of the woodchips. Ben Heselton described the woodchips as cut-up
12 pieces of thin wood. Barbara Stewart asked where he would obtain the woodchips. Ben
13 Heselton advised that he would receive woodchips from local guys. Barbara Stewart asked if the
14 applicant would be using construction or demolition wood in the tub grinder. Ben Heselton
15 answered no. The Chairman noted that he had to sell his product so he would not use that type
16 of material. Barbara Stewart stated that was why there was dyes for mulch to cover up the type
17 of wood used.

18 Scott Neesen stated that he was concerned with out of state wood being used in the tub
19 grinder as there was a problem with Asian Longhorned Beetles and ash trees. He commented
20 that he did not have problem with the applicant operating his business and that he just wanted to
21 ensure that everything was met so that things did not happen down the road. Rodney Towne
22 indicated that the Department of Agriculture controlled what came into the State. Ben Heselton
23 added that he was heavily regulated by the State and that he was currently going through the
24 certification process with the State. Mark Suennen noted that the Board had no authority on
25 what the applicant put in the tub grinder. He explained that the Board had authority over the
26 appearance of the site, how the site was worked and the impact of the site in and outside of the
27 site.

28 Clay Drew asked if Thibeault could come back in one year and operate the site as a
29 gravel pit. Rodney Towne advised that the owner would have to go through the permitting
30 process in order to operate the property as a gravel pit. Mark Suennen stated that Thibeault Sand
31 and Gravel was out of compliance with the current permitting process and could not just show up
32 with dump trucks and start digging; he would be in violation. Clay Drew asked if,
33 hypothetically, Thibeault Sand and Gravel could operate a gravel pit under Ben Heselton's name.
34 Mark Suennen stated they could not because it was not currently permitted nor would Ben
35 Heselton's plan allow a pit to operate. The Chairman noted that no one could currently work a
36 gravel pit at that site currently.

37 Kim Neesen asked if the Board could place limitations on the business with regard to the
38 growth of the business with regard to hours for grinding, numbers of trucks, size of stockpiles
39 and so on. The Chairman answered that the Board could set limitations to a certain extent. Mark
40 Suennen stated that the Board could set limitations on how the site was used and the locations of
41 the site operations. He noted that if the applicant wanted to expand the size and location of the
42 piles on the plan he would be required to ask for permission to do so. The Chairman commented
43 that the bigger the piles were the better it would be from a noise standpoint. Kim Neesen

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1 THIBEAULT/HESELTON, cont.

2
3 indicated that she was concerned with fire safety issues with larger piles and asked if sprinklers
4 would be required. The Chairman stated that he had never heard of mulch piles burning. Ben
5 Heselton indicated that piles had to be turned and that piles containing 60K yards of material
6 could burn and noted that his piles would not be that large. The Chairman pointed out that piles
7 of mulch burning would be a loss to the applicant. Rodney Towne noted that the fire would start
8 inside of the pile and the sprinklers would not stop the fires from starting as they would be
9 placed outside of the piles. Mark Suennen suggested that fire safety concerns be addressed with
10 the Fire Wards and their opinions should be forwarded to the Planning Board.

11 The Chairman advised that no further notices would be mailed to abutters and that the
12 next meeting would take place on August 26, 2014, at 7:15 p.m.

13
14 David Litwinovich **MOVED** to adjourn the public hearing for Thibeault Sand & Gravel,
15 LLC (Owner), Heselton's Outdoor Services (Applicant), Location: Parker Road, Tax
16 Map/Lot #3/57, Residential-Agricultural "R-A" District, to August 26, 2014 at 7:15 p.m.
17 +/- Don Duhaime seconded the motion and it **PASSED** unanimously.

