

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

August 25, 2015

1 The meeting was called to order a 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 Dwight Lovejoy. Also present were Planning Coordinator, Planning Board Assistant Shannon
4 Silver and Recording Clerk Valerie Diaz.

5
6 Present in the audience for all or part of the meeting were Emile Bussiere, Esq., Kenny
7 Lehtonen, Sandy Lehtonen, Road Agent Dick Perusse, Nancy Langevin, Building
8 Inspector/Code Enforcement (BI/CEO) Officer Ed Hunter, Graham & Pamela Pendlebury,
9 Shirley Sullivan, Barbara Thomson, Ian McSweeney, Bob Todd, LLS, Chad Branon, PE, Barry
10 Wicklow, Allan Girard, John Young, Heidi Akerman and Maureen Dowst.

11
12 **SIB TRUST, EMILE BUSSIERE, JR., TRUSTEE**

13 **BUSSIERE, JACQUELINE M. ET AL**

14 Compliance Hearing/Public Hearing/Major Subdivision/29 Lots

15 Location: Indian Falls, Susan & Campbell Pond Roads

16 Tax Map/Lot # 12/88, 12/89 & 12/93-38

17 Residential-Agricultural "R-A" District

18
19 Present in the audience were Emile Bussiere, Esq., Kenny Lehtonen, Sandy Lehtonen,
20 Road Agent Dick Perusse, BI/CEO Ed Hunter, Chad Branon, P.E., Nancy Langevin, Graham &
21 Pamela Pendlebury, Shirley Sullivan, Barbara Thomson, Ian McSweeney, and Barry Wicklow.

22 The Chairman read the public hearing notice.

23 Emile Bussiere, Esq., advised that the Town Engineer had recently submitted a letter that
24 stated he was satisfied with the as-built plans. He added that the only item left to be completed
25 for compliance was achieving 85% growth in an approximately 4,000 s.f. area. He continued
26 that the Town Engineer had recommended that a stabilization bond be submitted in the amount
27 of \$17,000.00. It was Emile Bussiere, Esq.'s, opinion that the amount of the bond was high,
28 however, he did not have anything in hand to suggest that the amount should be less than
29 \$17,000.00. He suggested that the stabilization bond amount be reduced to \$10,000.00. The
30 Chairman noted that the Town Engineer usually spelled out exactly how he came up with bond
31 amounts. Emile Bussiere, Esq., noted that the formula used by the Town Engineer for the
32 maintenance bond was \$4.00 per cubic yard for growth. He explained that in this case there was
33 already 50% -60% growth in the area in question. The Chairman asked for confirmation that the
34 applicant did not have a separate bond estimate to provide to the Board. Mark Suennen
35 confirmed that the applicant did not have a separate bond estimate. Emile Bussiere, Esq.,
36 indicated that he did not wish to delay the matter and would submit the requested \$17,000.00
37 bond estimate.

38 The Chairman asked for questions and/or comments from the Board. Mark Suennen
39 recommended that a condition to release the bond be created that allowed the BI/CEO to verify
40 grass growth rather than having the Town Engineer verify the growth at a cost to the applicant.
41 The Board agreed with Mark Suennen's recommendation.

42 Mark Suennen advised that a two-year maintenance bond was required for the
43 subdivision in the amount of \$142,455.02. He asked in what form the bond would be submitted.

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SIB TRUST, BUSSIÈRE, cont.

Emile Bussiere, Esq., stated that he would use the same escrow account that had been used previously for the project. He added that he would request that the difference in the account be released. Mark Suennen indicated that he would make the release of funds in excess of what was needed for the two year maintenance bond and grass growth maintenance bond part of his motion to confirm compliance.

Mark Suennen noted that a condition of the compliance would be to have the as-built plans signed and stamped by an engineer, and the right numbers and formats submitted to the Planning Department.

Mark Suennen **MOVED** to confirm compliance with the conditions subsequent to the approval of the Major Subdivision/29 Lots of Tax Map/Lot #12/88, 12/89 & 12/93-38, SIB Trust, Emile R. Bussiere, Jr., Trustee and Jacqueline Bussiere, et al, Indian Falls, Susan and Campbell Pond Roads and to confirm compliance of the completion of the site improvements related to the wetland crossings, subject to:

CONDITIONS PRECEDENT:

1. Submission of financial security in the amount of \$142,455.02, and in the form of cash (from existing cash escrow), which will be retained for two years as a maintenance security.
2. Submission of financial security in the amount of \$17,344.00, to guarantee grass growth, and in the form of cash (from existing cash escrow), which will be held until such time as Building Inspector confirms, established growth.
3. Submission of as built plans in the numbers and formats specified in the Subdivision Regulations.
4. Submission of any fees required for recording of the warranty deed for the road and/or other legal documents at the HCRD.
5. Payment of any outstanding fees related to the subdivision application, including the Town Engineer's final invoice.

The deadline date for compliance with the conditions precedent shall be **September 25, 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 the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

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

SKRE HOLDINGS, LLC

Public Hearing/Major Subdivision/5 Lots

Location: Tucker Mill Road

Tax Map/Lot #2/15

Residential-Agricultural "R-A" District

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SKRE HOLDINGS, LLC, cont.

Present in the audience were Kenny Lehtonen, Sandy Lehtonen, Road Agent Dick Perusse, BI/CEO Ed Hunter, Chad Branon, P.E., and Nancy Langevin, Graham & Pamela Pendlebury, Shirley Sullivan, Barbara Thomson, Ian McSweeney, and Barry Wicklow. .

The Chairman read the public hearing notice.

Chad Branon, P.E., of Fieldstone Land Consultants advised that he represented Kenny Lehtonen and Sandy Lehtonen of SKRE Holdings, LLC. He noted that the following had been completed since the last meeting of July 28, 2015; a site walk, attendance at a Fire Wards meeting and plan revisions that addressed comments they had received from the Planning Department.

