

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2015**

July 28, 2015

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, David Litwinovich and Ed Carroll, and ex-officio
3 Joe Constance. Also present were Planning Board Assistant Shannon Silver and Recording
4 Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Allan Girard, Dan Donovan,
7 Jr., John Neville, Jake Neville, Ray Shea, LLS, Barbara Stewart, Michael Ploof, LLS, Dwight
8 Lovejoy, Sandy and Kenneth Lehtonen, Kenny Lehtonen, Shirley Sullivan, James Barnett,
9 Graham and Pamela Pendlebury.

10
11 **THE GIRARD FAMILY IRREVOCABLE TRUST**

12 **ALLAN D. GIRARD, SR., TRUSTEE**

13 Public Hearing/Non-Residential Site Plan Review/Home Business/Gift/antique shop

14 Location: 159 Parker Road

15 Tax Map/Lot # 3/115

16 Residential-Agricultural "R-A" District

17
18 Present in the audience were Allan Girard, Dan Donovan, Jr., John Neville and Jake
19 Neville.

20 The Chairman read the public hearing notice.

21 Allan Girard stated that the parking delineation and signs had been completed; he
22 provided photographs of the parking area to the Board. The Chairman asked if there had been
23 removal of the lawn. Allan Girard answered no. The Chairman commented that the parking was
24 perfect the way that it was shown.

25 Allan Girard provided a photograph of the sign for his business. The Chairman stated
26 that the sign fit in with the character of the neighborhood. Allan Girard noted that the sign
27 permit had been completed.

28 Allan Girard indicated that he had met with the Road Agent with regard to the driveway.
29 he advised that he would widen the driveway to be 14' across and that the Road Agent would be
30 present for the installation of the driveway apron.

31 Allan Girard stated that the plan had been updated.

32 The Chairman stated that it appeared that property was in compliance with the exception
33 of the driveway. Allan Girard indicated that the driveway would be completed by July 31, 2015.

34
35 Mark Suennen **MOVED** to accept the waiver request for the Driveway Regulations and
36 allow the two driveways within 200' for The Girard Family Irrevocable Trust, Allan
37 Girard, Sr., Trustee, Location; 159 Parker Road, Tax Map/Lot #3/115, Residential-
38 Agricultural "R-A" District, as the Road Agent had agreed to the proposed modification
39 to the Driveway Regulations and because the waiver request met the spirit and intent of
40 the Regulations. Joe Constance seconded the motion and it **PASSED** unanimously.

41
42 The Chairman asked for further comments and/or questions; there were no comments or
43 questions.

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GIRARD, cont.

David Litwinovich **MOVED** to approve the site plan for The Girard Family Irrevocable Trust, by Allan Girard to operate a gift and antiques shop home business from an accessory building of 528 s.f. at 159 Parker Road, Tax Map/Lot #3/115, subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of three (3) copies of the revised site plan that include all checklist corrections and any agreed-upon conditions from this hearing (if any);
2. Execution of a Site Review Agreement regarding the condition(s) subsequent (if any).

The deadline date for compliance with the conditions precedent shall be **August 28, 2015**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

CONDITION(S) SUBSEQUENT:

1. All of the site improvements are to be completed per the approved site plan;
2. The Town of New Boston Building Inspector/Code Enforcement Officer shall be notified by the applicant that all improvements have been completed, and are ready for final inspection, prior to scheduling a compliance hearing with the Planning Board on those improvements, a minimum of three (3) weeks prior to the anticipated date of compliance hearing and the opening of the business on the site;
3. Any outstanding fees related to the site plan application compliance shall be submitted prior to the compliance hearing;
4. A compliance hearing shall be held to determine that the site improvements have been satisfactorily completed, prior to releasing the hold on the issuance of a Permit to Operate or Certificate of Occupancy, or both. No occupancy/use of the gift and antiques shop home business shall be permitted until the site improvements as noted have been completed, and a site inspection and compliance hearing held.

The deadline for complying with the Conditions Subsequent shall be **August 28, 2015**, the confirmation of which shall be determined at a compliance hearing on same as described in item 4 above.

ONGOING CONDITIONS:

1. The property owner, Allan Girard, will be the sole employee of the gift and antiques shop home business.
2. The hours of operation are 8:00 a.m. to 4:00 p.m. seven days a week from April

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GIRARD, cont.

through November.

3. Two parking spaces are permitted.
4. The parking area shall be arranged so that cars will not back out onto Parker Road.
5. The gift and antiques shop home business shall be carried on within the accessory structure designated on the approved plan.
6. Exterior storage of materials or variation from the residential character of the principal or accessory structure shall not be permitted.
7. Any proposed changes to the type of business or any other conditions shown on the approved plan shall be submitted to the Planning Board for a determination of the need for any further site plan review prior to instituting any such changes.

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

Mark Suennen **MOVED** to approve the driveway permit #15-06 for The Girard Family Irrevocable Trust, by Allan Girard to operate a gift and antiques shop home business from an accessory building of 528 s.f. at 159 Parker Road, Tax Map/Lot #3/115. Joe Constance seconded the motion and it **PASSED** unanimously.

CASTLE DONOVAN, III REAL ESTATE, LLC

Compliance Hearing/Public Hearing/Assisted Living Residence/Supported Residential Health Care Facility

Location: 539 Old Coach Road

Tax Map/Lot #10/3-3

Residential-Agricultural "R-A" District

Present in the audience were Dan Donovan, Jr., John Neville, Jake Neville, Ray Shea, LLS, Barbara Stewart and Michael Ploof, LLS.

The Chairman read the public hearing notice. He asked if the Building Inspector/Code Enforcement Officer, (BI/CEO), had submitted a letter to the Board confirming the applicant's compliance. The Planning Board Assistant answered yes.