19 Continued discussion, re: Master Plan update, questionnaire/survey for public input

20
21 The Planning Board Assistant noted that David Litwinovich had submitted a sample
22 questionnaire for the Master Plan. David Litwinovich said he had modeled the questionnaire on
23 the previous one. Rodney Towne asked for the document to be sent to him by email. Mark
24 Suennen stated he had some comments. He noted that the example survey from Raymond had a
25 good question asking for the respondents to describe how they felt about various issues with the
26 responses categorized under "I'm in favor", "I'm in favor but not willing to pay more money" and
27 "I'm not in favor". Mark Suennen said he got his suggestions by looking through the headings of
28 the Master Plan categories that are in it today. David Litwinovich stated he had tried to keep it to
29 one page. He thought that the longer surveys with the strongly agree to strongly disagree were
30 asking items that were very detailed and made the survey too long. Mark Suennen said he would
31 mark up David Litwinovich's suggestion before the next meeting and distribute. The Board
32 agreed to table the above-referenced discussion to the next meeting.

**34 Continued discussion, re: Zoning Ordinance questions specifically open space subdivisions
35 and accessory dwelling units**

36
37 Mark Suennen asked for Rodney Towne's thoughts after reviewing the information that
38 had been provided by the Coordinator. Rodney Towne commented that he did not disagree with
39 anything provided by the Coordinator, however, he stated that he disagreed with that direction.
40 He stated that as the ordinance stood right now accessory dwelling units were not allowed in
41 open space subdivisions and that was an issue because permits had been issued to allow it to
42 happen. He added that this was a legal issue and should not happen again.

43 Rodney Towne believed that the best way to look at this issue from his point of view was

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1 OPEN SPACE SUBDIVISIONS/ACCESSORY DWELLING UNITS, cont.

2
3 by using Google Maps. He stated that the Board should use Google Maps to view a subdivision
4 like Fraser Drive and imagine two houses on the lots and see what they thought of the layout in
5 the open space development. Don Duhaime pointed out that accessory dwelling units (ADU),
6 were smaller than houses and were limited to 600 sq. ft. Rodney Towne clarified that ADUs
7 were allowed up to 1,000 sq. ft. He commented that his home was 1,000 sq. ft. and was a big
8 house. He noted that in addition to the allowable 1,000 sq. ft. a homeowner could also have
9 porches and four bay garages that were not included in the 1,000 sq. ft. He noted that there was
10 a potential to have ADUs that were 2,000 sq. ft.

11 Rodney Towne stated that the argument to be allowed to have duplexes in open space
12 subdivisions was reasonable but noted that people who moved to New Boston to build in open
13 space subdivisions were not going to be build 5,000 sq. ft. duplexes. He added that it could
14 happen and was allowable under the regulations but he believed it was unlikely to happen. He
15 thought that a duplex of 1,500 s.f. on each side might be more possible.

16 Rodney Towne stated that the other thing that happened in allowing duplexes in open
17 space subdivisions was that they created a breeding ground for municipal sewer systems. He
18 explained that as the Town allowed more houses in smaller spaces sewer systems would begin to
19 fail and the Town would be held responsible for curing the problem. Don Duhaime stated that
20 the problem could be solved by requiring community septic systems. Rodney Towne advised
21 that the Town of Hudson dealt with this same issue and ended up owning the systems because no
22 one else would take care of it. Don Duhaime stated that the Town could attach any costs
23 associated with the repairs to the failing systems to the property owner's tax bill. The Chairman
24 pointed out that the costs could not be assessed specifically to the affected subdivision and
25 explained that it would be spread across the Town. Don Duhaime believed that the costs should
26 be assessed to the property owner. Rodney Towne stated that Don Duhaime's suggestion was
27 not allowed within the tax system. He said he could guarantee that there would be problems in
28 the future as the DES regulations changes and the septic systems in these cluster subdivisions
29 began to fail all at once. He noted that it was a minor issue and he may be over anxious about it.

30 Rodney Towne commented that he had never been a big fan of clustered developments.
31 He stated that he had viewed the developments from airplanes and could not understand why
32 people would want to live in them. Joe Constance commented that Rodney Towne's point was
33 well taken. He stated that in some places cluster developments were desirable but he did not
34 believe that was the case in New Boston due to the character of the community. Rodney Towne
35 stated that the earlier discussion with the residents of Fraser Drive provided an example because
36 they were worried about people living 20' out of their back yard. He continued that they were
37 also concerned with neighbors parking boats or swing sets in their yards. He could see more of
38 that issue coming up as more open space subdivisions were created.