Chad Branon, P.E., acknowledged that concerns were raised relative to the proposed driveway configuration, i.e., common driveways versus individual driveways. He explained that he and the applicant felt that the common driveway design was the best way to access the lots. He continued that following a review of the lots, topography and desired house sites it had been determined that construction of the proposed common driveways was the most efficient and responsible way to move forward. He stated that because of that determination waivers for some of the Town common driveway standards had been submitted. He indicated that if the Board did not agree with the proposed common driveway layouts the applicant would move forward with individual driveways on the four lots. He stated that all four driveways had been designed to meet the regulations. He provided plans/profiles of the proposed individual driveways to the Board.

Chad Branon, P.E., explained that the plan sheets he provided contained grading percentages for the proposed profiles that would need to be cut. He pointed to the plan and commented that proposed driveway for Tax Map/Lot #2/15-4 would be straightforward. He stated that Tax Map/Lot #2/15-5 met all the requirements and would drop down 3%, further than the ditch line which exceeded the requirements. He stated that he had not proposed any grades higher than 9.5% and therefore the driveways were under the 10% maximum grade requirement.

Chad Branon, P.E., referred to sheet 2 of the plan set and indicated that the profiles for Tax Map/Lot # 2/15-2 and 2/15-4 were shown. He stated that Tax Map/Lot # 2/15-4 had a 3% grade that dropped down to 3.6% before it reached the proposed house site. He explained that the proposed driveway for Tax Map/Lot # 2/15-2 would start at a grade of 3%, go up to 8%, then go up to 9.8% and finally plateau at 4% near the house site. He reiterated that the proposed driveways met the design standards.

Chad Branon, P.E., referred to third sheet of the plan set and noted that it contained a profile for proposed Tax Map/Lot # 2/15-5. He noted that driveway started at a grade of 3%, went up to 8%, up to 9.8% at its highest point and down to the proposed house at 1%.

Chad Branon, P.E., referenced the last sheet in the plan set and indicated that it proposed the driveway for Tax Map/Lot # 2/15-3. He explained that the proposed driveway started at a grade of 3%, went up to 8%, up to 9.8%, dropped down to 7% at the location of a hill and plateaued at just under 2% at the proposed house site.

Chad Branon, P.E., advised that the proposed common driveways were the desired design for the project. He stated that the common driveways would be cheaper to construct and in his

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1 SKRE HOLDINGS, LLC, cont.

2
3 opinion would be more aesthetically pleasing than the individual driveways.

4 Chad Branon, P.E., indicated that all of the proposed driveway designs met the sight
5 distance requirements. He added that a couple of the sight distances had been checked in the
6 field with the Road Agent.

7 Chad Branon, P.E., advised that he and the applicants had met with the Fire Wards the
8 previous evening and it had been a positive meeting. He reported that the Board of Fire Wards
9 had agreed that sprinklers were acceptable for the project. He noted that the Fire Wards had
10 recommended that a performance bond be obtained for a cistern. He indicated that the applicants
11 preferred not to provide a performance bond as it was their intention, as documented in Note
12 #18, that this subdivision was to have firefighting supply in the form of individual sprinkler
13 systems that would be installed in accordance with the Town of New Boston Building Code. He
14 continued that a Declaration of Covenants and Restrictions would be filed and recorded in the
15 Registry of Deeds for all of the deeds for the proposed lots. He believed the installation of the
16 sprinklers would be enforced at the time the Certificates of Occupancy were issued.

17 Chad Branon, P.E., addressed concerns raised by the Fire Wards with regard to the grade
18 and width of the proposed driveways. He noted that the Fire Wards required the driveways to be
19 at least 20' wide and have a grade of 10% or less for fire apparatus. He also noted that the Fire
20 Wards wanted a 35' - 40' turn around installed near the house site of the longest driveway to
21 prevent the need to back down the driveway. He indicated that should the Board allow for the
22 common driveways to be installed this driveway would meet the less than 10% grade
23 requirement. He stated that the applicant was fine with the requested conditions made by the
24 Fire Wards with regard to the common driveways.

25 Chad Branon, P.E., stated that the applicant understood that the Board needed to act upon
26 what they believed was the best way to access the project. He stated that they believed enough
27 information had been submitted for the Board to make a decision. Chad Branon, P.E., reminded
28 the Board that on May 26, 2015, the applicant had proposed a 6 lot subdivision but through
29 dialogue it was believed that 5 lot subdivision was more suitable for the location. He stated that
30 the applicant was trying to keep the infrastructure costs down and see the project move forward.
31 Chad Branon, P.E., indicated that he would be happy to answer any questions.

32 The Chairman asked if there was a legal reason that explained why the Fire Wards
33 requested a performance bond. The Coordinator answered that she was unsure of the reasons the
34 Fire Wards based their request for the performance bond, however, she noted that the potential
35 for bonding had been addressed and captured in the meeting minutes of September 11, 2012.
36 The Chairman asked if anything had changed with regard to the requirement for a performance
37 bond. The Coordinator explained that a subdivision application that would require firefighting
38 water supply had not been submitted since September 11, 2012, and as such the issue had not yet
39 been addressed. She noted that it had been required that plans be submitted with cisterns, i.e.,
40 design, location and bond. She explained that the Fire Wards and BI/CEO could approve the
41 installation of sprinklers in lieu of a cistern at the time of building. She further explained that the
42 minutes of September 11, 2012, reflected that plans were not approvable without a cistern unless
43 an agreement could be reached with Town Counsel at the subdivision stage.

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1 SKRE HOLDINGS, LLC, cont.

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3 The Chairman asked where a cistern would be shown on the plan. Chad Branon, P.E.,
4 answered that the applicant had never contemplated the installation of a cistern and noted that the
5 project could not support a cistern with the proposed number of lots. He stated that the
6 installation of sprinklers in lieu of a cistern had been discussed with the Fire Wards. He
7 acknowledged that the Planning Board could not require an applicant to install sprinkler systems,
8 however, he pointed out that the applicant was offering to install the sprinklers. The Chairman
9 explained that the bond for the cistern was a guarantee to the Town that the cistern would be
10 installed should the applicant sell the property prior to building the homes with the sprinkler
11 systems.