Mark Suennen asked the applicant to discuss the outstanding matters relative to the generator, dumpster and enter/exit signs. Dan Donovan, Jr., explained that the generator was being manufactured in Madison, WI, and would be shipped on August 6, 2015. He indicated that once the generator was received it would be placed on the generator pad.

Dan Donovan, Jr., stated that the 30 yard dumpster would be removed soon and replaced with a smaller dumpster.

Dan Donovan indicated that the change to the entrance/exit that had been discussed with the Board and subsequently approved had not been reflected on the site plan. Mark Suennen asked if the signs had been installed onsite. Dan Donovan, Jr., answered yes. He stated that he would add the changes of the signs to the plan.

Mark Suennen for the status of the grass growth onsite. Dan Donovan, Jr., answered that

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CASTLE DONOVAN, cont.

the grass growth was good and that an irrigation system had been installed.

Mark Suennen stated that he was comfortable confirming compliance based on the BI/CEO's statement that other than the items previously addressed, he found the site to be in compliance with the site plan. The Chairman and Joe Constance agreed.

Mark Suennen **MOVED** to confirm compliance with the conditions subsequent to the approval of the Non-Residential Site Plan Review for Castle Donovan III Real Estate for the operation of an Assisted Living Residence/Supported Residential Health Care Facility on Tax Map/Lot #10/3-3, Old Coach Road, and to release the Stormwater management/erosion control security in the amount of \$25,252.00, plus earned interest, subject to:

CONDITIONS PRECEDENT:

1. Completion of all outstanding items on the Building Inspector/Code Enforcement Officer's Inspection Reports of 07/15/15 and 7/28/15;
2. Receipt of pictures of entrance/exit signs installed with letter stating same to be attached to as-built plans.

The deadline for complying with the conditions precedent shall be **September 28, 2015**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the approval.

Upon completion of the Condition(s) Precedent to the satisfaction of the Building Inspector/Code Enforcement Officer the Board approves the release of the hold on the Permit to Operate/Certificate of Occupancy to be issued by the Building Department. It is the applicant's responsibility to apply to the Building Department for a Permit to Operate/Certificate of Occupancy.

David Litwinovich seconded the motion and it **PASSED** unanimously.

NEVILLE MATERIALS, LLC

Submission of an Earth Removal Application/Public Hearing

Location: Parker Road

Tax Map/Lot #3/57 & #3/58

Residential-Agricultural "R-A" District

Present in the audience were John Neville, Jake Neville, Ray Shea, LLS, Dwight Lovejoy and Barbara Stewart.

The Chairman read the public hearing notice. Ray Shea, LLS, stated that the above-referenced property was located on the west side of Parker Road and the east side of Riverdale Road. He noted that the property was split into two tracts; one tract was 36 acres and the other

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NEVILLE MATERIALS, cont.

tract was 27 acres.

Ray Shea, LLS, advised that John Neville had recently purchased the property and currently worked out of a pit located across the street, on Riverdale Road.

Ray Shea, LLS, stated that the lots being discussed had previously been used as gravel pits. He explained that the previous gravel permit had allowed the use of 8 acres of the property. He pointed to an existing access road off Parker Road and noted that it was flat. He identified some rough faces located at the northern section of the property.

Ray Shea, LLS, advised that the applicant was proposing to clean-up the area that was previously used as a gravel pit as well as remove material from the site. He added that the applicant had a renewed AoT permit.

Ray Shea, LLS, explained that the lower part of the gravel pit had been taken down too much and as such the applicant was proposing to make the area flatter, slope it up and push the water into a swale to the side of the yard and into an infiltration basin.

Ray Shea, LLS, pointed out that he had additional phases shown on the proposed plan and explained that those phases were not covered by the current AoT permit. He explained that an application for a further AoT permit needed to be submitted if the applicant wished to move beyond the phase that was covered by the currently approved AoT permit. He added that the approved AoT permit covered the removal of 97K cubic yards.

Joe Constance asked for the amount of material left to be removed from the pit. John Neville believed that there were about 200K yards of material left to be removed. The Chairman asked if the 200K yards to be removed included the entire property. Ray Shea, LLS, clarified that there was about 300K yards to be removed from the entire property. John Neville noted that some of the material would be used onsite to fill in the area that had previously been over-mined.

Ray Shea, LLS, indicated that the applicant was requesting waivers for the Environmental and Traffic Impact Studies. He noted that the property had previously been used as a gravel pit and that the current owner would be making improvements to the pit. He stated that the traffic would remain the same and that the same entrance would be used to access the pit. He noted that the applicant was proposing to move the existing gate back into the property. He explained that larger trucks would be able to park on the access road without hanging out into the road if the gate was moved back.

Ray Shea, LLS, invited the Board to ask questions. Joe Constance commented that the applicant's other gravel pit was very neat and very well maintained.

Mark Suennen asked if the intended final grade of the pit area would be 410' as shown on the plan. Ray Shea, LLS, answered that the grade would start at 394' and the base of the slope would be at 410'. He indicated that there would be 3' - 4' of fill up to 402', the first face, and at 410' the slope would be 3:1.

The Chairman asked for comments and/or questions from the Board. Joe Constance asked if anyone had concerns with the waivers for the Impact Studies. The Chairman stated that he did not have any concerns with the waivers. Joe Constance noted that he did not have any concerns with the waivers. Mark Suennen indicated that he would share his opinions on the waivers after public comment. Ray Shea, LLS, stated that he had worked extensively with DES

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1 NEVILLE MATERIALS, cont.

2
3 with regard to the reclamation of the site. He explained that digging below the water table had
4 created some non-jurisdictional wetlands. He noted that DES was aware of the situation.

5 Joe Constance asked if the existing access would continue to serve as the access to the
6 pit. John Neville answered yes and reiterated that he was proposing to move the gate back from
7 the roadway.