39 Rodney Towne pointed out that the regulations required that the property owner live in
40 the primary dwelling and questioned how that would be enforced. Joe Constance believed that
41 the requirement was not enforceable. Rodney Towne agreed that an unenforceable requirement
42 had been created.

43 The Chairman asked for confirmation that Rodney Towne's opinion was that only one

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1 OPEN SPACE SUBDIVISIONS/ACCESSORY DWELLING UNITS, cont.

2
3 dwelling should be allowed per lot in an open space subdivision. Rodney Towne confirmed that
4 he believed only one dwelling should be allowed in an open space subdivision. The Chairman
5 believed that currently only one dwelling was allowed. Rodney Towne answered yes. He noted
6 that the intent of the Board's discussion based on what had been provided by the Coordinator was
7 that the regulations should be changed to allow ADU in open space subdivisions; however, the
8 change had never happened. The Chairman stated that he was glad that the change had not taken
9 place.

10 Don Duhaime stated that if Rodney Towne was not in favor of ADUs in open space
11 subdivisions that he should also not be in favor of duplexes in open space subdivisions. Rodney
12 Towne indicated that he would be in favor of size limitations for duplexes within open space
13 subdivisions. Don Duhaime believed that Rodney Towne should either be in favor or not in
14 favor of duplexes in open space subdivisions. Rodney Towne stated that he would limit the size
15 of the duplexes as it was unlikely that people would want to build 6,000 sq. ft. duplexes. Mark
16 Suennen asked if Rodney Towne had an issue with the physical size of the structure or the
17 impact that the size of the structure potentially could have on the Town. Rodney Towne
18 answered that he had issues with both the physical size of the structure and the potential impact
19 to the Town. Mark Suennen pointed out that the Board had no say with regard to the physical
20 size that someone decided to build their property. Rodney Towne noted that a size limitation to
21 ADU had been set at 1,000 sq. ft. Mark Suennen stated that the size of a duplex was not
22 restricted. Rodney Towne believed that if the Board had the ability to restrict the size of an
23 ADU in an open space development than they should have the ability to restrict the size of a
24 duplex in an open space development. Mark Suennen agreed with Rodney Towne. But he asked
25 again if the issue was the size of the building because there could be a dozen people living in
26 1,000 s.f. or two people living in 5,000 s.f. Rodney Towne was concerned with ADUs because
27 the primary house could be 2,500 s.f. and then an ADU at 1,000 s.f. plus amenities which could
28 end up with another structure of 2,000 s.f. Mark Suennen stated that he could see no problem
29 with that scenario. The Chairman noted the problems could arise with septic loading. Rodney
30 Towne agreed that that would become a problem but duplexes created the same problem. He
31 stated that he had seen issues develop in areas with heavy loading in clustered subdivisions and
32 forced infrastructure needs that were never intended for that portion of a community.

33 The Chairman asked why the regulation would not be for one single family dwelling per
34 lot in a cluster subdivision to create the type of development that they were supposed to be.
35 Mark Suennen stated that the key was that it was not the regulation currently. Rodney Towne
36 said that it was. Mark Suennen stated that what Rodney Towne was describing was the strict
37 interpretation of the existing ordinance and that Rodney Towne thought that was acceptable.
38 Mark Suennen said the strict interpretation was that only single family and two family homes
39 were allowed in open space subdivisions. Rodney Towne stated that was acceptable.

40 The Chairman asked if duplexes were permitted in the "R-1" District. Mark Suennen
41 answered that duplexes as well as multi-family housing were permitted in the "R-1" District. He
42 noted that multi-family homes were not permitted in the "R-A" District.

43 Rodney Towne noted that ADUs could not be subdivided from the primary residence.

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1 OPEN SPACE SUBDIVISIONS/ACCESSORY DWELLING UNITS, cont.