12 The Chairman asked for the Board's comments relative to the site walk. Mark Suennen
13 said he had believed that the switchback would be possible and reasonable prior to the site walk,
14 however, he was convinced after walking the property that the switchback was not possible. He
15 commented that while the switchback was technically possible it was impractical for the Board
16 to accept it as a lot of record. The Chairman asked if Mark Suennen was referring to Tax
17 Map/Lot #2/15-2. Mark Suennen answered yes. He stated that there would be too much grading
18 and cutting above the roadway as well as the possibility of slope failures. He pointed out that
19 9/10ths of a stonewall would need to be removed which went against the Town's regulations to
20 maintain stonewalls. He commented that the proposed individual driveway for the lot was
21 impractical. Chad Branon, P.E., noted that the proposed driveway met the Town's regulations.
22 He commented that he had seen worse driveways built and stabilized. He explained that there
23 were products available to stabilize slopes. He added that the proposed individual driveway was
24 not the applicant's desired design, however, it did meet the regulations. He believed that the
25 driveway was not open to interpretation because it met the regulations and could be constructed.
26 He explained that the proposed 2:1 slope could be reinforced with erosion control fabric and rip
27 rap. The Chairman believed that the individual driveway should be constructed.

28 Mark Suennen noted that Mr. Branon had stated that all of the proposed driveways met
29 the Town's regulations and referred to Tax Map/Lot # 2/15-5. He asked for the algebraic
30 difference between the 9.8% driveway grade and the drop to the 5.6% driveway grade. Chad
31 Branon, P.E., answered that the algebraic difference was 15%. He indicated that it could be
32 modified to meet the Town's regulation of 12%. Mark Suennen noted that the regulation
33 required that the algebraic difference between slopes could not exceed 12%. He stated that the
34 same problem existed with the proposed driveway for Tax Map/Lot #2/15-3. Chad Branon, P.E.,
35 explained that he had thought the regulation pertained to the intersection and that he did not
36 realize that the requirement extended into the lot. He reiterated that the proposed driveways
37 could be modified to meet the regulations by flattening the grade on the top and getting rid of the
38 large vertical curve. The Chairman stated that the driveways did not currently meet the
39 regulations. Chad Branon, P.E., agreed that the proposed driveways did not meet the regulations
40 under the Board's interpretation of the regulation.

41 The Chairman asked for David Litwinovich's opinion of proposed Tax Map/Lot #2/15-2.
42 David Litwinovich stated that if the proposed lot should be approved if it met the regulations.
43 The Chairman stated that he did not necessarily agree with David Litwinovich.

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1 SKRE HOLDINGS, LLC, cont.

2
3 The Chairman asked for Dwight Lovejoy's opinion of proposed Tax Map/Lot #2/15-2.
4 Dwight Lovejoy pointed that the lot would be difficult to service similar to homes on Bog Brook
5 Road. He commented that a lot of things could be done like tying fire trucks to a tree so that
6 they did not roll down the hill. He stated that it was going to take a lot to get him to like the
7 proposed plan.

8 The Chairman asked for the Board's thoughts on the proposed common driveway that
9 would service three lots. Mark Suennen felt that a driveway that serviced three lots created a
10 cul-de-sac. He continued that he would not grant a waiver to allow three lots to be serviced by
11 one driveway. The Chairman asked for the length of the proposed common driveway. Chad
12 Branon, P.E., answered that the length of the proposed common driveway was 800'. The
13 Chairman asked for the maximum length of cul-de-sacs. Mark Suennen answered that the
14 maximum length for a cul-de-sac was 1,000'. Kenny Lehtonen asked if "hammerheads" were
15 allowed under the regulations. The Chairman answered that "hammerheads" were generally not
16 allowed and were not preferred.

17 Chad Branon, P.E., indicated that they had other proposed options for the common
18 driveways. He specifically noted that one of the options contained a shorter common driveway
19 portion and would be built to meet the Fire Ward recommendations.

20 The Chairman asked if the applicant had considered eliminating proposed Tax Map/Lot
21 #2/15-2 and building a common driveway to access the two backlots. Chad Branon, P.E.,
22 answered no. The Chairman believed that the applicant should consider it as it would eliminate
23 the decimation of Tax Map/Lot # 2/15-2 that would be required to construct the individual
24 driveway. He added that currently as the plan was shown he was not sure where a fire cistern
25 could be located. Chad Branon, P.E., questioned if they needed to show a buildable cistern if the
26 plan was to install sprinklers. He said that there were areas on the property where a cistern could
27 be installed. He asked if showing a cistern design and location was a formality as the applicant
28 had no intention of installing a cistern. The Chairman explained that it was necessary to have a
29 cistern design and location because the property could be sold before the homes were built with
30 sprinkler systems. He continued that new owner could challenge the installation of the sprinkler
31 systems and, therefore, the Board needed to ensure that an enforceable firefighting supply plan
32 was in place.

33 Kenny Lehtonen questioned the need to show a cistern design and location on the plan as
34 the requirement for sprinklers would be recorded on the plan and reflected in the deed
35 restrictions. Mark Suennen stated that the Board could consider not requiring the cistern if the
36 applicant could obtain approval from Town Counsel regarding proposed language for the deed
37 covenants and restrictions that provided the Town would be protected. He noted that costs
38 associated with the approval would be the responsibility of the applicant. Kenny Lehtonen
39 questioned if there was a cistern plan for the subdivision on Clark Hill Road. The Chairman
40 answered that the Board was discussing this subdivision and not the subdivision on Clark Hill
41 Road. Kenny Lehtonen indicated that a note was on the Clark Hill Subdivision Plan requiring
42 sprinklers. The Chairman believed that the Clark Hill Subdivision was approved prior to a
43 change in the law relative to sprinkler systems. He explained that lawsuits had been brought in

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1 SKRE HOLDINGS, LLC, cont.