8 The Chairman asked for comments and/or questions from the audience. Barbara Stewart
9 of 220 Riverdale Road asked if trucks accessing the pit would travel down Parker Road. John
10 Neville answered yes and noted that every once in a while trucks would travel on Riverdale
11 Road for access to Route 114.

12 Barbara Stewart asked for the hours of operation for the pit. John Neville answered that
13 the hours of operation were Monday through Saturday, 7:00 a.m. to 5:00 p.m. He added that
14 Saturday work would include taking care of homeowners needs in the New Boston and
15 Goffstown area. Ray Shea, LLS, noted that the hours of operation were listed on the plan.

16 Barbara Stewart asked if the applicant would move his stone crusher that was currently
17 located in Bo Strong's gravel pit to the proposed gravel pit. John Neville answered yes and
18 explained that he did not use the stone crusher all of the time. He further explained that he
19 frequently brought the stone crusher to his job sites to crush the stone onsite rather than
20 hauling the material to the gravel pit as it was more economical.

21 Barbara Stewart asked for the buffer between the gravel pit and the abutters. Ray Shea,
22 LLS, answered that the buffer was 50' between the gravel pit property line and the nearest
23 abutters. Joe Constance asked for confirmation that trees currently existed in the buffer area.
24 Ray Shea, LLS, confirmed that trees existed in the buffer area.

25 John Neville advised that he had spoken with abutters who lived on Parker Road about
26 his intentions to create berms as well as his intention to work with the neighborhood.

27 The Chairman asked for further comments and/or questions from the audience; there
28 were no questions or comments.

29 Mark Suennen noted that the plan stated that 50% of the trucks accessing the pit would
30 belong to the applicant and the other 50% of trucks would be other haulers. He asked what kind
31 of controls the applicant had in place over the trucks that did not belong to him with regard to
32 being sensitive to the neighborhood. John Neville stated that he worked with the haulers all of
33 the time and did not have a whole bunch of outside people coming in. He indicated that he did
34 not like selling to the competition as it only hurt his business. Mark Suennen asked if the
35 applicant would be willing to suggest to the other haulers that they use the same routes that his
36 trucks used. John Neville answered that he was not afraid to make that suggestion to the other
37 haulers.

38 Dwight Lovejoy of 166 Parker Road advised that he had known the applicant for a long
39 time and had seen thousands of trucks drive by his property. He continued that in all that time he
40 had only made two calls to the applicant with complaints. He explained that the complaints were
41 relative to new drivers who were getting used to their trucks and that the applicant had responded
42 to and resolved the matters within 60 minutes of the calls.

43 Mark Suennen asked if the filling shown on the plan would take place during Phase I and

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NEVILLE MATERIALS, cont.

before material would be hauled out. John Neville answered that he intended on filling and removing simultaneously. He explained that by doing them together it would help support the cost of the improvements to the pit. Mark Suennen asked if there was a target date for completion of the improvements to the pit. John Neville answered that the completion target date was at least six months out as he was currently overloaded with outside work. He stated that if work lightened up during the fall he might be able to start the work. Mark Suennen asked if May 28, 2016, could be the target date when the base of the pit would be at the appropriate grade. John Neville answered yes.

Mark Suennen asked if the infiltration basin needed to be installed before the floor of the pit was backfilled. Ray Shea, LLS, did not believe that the basin needed to be completed 100% before the backfilling began as there was a lot of flat area in the pit that could handle runoff. John Neville added that currently the water was disappearing in the ground before it even reached the proposed infiltration area. Mark Suennen asked if the basin would be completed by May 28, 2016. Ray Shea, LLS, answered yes. Mark Suennen stated that the Board would not allow any water running onto Parker Road. Joe Constance asked if the completion target of May 28th was reasonable as there was the possibility of a rainy spring. John Neville asked if the Board was open to addressing an extension should mother nature prevent him from completing the work by May 28th. Joe Constance answered yes.

Mark Suennen asked how the Board would inspect/confirm that the work agreed to be completed was in fact completed. John Neville suggested that he provide certification from Earl Sandford, LLS, that the work was completed. Mark Suennen agreed with the applicant's suggestion. He asked that a letter of certification be sent when the basin was completed and that a letter of certification also be sent when the floor was at the proposed grade.

Mark Suennen noted that the AoT permit needed to be renewed in 2016 and asked if the applicant had already completed the renewal process. Ray Shea, LLS, answered no and explained that the AoT permit had been amended to reflect the new owner and would need to be renewed in 2016.

Mark Suennen advised that the applicant may be required to get a sign permit from the Building Inspector/Code Enforcement Officer, (BI/CEO), should he want to put a sign up. John Neville stated that there was an existing sign at the property. Mark Suennen explained that the sign may have been placed at the property prior to the adoption of the Sign Regulations. He asked if the sign would be altered. John Neville answered that the name on the sign needed to be changed. Mark Suennen stated that the applicant needed to work with the BI/CEO if the sign was being replaced. John Neville agreed to work with the BI/CEO.

Mark Suennen asked if the Board needed to discuss the reclamation bond. The Planning Board Assistant answered yes and explained that there was no bond in place. Mark Suennen asked if the applicant would be accepting the reclamation plan that was in place from the previous owner. John Neville answered yes. Mark Suennen asked for the estimated value of the reclamation cost. John Neville asked what the board had approved for other gravel pits in Town. Joe Constance asked about the \$7,000.00 per acre amount that had been used in the past. The Planning Board Assistant explained that the Board of Selectmen had previously used the

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1 **NEVILLE MATERIALS, cont.**

2
3 \$7,000.00 per acre amount for reclamation bonds, however, other pit owners submitted estimates
4 for the reclamation and were approved by the Planning Board on a case by case basis. Mark
5 Suennen asked the applicant to submit an estimate for reclamation.