2
3 Don Duhaime stated that ADUs were intended to help family members; kids, mothers and
4 fathers and so on. He had not envisioned them as being used as rental property which is what it
5 sounded like people were starting to do. The Chairman noted that adding an ADU to a property
6 for rental purposes may allow someone to stay in their property longer by bringing income from
7 the rent to pay the taxes. Rodney Towne stated that he understood those things. Joe Constance
8 thought that Rodney Towne was pointing out that evolutionary change was bringing about
9 something different from this regulation. Rodney Towne stated that his brother was constructing
10 an ADU on his property that was not within an open space subdivision and he thought it was fine
11 in that situation. He did not agree with them squeezed together on one acre lots.

12 The Chairman suggested closing the issue by modifying the regulation to only allow one
13 single family home on a lot in open space subdivision. He noted that open space subdivisions
14 offered certain advantages like smaller lots. He continued that with smaller lot sizes there were
15 restrictions and the restrictions could be only allowing one single family home on the lot and
16 prohibiting ADUs. Don Duhaime believed that duplexes should also be restricted from open
17 space subdivision. Rodney Towne stated that the ordinance already did not allow ADUs in open
18 space subdivisions. Mark Suennen said that was an interpretation. Rodney Towne said it was
19 not an interpretation. The Chairman noted that by only allowing single families homes, duplexes
20 would not be allowed. He believed the same reasoning that septic loads would be too much with
21 ADUs on open space development lots applied to duplexes as well.

22 Mark Suennen noted that when the time came to act on any changes to the ordinance,
23 Rodney Towne would not be on the Planning Board any more. He asked Rodney Towne how
24 the other Selectmen felt about this issue. Rodney Towne answered that Christine Quirk believed
25 that ADUs should be allowed on open space subdivision lots and that Dwight Lovejoy had not
26 yet formed an opinion on the matter. Mark Suennen noted that as a Zoning Ordinance issue all
27 the Planning Board could do was propose a change to the warrant. Mark Suennen stated that he
28 and Don Duhaime were in favor of fewer restrictions in the open space subdivision and that
29 Rodney Towne and Peter Hogan were in favor of more restrictions in the open space
30 subdivisions. Joe Constance said he was in favor or more restrictions in the open space
31 subdivision context. The Chairman stated that people were choosing to live in open space
32 subdivisions. Joe Constance stated that there were benefits because people got to live in the
33 community they had chosen without certain responsibilities; he noted that having a smaller lot
34 was a tradeoff and there were other responsibilities to living in an open space subdivision. He
35 thought that Rodney Towne's point was well taken when looking to the future as far as septic
36 systems for homes crammed in on smaller lots. He noted that even having problems with 10 -
37 15% of the lots in these subdivisions would be a significant issue. David Litwinovich indicated
38 that his knee jerk reaction was to be more restrictive as well based on the size of the lots.

39 Mark Suennen stated that a draft should be created to only allow single family homes on
40 open space subdivision lots as the Board was in favor of the restriction 4-2. He specifically
41 noted that ADUs and duplexes would be prohibited. The Chairman stated that would clarify
42 what was currently in place and focus it even more.

43

**TOWN OF NEW BOSTON
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July 22, 2014

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **JULY 22, 2014, Cont.**

3
4 12. Water Testing

5
6 Don Duhaime commended the Planning Board Assistant on the work she completed with
7 regard to organize water testing for the Town to be held on September 10, 2014. He stated that
8 people should have their wells tested if they had not been tested in the last two years. He asked
9 if a notice was being placed in the New Boston Bulletin. The Planning Board Assistant advised
10 that the question had been raised and that she would speak with Brandy Mitroff.

11 The Chairman asked for an explanation of what was being discussed. The Planning
12 Board Assistant explained that she was the New Boston Health Officer and the water testing day
13 was being held on September 10, 2014, by Nelson Analytical. She further explained that
14 property owners in Town could pick-up test kits from the Town Hall that had to be dropped off
15 on September 10, 2014. She noted that she would be at the Town Hall late on the 10th to collect
16 the water samples. She advised that Nelson Analytical would pick-up the samples at 6:45 p.m.
17 on the 10th at a discounted price for town residents under that initiative. Mark Suennen asked for
18 the discounted rate. The Planning Board Assistant believed that property owners would receive
19 a discounted rate of 15% -20% off the regular rate.