2
3 the State and the NH Legislature made changes to the law based on those lawsuits. He stated
4 that the Board preferred sprinklers to cisterns but because the laws were changed the Board had
5 to require the cistern design, location and bond.

6 Chad Branon, P.E., stated that eliminating a lot as previously suggested by the Chairman
7 was not an option for the applicant. He showed an alternative common driveway plan for Tax
8 Map/Lot # 2/15-2 & -3 and stated that the shared portion of the driveway would be 200'. He
9 noted that the regulations only allowed for 100' of the driveway to be shared and identified
10 where the break could happen at 100' on the plan. He added that a cut in the hill would be
11 necessary to create the 100' of the shared driveway. He advised that the soils in the location he
12 was addressing were very good and as such he was not anticipating any issues with excavating or
13 slope stabilization. He noted that he had been involved in projects that were much more
14 challenging than this one.

15 Mark Suennen asked Mr. Branon to describe the proposed common driveway from the
16 edge of the roadway through the break in the driveway. Chad Branon, P.E., indicated that the
17 driveway was located on proposed Tax Map/Lot # 2/15-3 at the edge of the roadway.

18 Mark Suennen questioned the grading between the driveway to Lot 3 & Lot 2. Chad
19 Branon, P.E., identified an area on the plan that could have a continuous grade. Mark Suennen
20 asked if the driveway would cut into proposed Tax Map/Lot # 2/15-2. Chad Branon, P.E.,
21 answered yes. David Litwinovich asked if the Fire Wards had reviewed the plan that was
22 currently being discussed. Chad Branon, P.E., answered no and explained that he had wanted
23 input from the Board before sharing it with the Fire Wards. He indicated that the proposed
24 common driveway would be built to the Fire Wards' standards.

25 The Chairman advised that generally the lot line of two properties was located in the
26 middle of a common driveway. Chad Branon, P.E., commented that it seemed to be more
27 practical to move forward with the original proposed driveways when considering the Driveway
28 Regulation criteria as they created less impact. The Chairman believed that building a public
29 access road would minimize impact to the lots. He explained that the common driveways would
30 follow the contours of the land but the proposal skirted around many of the Town's intended
31 ordinances to make use of a piece of land that really was not buildable, i.e., proposed Tax
32 Map/Lot # 2/15-2. Chad Branon, P.E., stated that proposed Tax Map/Lot # 2/15-2 technically
33 met the regulations with the exception of the previously pointed out algebraic difference. He
34 continued that the individual driveway could be built and stabilized but noted that it was not the
35 applicant's desired option. He stated that it was a requirement to prove the lot and he had proven
36 the lot per the Town's regulations. The Chairman commented that the design for the lot was not
37 good and in fact the lot was not good. Kenny Lehtonen disagreed with the Chairman and stated
38 that the lot was beautiful. Chad Branon, P.E., pointed to an area on the lot that contained a
39 beautiful buildable area. The Chairman pointed out that access to the lot needed to be done per
40 the Town Ordinances. He continued that the lot would be decimated if the Town Ordinances
41 were followed. He commented that the property was beautiful but he believed creating Tax
42 Map/Lot # 2/15-2 was an overuse of the property.

43 Chad Branon, P.E., pointed to Tax Map/Lot #2/15 and stated that the objective of the lot

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1 SKRE HOLDINGS, LLC, cont.

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3 was to keep the large field area intact. He continued that there were 19 acres included on that
4 parcel that had more development potential that the applicant was choosing not to develop. He
5 further stated that the applicant could not just lose a lot. The Chairman did not believe that the
6 applicant would lose a lot by eliminating the lot. He questioned the construction and engineering
7 costs for the lot. He continued that the applicant would wish he never had that lot once the
8 individual driveway had to be built. Kenny Lehtonen stated that the cost for the engineering and
9 driveway construction was substantially less than the cost of losing the value of the building lot.
10 Sandy Lehtonen agreed with Kenny Lehtonen.

11 Kenny Lehtonen stated that he was trying to work with the Board and provide something
12 that was more aesthetically pleasing and reasonable. Dwight Lovejoy suggested that the
13 driveways be placed all around back in order to be feasible and look good. Kenny Lehtonen
14 pointed out that that was what he was trying to do. The Chairman stated that the applicant was
15 really proposing a road. Chad Branon, P.E., clarified that three lots off a common driveway was
16 considered a common driveway and not a road. He continued that typically four lots triggered
17 the need for a roadway.

18 Chad Branon, P.E., questioned why the intent of the Board would not be to create the
19 least amount of impact and balance the esthetics. He believed that the shared driveway to Lots
20 #2 & 3 was the closest to the Town's Regulations. He noted that there would only be two
21 driveways off the common driveway.

22 The Coordinator advised that the Driveway Regulations required the common portion of
23 a common driveway to be built to NFPA Standards. She suggested that the applicant review the
24 standards. Chad Branon, P.E., stated that the NFPA Standards required that a 20' hard surface be
25 provided that was clear, i.e., no obstructions like trees or vegetation. He added that the plan
26 would satisfy those standards. The Chairman noted that the standards needed to be met along the
27 lot line. Chad Branon, P.E., advised that a waiver request had been submitted for the driveway
28 along the lot line. The Chairman stated that he would not be in favor of waiving the lot line
29 requirement. He asked for the location of the common driveway along the lot line to be pointed
30 out; Chad Branon, P.E., pointed to the location on the plan.

31 Mark Suennen stated that he would be comfortable with the common driveway for Tax
32 Map/Lot # 2/15-2 and 2/15-3 if the applicant could show it along the lot line and cut it back by
33 100'. He added that he still did not think that proposed Tax Map/Lot # 2/15-2 was practical but
34 he could not argue with the applicant's position that it had been designed to be possible. The
35 Chairman advised that the Fire Department needed to weigh in on the new design.