6 John Neville asked what items should be included in the estimate, i.e., hours of
7 equipment, loam and seed costs, etc. Mark Suennen answered that the Board wanted the
8 estimate to include costs for loam and seed, plantings, grading and stormwater management.
9 John Neville stated that the cost for reclamation would be between \$2,000.00 and \$3,000.00 per
10 acre. The Chairman asked if a bond reclamation template was available for the applicant. The
11 Planning Board Assistant stated that she could provide a worksheet that included a breakdown of
12 the reclamation to the applicant. She suggested that the applicant provide an estimate similar to
13 the one he had provided for Bo Strong's gravel pit.

14 John Neville asked what type of bond the Board wanted him to submit. Mark Suennen
15 indicated that the applicant could decide which type of bond he wanted to submit. John Neville
16 stated that he would have his insurance company send over the bond.

17 Mark Suennen referred back to the discussion regarding the creation of the base of the
18 pit and asked how the applicant would confirm the density of the base. John Neville explained
19 that the rock trucks would be driving on it along with pushing material with the dozer. Mark
20 Suennen summarized that equipment travel across the base would stabilize it and firm it up.
21 John Neville added that if travel across the base was not sufficient to stabilize it he would use
22 his rollers.

23
24 Mark Suennen **MOVED** to accept the waivers for the Environmental and Traffic Impact
25 Studies for Neville Materials, LLC, Location: Parker Road, Tax Map/Lot #3/57 & #3/58,
26 Residential-Agricultural "R-A" District, as the applicant had provided the essential
27 information for a traffic study, the applicant had a stormwater mitigation plan built into
28 the site plan and the waiver met the spirit and intent of the Regulations. Joe Constance
29 seconded the motion and it **PASSED** unanimously.

30
31 David Litwinovich **MOVED** to confirm that a Groundwater Resources Conditional Use
32 Permit was not required for Neville Materials, LLC, Location: Parker Road, Tax Map/Lot
33 #3/57 & #3/58, Residential-Agricultural "R-A" District. Joe Constance seconded the
34 motion and it **PASSED** unanimously.

35
36 Mark Suennen asked if removal of material from the pit would be completed within three
37 to five years. John Neville answered that he would like to stretch the completion time to remove
38 material from the pit. Mark Suennen stated that completion date be moved to ten or fifteen
39 years. John Neville believed that he would complete the removal of material from the pit in ten
40 years. David Litwinovich pointed out that other pit owners into had been approved for much
41 longer completion dates. John Neville requested that the completion date of the pit be moved to
42 twenty years. Mark Suennen stated that the Earth Removal Permit would expire on July 28,
43 2035.

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NEVILLE MATERIALS, cont.

Mark Suennen **MOVED** to approve the Earth Removal Application with associated plans entitled "Gravel Excavation, Restoration, Erosion Control and Stormwater Management Plan, Neville Materials LLC, Tax Map 3/Lots 57&58 Parker Road and Riverdale Road, Town of New Boston Hillsborough County, New Hampshire", 4 sheets, dated July 9, 2015, most recently revised _____, and to grant an Earth Removal Permit to include the site specific items discussed at this hearing, subject to:

CONDITIONS PRECEDENT:

1. Submission of any outstanding fees.
2. Submission of bond estimate and form of bond for review at a subsequent Planning Board meeting.
3. Installation of the infiltration basin and associated drainage improvements and addition of material to raise the pit floor to 4' above the seasonal high water table.
** An adherence statement certified by a Professional Design Engineer will be provided stating such has been completed.

The deadline for complying with the conditions precedent shall be **MAY 28, 2016**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT AND ONGOING:

1. Prior to the granting of any permit, or to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the Applicant shall submit to the Regulator an acceptable bond with sufficient surety as determined by the Regulator. The purposes of the bond are to guarantee reclamation of the area and compliance with the permit. The surety must be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Regulator is satisfied that all conditions of the site reclamation plan have been complied with. This shall be determined at a final site walk by the Regulator and/or its designee. Additionally, if a bond or security is already in place, the applicant is responsible for keeping said security up-to-date and submitting riders, renewals, or other documentation to the Planning Board as proof that the bond or security is in place.
2. Amendments and Renewals
Permit holders wishing to alter the size or location of the excavation, the rate of removal or the plan for reclamation shall apply for a renewal or amendment, following the same procedures as those required for the original excavation

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NEVILLE MATERIALS, cont.

- 1
- 2
- 3 permit.
- 4 3. The Earth Removal permit is not transferable without the prior written consent of
- 5 the Regulator.
- 6 4. A copy of the Earth Removal permit shall be prominently displayed at the site or
- 7 the principal access to the site.
- 8 5. Inspections
- 9 The Regulator or its designee may make periodic inspections, minimally on an
- 10 annual basis, of all excavation sites, both permitted and exempt, to determine if
- 11 the operations are in conformance with the New Boston Earth Removal
- 12 Regulations and the approved plans.
- 13 6. Hours of operation
- 14 Start up time for all machinery associated with an Earth Removal Operation shall
- 15 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time
- 16 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including
- 17 loading and removal of material from the site shall begin no earlier than 7:00
- 18 a.m.; termination of removal of material from the site shall be no later than 5:00
- 19 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be
- 20 shut down by 5:00 p.m. These operating hours shall be for Monday through
- 21 Saturday.
- 22 No operation shall take place on Sundays and major Federal holidays, as follows:
- 23 New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and
- 24 Christmas; provided, however, that access on Sundays and holidays is permitted
- 25 in the event of a town-wide emergency situation requiring use of material or
- 26 equipment, for example, flooding situations, ice storms, major blizzards.
- 27 7. Maximum Excavation Limit
- 28 Final excavation grade shall be not less than four feet to documented seasonal
- 29 high water table, provided, however, that pursuant to RSA 155-E:11,II, an
- 30 exception shall be granted if the application demonstrates to the Regulator's
- 31 satisfaction that excavation below this height will not adversely affect water
- 32 quality. The Regulator reserves the right to have an outside review of the
- 33 information submitted as part of any proposal to excavate within four feet of the
- 34 documented seasonal high water table, at the Applicant's expense. Written notice
- 35 of such an exception shall be recorded in the Hillsborough County Registry of
- 36 Deeds at the Applicant's expense, and one copy shall be filed with the New
- 37 Hampshire Department of Environmental Services.
- 38 8. Waste Disposal
- 39 No disposal of any waste material, including solid and/or hazardous waste,
- 40 septage, dredge spoils, or refuse shall be undertaken on the site without
- 41 appropriate State approval under RSA 149:M, or other appropriate State
- 42 regulations.
- 43 9. Tree cutting