20
21 13. Driveway Permits

22
23 Rodney Towne advised that there had been two developments where driveways did not
24 meet driveway specifications but because they were approved on the plan the developer believed
25 the driveways could be built per the approved plan. He noted that the driveway permits required
26 driveways to be built per the regulations. Rodney Towne questioned what should be done if the
27 Board approved a plan with improper driveway designs. The Chairman asked for the definition
28 of improper driveway designs. Rodney Towne clarified that improper driveway designs referred
29 to things like incorrect slopes and drainage that flowed onto the roadway. He indicated that he
30 was aware of four driveways with the issues; three were located at the Fieldstone Drive
31 Subdivision and the fourth was located at the Twin Bridge Subdivision.

32 Rodney Towne asked if the signed driveway permit agreeing to build the driveways to
33 the Town's regulations overrode the approved driveway plan. The Chairman questioned if
34 something was actually missed during the design review or if the plan was wrong. He stated that
35 quite often the driveways were shown on the subdivision plans but then the road height changed
36 or something similar happened during construction. Rodney Towne commented that he was
37 reasonably comfortable with the fact that something was missed during the plan review. Don
38 Duhaime pointed out that the driveway design that was submitted were two parallel lines coming
39 off the road. He continued that the driveway permit required that the driveway had to have a
40 negative 3% away from the road and then back up into the lot. He stated that there should be no
41 drainage water onto the road.

42 The Planning Board Assistant advised that the process that was currently in place and
43 may not have been at the time of the driveway permit approvals being discussed was that

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July 22, 2014

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 driveway permit was approved with conditions, Planning Board and Road Agent review and
4 prior to the issuance of a CO the Road Agent viewed the driveway to confirm that the
5 requirements had been completed before a Certificate of Use was issued for the driveway.
6 Rodney Towne stated that Dave Elliott had been before the Board saying that they had approved
7 the plan and that was what he had built to so the finished driveway had to be approved. The
8 Planning Board Assistant stated that there was not always a design plan for a driveway but
9 criteria were put in place for the way the driveway should be constructed.

10 The Chairman stated that the Board approved the road, lot and driveway. He noted that
11 the Board could not control the house location. He explained that if the house location was
12 placed in a different location than what was represented to the Board then the driveway may not
13 meet the regulations. Rodney Towne stated that he was looking for the Board's thoughts so he
14 could approach it further. He said that the house elevation should not matter and no matter what
15 the driveway should meet the Town's Driveway Regulations.

16 The Chairman noted that the Board required engineered driveway plans if there was any
17 question about grade or potential drainage issues. The Planning Board Assistant pointed out that
18 the Certificate of Use was where the Road Agent signed off on the criteria that had been required
19 for the installation, certifying that they were met.

20 Joe Constance asked if there were any enforceable penalties that could be assessed if
21 driveways were not built correctly. Rodney Towne answered that the Town was allowed by
22 statute to require driveways to be fixed in order to comply with the regulations. Don Duhaime
23 stated that a new house on Bedford Road had a nice driveway with no apron and wondered how
24 that had been allowed. The Planning Board Assistant stated that the driveway may have been
25 grandfathered under an old subdivision. Mark Suennen stated that the vesting period may be a
26 factor in situations such as this. He stated that this was an issue for an attorney. He believed that
27 it was the applicant's responsibility to meet the current standards and if they did not it was a legal
28 issue not the Planning Board's.

29
30 Mark Suennen **MOVED** to adjourn at 9:57 p.m. Rodney Towne seconded the motion
31 and it **PASSED** unanimously.

32
33
34 Respectfully submitted,
35 Valerie Diaz, Recording Clerk

Minutes Approved:
09.09.14