36 Kenny Lehtonen asked what protections he had against the Town with regard to being
37 forced to install a cistern as it would be shown on the plan with a bond. Mark Suennen stated
38 that once the subdivision was approved by the Planning Board the applicant would be under the
39 jurisdiction of the Town Engineer and the BI/CEO. The Chairman noted that the Board would
40 release the bond for the cistern once compliance was confirmed for the subdivision.

41 Sandy Lehtonen asked if they would still be required to show the cistern on the plan if
42 Town Counsel reached an agreement with their attorney that it was not necessary to show it. The
43 Chairman answered that the Board would not require the cistern to be shown on the plan if they

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1 SKRE HOLDINGS, LLC, cont.

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3 were advised by Town Counsel that it was not necessary to have it on the plan. The Coordinator
4 advised that any submission to Town Counsel needed to be made through the Planning
5 Department.

6 Kenny Lehtonen asked if there was anything else besides the new driveway design that
7 the Board wanted to see before the next meeting. The Chairman stated that he did not have any
8 comments on proposed Tax Map/Lot # 2/15-4 and that he wanted the crown redesigned as
9 previously discussed for proposed Tax Map/Lot # 2/15-5 as well as for Tax Map/Lot # 2/15-3.

10 Mark Suennen requested that a letter from the Piscataquog Land Conservancy, (PLC), be
11 addressed for the record. The Chairman indicated that the letter contained information about
12 wildlife and hydric soils. Chad Branon, P.E., asked for a copy of the letter; the Board provided a
13 copy of the letter. Mark Suennen advised that the PLC wanted the Board to consider the hydric
14 soils on the property as well as the wood turtle that was known to frequent the Peacock Brook
15 area. Chad Branon, P.E., stated that all jurisdictional wetlands had been marked and noted that
16 the project met all the buffer requirements. Dwight Lovejoy asked if the side hill was mostly
17 sand. Chad Branon, P.E., answered yes. He added that test pits had been completed on each of
18 the lots and no State permits were required for the project with the exception of State
19 Subdivision Approval. Dwight Lovejoy asked if retaining walls would be constructed. Chad
20 Branon, P.E., answered no and explained that the homes would have walkout basements.

21 The Chairman asked if the applicant had the ability to add protection to the property that
22 was located along Peacock Brook the Piscataquog River. Mark Suennen asked if the Chairman
23 was referring to a no build buffer area. The Chairman answered that he wanted something that
24 would not be cumbersome to the proposed project but would protect the area from future
25 property owners. Chad Branon, P.E., stated that he could look into the matter and asked if the
26 Board would provide concessions with regard to the driveway waivers if they were able to
27 provide the desired protections. The Chairman answered that he would look more favorably on
28 Lot #2/15-2 if a buffer was considered.

29 Barry Wicklow identified himself as a Professor of Biology at Saint Anselm College. He
30 stated that he had conducted studies on the Middle Branch area of the Piscataquog River as well
31 as Peacock Brook. He applauded the Board for requesting protection for Peacock Brook. He
32 advised that streams like Peacock Brook were vulnerable to development. He believed that a
33 forested buffer area should be maintained. He explained that forested areas were very important
34 with regard to absorbing pollutants, excess sediment and nutrients. He noted that the forest
35 shaded and cooled the stream. He advised that over 70% of wildlife species used streams like
36 Peacock Brook as corridors for movement and/or for a part of their life cycle. He noted that
37 trout used Peacock Brook for spawning, feeding and for thermal refuge.

38 Ed Carroll asked what size buffer Mr. Wicklow would recommend. Barry Wicklow
39 answered that the optimum buffer would be 300'. Mark Suennen advised that there were not any
40 regulations that would allow for the Board to require a 300' buffer. Chad Branon, P.E., added
41 that the area being discussed was not a shoreland protected waterbody. He stated that he would
42 speak with the applicant about trying to offer a buffer.

43 David Litwinovich stated that there were conservation easement signs posted on the

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1 SKRE HOLDINGS, LLC, cont.

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3 property that he had observed during the site walk. Kenny Lehtonen explained that the previous
4 property owner had reached an agreement with the Conservation Commission that would allow
5 for an easement on the property, however, the agreement had fallen through as a result of an
6 issue with the bank. He noted that the signs had been placed on the property in anticipation of
7 the easement being finalized. Mark Suennen asked for confirmation that an easement had not
8 been recorded for the property. Kenny Lehtonen confirmed that an easement had not been
9 recorded. The Chairman suggested that the signs be left in place.

10 Mark Suennen referred to the applicant's waiver request to not be required to perform the
11 site specific soil mapping for the project. He stated that based on the request from the PLC and
12 mention of hydric soils he was not comfortable waiving the requirement. Chad Branon, P.E.,
13 indicated that the hydric soils had been identified through the delineation of the poorly and very
14 poorly soils, i.e., jurisdictional wetland areas. Mark Suennen asked for the reason that the
15 applicant did not want to complete the site specific soil mapping. Chad Branon, P.E., explained
16 that site specific soils required hand augers to be used throughout the entire property to
17 breakdown the soils classes based on slope and type of soil. He noted that there were drainage
18 factors that came into play but none of them would be hydric. He stated that the reason the
19 waiver was requested was because all of the lot sizing exceeded the State and local requirements
20 and there would be no benefit to knowing the soil groups as knowing them would not require
21 additional setbacks, larger lots or any type of a design for erosion control. Mark Suennen
22 disagreed with Chad Branon, P.E., because he did not believe that some of the sandy slope areas
23 would easily be stabilized. He stated that he was not willing to waive a site specific soils map
24 but he was willing to compromise and require it be completed for the proposed driveway areas
25 with steep slopes. Chad Branon, P.E., believed that digging a few more test pits in the slope
26 stabilization areas was a better alternative to completing the site specific soil mapping. Kenny
27 Lehtonen added that he would be willing to have those test pits completed. Mark Suennen stated
28 that he would be willing to consider Mr. Branon's suggestion as an exception to the site specific
29 soils mapping.