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NEVILLE MATERIALS, cont.

The applicable state statutes pertaining to forestry practice and timber harvesting shall apply to the removal of vegetative cover at excavation sites.

10. **Stopping of Removal/Excavation Operations**

If removal/excavation operations stop for more than one year with no notice thereof provided to the Regulator and said stoppage is not in accordance with the approved excavation plan or due to bad weather, the excavation permit may be revoked and the performance bond forfeited with its proceeds used for reclaiming the land in accordance with the approved reclamation plan.

SITE SPECIFIC PERMIT CONDITIONS:

A. **Approved routes for transportation of material**

Parker to Rte 13 & 114 with occasional trips to Rte 114 via Riverdale.

B. **Number and type of vehicles to be used to transport material**

5 10- wheelers and 2 18 wheelers making 0-80 trips/day combined.

C. **Equipment to be used for material removal**

1 crusher, 1 screener, 1 loader, 1 water truck and 1 excavator.

D. **Requirements for material processing**

" Screening material, crushing and processing rock for drainage use. Operation in areas shielded by stockpiles and embankments. Daily."

E. **Requirements for temporary stockpiling of offsite materials**

See designated area A on plan – to be stabilized with NH DOT spec gravel.

F. **Required plantings for reclamation**

Plans show typical details for loam and seeding.

G. **Other requirements**

None

The Earth Removal Permit is valid until such time as the Regulator determines the Earth Removal Operation is no longer in compliance with the New Boston Earth Removal

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1 **NEVILLE MATERIALS, cont.**

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3 Regulations; or, until such time as the operation shall be deemed to be abandoned as
4 defined in the Earth Removal Regulations; or, until such time as the owner informs the
5 Regulator that they will no longer be running the Earth Removal Operation; or, until such
6 time as the operation is depleted; or, until the completion date as determined by the
7 Regulator in the regulatory process, in accordance with RSA 155-E:8, in this case **July**
8 **28, 2035**, whichever first occurs.

9 Joe Constance seconded the motion and it **PASSED** unanimously.

10
11 **SKRE HOLDINGS, LLC**

12 Submission of Application/Public Hearing/Major Subdivision/5 Lots

13 Location: Tucker Mill Road

14 Tax Map/Lot #2/15

15 Residential-Agricultural "R-A" District

16
17 Present in the audience were Michael Ploof, LLS, Sandy and Kenneth Lehtonen and
18 Kenny Lehtonen, Shirley Sullivan, James Barnett, and Graham and Pamela Pendlebury.

19 The Chairman read the public hearing notice.

20 Michael Ploof, LLS, of Fieldstone Land Consultants introduced himself to the Board and
21 advised that he was representing Sandy and Kenneth Lehtonen of SKRE Holdings, LLC, with
22 regard to a proposal for a five lot subdivision located at 292 Tucker Mill Road.

23 Michael Ploof, LLS, stated that the lot consisted of 34.5 acres with roughly 1,072' of
24 frontage along Tucker Mill Road. He noted that the property was located in the Residential-
25 Agricultural "R-A" District and further noted that some portions of the property were situated in
26 the Wetlands Conservation Stream Corridor and the Steep Slope Conservation District.

27 Michael Ploof, LLS, indicated that Chad Branon, P.E., of Fieldstone Land Consultants
28 had met with the Board on May 26, 2015, for a preliminary conceptual review. He went on to
29 say that initially a six lot subdivision was being discussed, however, after discussions with his
30 client and the Board it was determined that a five lot subdivision was a better plan as it would
31 preserve a lot of the field area.

32 Michael Ploof, LLS, stated that the proposal created four new lots; two conventional lots
33 just over 2 acres and two back lots just over 5 acres. He noted that the remaining 19.3 acre lot
34 would contain an existing house and barn.

35 Michael Ploof, LLS, indicated that four new driveways could be constructed to support
36 each lot. He pointed to the existing driveway that serviced the existing house and barn.

37 Michael Ploof, LLS, advised that a waiver request was being submitted for site specific
38 soils mapping and he showed a map that contained SCS soils mapping. He stated that a waiver
39 for the Traffic, Environmental and Fiscal Impact Studies was being submitted as well as a waiver
40 for the shared common driveway length.

41 Michael Ploof, LLS, provided the Board with revised plans that addressed comments he
42 had received on July 23, 2015. He also provided the Board with the previously mentioned
43 waiver requests.

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1 SKRE HOLDINGS, cont.