30 The Chairman pointed out that the wetlands were only close to the building lots on
31 proposed Tax Map/Lot #2/15-4 and 2/15-5. He asked which lots were more sensitive. Chad
32 Branon, P.E., pointed to a poorly drained wetland on the plan and noted that the very poorly
33 drained wetland line was closer to the boundary of the river and was therefore, more sensitive.

34 The Chairman referenced the waiver for the Environmental, Traffic and Fiscal Impact
35 Studies. He indicated that the Board had previously discussed the environmental impact. He
36 commented that he was not concerned with the traffic and fiscal impact. Mark Suennen stated
37 that it would be appropriate for the applicant to discuss offsite improvements with the Road
38 Agent in lieu of submitting a Traffic Impact Study. Chad Branon, P.E., advised that he would
39 discuss the offsite improvements with the Road Agent.

40 The Chairman asked for comments and/or questions from the audience. Nancy Langevin
41 expressed concern with the drainage along the road. The Chairman explained that the applicant
42 could be responsible for a percentage of the cost to upgrade the roadway. He added that the
43 Subdivision Regulations did not allow for more water to come off the properties and make the

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1 **SKRE HOLDINGS, LLC, cont.**

2
3 drainage worse.

4
5 David Litwinovich **MOVED** to adjourn the public hearing for SKRE Holdings, LLC,
6 Location: Tucker Mill Road, Tax Map/Lot #2/15, Residential-Agricultural "R-A"
7 District, to September 8, 2015, at 6:30 p.m. Mark Suennen seconded the motion and it
8 **PASSED** unanimously.

9
10 **THE GIRARD FAMILY IRREVOCABLE TRUST**

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

12 Compliance Hearing/Public Hearing/Non-Residential Site Plan Review/Home Business/gift/
13 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, John Young, Bob Todd, LLS, Heidi
19 Akerman and Maureen Dowst.

20 The Chairman read the public hearing notice.

21 Allan Girard advised that the Road Agent had checked the driveway he had installed and
22 was satisfied with it. He also advised that the BI/CEO had viewed the sign and was fine with it.
23 He indicated that he had paid the fees associated with the compliance hearing.

24
25 Mark Suennen **MOVED** to confirm compliance with the conditions subsequent to the
26 approval of the Non Residential Site Plan Review for The Girard Family Irrevocable
27 Trust by Allan Girard, Trustee, for the operation of a gift and antiques shop home
28 business from an accessory building of 528 s.f. at 159 Parker Road, Tax Map/Lot #3/115
29 and to release the hold on the Permit to Operate/Certificate of Occupancy to be issued by
30 the Building Department. It is the applicant's responsibility to apply to the Building
31 Department for a Permit to Operate/Certificate of Occupancy.
32 Ed Carroll seconded the motion and it **PASSED** unanimously.

33
34 **J& R YOUNG REVOCABLE TRUST**

35 **JOHN & RITA YOUNG, TRUSTEES**

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

37 Location: 3 Valley View Road
38 Tax Map/Lot #16/18
39 Residential-Agricultural "R-A" District

40
41 Present in the audience were John Young, Bob Todd, LLS, Shirley Sullivan and Heidi
42 Akerman.

43 The Chairman read the public hearing notice.

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1 **YOUNG, cont.**

2
3 Bob Todd, LLS, advised that he was representing John and Rita Young with a
4 subdivision application that had been reviewed by the Planning Department. He advised that the
5 applicant had received two variances from the ZBA; one variance for relief of the 200' square
6 requirement and one variance to create a lot that was 1.72 acres and did not meet the 2 acre lot
7 size minimum.

8 Bob Todd, LLS, stated that the subdivision application was to create a Tax Map/Lot
9 #16/18-1 that would contain a little over 3 acres and to allow Tax Map/Lot #16/18 to contain
10 1.72 acres as approved by the ZBA.

11 Bob Todd, LLS, stated that the property was located at the border of the Village area of
12 Town. He advised that the property had been used as an agricultural property up until 1970; he
13 noted that apples were harvested and that a poultry business operated on the property. He
14 pointed to a building on the plan that was currently a residence but had been previously used as
15 an egg processing facility.

16 Bob Todd, LLS, reported that John Connelly had purchased the property from Eva
17 Pittman and had subdivided the property. He stated that the Youngs had purchased the property
18 from John Connelly. He pointed out a parcel of the property that had been subdivided during the
19 1970s and sold to John King.

20 Bob Todd, LLS, identified a warehouse that existed on the property that had been built in
21 1978. He stated that the warehouse had been used to house several different businesses. He
22 added that a yearly report had been completed by the applicant for the businesses.

23 Mark Suennen asked for the current principal use of proposed Tax Map/Lot #16/18-1.
24 Bob Todd, LLS, answered that the existing warehouse was used by the applicant and John King
25 to store equipment. Mark Suennen asked if the warehouse was a joint storage facility. Bob
26 Todd, LLS, answered yes. John Young added that the owners of New Boston Hardware used the
27 warehouse for storage as well as another gentleman who stored woodworking materials.

28 Bob Todd, LLS, advised that the property did not contain any wetlands. He noted that
29 the soils were well suited for residential development. He stated that the two perc tests had been
30 completed, one on each lot, and yielded perc rates of six and eight minutes. He continued that
31 sandy loam existed on the property and there was no evidence of a seasonal high water table.

32 Bob Todd, LLS, identified steep slopes on the plan that were 25% or greater. He also
33 identified areas that contained 5% -15% slopes.

34 Bob Todd, LLS, indicated that proposed Tax Map/Lot #16/18-1 had an area of 3.345
35 acres.

36 Mark Suennen asked if an accessory dwelling unit with a deck existed on proposed Tax
37 Map/Lot #16/18-1. Bob Todd, LLS, confirmed the existence of the accessory dwelling unit. He
38 added that the total area of the unit was 940 s.f. Mark Suennen asked if the unit was occupied.
39 Bob Todd, LLS, answered yes. Mark Suennen asked if the residence would become the
40 principal dwelling unit on the property if the subdivision was granted. Bob Todd, LLS,
41 answered yes. He continued that there was a presumption that a house would be built on the
42 property. He asked if the unit would need to be vacated. Mark Suennen answered no.