2
3 Michael Ploof, LLS, reviewed the checklist items that had been revised as follows:

- 4 • minor correction to abutter changed "June 1998 to September 1998";
- 5 • displayed suitable building envelopes on plan (identified as the shaded areas on the
- 6 plan);
- 7 • amended the acreage breakdown to separate the Wetlands Conservation District and
- 8 Stream Corridor District;
- 9 • He requested that the proposed easement language be submitted following an
- 10 approval of the proposed plan in order to accurately reflect the plan. The Chairman
- 11 commented that request made sense.;
- 12 • The correct language re: Stormwater Management Plans was added to Note #17;
- 13 • Note #18 was revised to reflect the Town's cistern/sprinkler standards; and
- 14 • Note #20 was added to the plan as it was a standard note for the Town.

15 Michael Ploof, LLS, indicated that the applicant would prefer to install sprinkler

16 systems in lieu of installing a cistern. The Chairman asked if Mr. Ploof had discussed this matter

17 with the Fire Department. Michael Ploof, LLS, indicated that he had not discussed the matter

18 with the Fire Department. He added that one of his associates may have had a discussion with

19 the Fire Department, however, he was not privy to that discussion. Kenny Lehtonen believed

20 that the Fire Department had been okay with the installation of sprinkler systems.

21 The Chairman asked if a common driveway was being proposed for three of the lots.

22 Michael Ploof, LLS, answered yes. He pointed to the plan and stated that installation of the

23 common driveway for the three lots would create less of an impact than the installation of three

24 separate driveways. He continued that the common driveway would keep with the rural

25 character of the terrain. He believed that the use of the common driveway was a better plan than

26 creating three individual driveways for the lots. The Chairman advised that one of the common

27 driveway requirements was that it be located down the middle of the lot line as that indicated it

28 was for two lots. He commented that the Town did not generally approve common driveways

29 for three lots as it was difficult to get two homeowners to agree on anything let alone three

30 homeowners. Michael Ploof, LLS, advised that he had created common driveways like the one

31 proposed in other towns and they were accompanied by declarations of covenants that listed each

32 homeowner's responsibility with regard to maintenance and cost.

33 Mark Suennen referred to Lot #2/15-2 and asked for an explanation of the driveway

34 access. Michael Ploof, LLS, pointed to the plan and identified the access. Mark Suennen asked

35 if his understanding was correct that easements across two separate properties were needed to

36 access Lot #2/15-2. Michael Ploof, LLS, answered that Mark Suennen was correct. The

37 Chairman and Mark Suennen advised that they would not approve the proposed driveway for Lot

38 #2/15-2.

39 Mark Suennen asked if the driveway design for Lot #2/15-2 could be modified so that

40 easements across two properties would not be needed. Michael Ploof, LLS, answered that the

41 design could be modified, however, the result would require extreme grading. Joe Constance

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1 **SKRE HOLDINGS, cont.**

2
3 asked how steep the slope would be for the driveway if it was modified. Michael Ploof, LLS,
4 answered that the slope would be over 15%.

5 Kenny Lehtonen asked if there was a way to align the driveway to still have a common
6 driveway. He pointed to the plan and explained that there was a challenge with the steepness of
7 the terrain in a specific area. He asked if the Board would be agreeable to the driveway if only
8 the entrance was shared and the portion of the driveway that serviced Lot #2/15-2 branched off
9 sooner. He stated that his suggestion would keep the driveway more in line with the slope rather
10 than attacking the steep slopes. Mark Suennen asked if Lot #2/15-2 and Lot 2/15-3 would share
11 a common driveway located off the 50' frontage to Lot #2/15-3. Kenny Lehtonen answered yes.
12 Mark Suennen asked for Kenny Lehtonen's driveway proposal for Lot 2/15-5. Kenny Lehtonen
13 stated that Lot 2/15-5 could have a separate driveway that would run along the driveway for Lot
14 #2/15-3 or it could share the entrance with Lot #2/15-3 and branch off after 150'. Mark Suennen
15 stated that what Kenny Lehtonen was describing was a lot more reasonable than what had been
16 presented.

17 The Chairman asked if a site walk had taken place. Mark Suennen answered no and
18 believed that a site walk should be scheduled. The Chairman stated that the Board would need to
19 view the proposed entrances for the driveways and the slopes.

20 Mark Suennen suggested that the Board review the waiver requests following the site
21 walk. The Chairman agreed with Mark Suennen's suggestion.

22 Mark Suennen recommended that the applicant speak with the Fire Department with
23 regard to installing sprinklers in lieu of cisterns and provide their opinion to the Board in writing.

24 The Chairman asked for the distance between the property and the nearest fire cistern.
25 Sandy Lehtonen stated that the nearest fire cistern was located on Dougherty Lane.

26 Kenny Lehtonen asked if the Board wanted him to have a concept for the driveways that
27 he had proposed this evening. Mark Suennen answered yes and noted that the Board would want
28 to see the driveways staked at the property as well as the centerlines and frontage corners. David
29 Litwinovich asked that the back corners of the two small lots also be staked. The Chairman
30 asked that driveways to prove that the lots could support individual driveways also be staked.

31 The Board scheduled the site walk for Saturday, August 8, 2015, at 8:00 a.m.

32
33 Mark Suennen **MOVED** to accept the application for SKRE Holdings, LLC, Location:
34 Tucker Mill Road, Tax Map/Lot #2/15, Residential-Agricultural "R-A" District, as
35 complete. Joe Constance seconded the motion and it **PASSED**.

36
37 The Chairman asked for questions and/or comments from the audience; there were no
38 questions or comments.

39
40 Mark Suennen **MOVED** to adjourn the public hearing for SKRE Holdings, LLC,
41 Location: Tucker Mill Road, Tax Map/Lot #2/15, Residential-Agricultural "R-A"
42 District, to August 25, 2015, at 6:45 p.m. Joe Constance seconded the motion and it
43 **PASSED** unanimously.

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Continued discussion, re: Master Plan update, Goals & Objectives

The Board reviewed a draft version of updates to the Master Plan - Goals and Objectives. Joe Constance believed that items 1, 2 and 4 should be removed from the Community Facilities Objectives. The Board agreed to keep items 3 and 5.

Joe Constance suggested that item b. be removed from Recreation Objectives. The Board agreed.

Joe Constance stated that items b., d., e. and f. be removed from Solid Waste Objectives. He commented that he definitely wanted to keep items a. and c. Mark Suennen asked if items a. and c. could be merged together. Joe Constance answered yes. The Chairman believed that item c. was a restatement of the obvious. The Board agreed to merge items a. and b. and remove items c., d., e. and f. The Planning Board Assistant asked the Board if they wanted item a. to read as follows, "To continue the Town's recycling efforts at a reasonable cost". Joe Constance suggested that item a. read as follows, "To continue the Town's recycling efforts and to keep recyclable fee items at cost". Mark Suennen suggested that item a. read as follows, "To continue the Town's recycling efforts and control costs". The Board agreed with Mark Suennen's suggestion.

Joe Constance referenced Public Safety Objectives and suggested that only item b. remain in the section as items a., c. and d. were already being done in Town. The Board agreed with Joe Constance.

The Chairman referred to the Library Services Objective. Joe Constance suggested that items a. and b. be replaced with the following language, "Maintain New Boston community library and its vital support services". Mark Suennen suggested that the word "vital" be removed from Joe Constance's suggestion. Joe Constance agreed, as did the Board.

Joe Constance recommended that items b. and c. be removed from Education Objectives. The Board agreed with Joe Constance.

Joe Constance suggested that the section Cemetery Objectives be removed in its entirety. The Board agreed with Joe Constance.

The Board agreed to remove items 2 -8, 10, 11, and 13 -16 under Conservation and Natural Resource Objectives. Mark Suennen requested that the Planning Department look into item 9 and confirm whether or not it should remain in the section.

Joe Constance suggested that the Historical and Cultural Preservation Objectives be removed in their entirety, but the goal remain. The Board agreed with Joe Constance.

The Board agreed to keep the Earth Products Usage Goal as well as the Earth Products Usage Objectives.

Joe Constance suggested that items 2-7 be removed from the Forest Resource Objectives. The Board agreed with Joe Constance.

The Planning Board Assistant advised that the next Master Plan article needed to be submitted to Brandy Mitroff by August 6, 2015. Mark Suennen stated that he would write the article.

Joe Constance asked if the next step in the Master Plan update was to look at the Goals and Objectives revisions in their entirety. The Chairman answered yes and added that research needed to be completed on the Piscataquog River Management Plan.

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**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF
JULY 28, 2015.**

- 1
2
3
4 1. Approval of the June 9, 2015, meeting minutes, with or without changes. (distributed by
5 email.

6
7 David Litwinovich **MOVED** to approve the June 9, 2015, meeting minutes as written.
8 Mark Suennen seconded the motion and it **PASSED** unanimously.

- 9
10 2. Approval of the June 23, 2015, meeting minutes, with or without changes. (distributed by
11 email.

12
13 Joe Constance **MOVED** to approve the June 23, 2015, meeting minutes as written. Mark
14 Suennen seconded the motion and it **PASSED** unanimously.

- 15
16 3. Driveway Permit Application for Harvey Dupuis Family Trust, Tax Map/Lot #12/93-34,
17 Lorden Road, for the Board's action.

18
19 Mark Suennen **MOVED** to approve the Driveway Permit Application for Harvey Dupuis
20 Family Trust, Tax Map/Lot #12/93-34, Lorden Road. Joe Constance seconded the
21 motion and it **PASSED** unanimously.

- 22
23 4. Email response dated July 2, 2015, from Robert Nadeau, to Jane Perron, Todd Land Use
24 Consultants, re: Tax Map/Lot # 4/14, Conditions Subsequent deadline of August 24,
25 2015, for 2 wetland crossings, for the Board's review and discussion.

26
27 The Planning Board Assistant noted that Bob Todd's office represented Mr. Nadeau. She
28 stated that the subdivision was approved in November 2010 and had quite a few extensions
29 granted through 2014. She advised that Mr. Nadeau had recently fulfilled the requirement of
30 putting his financial security in place for the wetland crossing. She stated that she was unsure if
31 Mr. Nadeau believed that the Board would not grant an additional extension. She indicated that
32 she had sent him an email last week but had not had a response.

33 Mark Suennen asked for the content of the email that the Planning Board Assistant sent.
34 The Planning Board Assistant answered that she had sent Mr. Nadeau an email letting him know
35 that he could submit an extension request and provide the Board an explanation of his situation.

36 The Planning Board Assistant advised that the deadline to complete the wetland crossing
37 was August 24, 2015. She noted that as part of the crossing a shared driveway needed to be built
38 off Route 136.

39 Mark Suennen asked if the DOT Permit had expired. The Planning Board Assistant
40 advised that the DOT Permit would not expire until next year.

41 The Chairman asked for the Board's options in handling this matter. Mark Suennen
42 answered that the Board could encourage Mr. Nadeau to submit an extension request because the
43 Board was amenable to granting the extension or the Board could choose to do nothing and send

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MISCELLANEOUS BUSINESS, cont.

Mr. Nadeau his money back after August 24, 2015. He added that the CUP would have to be rescinded.

The Chairman asked if anything had been built in these lots. Having been told no, the Chairman said another option was to revoke the subdivision as there would be no access to it. The Planning Board Assistant pointed out that the plan had already been recorded. The Chairman said if there was no access he would like to know what the options were. Mark Suennen said the Board needed a legal opinion. He asked if the wetland crossing did not get built and there was no viable access across the wetland to the property, did the Board have a responsibility to those lots of record. The Chairman said the owner may just have to create a new wetland crossing plan. He said a Planning Board extension allowed the same plan to be used and floated out there longer which he thought was crazy since the applicant had indicated flat out he was not doing it.