43 Bob Todd, LLS, stated that there was a buildable area on the property and he pointed to

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1 **YOUNG, cont.**

2
3 two possible locations.

4 Mark Suennen asked if the existing driveway off Valley View Road accessed the
5 warehouse. Bob Todd, LLS, answered yes and added that the driveway would stay as it
6 currently existed. Mark Suennen asked if the current dwelling unit had a driveway off Valley
7 View Road. Bob Todd, LLS, pointed out the location of the driveway on the plan.

8 Bob Todd, LLS, stated that he had submitted a waiver for the Traffic, Environmental and
9 Fiscal Impact Studies. He advised that he had failed to include the standard plan note #9 on the
10 plan. He further advised that State Subdivision approval was pending. He stated that he had
11 submitted a waiver to not show Clark Hill Road on the plan because it was not directly impacted
12 even though it was with 200' of the subdivision.

13 The Board scheduled a site walk for Saturday, August 29, 2015, at 8:00 a.m.

14
15 Mark Suennen **MOVED** to accept the application as complete for J & R Young
16 Revocable Trust, John & Rita Young, Trustees, Location: 3 Valley View Road, Tax
17 Map/Lot #16/18, Residential-Agricultural "R-A" District.

18 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

19
20 David Litwinovich **MOVED** to adjourn the public hearing to September 8, 2015, at 7:00
21 p.m. for J & R Young Revocable Trust, John & Rita Young, Trustees, Location: 3 Valley
22 View Road, Tax Map/Lot #16/18 Residential-Agricultural "R-A" District.

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

24
25 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
26 **AUGUST 25, 2015.**

- 27
28 6. Memorandum with attachments from Nic Strong, Planning Coordinator, to Peter Hogan,
29 Chair and Planning Board Members, re: Groundwater Resources Conservation District -
30 Special Exception - Kennel Application, for the Board's review and discussion.

31
32 Present in the audience were Heidi Akerman and Maureen Dowst.

33 Mark Suennen asked of the size of the kennel operation. Heidi Akerman indicated that
34 she was not proposing to build anything. She advised that she used a few rooms in her house, a
35 fenced in area outside and an existing greenhouse and screened in porch for shelter.

36 Heidi Akerman explained that she needed to apply for a special exception to obtain a
37 license to be allowed to sell dogs from the South that she had not bred when her dogs had not
38 produced a lot of puppies. She stated that in most cases she would pick-up the dogs, keep them
39 overnight and then get them to their new owner.

40 Heidi Akerman indicated that she was in the process of filling out a site plan application.
41 Dwight Lovejoy asked for the location of existing neighbors. Heidi Akerman advised that she
42 could not see her neighbors' homes unless all of the leaves on the trees had fallen. She continued
43 that even when the neighbors' properties were visible they were located about one quarter of a

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MISCELLANEOUS BUSINESS, cont.

mile away from her property. Dwight Lovejoy asked if the neighbors could hear the applicant at her property. Heidi Akerman answered that her neighbors could probably hear her if she was outside yelling.

Mark Suennen asked what the dogs would do in the outside, fenced in yard. Heidi Akerman answered that she had the dogs outside at different intervals for play and exercise. Mark Suennen asked for the location of the outside area used by the dogs. Heidi Akerman answered that the outside area was located at the southerly end of her home.

The Coordinator explained that the Zoning Ordinance required that input be provided to the ZBA by the Planning Board and Conservation Commission with regard to the purpose of the proposed use of the property being consistent with the Groundwater Resources Conservation District.

The Chairman asked for the number of dogs that would be on the property at one time. Heidi Akerman answered that currently she had 14 dogs at her property.

Heidi Akerman pointed out that her home and outside fenced in areas were not located within the Groundwater Resources Conservation District; she identified the area on a map.

Mark Suennen asked if a septic system existed on the property. Heidi Akerman answered yes. Mark Suennen asked for the number of bedrooms in the house. Heidi Akerman answered that there were six bedrooms in the house. Mark Suennen asked how many of the six bedrooms were occupied. Heidi Akerman answered that one bedroom was occupied. She added that the septic system was also built to handle flow from an existing dairy barn on the property.

Mark Suennen stated that he did not see any issues with regard to groundwater. The Board agreed with Mark Suennen.

The Chairman requested that a memo be sent to the ZBA indicating that the Board did not have any issues with this matter.

13. Letter received August 20, 2015, from Maureen and Jon Dowst, Tax Map/Lot #16/13, 2 Mont Vernon Road, re: request to meet with Planning Board and discuss what changes may have to be made to existing site plan, re: variance recently granted for addition of second business, for the Board's action. (Maureen Dowst will be present)

Maureen Dowst advised that she was renting an office space out of her building located at 2 Mont Vernon Road to a holistic veterinarian. She explained that surgeries would not be conducted at the site and that the veterinarian would practice alternative medicines such as acupuncture. She stated the hours of operation for the vet office were Monday through Friday, 9:00 a.m. - 12:00 p.m. and that the entrance was located on the side of the building facing Clark Hill Road.

Maureen Dowst stated that she had received a variance from the ZBA to be allowed to use one bathroom for both units. She explained that the variance had been granted due to the unique layout of the building.

Maureen Dowst asked what was needed from her for a site plan review. She noted that the hours were similar and that parking would not change. She noted that she had checked with

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 the BI/CEO and she was allowed to add a small sign to the existing sign.

4 The Chairman commented that it sounded like the applicant was abiding by the
5 previously approved site plan. He asked the applicant to come back to the Board if there were
6 any changes to the intensity of the existing uses.

- 7
8 14. Memorandum with Table of Contents attachment received August 21, 2015, from Bill
9 Drescher, Drescher and Dokmo, P.A., to Nic Strong and New Boston Planning Board, re:
10 Robert Nadeau Subdivision and Conditional Use Permit Application, Tax Map/Lot #4/14,
11 N.H. Route 136 a/k/a Francestown Road, Analysis of Possible Board's actions, for the
12 Board's review and discussion.