Mark Suennen noted that the applicant could sell a lot or two and make the money to cover the cost of the crossing. The Chairman noted that \$80 - 90K for a crossing to two or three lots as referenced in Mr. Nadeau's email would make them very expensive lots and it seemed unlikely that they would sell quickly.

The Planning Board Assistant pointed out that the security with the Town was just over \$12K so the amount quoted by the application was for the driveway construction as well. The Chairman thought it might make sense for the Board to revoke the plan and send back the money.

The Planning Board Assistant stated that she would complete some research before the next meeting for further discussion with the Board.

The Board agreed to give an extension of 24 hours to August 25th so the matter could be discussed at the next meeting.

5a. Copy of Adherence Statement received July 16, 2015, from Brian A. Pratt, P.E., CLD Consulting Engineers, re: Tax Map/Lot #9/21-5-3, Fieldstone Drive, for the Board's review and discussion.

5b. Email correspondence from Brian A. Pratt, P.E., CLD Consulting Engineers, for the Board's information.

The Chairman addressed items 5a and 5b together as they were related.

The Planning Board Assistant stated that the applicant wanted their bond released in order to have that done she had advised the applicant that he needed to submit an adherence statement. She continued that Brian Pratt, P.E., had submitted an adherence statement stating that the site had not been stabilized at this point, however, he expected it to be stabilized within the next few weeks. She noted that the BI/CEO had advised her that the silt fence was down and that he had told the contractors that the area was a mess and it needed to be cleaned up. She stated that she emailed Brian Pratt, P.E., to inquire if he had gone out to the site for the adherence statement and he responded that he had not viewed the site prior to writing his

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MISCELLANEOUS BUSINESS, cont.

statement of adherence and that he had viewed pictures sent to him by the LeClairs.

The Chairman stated that the bond should not be released. The Board agreed with the Chairman.

6. Letter dated July 9, 2015, from William H. Stone, re: 3 River Road, commercial rental space, for the Board's information.

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

7. Letter with attachments dated July 2, 2015, from Peter R. Flynn, Town Administrator, to David J. Preece, AICP, SNHPC, re: SNHPC New Boston Representative Appointments, for the Board's information.

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

8. Letter with invoice attachment dated July 8, 2015, from David J. Preece, AICP, SNHPC, re: SNHPC Membership Fee – Fiscal Year 2015-2016, for the Board's information.

Ed Carroll asked if the Board was required to continue its membership with the SNHPC. The Chairman answered no. Ed Carroll asked if the Board should reconsider its membership. Mark Suennen advised that it was not a discussion to have with the Planning Board but rather a discussion to have with the Board of Selectmen.

9. Construction Services Reports dated May 27, 29, & 31, and June 2, 3, and 23, 2015, from Northpoint Engineering, LLC, for Twin Bridge Estates, Phase II, for the Board's information.

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

10. Construction Services Reports dated May 27, 29, & 31, and June 2, 3, and 23, 2015, from Northpoint Engineering, LLC, for Twin Bridge Estates, Phase II, for the Board's information.

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

11. Construction Services Reports dated May 31, June 2, 17, 18, 23, 29, 30, and July 2, 2015, from Northpoint Engineering, LLC, for Indian Falls/Susan Road connection, for the

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MISCELLANEOUS BUSINESS, cont.

Board's information.

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

12. Construction Services Reports dated June 8, 10, 19, 22, 23, 24, 29, 30, and July 2, 2015, from Northpoint Engineering, LLC, for Forest View/S&R Holding, LLC, for the Board's information.

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

13. Copy of Letter dated July 7, 2015 from Earl J. Sandford, P.E., Sandford Surveying & Engineering, Inc., to Kevin M. Leonard, P.E., Northpoint Engineering, LLC, re: Plan As-Built Deviations/Compliance Memo, re: Indian Falls/Susan Road Connection – Bussiere, for the Board's information.

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

14. Letter copy dated July 18, 2015, from Kevin M. Leonard, P.E., Northpoint Engineering, LLC, to Aaron Firman, Thibeault Corporation, re: Indian Falls/Susan Road Connection - Bussiere - June 29, 2015- Outstanding Items Summary & response to Earl J. Sandford's letter in #13 above, for the Board's information.

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

15. Article entitled: Cutting Trash In Half, by: George Bald & John Campbell, published in July/August 2015, New Hampshire Town & City, for the Board's information.

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

16. Article entitled: Energy Efficiency and Renewable Energy Programs for New Hampshire Municipalities, by: Karen Cramton, published in July/August 2015, New Hampshire Town & City, for the Board's information.

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

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1 **MISCELLANEOUS BUSINESS, cont.**
2

- 3 17. Letter dated July 28, 2015 from Emile Bussiere to Shannon Silver, re: Indian Falls Road
4 Subdivision Update and request to extend Conditions Subsequent deadline to August 25,
5 2015, for the Board's action.
6

7 The Planning Board Assistant advised that the road had been paved, however, it had not
8 been completed in time to meet the Town's compliance deadline for this meeting. She noted that
9 the Town Engineer had not been able to go out and go over the final punch list. She believed
10 that the matter would be on the August 25, 2015, meeting agenda for compliance.
11

12 Mark Suennen **MOVED** to extend the conditions subsequent for Emile Bussiere to
13 August 25, 2015, in light of the Town Engineer's need for additional time to complete the
14 appropriate inspections and testing. Joe Constance seconded the motion and it **PASSED**
15 unanimously.
16

17 Joe Constance **MOVED** to adjourn at 8:57 p.m. Mark Suennen seconded the motion
18 and it **PASSED** unanimously.
19

20
21 Respectfully submitted,
22 Valerie Diaz, Recording Clerk

Minutes Approved:
Approved 7.28.15