13
14 The Coordinator stated that the Board's options for the above-referenced matter were to
15 either revoke the subdivision or let it sit. She added that the Board could not extend the CUP as
16 the Zoning Ordinance would not allow an extension and the applicant would need to submit an
17 application for a variance to the ZBA for an extension.

18 Mark Suennen asked if the applicant's bond money could be held indefinitely. The
19 Coordinator answered yes and added that the applicant would be required to meet all current
20 standards.

21 Mark Suennen asked if a public hearing was required to revoke the subdivision. The
22 Coordinator answered yes. Mark Suennen asked if the plan had been recorded and if there was a
23 fee associated with changing that status. The Coordinator answered that the plan had been
24 recorded and that something would be filed at the registry following a revocation to change the
25 status of the recorded plan.

26 Mark Suennen asked if there were any other situations like this Town. The Coordinator
27 answered that there were several similar situations with older approved lots that had not been
28 built on, however, none of them included wetland crossings.

29 The Board agreed not to revoke the subdivision at this time. The Coordinator indicated
30 that she would send a letter to the Building Department to flag the lots and ensure that building
31 permits were not issued until the issues with the access and wetlands crossings were addressed.

- 32
33 1. Distribution of the July 28, 2015, meeting minutes, for approval at the meeting of
34 September 8, 2015. (distributed by email.)

35
36 The Chairman acknowledged receipt of the above-referenced matter; no discussion
37 occurred.

- 38
39 2. Endorsement of Notice of Merger and Termination of Condominium Documents, re:
40 George and Donna Chretien, owners, Tax Map/Lot #1/44, 88 Colburn Road, by the
41 Planning Board Chairman and Secretary.

42
43 The Coordinator explained that a site plan and subdivision had been done for this

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 property to turn a duplex into a condex and now the owners wished to reverse the situation and
4 had submitted the necessary legal paperwork to do so.

5 The Chairman indicated that the above-referenced documents would be executed at the
6 close of the meeting.

7
8 3a. Bond Estimate received August 14, 2015, from Neville Materials, LLC, re: Gravel Pit,
9 Tax Map/Lot #3/57 & 3/58, Parker Road, for the Board's review and discussion.

10
11 3b. Bond received August 13, 2015, from UTICA Mutual Insurance Company, re: Neville
12 Materials, LLC, Gravel Pit, Tax Map/Lot #3/57 & 3/58, Parker Road.

13
14 The Chairman stated that he looked at the above-referenced bond information and it
15 looked good to him. Mark Suennen stated that he was willing to accept the \$12,500.00.

16
17 4. Memorandum copy dated August 3, 2015, from Shannon Silver, Planning Board
18 Assistant, re: Start of the CIP Plan Process, for the Board review and discussion, re: the
19 need for a Planning Board Representative.

20
21 David Litwinovich volunteered to be the Planning Board representative to the CIP
22 Committee.

23
24 5. Letter copy received August 19, 2015, from Ed Hunter, New Boston Building Inspector,
25 to Steve Young, New Boston Hardware, re: Dodge's Store, for the Board's review and
26 discussion.

27
28 The Chairman stated that it appeared that Steve Young of New Boston Hardware
29 believed that the addition of a table to Dodge's Store porch was creating parking issues at his
30 business. He commented that Steve Young was probably right. He stated that there had never
31 been tables on the porch. The Coordinator noted that there had always been benches on the
32 porch.

33 David Litwinovich asked for the number of tables on the porch. The Coordinator
34 answered that there was one table on the porch.

35 Dwight Lovejoy commented that the table was most likely put there for the Boy Scouts
36 and Girl Scouts that always set up tables in the wrong area.

37 The Chairman did not believe that they could add many more tables to the porch. Dwight
38 Lovejoy noted that meals were not served on the porch.

39 Mark Suennen asked at what point would the addition of tables or benches create an
40 impact at the site. David Litwinovich believed that no more than two tables should be placed on
41 the porch.

42 Ed Carroll suggested that the Board state that they did not feel that the addition of the
43 table to Dodge's Store porch created an impact to parking and that the matter could be reviewed

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MISCELLANEOUS BUSINESS, cont.

if additional furniture was added to the porch. The Board agreed with Ed Carroll's statement.

7. Letter copy dated August 06, 2015, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Tris Gordon & Bob Huettner, Twin Bridge Land Management, LLC, re: Twin Bridge Estates - Phase II - Site Stabilization, for the Board's information.

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

8. Memorandum dated July 29, 2015, from Nic Strong, Planning Coordinator, to Dan MacDonald, Fire Chief and Board of Fire Wards, re: Firefighting Water Supply - Cisterns and Sprinklers, for the Board's information.

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

9. Invoice and Construction Services Reports dated July 15, 16 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. Invoice and Construction Services Reports dated July 8, 9, 10, 15, 16, 17, 20, 22, 24, 27, 29, and 30, 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.

11. Invoice and Construction Services Reports dated July 10, 13, 16, 17, 18, 20, 22, 23, 24, 27, 28, 29, and 31, 2015, from Northpoint Engineering, LLC, for Bussiere/Indian Falls/Susan Road connection, for the Board's information.

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

12. Announcement – Flyer with registration details for 2015 Municipal Law Lecture Series.

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

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 15. SNHPC Dinner

4

5 The Coordinator advised that Bo Strong was being awarded the Raymond P. Closson
6 Award for his years of service. She stated that if any members were interested in attending the
7 dinner they needed to submit their RSVP no later than Friday.

8

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

10

11 The Board agreed to table the above-referenced discussion until the next meeting.

12

13 David Litwinovich **MOVED** to adjourn at 9:01 p.m. Mark Suennen seconded the motion
14 and it **PASSED** unanimously.

15

16

17 Respectfully submitted,
18 Valerie Diaz, Recording Clerk

Minutes Approved:
Approved 09/22/15

19